

**Written Testimony of Representative Andy Levin, Submitted to the  
Committee on House Administration on March 2, 2022, Regarding Oversight  
of Section 220 of the Congressional Accountability Act; Implementing the  
Rights of Congressional Staff to Bargain Collectively**

Chairman Lofgren, Ranking Member Davis, and Members of the Committee, thank you for your attention to this important issue: establishing labor protections for Congressional staff to bargain collectively.

I introduced H.Res. 915 because I fervently believe all workers deserve the chance to have a union and to be protected in pursuing one. This resolution would approve regulations originally proposed by the Office of Compliance (OOC), now the Office of Congressional Workplace Rights (OCWR), in 1996. These regulations provide additional guidance for how legislative branch employees can exercise their statutory right to form or join labor organizations, as Congress expressly intended. The resolution is now cosponsored by over 160 of my House colleagues.

The matter of staff unionization was addressed twenty-six years ago when the Congressional Accountability Act (CAA) was passed. The CAA was a bipartisan effort that applied eleven federal laws addressing federal and private sector employers to the Legislative Branch, including the right to unionize. Twenty-six years ago, the concurrent resolution extending rights to federal employees of the Government Accountability Office and Library of Congress moved in the House. It was introduced on August 1, 1996, discharged by all committees and passed on the floor by unanimous consent a mere day later on August 2, 1996.<sup>1</sup> Despite this prompt action for other employees covered by the CAA, House and Senate staffers find themselves in the same position in 2022 as they were in 1996. We must bring them under the umbrella of the CAA's legal protections as quickly as possible.

As Republican Senator Chuck Grassley wrote in 1998, "It is simply not fair, or good governance, for the Congress of the United States to enact laws for the American people, while exempting itself from compliance."<sup>2</sup> Congress cannot create an exception to its own rules when it becomes inconvenient to implement them. Congressional offices are not above basic workplace protections. More importantly, Congressional staffers fundamentally deserve the labor protections that they help enact for other workers across every state and every district in this country.

I recognize it has been twenty-six years since the initial writing of the regulations. The way Congressional staffers complete their work has changed, to be certain. Despite these changes, the *nature* of staffers' jobs and duties has not changed. The regulations lay out the protected right and legal process for staff to organize, should they choose, and for employers to observe those

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<sup>1</sup> H.Con.Res.207 Bill History, <https://www.congress.gov/bill/104th-congress/house-concurrent-resolution/207/all-actions?s=1&r=2>

<sup>2</sup> Grassley, Senator Charles and Jennifer Shaw Schmidt. *Policy Essay: Practicing What We Preach: A Legislative History of Congressional Accountability*. 35 Harv. J. on Legis. 33, 34 (1998).

rights. Even if the OCWR sought to alter the regulations, it has publicly stated that it does not possess the authority to reconsider them. In a 1997 House Oversight hearing, then-Chair of the OOC Glen Nager testified on the process for reconsidering OOC regulations.<sup>3</sup> Mr. Nager testified for OOC that under law, they cannot – nor can a committee – demand a rewrite of the regulations absent three specific conditions.

Staffers have joined together and bravely told the world that they want a union. We must allow staff to exercise their protected labor rights without fear of retaliation. Congressional staff deserve, at long last, much-needed protections as they consider forming and joining unions here in Congress. I urge the Committee to discharge this Resolution and allow it to be enacted by the full House.

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<sup>3</sup> Grassley, *supra* note 1 at 48.s