

Daniel Schuman, Demand Progress Action
Senate Legislative Branch Appropriations Committee for FY 2019
Concerning the Government Accountability Office, the Secretary of the Senate,
the Library of Congress, and the Joint Items Accounts

Thank you for the opportunity to submit the following requests with respect to strengthening congressional transparency and accountability.

Review Legislative Branch Salaries for Parity with the Executive Branch and Internal Pay Disparities by Gender and Race

Agency: Government Accountability Office

Account: Salaries and Expenses

There is reason to believe that Senate personal and committee staff may have lower salaries than their executive branch counterparts. Any pay gap or perception thereof between the Senate and other branches of government may negatively affect staff retention in the Senate. In addition, it is unknown whether Senate staff receive equal pay for equal work inside the Senate, although studies have suggested disparities based on gender and race. The Senate should commission a study, along the lines of the seven studies it commissioned between 1991 and 2006, to inform the Senate concerning compensation in personal and committee offices.

The Senate adopted the following report language¹ in FY 2006 to complete a similar study:

The Committee recommends \$80,000 for a study of employment compensation, hiring, and benefits practices of U.S. Senators' offices and general employment trends in the Senate.

We suggest the following is suggested report language that provides additional direction, and would charge the GAO with performing the study instead of a contractor, although any approach that addresses these issues would be welcome:

Study on Legislative Branch Salaries: Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Appropriations of the Senate and the House of Representatives and publish on its website a report that--

A) Reviews the salaries and benefits of personal office and committee staff in the Senate and

¹ Senate Report 109-89, Legislative Branch Appropriations, 2006, available at <https://www.congress.gov/congressional-report/109th-congress/senate-report/89/1?overview=closed>

House of Representatives against their Executive branch counterparts to evaluate a) whether staff in each branch receive similar pay for similar work, and b) if there is a disjunction, the extent and nature of that disjunction, broken out by job responsibilities;

B) Reviews the salaries of personal office and committee staff in the Senate and the House of Representatives to evaluate in the aggregate whether a) men and women of with similar job responsibilities, experience, and qualifications receive similar pay for similar work, and b) whether people from different ethnic or racial groups receive similar pay for similar work. This review should focus on personal and committee offices, comparing comparable offices and breaking out the report at that level of detail.

The Chief Administrative Office of the House of Representatives and the Sergeant at Arms of the United States Senate are encouraged to provide all necessary data and support for the Government Accountability Office in support of this study.

Publish Senators' Official Personnel and Official Expense Account Report as Data

Agency: United States Senate

Account: Office of the Secretary

Background: The Legislative Branch Appropriations Act of 2010 (P.L. 111-68) required the Secretary of the Senate to publish the Senators' Official Personnel and Official Expense Account (SOPOEA) Report online starting with the first full semiannual period of the 112th Congress. This twice-annual report records all the expenses of the United States Senate, and has been published and made available to the public in its current incarnation since 1964. The Senate's move to online publication came after the House began publishing its Statement of Disbursements online in 2009, which was prompted in part by scandals in the United Kingdom parliament regarding the misuse of funds.

Publication of spending data as a PDF has significant limitations, notably that it is not possible to easily access or analyze the information. Accordingly, the House of Representatives began publishing its Statements of Disbursements as a spreadsheet file (a structured data format known as a CSV, for comma separated value) starting with the period of January 1-March 31, 2016. The Senate provided for the possibility of publication in additional formats in 2010 when it permitted the publication of the report "in other forms at the discretion of the Secretary of the Senate." We suggest the time has come for the Senate to publish the SOPOEA Report as structured data, so it too will be in a format most conducive to public understanding. We recommend the following report language:

Senators' Official Personnel and Official Expense Account Report: Within 360 days, the Senate Sergeant at Arms is requested to publish the Senators' Official Personnel and Official Expense Account Report online in a structured data format, such as CSV, in addition to other formats it deems appropriate or are required by law.

Create a Website for the Legal Treatise Known as the Constitution Annotated

Agency: Congressional Research Service

Account: Salaries and Expenses

Background: The Annotated Constitution of the United States of America is a regularly-updated treatise required of the Library of Congress, and prepared by the Congressional Research Service, that explain the U.S. Constitution as it has been interpreted by the Supreme Court. While the Annotated Constitution is prepared in a computer-friendly format (XML) and is available for congressional offices as a continuously-updated website, only in recent years has it been made available online pursuant to a November 2010 directive of the Joint Committee on Printing, but then only as a voluminous PDF that is too large to download, and app that is not viewable on small communications devices; and the public version is not as frequently updated as the internal version. The website that contains the Constitution Annotated that is made available to congressional staff--which does not contain any confidential information-- should also be available to the public. We recommend the following report language.

Constitution Annotated: Within 180 days of enactment of this legislation, the Library of Congress shall make the Annotated Constitution of the United States of America, as it is published on the Congressional internet, available to the public on a website that is updated continually and contemporaneously with the internal website.

Create a Chief Data Officer for the Legislative Branch

Agency: Joint Items

Account: Chief Data Officer

The Legislative branch has made significant efforts to release legislative information to the public as data. This includes the online publishing of bill status, text, and information; committee schedules, documents, and videos; CBO reports; GAO Reports; CRS Reports; as well as holding regular meetings of the Bulk Data Task Force. These efforts are welcome and encouraged. We believe a thousand flowers should bloom, but it's also important to have a guide to the garden.

Members of Congress, their support offices and agencies, as well as the general public rely on congressional data, but it's not always clear what information exists, where it can be found, and what more can be done. Congress should make permanent the Legislative Branch Bulk Data Task Force,² initially created to report on the feasibility of bulk access to legislative data and which now facilitate communications amongst congressional stakeholders as well as the general public concerning public access to legislative branch data. In addition, Congress should create the position of Chief Data Officer to track datasets released by the legislative branch; provide advice, guidance, and encouragement to offices and agencies regarding the publication of legislative branch information as data; provide assistance to the Legislative Branch Bulk Data Task Force; and provide assistance to the public with finding and obtaining legislative data. We recommend the following bill text and report language be adopted.

Bill text: Chief Data Officer. For salaries and expenses of the Chief Data Officer, \$500,000, to be disbursed in equal parts by the Secretary of the Senate and the Clerk of the House of Representatives.

Report language: The Clerk of the House of Representatives and Secretary of the Senate shall jointly select and supervise a non-partisan Chief Data Officer for the Legislative Branch, compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level II of the Executive Schedule under section 5313 of title 5. The Chief Data Officer may hire subordinates who may be compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5.

The Chief Data Officer shall be responsible for publicly tracking datasets released by the legislative branch; providing advice, guidance, encouragement, and support to legislative branch offices and agencies regarding the publication of legislative branch information as data; providing assistance to the public with finding and obtaining legislative data, and other duties as the Chief Data Officer deems appropriate that promotes public or congressional access to legislative information as data.

The Legislative Branch Bulk Data Task Force, originally constituted in accordance with the 2013 Legislative Branch Appropriations Act, shall continue to regularly bring together internal and external stakeholders to discuss and coordinate efforts to improve internal and public access to legislative branch information.

² See H. Rept. 112-511, available at <https://www.congress.gov/congressional-report/112th-congress/house-report/511>; and the report of the Legislative Branch Bulk Data Task Force, available at <https://www.scribd.com/document/207200120/Legislative-Branch-Bulk-Data-Task-Force-Report-of-Activities>.