Chairman Lofgren, Ranking Member Davis, and Members of the Committee, thank you for the opportunity to submit written testimony concerning the rights of congressional staff to collectively bargain. My name is Daniel Schuman and I serve as policy director at Demand Progress, a non-governmental organization focused on strengthening our democracy. We conduct research and engage in advocacy concerning strengthening Congress’s ability to legislate and conduct oversight.

Congressional staff work hard under demanding circumstances. This has always been true, but the last year has been particularly traumatic.\(^1\) Staff survived the insurrection, are slogging through the COVID pandemic, and are shouldering dramatically increasing workloads and heartbreaking requests for assistance.\(^2\) The necessity of allowing staff to advocate for better working conditions are obvious, with one in eight staff not earning a living wage,\(^3\) half of staff struggling to make ends meet,\(^4\) and a long history of staff suffering from harassment, discrimination, unsafe working conditions, and having their benefits used as a political football.\(^5\) These recent and ongoing experiences continue to take a mental and physical toll on staff. Many have reached — and some have passed — the breaking point.\(^6\)

*Business Insider* reports “Current staff and outside experts fear that the exhaustion and trauma are pushing qualified people out the door, exacerbating the long-running problem of brain drain on Capitol Hill while denying lawmakers talented staff as they try

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2. *Congress wakes up to its staff retention problems after Covid, bomb threats and riots: While lawmakers raise the cap on employee salaries and try to increase office budgets, some staffers say this year's strain on their mental health may still push them to leave*, Politico (September 2021) [https://www.politico.com/news/2021/09/10/congress-staff-retention-problems-510879](https://www.politico.com/news/2021/09/10/congress-staff-retention-problems-510879)
4. *Briefing: Congressional Working Conditions Survey*, Congressional Progressive Staff Association (January 2022) [https://static1.squarespace.com/static/616b86c93a6fd661d131ee40/t/61f08a1ce6f4ed211c8d51d6/1643153948206/CPSA+Briefing.pdf](https://static1.squarespace.com/static/616b86c93a6fd661d131ee40/t/61f08a1ce6f4ed211c8d51d6/1643153948206/CPSA+Briefing.pdf)
6. See generally *Capitol Strong* [https://www.capitolstrong.org/](https://www.capitolstrong.org/)
to tackle some of the most pressing issues to face the country in generations.”

Making matters worse, in the midst of the pandemic, some staff were ridiculed by their superiors for wanting to wear masks at the office or to work from a remote location while others were not informed or properly protected as insurrectionists stormed the Capitol Building, shattering any illusion that their personal safety would be placed above politics.

This is an acceleration of already troubling trends. House Majority Leader Steny Hoyer recently said “Each year we lose talented and experienced staff with deep institutional knowledge to the private sector because we do not offer competitive compensation and benefits. At the same time, we are failing to recruit and retain the more diverse workforce that we have said we want to attract.” House Administration Committee Ranking Member Rodney Davis sounded a similar note: “You can’t always say ‘let’s put the Congress first,’ because you’re gonna have to put your families first. That’s a decision I don’t want to see staffers have to continue to make.”

Congress has begun to acknowledge the difficult circumstances for staff. The House Select Committee on the Modernization of Congress made numerous recommendations on improving the quality of life for Congressional staff. They include delinking staff pay from member pay, addressing unequal treatment for student loan repayment and health care benefits, creating a voluntary pay band system, increasing the MRA to allow for increased salaries, improving human resources, and regularly surveying staff on ways to improve pay, benefits, and quality of life. The House Inspector General recently provided your office with a series of recommendations on adjusting the number of staff per office, increasing the amount of funds available per office, providing a COLA, and more.

These recommendations, and measures undertaken by the House Rules, Administration, and Appropriations Committees to implement them and other reforms, are undeniably welcome. But the need for these reforms also indicates the current state of affairs. The feedback mechanism for reform is too slow and the signal received by Congress about staff distress is too weak. Staff need a mechanism by which their voices are heard with respect to their workplace conditions and terms of employment.

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7 [Capitol Hill staffers are burned out and heading for the exits after a hellish year bookmarked by a pandemic and an insurrection](https://web.archive.org/web/20210420080226/https://www.businessinsider.com/congress-capitol-hill-staff-burnout-remote-work-january-6-insurrection-2021-4?r=US&IR=T)

8 [GOP Staffers Detail Ridicule for Wearing Masks at Capitol](https://nymag.com/intelligencer/2020/07/gop-staffers-detail-ridicule-for-wearing-masks-at-capitol.html)

9 [Congress Eager to Increase Staff Pay But Fear Voter Backlash](https://www.bgov.com/core/news/#!/articles/QS7T2FDWRGG9)

10 Id.


12 [Letter from the Chief Administrative Officer to the Committee on House Administration concerning analysis pursuant to section 104 of H. Res. 756](https://s3.amazonaws.com/demandprogress/documents/House_IG_to_CHA_on_staff_funding_2021-12-02.pdf)
One traditional way that employees work with employers to address their needs is through unions. As President Biden recently declared: “We must always protect the right of workers to unite and bargain for their own mutual aid or protection.” This is an avenue open to Congress, even if the history of the prior effort to allow for unionization has largely been forgotten.

In 1995, Congress enacted the Congressional Accountability Act, which was a key plank in the Contract with America. The CAA applied eleven federal laws addressing federal and private sector employers to Congress, including the right to unionize. It was the culmination of a 5-year bipartisan effort to “make Congress subject to the laws it passes,” in the words of Sen. Grassley, a prime mover in the effort.

“The need for the legislation was clear. For example, in 1992, Congressman John Boehner (R-Ohio) asked the Occupational Safety and Health Administration (“OSHA”) to inspect his office for violations.... OSHA found violations that could have resulted in fines to any other employer of $1,500.... In 1993, a Washington Post survey of Congressional staff revealed that one-third of the women questioned said they had been sexually harassed.... Further, the Congressional Management Foundation reported that women working as chiefs of staff on Capitol Hill made less money than similarly qualified men.”

Many arguments were made against applying these laws to Congress. But Sen. Grassley’s arguments won the day. He was joined by Senators Lieberman (D-CT) and Nickels (R-OK), as well as Reps. Shays (R-CT), Goodling (R-PA), and Thomas (R-CA).

The Congressional Accountability Act allows staff to “form, join, or assist a labor organization for the purpose of collective bargaining without fear of penalty or reprisal.” But the CAA created a two-track system for unionization.

The first track allowed certain Legislative branch agencies and support staff to unionize, such as employees of the Capitol Police. The second track allowed for personal and committee staff to unionize, as well as some support office staff, but only after the Office of Compliance engaged in a notice-and-comment rulemaking and the proposed regulations are adopted by the chamber to which they would pertain (or by both chambers for certain shared entities, such as the Congressional Budget Office.)

15 See Practicing What We Preach.
The Office of Compliance Board issued regulations that would apply to second-track staff in the House and in the Senate in 1996. But, though it would only require the passage of a simple resolution for most entities, neither the House nor the Senate acted to place the regulations into effect. Twenty-five years later, the consequences of overlooking and ignoring congressional staff have been made manifest to the detriment of staff and the institution which they serve.

Recently, in response to questions from the House Administration Committee, the Office of Congressional Workplace Rights addressed a number of important outstanding questions regarding applying the Congressional Accountability Act to staff who have not yet been afforded the opportunity to unionize:

- Can the House or Senate still pass a simple resolution pursuant to the CAA to allow for that chamber’s personal, committee, and support staff to unionize?
- Are the regulations fit for 2021 and beyond?

The short answer to these questions, per the OCWR Board, is yes. “The Board has conducted a thorough review and now unanimously endorses the regulations adopted by the 1996 Board and urges Congress to approve these regulations.”

Rep. Levin introduced a resolution, H.Res.915, on February 9, 2022 that would put the regulations into effect. The Congressional Workers Union, a volunteer group of staffers that are organizing to unionize the personal offices and committees of Congress, endorsed that resolution and called for a floor vote “at the earliest opportunity.” Many civil society organizations and unions have joined that call.

Congressional staff are essential to the success of Congress. Accordingly, Congress should provide its staff the ability to collectively advocate for measures that improve the operations of the Congress and the lives of those who serve in it.

The time is right for the House of Representatives to enact Rep. Levin’s resolution that would activate legal protections for House staff who seek to unionize. We urge you to favorably report the measure.

Thank you for the opportunity to submit this testimony.

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