

Testimony Concerning the Creation of a Senate Office of Diversity and Inclusion and a Study by the Secretary of the Senate on Staff Pay and Retention, Prepared by Demand Progress, the National Association of Latino Elected and Appointed Officials (NALEO), and the Joint Center for Political and Economic Studies, for the Legislative Branch Appropriations Subcommittee for FY 2022

Dear Chair Reed, Ranking Member Braun, and Members of the Legislative Branch Appropriations Subcommittee:

Thank you for the opportunity to submit testimony concerning our requests for (1) a study on staff pay and retention, and (2) the creation of a Senate Office of Diversity and Inclusion. We are a cross-partisan coalition of organizations and individuals concerned about strengthening the staff that support the work of the United States Senate. Our testimony addresses two issues: the Senate staff pay gap and Senate staff diversity.

Congressional staff are essential to the operations of Congress. They provide significant support to senators as they conduct their legislative, oversight, and constituent services duties. Nevertheless, low staff pay is a barrier to entry into the senatorial hiring pipeline, inadvertently biasing the hiring pool towards those individuals with sufficient financial resources to supplement their salaries. In addition, low pay creates incentives for experienced staff to depart the Senate to the Executive branch and private sector, which have significantly higher average salaries. These two factors, working in tandem, have the effect of reducing staff diversity.

Staff Pay and Retention Study

The Senate Legislative Branch Appropriations Subcommittee included in its FY 2019 Committee Report a request for the Secretary of the Senate to oversee a study on staff pay, retention, and diversity.¹ It was amended in the Joint Explanatory Statement to read as follows.²

Senate Staff Compensation Review: Ensuring Senate staff compensation is competitive and fair is critical to attracting and retaining highly-qualified staff. The Secretary of the Senate is directed to conduct a review, or contract with an independent external entity to conduct a review, of the salaries and benefits of staff employed by Senators' offices and Senate Committees to evaluate the extent to which Senate staff receive similar pay for similar work, both internally and externally to the Senate. The review must consider job responsibilities, experience, and outside qualifications, including education, for such comparisons. Providing such compensation data is strictly voluntary for any Senator's office or Senate Committee, and any such office may direct

¹ S. Rpt. 115-274, p. 22, <https://www.congress.gov/115/crpt/srpt274/CRPT-115srpt274.pdf>

² See *Joint Explanatory Report of the Conference Committee for H.R. 5895*, document page 129, <https://www.appropriations.senate.gov/imo/media/doc/Joint%20Explanatory%20Statement%20H.R.%205895.pdf>.

that its data be excluded from any data provided for the review. The review should note how many offices, in the aggregate, chose not to participate. The Secretary, or contracting entity, must also take all reasonable and necessary steps to ensure that the data gathered is securely protected and kept confidential. The Committee directs that such a review be started, or contracted out, within 12 months of enactment and that a report summarizing such review be submitted, within 18 months of enactment, to the Committee on Appropriations and upon request to any Senator. Such report must provide summaries of such comparisons and exclude any information that could be used to identify any individual, any Senators' office, any Committee, or any other entity of the Senate, similar to reports published in 2001 and 2006.

Note that Joint Explanatory Report omitted omitted a significant element of the language reported out by the subcommittee:

The review must also compare staff compensation within the Senate with respect to gender, race, and ethnicity.

The report is anticipated to be released by the Secretary of the Senate in spring 2021.

A study of this kind should be conducted every two years, with the data tracked and compared over time, so it becomes possible to see trends within the Senate. We believe the language reported by the subcommittee to be superior to the language contained in the Joint Explanatory Statement because it addresses questions around equity, so we would encourage any future studies to address staff diversity. We note Senate Democrats have gathered high level diversity information for staff in their caucus from 2017 forward.³

The purpose of gathering and publishing information about Senate staff is to understand staffing trends in the Senate *writ large* and to build systems that foster a more experienced, inclusive, and diverse Senate. It should not be focused on a particular office. With the significant lag time from when such a report is requested to when it is released, we respectfully suggest appropriators request an additional study as part of the FY 2022 bill, with the expectation that additional reports will be conducted every two years.

The House of Representatives included similar language in its FY 2019 report⁴ and we have learned lessons from how that study was conducted and its results reported:⁵

³ *Diversity Initiative Snapshot*, Senate Democratic Leadership, <https://www.democrats.senate.gov/about-senate-dems/diversity-initiative/democratic-staff-survey-results-2020>.

⁴ H. Rept. 115-596, p. 5, <https://www.govinfo.gov/content/pkg/CRPT-115hrpt696/pdf/CRPT-115hrpt696.pdf>

⁵ For the final reports, including the Executive Summary; Overall House; Member Offices, Committees and Leadership Offices; and House Officers, see *Dear Colleague on House-wide Diversity Compensation Study, Next Steps on Diversity Efforts* (Sept. 26, 2019), <https://www.speaker.gov/newsroom/92619-0>

- **Results should be published as a data file** — a spreadsheet — in addition to published as prose in a report.
- **Tracking trends over time** is important, which will necessitate publishing the aggregate data from multiple surveys side-by-side and comparing the results over multiple surveys.
- **An internal office focused on Diversity and Inclusion** may be better situated to oversee a study of this nature because it could gather data that would be more insightful into the nature of that chamber’s operations and that would be more versatile.⁶
- **The Senate should consider allowing select researchers and academics** to access Senate data under narrow circumstances because they will bring additional expertise and insight to the issue.⁷
- **Automating data collection** has been evaluated previously by the Senate and may be worth reconsidering for certain subsets of data.

Office of Diversity and Inclusion

We support the creation of an Office of Diversity and Inclusion in the Senate. The House of Representatives created its OD&I in its rules at the start of the 116th Congress,⁸ which may serve as a useful model for the Senate. House Rules require the OD&I to develop a diversity plan,⁹ which must address:

⁶ See *Written Testimony of Kemba Hendrix, Executive Director, Office of Diversity and Inclusion* (March 10, 2021), concerning the value of that office overseeing a comparable survey in the House. <https://docs.house.gov/meetings/AP/AP24/20210310/111292/HHRG-117-AP24-Wstate-HendrixK-20210310.pdf>; video of those proceedings, <https://appropriations.house.gov/events/hearings/fy-2022-budget-hearing-for-government-accountability-office-and-house-officers>. (“Currently, our office partners with independent private businesses to conduct the complex surveys and complete reports. With additional resources, we could employ a team of research analysts to collect data, analyze, and report information on our own workforce and committee witnesses as required. Also, if we utilized interactive data visualization software, we could provide reports in an electronic format. Reporting in this manner would allow individuals to select, refine, and compare available data sets. To create the electronic reports, we will need to purchase the necessary software and technology.”)

⁷ See, e.g., *Color of Congress, Pay Our Interns* by Dr. James Jones, as an example of valuable research conducted by non-congressionals. <https://payourinterns.org/congressional-report>. For ways to address Senate equities and privacy while allowing researcher access to select data, see *Apply for Access* U.S. Census Bureau, <https://www.census.gov/programs-surveys/ces/data/restricted-use-data/apply-for-access.html>; and “How do I access and use data?” U.S. Census Bureau, <https://www.census.gov/about/adrm/linkage/guidance.html>.

⁸ See H. Res 6 (116th), section 104(d) (p. 40), <https://www.govinfo.gov/content/pkg/BILLS-116hres6eh/pdf/BILLS-116hres6eh.pdf>

⁹ See *Section by Section Analysis of H. Res 6* (116th Congress), House Rules Committee p. 11 at <https://docs.house.gov/billsthisweek/20181231/116-HRes6-SxS-U1.pdf>

- (1) policies to direct and guide House offices to recruit, hire, train, develop, advance, promote and retain a diverse workforce;
- (2) the development of a survey to evaluate diversity in House offices;
- (3) a framework for the House of Representatives diversity report; and
- (4) a proposal for the composition of an Advisory Council to inform the work of the Office.

House Rules also require the OD&I to submit an annual diversity report. Furthermore, the OD&I proposed it oversee the undertaking of the House's annual staff survey. These suggestions are reasonable and we commend them to you.

As we mentioned above, the purpose of gathering and publishing this information on staff diversity is to strengthen the pipeline of capable and diverse staff hired and retained by the Senate by providing information about the current state of play. This will let us know how the Senate is doing as an institution and suggest where further improvements can be made. It is not intended to draw public attention to the operations of any particular office. Nor should it intrude upon the privacy of any individual.

The House established the OD&I as an independent office, reporting directly to the authorizing committee. We do not have a perspective on where to situate a Senate OD&I, although there is value in having it be more visible and independent because that would assist with its mission of supporting the hiring and retention of capable, expert, diverse staff.

Thank you for the opportunity to submit testimony to the committee.