

Getting the Congress You Pay For: The Influence of Staff on Legislative Productivity

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Abstract

A modern legislature would be unimaginable without the support of professional staff. Such individuals, while neither elected nor appointed, ensure the smooth functioning of government by performing the myriad of administrative and technical tasks that create legislative proposals, develop cross-party deals, and ultimately lead to an informed vote. Professional staffs do not make a government, but they do multiply its organizational capacity far beyond what elected officials may accomplish alone. While much attention in the congressional literature is directed toward the activities and productivity of individual members of Congress, very little attention is given to how this productivity may be influenced by the capacity and strategic allocation of their staff. In this project, we look at congressional staff resources as a means of predicting legislator productivity. Ultimately, we find evidence to suggest that patterns of staffing influence the productivity of individual members of Congress.

The United States Congress is an immensely unpopular institution.¹ A 2013 Public Policy Polling survey reported that Congress lagged behind root canals, head lice and the rock band Nickelback in head-to-head match-ups.² And a 2014 Washington Post-ABC News poll reported a “record-high share of Americans disapproved of their own congressman/woman” (Craighill and Clement, 2014). While members of Congress disagree over whose fault this is, members on both sides of the aisle appear to accept the unpopularity of the institution. For example, Senate Majority Leader Harry Reid (D-NV) claimed Congress’s “approval rating is lower than North Korea’s” (Kessler 2014). And Senator John McCain (R-AZ) frequently remarks that Congress is “down to paid staffers and blood relatives (Amira 2011).” The most common explanation for congressional unpopularity is that they are not passing laws (Mann and Ornstein, 2012), and the public may have a point.

Congress is presently passing an historically low number of laws. The *Washington Post* noted that the 113th Congress (2012-2013) is on track to enact fewer laws than the 112th Congress (2010-2011) which had already earned the distinction of enacting the least amount of legislation since 1973 (Bump, 2014). This is consistent with a recent report by Binder (2014) which reports the number of salient issues that weren’t resolved by Congress have been on the rise over the past few decades. Scholars of congressional politics have focused on a variety of factors to explain legislative gridlock, with ideological polarization, party politics and supermajority institutions being the most prevalent (Binder, 1999; Hare, Poole and Rosenthal, 2014; Theriault, 2014).

In this article, we argue that changes in legislative staffing present an under theorized—yet important—complementary explanation for diminished legislative productivity. A modern and productive legislature would be unthinkable without the presence of a large and professional staff. Congressional staffers perform the bulk of basic tasks that are associated

¹Additionally, an August 2014 survey by Rasmussen Reports found that six percent of likely American voters thought Congress was doing a good or excellent job see (“Congressional Performance,” August 5, 2014, available at <http://www.rasmussenreports.com/>).

²See “Congress Less Popular than Cockroaches, Traffic James,” January 8, 2013, available at <http://www.publicpolicypolling.com/>.

with lawmaking: research, scheduling, communications, speech writing, producing legislative language, and even engaging in negotiations over policy substance. While unelected and often unnoticed, the prominence and importance of staff has increased to the extent that Senator Tom Harkin (D-IA) often quips that “Senators were a constitutional impediment to the smooth functioning of staff” (*Congressional Record*, 108th Congress, October 27, 2005, 24105). This sentiment, while humorously exaggerated, is not without some basis in reality. Congressional staff influence the character and capacity of the legislative branch in a variety of ways.

Moreover, there is reason to believe that the present staffing resources available to members of Congress are no longer enough to meet the demands of the offices. In the past three decades, the federal bureaucracy has expanded in both size and scope of authority and the inter-connected web of federal policies has also grown larger and more complex. At the same time, the size and distribution of staff resources available to members of Congress has remained the same or even decreased. These problems are exacerbated when one considers trends in the distribution of staff resources between home districts and D.C. offices. Members of Congress may be even less able to meet demands today than decades ago. The exact link between access to professional staff and productivity remains unclear to both scholars and the general public. For example, Hibbing and Thiess-Morse (1995) report that roughly 75% of survey respondents supported cutting the size of congressional personal staff and nearly all respondents thought members had approximately half the personal staff they actually possessed.

Much of the existing literature examining the linkage between congressional staffing and legislative capacity is over forty years old and has produced mixed evidence.³ Some scholars such as Malbin (1980) have suggested that an over-reliance on staffing is to blame for

³Additionally, while the role of professional staff has been detailed by scholars of the Supreme Court (Black and Boyd, 2012; Ditslear and Baum, 2001; Wahlbeck, Spriggs and Sigelman, 2002), and the executive branch (Lewis, 2005, 2008; Krause and Lewis, 2006) it has generated less attention from modern studies of the U.S. Congress.

decreasing productivity.⁴ Others disagree, arguing that a lack of staff resources results in a less productive Congress (Davidson, 1990). While some may call for a leaner Washington, one could ask whether we are getting the Congress that we pay for. The relationship between the allocation of staff and congressional productivity is even more salient in times where Congress has low approval numbers amidst a lingering perception of lethargy and incapability.

In the following sections, we explore the functions and influence of congressional staffing. We begin with a brief history of congressional staffing over time as well as an introduction to the kinds and uses of such staff. We also show aggregate trends in staffing over the past three decades. Next, we review the present literature regarding the influence that professional staff is expected to have on legislative output and overall productivity. We also examine cases to explore some of the politics influencing decisions related to congressional staff. Using the intuition of these prior works, we develop several testable hypotheses regarding the relationship between staff levels and distribution with legislative productivity. With raw, preliminary data, we demonstrate that (1) while aggregate levels of staffing are consistent over time there exists wide variation in the allocation of these staff, (2) members have been systematically shifting their already limited staff resources away from their Washington, D.C. offices and into the district and (3) that there appears to be a link between policy staff resources and the legislative productivity of House members.

Congressional Staff

Staff are an essential element to the functioning of Congress and the production of legislation. While the first congressional staffers were likely administrative in nature, over time staff have come to provide more specific expertise and to take on greater responsibility with

⁴One complication is that while the number of staff allocated to Congress has remained fairly constant over the past three decades, the distribution of that staff between personal, committee, and leadership offices has varied widely. Which changes influenced productivity is unclear.

respect to planning, evaluating, and even writing legislation. Congressional staff are now more like professionals than mere clerks as they bring specific expertise into their occupation (Romzek and Utter, 1997). Most importantly, members of Congress alone could not hope to keep pace with the daily requirements of their offices without this professional assistance. In fact, in the literature on state legislatures the presence of professional staff is explicitly a key component in the measure of legislative professionalism (Squire, 2007).

Since the Brownlow committee report that the president “needs help,” (Brownlow, 1937) the Executive branch has undergone a transformation into the institutional presidency (Burke, 2000). Perhaps the most important feature of the institutional presidency is the prevalence of a large professional staff that aides and advises the president. Because of this radical expansion, presidents began to develop an informational advantage over Congress. Members of Congress have explicitly cited the need for increased staffing in order to respond to the increasing informational asymmetries between the legislative and executive branches (Smith and Deering, 1984, 204). Furthermore, just as the president needs “help” so too do members of Congress (Rogers, 1941).

Staff may influence legislative outcomes in a variety of ways. First, they may influence the character and content of legislation. Prior literature has noted that congressional staff influence outcomes as policy entrepreneurs (Malbin, 1980; Price, 1971; Romzek and Utter, 1996, 1997). In this sense, the priorities and interests of staff are expected to be reflected in the agenda and the approach Congress takes to particular topics. While they may have influence, staff do not dictate outcomes. Staff serve at the pleasure of the member of Congress they serve and are held accountable through a variety of mechanisms (Romzek, 2000). Second, staff may expand the capacity of Congress to legislate by freeing members from purely administrative tasks and providing assistance on technical matters. To the extent that Congress works on complex issues simultaneously, this manner of assistance becomes more critical to ensuring productivity matches the workload.

In the earliest Congresses, individual members may have paid for their own secretarial

staff but there was no official support for hiring either clerks or professional staff assistance. In part, this may speak to the dramatically smaller role that government played in society and the economy in these early years. Starting in the mid-1800s, however, committees began to pick up permanent and professional staff. This practice has expanded ever since. Significant increases in staff allocations for both committees and individual members occurred in 1946 and 1970 with Legislative Reorganization Acts. While staff has steadily increased over time, it has not done so consistently. With the Republican takeover of Congress in the mid-1990s, staff levels were significantly reduced. As such, necessity and politics have forced staffing levels up and down over time.

Typology of Staff

Congressional staff is not a monolithic or indivisible entity and there exist wide variations in their roles and duties. Even within a single member's office there are multiple layers of staff differentiated into categories based on the tasks performed. Prior work (Fox and Hammond, 1977) has also noted the inconsistency with which roles are defined across offices. Despite these idiosyncrasies, there are several distinctions that remain valuable. First, there is a distinction between serving in the personal office of a specific member versus working as professional staff for either a committee or party leadership. Second, a key distinction within personal offices is whether the staffer works in the DC or district based office. Third, some staff work for congressional support agencies such as the Congressional Research Service (CRS), the Congressional Budget Office (CBO), or the Government Accountability Office (GAO). Such divisions represent the broadest and most significant differences between the various roles of congressional staff.

The quintessential staffer in Congress is an individual who works within a member's personal office. These staffers work on communications, constituency services, legislative activities, and administrative tasks. While personal staffs contain largely generalists, they also contain a handful of policy experts and professionals. Given the necessities of the

congressional workload, however, even professional members of personal staff are often used as generalists given the issues on hand. For example, a single legislative aide may be an expert in farming policy but also take on work associated with welfare policy, mining industry, land management, and environmental issues. While personal staff allotments have increased overtime from merely a few clerks performing secretarial work to professionals, the total number has not increased to such a degree that members may indulge in a high proportion of focused professionals working exclusively within their domain of expertise; rather, most staff carry diverse portfolios.

Personal staffers come in two distinct varieties: district and DC staff. The distinction is based primarily on location, but it is often the case that the two types of staffers perform different tasks. In particular, staffers assigned to a district office are often used for constituency services or local media relations rather than policy formulation or legislative activities. The distribution of staff between these distinct roles may therefore be an indication of the how an individual member values each of these roles. For example, a member who knows she will face a close race in the following year may seek to place a greater emphasis on district staff so as to maintain a higher level of efficiency in constituency services before the election.

Committees have been a source of professional staff in Congress since the mid-1800s but much of their growth has occurred after the Legislative Reorganization Act of 1946 (Smith and Deering, 1984). By their nature, committees tend to be focused on single issues in a way that promotes the use and development of expertise. As such, professional committee staff developed long before professional personal staff. Furthermore, committee staff, perhaps more than personal staff, has been noted as the means by which Congress can counter the expertise advantage of presidents. This is because committee staff have the incentive to specialize as well as engage in ongoing oversight of executive agencies.

Just as leadership positions and powers within Congress developed slowly over time, so too has their allocation of staff resources. One of the many advantages of being named a leader within a chamber is that the new responsibilities often come with a commensurate

increase in the allocation of staff resources. Such leadership staff are responsible for a variety of tasks including:

“(1) oversight of the management of their respective Chamber; (2) management of the House or Senate floor procedures and their respective legislative agendas; (3) media relations; (4) political operations, and (5) the development and coordination of policy positions” (Strand, Johnson and Climer, 2013, 62).

Ultimately, leadership staff may increase legislative productivity by centralizing power within the hands of chamber leaders and streamlining the process of passing bills.

Congressional support agencies are also an important consideration when examining the legislative capacity of Congress. Such agencies were created to provide non-partisan and professional advice on technical issues. This support is critical as individual members and even committees would have difficulty retaining enough professional staff with the depth and specificity of technical knowledge to aide lawmakers on specific issues. Many members of congressional staffs have come to rely upon the information produced and provided by these various support agencies. In this way, the support agencies influence policymaking.

Congressional Staffing Over Time

Many prior studies have documented and described the rise of congressional staff during the reforms of the mid 1970s and earlier (Fox and Hammond, 1977; Malbin, 1980; Rogers, 1941). Fewer studies have examined trends in staffing since these historic changes. While new developments in congressional staffing may be less dramatic than earlier examples, these changes can still prove fruitful in the examination of the changing size, scope, and capacity of congressional staff. Using the work of Ornstein, Mann and Malbin (2008), we now examine aggregate patterns in staffing Congress from roughly 1976 to 2010, which encompasses the period since the last major period of congressional reorganization.

In the past three decades, aggregate staff levels have remained largely stable across chambers when compared to past increases. Figure 1 shows aggregate levels of congressional staff

by chamber from 1976 to 2010. From the mid 1970s to the mid 1980s, we observe a trend of generally increasing staff levels for both chambers. After the mid 1980s, the staffing levels in the House trend downwards albeit not monotonically. The Senate appears to have maintained generally increasing levels of staff until about the year 2000, after which point the Senate staff has somewhat decreased. While these aggregate numbers have shifted back and forth over the past three decades, it is unlikely that these minor shifts can explain changes in aggregate congressional productivity.

Insert Figure 1 Here

Aggregate staff levels may largely be flat, but within these data there are wide variations in how the staff are distributed. As noted above, staff working in personal offices have different roles than staff working for either leadership or specific committees. Figure 2 shows the aggregate levels of staffing for each chamber with respect to standing committees between 1976 and 2010. For the Senate, staff specifically assigned to the standing committees has largely and significantly trended downward since its peak in 1980 with a slow up tick since about the year 2000. Alternatively, the House reached its peak for staffing standing committees in the late 1980s before a precipitous fall in the mid 1990s from which it never fully recovered. This trend in the House is largely attributed to the historic shift to Republican control of the House after decades of Democratic leadership.

Insert Figure 2 Here

Aside from personal and committee offices, staff may also work for the leadership of a party. Figure 3 shows the relative levels of staff assigned to the leadership within each chamber since 1977. While not monotonic over time, the trend in both chambers is toward a radical increase in the number of staff allocated for the party leadership within each chamber. This increase is notable as it takes place alongside the downward trends observed within standing committee staffing and in aggregate staff levels during some of these years.

In the past three decades, we have observed a near four fold increase in the allocation of staff for leadership within both chambers.

Insert Figure 3 Here

Congressional staff that are assigned to a district office play a significantly different role in legislative activity than staffers assigned to a DC office. As demonstrated in Figure 4, members of Congress have been steadily shifting their staff away from DC and into their district offices. This trend, while not monotonic, is quite strong over time and occurs in both chambers. In general, we observe that House members keep a greater percentage of staff in district offices when compared with the Senate. Over time, the House has shifted from a low of 30% of staff assigned to district offices in the 1970s to nearly 50% of staff assigned to the district since the mid 2000s. During the same time period, the Senate has shifted from just about 25% to over 40% of its staff serving in state rather than DC offices. Because staff outside of DC has less impact on legislative activity, this trend may influence the capacity of Congress to carry out oversight and produce legislation.

Insert Figure 4 Here

The Effect of Staff Resources on Productivity

The connection between staff resources and legislative capacity is relatively straightforward. Crafting legislative proposals requires specialized knowledge. The costs of acquiring this knowledge are asymmetrical amongst members of Congress (Krehbiel, 1991). We might also expect that these asymmetries fluctuate with both the size of government, legislative workload and the availability of professional staff. Specifically, the presence of informed staff allows members to cut down on the high informational costs of formulating policies (Dodd and Schott, 1979; Fox and Hammond, 1977; Malbin, 1980).

This argument was made explicitly in the 1940s when American Political Science Association formed a committee to investigate problems with Congress. The committee produced

a report in 1942 that outlined a number of reforms (Byrd, 1988; Matthews, 1981). Scholars had expressed concerns over the legislature’s loss of authority to the executive branch, the fragmented jurisdiction of the committee system, insufficient travel allowances for members, the growing congressional workload and the lack of resources devoted to members staffs (Davidson, 1990; Waggoner, 1946; Galloway, 1946). They further argued that the lack of staff resources resulted in an ill-informed and less productive Congress. In the committees’ report, they recommended a substantial increase in member resources for both personal staffs and committees (Schneider et al., 2003). These changes would be included in the 1946 Legislative Reorganization Act. Decades later, similar arguments about high workload and additional concerns about executive branch power would result in even more expansive staff budgets through the 1970 Legislative Reorganization Act.

Notably, not all scholars agree that the expansion of professional staff has allowed Congress to increase its legislative capacity. Specifically, Malbin (1980, 242) argues that the use of staff undercuts the deliberative process in Congress. He argues that “collectively [staff] create a situation in which many of the elected members fear they are becoming insulated administrators in a bureaucratized organization that leaves them no better able to cope than they were when they did all the work themselves” (Malbin, 1980, 5). In the 1990s, Republicans made the issue of bloated legislative staffs an electoral one. When they captured control of Congress in the 104th Congress (1994-1996), they cut the size of committee staff. Political scientists took issue with this decision and some, such as Mayer and Canon (1995, 131), argued that the cuts “reduced the lawmaking capacity of Congress.”⁵

Scholars have speculated that because workload and informational asymmetries increased since the Legislative Reorganization Act reforms, members have specialized less and increasingly substituted staff expertise for personal expertise (Kingdon, 1989; Sinclair, 2007; Romzek and Utter, 1997).⁶ This led scholars to compare and contrast congressional staff behavior

⁵See also Mann and Ornstein (1993).

⁶ Kingdon (1989) argues however that increased personal staff has not influenced members roll call

with that of private firms. Specifically, Loomis (1979) compared congressional offices to small businesses and Salisbury and Shepsle (1981, 394) argued that members had transformed from “legislators/politicians to executive managers.”

Recent works has further highlighted the relationship between staff and legislative productivity. For example, committee chairs and ranking members have access to committee staff that specializes in a certain topic. Consistent with this framework, scholars have found that—not surprisingly—committee chairmen are generally more effective legislatively than other members (Krutz, 2005; Volden, Wiseman and Wittmer, 2013). Specifically, they report that “committee chairs average nearly seven more bill introductions, five more bills receiving action beyond committee, and two more bills being signed into law (some of which may result from chairs sponsoring bills on behalf of their committees)” (Volden, Wiseman and Wittmer, 2013, 336-337). This success likely stems from the large staffs that the committee chairs are able to command.

Total staff resources are important, but exactly how members devote those resources should influence their ability to legislate effectively. While staff roles are rarely cleanly defined, staffers located in the member’s home district are generally viewed as being constituency-motivated. Staffers based in D.C. offices are more likely to have a substantive policy role. Thus, the decision to allocate resources to district offices reflects member priorities (Hibbing, 1991; Schiff and Smith, 1983; Young, 2005). Data on aggregate staff allocation from the 1960s through the 1980s revealed an increasing shift from Washington-based staff to district staff (Hibbing, 1991; Schiff and Smith, 1983).⁷ Despite this fairly stark trend, very little attention has been given to changes in staff allocation in recent years.⁸

behavior. He reports that staff have little independent influence on voting decisions, leading him to conclude: “It might be more fruitful to conceive staff not as an influence on a member, but rather as a extension of a member” (Kingdon, 1989, 207-208). This conclusion was supported by Salisbury and Shepsle (1981, 394).

⁷Hibbing (1991) reports that just under 14% of staffers were located in the district in 1959. By 1985, this role to 43%. Moreover, while Schiff and Smith (1983) suggests that more senior members relax their attention to the district, Hibbing (1991) argues this effect was waning. Specifically, seniority was having a less important effect on staff allocation.

⁸Young (2005) is an exception to this. His analysis from the 106th Congress demonstrates that electorally

The relative level of staffing matters. For example, congressional staff are predicted to have a direct influence on the ability of Congress to engage in oversight. One concern is that staffing levels have generally fallen while the scope of government activity has increased in the past three decades. As noted by Aberbach (1990), staff levels in the 1970s through the early 1980s tended to track well with oversight activity and government regulatory activity as measured by the number of pages per year in the Federal Register. Figure 5 shows the relationship between total congressional staff levels and total pages in the Federal Register between 1976 and 2010. Both staff levels and total regulatory activity have changed dramatically up and down over time, however, it is the case that between 2000 and 2010 there is a trend of high regulatory activity paired with generally lower levels of congressional staffing. As such, there is at least some evidence to suggest that Congress may be under-staffed to meet the present oversight demands driven by higher governmental regulation.

Insert Figure 5 Here

The example of oversight work suggests that even if staffing numbers remain stable the job itself may be expanding. The consequences of changing staff resources relative to the work at hand can be stark. As Adler and Wilkerson (2012, 55) argue “limited capacity forces decisions about issue priorities.” This can lead to a large number of important issues being left off the agenda and causing an increase in legislative gridlock. Moreover, as noted by Hall and Deardorff (2006), lobbying can serve as a kind of legislative subsidy and as such a member of Congress may be replacing some staff work with support from outside of Congress. As such, a lack of staff resources could result in increased reliance on special interest groups or increased delegation of congressional powers to the executive branch (Dickinson and Lebo, 2007; Krause, 2002, 2009; Ragsdale and Theis, 1997). This possibility has described decades ago by Malbin, who stated that “Without its staff, Congress would quickly become the

vulnerable members allocate more of their funds towards the district. Retiring members allocate significantly less resources to the district.

prisoner of its outside sources of information in the executive branch and interest groups” (Malbin, 1980, 5).

Expectations

How a member of Congress allocates her staff is a measure of that legislator’s priorities. A member who faces a tough re-election bid back home may find that allocating more staff to constituency services will pay greater dividends. Similarly, a member who is interested in advancing legislative proposals will need quality policy staff to put together winning proposals. All else being equal, a member of Congress with more policy oriented staff should have the extra capacity to be more productive than members who focus more on their home district. As such, we believe that the size of a member’s policy staff will be directly proportional to their legislative productivity.

H₁: Larger policy staff should increase legislator productivity.

Of course, there are many other determinants beyond a legislator’s staff that could heavily influence productivity. One of the key predictors is whether the legislator is a member of the majority party. Given the advantages of majority party status and the rules of legislative proceedings, majority party members can expect to enjoy a greater opportunity and success in proposing and advancing legislation. As such, we believe that majority party status will be positively associated with legislative productivity.

H₂: Majority party membership should increase legislator productivity.

Majority status is not the only status that may influence the productivity of a member. In particular, we believe that more party leaders and committee chairmen will have greater productivity and success all else being equal. Such leaders have productive traits such as seniority, a history of legislative accomplishment, and perhaps drive, but they also have greater access to professional staff. As noted above, the staff allocated to congressional

leaders has gone up considerably in the past several decades. While ostensibly this staff may be allocated toward a committee or leadership post, access to such staff may provide such leaders with more means to craft policy proposals.

H₃: Party leadership roles should increase legislator productivity.

There are also a host of additional variables that we might expect to influence productivity measures. For example, given prior literature (Volden, Wiseman and Wittmer, 2013) we also expect that the gender of the legislator may influence productivity. Additionally, we follow the work of Cox and Terry (2008) in expecting that the legislator's seniority will influence productivity. And finally, we include a control variable to denote the positive relationship between committee chairmen and legislative productivity.

Investigating Staff Influence

While throughout time congressional staff have been justified on the basis of their ability to help individual legislators produce more or better laws, measuring their actual influence is difficult. In order to get a more accurate picture of this exact influence, we will need to move beyond aggregate numbers to see how individual allocations of staff can affect a congressional office. However, as noted above, each office may use staff in different ways on a wide variety of tasks. In the sections below, we outline how we coded congressional staff allocations in order to provide a member-level investigation of staff influence on legislative productivity.

Data & Operationalizations

Collecting accurate and specific data on the staff of members of Congress can be a difficult endeavor.⁹ First, the tenure of hill staffers is notably short with a high degree of turnover

⁹See Hammond (1984) for a lengthy discussion of problems acquiring data on legislative staff.

within and between every year. As such, the count of the effective number of staff is not always as simple as counting individuals. Second, the distribution of staff as well as the number of staff varies significantly from office to office depending on the style and needs of the given member. Third, many staff in Congress serve multiple roles and are their full salary is divided according to their service as members of multiple staffs. The dangers of over or under counting such fractional staff when examining Congress office by office can not be overstated.

In order to create an accurate count of legislative staff per member for each Congress, we use data collected by LegiStorm over the course of more than a decade. LegiStorm is a company specializing in the maintenance and provision of current congressional data for people who work on the Hill.¹⁰ These data are useful for lobbyists, interest groups, as well as other congressional staffers. LegiStorm maintains records of all congressional staff including details concerning their office assignment, position title, tenure in office, prior positions, and (for current staffers) the location of their exact work place. Through the aggregation of these data over many years, LegiStorm has created a comprehensive database of all congressional staffers from the present time to back to 2001.¹¹

Using the LegiStorm staffing database, we examined the patterns of staffing for each member of the House between the 107th and 112th Congresses. From the position titles in these data, we coded how many members of each staff qualified as “Policy” staff. Policy staff (which includes titles such as: Legislative Director, Legislative Assistant, etc.) are those staff that a member relies upon when crafting and evaluating legislative proposals. In contrast to policy staff, members also employ “District” staff that are responsible for maintaining connections with the home district and who provide constituency services. It is often the case that these district staff are physically located within the member’s home district. In Table 1 we have outlined the coding for each of these position types. For each member

¹⁰For more information, visit the LegiStorm website at: <http://www.legistorm.com/> .

¹¹These data can be freely viewed on the LegiStorm website and are searchable by congressional member, but for increased access one must register with LegiStorm.

office in each Congress, we thus have raw counts of staff totals as well as an idea about staff allocation from the measures of policy and district staff.

Insert Table 1 Here

In addition to measures of member staffing levels, we are interested in measures of member productivity. Legislators do a lot more than vote on proposals and make speeches. Perhaps most importantly, legislators must produce the content that is voted upon and discussed on the floor. As such, we utilize two preliminary ways of measuring legislator productivity: the number of bills a member introduces and the number of amendments a member files under structured rules. First, we examine the total number of bills a member sponsors in a given Congress. While by no means a panacea in terms of measuring legislative productivity, the number of bills sponsored (or a related variant) is a measure utilized by numerous scholars and journalists seeking to characterize both aggregate congressional output and individual accomplishments (Anderson, Box-Steffensmeier and Sinclair-Chapman, 2003; Cox and Terry, 2008; Volden, Wiseman and Wittmer, 2013).

While not every proposed bill makes it into a law, such proposals are often costly to draft and as such they form a good measure for how active a legislator is with respect to producing potential law. Moreover, the success of a measure likely has very little ramifications on a members' electoral fortunes. As Mayhew (1974, 118) has famously argued that “while there are potential electoral costs associated with being on the wrong side of an issue, it is hard to imagine a situation where a legislator is punished for being on the losing side of an issue.”¹²

¹²This does not mean members will not be criticized for failure. For example, after Rep. Robert Andrews (D-NJ) announced his resignation in early 2014, the *Washington Post* published an article noting that Andrews failed to enact any of the 646 bills he had authored during his 23 years in Congress. This, they asserted, was the “worst record of [the] past 20 years (Farenthold, 2014)”. Similarly, 2014 House Democratic primary race, challenger Seth Moulton attacked Rep. John Tierney (D-MA) for only passing one bill in eighteen years. This echoed an attacked made by Republican opponents in 2012. In their endorsement of Moulton, the *Boston Globe* criticized this claim, noting it was “not a full representation of the way things work in Congress, where behind-the-scenes negotiations can yield results, and hard-fought amendments can change policy.” (see *Boston Globe*, ‘Seth Moulton for Congress,’ September 2, 2014; ‘John Tierney: What Would you say you Do Here?’).

Our measure of the total number of bills sponsored was taken from (Baumgartner and Jones, 2014).

Using total bills sponsored on its own may result in a biased measure of productivity. Specifically, the bill drafting process may favor certain types of members (committee chairmen, majority party members, more senior members, members with influence over specific issues) over others. As such, we may be getting an incomplete view of productivity. Accordingly, we employ a second measure that accounts for the total number of amendments proposed under structured rules. After the House Rules Committee announces that a bill will be considered under a structured rule, it asks members to submit potential amendments for consideration. As is the case with bills sponsored, there is no limitation on the number of amendments a member can propose.¹³ Structured rule announcements and summaries of all the amendments submitted in reaction to such announcements are currently archived on the Democrat's House Rules Committee website.

Similar to bill proposals, the creation of amendments requires policy-oriented staff time and is a good measure for how much an office is producing. A number of scholars have examined amendment sponsorship as it relates to member productivity or effectiveness (Carson, Madonna and Owens, 2013; Den Hartog and Monroe, 2011; Lee, 2010; Roberts and Smith, 2003). However, the advantage of using amendments proposed under structured rules is that it is not subject to a selection effect (i.e. we observe the amendment being sponsored before a decision is made to block or allow that amendment to be considered on the floor). Our raw count of amendments proposed under structured rules was taken from the work of (Lynch, Madonna and Roberts, 2010).

Following the literature on legislative productivity, we include controls for whether the member was in the minority or majority, the number of terms a member had served and a variable interacting majority party status and the number of terms served. We also in-

¹³An extreme example of this occurred during consideration of the Department of Defense Appropriations Act of 2010 (H.R. 3326), when Rep. Jeff Flake (R-AZ) proposed 596 amendments.

clude a dummy variable denoting whether the member was the chair of a committee during that House. Finally, following Volden, Wiseman and Wittmer (2013), we include a dummy variable denoting whether the member was a female lawmaker. The expectation is that, consistent with their work, women will be more active than their male counterparts.¹⁴

The operationalization of these key variables are shown below in Table 2.

Insert Table 2 Here

Findings

Table 3 shows the results of two basic negative binomial regression models of legislative productivity in the House of Representatives. We use a negative binomial model because each of our measures concerning productivity (the dependent variable) are counts. The first model examines how the total number of policy and district staff numbers influence the number of bills a member sponsors from the 107th (2001-2002) to the 112th (2011-2012) congresses. The second model examines how policy and district staff influence the number of amendments a member might propose under structured rules. This second model uses a dataset of all amendments proposed under structured rules from the 109th (2005-2006) to the 111th congresses (2009-2010).¹⁵

Insert Table 3 Here

Our key hypothesis related to staff allocation is generally supported by the models in Table 3. First, both models suggest that the raw number of policy staff is significantly and directly related to the productivity of legislators as measured by either bill sponsorship or amendment activity. Surprisingly, district staff seem to also be significantly related to bill

¹⁴Seniority, gender and committee chairmen were coded by Volden, Wiseman and Wittmer (2013) through the 110th Congress. The 111th and 112th congresses were coded by the authors.

¹⁵This more constrained time frame is the result of data availability and not a theoretical concern. We hope to update the model as these data become available.

proposals. This relationship, however, does not hold for amendment activity. It may be the case that amendment activity, given the pace of legislating or the requirement for negotiating with other offices on the Hill, requires more of a DC presence than bill proposals. Ultimately, the results from these preliminary negative binomial models suggest there is a link between the allocation of staff and the productivity of individual members.

As per the expectations of the literature, we do find that majority party membership is linked to productivity in bill sponsorship but this relationship does not in amendment activity. In fact, it seems that majority party status may imply fewer amendments. This may make sense given that minority party members have greater incentive to make amendments to bills produced and created by a majority party (Roberts and Smith, 2003). We find a similarly split relationship with seniority as it appears members who have served longer are more likely to propose bills but less likely to propose amendments. Again, perhaps seniority implies greater influence over bills before proposals are made and thus more senior members tend to use fewer amendments.

We find mixed results for leadership posts with respect to productivity. In particular, we find that committee chairmen are more likely to produce bill proposals and amendments but that party leaders are less likely to do so. This perhaps implies that it is the specialized policy staff found in committees that are the key to productivity rather than staff in general as found in leadership offices. It may also be the case that party leaders have alternative pathways to influencing outcomes that committee chairs do not also share.

Conclusion

Congressional staff influence the character and capacity of the legislative branch in a variety of ways. Without the participation of these talented professionals, the ability of Congress to function would dramatically diminish. Despite the importance of congressional staff, there are remarkably few studies of how the number and kind of staff can specifically

influence legislative outcomes. Some studies, such as Malbin (1980) use an analysis of cases to make observations while others (Fox and Hammond, 1977; Romzek and Utter, 1997; Romzek, 2000) use analysis of staff surveys. There exists, however, a lack of empirical analysis of individual member office staffing patterns.

One explanation for the lack of interest in patterns of staffing in Congress is the fact that, in the aggregate, the changes to staffing numbers have been minimal for the past three decades. We find, however, that the lack of change in the aggregate numbers hides wide variation in key measures of how those staff are being allocated by individual offices. In particular, there has been a precipitous drop in the number of staff allocated toward standing committees within each chamber. Second, there has been a dramatic increase in the number of staff allocated to leadership within each chamber. And third, both the House and the Senate have been shifting personal staff away from DC and into home states and districts.

While there have been few major shifts in aggregate levels of congressional staffing, several recent trends in how staff are distributed present new prospects for researching congressional organization and capacity. In particular, the distribution of staff between state and DC offices can be examined as a tactical choice, one that may very well vary greatly between individual offices. Similarly, while most studies have examined the aggregate levels of congressional staff, the influence of varying levels of committee and personal staff on productivity have been less studied. Examining individual level data on staffing decisions coupled with measures for political contexts and legislative productivity is the most direct test.

Our results suggest that a re-allocation of staff resources from policy positions toward more district oriented tasks may lower an individual legislator's productivity in Congress. Specifically, we find that offices placing more people into policy roles do tend to introduce more legislation and propose more amendments under structured rules. These micro decisions may also add up to macro patterns of legislative productivity losses. If, as the aggregate story suggests, most members of Congress are allocating resources to the district at the ex-

pense of policy staff, one may see a loss of productivity that is chamber, or Congress, wide. Our findings further suggest that bill introduction and amendment activity are far from costless; rather it takes a qualified assortment of policy knowledgeable staff.

Research regarding the use and distribution of staff within Congress has several normative implications. First, to the extent that Congress must be able to keep up with oversight on an increasingly complex and large body of federal policy, they must have a large and capable staff. Second, Congress must have adequate staffing in order to compete with and keep the executive branch in check. While over the past three decades the aggregate and committee staff levels have flat lined or decreased in Congress, the staffing power of the executive branch has arguably increased significantly. At the same time, federal regulation has been increasing or remaining high within the past decade. Whether Congress can still compete with presidents and retain oversight capabilities is an open question. Third, as members of Congress move their staff toward their home offices and away from DC, the sources of information that they rely upon to make decisions may be changing in favor of organized interests. As such, Congress may be dangerously biasing itself when it changes the allocation of its staff.

Despite this, we recognize that any efforts to increase staff resources is likely to be met with aggressive opposition. Consistent with the work of Hibbing and Thiess-Morse (1995), attacking staff budgets and perceived Washington “bloat,”—through proposals like Senator David Vitter’s (R-LA) amendment to apply ObamaCare to legislative staff—is likely to remain popular with the public (Hudak, 2013). The public was ill-informed about the role of legislative staff and that likely has not changed over time. As we previously detailed, Hibbing and Thiess-Morse (1995) reports that roughly 75% of survey respondents supported cutting the size of congressional personal staff. However, respondents also thought members had approximately half the personal staff they actually possess.¹⁶

¹⁶Members appear to be aware of the general public’s lack of information regarding legislative staff. After the initial House passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Rep. Barney Frank articulated this view, arguing that: “I don’t think the American people understand what a bargain

In the future, we plan to add more years to the study as well as adding a similar analysis of staffing and productivity in the Senate. In particular, we are interested in whether these findings will be similar to Senate staffing allocations given that each Senator tends to have a) more staff to allocate and b) a longer time line to the next election. Given that the decision to place resources at the home district versus DC may be related to the electoral cycle, future iterations of this study will incorporate measures of electoral vulnerability in order to see its influence on both staff allocation and legislative productivity. If members of Congress are incentivized to move staff from policy and oversight roles into home district constituency services at the expense of legislating, it begs the question as to whether we are really getting the Congress we pay for.

they get with the people who work on our staffs, who are so talented and hard-working and could make a great deal more money elsewhere but really put in very, very long hours under difficult circumstances (Kaiser, 2013, 225).”

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Tables and Figures

Table 1: Operationalization of Policy & District Staff

Policy Staff Titles	District Staff Titles
Legislative Director Policy Director (Senior) Legislative Assistant (Senior) Policy Advisor Legislative Counsel (Senior) Counsel Legislative Aide/Analyst Legislative Associate Legal Assistant/Aid/Counsel	Caseworker Casework Manager Constituent Services Representative District Advisor District Director Fieldworker Field Representative Constituent Advocate/Liaison Constituent Outreach/Relations

Table 2: Operationalization and Sources of Key Variables

Variable	Operationalization & Source(s)
<i>Member Data</i>	
Seniority	Number of Terms Served
Majority Status	Whether MC was in the Majority
Female	Whether MC was Female
Leadership Status	Whether MC Held a Leadership Role
<i>Staffing Data</i>	
Staff Numbers	Count from LegiStorm Archives
Policy Staff	Coded from LegiStorm Job Titles
District Staff	Coded from LegiStorm Job Titles
<i>Productivity Measures</i>	
Bill Sponsorship	Number of Bills Sponsored by MC
Amendments Introduced	Number of Amendments Proposed Under Structured Rules

Table 3: Negative Binomial Regression of Bill and Amendment Introduction

Covariate	Model 1	Model 2
Majority Party	0.151* (0.047)	-0.505* (0.242)
Seniority	0.025* (0.006)	-0.050* (0.019)
Majority Party * Seniority	0.008 (0.006)	-0.005 (0.019)
Party Leader	-0.714* (0.115)	-0.739* (0.367)
Committee Chairman	0.169* (0.079)	0.415* (0.184)
Female	0.195* (0.054)	0.111 (0.149)
Policy Staff	0.032* (0.008)	0.079* (0.027)
District Staff	0.018* (0.006)	0.011 (0.019)
Constant	2.039* (0.064)	1.629 (0.283)
Observations	2648	1327
Wald χ^2	176.96	49.04
Prob > χ^2	0.000	0.000

Note: * indicates significance at the $p = .05$ level. Coefficients with standard errors clustered by member listed in parentheses. Model 1 is the number of bills sponsored by each member from the 107th (2001-2002) to the 112th (2011-2012) congresses. Model 2 is the number of amendments proposed under structured rules from the 109th (2005-2006) to the 111th congresses (2009-2010).

Figure 1: Aggregate Levels of Congressional Staff by Chamber, 1976 to 2010

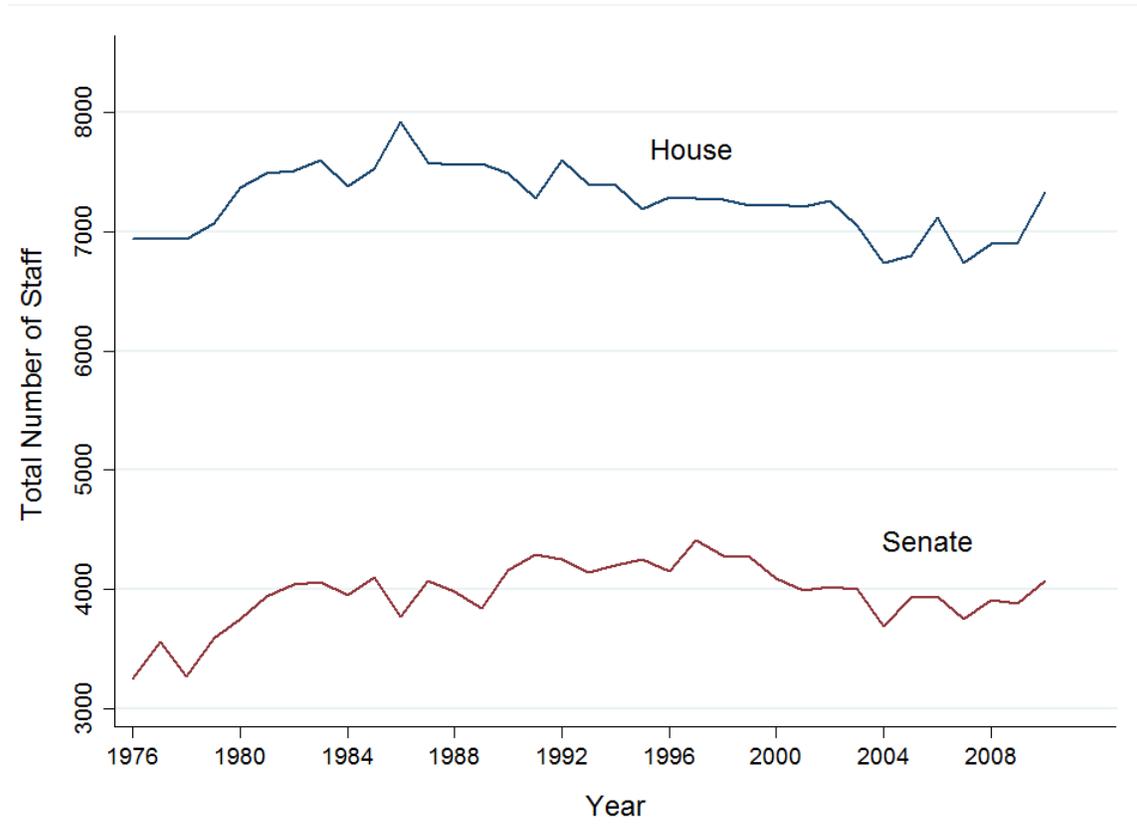


Figure 2: Standing Committee Staff Levels by Chamber, 1976 to 2009

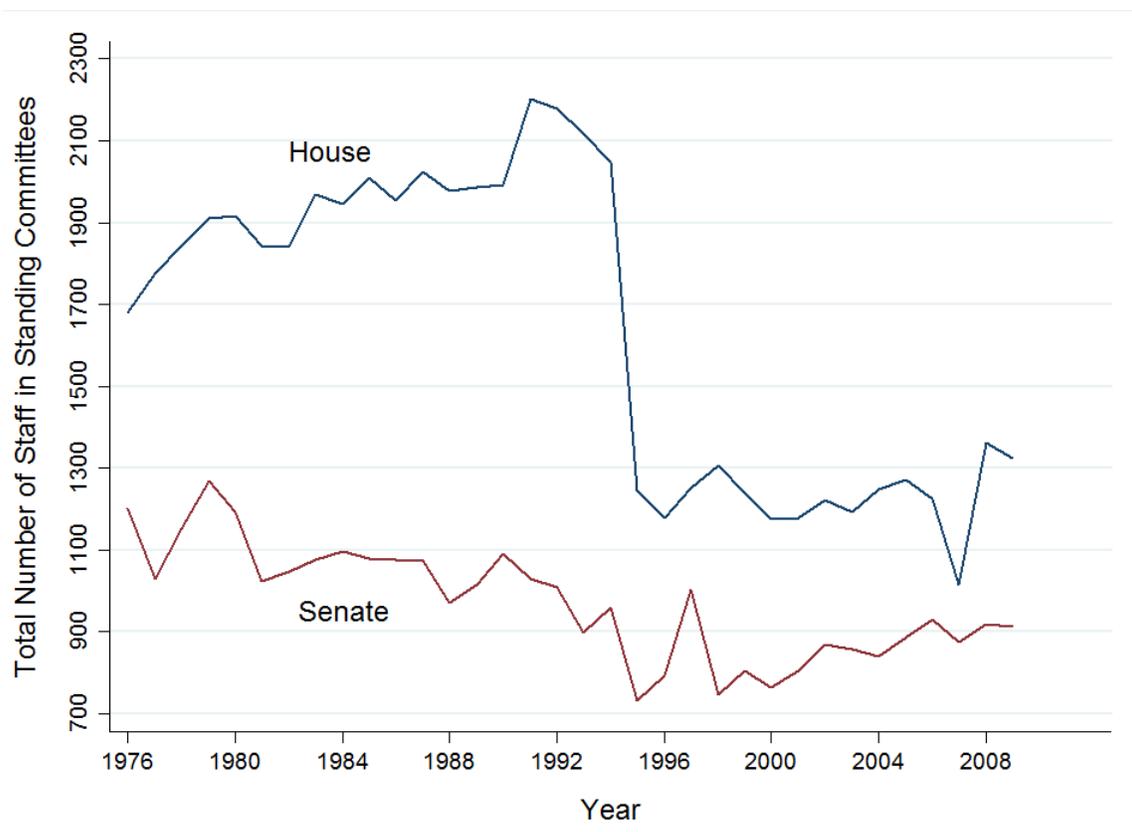


Figure 3: Leadership Staff Levels by Chamber, 1977 to 2009

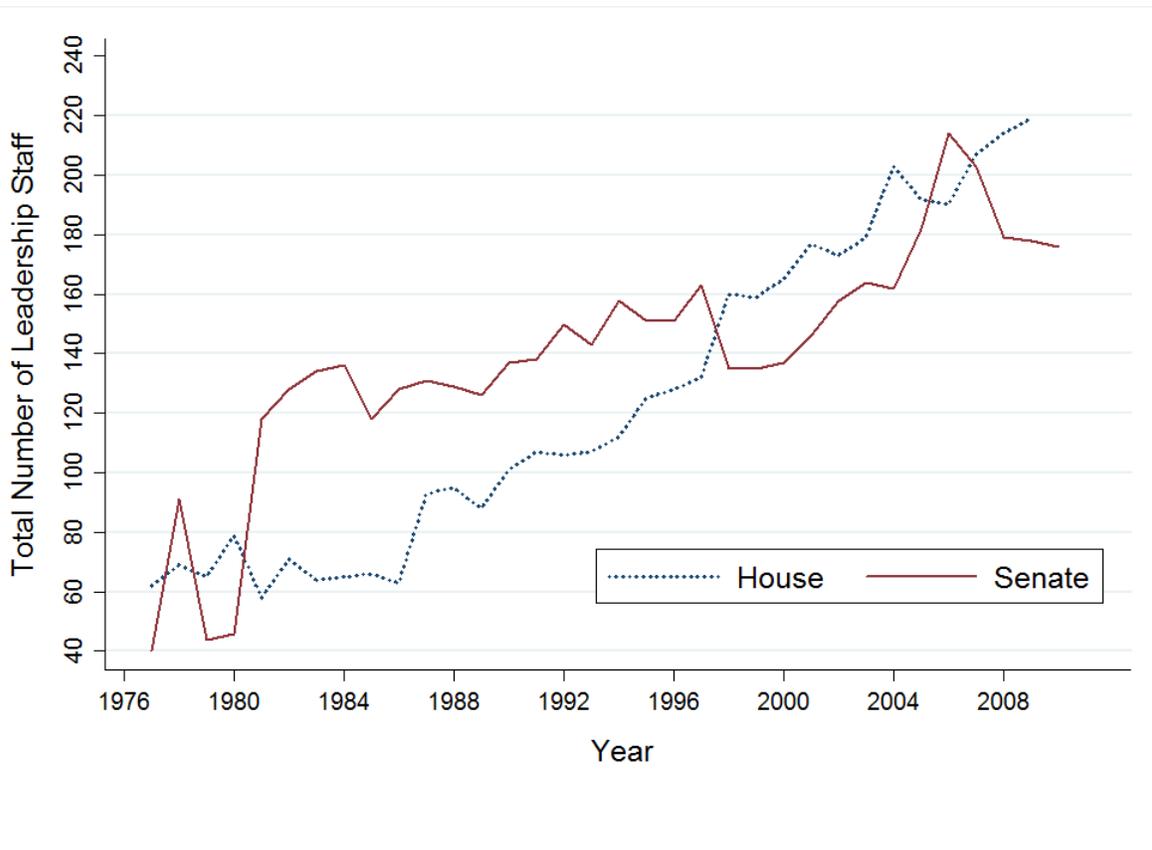


Figure 4: Percent of Staff Deployed to Home District by Chamber, 1976 to 2010

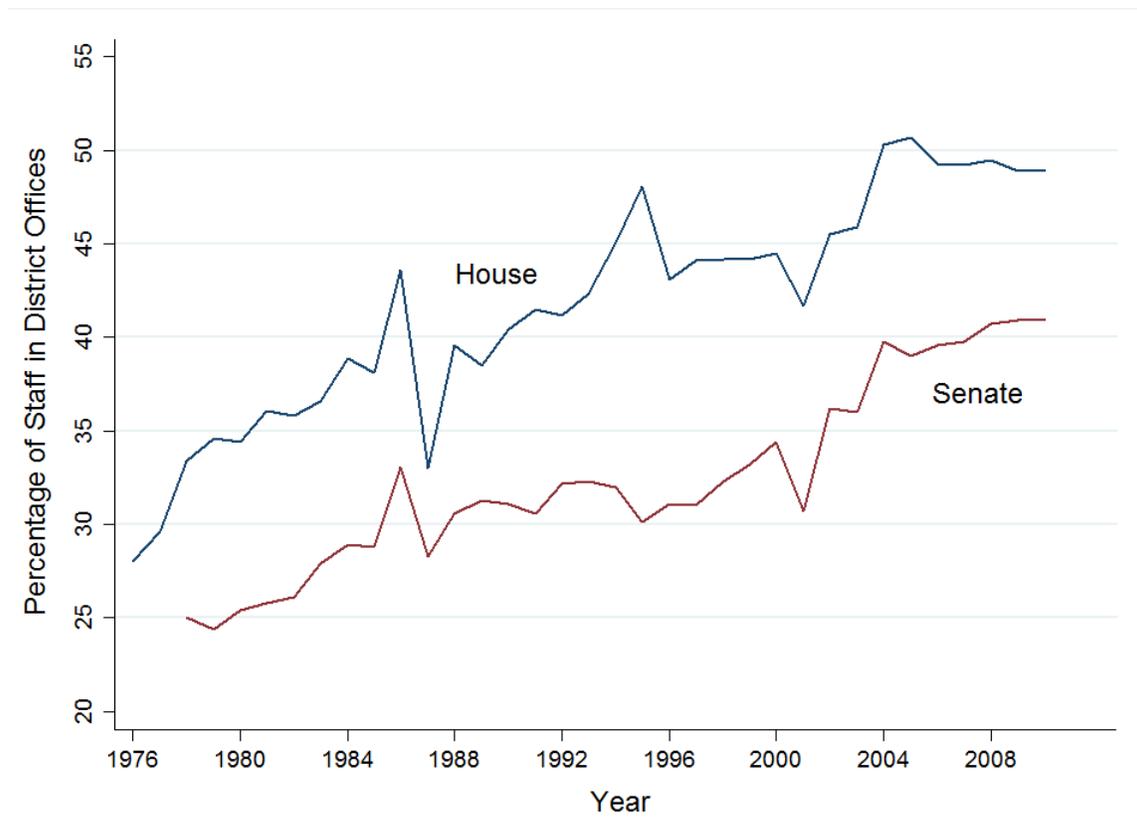


Figure 5: Total Congressional Staff and Federal Register Length, 1976 to 2010

