

The Honorable Mitch McConnell  
United States Senate

The Honorable Harry Reid  
United States Senate

The Honorable John Cornyn  
United States Senate

The Honorable Dick Durbin  
United States Senate

October 18, 2016

Dear Majority Leader McConnell, Majority Whip Cornyn, Democratic Leader Reid, and Democratic Whip Durbin:

The United States Senate is an institution rooted in history and tradition. Its long serving members and staff are a repository of policy expertise that serve as a counterweight to an often over-assertive executive branch. We encourage the Senate to continue to implement its rule on committee staff, Rule XXVII, in a way that reinforces one of the Senate's key strengths: its committees.

The Senate has approximately 900 committee staff. Senate Rule XXVII requires committee staff reflect the relative number of majority and minority members serving on the committee, with no fewer than 1/3 of the staff hired by the minority.<sup>1</sup> Starting in the 112th Congress, leadership agreed to a new funding approach for committees that reflects the party division of the Senate while recognizing the majority's need for resources "commensurate with its responsibilities in administering the committee."<sup>2</sup> In effect, committee resources are proportionally split between the parties in a way that reflects the composition of the chamber, with some additional funds available to the majority to manage each committee. Prior to that time, agreements concerning budgets and staff numbers were struck by leadership,<sup>3</sup> with committee staff allocations prior to the 107th Congress providing for two-thirds of funding for the majority and one-third funding for the minority, resulting in nearly 300 staff turning over when control of the Senate changed hands.

By some news accounts, majority control of the Senate is expected to change twice in the next four years. As you have recognized, such staff volatility is not conducive to good governance. Elections must have consequences for how the Senate operates, but they should not result in an immoderate changeover in its committees. More stability in tenure enables staff to build

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<sup>1</sup> Senate Rule XXVII, available at <https://www.rules.senate.gov/public/index.cfm?p=RuleXXVII>.

<sup>2</sup> "10 percent of the total majority and minority baseline salary amount, after allocations for administrative expenses and non-designated staff, would be set aside for the majority. The remaining 90 percent would be divided according to the party division of the Senate." In addition, "regardless of the party division of the Senate, however, the minority share would never be less than 40 percent, and the majority would never exceed 60 percent including the 10 percent set aside for the majority." S. Rept. 114-112, *Authorizing Expenditures of the Committees of the Senate*, available at <https://www.congress.gov/114/crpt/srpt112/CRPT-114srpt112.pdf>.

<sup>3</sup> *Senate Committee Funding: Description of Process and Analysis of Disbursements*, Congressional Research Service (July 2013), available at <https://www.fas.org/spp/crs/misc/R43160.pdf>

expertise in their issue areas, gain experience with oversight, and strengthen relationships with other staff that foster the spirit of comity so sought after in the upper chamber.

It is in that spirit we write to you, a diverse group who share a common concern for the well-being of Congress. Senate committee staff turnover is not a partisan matter; rather, it is a separation of powers issue. Congress should not weaken itself vis-a-vis the executive branch.

We urge you to agree in principle, prior to the election, to continue to share committee staff appointments proportionally by party membership in the chamber, with the carve-out and limitations as currently is in effect for the 114th Congress.<sup>4</sup> We also recommend you update Senate Rule XXVII at the appropriate time to reflect this policy.

We welcome the opportunity to discuss this with you further. Please contact Daniel Schuman, policy director, Demand Progress, at [daniel@demandprogress.org](mailto:daniel@demandprogress.org) or 202-577-6100, or Kevin Kosar, governance project director, the R Street Institute, at [kkosar@rstreet.org](mailto:kkosar@rstreet.org) or 202-525-5715.

Sincerely yours,

*Lee Drutman*, senior fellow, New America Program on Political Reform

*Louis Fisher*, former senior specialist with the Congressional Research Service and specialist with the Law Library of Congress

*Kevin Kosar*, governance project director, the R Street Institute

*Molly Reynolds*, fellow in governance studies, Brookings Institution\*

*Daniel Schuman*, policy director, Demand Progress

\* Affiliation for identification purposes only

cc:

The Honorable Chuck Schumer

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<sup>4</sup> In 2011, in a colloquy, then Majority Leader Reid and Minority Leader McConnell stated their intentions that this approach be adopted by future Congresses. See S. Rept. 112-9, *Authorizing Expenditures of the Committees of the Senate*, available at <https://www.congress.gov/112/crpt/srpt9/CRPT-112srpt9.pdf>.