Testimony of Daniel Schuman, policy director, Demand Progress
Before the House Legislative Branch Appropriations Committee
Concerning Legislative Branch Technology Appropriations Requests
For the FY 2020 Appropriations Bill

Dear Chairman Ryan, Ranking Member Herrera Beutler, and members of the subcommittee:

Thank you for the invitation to testify again before the House Legislative Branch Appropriations subcommittee. Our testimony focuses on technological innovation in the legislative branch, with a particular focus on the Bulk Data Task Force and the Library of Congress.

But before we get into the weeds, thank you for your bipartisan leadership in the 115th Congress in support of a number of initiatives to modernize the House of Representatives. You included more than a half-dozen significant reforms — more than we have seen in my decade-long observation of this committee — and we can already see the positive effects. Thank you.

As you know, Congressional technological innovation is important because it implicates the very ability of the House to carry out its legislative, oversight, and constituent service duties in an effective, efficient, and responsive manner. The offices and agencies that support the work of Members of the House of Representatives rely upon a complex series of interdependent technologies that together affect how easy or difficult it is for Congress to do its job. When the Legislative Bulk Data Task Force was created by this Committee in 2013, we saw marked improvements in how these offices and agencies worked with one another and communicated with the general public. The Task Force had a limited purpose, but the collaboration it fostered changed the culture of Capitol Hill for the better.

We propose to build upon the accomplishments of the Bulk Data Task Force and to address a concern that has arisen concerning communications with the Library of Congress. **We make the following four requests**:

1. Create a legislative branch Chief Data Officer
2. Expand the Bulk Data Task Force into the Congressional Data Task Force
3. Increase technology funding for the Clerk of the House
4. Establish a Public Information Advisory Committee for the Library of Congress

The Bulk Data Task Force and a Chief Data Officer

In recent years, the legislative branch has made significant advances in releasing legislative information to the public as data. This has served Congress well, as it has facilitated Congress's access to its own data — both as raw structured data and as data refined by third parties. These data publication initiatives have included the online publishing of bills; committee schedules, documents, and videos; an online House phone directory; CRS reports; the bills and amendments scheduled for a floor vote in the House; the Statement of Disbursements; the new joint meetings calendar; as well as holding regular meetings of the Bulk Data Task Force and the annual Legislative Data and Transparency Conference. These efforts are welcome and encouraged.

In fact, Deputy Clerk Bob Reeves performed phenomenally in coordinating the Bulk Data Task Force, and we are grateful to him. Indeed, the vast majority of participating offices and agencies have gone out of their way to be helpful and collaborative. House Administration Committee Technology Policy Director Reynold Schweickhardt played a particularly notable role.

With the complexity and distributed governance of information in Congress, it is helpful to have a touchstone that can help facilitate a coordinated approach to manage that data and support ongoing work to transform it into useful information.

We respectfully request that you establish a Legislative Branch Chief Data Officer to add further support to the Bulk Data Task Force. The CDO should have the responsibility for tracking datasets released by the legislative branch; providing advice, guidance, and encouragement to offices regarding the publication of legislative branch information as data; supporting the work of the Bulk Data Task Force, including assisting Deputy Clerk Reeves; coordinating the annual Legislative Data and Transparency Conference; and providing assistance to the public with finding and obtaining legislative data.

We additionally recommend an expansion of the role of the very successful Bulk Data Task Force into the Congressional Data Task Force. Congress established the Legislative Bulk Data Task Force with a focus on the question of determining whether Congress should make the legislative data behind Congress's information system, THOMAS and LIS, available to the public as structured data. Ultimately the Task Force recommended and GPO implemented the publication of bill summary, status, and text information online as structured data.

Perhaps more importantly, the Task Force — which brought together many of the technology stakeholders inside the legislative branch as well as members of civil society — continues to hold public meetings on a quarterly basis as well as innumerable Congress-only meetings. This has led to ongoing collaboration among all the stakeholders that has changed the culture of

Congress and quietly led to many technological advances concerning legislative operations and transparency. The Task Force serves as a platform for people inside and outside Congress to develop innovative products and tools that help Congress using information released by Congress. Leadership of both parties have quietly blessed this group's activities.

We encourage you to expand the Bulk Data Task Force into the Congressional Data Task Force. The legislative language establishing the Task Force focuses on bulk access to legislative data, with bulk access being one mechanism by which data can be published, and legislative data being narrowly construed to information only about legislation. On its original mission, the Task Force has surpassed expectations. An expanded mission would formally allow the Task Force to look at how data is handled throughout the legislative branch. It would officially allow it to expand its scope beyond bills and the data attendant to them. This would allow consideration of other legislative documents, the handling of information used for oversight, information used and published in responding to constituents, and providing key insights about the operations of Congress itself.

In addition, **we support the request of the Clerk of the House for additional funds to create three new positions inside its Legislative Computer Systems Office to assist with its transparency and technology efforts.** Given the work of this Committee, the House Administration Committee, and the Select Committee on the Modernization of Congress, it is likely that new technology projects will be requested of the Clerk's office, which already is stretched thin and has been forced to reallocate resources because of unplanned projects. Accordingly, the Committee may want to consider providing additional funds beyond their request to the Clerk's office for technology given the likelihood of new project requests.

Public Information Advisory Committee for the Library of Congress

The Library of Congress is proud of its reputation and role as the largest library in the world. The Library plays an important role in providing information about Congress to Congress and the general public (such as through the website Congress.gov), but the Library — at least in our experience — has not prioritized its role as a source of information and is not in regular contact with civil society, especially those with expertise in facilitating public access to congressional information. This is a missed opportunity and reflects an unfortunate pattern of behavior.

The Library of Congress did not consult with civil society prior to releasing its Digital Strategy, which notably did not address the Library's role in collecting, organizing, preserving, digitizing, publishing, and contextualizing the legislative activities of Congress for the American people. There are significant deficiencies in the Library's implementation of the congressional calendar that you requested in last year's appropriations bill, most notably in how the information is

displayed. We continue to have deep concerns with its implementation of the CRS Reports website, especially in that information is published only as a PDF. For a decade we have asked that the Constitution Annotated be publicly available in a more usable format, but the Library has not engaged with us even as it apparently moves forward with plans for a major upgrade. We have deep concerns with the Library's plan to create a Congress.gov app for $750,000. And we note its decades-long opposition to public access to the legislative data under prior leadership.

This is not intended as a broadside of criticism against the Library, especially as it has been under new leadership for the last few years. We believe the Library is a pivotal institution in providing Congressional and public access to information about Congress's work. We support its funding request in full. But we in civil society are bewildered when we hear that Library staff feel discouraged from participating in the House's Legislative Data and Transparency Conference or in talking with its participants. We are dismayed when the Library does not fulfill a request from the now-Chair of the House Administration Committee to have someone from the Library talk with civil society about the CRS Reports website. And we are saddened when the Library's implementation of requests from Congress do not to satisfy the purposes for which the request was made. The Library's difficulties in managing its information technology are well documented by the Government Accountability Office, and we welcome the creation of the position of Chief Information Officer and the hiring of Bud Barton as the first CIO. There is no doubt there are good people at the Library who strive to support Congress and the Library's public mission, and we want to empower them.

It is not unusual for agencies to show reticence to talk with civil society, but there is a model that can support changing an agency's culture to one of inclusion and conversation. Other legislative and executive branch agencies and entities routinely meet with civil society stakeholders to share information and provide a foundation for collaboration. Inside the Legislative Branch, the aforementioned Bulk Data Task Force meets quarterly concerning bulk access to congressional data, the Advisory Committee on the Records of Congress semi-annually convenes congressional historians, and the Federal Depository Library Council is an ongoing point of contact for depository libraries. In the executive branch, the FOIA Advisory Committee meets monthly as a point of focus for FOIA practitioners and agency officials, the Archivist meets regularly with civil society, and so on. While we note that the Library participates in the Bulk Data Task Force, there are significant limits to its engagement that reflect its functional units and institutional reluctance.

To our knowledge, the Library of Congress does not have any regular mechanism by which it convenes external and internal stakeholders to share information on the Library's legislative information activities. Because of the Library's outsized role as an information provider, we believe it is important for it to scale its public-facing engagement to match. We recommend that

such an advisory body be established with broad internal and external stakeholder representation that would hold regular public meetings where a productive interchange can take place. These stakeholders should reflect the functional units inside the Library and the civil society organizations that are well known to Congress regarding public access to congressional information. Many of our concerns are rooted in a lack of conversation about what the Library is doing, and what it plans to do concerning public access to legislative information.

Accordingly, we urge the creation of a Library of Congress Public Information Advisory Committee. We recommend the following report language:

> *The Library of Congress is encouraged to create an Advisory Committee on Public Access to Congressional Information, composed of internal and external stakeholders that may be a source, consumer, or republisher of information or data concerning Congress, with a particular focus on legislative information. The Advisory Committee shall meet no fewer than 6 times a year in open session. The Library is encouraged to consult the Advisory Committee on a regular basis, not just at its meetings, concerning the information it gathers, holds, or publishes regarding Congress, and how that information is presented and released to the public.*

We understand that the Library may not initially welcome the creation of such an advisory committee. Nevertheless, we believe that deepening engagement with civil society on technology will help the Library of Congress fulfill its mission to "engage, inspire, and inform Congress and the American people with a universal and enduring source of knowledge and creativity." Conversation across government silos and with those on the outside often results in the sharing of new approaches to addressing technology challenges, the resolution of problems before they crop-up, greater understanding of the opportunities and constraints posed by new technology, and increased adaptability of technology for more uses and for more users. In short, this would be a win for Congress, a win for the Library, and a win for the public.

Thank you for the opportunity to testify.