

Testimony before the Committee on House Administration,  
Subcommittee on Modernization,  
United States House of Representatives

Matthew Glassman  
Senior Fellow, Government Affairs Institute at Georgetown University

“Legislative Proposals to Support Modernizing  
the Congressional Research Service and the use of Federal Data”

March 20, 2024

Chairwoman Bice, Ranking Member Kilmer, and Members of the Subcommittee: thank you for the opportunity to testify today. My name is Matt Glassman. I’m a Senior Fellow at the Government Affairs Institute at Georgetown University, where I conduct programs that educate executive branch officials about the workings of Congress.

I am also an alum of the Congressional Research Service (CRS), where I was an analyst for over a decade. While at CRS, my portfolio consisted of institutional issues in congress, including congressional operations, budget and appropriations process, separation of powers, congressional history and development, and congressional- presidential relations. I also spent two fiscal cycles (FY2010 and FY2011) on loan to the House Committee on Appropriation Subcommittee on the Legislative Branch..

Both in my work and in personal beliefs, I am a legislative branch patriot and strongly committed to the goal of a modern, capable, and powerful legislature. The Congressional Research Service is a vital component of this. The non-partisan and objective expertise CRS provides to the legislative process is unmatched, and making sure that CRS continues to provide the best possible service to Congress is a priority of mine. As we work toward the collective goal of modernizing Congress, it is imperative that we also modernize CRS.

I strongly support the proposed legislation to expand the ability of CRS to access data from the executive branch. I will make four main points today in my testimony:

1. Access to data is vital to the core mission of CRS;

2. During my time at CRS, I often experienced frustrating difficulties obtaining data;
3. Providing CRS with new statutory data access authorities would improve the ability of analysts to support the legislative process, especially if well-implemented; and
4. CRS statutory authority is generally outdated; the need for these data access authorities should be seen as a first step toward broader statutory reform for CRS.

### **First, access to data is vital to the core mission of the CRS**

The core mission of the Congressional Research Service is to provide Members and staff non-partisan, objective, authoritative, and timely research and analysis across all aspects of the legislative process, including lawmaking, representation, and oversight. In order to fulfill this mission, it is vital that CRS have access to data from a wide variety of government, academic, and private-sector sources. There is simply no way to do high-quality research and policy analysis without data. The CRS mission—and its service to Congress—relies on it.

During my time at CRS, I don't think there was a single day where I did not make use of the vast array of data collections available to me. Whether it was researching the legislative history of bills online at LIS.gov; combing through the massive volumes of the Statutes at Large in the CRS reference library in the Madison building; checking out old books from the Library of Congress or combing through old bills in the basement on a relevant topic to trace a history; using proprietary datasets I built from primary source information about trends in the legislative branch or the wider government; or building such datasets myself from appropriations data; I was always surrounded by, and making use of, data.

For me, a large amount of that data was available either in-house at CRS, at the Library of Congress, on LIS.gov, or within the House, Senate, or legislative branch agencies. After all, my focus at CRS was on legislative branch activities. So most of my work—and most of my search for data—didn't take me very far from my office. I felt fortunate in this respect, because the further you got away from CRS, the more time-consuming and difficult it was to obtain the necessary data. More than once I held my breath while looking for what I needed within the confines of

CRS, knowing that if I didn't find it there, I was going to have to head to academic, private-sector, or other government sources, where the wait would be longer and the results unknown.

But this cannot be emphasized enough: high-quality policy research and analysis requires data. It is the lifeblood of objective consideration and the basis of informed analysis. An institution such as CRS can only be as good as its ability to access the necessary data to conduct its mission.

**Second, during my time at CRS, I often experienced frustrating difficulties obtaining data from the executive branch**

Given the vital role that data plays in policy analysis at CRS, the ability of individual analysts to *acquire* necessary data is mission-critical. And yet, during my time at CRS, one of my frustrations was that it routinely felt like a struggle to get the data sets that I needed. This was particularly true when dealing with federal agencies. It might seem like, "I'm writing from the Congressional Research Service on Capitol Hill to request some data for the purpose of fulfilling a request made by a Member of Congress" would be a strong opening to an e-mail communication, but in my experience it rarely was itself enough to acquire the relevant data, and often simply went unanswered.

In some cases, I was simply told point-blank by a federal agency that I could not have the data. But that was *not* the most common situation I experienced. More often, the career civil servant I was in contact with simply wasn't sure whether they should share data with me; in many cases, they were not even familiar with CRS. "Where are you calling from? Is that government?" was a very common response. Faced with a communication from an unknown entity, asking for data they weren't sure if it was ok to share and/or who they could share it with, many executive branch employees quite rationally told me they would have to check with their supervisor, and that they would get back to me. My request, presumably given low-priority on their busy

agenda, was often forgotten until I called back a week later, only to have the entire process start over.

One specific instance illustrates the confusion variety of responses well. I was working with a staffer who was interested in structuring the rules of procedure for the meetings and hearings of a temporary advisory commission that was being proposed in legislation. They wanted to see what previous similar advisory bodies had done. It was easy enough to look through past statutes, but these sorts of rules of procedure are typically not embedded in statute; they are usually written by the advisory bodies themselves. So I began calling up existing temporary commissions to talk to their executive directors. Some were friendly and immediately emailed over their rules. Others were skeptical. Some flat-out refused. Many never even answered my inquiries. The congressional requester had a pretty short deadline, so we made do with what we got. But the work product was not as good as it could have been. And this was about *rules of procedure for hearings*, not some dataset of proprietary information.

In many cases, the ultimate solution was to go back to the requesting staffer or Member of Congress, and have them intervene directly with the agency to get the data. This was frustrating, both for me and for the requester. For one, it was just a waste of time. Many staff were annoyed that the agencies would deal with them but not CRS, but didn't see much they could do about it. But more importantly, it was sometimes contrary to their entire purpose. One reason staff and Members go to CRS for information is so they can remain anonymous; sometimes they would have me try to get data from an agency *specifically* so that the agency wouldn't know what they were up to, or even who was looking into something.

For recurring data that I would routinely be requesting, my primary data acquisition strategy with the executive branch was to try to make a friend at the agency and hopefully set up a precedent that I could get the data on a recurring basis. In this sense, I often felt like I imagine journalists feel when they are working on a story; I always felt like I was asking someone to do me a favor. Early in my CRS career I needed some postal service data on congressional mailings.

After several weeks of work, I was able to reach someone who was happy to provide me with the data once I was able to explain the need and the purpose. I was super relieved, but also knew that I was going to have to maintain the relationship carefully, as I was going to need the data on an indefinite ongoing basis. When they moved on from their position, I immediately got in touch with their replacement, in order to build a relationship and make it clear that their predecessor had been routinely providing me with data for years. I did this, of course, with my fingers crossed.

To be clear, in most cases where I sought data from the executive branch I eventually was able to acquire it. But the time it could take, the hassle of the acquisition process, and the possibility of ultimately not getting the data often led me to not even try, and to seek other avenues for information and data to fulfill the congressional request and support the legislative process. For anticipatory reports, it occasionally killed entire ideas. “Wouldn’t it be great if we could do X?” would often be met with, “yeah, but we’d need to have Y and Z data, and that’s just going to be impossible to get.” This preemptive scuttling of potential analytical products is a pernicious and mostly invisible second-order problem with data access.

**Third, providing CRS with new statutory data access authorities would improve the ability of analysts to support the legislative process, especially if well-implemented**

I fully support this legislation being discussed here today. Providing CRS with statutory authority that requires executive branch agencies to share information for *all* requests would give analysts and management at the service a firm leg to stand on when requesting data from the agencies. The current arrangement—in which executive branch agencies have specific obligation to share information with CRS only when requested on behalf of a committee—simply does not reflect the contemporary landscape of requests to CRS. If analysts at CRS could rely on being able to get data from agencies in a timely manner, the work products CRS provides to Congress to support the legislative process would improve, both in quality and scope.

That said, I do not believe statutory authority alone would fully solve the basic executive branch data acquisition problem at CRS, or at least it would not have solved it for me. When I had trouble acquiring data, it wouldn't have helped much for me to say "well, I'm calling on behalf of a committee in Congress, and you have a statutory obligation to give me the data in this situation." That might even have closed the door on me.

In fact, I never bothered to differentiate my data requests for the times it was covered by the existing statute and the times it was not; it's not even clear to me that most analysts at CRS know CRS has stronger statutory authority to make data requests when they are working on behalf of committees. As an analyst, a congressional request felt like a request, whether it was from a committee, a Member personal office, a leadership office, a caucus, or just for an anticipatory report I was writing. As discussed above, most of the people I was requesting data from had only vaguely heard of CRS, weren't experts in Title 2 of the U.S. Code, and I don't think ever gave me the data *because* they understood they were statutorily required to do so.

For some high-profile data requests that CRS management gets involved in negotiating, the new statutory authority will be extremely helpful on its own. And it will be nice for CRS analysts to be able to politely point to statutory language in emails requesting data. But for most analyst-to-agency simple data requests, the new authority would be more effective if it was paired with an information campaign such that the agencies understand their obligation to provide CRS with such data.

**Fourth, CRS statutory authority is generally outdated; the need for these data access authorities should be seen as a first step toward broader statutory reform for CRS.**

At the core of this data access issue is a broader problem: the CRS organic statute is outdated, having last been substantially updated in 1970 as part of the Congressional Reorganization Act.

Updating the statute to eliminate the difference between a data request on behalf of a committee and a data request on behalf of a CRS product being produced for any other requester—or no requester at all—conforms to the modern reality of Congress. But it also suggests that the entire CRS organic statute could use a review and an overhaul.

Congress has changed significantly since 1970. At the time, policymaking was structured through the committee system, which was still controlled by the powerful “Old Bull” Chairs and built on top of an almost inviolable seniority system. Partisanship was at historically low levels, with liberals and conservatives well-represented in both major parties; committees wrote policy on a bipartisan or cross-partisan basis as often as not. Younger Members tended to their districts, enhanced their policy knowledge on the committees they were assigned to, and patiently waited their turn to rise in seniority and access policymaking positions. In this atmosphere, it was natural to organize a policy analysis support agency such as CRS around the committee system. And, indeed, that’s what the 1970 Act did.

Times have changed on the Hill. The relative power of committees has weakened, and the policymaking roles have expanded far outside of the committee system. CRS requests for policy analysis now routinely come from all corners of the Hill outside of the committee system: individual Member offices, Congressional Member Organizations, informal working groups, leadership offices. Committees continue to play an important role in policy development and the legislative process, of course, but their near-monopoly of the 60s-era Congress is long gone. Updating the CRS statute to reflect this reality would better-focus the mission of the service, and allow it to better serve the Members.

A second obvious change to the Hill that has altered the mission of CRS is technological. While there are a variety of issues to discuss in this regard, the most important one for the present discussion is the cataloging and organization of data within CRS. During my time there, CRS (and the Hill more generally) was in transition; computers and cloud storage had come to the Hill, but information was often still stored in decentralized, unorganized ways among analysts. This often

led to duplicative work, datasets that CRS was in possession of that relevant analysts were sometimes unaware of, and a general difficulty in passing along datasets to new analysts as older ones retired or left the service. As this legislation seeks to provide CRS with better access to vital data, I would encourage CRS to simultaneously strengthen their systems for management of acquired data, such that its use across analysts can be optimized.