



Statement before the Committee on House Administration,
Subcommittee on Modernization
On The Path Toward a More Modern and Effective Congressional Research Service

Revitalizing the Congressional Research Service for the 21st Century

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Thank you, Chairwoman Stephanie Bice, ranking member Kilmer, and members of the subcommittee for holding this hearing. I am honored to testify once again before Congress about the Congressional Research Service (CRS).

I spent 11 years at CRS as an analyst and as an acting manager of a group of terrific researchers. Although I no longer work there, I stay in contact with my former colleagues and more recently arrived (and departed) CRS staff. Since my departure, I have written about the agency and kept an eye on its operations and its work.¹ The well-being of CRS is important to me.

CRS: A Corps of Nonpartisan Experts Who Help Congress

CRS's health is also important to Congress and our federal government generally. CRS supports Congress, which is the First Branch of government and the heart of our democratic republic.

CRS analysts and reference librarians are an invaluable resource to legislators and staff who want to learn about legislative procedure, the ins and outs of budgeting, the history of various agencies and policies, and facts and figures on just about anything. CRS employees are a source of expertise and institutional memory who help Congress perform its role in our constitutional order as a check against the executive and judicial branches of government. CRS's corps of smarties also help legislators and their staff to serve the American public.

Congress heavily leans on CRS to inform the legislative debate. In FY2021,² CRS staff provided to Hill staff and legislators 265 in-person briefings, 2,729 confidential memoranda, 24,044 telephone responses, and 34,844 email responses. The agency also wrote 1,073 reports and general distribution products for Congress and 13,348 bill summaries, which the Hill and all of America can find on Congress.gov.³

In my 20 years in Washington, DC, there have been many times when I met someone who either worked on the Hill or had previously served as a congressional staffer. When I mentioned that I worked at CRS, the response inevitably was along the lines of:

'Oh, I love CRS. They have saved my bacon so many times. My boss asked me about an issue that broke and neither of us knew anything about it. So I called CRS and there was someone there who got me up to speed.'

Hence, I am grateful that the House began examining CRS modernization in the past few years. The Select Committee on Congress began a deep dive on this topic in 2019 when it examined how CRS and the other legislative branch support agencies might be modernized.⁴ Its subsequent recommendation that CRS should "should prioritize a 'rapid response' program for nonpartisan fact sheets on key issues and legislation under consideration in Congress" is a good one,⁵ although it is concerning that CRS leadership had not come up with this obvious idea for serving Congress.

¹ E.g., Kevin. R. Kosar, "The Atrophying of the Congressional Research Service's Role in Supporting Committee Oversight," Wayne Law Review, Spring 2018, <http://waynelawreview.org/the-atrophying-of-the-congressional-research-services-role-in-supporting-committee-oversight/>.

² Why CRS's FY2022 is not yet posted online is unclear.

³ Congressional Research Service, Annual Report, FY2021, pp. 8-11, https://www.loc.gov/crsinfo/about/CRS_AnnualReportFY2021_Final.pdf.

⁴ Select Committee on the Modernization of Congress, "Modernizing the Congressional Support Agencies to Meet the Needs of an Evolving Congress," hearing, 117th Cong., 1st sess., October 21, 2021, <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=114068>.

⁵ Select Committee on the Modernization of Congress, Final Report, rept. no. 116-562, 117th Cong., 2nd sess., October 2020, p. 32, <https://www.govinfo.gov/content/pkg/GPO-CRPT-116hrpt562/pdf/GPO-CRPT-116hrpt562.pdf>.

I am grateful the work did not end there, and that this subcommittee has chosen to dig deeper into this topic. As described below, CRS's operating context has greatly changed in recent decades. And although it is beyond the scope of this written testimony, the agency has been suffering from management problems for at least a decade.⁶ While I am well aware that the subcommittee and committee have a wide range of responsibilities within their jurisdictions, I very much hope it can see through to the end its effort to modernize the agency so that it will flourish in the 21st century.

Times Have Changed; So Must CRS

I greatly appreciate the subcommittee and its dedicated staff spending time looking at CRS and asking hard questions about it. The agency is more than a century old, and the agency's organic statute has been little updated since 1970. Internally, the agency's operational divisions have only been altered marginally since the late 1990s.

Meanwhile, Congress, politics, and technology has changed tremendously in the past five decades. When I started at CRS in 2003, the agency held a quasi-monopolist position in the provision of information and research on matters of interest to Congress. Congressional staff and legislators who wanted to understand abstruse matters such as the finances of the U.S. Postal Service or the constellation of various agricultural support programs had few sources to consult beyond CRS. Often that meant walking over to the Madison Building and perusing paper copies of CRS reports that were shelved on the second floor.

Today, staff and legislators can source an enormous amount of information online produced by think tanks, academics, foundations, and random experts.⁷ Even amidst the dross on Twitter, Hill staff and legislators will find individuals knowledgeable about legislative procedure explaining House rules and Senate precedents.⁸ There is a glut of information.

How present-day congressional staff and legislators consume information and analyses has also changed. Fewer have the time to read long white papers. Often, harried Hill staff and legislators learn about issues via reading media—briefs, videos, social media threads—on their smartphones while dashing from one meeting to the next.

And Congress itself has evolved. In 1970, when Congress created CRS, committees dominated the policymaking process, one party had what appeared to be a permanent majority in both chambers, and few media covered the transactional bargaining that occurred in Congress. Norms of collegiality were robust and the parties were less ideologically sorted. Congress possessed ample capacity to carry out its legislative, oversight, and constituent service duties.⁹ On all these points, the Congress

⁶ E.g., Kevin R. Kosar, Written testimony of Kevin Kosar before the U.S. House of Representatives, Committee on Appropriations, Legislative Branch Appropriations Subcommittee, April 17, 2018, <https://www.rstreet.org/outreach/written-testimony-of-kevin-kosar-before-the-house-of-representatives-legislative-branch-appropriations-subcommittee>; Chris Marquette, "Public to get rare look inside the Congressional Research Service, with attrition, morale points of contention," *Roll Call*, June 19, 2019, <https://rollcall.com/2019/06/19/public-to-get-rare-look-inside-the-congressional-research-service-with-attrition-morale-points-of-contention/>; and the Office of Personnel Management, Federal Employee Viewpoints Survey, 2022.

⁷ E.g., Demand Progress, House Committee allotments, 104th Congress to Present, undated, <https://github.com/DanielSchuman/demand-progress/wiki/Demand-Progress-Data-Sets>; and Joseph M. Bessette and Gary J. Schmitt, "Counting Electoral Votes: How the Constitution Empowers Congress—and Not the Vice President—to Resolve Electoral Disputes," American Enterprise Institute, April 19, 2023; <https://www.aei.org/research-products/report/counting-electoral-votes-how-the-constitution-empowers-congress-and-not-the-vice-president-to-resolve-electoral-disputes/>.

⁸ E.g., <https://twitter.com/kevinrkosar/status/1647912802898640896>.

⁹ Tim Lapira, Lee Drutman, and Kevin R. Kosar, eds., *Congress Overwhelmed: Congressional Capacity and Prospects for Reform* (University of Chicago Press, 2020).

of 2023 is very different.

Hence, it is imperative that Congress study how CRS may be modernized to meet its evolving operating context.¹⁰

Certainly, CRS's research and reference staff want the agency to be further modernized. These civil servants are committed to helping Congress. Yet, so many of them feel frustrated, as indicated by the 2022 Federal Employee Viewpoints Survey.¹¹ With remarkable consistency, current and recently departed CRS staff tell me the agency's leadership has failed to present a 21st century vision for the agency, and certainly have not aligned its people, processes, and technology to achieve that vision.¹² Indeed, the fact that both the Select Committee on the Modernization of Congress took up CRS modernization in 2021, and that this subcommittee has convened today attests to the unfortunate state of affairs.

Thinking about CRS Modernization

As the subcommittee continues to study the modernization of CRS to meet the changing times, I think it is helpful to first think of what CRS is in the simplest possible terms.

1. **What:** CRS is a publishing and consulting firm and a shared service available to Congress.
2. **Customers:** CRS's clients are legislators and committees; its beneficiaries are media and the public, who learn from the bill summaries, CRS reports, and Constitution Annotated available on Congress.gov.
3. **Core strengths:** These aspects of CRS's organizational DNA set it apart from other information and analyses providers:
 - a. it is nonpartisan;
 - b. it possesses institutional memory;
 - c. it possesses deep expertise;
 - d. it offers rapid responses to congressional needs;
 - e. it produces customized responses to congressional requesters; and
 - f. it has the capacity to create ad hoc teams to respond to cross-cutting issues.¹³

Thinking about modernization necessitates thinking about ways to bolster CRS's core strengths, which provide it with a competitive advantage against other firms aiming to educate Congress and its staff.

Next, it is valuable to consider how improvements to CRS might be initiated and enacted. Specifically, can these reforms be effected by amendments to CRS's statute, alterations or waivers to the Library of Congress regulations that bind CRS, or through the issuance of new policies by CRS leadership?

¹⁰ The Committee on House Administration did hold an oversight hearing on CRS in 2019. It, however, focused on mismanagement and leadership problems at the agency and not its modernization. Committee on House Administration, Oversight of the Congressional Research Service, hearing, 116th Cong., 1st sess., June 20, 2019, <https://cha.house.gov/committee-activity/hearings/oversight-congressional-research-service>.

¹¹ The Office of Personnel Management, Federal Employee Viewpoints Survey, 2022.

¹² In a 2015 article I observed, "CRS is a remarkably risk-averse organization, tenaciously clinging to old ways and habits. New ideas are always entertained—the CRS's people are thinkers—but too many reforms never happen. (I once sought to alter a form used internally by the agency, which could have been done in a day or two. It took me four months of dogging the people responsible to make the change.)" Kevin R. Kosar, "Why I Quit the Congressional Research Service," *Washington Monthly*, Jan. 2015, <https://washingtonmonthly.com/2015/01/04/why-i-quit-the-congressional-research-service/>.

¹³ E.g., CRS utilized four analysts with different expertises to produce a report on the Small Business Administration EIDL grants program. Bruce Lindsay et al., SBA COVID-19 EIDL Financial Relief: Policy Options and Considerations, rept. R47509, April 18, 2023, <https://crsreports.congress.gov/product/pdf/R/R47509>.

Thinking about CRS modernization along these lines yields insights. The below bullet points illustrate how thinking in these terms can lead to constructive consideration about modernization.

- **What:** Publishing reports, memoranda, and other written products is one of CRS's two main lines of business. Congress values rapid, authoritative responses from CRS. For decades, CRS's leadership has assigned issue area experts—not professional editors—to edit and review CRS written products at both the section and division levels. Nor does the agency employ a corps of fact-checkers. Are these arrangements optimal?
- **Customers:** The Congressional Research Service directly serves Congress. The agency's statute authorizes the Librarian of Congress to hire the director of CRS.¹⁴ This arrangement complicates the accountability of the Director of CRS by bifurcating it. The appointment process for the Director of the Congressional Budget Office (CBO) is simpler and more direct: the Speaker of the House of Representatives and the President pro tempore of the Senate appoint CBO's head after considering recommendations received from the Committees on the Budget of the House and the Senate.¹⁵ Furthermore, the statute does not limit the length of the term of CRS's director. Should not the term of the director be limited, as is the term of the Director of the Congressional Budget Office (four years) and Comptroller General of the Government Accountability Office (15 years)?¹⁶
- **Core strengths: Deep expertise and customized responses.** The 1970 statute conceived CRS as an agency that would work closely with congressional committees, but also help individual legislators as necessary. CRS researchers would help committees identify policy issues for the congressional agenda. To this end, the statute allows CRS to hire senior specialists in 23 different issue areas who are largely free from managerial direction and are expected to work directly with committees, often on lengthy details.¹⁷ Today, CRS has only three of these senior specialists, and CRS rarely details any of them or its analysts to committees.¹⁸ The agency's analysts increasingly are being utilized by Congress as a help desk, responding to an ever rising crush of requests from individual legislators, which often are constituent-related. This prompts a question for Congress: Does Congress want CRS to re-staff itself with senior specialists and to allow them and more analysts to work on lengthy details with committees? Should CRS expand its hiring of reference librarians to field more of the informational requests?
- **Core strength: Rapid responses to congressional needs.** CRS presently is advertising for 12 positions.¹⁹ Hiring a new CRS employee takes many months—partly because CRS has to follow various Library of Congress (LoC) regulations and procedures. Fewer staff negatively affects service to Congress. This prompts the questions: Should CRS be exempted from any of these LoC regulations to expedite hiring? And, are there ways CRS can expedite its hiring process without sacrificing other hiring objectives?
- **Core strength: Institutional memory.** Long staff tenures make for long staff memories, which are an asset to Congress. CRS's leadership should ensure its operating policies (e.g.,

¹⁴ 2 USC 166(c)(1), [https://uscode.house.gov/view.xhtml?req=\(title:2%20section:166%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:2%20section:166%20edition:prelim)).

¹⁵ 2 USC 6019(a)(2), <https://uscode.house.gov/view.xhtml?path=/prelim@title2/chapter17&edition=prelim>.

¹⁶ 31 USC 703(b), <https://uscode.house.gov/view.xhtml?path=/prelim@title31/subtitle1/chapter7&edition=prelim>.

Note: The existing statute established CRS as a unit within the Library of Congress. Congress may wish to get a legal analysis to determine whether the statute would need revised to designate CRS a standalone agency so that Congress could directly appoint its director.

¹⁷ 2 USC 166(e) [https://uscode.house.gov/view.xhtml?req=\(title:2%20section:166%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:2%20section:166%20edition:prelim)).

¹⁸ Remarkably, when the Select Committee on the Modernization of Congress was created in 2019, CRS did not detail any staff to it. Instead, a private think-tank sent two of its full-time scholars to work for the committee for lengthy details, and the American Political Science Association sent another detailee.

¹⁹ Congressional Research Service, "Opportunities," undated, <https://www.loc.gov/crsinfo/opportunities/>.

its telework policy, the review process, the promotion process, etc.) and actions foster longevity. Unfortunately, turnover among CRS staff has been high for much of the past decade, which depletes the agency's institutional memory. Approximately two-thirds of the American Law Division's attorneys departed over a four-year period, and more than 40 CRS staff left the agency last year.²⁰ To reverse this perilous trend, agency leadership needs to rapidly remedy the various problems that are suppressing morale, such as the buggy, outdated software used by staff to write reports and everything else Congress requests. Furthermore, agency leadership could boost employee morale by various means, including helping staff to further deepen their expertise and skills by giving them time and support to attend trainings, professional conferences, etc.

Note: By no means are the above bullets remotely close to being exhaustive. Additionally, CRS's operations mostly are structured by policies issued by CRS's leadership and are not written into CRS's statute or the LoC's regulations.

I thank the subcommittee for inviting me to testify, and I am happy to answer any of its questions now or for the record.

²⁰ CRS's annual reports do not provide data on employee turnover. Hence, the subcommittee may want to acquire trendline data from the agency to examine the full extent of staff turnover.