



DEMAND PROGRESS

EDUCATION FUND

**Daniel Schuman, Policy Director, Demand Progress, Concerning
Oversight of the Congressional Research Service
June 20, 2019**

Chairman Lofgren, Ranking Member Davis, and Members of the Committee on House Administration:

I congratulate you on holding a much-needed oversight hearing on the Congressional Research Service. CRS was designed to play an essential role in the legislative ecosystem, specifically to provide Members of Congress with authoritative analysis and insights into issues before Congress. This letter is intended to briefly identify measures that can help move CRS closer to achieving that goal and address the myriad of issues facing the agency.

1. Reporting

There is a lack of reliable and appropriate metrics that measure how the CRS is being managed. While metrics cannot measure everything, when properly employed they can surface valuable insights and provide an indication as to whether CRS is on the right track.

CRS should continue to make its complete annual report publicly available and include information such as:

- Staff turnover rates, both current and historical, broken out by division and team.
- Current and historical staff diversity information, broken out by division and team, with a particular focus on diversity of leadership.
- The length of service for staff, broken out by division and team.
- The results of an annual job satisfaction survey (which should now be required), broken out by division and team. Surveys should be anonymous, drafted by experts outside of CRS who are not responsible to its chain of command, and analyzed by outside experts. The results of prior reports should be released.
- Deep analysis of the kinds of CRS products issues, broken out by division, team, and the subject matter it covers. In addition to reporting how each product is disseminated (in writing, electronically, in person), the product should also be classified as either initiated in response to a congressional request or written at the behest of an analyst, and the product should be described as either a

summary analysis or a detailed analytic product. Reviewers outside the CRS chain of command should review a sample of these products to determine whether they are classified properly.

- The number of senior specialists that primarily provide advice to Congress as compared to those who play managerial roles, and the total number of positions available. These numbers should include a comparison to historical numbers.
- The number of staff on detail to a committee as compared to historic numbers.
- The number of CRS staff asked to testify over time.

CRS should also publish its complete annual reports online going back 30 years.

CRS also should be sure to automatically make more detailed information available to CREA and to the committees of jurisdiction on a regular basis.

2. How does Congress use information?

CRS products may not necessarily fit how congressional staff use information. CRS assumes that staff will go to its website to find analytical products, that they are willing to read revised reports in full to see whether something substantive has changed, and that staff will reach out to CRS with questions. These assumptions do not necessarily line up with what we know about staff.

User profiles

CRS may have created profiles of likely users of its products (and if not, they should). CRS should examine its products through the lens of these user profiles. User profiles might range from a Legislative Assistant that is new to an issue area to an expert senior committee staffer to a Legislative Correspondent working through responses to constituent communications. Each of these “personna” have different needs that should be addressed by CRS. CRS should report to the committee the personna it has developed and specifically how it is creating products that meet their needs.

Newsletters

CRS should consider creating newsletters aimed at congressional staff that cover a particular issue area. For example, a weekly newsletter on telecommunications could preview upcoming hearings; identify relevant legislation that’s moving; summarize recent GAO, CRS, and IG reports; provide a snapshot of ongoing litigation; highlight recent regulatory action; and identify relevant news stories. Such a product would require collaboration by experts across the agency. Its ability to summarize what’s happening in the world and provide appropriate context would be infinitely valuable to staff that are trying to juggle multiple issue areas.

Data

CRS collects and publishes significant quantities of data, but that information often resides as limited columns of data inside a report. CRS should consider making the underlying datasets available to Congress as spreadsheets, not only text files. For example, if a staffer is interested in a comparison of appropriations spending by non-mandatory defense versus non-defense spending, the dataset should already be available on CRS's website so that staff can use it immediately.

The information ecosystem

Many congressional employees start with Google when trying to answer a question, not CRS. The long absence of CRS reports from the internet, their inferior publication format (as PDFs and not text), and the lack of Search Engine Optimization and other basic engagement online tools around its products have created an information gap that have readily been filled by partisan think tanks, journalistic outlets, and other less authoritative sources of information. This contrasts poorly with other research services, such as the European Parliamentary Research Service, that regularly publishes reports online, tweets, creates podcasts, and more. Even in the US, federal agencies such as the National Archives have a Wikipedian in residence, which makes their work more findable by their intended audience.

CRS should evaluate the mechanisms by which congressional staff research issues and put resources towards making its products findable at the places where staff actually look. It should focus on maximizing the findability and usability of its products by staff, which means embracing the online publication and promotion of information.

In addition, CRS should consider publishing historical reports online. Many issues arise more than once before Congress, and historical reports — such as those contained in the CRSX file — that provide insight into what Congress was considering when a measure was addressed by Congress can be useful to staff should those circumstances arise again. (For example, matters concerning impoundment are once against relevant.)

3. Technology Innovation

CRS should be using technology to meet the internal needs of its staff and addressing unmet needs of its stakeholders. Unfortunately, its deployment of technology leaves much to be desired. Here are some approaches to address how CRS makes use of technology.

Innovation Lab

CRS should create an innovation lab that is focused on prototyping innovative tools. CRS and the Library of Congress sit on tons of data about Congress, but at each step along the way CRS has to be prodded to make use of it. Instead, CRS should lean in. For example:

- CRS could build a tool that automatically identifies bills that contain virtually identical text, or when a section of a bill is a copy-and-paste of another bill.
- CRS could identify identical bills across multiple Congresses and auto-populate bill summaries.
- CRS could automatically create side-by-side comparisons of legislation
- CRS could automatically map information concerning particular legislation, such as statements of administration policy, GAO and IG reports, floor statements, and so on.
- CRS could identify identical bills across multiple Congresses and auto-populate bill summaries.
- CRS could create a subscription service that allows people to sign up for notices of relevant hearings, markups, and other relevant information.

Collaboration with other Stakeholders

Many entities in the legislative branch are collaborating with each other and outside stakeholders to improve the data ecosystem, most notably through the Bulk Data Task Force (BDTF). Congressional staff don't want to pull information from various sources, but rather they want a holistic view of all the information that's relevant to them so they can do their jobs.

However, unlike the Library of Congress, CRS's participation in the BDTF has been minimal and recalcitrant. This is unwise, as deeper and broader collaboration would provide them with better data sources to better serve Congress. For example, LegisLink has every bill enacted into law from 1789 to present; ProPublica has superior tools to search all congressional press releases and floor statements; the House Clerk has the most up-to-date data on House proceedings; and the Majority Leader has better data on floor votes. CRS, as experts in information, could help connect these datasets and improve the congressional information ecosystem.

In addition, CRS sometimes misses the opportunity to better meet the duties delegated to it by Congress. For example, CRS is responsible for publishing and updating a legal treatise known as the Constitution Annotated (CONAN). Cornell Law School has been retyping and republishing CONAN for years because CRS won't make it available in a structured data format, even though it's prepared in that fashion. At the same time, CRS has proposed spending almost a million dollars to build a revised CONAN app. Were

CRS to publish that information as data, others could transform CONAN into an app, saving everyone money and resulting in a better product.

Tools for Analysts

CRS should give serious thought to the tools and information it makes available to analysts. What tools should it develop in-house? What tools should it purchase from third-parties? What can be done to improve the speed and comprehensiveness of CRS products? What federal information could CRS ask Congress require federal agencies provide to it?

4. Conclusion

This brief letter does not address all of the issues that face CRS. Other issues worth consideration could include consistent application of management directives, the provision of telework and paid parental leave for employees, and the promulgation of and consistent use of Standard Operating Procedures across CRS's components.

It is clear that there is an unhealthy environment at CRS, where analysts feel concern about bringing issues before management and may feel deterred from speaking with their union representatives. This is driving turnover and undermining the feedback process by which the people who have the most contact with Congress encourage management to adopt best practices to meet the needs of CRS's customers.

Ongoing oversight of CRS in public and non-public fora is essential to support the push for modernization and address CRS's internal problems. I am so pleased that the House Administration Committee has undertaken a major step in that direction.