

**Written testimony of Kevin R. Kosar
Vice President of Policy, R Street Institute
Before the House of Representatives
Committee on Administration
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Thank you, Chairman Lofgren, Ranking Member Davis and members of the Committee, for holding this hearing.

I am the Vice President of Policy at the R Street Institute, and I spent 11 rewarding years as an analyst and acting research manager at the Congressional Research Service (CRS).

As you likely know, I have been a strong advocate for the CRS. I have advocated increased funding for the CRS in my writings, testimony and media appearances.¹ Our representative democracy needs nonpartisan legislative branch experts who can help elected officials understand, oversee and direct our national government. And that is what the CRS does, through its reports, consultations, staff classes and research support.

Yet, my affection for the CRS is not blind. The agency has troubles, particularly in management.

Cultural Issues

The culture of an organization is largely set by its leadership, who model and foster certain workforce characteristics.²

The CRS' culture, to its immense credit, adheres to nonpartisanship. Certainly, that was the case when I was employed by the CRS (2003-2014), and that is the way it has looked to me ever since. CRS employees strive for objectivity.

Unfortunately, the agency's culture also is marred by risk-aversion and insularity, which stifle innovation, discourage creativity and limit the depth of its analysts' work.³ I and countless others learned, often the hard way, that CRS leadership frequently views trying new things and doing things differently as risky.

Part and parcel of being an expert is trying new methodologies, venturing new hypotheses and putting one's ideas in front of other experts within one's field.

¹ Kevin R. Kosar, "How to strengthen Congress," *National Affairs*, fall 2015.

<https://www.nationalaffairs.com/publications/detail/how-to-strengthen-congress>

² E.g., obedience, creativity or competitiveness, to cite only three.

³ As I wrote elsewhere: "The 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.) See Kevin R. Kosar, "Why I quit the Congressional Research Service," *Washington Monthly*, Jan./Feb. 2015.

<https://washingtonmonthly.com/magazine/janfeb-2015/why-i-quit-the-congressional-research-service/>

Yet, after I joined the CRS, one of the first pieces of advice I received was to “Keep your head down.” The less notice I and my work got, the less trouble I would face from management. Thus, CRS researchers do not get credit towards promotion for publishing books or articles in their fields of expertise. Nor does the CRS much like to send its analysts to conferences where they can field test their research with other scholars. Agency leadership tends to view these activities as risky. *What if a CRS employee says something controversial that a reporter hears? What if someone in Congress sees an article written by a CRS researcher and finds it disagreeable?*

To mitigate these risks, agency leadership limits funds for staff travel, requires anyone wishing to attend an off-the-Hill event to fill out a permission slip and strongly encourages analysts to send anything they want to publish externally through front office editorial review. The collective effect on researchers work is intellectually chilling, and the fear is not unfounded. Researchers have been rebuked by management and driven from the agency.⁴

For example, last year, the situation so frustrated a CRS attorney that she wrote the Librarian of Congress. She described to Dr. Hayden the pressure exerted on researchers to adjust their analysis and discussions with Congress and its staff in order to avoid offending anyone’s political sensibilities.⁵ That’s a problem, because Congress pays the CRS to be objective even when the facts are upsetting. This same attorney was sanctioned by the agency because she said something to congressional staff that CRS management viewed as too conclusive about her area of specialty. She later quit.

Agency management’s excessive risk aversion has additional negative effects on the CRS’ service to Congress. Allow me to highlight four of them.

(1) Analysts are encouraged to write their research reports and memoranda in passive tense, with vague prose and with plenty of what insiders call “weasel words.” (E.g., “Some argue x. Others observe Y.”) Congressional staff, frustrated by the obfuscation, frequently skip reading the reports and instead call the analyst directly to ask, “OK, tell me what you think.”

(2) By statute, the CRS was set up to support committees first and foremost.⁶ Nonetheless, CRS analysts rarely are permitted to undertake extended details for congressional committees. Agency leadership views details as risky, imagining that staff might be viewed as working too closely with either the majority or minority, which might get the agency in trouble with someone in Congress or bring bad press.⁷

⁴ Steven Aftergood, “More turmoil at the Congressional Research Service,” FAS.org, Feb. 9, 2006.

https://fas.org/blogs/secretcy/2006/02/more_turmoil_at_the_congressio/

Kevin Kosar, “The struggle between objectivity vs. neutrality continues at the Congressional Research Service,” R Street Institute blog, Feb. 13, 2018. <http://www.rstreet.org/2018/02/13/the-struggle-between-objectivity-vs-neutrality-continues-at-the-congressional-research-service>.

⁵ Memorandum from Alexandra M. Wyatt, Jan. 12, 2018.

<https://www.legbranch.org/app/uploads/2018/02/2018-01-12-Hayden-Mazanec-Letter.pdf>

⁶ 2 U.S.C. § 166(d)(7); and Kevin R. Kosar, “The atrophying of the Congressional Research’s role in supporting committee oversight,” *Wayne State Law Review*, vol. 64 (169), 2018.

<https://www.legbranch.org/app/uploads/2018/11/Kosar-CRS-Oversight-Wayne-Final-08-2018.pdf>

⁷ Apparently, CRS has no analysts working on details for the Select Committee on the Modernization of Congress. Instead, the Committee’s fellows have been provided by two external organizations (American

(3) Social media, ubiquitous on the Hill, is little utilized by the CRS. The CRS's Twitter account (@crs4congress), which was set up in 2011, has less than 1,100 followers, despite being available to 535 members of Congress and more than 15,000 congressional staff. The agency apparently has no other social media accounts.

(4) In terms of technology, the CRS perennially lags in adoption due in great part to excessive concern over risk and innovation. As I reported elsewhere:

[When I arrived] in 2003, I was shocked that 1980s Selectric typewriters remained in some offices. The CRS stopped using WordPerfect to compose its reports [in 2011], long after the rest of the Hill had moved on. Along with most other analysts, I did not have my sluggish PC tower replaced with a laptop until 2010, and the ones we got were heavy as bricks and buggy. A few years ago the agency gave BlackBerries to staff, even though other workers on the Hill were already using iPhones and Androids.⁸

When I resigned from the CRS in late 2014 its analysts wrote reports on MS Word 2004, and hardly any staff had the software to convert Word documents into the PDFs that Hill staff sometimes demand.

Agency leadership's risk aversion also explains why the agency has little reorganized its research units in the past few decades, despite the evolving Congress; why a massive amount of CRS research files remain as paper files rather than as digitized, easily sharable electronic files; and why the CRS —until very recently— assessed its analysts' performance with a guide (the "blue book") written by the Office of Personnel Management in 1979.

This risk aversion, which verges on crabbedness, was on full display in the recent effort to expand public access to CRS reports. A broad coalition of public interest and other groups coalesced to recommend more equitable access. The Internet had long ago arrived, and CRS reports could be found on thousands of public webpages. Yet, agency leadership fought public release of its reports and told Congress that calamities could come from embracing the 21st century.⁹ As we all know, Congress mandated public release of CRS reports in 2018, and the positive results made all the agency leadership's drama look more than a little silly.¹⁰

Political Science Association and the R Street Institute). This is a missed opportunity for the CRS, as CRS experts staffed previous legislative reorganization committees in the early 1990s and 1970s.

⁸ Ibid.

⁹ Congressional Research Service, "Considerations arising from the public dissemination of CRS products," 2015. <https://archive.org/details/CRSReportsPublicDisseminationApril20152Doc>
Kevin Kosar, "Where taxpayers pay (\$100 million a year) but interest groups benefit," *Washington Post*, November 10, 2015. <https://www.washingtonpost.com/news/federal-eye/wp/2015/11/10/where-taxpayers-pay-100-million-a-year-but-interest-groups-benefit/>

¹⁰ Sasha Moss and Daniel Schuman, "Yoder helped lift one needless veil of bureaucracy," *Kansas City Star*, April 12, 2018. <https://www.kansascity.com/opinion/readers-opinion/guest-commentary/article208708944.html>

Staff Management Issues

I strongly suggest the committee take a closer look at the state of management-employee relations at the CRS. Many employees are not happy. This unhappiness flows from the crabbed work conditions mentioned above, and from staff being managed by individuals not trained to manage. A perceived decline racial diversity among management also has spurred discontent among some staff.¹¹

In 2016, CRS staff were surveyed about their views of their workplace. According to reports I received from reputable sources, the results were bad and sharply critical of management. I do not know if the agency ever shared the original survey results with you—if not, I suggest the committee request them in their entirety (not a mere summary) and review them.

That the CRS has management issues is unsurprising; few of its managers were schooled or trained to work as managers. Nearly all of them are content area specialists (“wonks”) who have been elevated into management positions and given brief sessions in agency procedures (e.g., “Here is how an adverse action works.”). And when a manager struggles to perform, the agency does not appear to have solutions at the ready, which means management-employee friction can continue for years and create a toxic environment.

This troubled state of affairs is causing the agency to hemorrhage talent. Staff are quitting or retiring in frustration and exasperation. Others have been driven away by agency sanctions.¹² The turnover is particularly acute in the CRS’s American Law Division, which is losing staff in droves. Turnover also is high in the CRS director’s office. In recent years, departures have included the former deputy director of the CRS, the long-time head of finance, a top agency attorney, and CRS’ head of human resources.

Excessive turnover at the CRS and the loss of good employees is bad for the agency, bad for Congress and also expensive. The CRS is supposed to serve as the institutional memory for Congress, and this objective is imperiled by high turnover. Moreover, it costs a lot to onboard and train new employees. Congress has made significant investment in CRS in recent years, and this investment is squandered when newly hire staff quit after short tenures at the agency.

Historically, employment at CRS has been viewed as a plum job. That people are choosing to leave the CRS—a place where a wonk can rise to the GS-15 pay level and earn more than \$160,000 a year—is not a healthy sign. One of the reasons I myself departed in 2014 was that I had little confidence that top agency leadership held a vision for the agency in the 21st century.

I think the committee would find it informative to meet with the leadership of the Congressional Research Employees Association (CREA) and interview the various employees who have departed the CRS to hear what they have to say. CREA can supply you with the names of all departed staff. I also suggest that the committee consider asking the Library of Congress’ inspector general to assist it in its examination of the working conditions at the CRS.

¹¹ E.g., CRS’s 2018 annual report (p. 3) shows a photo of agency leadership—only one of the twelve is nonwhite. http://www.loc.gov/crsinfo/about/crs18_annrpt.pdf

¹² CRS’s annual reports to Congress in 2016 and 2017 showed the agency’s retention rate sliding. Interestingly, CRS did not report its staff retention data in its 2018 report.

Congress faces immense challenges in responding to the challenges of today. It needs a Congressional Research Service that is vibrant, innovative and ready for the 21st century. To be clear, the agency does a lot of good work and helps legislators in many ways. But it needs your help. For too many years the agency's problems have gone unaddressed.

Thank you for reading my statement. I would be happy to respond to any questions for the record and assist the Committee however I can.