Written testimony of Kevin R. Kosar
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Legislative Branch Appropriations Subcommittee
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Thank you Chairman Yoder, Ranking Member Ryan, and members of the Legislative Branch Appropriations subcommittee for holding this open hearing. This is two years in a row, which is a wonderful and remarkable achievement. All of us who have come today are grateful.

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).

One year ago, I sat before you and asked you to help complete something begun more than 20 years ago: equalizing public access to Congressional Research Service reports.[1] I argued then that it was good for the public, as they pay more than $100 million per year for CRS to serve Congress, yet have far less access to the reports than Beltway insiders. The public also would benefit from CRS, I contended, because the reports are objective—a rare thing in this era of "alternate facts" and claims of fake news.

I also said that you would do CRS employees a favor by making the reports publicly accessible. It has long been a hassle for staff to get calls and emails from academics and media asking for a copy of a report and being forced to say "No." As such, to remove CRS employees as middlemen would free up their time to work for you.

And you did it. You wrote law that struck down the 1954 appropriations rider that had created inequitable access.[2]

Thank you.

Now comes the challenge of implementation. The law, signed on March 23, tasks CRS to provide the Library with the reports within 90 days (June 21), and for the Library to certify to you that CRS has done so. That is a good oversight provision.

However, I suggest the subcommittee consider querying the Library and CRS every 30 days to oversee their progress prior to June 21. As you know all too well, CRS leadership long resisted the public release of the reports—irrespective of the fact that tens of thousands of copies already were floating around out there. For this reason, the subcommittee cannot presume prompt compliance with the law it wrote. And I would urge the subcommittee to post on its site the LoC's and CRS' responses to your oversight queries. Doing so will allow

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[1] Steven Aftergood, "Liberating the Congressional Research Service," Secrecy and Government Bulletin, March 1997. https://fas.org/sgp/bulletin/sec65.html

[2] Kevin Kosar, "Where taxpayers pay ($100 million a year) but interest groups benefit," *The Washington Post*, Nov. 10, 2015. https://www.washingtonpost.com/news/federal-eye/wp/2015/11/10/where-taxpayers-pay-100-million-a-year-but-interest-groups-benefit/?utm_term=.965e4c523c42.

the many, many groups who advocated for this policy to help you keep an eye on implementation.

And since we are on the subject of CRS, please allow me to suggest the subcommittee take a closer look at the state of management there. By all accounts, there are problems. Let me just mention two points:

First, many employees are not happy. A few years ago, CRS commissioned a survey of its employees and the results were bad. Interestingly enough, I am told agency management shared with staff only selected portions of those survey results. I do not know if the agency ever shared the original survey results with you—if not, you may wish to see them. Symptomatic of the situation is that recently a CRS attorney wrote to the Librarian of Congress re: the pressures analysts were feeling to adjust their analysis and discussions with Congress and its staff to avoid offending anyone's political sensibilities. That's a problem; because Congress pays CRS to be objective even when the facts are upsetting. This same attorney, I should add, was sanctioned by the agency because she said something to congressional staff that CRS management feared was too conclusive about what science showed about climate change.[3] Another American Law Division attorney's legal analysis was bottled up by management because it felt its conclusions would upset some members of Congress. She later was suspended from duty for cursing at her supervisor.

Second, the agency also is hemorrhaging talent. CRS, when I checked two weeks ago, had 14 open positions. Staff are quitting or retiring in frustration and exasperation. In recent years, the former deputy director of CRS left, as did the long-time head of finance, the leader of the government and finance division, the head of its human resources unit, and various analysts and attorneys. CRS's annual reports to Congress in 2016 and 2017 saw the agency's retention rate sliding. Interestingly, CRS did not report its staff retention data in its 2017 report. One wonders why.

The turnover at CRS and the loss of good employees is bad for the agency, bad for Congress and also expensive. It costs a lot to onboard and train a new employee. That people are choosing to leave CRS—a place where one can rise to the GS-15 pay level and make $164,000 a year—is not a healthy sign. One of the reasons I myself departed in 2014, was that I had little confidence that top leadership had a vision for the agency in the 21st century.

I do not know if CRS's oversight committee, the House Committee on Administration, is examining these issues. Regardless, I think you, the appropriators, might find it informative to meet with the leadership of CREA, and also to interview the various employees who have departed the agency to hear what they have to say. CRS management, who presumably will tell you everything is wonderful, can supply you with the names of all departed staff.

Thank you for your time, and I would be happy to answer any questions you may have today or in the future.

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[3] Kevin Kosar, "The struggle between objectivity vs. neutrality continues at the Congressional Research Service, R Street Institute, Feb. 13, 2018. http://www.rstreet.org/2018/02/13/the-struggle-between-objectivity-vs-neutrality-continues-at-the-congressional-research-service.