

September 6, 2024

The Honorable Mike Johnson  
Speaker of the House

The Honorable Steve Scalise  
Majority Leader  
United States Capitol  
Washington, DC 20004

Dear Speaker Johnson and Majority Leader Scalise:

The nation's founders established Congress under Article I of the U.S. Constitution, signaling its status as the first among coequal branches of government. But for too long, the legislative branch has operated with fewer resources and less institutional expertise than the executive branch. This imbalance poses a challenge for Congress to execute its constitutional authorities to make laws and oversee the government. Strengthening Congress and its support agencies should be a priority for conservatives seeking to restore the appropriate balance in our constitutional government. Therefore, we, the undersigned right-of-center individuals and organizations, write to express our support for strengthening the Congressional Research Service (CRS) by passing the Modernizing the Congressional Research Service's Access to Data Act, which recently passed out of the Committee on House Administration unanimously.

The Supreme Court's ruling in *Loper Bright* to end its doctrine of *Chevron* deference has underscored the need to reverse the decline in legislative capacity to write clear laws that do not depend on broad interpretation by the executive branch. Since 1984, when the *Chevron* case was decided, total House staffing has declined from more than 9,500 to fewer than 9,250 today. Over the past three decades, committee staffing has declined from more than 1,900 in 1994 to below 1,200 today. Few could credibly argue that the legal and policy questions before Congress are fewer or less complicated than those faced by the

Congresses of the 1990s and 1980s. Yet the declines in staff capacity have drained institutional expertise from committees and personal offices, requiring Congress to rely more heavily on support agencies like CRS.

After *Loper Bright*, it is imperative that Congress begin to restore its expertise and legislative capacity. Over time, this may require substantial funding increase for the legislative branch to allow Congress to hire and retain staff (including legal and technical experts) who can help lawmakers write clear laws that minimize executive branch interpretations through regulations. But in the short term, Congress can also strengthen its legislative capacity by empowering its support agencies to fulfill their missions.

As you know, CRS is a nonpartisan organization that works directly for Congress to collect and analyze information to help lawmakers conduct their legislative duties. CRS received \$133 million from Congress last year to help lawmakers and committees conduct legislative work. For congressional staff, CRS experts and reports provide an essential source of information when they are preparing information for members to consider legislation or when they are preparing for hearings. Data and information published by CRS is considered nonpartisan and trustworthy in committee meetings.

However, the interim CRS director has warned Congress that his researchers often face challenges when attempting to obtain timely and accurate information from federal agencies. To address this problem, a bipartisan coalition of House members advanced the Modernizing the Congressional Research Service's Access to Data Act through the House Committee on Administration by voice vote. The bill would strengthen the legislative support agency's ability to obtain data and information from federal departments and agencies as it conducts nonpartisan research and analysis for members of Congress.

Ensuring that the Congressional Research Service has timely access to data and information would be a small but important step toward strengthening Congress' legislative capacity.

Thank you in advance for your consideration.

Sincerely,

Dan Lips  
Head of Policy  
Foundation for American Innovation

Kevin R. Kosar,  
Senior Fellow  
American Enterprise Institute\*

Nan Swift  
Fellow  
R Street Institute

Soren Dayton  
Director of Governance  
Niskanen Center

Jason Pye  
Vice President  
Due Process Institute\*

Brandon Arnold  
Executive Vice President  
National Taxpayers Union

G. William Hoagland  
Senior Vice President,  
Bipartisan Policy Center

\*Signed in personal capacity