

Sunwater Institute Congress Project
Interview with Kevin R. Kosar

Matthew Chervenak: Kevin. Thank you for joining us.

Kevin R. Kosar: Thanks for having me on.

CHERVENAK: Why don't we start with you giving us an introduction to your background and the arc of your career and what brought you to where you are today.

KOSAR: For about a month now, I've been at the American Enterprise Institute, a think tank in Washington DC, and I've been in the think-tank business now about seventeen years. I got started in think tank in 2003 working for a government think tank, the Congressional Research Service, which is a large unit of wonks—there are about six hundred employees—that's located inside the Library of Congress, and they're all non-partisan civil servants whose sole existence is basically to serve as the brain trust for members of Congress and their staff who are seeking help.

I spent eleven years there and then I decided to try think-tankery in the private sector. I joined a startup firm called the R Street Institute, and I spent six years there where I developed their program on governance, which was producing research and educational outreach on government reform and government operations, and which focused very heavily on Congress, particularly Congress as an institution and looking at the ways that it was functioning well and not functioning well.

Think-tankery was not the first line of business that I thought of getting into. When I was in graduate school, I assumed that the way I would be educating a portion of the world would be through some perch at a university or a college. But when I graduated in 2003, the market was not great and the market for the stuff that I was specializing in was even worse. And I had always had a beef with people going and teaching political science who had no experience either in politics or governing. And that was me. I had studied it, but I hadn't participated in it. The opportunity to go down and work for a government agency and to have a front row seat watching how Congress did what it did felt to me like the right course. And I thought I was going to do it for a couple of years and probably go to a university, but the work was just far too interesting, so I stayed and think-tanking has become my life.

CHERVENAK: And so how did you find the government think-tankery versus the private think-tankery? Was it significantly different, completely different, or did it feel like the same situation with maybe a slightly better financial plan?

KOSAR: A lot of it is ostensibly the same. Your job is to be a form of institutional memory—a form of expertise—that people who are governing and also others who are in the whole policy community can reach out to, to get learning from. The forms of communication—at CRS we wrote white papers and at think tanks you write white papers, at CRS we did in-person

consultations with members of Congress and their staff and at AEI I also do those things—so there are real similarities. But working in the government context, it was certainly different in at least a couple of ways.

For one, there's a really huge pressure when you're working for Congress as a whole to be very cautious in what you write for fear that if you phrase something in a way that trips a wire on the right or the left that it could bring blowback to the agency. On the one hand, it's good because it does force you to think about every word you are using and also to really sharply source what you do. But the downside is that it can also discourage you from really thinking. And instead taking the intellectually safe positions and sticking close to the conventional wisdom for fear of offending anybody.

In think tanks, certainly we have to be very, very rigorous, but we don't have to worry about that so much. It virtually comes with the turf when you're at the think tank that you're going to write stuff and you're going to get brickbats. They might even come from other think tanks because it is a large academic community and being contentious is what academics do.

Another difference I would highlight in government think-tankery versus private sector is that government think-tankery, you're tenured for life. And that's a wonderful thing—it's great peace of mind—but, it also can erode the incentives you have to think hard and be innovative and keep up with your field.

Now, to be clear, there are most certainly plenty of people at the Congressional Research Service where I worked who have great internal motors and they just want to learn and get better and better and better with each passing week, but there are also folks who, absent the incentives that exist outside the governmental sector, they get a little bored, get a little habitual in the way they tackle stuff, don't put themselves out there in various ways like writing papers for academic audiences where they would face feedback and certainly they won't do things like write for the op-ed pages. The agency wouldn't let you do that to begin with, and I'm not sure many of them would want to do that because when you write for the op-ed pages you've got to take a stand, and that's not something that one was asked to do as a government analyst. You were supposed to present the options for Congress, and the costs and benefits for the various options, but then not to take a position on what was the smartest option. Think tanks are able to do that sort of work, but it's desirable frequently that you actually come up with a prescription not just an analysis and description.

CHERVENAK: Let's talk about your broad areas of research. What are your macro interests since you got into this field? Can you go through those larger areas and what attracts you to them?

KOSAR: Certainly, in the broadest stroke, I'm interested in governance institutions and how they work and how they don't work. For example, I spent a great number of years at the Congressional Research Service studying the US Postal Service. It wasn't really by choice; it was something where I kept getting questions about it and there were very few people who wanted to study the area. And it was a field of study that coaxed me into thinking more broadly about,

How do you structure these governmental firms in ways that can help them achieve their various goals whatever they might be. And that sort of thinking really set me up about six or seven years ago to looking at Congress as a firm, and to ask really basic questions about, Is it structured in way that makes sense? Does it have capacity to achieve the various things that we expect of it? And what do we expect of it? Some stuff we can find in the Constitution, other stuff kind of floats in the ether. We have popular ideas about what Congress should do. You can find it in some public opinion polls.

And then just working through this larger process of looking at the institution top to bottom, which I should note is fantastically complex. You're talking about two chambers; you're talking about 535 offices. You're also talking about committee structures, there's internal administrative structures. There's a whole lot going on there. It's a conglomerate, one might argue. It publishes, it does all sorts of stuff, and it spends a huge amount of money.

And so, going through the whole process and asking, What are they doing here? And what does this unit do? And what's the point? And how do processes lead to outputs? And grinding through that in-the-weeds look at the institution and trying to figure out, What's working and what's not working? What's aligned with the institution's goals and what isn't?

CHERVENAK: So the two big themes have been the postal service, which sounded like a state-owned enterprise of sorts, and then Congress itself. Let's go deeper into Congress. There's an unlimited number of questions we could ask about Congress. What kind of fundamental questions or issues in Congress are you doing research on, that you're focused on, and what kinds of insights do you feel like you've discovered through your work on those areas?

KOSAR: Right now, the big question about Congress that I'm researching is, Does it have the capacity to do its job? And the word "capacity" I define very broadly. This was something that I came up with, with my partner-in-research-arms, Lee Drutman of New America. And "capacity"—we conceive of it as involving the people that Congress has, both legislators and staff; it involves the tools and technology that it has; it involves the internal processes that it has for doing its work, the internal structures—committees, speakership, majority leader, all that; and, its finances—is it investing in itself? how much is it spending on itself?

And each of those areas have their own sub-areas, so when you think about the people who work for Congress—What sort of training are they getting? They show up at the Capitol, and is anyone training them to do their jobs, or are they being put in charge and having to figure it out along the way? How are they being socialized by the institution? We know that organizations that are highly successful, one of the things they do is to get their people in the right mindset and get them focused on the goals of the institution. How much of that is happening on Capitol Hill.

These are the sort of questions that I've been drilling down on for years. And there wasn't a whole of research in this area. It was one of the peculiarities of political science that they produce reams of research, often very complicated statistical and data-rich analyses of

Congress, but the orientation was not towards the institution. It was much more of a micro-economic perspective of focusing on an individual legislator and what's the likelihood of behaving in certain ways. Very useful stuff, very interesting stuff, but doesn't quite speak to these broader questions about the institution and how the factors within the institution shape and empower the people in there to get stuff done.

My most immediate takeaway—research findings—were that first, unsurprisingly, Congress has a tendency towards anachronism. It's a governmental institution, so it's not really competing, and therefore focusing on upping your game is not something that's particularly spurred to do by competing with other firms. Second, there's nobody who's really in charge of the function of the institution as a whole. It's a many-headed beast with a lot of people with different incentives who are not particularly coordinated with one another. It's a legislature, it's not a hierarchical firm with a CEO at the top and deputies below and that sort of thing happening. You have people who are elected from all over the country who are piling into this place. It's got an inherently cacophonous nature to it.

But Congress itself has not really built any units within it that put people in charge of assuring that the entity stays up-to-date. Congress's technology is notoriously behind that of the private sector. There are aspects of the way the place runs that almost feel nineteenth century. I can tell you that when I was on Capitol Hill between 2003 and 2014, I was shocked to see that paper copies of the Congressional Record were being delivered to every congressional office. And they would just sit there and collect dust. People weren't actually using them. But nonetheless people were being paid to print those things and to lug them and deliver them every day.

So, anachronism comes naturally to Congress. Anachronism is exacerbated by the fact that nobody is in charge of keeping an eye on reforming the place and spurring it to innovate and to upgrade its technologies. Big problem.

Second big problem—disinvestment. Congress in the mid-1990s, as a response to various winds blowing, decided to start cutting its own budget. And if you look now, we're in this bizarre situation where we have a Congress that has more responsibilities than it did forty years ago but it has fewer congressional staff than it used to. And if your technology is not keeping up and your management skills are not improving and your human resource management has not gotten better, that's a formula for bad results.

And that's where we're at. There've been other things that have very much surprised me.

Every member of Congress has an office to run. That's essentially a management job. None of these people are actually trained to be managers. Even though they all have to have a scheduler who can get them to the places they need to be, they all have to respond to constituent correspondence, they all have to sit on committees, and they have particular responsibilities there—and that's a whole realm unto itself of training. There's not really a program to get these people up and running so that they know what they're doing. They're just kind of these ad hoc little seminars that they get pulled into, and sometimes just flat out skip,

that will give them crash training on this stuff, but there's nothing really systematized to prepare them to govern. Again, anywhere else in society, people get trained to do jobs, whether they're serving coffee or whether they're running financial firms. But not Congress.

CHERVENAK: In terms of the concept of "capacity," it's very broad, very big. You could almost define it as Congress itself as a whole. Are you doing any particular work in any particular areas, whether it's committee-based or individual-office based, particular processes, like budget or bill-to-law process? How are you tackling that capacity question? How are you breaking it down? You gave us some elements of that when you talk about people or technology, etc. Is that the way you're doing your research, or do you have other frameworks you're using to break the problem into pieces that Congress might be able to act on?

KOSAR: The capacity framework is basically what I'm working from. And it's a brand-new framework. Lee Drutman and I invented it six years ago. Prior to that, you just didn't hear anybody talking about Congress as an institution and speaking in terms of capacity.

So, we're having to develop this whole framework and there are a lot of really basic, nettlesome definitional issues that we are still working our way through. The word "capacity" — we have a working definition for it—but measuring it per that definition is quite tough. I can look at things like, How much is Congress spending on itself? How many staff members does the House have and the Senate have and the various legislative-support branch agencies? How many do they have? And you can break things down a little bit further and you can look at how much people are being paid and you can start—We're starting to get to the point where we can break out, How many people by each title, etc. But, that's not a fully developed measurement or set of metrics on what capacity is.

Capacity is far more complicated than that, especially while you start talking about things like processes. Your capacity to get things done is affected by how elegant a process you have. And Congress is rife with such processes, many of them are so fantastically complex, and I don't even know where to start to measure those and to be able to roll those into a larger composite measurement of Congress's capacity. And, what is relative now to the past?

Other definitional issues, ones that we've jointly started working on, Sunwater and myself and a few others, are, What do we mean by productivity for Congress? What about other values, like efficiency? There's a whole bunch of stuff there where, since we're only just beginning to think along these lines, that we've still got to work our way through. And I imagine that I'll be spending a lot of time on those in the next ten years.

That said, there are certain things about Congress that we've noticed that are just so straightforward, that we know they're failing and need to be fixed. The way committees right now hold hearings. It's very antiquated. We watch hearings and we can very clearly see that there's no dialogue going on. There's very little learning going on. In many instances, what's happening is basically one party is trying to stick it to the other and people are being brought in either as targets or as spears for one side or the other to use. Not particularly productive. It's

not necessarily producing better government in any way shape or form. We can see these things are broken and we can immediately start suggesting different ways that the committees might think about doing stuff like that. And certainly, we can point to the various technologies that Congress has and start saying, Come on, guys. The idea that you are individually cranking out Word documents when you're writing bills and then walking around and handing out paper copies. That's just a recipe for confusion.

Amendments. Members of Congress showing up to committees with pieces of paper in their hands, stuff they've scribbled down on note pads. And saying, I want to offer this amendment. Those things we can immediately call out and say, there are better ways to do stuff and we can start pointing them towards things like cloud-based services, shared platforms, and that sort.

CHERVENAK: I think the paper amendment is a classic, and like you said, it's anachronistic. It goes back to early days and there's an element of nostalgia to such things. But, on the other hand, the institution needs to evolve with the times and take advantage of the technologies that are available that could increase that productivity, whatever that may mean. You're right. The key thing is, How do we define where we're trying to get to? Your concept of capacity is very attractive because it resists a little bit of defining the outcome that we're trying to get to. Because we might not agree on that outcome, or certain people might not agree with others.

Why don't we take the hearings concept and specifics since you mentioned that one. The hearing is a formal exercise, in theory, to collect information or to make political points. What do you think this hearing should be? What kind of insights have you found about hearings that we should think about?

KOSAR: Even in their worst forms, hearings can serve a positive purpose. Most fundamentally, drawing attention to something that maybe we should be paying attention to. And even if the attention is brought in a ham-fisted, obnoxious political manner, there's a lot to pay attention to in the world and sometimes that's what it takes to get you to pay attention to something.

But once you've paid attention, then what happens. That's where we need to think a bit more. One thing that we certainly have to deal with is the knowledge problem. Committees and their membership are not static—people move on and off committees. The days when a chairman would sit on a House committee for example for thirty-five years and would be the institutional memory of that committee—those are gone. Republicans, some years ago, actually time-limited their committee chairs to six years. So, people are coming on and moving off, and committees have broad jurisdictions and lots of complicated things to look at. How can they be smart? And part of that is a knowledge management exercise.

I was shocked on visiting congressional committee offices to see that some had filing cabinets laying around, and others, of course, they produced all sorts of digital stuff along the way. But, the stuff wasn't being actively managed. It's not like a congressional committee has an archivist. Or somebody who really is keeping track and putting all the paper and knowledge together in an orderly way, or even thinking about ways to mine it. It's kind of being dumped in

file cabinets and in server space and how much of that actually survives over time and can be drawn upon to inform the committee. It's grossly suboptimal it's a problem. It guarantees a certain amateurism and confusion.

Hearings are also suffering from a kind of incentive problem. A long time ago, there were these things in DC called iron triangles, where people who were in committees had a strong self-interest in being on those committees and engaging in oversight and directing policy. Now that could be for good and for ill because in many times you had people in Congress who were doing self-serving stuff. The caricature is the guy lording over the agricultural committee and steering lots of money to his home state for a particular type of crop. But they had an incentive to really pay attention and to do oversight. And, those iron triangles got broken up. I can't get into how that happened, but it happened for the most part.

And now you have people who are on committees, but they're incentive to be on there is not clearly directed towards public policy purposes. It tends to be towards either fundraising opportunities—certain committees regulate certain industries and if those industries are particularly deep-pocketed, well, that's how you raise money. It doesn't align neatly with good governance. Other committees are known for being investigative committees, like House Oversight Government Reform, which has a broad scope where it can stick its nose. And we've seen any number of leaders on that committee who basically view their job is to stick it to the other party. And if the other party has the presidency, to really stick it to them. I mean, the Benghazi hearings, for example, are a classic example of that.

This misalignment problem means that we're pouring a lot of resources—public resources and human time—into doing stuff that just really doesn't align with making governance any better. And it's a problem that we've got to figure out.

CHERVENAK: When we think about committees, it comes back to, as you mentioned earlier and as we've tried to investigate in the past together, is this idea of, How do you measure what the committee is doing? And, as you just mentioned, Is it aligning with the public interest? Either from an oversight point of view or from a legislative point of view. I suppose there's this other question that you raise, which is more like an elevating issues point of view, more like a bullhorn for particular issues.

And you've talked about in the past this idea that if more of the policy making is being done at the leadership level and the committees are weakened - Going back to what's the role of the committee versus leadership. Can you talk a little bit about that? When you think about leadership versus committee, and it's certainly possible a lot of power has left the committees because of some of the issues that you've mentioned on churn, etc.

Where should committees go? Should they develop great knowledge management systems? Should they have way more hearings that are more low profile that are actually fact-gathering? Where do you see the opportunities for committees to play a much more constructive role?

KOSAR: Ideally, we would love for committees to engage in oversight of the portions of the executive branch that are under their jurisdiction. To look over, Is money being spent on programs that are not particularly effective? Is there fraud going on over there? Are there ways to take programs that are reasonably successful and make them more successful?

We would also like committees to spend time thinking about how they should tackle problems that haven't currently been dealt with. But, the problem goes back to the incentives, which I've given a couple of reasons why it's not clear that committees have strong incentives to do that, but one that you raised was the issue of a lack of agency. Right now, the way the House and the Senate run, it's very dominated by the leadership, in terms of what gets brought to the floor and voted on. And frequently in what form, namely what does the law actually say, that gets decided by leadership.

So if you are on a committee, what incentive do you have to spend a whole bunch of time looking into a particular government program—figuring out what's working, not working, coming up with a solution, politicking with others on the committee to persuade them to agree with you so that the committee can vote out this legislation—if it's just going to get voted out and sit there. Not much. And that's a real problem.

Governance is such a broad area. There's so many things that the national government does that by implication you have to have specialization within Congress. You have to have people who pay attention to banking policy. You have to have people who pay attention to any number of niche areas, and that's what they've got to specialize in and learn.

But we've drifted away from that model, and now it's like all of the committees, which should be the birthplace for public policy have slid into an almost advisory role in many instances. Where they're just kind of putting forward some ideas and then those ideas disappear behind leadership's door and get hammered out into something that committees may not entirely agree with.

CHERVENAK: Let's talk a little bit more about, back to your capacity concept on the people. You mentioned that the number of people in Congress, the compensation, these are issues that have been discussed quite a bit. When it comes to personal offices of individual members or when it comes to committees, What do you see as a way forward there? What are the biggest problems you see? And what does your research tell you are potential solutions to that problem? Is it just more money? Is it special kinds of money? Is it increasing outside consultants that can advise committees? What are ways that you think could solve some of the problems that you're seeing on the capacity side as it relates to talent?

KOSAR: It's very clear that Congress is overwhelmed. It's not surprising. We have 170 federal agencies. Before this year's stimulus, we were spending \$4.5 trillion a year. Governance is huge. It's complicated, and to wrap your brains around it, to say nothing of trying to direct it and improve it, it's a big job.

And, members of Congress and their individual offices, they've been capped at around eighteen employees. Total. For a very long time. And some thought should be given to whether or not they should be able to hire more staff. Now the key there is to figure out ways that if they do that, these staff will be put towards socially useful ends. One thing we've noticed is that of those eighteen staff, over the years, an increasingly high percentage of them have been devoted to doing communication work and to doing constituents' service.

Now that's not inherently bad, but what it means is that there are fewer people to do policy work, and it would be unfortunate if you jacked up that number to, say, twenty-two per member of Congress if those extra four just got piled into more communications and constituent service work. Which, although they're important, they don't get at the issues of policymaking and oversight, which is where Congress seems to be really falling down.

Certainly, I think the technology that Congress uses needs to be upgraded. Just to pick constituent service as one example. Each member of Congress represents a ton of human beings, and the machinery and the software and all that that they have to manage the influx of communications that are coming in various forms—paper, Facebook, Instagram, people showing up at the office unannounced trying to hand them petitions or get meetings with members—just handling that, they need a lot of help.

I, quite frankly, think that one thing that would be very useful to do would be to have some way of allowing representatives of large companies who are huge customer bases and who are used to dealing with tens of thousands of customer interactions every day via phone and email and all of that, come take a look at they systems that they have on Capitol Hill and give some advice about how to upgrade that because what they're doing right now is just not adequate.

Knowledge management. Members of Congress very quickly find themselves when they arrive in DC being asked questions about a lot of stuff that they don't even know anything about. Maybe never even heard of. Not surprising. Again, governance is huge. A reporter comes up to you and sticks a microphone in your face and says, What do you think we should do about the funding for the Commodity Credit Corporation? If you don't come from an agricultural district, you're not going to have a clue about how to answer.

So, making sure that they have access to the nerds they need—like at the Congressional Research Service, the Government Accountability Office, those legislative branch support offices—making sure that there are enough people there that these folks are well-trained so that they are able to give a rapid response and to give members the level of learning that they need. A member who just wants to be able to get a reporter off his back does not want to be clobbered with a thirty-five-page white paper. That's not helpful. Just give me talking points is what he really wants.

Making sure those people are there and able to supplement the member's knowledge.

Those are just three of the challenges.

CHERVENAK: Is your feeling that the challenge is around how individual members allocate their resources - They're hiring mostly constituent service people, communications people, if you give them more money, they're probably going to add more of those. What are they getting from that? Well, they're getting better information, potentially, about what their constituents really care about, so that could, in theory, lead to better problem identification. But more likely, it's used to make sure that they can get reelected, right. At least, that's what some might say. And so that money is just creating more incumbent advantage.

And you mentioned the Congressional Research Service and other resources that individual members have to talk about policy, to think about policy. So, is the better way then, rather than giving the money to the members to add staff, is the better way to add to CRS and some of these other supporting agencies that they could access? I'm just curious where you come out on that question.

KOSAR: It may reveal my bias as a former legislative branch support agency guy, but I do think because CRS, for example, is a shared resource that any member can access and will access, that making sure it's fully funded, making sure that it's run by the right people, and that people train there to do the best possible work, I think that's a very good investment. With members of Congress and the staffing issue, certainly there are going to be some people who if you gave them more staff, they're going to put them to the right uses. But then there are going to be people who are going to follow the existing incentives and structure, which for many members of Congress is, Why would I put more people working on policy when I can't get a bill through Congress? I might as well put them on constituent service or have them do communications for me.

And that gets to the larger institutional and structural issues and the way the incentives are right now. And that's a true cost of the top-down way of running Congress is that it disincentivizes most members from having a real reason to invest lots of time and resources—blood, sweat, and tears—into doing policymaking and oversight.

CHERVENAK: What about in terms of committees? They're suffering the same problem you just mentioned from this top-down model. If you were to give them more resources, what would be the right allocation of their resources if they were given additional headcount or budget?

KOSAR: That becomes the resources-for-what problem. There are certainly some committees that are pretty serious about their policymaking. Armed Services Committee in the House. It's big bill every year is the Defense Authorization Bill. Huge bill. A lot of work. And they have strong incentives to do it right. They also have a lot of work habits that incentivize them and encourage them to not slip into partisan warfare and instead to work collaboratively. And they get the bill done every year, which is a rare thing in DC.

Other committees are poisoned by partisanship, and if you put more resources into there, the danger is that the majority would simply use it to club the minority.

One distinction between the House and the Senate that's really germane here is that, when you look at committees, the way the rules divide up resources from the majority to the minority, it's a far more severe division in the House. You get less money, so you get less staff, and that doesn't have to be that way. That rule can easily be changed to make things a little bit more equitable.

It is also entirely possible to have a chairperson who takes the attitude that I may be in the majority but to get something done I need the minority member to work with me as a full and equal partner when it comes to defining what problems we're going to attack, when we're going to attack them, and the basic grounds for engagement of these things and how much time we want to spend.

Those are things that can be changed without actually increasing the resources. Another thing that can be changed also is that when it comes to staffing, you could have more staff hired jointly by the majority and the minority. Back when Congress did a massive reform of itself in 1946, one of the rules that it set up was that committee chairs and the ranking members were supposed to pick a bunch of staff together, and they were supposed to be shared staff who were not politicos, who were picked on the basis of expertise.

Unfortunately, that agreement did not last very long. Democrats were a very powerful majority, and they just trashed that rule. Well, lo and behold, this past week when the Select Committee of the Modernization of Congress reported out a bunch of recommendations one of the things they said is, You know what? You might bring back that rule.

So, you wouldn't have to throw a bunch more resources if the people you were picking were not inclined to pick partisan fights, but were instead interested in the subject matter and were interested in working together and had to answer to two masters, both the majority and the minority.

CHERVENAK: I want to ask a little about this concept of institutional stability over time - I don't know quite how to phrase it, but institutions that will last past a single Congress. Obviously, any individual can be voted out, but certain things go on from year—the Congressional Research Service is an institution that's retained year-to-year and maintains its information, its systems, its structures, trans individual Congresses.

When you think about these kinds of issues in Congress to improve itself, whether from a technology point of view or from a knowledge retention point of view, have you thought about what kinds of institutions can be created in Congress that would be there long-term and not fade out with the next Congress?

The Modernization of Congress committee is great, but it's two years and gone, right. You don't have a permanent committee and even if you did, you'd have different people on it.

So I'm curious that since you've looked at the Postal Service, which is forever, in theory, and something that turns over every two years or has a fundamental change, How do you create institutions in Congress that span Congresses, but that have the influence that you're mentioning that can help to improve the system year by year?

KOSAR: Certainly, the legislative branch support agencies are a form of institutional memory. They're not enough. There's way too much knowledge leakage that happens due to the turnover in Congress. Plugging that leak is part of the issue and I do feel that there's something structurally, I'm not sure what, that has to be changed at the committee level so that when you have a new chairman come on, I would like it to be a bit more like when a new CEO comes on to a private company, and he can be acclimated by the longstanding CFO telling him, ok, here's how this works, here's how this works, here's where this, that, and the other is at. The Chief Information Officer can do the same, and that way, people can get up and running and you can have more stability. Right now, a new chairman can basically come in and fire everybody and replace them with newbies.

But, institution-wide, both the Senate and the House do have committees that are ostensibly in charge of the rules of the chamber, which are a key aspect of capacity. The Senate Rules Committee does that, and the House administration has that responsibility in the lower chamber. But they seem to be swamped by contending with a lot of day-to-day operational stuff. If you're in the Senate and you're on the rules committee, if there's some operational issue, I don't know, involving the security of the building, you're going to get pulled into those conversations. In the House, if there are issues involving the architect of the Capitol and upgrades to one of the office buildings and members are getting upset about it, you're going to be pulled into that.

Despite having jurisdiction over some portion of the institution and capacity, there's only a limited amount of work they can do there. Because their attention is so focused to triaging ongoing things that pop up every week, it doesn't give a lot of space for ideation and thinking big about, How can we fundamentally reorganize what we're doing here? There's not enough capacity, ironically enough, to even study that sort of stuff.

What I had proposed is that, for sure in the House but I would also say it would be wise in the Senate, would be to have a permanent committee whose duty was to look at ways to reform the chamber. This would be a place that if you were a member of Congress or a staffer and you are just aggravated by something, whether it was big or small, you would have a venue to go to, to express this and say, Look, this is not working. This is crazy. Why do I have to walk around, for example, with pieces of paper to figure out if I can use a particular room for a meeting. Why is there not an app for this?

You would have a place to go with that and you would have people whose job it was to respond and to look at this and to try to figure these things out and then to come up with solutions that they could propose to whichever committee actually had jurisdiction over fixing that problem.

Otherwise, I'm not really sure, since Congress doesn't really have any outside competitors, it's not clear why it would be spurred to not slip into anachronism. It's great that we have members of Congress who come from the private sector and they come to town and they're like, Man, this place is backwards. Let's do stuff. But, relying on individuals to show up and somehow generate reform is just not enough. You've got to have somebody in the chamber who's charged with doing it.

CHERVENAK: And it seems like, in the House, there's the committee on Administration, which I think, in theory, could take some of that role, but in terms of longer-term planning, it seems like some new structure is needed.

KOSAR: Yeah. The House Committee on Administration—they are very busy people. One of my former colleagues is working for them, and on a day-to-day basis, keeping up with the needs of managing that complex institution and swatting at the various flies, swamps them. It really, really does.

CHERVENAK: Kevin, Any other highlights on your research that you want to share before we move into our lightning round of questions that we have prepared for all of our guests on the program?

KOSAR: No, let's move to lightning.

CHERVENAK: I'm going to ask you a few questions and get your perspective so that we can compare them to other wonks like yourself who might have the same or differing opinions. We'll start with the first one.

What do you think congressional representation should mean?

KOSAR: It's a couple of things. Not least, an individual who is sent by a state or a district to represent the state or district's interest, which are complicated and conflicting and multifold. Being able to show the folks back home that you are doing something for them because they are in fact shipping tax dollars to DC. That's a key part of representation, and I think that's one thing that's been problematic because individual members of Congress don't feel like they can do anything, it makes them very anxious about how am I going to get reelected and I think it inclines them to take partisan stands when they could be spending their time doing something constructive, like directing funding to fix a road in their home district or create a new opioid treatment center or something like that.

So, representation is part of it, but another part of it is leadership. You don't send somebody to Congress to simply be a voice of the cacophonous masses back home. Because they are not all in agreement. And they are not all schooled on every issue. Most members of society don't pay attention to what happens in DC, so they can't tell what to do about a Medicare funding gap. So, you need to lead. And part of leading is to educate. And I'd like to see representation be

both a playing between the demands of representing people's wants but also an education of their wants so that we're doing things that are smart.

That's what representation means to me.

CHERVENAK: Just to clarify because you used the word "interests" of the group, of the constituents, and then later on you used the "wants" word, I just want to make sure I understand clearly because there's a debate about that. Should the representatives reflect the immediate views of their constituents or the more abstract and judgment-laden concept of interests?

Is it one or the other depending on the issue, or do you think it's more of an interests answer?

KOSAR: Disentangling "interests" from "wants" is complicated, and it requires a certain level of judgment. We all want a lot of things. We'd all like a free lunch, but we know there's no free lunch. So, a member of Congress who decides to keep giving us free lunches is doing us a disservice by satisfying that want. That's really not in our ultimate interest. I think that distinction is worth keeping in mind in the concept of representation.

CHERVENAK: Excellent. Next question is, How would your ideal Congress allocate its time?

KOSAR: the first thing I would do is suggest that it quit wasting so much valuable time. And it does that in many ways. I've mentioned the committees squandering times just making noise as opposed to doing real oversight. But there are still all sorts of chamber time that's devoted to honorific and symbolic stuff. The number of Post Office naming bills that go through Congress each year. I mean, Why are we doing this? Really? You guys are in town from only Tuesday to Thursday typically, which is in itself problematic, and you're spending any portion of your time on this.

There are various resolutions that don't actually make policy, but they are just position-taking, and they're often done to stick it to the other party and make them look bad on a vote. Clearing out more of that stuff so that we're not actually wasting what little time they have would be key.

I would very much like to see them spending more time engaged in actual debate—because that's what legislatures are supposed to do—around policy. And I would like to see them spending more of their time beavering away in committee uninterrupted with most members of the committee present.

One of the problems we have right now is that the congressional schedule is a mess. Essentially members are put in the position where they have to be three places at one time, which that needs fixed. They need to start working on the schedule so they can block times toward particular high-value activities as opposed to having people running around here and there to no particular purpose.

CHERVENAK: If I can dial in a little bit more on percentage time. You mentioned earlier, constituent service. How much time should our representatives spend on constituent service versus their time in Washington on legislative or oversight work?

KOSAR: When it comes to constituent service, I would think that should be almost 99 percent delegated to your staff with the exception of some very rare constituents. Otherwise, your time should be primarily spent, when you're in DC, 40 percent oversight, 40 percent legislating, and 20 percent for other. And if there was a way that members could do fundraising only from their home states and not while they were in DC, I think that would be advisable.

CHERVENAK: Next one, How should debate, deliberation, or dialogue occur or be structured in Congress?

KOSAR: Committees are the ideal place for real discussion about policy, and I think they've, in many cases, eroded from being those venues. In part, they don't commit time to actually having serious discussions. You have these "show" hearings made for TV for people to act up in front of the cameras and stick it to the other side. And I think committees sometimes err in not being sufficiently welcoming to non-committee members who have an interest in something and would like to be heard. Not all committees will do closed door member hearings.

I think it's tough to open the floor of the House or the Senate to freewheeling debate. The incentives are very bad for doing productive things. Members have every reason to try to blow up bills with poison pills and this, that, and the other, and policing all of that gets very dicey. And it's fraught.

So, making committees those places—where people can go and feel like they are heard seriously—I think is the key.

CHERVENAK: What fundamental institutional improvement should Congress make within fifty years?

KOSAR: I think both chambers need to simplify legislative process. It's astonishing how complicated the processes for doing anything are, whether it's moving a bill, amending a bill, even calling a bill off. It's mind-blowing. People who are in DC and pay attention to it have trouble following it. Members of Congress are baffled by it. And the US public is completely in the dark.

And this complexity has real problems. Number one, it limits the number of players. And again, this plays into empowering leadership at the cost of other people being able to exert themselves in the chambers. It also incentivizes behavior that is ultimately aimed at manipulating public perspectives. I'll make a motion to do something for the pure sake of forcing other people to vote against it and look bad. Never mind that what I was proposing to do is actually not doable, or et cetera, et cetera. This whole symbolic --. Manipulating the

complicated legislative process for the sake of symbolism. That has gone way up, and it's poisoned the well in Congress. Members hate that sort of stuff. And what they end up doing, unfortunately, is calling for more leadership control to protect them from those sorts of things. Which just further empowers them.

So, simplifying the process. It doesn't have to be quite Schoolhouse Rock, but it's got to be a little bit easier for folks to follow.

CHERVENAK: What book or article most shaped your thinking with respect to congressional reform?

KC: That's hard one. I would say that one that really made a mark on my mind was Jonathan Rauch's *Demosclerosis*, which came out in the early 1990s. And it struck me because it took micro-economic thinking and applied it to Congress and spending. And it illuminated for me that how all of the incentives encourage more and more government spending. And that, while Congress can collectively bemoan deficits and debt—and they can do it in earnest—each of them feel great individual incentive to basically do things that add to it.

And Rauch's book was great because it did the academic thing where he looked at Mancur Olson's academic work on this stuff, but then he wandered around Congress and talked to policymakers themselves who with their stories and experiences illuminated this problem of *demosclerosis*, which ultimately involves a loss of fiscal democracy. This inability to control spending because it's all being driven by particular interests who are going into the Capitol and getting members to line up and spend money for these particular things that don't add up to anything close to a coherent aggregate.

CHERVENAK: Great. We'll add a link. What plans do you have for your research over the long term?

KOSAR: I'm going to keep plugging away at the congressional capacity. Working through the definitional issues and then digging into specific applications for it. And I really also want to lean further into this macro problem of institutional reform. We talked earlier about my idea of having a committee dedicated to reform. Is that the only way that you can create in the chamber this incentive or get people in there to regularly to work at reform? Or is there some other way to do that? I've not come up with another way, but there's got to be a way to do it. Otherwise, we're just going to have the same problem, same capacity issues, again and again and again.

CHERVENAK: Well, Kevin, thank you so much for joining us. It's been a great conversation, and we'll put links to all your work in the description below the video and we look forward to getting more from you. One last thing is I know you have a book coming out. Maybe you can tell us a little bit about it and when it will arrive on the shelves.

KOSAR: Sure. The book is called *Congress Overwhelmed: The Decline in Congressional Capacity and Prospects for Reform*. It's coming out from the University of Chicago Press. It'll be out roughly around the end of November/beginning of December 2020, and it's a volume edited by myself, my friend Lee Drutman, and also my friend Tim LaPira, who's a professor at [James] Madison University. It's a volume where I've written a chapter and co-authored a chapter. It's got a whole bunch of papers by top political scientists looking at various aspects of congressional capacity, and it's the first volume to be produced that looks at Congress from the capacity angle and tries to analyze and, to some degree, prescribe what might be done to bolster the institution.

CHERVENAK: Kevin, thank you so much for joining us.

KOSAR: Matt, thank you.