

EXHIBIT B

Policy

Outside Speaking and Writing

Effective date: Jan. 23, 2004. This policy, originally issued on Jan. 23, 2004, as Director's Statement, Outside Activities: Preserving Objectivity and Non-Partisanship, *has been edited and reformatted for the staff site.*

Statement

This statement outlines the policy for writing and speaking outside of work, including teaching or lecturing. For situations relating to the media, see the policy statement on Interacting with the Media.

Disclaimer

The obligation, set out in Library regulation, is to present a formal disclaimer regarding any personal views. Employees must make it clear that the views expressed are theirs and do not represent the views of the Service. Specifically, LCR 2023-3, Outside Employment and Activities, provides that when speaking and writing on "controversial" matters, "staff members are expected to disassociate themselves explicitly from the Library and from their official positions." In outside writings this is most commonly done by ensuring that a footnote appears at the outset making that clear. When speaking, the staff member may make the point on introduction to the audience, or before commencing substantive remarks. The obligation falls on the employee, whether as a presenter, as an author, or as a contributor in whatever form, to ensure that such a disclaimer is actually presented. A sample disclaimer for writings might read: "The views expressed herein are those of the author and are not presented as those of the Congressional Research Service or the Library of Congress." For in-person remarks, it is advisable to add "the speaker [I] am not here representing the Congressional Research Service, and the views expressed..."

Conflict of Interest

Library regulation 2023-3 also speaks to the obligation to avoid "the appearance of conflict of interest," especially when speaking or writing on controversial matters. For CRS, almost everything that staff say or write has the potential to be "controversial." It is therefore important to err on the side of caution, especially when addressing issues for which the individual has responsibility for the Service. It is therefore advisable, when writing or speaking on the subject for which the individual has responsibility at the Service, that the standard set for review of CRS written products be observed. While it is not a formal requirement, the Service strongly encourages all staff to submit draft outside writings to the Review Office, which welcomes the opportunity to provide input and advice.

Advocacy v. Research

When employees contemplate engaging in outside activities that involve any type of advocacy (e.g., associational affiliations and organization membership, political activities, and endorsements) or activities potentially compromising the appearance of independence or impartiality, they should strive to avoid even the appearance of a conflict of interest or engaging in an activity that would compromise one's ability to perform their responsibilities for CRS. See LCR 2023-1 and 2023-3. CRS examines such activities on a case-by-case basis to determine whether the conduct is problematic, and strongly urges individuals to make an inquiry before embarking on conduct that may present these issues.

Background

The CRS mission of providing balanced, objective, and non-partisan support to the Congress places a challenging responsibility on all CRS staff that is of critical importance to this agency. It is incumbent on everyone to ensure that the ability of CRS to serve the Congress is not compromised by even the appearance that the Service has its own agenda; that one or more analysts might be seen as so set in their personal views that they are no longer to be trusted to provide objective research and analysis; or that some have developed a reputation for supporting a position on an issue to the extent that CRS is rendered "suspect" to those of a different viewpoint.

When staff speak or write for the Congress within the scope of their duties here, the lines are very clear. CRS has designed all layers of review in the divisions, the Review Office, and elsewhere so that the work adheres to CRS obligations and congressional expectations. While CRS staff, like all citizens, are entitled to hold their own views on all matters of public policy, when staff speak or write in their private capacities they continue to carry with them related responsibilities.

Employees must exercise the greatest level of care for preserving the appearance of objectivity when addressing the very issues for which they have responsibility at CRS. LCR 2023-3 also provides that "[w]here...the subject matter of [personal writings as well as prepared or extemporaneous speeches by staff members] relates to... a field of a staff member's official specialization or the special clientele which a staff member serves, staff members shall ...avoid sources of potential damage to their ability to perform official Library duties in an objective and non-partisan manner..." Staff will likely have acquired much of their knowledge of this subject matter in the course of performing their duties as a public servant for the Congress and it may be seen as inappropriate for them to profit from that knowledge elsewhere. In addition, this is also the subject area that the individual will continue to be writing about for CRS and is the subject most likely to be the basis of a suspicion of failure to meet the obligatory standards of objectivity and balance.

Congress created CRS to provide an objective resource for the National Legislature, and it is frequently touted as the only agency in town that holds to that charge. And, failure to

do so carries the severe consequence of rendering the Service ineffective at best, and useless at worst. More importantly, to do so violates the trust that has been placed in CRS by the Congress to meet its statutory mission. Preserving that trust is the responsibility of all CRS staff.

Expectations

When considering engaging in outside activities, employees should think carefully before taking a public position on subject matters for which they are responsible at CRS. They are responsible at a minimum for providing a formal disclaimer, and for using sound judgment in deciding when engagement in an outside activity may place the reputation of CRS at risk. CRS has painstakingly built a reputation for excellence over the years, much of it tied to its unique role in the provision of objective, non-partisan, and confidential research and analysis to the Congress. CRS staff, both individually and collectively, must avoid engaging in activities that have a high risk of tarnishing that reputation. Everyone must make every effort to avoid presenting even the appearance that the Service is not true to the mandates given it to be objective, non-partisan, and confidential.

Contact:

Address questions regarding application of this policy to division or office management. Division and office heads should direct their questions to the Office of Congressional Affairs and Counselor to the Director.

Last reviewed July 2008