

A NEW DATABASE FOR CONGRESSIONAL OVERSIGHT REPORTS

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In 1792, the United States Congress undertook its first oversight investigation and issued its first oversight report, examining a significant military defeat to understand what happened and why.¹ Congress itself had been officially established by Article I of the U.S. Constitution just three years earlier. Article I assigned Congress “a long list of notable ‘powers,’ including the power to enact legislation, raise revenue, and provide for the common defense and general welfare of the country.”² It quickly became apparent that for Congress to fulfill those duties, it needed to gather information—in other words, to investigate.³ The 1792 investigation set the first precedent, and over the ensuing centuries, the Supreme Court

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1. See *Portraits in Oversight: General St. Clair’s Defeat*, LEVIN CTR. WAYNE L., <https://www.levin-center.org/congress-first-investigation-general-st-clairs-defeat/> [https://perma.cc/YA6D-GTA3].

2. Former Senator Carl Levin and Elise J. Bean, *Defining Congressional Oversight and Measuring its Effectiveness*, 64 WAYNE ST. L. REV. 1 (2018), https://www.levin-center.org/wp-content/uploads/2021/09/accessible_levin_bean_final_format_sheridan_06-27-19.pdf [https://perma.cc/E2AV-49ZS] (hereinafter *Defining Congressional Oversight*).

3. James M. Landis, *Constitutional Limitations on the Congressional Power of Investigation*, 40 HARV. L. REV. 153, 171 (1926) (stating legislative inquiry itself evolved from the congressional power of appropriation).

repeatedly affirmed the power of Congress to conduct wide-ranging oversight investigations to support its legislative functions.⁴

Today, oversight is an established aspect of congressional work.⁵ Committees and subcommittees formed by the U.S. House of Representatives or the U.S. Senate routinely undertake a wide range of oversight investigations examining federal or private sector programs, spending, or activities.⁶ Congress also, on occasion, establishes a special or select committee of limited duration to conduct a specific investigation.⁷ In addition, some individual members of Congress have undertaken their own investigations, proceeding outside of the committee structure.⁸

As part of their oversight work, a committee, subcommittee, or member of Congress may release a report describing their investigative efforts, the evidence uncovered, any factual findings, and any

4. See, e.g., *McGrain v. Daugherty*, 273 U.S. 135, 175 (1927) (“A legislative body cannot legislate wisely or effectively in the absence of information.”); *Watkins v. United States*, 354 U.S. 178, 187 (1957) (“The power of the Congress to conduct investigations is inherent in the legislative process.”); *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020) (“Congress has no enumerated constitutional power to conduct investigations or issue subpoenas, but we have held that each House has power ‘to secure needed information’ in order to legislate . . . This ‘power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function.’ . . . Without information, Congress would be shooting in the dark, unable to legislate ‘wisely or effectively.’”).

5. See, e.g., Kathy Goldschmidt and Bradley Joseph Sinkaus, *Job Description for a Member of Congress*, CONG. MGMT. FOUND., 5, 8 (2018), http://www.congressfoundation.org/storage/documents/CMF_Pubs/cmf-member-job-description.pdf [<https://perma.cc/HJH8-VU5Q>] (listing oversight as one of seven legislative functions to be performed by all members of Congress).

6. See, e.g., Robert J. McGrath, *Congressional Oversight Hearings and Policy Control*, 38 LEG. STUD. Q. 349, 351 (2013); Jason A. MacDonald and Robert J. McGrath, *Retrospective Congressional Oversight and the Dynamics of Legislative Influence over the Bureaucracy*, 41 LEG. STUD. Q. 899, 903 (2016); Brian D. Feinstein, *Congress in the Administrative State*, 95 WASH. U.L. REV. 1189, 1215 (2018); Kenneth Lowande and Justin Peck, *Congressional Investigations and the Electoral Connection*, 33 J.L. ECON. & ORG. 1, 9 (2019).

7. *Defining Congressional Oversight*, at 8–9. See also Thomas W. Skladony, *The House Goes to Work: Select and Standing Committees in the U.S. House of Representatives, 1789–1828*, 12 CONG. AND THE PRESIDENCY 165, 166 (1985).

8. *Defining Congressional Oversight*, at 9. These investigations can begin with informal contact between members of Congress and the subject of the investigation. See, e.g., Melinda N. Ritchie, *Back-Channel Representation: A Study of the Strategic Communication of Senators with the U.S. Department of Labor*, 80 J. POL. 240, 245 (2018) (providing an example of fact-finding communications between members of Congress and federal agencies).

recommendations for further action.⁹ Not all congressional investigations produce a report; some conclude with a different type of written product¹⁰ or hold hearings without releasing a report.¹¹ On the other hand, it is not uncommon for congressional investigations to be memorialized through some type of report which may take a variety of forms including an interim report, series of reports, final report, or supplemental report.¹²

Collectively, oversight reports play an essential role in congressional history. They document specific congressional investigations, preserve evidence and analysis, often explain complex facts or issues, and can help produce reforms and shape public perceptions of U.S. history.¹³ Recognizing the important oversight role that reports often play, in 2021, the Levin Center for Oversight and Democracy at Wayne Law made the decision to catalog and preserve congressional oversight reports issued during a recent twenty-year period, 2000-2020.¹⁴ The initial data collection lays the foundation for a larger database hosted by the Levin Center for Oversight and Democracy which, over time, could expand to encompass all oversight reports issued by Congress since 1792.

9. See, e.g., *About Committee Reports of the U.S. Congress*, LIBR. OF CONG., <https://www.congress.gov/help/committee-reports> [<https://perma.cc/WM3C-MVSK>] (last visited Apr. 5, 2022). See also Alexander Bolton, Gridlock, *Bureaucratic Control, and Non-statutory Policymaking*, 66 AM. J. POL. SCI. 238, 244-248 (2021) (examining committee reports issued by the House and Senate appropriations committees to illustrate that Congress uses non-statutory policymaking tools in an increasingly polarized time).

10. See, e.g., *Credit Card Practices: Unfair Interest Rate Increases: Hearing before the S. Permanent Subcomm. on Investigations of the Comm. on Homeland Sec. and Governmental Aff.*, 110th Cong. 120-138 (2007) (providing eight “Credit Card Case Histories”).

11. See, e.g., *Holding Wall Street Accountable: Investigating Wells Fargo’s Opening of Unauthorized Customer Accounts: Hearing Before the H.R. Comm. on Fin. Serv.’s*, 114th Cong. (2016).

12. See, e.g., *Church Committee Reports*, AARC PUB. LIBR., http://www.aarclibrary.org/publib/contents/church/contents_church_reports.htm [<https://perma.cc/EUZ5-8HR3>] (last visited Apr. 5, 2022) (listing 14 reports issued by the Church Committee in a variety of formats).

13. See, e.g., *Portraits in Oversight*, LEVIN CTR. AT WAYNE L., <https://www.levin-center.org/oversightscholars/portraits/> [<https://perma.cc/VRY8-NXUX>] (last visited Apr. 5, 2022) (describing noteworthy congressional oversight investigations, all of which included one or more oversight reports); see also Levin Center for Oversight and Democracy, *Congressional Investigations: Making History and Shaping our Understanding of the American Story*, YOUTUBE (Jan. 13, 2022), https://www.youtube.com/watch?v=g6sy9_C3-Zo [<https://perma.cc/GD7Z-BD83>] (last visited Apr. 5, 2022) (recording of panel discussion sponsored by the Levin Center for Oversight and Democracy).

14. The Levin Center for Oversight and Democracy is planning to make this new database available to the public by the end of 2022.

The objective of this article is to describe the first phase of the Levin Center for Oversight and Democracy effort, including the problems encountered while creating the initial database, the database features, and the ongoing process used to collect, archive, and catalog the oversight reports. In doing so, this article is intended to alert oversight scholars, oversight practitioners, and other interested parties to the existence of the congressional oversight reports database, facilitate new oversight scholarship, and make a fascinating collection of congressional investigative materials more easily available to the public.

I. THE PROBLEM

The genesis for this project was the inability of the Levin Center for Oversight and Democracy to locate a collection of congressional oversight reports that congressional scholars could easily use. Those seeking to find and analyze oversight reports face multiple hurdles, including defining the universe of oversight reports, navigating over- and under-inclusive databases lacking effective oversight search terms, and dealing with wide variation in congressional practice across time.

A. Defining “Oversight Report”

Determining what constitutes an oversight report is itself a challenging undertaking. Because members of Congress must investigate facts to understand the wide-ranging issues that affect their constituents and the United States Government itself, some might view nearly any document produced by Congress as a product of oversight.¹⁵ As the Supreme Court has observed, “[t]he scope of the power of inquiry, in short, is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.”¹⁶ Others have taken a more narrow view. For example, Professors Douglas Kriner and Eric Schickler, in their careful examination of congressional investigations, focused on inquiries into alleged misconduct within the executive branch leading to congressional hearings described in hearing abstracts using a specified set of words such as “abuse” or “malfeasance.”¹⁷

Steering a course between those more expansive and narrow approaches, the Levin Center for Oversight and Democracy defined an

15. See, e.g., Jennifer L. Selin & Caylie Milazzo, “If Men Were Angels:” *The Legal Dynamics of Overseeing the Executive Branch*, 51 PRES. STUD. Q. 2, 429 (2021).

16. *Barenblatt v. United States*, 360 U.S. 109, 111 (1959).

17. Douglas R. Kriner & Eric Schickler, INVESTIGATING THE PRESIDENT: CONGRESSIONAL CHECKS ON PRESIDENTIAL POWER 68-70 (2016).

“oversight report” for the purpose of its data collection effort as any document that was: (a) produced by a congressional committee, subcommittee or member of Congress;¹⁸ (b) designated as a report; (c) involved fact-finding; and (d) distinct from a House or Senate filing in connection with specific legislation.¹⁹ This definition encompassed a wide range of congressional reports related to investigations targeting the public or private sector, including committee staff reports never formally approved by the full committee. At the same time, the breadth of this definition exposed the inconsistent, overlapping, and unorganized nature of existing collections of congressional oversight materials and created numerous challenges in locating, archiving, and cataloging congressional oversight reports.

B. Absence of Effective Oversight Search Terms

A variety of public and private institutions offer information on congressional oversight. For example, the Library of Congress (LoC) maintains an extensive set of congressional documents in its massive database Congress.gov.²⁰ The University of Texas Policy Agendas Project has a database of over 100,000 congressional hearings,²¹ and in 2020, the

18. LYKE THOMPSON ET AL., CHECKS AND BALANCES IN ACTION: LEGISLATIVE OVERSIGHT ACROSS THE STATES 11 (Levin Ctr. Wayne L. ed. 2019), https://www.levin-center.org/wp-content/uploads/2021/11/Accessible-CUS-Full-Report-07-08-19_updated-2021.pdf [<https://perma.cc/8JW7-4N2U>] (last visited Apr. 5, 2022). This approach is intended to sweep in a wide variety of congressional committees and subcommittees, including standing, select, joint, temporary, or special committees or subcommittees, and focus attention on reports developed under the leadership of one or more members of Congress. It excludes reports authored by other agencies or officials within the legislative branch such as the Government Accountability Office, Congressional Research Service, Library of Congress, Congressional Budget Office, Architect of the Capitol, House Inspector General, House or Senate Sergeant of Arms, or Capitol Police.

19. This final criterion excludes reports written by a committee to accompany a specific bill to be reported to the full House or Senate for further action and reports created by a conference committee to present legislation for final enactment by both chambers. *See, e.g., About Committee Reports of the U.S. Congress*, *supra* note 9 (describing the excluded categories as “reports that accompany a legislative measure when it is reported for chamber action” and “reports of conference committees”). *See also* Section III, *infra*, for further discussion of the Levin Center for Oversight and Democracy’s classification scheme.

20. *See About*, LIBR. OF CONG., CONGRESS.GOV (“Congress.gov is the official website for U.S. federal legislative information. The site provides access to accurate, timely, and complete legislative information for Members of Congress, legislative agencies, and the public.”) (last visited Apr. 4, 2022).

21. *The Policy Agendas Project*, THE UNIV. OF TEX. AT AUSTIN: DEP’T OF GOV’T, <https://liberalarts.utexas.edu/government/news/feature-archive/the-policy-agendas-project.php> [<https://perma.cc/F6MQ-L8E9>] (last visited Apr. 5, 2022); COMPARATIVE

Lugar Center provided public access to a new collection of 20,000 oversight hearings.²² Similarly, the HathiTrust has preserved countless copies of older congressional hearings and reports otherwise unavailable online.²³ Yet none of these institutions offers an identifiable collection of oversight reports.²⁴ Nor does the Government Publishing Office,²⁵ the Congressional Research Service,²⁶ the House,²⁷ or the Senate.²⁸ The result is a multitude of repositories which include a varying number of congressional reports among larger collections of congressional documents.

This labyrinth creates a confusing, disjointed, and daunting system for those who seek to acquire documents related to congressional oversight. Complicating matters further, most collections do not provide search terms that effectively retrieve oversight hearings or reports. For example, the U.S. Government Publishing Office (GPO) hosts two large databases, the

AGENDAS PROJECT, <https://www.comparativeagendas.net> [<https://perma.cc/9WTC-9HDF>] (last visited Feb. 9, 2022).

22. See *Congressional Oversight Hearing Index: Browse Hearings*, THE LUGAR CTR., <https://oversight-index.thelugarcenter.org/hearings/> [<https://perma.cc/MJS7-6VKC>] (last visited Apr. 5, 2022).

23. See *Welcome to the HathiTrust!*, HATHITRUST, <https://www.hathitrust.org/about> [<https://perma.cc/PD2Y-77ZJ>] (last visited Apr. 5, 2022) (“Founded in 2008, HathiTrust is a not-for-profit collaborative of academic and research libraries preserving 17+ million digitized items.”).

24. See *About the Library of Congress*, LIBR. OF CONG., <https://www.loc.gov/about/> [<https://perma.cc/6GQ2-TYZZ>] (last visited Apr. 5, 2022) (“[t]he Library of Congress is the largest library in the world ... [and] the main research arm of the U.S. Congress [...]”); *Hearings*, THE POL’Y AGENDAS PROJECT AT UNIV. OF TEX. AT AUSTIN: DEP’T OF GOV’T, <https://www.comparativeagendas.net> [<https://perma.cc/9WTC-9HDF>] (last visited Feb. 9, 2022); *Congressional Oversight Hearing Index*, THE LUGAR CTR., <https://oversight-index.thelugarcenter.org/hearings/> [<https://perma.cc/MJS7-6VKC>] (last visited Apr. 5, 2022); HATHITRUST, *supra* note 23.

25. See *Mission, Vision, and Goals*, GPO, <https://www.gpo.gov/who-we-are/our-agency/mission-vision-and-goals> [<https://perma.cc/R4RL-7QW4>] (last visited Apr. 5, 2022) (“the official, digital, and secure source for producing, preserving, and distributing official Federal Government publications and information products for Congress, Federal agencies, and the American public”).

26. See *About*, CONGR. RSCH. SERV., <https://www.loc.gov/crsinfo/about/> [<https://perma.cc/JS46-NY36>] (last visited Apr. 5, 2022) (“Congress relies on CRS to marshal interdisciplinary resources, encourage critical thinking and create innovative frameworks to help legislators form sound policies and reach decisions on a host of difficult issues.”).

27. See *U.S. House of Representatives*, HOUSE.GOV, <https://www.house.gov/> [<https://perma.cc/EWK5-W973>] (containing many House-related materials).

28. See *U.S. Senate*, SENATE.GOV, <https://www.senate.gov/> [<https://perma.cc/67D6-SXK8>] (containing many Senate-related materials).

Catalog of U.S. Government Publications²⁹ and GovInfo.gov,³⁰ both of which contain many congressional oversight reports but neither of which offers search terms enabling those reports to be easily retrieved. The same is true for the Congress.gov database hosted by the Library of Congress. The U.S. Department of Homeland Security has partnered with the Federal Emergency Management Administration and the Naval Postgraduate School Center for Homeland Security and Defense to create the Homeland Security Digital Library,³¹ a large database focused on documents pertaining to homeland security issues, but it, too, lacks effective search terms to locate oversight reports. The same problem affects congressional data collections managed by the National Archives and Records Administration.³² The bottom line is that all of these large databases are difficult to navigate for researchers interested in congressional oversight reports, and matters are made worse by the immense amount of informational overlap between them and the widespread lack of effective search terms to retrieve oversight materials.

29. See *Welcome to the Catalog of U.S. Government Publications (CPG)*, GPO, <https://catalog.gpo.gov/F/AU96NVGMKEJPP5YF35QR8PA1156VBRU9RF6RFIJBT76M6YP5UR-78438?func=short-jump&jump=000071> [<https://perma.cc/F942-MG86>] (last visited Apr. 5, 2022) (listing multiple datasets including “Congressional Publications”).

30. See *About Us*, GOVINFO, <https://www.govinfo.gov/about> [<https://perma.cc/DFL8-P6TV>] (last visited Apr. 5, 2022) (“govinfo provides free public access to official publications from all three branches of the Federal Government.”); *What’s Available*, GOVINFO, <https://www.govinfo.gov/help/whats-available> [<https://perma.cc/XFR2-2H66>] (last visited Apr. 5, 2022) (listing multiple datasets including “Congressional Reports”); *Congressional Reports, 104th Congress to Present*, GOVINFO, <https://www.govinfo.gov/help/crpt/about> [<https://perma.cc/B88A-RPSX>] (last visited Apr. 5, 2022) (“govinfo contains select House, Senate, executive, and conference reports from the 104th Congress (1995-96) forward. Additional documents from previous congresses are also available.”); *Congressional Reports*, GOVINFO, <https://www.govinfo.gov/app/collection/crpt/33/srpt/%7B%22pageSize%22%3A%22100%22%2C%22offset%22%3A%220%22%7D> [<https://perma.cc/M2TH-FSS7>] (last visited Apr. 5, 2022); *U.S. Congressional Serial Set*, GOVINFO, <https://www.govinfo.gov/help/serial-set> [<https://perma.cc/XP83-NWJG>] (last visited Apr. 5, 2022).

31. See *About*, HOMELAND SECURITY DIGITAL LIBRARY, <https://www.hsdl.org/c/about/> [<https://perma.cc/9GQH-CXCS>] (last visited Apr. 5, 2022) (“The Homeland Security Digital Library (HSDL) is the nation’s premier collection of documents related to homeland security policy, strategy, and organizational management.”).

32. See *About the National Archives*, NAT’L ARCHIVES AND RECS. ADMIN., <https://www.archives.gov/about> [<https://perma.cc/TMD9-F6X3>] (last visited Apr. 5, 2022) (“The National Archives and Records Administration (NARA) is the nation’s record keeper. Of all documents and materials created in the course of business conducted by the United States Federal government, only 1%-3% are so important for legal or historical reasons that they are kept by us forever.”).

C. Varying Congressional Practice

The U.S. House of Representatives and the U.S. Senate provide another alternative for locating oversight reports, hosting websites for each of their standing, joint, select, and special committees, but these committee websites also often suffer from limitations.³³ The House has disclosed that each of its committees independently maintains “a separate website for each full committee and the minority party office of each committee.”³⁴ In addition to managing its websites independently, each House committee may independently select vendors to develop its sites.³⁵ The Senate follows a similar practice.

As a result, committee websites vary in design, content, and search capabilities. For example, the committee that conducts the greatest number of oversight investigations in the Senate, the Homeland Security and Governmental Affairs Committee, does not separately archive its oversight reports,³⁶ even though some of its subcommittees do.³⁷ The same is true for the leading oversight committee in the House, the Committee on Oversight and Reform.³⁸ Other committees make it relatively easy to

33. See, e.g., *Committees*, U.S. HOUSE OF REPRS., <https://www.house.gov/committees> [<https://perma.cc/TP8E-DXMW>]; *Committees*, U.S. SENATE, https://www.senate.gov/committees/membership_assignments.htm [<https://perma.cc/9TXC-H4XG>] (last visited Apr. 5, 2022). See also *House Committee Reports*, LIBR. OF CONG., <https://www.congress.gov/house-reports/117th-congress> [<https://perma.cc/K36F-WY8M>] (last visited Apr. 5, 2022); *Senate Committee Reports*, LIBR. OF CONG., <https://www.congress.gov/senate-reports/117th-congress> [<https://perma.cc/GLC4-RYUM>] (last visited Apr. 5, 2022).

34. *Web Vendors*, U.S. HOUSE OF REPS., <https://www.house.gov/doing-business-with-the-house/web-vendors> [<https://perma.cc/ZTQ9-HEUW>] (last visited Apr. 5, 2022) (“Over 500 offices of the U.S. House of Representatives maintain a website accessible by the general public. Each office manages their website independently and may elect to expend funds to hire a vendor to design and develop a site. House offices with websites include: . . . The Committees of the House (with a separate website for each full committee and the minority party office of each committee)”).

35. *Id.*

36. See U.S. SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMM. (HSGAC), <https://www.hsgac.senate.gov/> [<https://perma.cc/7JY5-2P2B>] (last visited Apr. 5, 2022) (providing a tab for “Hearings,” but no tab for reports, although some committee reports are included in some listed hearings as “related files”).

37. See, e.g., *Reports*, U.S. SENATE HSGAC PERMANENT SUBCOMM. ON INVESTIGATIONS, <https://www.hsgac.senate.gov/subcommittees/investigations/reports> [<https://perma.cc/PPV9-HXEC>] (last visited Apr. 5, 2022) (listing reports issued by the subcommittee).

38. *Compare House Committee on Oversight and Reform* (COR), HOUSE COMM. ON OVERSIGHT AND REFORM, <https://oversight.house.gov/> [<https://perma.cc/TU4Q-HDKA>] (last visited Apr. 5, 2022) (providing a tab for “Activities,” but no tab for reports, although

retrieve their oversight reports,³⁹ while still others make it difficult,⁴⁰ creating a patchwork of inconsistent committee archives and search options.

In addition, even when committee websites list their oversight reports, the electronic links identified on those websites sometimes fail to work, especially for older reports, perhaps because the links go to websites that no longer exist or to document formats that are no longer supported.⁴¹ Broken links preclude retrieval of the affected reports. Another common problem is that oversight reports which should appear on a particular committee website do not, perhaps because the reports were never added or were removed.⁴² The failure to list a report could be the result of a

some committee reports are included in some listed hearings) *with Reports*, U.S. HOUSE SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS, <https://coronavirus.house.gov/news/reports> [<https://perma.cc/HWK6-7Q3B>] (last visited Apr. 5, 2022) (listing the reports issued by the subcommittee).

39. *See, e.g., Committee Reports*, U.S. HOUSE COMM. ON EDUC. AND LAB., <https://edlabor.house.gov/issues/committee-reports> [<https://perma.cc/P63C-MB8Z>] (last visited Apr. 5, 2022) (providing a list of committee oversight reports); *Library*, U.S. SENATE COMM. ON ARMED SERVS., <https://www.armed-services.senate.gov/library?c=all> [<https://perma.cc/8DMS-HY63>] (last visited Apr. 5, 2022) (providing a list of committee legislative and oversight reports, as well as other materials).

40. *See, e.g., Ways & Means Committee*, U.S. HOUSE OF REPS., <https://waysandmeans.house.gov/> [<https://perma.cc/Z2UL-RBFS>] (last visited Apr. 5, 2022) (providing a tab for “Committee Activity” but no tab for committee reports); *U.S. Senate Committee on Veterans Affairs*, U.S. SENATE, <https://www.veterans.senate.gov/> [<https://perma.cc/6CUM-P49F>] (last visited Apr. 5, 2022) (providing a tab for “Hearings” but no tab for committee reports).

41. *See, e.g., Reports Compare Jobs To Result From Dem, Republican Energy Plans*, SENATE COMM. ON ENERGY AND NAT. RES., (Mar. 21, 2002), <https://www.energy.senate.gov/2002/3/press-51D314C8-EDC9-42F0-8D71-E92F9520BD20> [<https://perma.cc/2ECL-VHAV>] (last visited Apr. 5, 2022) (press release with broken links to two congressional reports not otherwise available on the committee’s website); HOUSE COMM. ON OVERSIGHT AND GOVERNMENT REFORM, 112TH CONGR., NONE OF THE BELOW: THE TRUTH ABOUT PRESIDENT OBAMA’S ACTIONS AGAINST DOMESTIC ENERGY PRODUCTION, (Nov. 1, 2012), <https://republicans-oversight.house.gov/report/none-of-the-below-the-truth-about-president-obamas-actions-against-domestic-energy-production/> [<https://perma.cc/ZY3Z-G3EF>] (last visited Apr. 5, 2022) (minority committee website with a broken link to a minority staff report). *See also* Meghan M. Stuessy, *Retaining and Preserving Federal Records in a Digital Environment: Background and Issues for Congress*, CONGR. RES. SERV., (July 26, 2013), <https://crsreports.congress.gov/product/pdf/R/R43165/4> [<https://perma.cc/XG56-LU6U>] (last visited Apr. 5, 2022) (discussing uncertainty over whether electronic storage devices will be viable over long periods of time).

42. Missing reports were usually identified when a report title was mentioned in another document such as a press release, news article, hearing record, or report footnote, but the referenced report could not then be located in the relevant committee website. Determining why a report was not listed on the website of the committee that issued the report is extremely difficult, since there is typically no explanation or information provided on the website itself.

mistake, an archival backlog, or a deliberate policy of removing older reports.

In years past, the lifecycle of a congressional oversight report typically led to the report's inclusion in the GPO and LoC databases. At some point during or after an investigation, committee staff initiated the drafting of the report, soliciting input from committee members, staff, experts, and others.⁴³ Once finalized, the committee chair presented the report to the full committee during a business meeting for a vote, seeking a simple majority for approval.⁴⁴ Any committee member could draft additional, minority, or dissenting views for inclusion in the report.⁴⁵ The committee chair then decided whether to send the completed report to GPO for publication. Upon receiving a report, GPO placed the report into a standard format, with an official House or Senate number, and published it.⁴⁶ Published reports were automatically included in GPO's Govinfo.gov database and, in turn, were added to LoC's Congress.gov database, eventually becoming available to the public.⁴⁷

In recent decades, however, many committees have chosen not to follow the process just described. In many cases, committees have chosen to issue a staff report rather than a committee report.⁴⁸ Staff reports are typically drafted at the direction of the committee chair or ranking member who control the report's release to the public as a majority staff report, a

43. See, e.g., ELISE BEAN, FINANCIAL EXPOSURE: CARL LEVIN'S SENATE INVESTIGATIONS INTO FINANCE AND TAX ABUSE 282–286 (Palgrave Macmillan 2018) (providing a case study on the drafting of a congressional oversight report).

44. See, e.g., 117TH CONG., HOUSE RULE XI § 2(h) (2021); 113TH CONG., SENATE RULE XXVI § (7)(a)(3) (2013) (“The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present.”).

45. See, e.g., HOUSE RULE XI *supra* note 44, at § 2(l); 117TH CONG., HOUSE RULE XIII, §§ (2)(c) and (3)(a)(1) (2021); SENATE RULE XXVI, *supra* note 44, at § (10)(c).

46. See, e.g., U.S. Congressional Serial Set, GOVINFO, <https://www.govinfo.gov/help/serial-set> [<https://perma.cc/SU55-DCVT>] (last visited Apr. 5, 2022).

47. See, e.g., *About Committee Reports of the U.S. Congress*, *supra* note 9.

48. See, e.g., STAFF OF H.R. COMM. ON SCIENCE AND TECHNOLOGY, 111TH CONG., ENGINEERING THE CLIMATE: RESEARCH NEEDS AND STRATEGIES FOR INTERNATIONAL COORDINATION (Comm. Print 2010); *JPMorgan Chase Whale Trades: A Case History of Derivatives Risks and Abuses: Hearing Before the S. Subcomm. on Investigations*, 113th Cong. 150–510 (2013) (hereinafter *JPMorgan Chase Whale Trades*); REPUBLICAN STAFF OF THE H.R. COMM. ON FIN. SERV., TOO BIG TO JAIL: INSIDE THE OBAMA JUSTICE DEPARTMENT'S DECISION NOT TO HOLD WALL STREET ACCOUNTABLE (2d Sess. 2016), https://financialservices.house.gov/uploadedfiles/07072016_oi_tbtj_sr.pdf [<https://perma.cc/PX99-NH4U>]; COMM. ON FOREIGN RELS., SEVEN YEARS AFTER RANA PLAZA, SIGNIFICANT CHALLENGES REMAIN (Comm. Print 2020). For a discussion of the overall importance of reports drafted by committee staff, including their use as an oversight tool, see Abbe R. Gluck & Lisa Schultz Bressman, *Statutory Interpretation from the Inside - An Empirical Study of Congressional Drafting, Delegation, and the Canons: Part I*, 65 STAN. L. REV. 901, 967–982 (2013).

minority staff report, or bipartisan staff report.⁴⁹ Staff reports are not submitted to the full committee for a vote and do not qualify as official committee reports.⁵⁰ Committees may nevertheless choose to submit a staff report to GPO for publication as a “committee print,” and some staff reports bear a committee print number in place of a committee report number.⁵¹ Some but not all committee prints are included in the Govinfo.gov and Congress.gov databases.⁵²

It is important to note that no statute or House or Senate rule compels committees to submit either their committee reports or staff reports to GPO for publication, and many do not.⁵³ Since the mid 1990s, many committees and subcommittees have instead chosen to post their oversight reports on their websites, making them available to the public through the Internet.⁵⁴ Posting reports online freed committees from having to send them to GPO

49. See, GOVINFO, *supra* note 46.

50. See, e.g., *About Committees and Committee Materials*, LIBR. OF CONG., <https://www.congress.gov/help/committee-materials> [<https://perma.cc/N2SJ-62YF>] (last visited Apr. 5, 2022) (“[c]ommittee prints are similar to committee reports but their contents are not specified by chamber rules and statutes the way committee reports are governed”). See also, e.g., STAFF OF H. COMM. ON EDU. AND THE WORKFORCE, 108TH CONG., REPORT ON INVESTIGATION OF ULLICO INC., (Comm. Print 2003) (“This report has not been officially approved by the Committee[.]”).

51. See *Congressional Committee Prints, 104th Congress (1995-1996) to Present*, GOVINFO, <https://www.govinfo.gov/help/cprt> [<https://perma.cc/MAC4-3CH9>] (last visited Apr. 5, 2022) (“Procedures for the printing and publication of these prints differ with each committee, and formats are inconsistent. . . . Committee prints do not have a consistent numbering system or publication history, the reason being that these papers are printed copies of committee members’ work. The Senate has a numbering system for its committee prints, but the House does not[.]”). See, e.g., PERMANENT SUBCOMM. ON INVESTIGATIONS, 112TH CONG., REPATRIATING OFFSHORE FUNDS: 2004 TAX WINDFALL FOR SELECT MULTINATIONALS, (Comm. Print 2011).

52. See *Congressional Committee Prints, 104th Congress (1995-1996) to Present*, *supra* note 51. (indicating that a select number of committee prints from 1995 forward are included in Govinfo.gov); see *About Committees and Committee Materials*, *supra* note 50 (“Congress.gov includes committee prints from the 103rd Congress (1993) to the present.”).

53. See, e.g., HOUSE RULE XI, *supra* note 44; HOUSE RULE XIII, *supra* note 45; SENATE RULE XXVI, *supra* note 44, at §§ (10)(c). The absence of any requirement for the filing of oversight reports stands in contrast, for example, to rule provisions requiring the filing of legislative committee reports before a bill may be considered by the full House or Senate. See, e.g., SENATE RULE XXVI, *supra* note 44, at § (11)(c).

54. More recently, House committees and subcommittees have begun sending hearing information to a new House Committee Repository website, but do not appear to be routinely sending oversight reports to that repository. See *U.S. House of Representatives Committee Repository*, HOUSE.GOV, https://docs.house.gov/Committee/Calendar/ByWeek.aspx?WeekOf=01302022_02052022 [<https://perma.cc/W3FJ-3LKA>]. The Senate does not currently host a Senate counterpart to the House repository.

or pay GPO fees to offset the cost of preparing a report for publication.⁵⁵ At the same time, reports “published” solely on congressional websites do not receive an official House or Senate report or print number and remain outside of the Govinfo.gov and Congress.gov databases.

Another way that some committees have published their oversight reports has been to include the reports in a related hearing record.⁵⁶ While committees still paid a fee to GPO to offset the cost of publishing the hearing record, they did not pay a second fee to publish the oversight report as a separate document. The oversight report instead made it into both the GPO and LoC databases through its inclusion in a published hearing record. At the same time, those oversight reports remained difficult to find due to the absence of any GPO or LoC search terms to identify the presence of an oversight report within a larger hearing record.

A related problem is the common misconception that a document uploaded to the Internet is less fragile than a paper document that can be damaged by the elements, lost, or simply weathered by time. In fact, the opposite is true.⁵⁷ It is significantly easier to control the fate of a paper document than to secure a digital document. For instance, a physical paper can be filed and stored in an archival-standard storage space, a copy can be digitized and reprinted so the original can stay safe, and access to the document can be tightly restricted to avoid any tampering. In contrast, a digital document is subject to damage in multiple ways including by technology obsolescence that may degrade its formatting, software, or website; server failure; unauthorized tampering,⁵⁸ or deletion of the hosting website, whether by accident or on purpose. These and other electronic vulnerabilities affect the oversight reports uploaded by committees onto congressional websites, threatening their longevity, authenticity, and accessibility.⁵⁹

55. See, e.g., GPO, GPO ANNUAL REPORT 10–11, 24 (2020) (indicating that GPO is financed in part by “payments from customer agencies”).

56. See, e.g., *JPMorgan Chase Whale Trade*, *supra* note 48.

57. See, e.g., Mitchell Parkes, *A Review of the Preservation Issues Associated with Digital Documents*, 48 AUSTL. LIBR. J. 4, 358–377 (1999).

58. To try to prevent document tampering, GPO has partnered with Adobe to establish a certification process for electronic government documents. This certification process is relied upon to assure the provenance and intellectual control of the document, which remains a major concern related to digital government records. See, e.g., *Authentication*, GOVINFO, <https://www.govinfo.gov/about/authentication> [<https://perma.cc/VX6M-REZH>] (last visited Apr. 5, 2022).

59. See, e.g., MARTIN HALBERT ET AL., TOWARD A SHARED AGENDA: REPORT ON PRESERVATION OF ELECTRONIC GOVERNMENT INFORMATION (PEGI PROJECT) ACTIVITIES FOR 2017–2019 7 (2019), <https://www.pegiproject.org/publications> [<https://perma.cc/SX73-7BVA>] (last visited Apr. 5, 2022).

One manifestation of those threats involves the disappearance of some oversight reports due to the termination of a committee or subcommittee and the disabling of the committee's website. Over time, a number of House and Senate committees and subcommittees have gone out of existence due to expired charters or committee reorganizations.⁶⁰ When a committee or subcommittee terminates, its website is supposed to be archived, but that does not always appear to happen—a committee website may instead become unavailable to the public and any reports contained in that website may require looking elsewhere to find a copy.⁶¹

Finally, on top of all the problems with ineffective search terms, missing reports, and disappearing websites, the global pandemic imposed an additional set of problems on the development of the oversight reports database. Due to the closure of many government buildings and the decision by many government employees to work from home, it became very difficult to reach committee clerks, Library of Congress, GPO, or other government personnel who might help with finding specific oversight reports. Additionally, COVID-19 restrictions, both in travel and in libraries, caused difficulties and delays in accessing information necessary for the database.

II. THE PROJECT

Despite the many problems just recited, over the past year, the Levin Center for Oversight and Democracy has successfully located, preserved, and archived hundreds of congressional oversight reports. More than 700

60. See, e.g., *Committee Name History*, LIBR. OF CONG., https://www.congress.gov/help/committee-name-history#senate_standing_committees_terminated [<https://perma.cc/F2UJ-QSDF>] (last visited Apr. 5, 2022) (listing terminated House and Senate committees).

61. See, e.g., Joint Select Committee on Budget and Appropriations Process Reform whose website does not appear in either the Library of Congress (LoC) congressional web archive or in the Internet Archive, despite the fact that it was in operation from 2018 to 2019. See STAFF ON THE H.R. COMM. ON THE BUDGET, 115TH CONG., *LEGISLATIVE HISTORY OF THE JOINT SELECT COMMITTEE ON BUDGET AND APPROPRIATIONS PROCESS REFORM* (Comm. Print 2018). See also *Senate Year 2000 Technology Problem (Special) Committee*, LIBR. OF CONG., <https://www.congress.gov/committee/senate-year-2000-technology-problem-special/sp2k00> [<https://perma.cc/2A7E-6W2E>] (last visited Apr. 5, 2022). This committee was in operation from 1998 to 2001, and appears in the Internet Archive, but not in the Library of Congress website archive. See also MEGHAN M. STUESSY, CONGR. RESEARCH SERV., *RETAINING AND PRESERVING FEDERAL RECORDS IN A DIGITAL ENVIRONMENT: BACKGROUND AND ISSUES FOR CONGRESS 4* (2013), <https://crsreports.congress.gov/product/pdf/R/R43165/4> [<https://perma.cc/4FG4-TS8Q>] (last visited Apr. 5, 2022) (discussing the challenges for records management when a variety of applications and platforms are used to create, transmit and store records, including the uncertainty over whether those devices will be viable over long periods of time).

oversight reports from nearly 100 House and Senate committees, subcommittees, and members of Congress have already been located and included in the database as of this writing. By the end of this first phase of the Levin Center for Oversight and Democracy project sometime in the latter half of 2022, the database is expected to house a total of more than 1,000 congressional oversight reports.

The objective during the initial phase of the project was to include in the database congressional oversight reports dating from the 106th Congress to the 116th Congress, which covers roughly a twenty-year period from 2000 to 2020. Due to the difficulty in locating many of the reports, the poor condition of some electronic versions, and the threats posed by missing reports and disappearing websites, the decision was made early on not only to locate the reports, but also to make copies of them for preservation purposes. The database has since become as much about preserving the content of congressional oversight reports as cataloging them for further research.

After locating and taking steps to preserve a copy of each oversight report, the database collected a set of basic data for each one. The data points include any official committee report or print number; the date of creation; the committee, subcommittee, or individual member or members of Congress who authored the report; the report title; the type of report (committee approved report, staff report, individual member report, among others); the presence of additional, minority, or dissenting views; and the report length. In addition to those objective details, the database provides a short summary of the report's topic, purpose, and findings, using keywords to facilitate searches.

The database also provides the name of the chair, ranking minority member, and other members of the committee or subcommittee that released the oversight report as well as the names of relevant staff members, pulling available information from the report itself. This information was included in the database to enable researchers to identify the reports attributable to specific members of Congress and staffers, and to assemble a body of work over time for specific individuals or teams of individuals.⁶²

62. A burgeoning literature exists on congressional productivity and effectiveness, focusing on the actions of individual members, committees, and congressional staff. *See, e.g.,* Craig Volden & Alan E. Wiseman, *Legislative Effectiveness in the United States Congress*, J. POL. (Jan. 2018); UNIV. OF CHI. PRESS, CONGRESS OVERWHELMED: THE DECLINE IN CONGRESSIONAL CAPACITY AND PROSPECTS FOR REFORM (Timothy M. Pira et al. eds., 2020); ALEX BOLTON & SHARECE THROWER, CHECKS IN THE BALANCE: LEGISLATIVE CAPACITY AND THE DYNAMICS OF EXECUTIVE POWER (Suzanne Mettler et al. eds. 2021); Brian D. Feinstein, *Who Conducts Oversight? Bill-Writers, Lifers, and*

Next, the database categorizes the report topic using the categories and codes developed by the University of Texas Policy Agendas Project (PAP).⁶³ The PAP codebook, developed over decades, lists dozens of issues and hundreds of sub-issues of interest to Congress and other policymakers.⁶⁴ The codebook also contains detailed rules clarifying which topics are covered by which codes. PAP codes are widely used in social sciences research to categorize government records,⁶⁵ and their use in the Levin Center for Oversight and Democracy database will enable researchers to search by using familiar terms and integrate the information in the oversight reports database with other types of data.

Finally, the database contains two types of data designed to provide additional context for each oversight report. The first identifies any congressional hearing held in connection with a specific oversight report. Identifying related hearings in the oversight report database frees researchers from having to search other databases to track down the existence, date, and nature of a related hearing. This approach will save researchers time while also providing them additional information about the investigation that gave rise to the report. The second type of data identifies and provides a copy of any press release issued in connection with the oversight report or a corresponding oversight hearing. Press releases provide additional context for each report, including evidence related to who was most involved with drafting the report and whether it

Nailbiters, 64 WAYNE L. REV. 127 (2018); Alex Acs, *Congress and Administrative Policymaking: Identifying Congressional Veto Power*, 63 AM. J. POL. SCI. 513 (2019); Cody A Drolc & Lael R. Keiser, *The Importance of Oversight and Agency Capacity in Enhancing Performance in Public Service Delivery*, 31 J. PUB. ADMIN. RSCH. & THEORY 773 (2021); Kenneth Lowande & Rachel Augustine Potter, *Congressional Oversight Revisited: Politics and Procedure in Agency Rulemaking*, 83 J. OF POL. 401 (2021). The specificity the Levin Center for Oversight and Democracy provides with respect to who is involved in producing reports (and when) will help supplement these analyses and provide insight into those individuals and committees who are most productive in oversight.

63. See *Policy Agendas Project*, *supra* note 21. The Levin Center for Oversight and Democracy wishes to express its appreciation to the Policy Agendas Project, Professors Bryan Jones and Sean Theriault, Connor Dye, Derek Epp, and many others for their invaluable assistance with the coding of the oversight report database.

64. See UNIV. OF TEX. POLICY AGENDAS PROJECT, COMMITTEES DATA CODEBOOK (2019), https://comparativeagendas.s3.amazonaws.com/codebookfiles/Codebook_PAP_2019.pdf [<https://perma.cc/HY3L-CQAA>].

65. E.g., Anthony Michael Bertelli, Pamela J. Clouser McCann, and Giulia Leila Travaglini, *Delegation, Collaborative Governance, and Nondistributive Policy: The Curious Case of Joint Partnerships in American Federalism*, 81 J. POL. 377, 381 (2019); Marc J. Hetherington and Jason A. Husser, *How Trust Matters: The Changing Political Relevance of Political Trust*, 56 AM. J. POL. SCI. 312, 319 (2012); Jonathan Lewallen, *Subsystems and Ill-fitting Problems: Clarifying a Concept*, 50 POL'Y STUD. J. 90, 98 (2022); Scott Moser, Abel Rodríguez, and Chelsea L. Lofland, *Multiple Ideal Points: Revealed Preferences in Different Domains*, 29 POL. ANALYSIS 139, 148 (2021);

was the product of a partisan or bipartisan effort. Another reason for including press releases in the database is that like oversight reports, they appear to be under threat from technological obsolescence and website changes, and therefore need to be preserved before they, too, disappear.

To standardize the collection of these data elements, the Levin Center for Oversight and Democracy developed a set of written guidelines for those participating in the data collection effort.⁶⁶ The guidelines set limits on acceptable formats, terms, and content, and provide guidance on the types of reports that may be included in the database. The guidance is designed to promote consistency, reliability, and high-quality data throughout the data collection effort.

As currently configured, the congressional oversight reports project is intended to provide oversight scholars with not only the texts of the many congressional oversight reports produced over a recent 20-year period, but also the basic facts, rich details, and key context needed to evaluate Congress' investigative efforts.

III. THE PROCESS

Given the problems facing congressional oversight reports and the high standards set for the Levin Center for Oversight and Democracy data collection project, the actual process of assembling the database was complex. It involved two key procedural steps: collecting reports of interest and determining which of them qualified as oversight reports under our definition.

A. Collecting the Reports

The first practical objective was to locate reports of interest. Finding them involved a multi-step process that, in the end, required extensive online detective work.

Initially, work focused on searching the GPO database Govinfo.gov,⁶⁷ the Library of Congress database Congress.gov,⁶⁸ and the Lugar Center Congressional Oversight Hearing Index database⁶⁹ to locate congressional oversight reports from 2000 to 2020. The absence of effective search terms

66. These guidelines will be made available with the release of the database.

67. See *Discover U.S. Government Information*, GOVINFO, govinfo.gov [https://perma.cc/6VUE-G97U] (last visited Mar. 21, 2022).

68. See *Search*, CONGRESS.GOV, congress.gov [https://perma.cc/XMM6-PWU8] (last visited Mar. 21, 2022).

69. See *Welcome to the Congressional Oversight Hearing Index*, THE LUGAR CENTER, https://oversight-index.thelugarcenter.org [https://perma.cc/7DAX-6H8U] (last visited Mar. 21, 2022).

made the effort so difficult that the focus switched instead to reviewing House and Senate committee websites. The Levin Center for Oversight and Democracy used the congressional websites to identify hundreds of oversight reports to date, but due to varying committee practices, website limitations, and the lack of effective search terms, the Levin Center for Oversight and Democracy cannot be certain that its collection efforts will be conclusive; instead, it is likely that additional reports will surface over time and need to be added to the report database.

The work began with the two committees best known for performing oversight investigations, the House Committee on Oversight and Reform (COR)⁷⁰ and the Senate Committee on Homeland Security and Governmental Affairs (HSGAC).⁷¹ The data collection effort began by searching the committee websites for copies of all oversight reports from 2000 to 2020, and included a review of oversight materials associated with the full committee and each of its subcommittees in existence over the last twenty years.⁷² Efforts were also made to locate minority committee websites formed during the same twenty-year period in order to search for oversight reports prepared by minority staff.⁷³ In the case of the House oversight committee, for example, a search of a separate website administered by Republican committee members found a number of

70. See *House Committee on Oversight and Reform*, U.S. HOUSE OF REPS. <https://oversight.house.gov> [<https://perma.cc/LWX8-JCBE>] (last visited Mar. 21, 2022). The committee name has changed over the years from the Committee on Expenditures in the Executive Departments in 1927, to the Committee on Government Operations in 1952, to the Committee on Government Reform and Oversight in 1995, to the Committee on Government Reform in 1999, to the Committee on Oversight and Government Reform in 2007, to its current name beginning in 2019. See *Committee Name History*, LIBR. OF CONG., <https://www.congress.gov/help/committee-name-history> [<https://perma.cc/MQ4V-9A43>] (last visited Mar. 21, 2022).

71. See *U.S. Senate Committee on Homeland Security and Governmental Affairs*, U.S. SENATE, <https://www.hsgac.senate.gov> [<https://perma.cc/4G5D-E3M7>] (last visited Mar. 21, 2022). The committee's name has changed over the years from the Committee on Expenditures in the Executive Departments in 1921, to the Committee on Government Operations in 1952, to the Committee on Governmental Affairs in 1977, to its current name beginning in 2005. See *Committee Name History*, LIBRARY OF CONGRESS, <https://www.congress.gov/help/committee-name-history> [<https://perma.cc/MQ4V-9A43>] (last visited Mar. 21, 2022).

72. At the start of each new Congress, House and Senate committees review their subcommittees and may decide to change them, either by revising the name or jurisdiction of existing subcommittees or by terminating one or more subcommittees and forming new ones. See *Committee Name History*, LIBR. OF CONG., <https://www.congress.gov/help/committee-name-history> [<https://perma.cc/MQ4V-9A43>] (last visited Mar. 21, 2022). The changes in subcommittee names and jurisdictions posed additional challenges in tracking down their oversight reports over time.

73. Minority websites were located for most House committees and a few Senate committees.

minority staff reports.⁷⁴ After completing the review of the two leading oversight committees, the same review process was applied to other standing, joint, select, and special committees in both chambers.

To locate oversight reports on the committee and subcommittee websites, a variety of search terms were used, including “oversight” and “reports.” Next, materials related to oversight hearings were reviewed to see if any reports were mentioned or included in online hearing materials.⁷⁵ Additionally, a review was conducted of any committee and subcommittee “news” or “media” section to see if any oversight reports were mentioned in a press release or press advisory. Sifting through years of press releases – while tedious – typically yielded the names of multiple oversight reports and sometimes working links to them.⁷⁶ Still another technique to locate reports was to check the footnotes of each identified oversight report to see if they referenced any prior or related report. Footnote reviews proved to be an effective method for discovering reports that were not mentioned elsewhere.⁷⁷ Once a report title was identified, other sources could be used

74. See *Committee on Oversight and Reform*, U.S. HOUSE OF REP. <https://republicans-oversight.house.gov> [<https://perma.cc/2APR-FBE6>] (last visited Mar. 21, 2022) (providing a committee website administered by minority committee members separate and apart from the committee website administered by majority members). The minority website included a tab for “Reports.” See *id.* at “Committee Activity” then “Reports.”; see also, e.g., H. COMM. ON OVERSIGHT AND REFORM MINORITY STAFF, *A VIEW FROM CONGRESS: ROLE OF PHARMACY BENEFIT MANAGERS IN PHARMACEUTICAL MARKETS* (2021), <https://republicans-oversight.house.gov/wp-content/uploads/2021/12/PBM-Report-12102021.pdf> [<https://perma.cc/FB7G-TAZK>].

75. See, e.g., *Examining the Administration’s Failure to Prevent and End Medicaid Overpayment: Hearing Before the Subcomm. on Health Care of the H. Comm. on Oversight and Gov. Reform*, 112th Cong. 29 (2012) (mentioning a report during the hearing which triggered a successful effort to locate and preserve that report).

76. See, e.g., Press Release, S. Comm. on Energy & Nat. Res., Reports Compare Jobs to Result From Dem, Republican Energy Plans (Mar. 21, 2002, 12:00 AM), <https://www.energy.senate.gov/2002/3/press-51D314C8-EDC9-42F0-8D71-E92F9520BD20> [<https://perma.cc/KSR2-FG7A>] (last visited Apr. 5, 2022) (committee press release referencing two congressional reports).

77. See, e.g., H. COMM. ON GOV. REFORM, SPECIAL INVESTIGATIONS DIV., *CLASS SIZES IN GRADES K-3 IN PORTLAND, OREGON* (1999). This report was mentioned in a footnote in another committee report released a year later. See H. COMM. ON GOV. REFORM, SPECIAL INVESTIGATIONS DIV., *K-3 CLASS SIZES IN PORTLAND, OREGON* ii n.1 (2000), [<https://wayback.archive-it.org/4949/20141031194547/http://oversight-archive.waxman.house.gov/documents/20040607100848-85036.pdf>] (last visited Mar. 21, 2022). The only copy of the 1999 report that the Levin Center for Oversight and Democracy was able to locate was in an archived website of Congressman David Wu who was responsible for both oversight reports. See *Library of Congress Web Archive for Congressman Wu*, <https://webarchive.loc.gov/all/20010112064426/http://www.house.gov/wu/>; *Library of Congress Web Archive*, HOUSE COMM. ON GOV’T REFORM, <https://webarchive.loc.gov/all/20010113002306/http://www.house.gov/wu/wureport.htm> (last visited Mar. 21, 2022) (containing the report).

to locate a copy, including: committee websites, member websites, GPO and Library of Congress websites, the HathiTrust website,⁷⁸ and general Internet searches.

Another fruitful tactic to locate oversight reports was to review archived congressional websites maintained by the Library of Congress for House and Senate committees and members of Congress.⁷⁹ Successful searches retrieved oversight reports from a number of the websites, including websites belonging to individual members of Congress who led oversight investigations. For instance, Rep. Henry A. Waxman (D-CA), former chair of the House oversight committee (then called the Committee on Government Oversight and Reform), set up a website which captured some of his committee work, including copies of some oversight reports.⁸⁰ That website was then archived by the University of California, Los Angeles (UCLA) as part of a collection, the “Henry Waxman Papers.”⁸¹ UCLA utilized an Internet Archive subscription service, known as “Archive-It,”⁸² which captured and archived webpages from the Waxman website. Because of that archival arrangement, the Levin Center for Oversight and Democracy was able to access information stored on the Waxman Papers website and retrieve a number of otherwise unavailable oversight reports for the database. A similar website belonging to former Senator Tom Coburn (R-OK) is part of a collection of his papers at Oklahoma State University Library which, again, enabled the database to collect multiple oversight reports associated with his oversight work in the House and Senate.⁸³

At the same time, the Library of Congress archived websites were far from foolproof. Many had multiple problems, including poor

78. See *Search the HathiTrust Digital Library*, HATHITRUST, <https://www.hathitrust.org/> [https://perma.cc/8575-BZ8Z] (last visited Mar. 21, 2022).

79. See *United States Congressional Web Archive*, LIBR. OF CONG., <https://www.loc.gov/collections/united-states-congressional-web-archive/> [https://perma.cc/GS5W-E8P6] (last visited Mar. 21, 2022).

80. See *Chairman Henry Waxman, 110th Congress*, H. COMM. ON OVERSIGHT AND GOV. REFORM (last visited Oct. 31, 2014), <https://wayback.archive-it.org/4949/20141031180602/http://oversight-archive.waxman.house.gov/>.

81. See *Henry Waxman Papers*, UCLA, ARCHIVE-IT, <https://archive-it.org/collections/4949> (last visited Mar. 21, 2022).

82. See *Welcome to Archive-It!*, ARCHIVE-IT, <https://archive-it.org/> (last visited Mar. 21, 2022).

83. See *Tom Coburn, M.D., U.S. Senator from Oklahoma*, OKLA. STATE UNIV. LIBR., <https://coburn.library.okstate.edu/index.html> [https://perma.cc/ZZ8K-BCN9] (last visited Mar. 21, 2022).

functionality,⁸⁴ broken links, and inconsistent webpage capture dates.⁸⁵ Regardless, the information gleaned from the archived webpages proved to be invaluable. Even if a link to a specific report no longer worked, the report title could be used to search elsewhere for a working link. Without the existence of the Library of Congress archived congressional websites and the Internet Archive's Wayback Machine,⁸⁶ the Levin Center for Oversight and Democracy might have been unable to retrieve many important oversight reports.

One additional issue involved finding high quality versions of specific reports. For many reports, the first copy discovered was of sufficient quality to be archived in the Levin Center for Oversight and Democracy database. However, other reports proved problematic due to missing exhibits or other problems.⁸⁷ In some cases, it was necessary to extract the exhibits from a lower quality version of the report to create a complete document of the highest possible quality.⁸⁸ In other cases, the only copy of an oversight report appeared in an official hearing record and had to be extracted from that larger document.⁸⁹

Still another major issue occurred when it became apparent that most of the older retrieved reports were not in a machine-readable format.⁹⁰

84. Many of the LoC archived websites had minimal functionality, making it difficult or impossible to retrieve reports. *See, e.g., Chairman Edolphus Towns, 111th Congress*, H. COMM. ON OVERSIGHT AND GOV. REFORM, <https://webarchive.loc.gov/all/20091201233647/http://oversight.house.gov/index.php> (last visited Mar. 21, 2022). Some of those websites nonetheless contained information that could be used to identify oversight reports that could then be retrieved through other means.

85. Archiving webpages involves capturing the information on a website at a specific date and time, and the website will usually be captured multiple times. However, if a large gap of time spans between capture dates, then information could have come and gone from a website without being captured and, therefore, archived.

86. *See About the Internet Archive*, INTERNET ARCHIVE, <https://archive.org/about/> [<https://perma.cc/RN3K-BD74>] (last visited Mar. 21, 2022) (“[t]he Internet Archive, a 501(c)(3) non-profit, is building a digital library of Internet sites and other cultural artifacts in digital form . . . [t]oday we have 25+ years of web history accessible through the Wayback Machine and we work with 950+ library and other partners through our Archive-It program to identify important web pages.”).

87. *See, e.g., S. REP. NO. 105-67*, pt. 1-6 (1998) (containing extensive majority and minority reports and supporting materials).

88. *See id.*

89. *See, e.g., Role of U.S. Correspondent Banking in International Money Laundering: Hearing Before the Permanent Subcomm. on Investigations of the S. Comm. on Gov't Affairs*, 107th Cong. 273-691 (2001).

90. “‘Machine-readable’ format means a file format structured so that software applications can easily identify, recognize, and extract specific data, including individual statements of fact, and their internal structure.” *Machine-Readable Format*, L. INSIDER DICTIONARY, <https://www.lawinsider.com/dictionary/machine-readable-format> [<https://perma.cc/XKW6-AXT3>] (last visited Mar. 21, 2022).

Machine-readable documents are key to enabling researchers to search the content of a document; without that feature, many reports would be of limited use in academic research. At the same time, when some reports were converted to a machine-readable format, certain letters or numbers in the report were automatically altered or became illegible, rendering the converted version effectively unusable. In those cases, additional software processing was required to produce a usable version of the report.

Those and other problems meant that the actual process of finding and preserving reports for the new database required persistence, creativity, and a dash of online detective work. Despite the obstacles, the Levin Center for Oversight and Democracy was able to identify hundreds of reports of interest for possible inclusion in the database.

B. Identifying Which Reports Qualified as Oversight Reports

Locating and preserving the reports did not, however, address all of the data collection issues that had to be resolved. As the project advanced, questions continually arose as to whether particular types of reports met the Levin Center for Oversight and Democracy's definition of "oversight report."

Neither Congress nor the research community has a universally accepted definition of "oversight." Senator Carl Levin, the Levin Center for Oversight and Democracy's namesake, used an expansive definition as indicated in this passage taken from an article he co-authored:

If Congress wants to evaluate existing laws, determine whether new laws are needed, or author useful legislation, it needs to understand the problems at issue and how the current system operates. If Congress wants to exercise the power of the purse, it needs to assess past appropriations and determine where taxpayer dollars should be spent and in what amounts. If Congress wants to meet its Constitutional responsibility to provide checks and balances to the rest of government, it needs to screen nominations made by the president, examine federal agency actions, and evaluate the judiciary. If Congress wants to declare war, it needs to understand the conflict at issue, America's defense posture, and our national security interests. In every instance, to make informed decisions, Congress needs to ascertain the facts and

identify and analyze the relevant issues. It needs to investigate.⁹¹

In that same article, Senator Levin wrote that the term “oversight” is meant to “encompass the full range of inquiries conducted by Congress, whether short or long term, routine or special, targeting the public or private sector, or conducted by a committee or individual member of Congress.”⁹²

Senator Levin also highlighted several defining characteristics of oversight reports, the most important of which involves factfinding. Oversight investigations focus on finding out what happened and why as opposed to, for example, hearings that focus on designing legislation, allocating funds, or explaining why a treaty should be ratified. Similarly, oversight reports, while wide-ranging, involve gathering facts, presenting evidence, and developing factual conclusions to enable Congress to carry out its legislative functions. While recommendations are also a common element, they do not overshadow the factfinding that is at the core of an oversight report.

A classic example of an oversight report is one which is written at the end of an in-depth congressional investigation into a scandal with disputed facts and which presents a committee consensus on what happened and why.⁹³ On the other end of the spectrum are, for example, committee reports which are written to accompany legislation that has been approved by the committee and reported to the full House or Senate for further action.⁹⁴ Committee reports designed to support and explain legislation are, perhaps, the most common type of committee report, but they do not qualify as oversight reports, since their objective is to support a legislative proposal rather than memorialize an oversight investigation. Legislative reports accompanying specific bills are, thus, excluded from the oversight report database.

During the data collection process, other types of reports raised questions about whether they should be included in the oversight report database. The following identifies some of those categories and the basis for including or excluding them from the database.

91. LEVIN, *supra* note 2, at 1–2.

92. *See id.* at 1 n.2.

93. *See, e.g.,* S. PERMANENT SUBCOMM. ON INVESTIGATIONS, WALL STREET AND THE FINANCIAL CRISIS: ANATOMY OF A FINANCIAL COLLAPSE pt. I–IV (2011) (on file with author). Part I contains the 750-page report and supporting documents. Parts II–IV contain additional supporting documents.

94. *See, e.g.,* *About Committee Reports of the U.S. Congress*, *supra* note 9. *See also, e.g.,* H.R. REP. NO. 116–501 (2020).

Committee Activity Reports. One category of report ultimately included in the database are committee activity reports.⁹⁵ Committee activity reports are documents that congressional committees are required by House and Senate rules to produce at the end of each two-year Congress detailing their legislative and oversight actions during the course of the Congress.⁹⁶ Activity reports typically contain not only a comprehensive description of the oversight actions taken by a committee, but also often provide important specific information such as how the committee voted on a particular oversight report and whether a report was the product of a bipartisan inquiry.⁹⁷ While committee activity reports are routinely sent to GPO, given report numbers, and included in the GPO and Library of Congress databases,⁹⁸ the Levin Center for Oversight and Democracy nevertheless included them in its database to make it easier for researchers to access information about committees' oversight activities. The activity reports provide enhanced contextual information for all a committee's oversight efforts, thus making them a useful addition to the database.

Executive Reports. Another category of reports which raised questions about their inclusion in the database are so-called "Executive Reports" related to the Senate's constitutional responsibility to provide advice and consent on presidential nominations and treaties with other countries.⁹⁹ A collection of these reports is made available to the public by the Library of Congress in an online section providing not only copies of each committee report since 1995, but also the presidential messages that transmitted the pertinent nominations and treaties.¹⁰⁰

The first subset of those Executive Reports examines whether a presidential nominee should be confirmed.¹⁰¹ In most cases, nominees proceed through the Senate confirmation process answering questions on a variety of issues but without triggering a committee report.¹⁰² On

95. See IDA A. BRUDNICK, CONG. RSCH. SERV., GUIDE TO COMMITTEE ACTIVITY REPORTS: PURPOSE, RULES, AND CONTENTS (2020), <https://sgp.fas.org/crs/misc/R45104.pdf> [<https://perma.cc/P48L-ALD3>] (last visited Mar. 21, 2022).

96. See *id.* at preface.

97. See, e.g., H.R. REP. NO. 114-909, at 101 (2017) (disclosing that a bipartisan report, *United States Secret Service: An Agency in Crisis*, had been "unanimously approved" by committee members); H.R. REP. NO. 116-710, at 68, 71, 87-88 (2020) (providing investigative details about specific staff reports).

98. See, e.g., *About Committee Reports of the U.S. Congress*, *supra* note 9.

99. See *Executive Reports*, LIBR. OF CONG., <https://www.congress.gov/executive-reports/117th-congress> [<https://perma.cc/L5GN-U677>] (last visited Mar. 21, 2022); U.S. CONST., art. II, § 2.

100. See *Executive Reports*, *supra* note 99.

101. See *About Nominations*, U.S. SENATE, <https://www.senate.gov/about/powers-procedures/nominations.htm> [<https://perma.cc/3HBW-NJQM>] (last visited Mar. 21, 2022).

102. See *Executive Reports*, *supra* note 99.

occasion, however, a committee asked to consider a nomination will conduct a full-blown investigation of the nominee and issue an official Executive Report with factual analysis and findings.¹⁰³ Because Executive Reports on nominations typically involve an investigation into an individual nominee and include factual analysis related to making a decision on confirmation, the Levin Center for Oversight and Democracy decided that nomination reports should be included in the database.

The second subset of Executive Reports addresses agreements between the United States and one or more foreign countries.¹⁰⁴ All of those reports are issued by the Senate Committee on Foreign Relations and describe specific documents submitted by the president to the Senate for its advice on ratification.¹⁰⁵ The Levin Center for Oversight and Democracy determined that those reports were equivalent to committee reports on legislation, were not the product of a congressional investigation, and should not be included in the oversight report database.

Commission Reports. A third type of report raising questions about whether it should be included in the database involved reports issued by congressional commissions. The Congressional Research Service defines a congressional commission as “a multimember independent entity that (1) is established by Congress, (2) exists temporarily, (3) serves in an advisory capacity, (4) is appointed in whole or in part by Members of Congress, and (5) reports to Congress.”¹⁰⁶ Of the more than 160 congressional commissions formed since the 101st Congress,¹⁰⁷ the Library of Congress currently includes five in its list of congressional committees, essentially treating them as equivalent bodies.¹⁰⁸ Each of the listed commissions is chaired by and composed primarily of sitting members of Congress serving as the commissioners.¹⁰⁹ Some appear to engage in investigative

103. See, e.g., S. EXEC. REP. NO. 109-1 (2005).

104. See *Executive Reports*, *supra*, note 99 (listing Executive Reports addressing treaties, international agreements, conventions, and protocols from the 104th to the 117th Congress). The number of Executive Reports issued by the Senate Committee on Foreign Relations varied each year from a low of zero in the first half of the 117th Congress to a high of three dozen in the 104th Congress.

105. See, e.g., S. EXEC. REP. NO. 113-9 (2014).

106. See JACOB R. STRAUS, CONG. RSCH. SERV., CONGRESSIONAL COMMISSIONS: OVERVIEW AND CONSIDERATIONS FOR CONGRESS at “Summary” (2022).

107. See *id.*

108. *Committees of the U.S. Congress*, LIBR. OF CONG., <https://www.congress.gov/committees> [<https://perma.cc/FJ39-BGNU>] (last visited Mar. 21, 2022).

109. See *id.* The Helsinki Commission is chaired by and has 18 sitting members of Congress. See *Frequently Asked Questions*, COMM. ON SEC. AND COOP. IN EUR., <https://www.csce.gov/about-csce/our-structure/frequently-asked-questions> [<https://perma.cc/FJ39-BGNU>].

activities. Accordingly, the Levin Center for Oversight and Democracy decided to include in the database reports that are issued by congressional commissions chaired by and composed primarily of sitting members of Congress and that otherwise meet the database's definition of an oversight report.

Contempt Reports. A fourth type of oversight report ultimately included in the database involved reports calling for contempt proceedings to be initiated against a specific individual or entity.¹¹⁰ While used sparingly, Congress has long had the authority to hold a person “in contempt of Congress” for refusing to cooperate with an oversight investigation, such as by refusing to comply with a congressional subpoena for documents or testimony.¹¹¹ Prior to seeking a House or Senate vote to hold a person in contempt, the relevant committee has typically issued a report explaining the facts, including what information it requested, why it was important, what information was provided or withheld by the persons at issue, and why legal proceedings would be appropriate.¹¹² The reports often present and analyze disputed facts. In addition, they inherently address Congress' contempt authority which is key to Congress' ability to enforce its information requests. Due to the importance of contempt proceedings in the oversight process, the Levin

cc/HV42-CVDP] (last visited Mar. 21, 2022). The Congressional-Executive Commission on China is chaired by and has 17 sitting members. *See Commissioners of the 117th Congress*, CONG.-EXEC. COMM. ON CHINA, <https://www.cecc.gov/117th-congress> [https://perma.cc/8GG3-MEM6] (last visited Mar. 21, 2022). The Tom Lantos Human Rights Commission is open only to House members and currently is chaired by and has 50 sitting members. *See Tom Lantos Human Rights Comm.*, U.S. CONG., <https://humanrightscommission.house.gov/about> [https://perma.cc/SLS7-CXHJ] (last visited Mar. 21, 2022). The Congressional Oversight Commission currently has two commissioners, both sitting members, but no chair. *See About*, CONG. OVERSIGHT COMM., <https://coc.senate.gov/about> [https://perma.cc/K8NT-VNAV] (last visited Mar. 21, 2022). The Senate Commission on Art has 5 sitting senators and its executive secretary is the Secretary of the Senate. *See Explore the Senate's Art*, U.S. SENATE, <https://www.senate.gov/art-artifacts/curator-office.htm> [https://perma.cc/D8YR-DA6L] (“[t]he Senate Commission on Art is comprised of five senators, who serve on an ex officio basis: The president pro tempore, the chairman and ranking minority member of the Committee on Rules and Administration, and the majority and minority leaders”) (last visited Mar. 21, 2022).

110. *See, e.g.*, H. REP. NO. 112-546 (2012).

111. *See, e.g.*, TODD GARVEY, CONG. RSCH. SERV., CONGRESS'S CONTEMPT POWER AND THE ENFORCEMENT OF CONGRESSIONAL SUBPOENAS: LAW, HISTORY, PRACTICE, AND PROCEDURE (2017), <https://crsreports.congress.gov/product/details?prodcode=RL34097> [https://perma.cc/2U9B-4CXU] (last visited Mar. 21, 2022).

112. *See id.* at 20; 2 U.S.C. § 194 (authorizing congressional contempt proceedings if a witness fails to comply with a subpoena and that failure “is reported to either House while Congress is in session or when Congress is not in session . . . [to] the President of the Senate or the Speaker of the House”).

Center for Oversight and Democracy decided to include in the database all congressional reports related to the actual exercise of Congress' contempt powers.

Impeachment Reports. Using similar reasoning, the Levin Center for Oversight and Democracy also determined to include all reports issued by the House or Senate related to the impeachment process. Reports recommending impeachment of an executive branch official, judge, or the president necessarily involve Congress' oversight authority under the Constitution¹¹³ as well as the presentation and analysis of facts.¹¹⁴ Impeachment-related reports can be issued by the House Judiciary committee,¹¹⁵ a special committee,¹¹⁶ or another committee.¹¹⁷ All are expected to be included in the database.

Member Reports. Still another type of oversight report that was ultimately included in the database involved reports issued by individual members of Congress outside of the committee process. Some members of Congress have issued impressive oversight reports without the benefit of subpoenas or other resources available to committees. For example, in 2019, Rep. Katherine Clark (D-MA) and Rep. Hal Rogers (R-KY) issued a 43-page report entitled, "Corrupting Influence: Purdue & the WHO."¹¹⁸ The report presented facts indicating that pain relief guidelines issued by the World Health Organization had been improperly influenced by opioid manufacturer Purdue Pharma;¹¹⁹ in response, the World Health Organization rescinded its guidance.¹²⁰ The report clearly qualified as an

113. See U.S. CONST. art. I, § 3, art. II, § 4.

114. See, e.g., TODD GARVEY & JARED P. COLE, CONG. RSCH. SERV., IMPEACHMENT AND THE CONSTITUTION (2019), <https://crsreports.congress.gov/product/pdf/R/R46013> [<https://perma.cc/4D9V-MN79>].

115. See, e.g., H.R. REP. 111-159 (2009).

116. See, e.g., S. REP. NO. 111-347 (2010).

117. See, e.g., H.R. REP. NO. 116-335 (2019).

118. See KATHERINE CLARK & HAL ROGERS, CORRUPTING INFLUENCE: PURDUE & THE WHO (2019), https://katherineclark.house.gov/_cache/files/a/a/aaa7536a-6db3-4192-b943-364e7c599d10/818172D42793504DD9DFE64B77A77C0E.5.22.19-who-purdue-report-final.pdf [<https://perma.cc/46FM-SYH8>] (last visited Mar. 21, 2022).

119. See, e.g., Press Release, Katherine Clark, Congresswoman, Clark, Rogers Release Report Exposing Purdue Pharma's Corrupting Influence At The World Health Organization (May 22, 2019), <https://katherineclark.house.gov/press-releases?ID=E36932A0-7D08-4409-9EBF-B57A58E2BAF6> [<https://perma.cc/YQ4Q-BH9M>] (last visited Mar. 21, 2022).

120. See, e.g., Press Release, Katherine Clark, Congresswoman, Statement from Congresswoman Katherine Clark in Response to World Health Organization Rescinding Dangerous 2011 & 2012 Guidelines (June 19, 2019), <https://katherineclark.house.gov/2019/6/statement-from-congresswoman-katherine-clark-in-response-to-world-health-organization-rescinding-dangerous-2011-2012-guidelines> [<https://perma.cc/TX3D-VSLE>] (last visited Mar. 21, 2022).

oversight report, despite the absence of committee involvement, and so was included in the database. Another example of Member-generated reports is a category known as “waste reports” which typically detail what the author considers to be instances of improper or ill-considered federal spending.¹²¹ Those reports, which compile facts from multiple sources and exercise oversight of federal spending, were also included in the database despite the absence of any committee participation.

Brief Reports. Another category of reports raising questions about whether the reports should be included in the database involved very short reports – sometimes only a page long – whose text more resembled a press release than a congressional factual inquiry.¹²² Despite their brief content, many of those reports were clearly designated as staff reports issued by a subcommittee chair. The decision was made that the database should not disregard those reports, but instead recognize the authority of congressional committee and subcommittee leaders to designate specific documents as staff “reports.” Accordingly, the Levin Center for Oversight and Democracy concluded it would not exclude any report from the database solely because of its brevity and would instead focus on whether the report was the product of a congressional oversight effort.

Novel Reports. A final category of reports that raised questions about their inclusion in the database involved novel committee reports that utilized an online video format rather than written text to describe a specific oversight effort. To date, several such reports have been identified, all from the House Committee on Oversight and Reform,¹²³ but it is possible that more committees have chosen or may choose video or other novel presentation options in the future. Because the identified video reports were clearly the product of oversight inquiries, included factual analysis, and were described by committee leaders as committee reports,

121. See, e.g., TOM. COBURN, 2014 WASTEBOOK: WHAT WASHINGTON DOESN'T WANT YOU TO READ (2014) https://www.restoreaccountability.com/sites/restoreacc/uploads/documents/library_docs/Wastebook_2014.pdf [<https://perma.cc/9X6V-WWBL>] (last visited Mar. 21, 2022).

122. See, e.g., RAND PAUL, S. HOMELAND SEC. AND GOV'T AFFAIRS SUBCOMM. ON FED. SPENDING OVERSIGHT AND EMERGENCY MGMT., DANCING WITH THE CARS: THE NATIONAL ENDOWMENT FOR THE ARTS SPENDS TENS OF THOUSANDS IN TAXPAYER FUNDS TO SUPPORT CHOREOGRAPHED DANCES WITH VEHICLES AND MACHINERY (2017), <https://www.hsgac.senate.gov/imo/media/doc/2017-12-07%20Waste%20Report%20-%20Dancing%20with%20the%20Cars.pdf> [<https://perma.cc/R52Y-7HZZ>] (last visited Mar. 21, 2022) (providing a one-page subcommittee report on the Senate committee website).

123. See, e.g., H.R. Oversight and Reform Subcomm. on the Env't., *#WaterIsAHuman Right*, YOUTUBE (Oct. 5, 2020) [<https://www.youtube.com/watch?v=byPZqeWiHwE>] (last visited Mar. 21, 2022) (providing an 11-minute video “report” on water shutoffs); H.R. REP. NO. 116–710, at 93–5 (2020) (describing four separate “video reports” involving environmental equity, water shutoffs, election issues, and eminent domain issues).

the Levin Center for Oversight and Democracy concluded that they should be included in the database.

The debates over whether to include categories of reports in the database were, in essence, debates over the proper scope of congressional oversight. Perhaps development of the oversight report database can help to build consensus within the research community on a universally accepted definition of what is meant by the terms “congressional oversight” and a congressional “oversight report.”

IV. CONCLUSION

The decision to create the first ever database dedicated to congressional oversight reports was prompted by the overwhelming difficulties that now confront anyone trying to locate, analyze, and evaluate the impact and import of congressional oversight reports. Congressional oversight reports are valuable and fascinating documents. They capture factual disputes important enough to have engaged our legislative leaders. They collect and preserve historical evidence, including key documents and contemporaneous testimony. They provide context for understanding some of the most contentious moments in U.S. history. They help to shape public perceptions of government policy and actions then and now.

Despite their political and historical significance, too many congressional oversight reports have been disappearing or become difficult to track down. The Levin Center for Oversight and Democracy’s decision to locate, preserve, and catalog those reports will help reduce those research barriers. The first phase of this effort, due to conclude in 2022, will create a database that will facilitate oversight research and lay a foundation for expanded archival efforts in the years ahead. Additional research is needed to strengthen Congress’ oversight activities since, as one scholar recently explained:

Oversight can produce outcomes that are, beyond debate, good for American democracy. From saving taxpayers money through reducing fraud, to improving the implementation of policy, to uncovering actions of career bureaucrats, political appointees, and regulated entities that are demonstrably illegal, congressional oversight can and does improve the efficiency, effectiveness and integrity of government.¹²⁴

124. Jason MacDonald, *Partisan Trends in Congressional Oversight*, J. CARL ALBERT CONG. RSCH. & STUDIES CTR. (Mar. 29, 2019).

For those reasons, this article seeks to help alert oversight scholars to the existence of the new congressional oversight reports database, its features, and its potential for enriching oversight scholarship.