

December 13, 2021

The Honorable Zoe Lofgren  
Chair  
Joint Committee on the Library

The Honorable Amy Klobuchar  
Vice Chair  
Joint Committee on the Library

Dear Chair Lofgren, Vice Chair Klobuchar, and Members of the Joint Committee on the Library:

Thank you for your ongoing efforts to provide oversight and direction to the Library of Congress and for your service on the oldest continuing joint committee of the U.S. Congress. We respectfully request that you direct the Congressional Research Service to publish all non-confidential CRS Reports online.

Congress directed the CRS to publish CRS Reports online in the Consolidated Appropriations Act, 2018.<sup>1</sup> The legislation required online publication of reports available on CRS's Congressional Intranet as of the date of enactment. It also "encouraged" the CRS director to "make additional CRS products that are not confidential products or services" available online, which includes thousands of non-confidential CRS Reports, memoranda and other publications. Nonetheless, the CRS has said it will not publish additional CRS Products online without further specific direction from Congress.<sup>2</sup>

The Joint Committee on the Library has the authority to instruct the Library of Congress regarding improving public availability of CRS Reports and other non-confidential products, as does the Committee on House Administration and Senate Rules Committee.<sup>3</sup> We respectfully request that you exercise that authority with respect to CRS Reports.<sup>4</sup>

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<sup>1</sup> P.L. 115-141 § 154, <https://www.congress.gov/bill/115th-congress/house-bill/1625>.

<sup>2</sup> See *The Recap: Library of Congress Virtual Public Forum*, Oct. 18, 2020 ("The Library of Congress made it clear it would not act to improve public access to CRS reports (by improving how the reports are published or releasing the archival reports) or to make available an API to Congress.gov data without express and explicit direction from Congress.") (<https://congressionaldata.org/the-recap-library-of-congress-virtual-public-forum/>).

<sup>3</sup> We note FY 2021 Omnibus Appropriations bill, and decades of prior Appropriations bills, declare the Committee on House Administration or the Senate Committee on Rules may authorize the Library of Congress "to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress." P.L. 116-260.

<sup>4</sup> Dr. Wendy Ginsberg, a House Oversight Subcommittee Staff director and former analyst with the CRS, called for online publication of other non-confidential products in her October 2021 testimony before the House Select Committee on the Modernization of Congress, arguing that the CRS must revamp how product lines are distributed. "With the public dissemination of many of their products now permissible, CRS must use distribution channels much more effectively to remain relevant." We agree. How the CRS should accomplish publication of non-confidential products will likely be a matter that the CRS will debate internally and with congressional stakeholders; our experience is that it will take direction from Congress to resolve the matter. As direction from Congress on CRS Reports already exists and research into implementation has been conducted by the CRS, we suggest starting there. See Testimony of Wendy Ginsberg, available at <https://docs.house.gov/meetings/MH/MH00/20211021/114068/HHRG-117-MH00-Wstate-GinsbergW-20211021.pdf>.

Congress has endorsed public availability of non-confidential CRS Reports, as have former CRS employees,<sup>5</sup> civil society,<sup>6</sup> and academics.<sup>7</sup> Indeed, long standing congressional policy has allowed Members and committees to distribute CRS products to the public over the decades and now directs the CRS to prospectively make the reports publicly available. “Non-current CRS reports,” i.e., reports not published on CRS’s internal website after the 2018 Appropriations law’s enactment date, still have relevance for members of Congress, staff, and the public. These reports provide context for issues under deliberation and illuminate choices made by members of Congress concerning policy questions that still are relevant today. CRS Reports are often cited in significant historical works of scholarship. In fact, the continued relevance of non-current CRS Reports is why, in part, CRS maintains a digitized archive of some reports for use by CRS employees that often are shared with congressional staff.

Congress requested that the CRS identify requirements necessary to publish its already-digitized reports online through the Appropriations committee report language adopted by the House in FY 2021.<sup>8</sup> CRS has declined to make their response available to the public. The directions were as follows:

*Access to Archival Materials:* The Committee requests that within 60 days of enactment of this Act the CRS provide a report to the Committee evaluating the possibility of publication of CRS reports contained in its CRSX archive,<sup>9</sup> specifically examining the feasibility, cost, and benefits of integrating all or a subset of the reports online. This analysis should include an assessment of the utility to the public and Congress of online access to the reports.

*Alternate Format for Public Reports:* The Library is requested to provide to the Committee within 60 days of enactment of this Act a report describing the process, timeframe and costs of making available to the public all currently available non-confidential CRS Reports in HTML format rather than PDF, or a successor format when appropriate. The Committee understands that CRS already publishes reports on its internal website in HTML. Making this change in format for external audiences would facilitate the use and re-use of the information contained in the reports.

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<sup>5</sup> Letter to Congress from 25 former CRS Employees (April 28, 2017), [https://s3.amazonaws.com/demandprogress/letters/CRS\\_Employees\\_Call\\_for\\_Public\\_Access\\_to\\_CRS\\_Reports\\_2017-04-28.pdf](https://s3.amazonaws.com/demandprogress/letters/CRS_Employees_Call_for_Public_Access_to_CRS_Reports_2017-04-28.pdf).

<sup>6</sup> Letter to Congress from 40 organizations and 91 members of the general public, with an index addressing commonly-raised concerns about public access to CRS Reports (Aug. 24, 2015), [https://s3.amazonaws.com/demandprogress/letters/2015-08-24\\_Bipartisan\\_Coalition\\_Letter\\_Calling\\_for\\_Public\\_Access\\_to\\_CRS\\_Reports.pdf](https://s3.amazonaws.com/demandprogress/letters/2015-08-24_Bipartisan_Coalition_Letter_Calling_for_Public_Access_to_CRS_Reports.pdf).

<sup>7</sup> Letter to Dr. Hayden from various academics (Sept. 1, 2021), [https://s3.amazonaws.com/demandprogress/documents/2021-09-01\\_.pdf-CRS-Reports\\_Policy-Agendas-Project.pdf](https://s3.amazonaws.com/demandprogress/documents/2021-09-01_.pdf-CRS-Reports_Policy-Agendas-Project.pdf).

<sup>8</sup> Legislative Branch Appropriations, 2021 Committee Report (H. Rept. 116-447, p. 36-37), <https://www.congress.gov/116/crpt/hrpt447/CRPT-116hrpt447.pdf>.

<sup>9</sup> Testimony of Dr. Kevin K. Kosar before the House Legislative Branch Appropriations Subcommittee (Apr. 2, 2019), <https://docs.house.gov/meetings/AP/AP24/20190402/109212/HHRG-116-AP24-Wstate-KosarK-20190402.pdf>.

We respectfully request that you direct the CRS to make further improvements with respect to online publication of CRS Reports. All members of Congress should have direct access to the corpus of these reports upon demand. Currently, there is no way for them to know what report titles exist. Similarly, all members of the public should be on an equal footing with one another with respect to access. And yet, well-resourced groups pay for access from third-party subscription services, including for non-current reports unavailable on CRS's internal and external websites. By comparison, other legislative branch agencies publish current and historical reports online, including, as noted below, the Law Library of Congress. It is time for the CRS to catch up.

Accordingly, we urge you to take the following three steps:

**1. Direct the CRS to create a plan for and to proceed with publication of CRS Reports contained in its CRSX archive.** These documents already are in a digital format and are cataloged in an electronic repository replete with metadata. CRS should commence with making them publicly available online, on a Library of Congress website if possible and with the U.S. Government Publishing Office (GPO) if not. The CRS should consult with civil society experts that already republish CRS Reports and previously issued recommendations on how the CRS could most usefully publish reports online.<sup>10</sup> In addition, the CRS should consult with other elements of the Library of Congress on how to best integrate its products into Congress.gov, which would further the Library's efforts as a whole to make its collections more accessible to the public. As CRS reports have already been reviewed and issued by CRS, the focus should be on putting the digital documents online and incorporating existing metadata.

**2. Direct the CRS to create a plan and timeline for publication of non-current CRS Reports that are not already in digital format.** We urge the CRS to draw inspiration from the Law Library of Congress, which recently scanned more than six thousand of its law reports dating back decades and published them online, and used crowd-sourcing to improve the accessibility and utility of the reports.<sup>11</sup> Accordingly, CRS should consider the extent to which they can partner with legislative branch entities or others to publish non-current reports not yet digitized by CRS. Furthermore, the agency should also consult with entities that have experience with scanning and publishing significant volumes of government publication as well as entities with particular domain expertise in republishing CRS Reports or legislative branch data generally. We understand this will be a longer term effort.

**3. Direct the CRS to publish the text of CRS Reports online in addition to PDFs.** Many CRS Reports have been published on CRS's internal website in HTML format and other reports may exist in legacy Microsoft Word or WordPerfect formats that could be published

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<sup>10</sup> Civil society letter concerning Draft Library of Congress Memo on CRS Report Website (June 8, 2018),

[https://s3.amazonaws.com/demandprogress/documents/2018-06-08-Civil-Society-Memo\\_on\\_CRS\\_Reports-Website-Implementation.pdf](https://s3.amazonaws.com/demandprogress/documents/2018-06-08-Civil-Society-Memo_on_CRS_Reports-Website-Implementation.pdf).

<sup>11</sup> Historical Legal Reports from the Law Library of Congress, Library of Congress, <https://crowd.loc.gov/campaigns/legal-reports/>.

as is or be converted to HTML or markdown. Publication of CRS Reports as HTML or in semi-structured data formats will encourage their wide re-use, improve accessibility for persons with disabilities, and extend the reach of CRS in connecting with its congressional users. Furthermore, reports that exist only as scanned files could be published online and an additional layer of data could be created through OCR or crowdsourcing techniques. CRS should prioritize the publication of HTML for reports already available online as PDFs. The Library of Congress need not publish the HTML on the CRS reports website so long as the HTML is available in a central repository, such as the bulk data repository maintained by GPO.<sup>12</sup>

Congressional Research Service Reports enrich the legislative process and help inform public debate. We appreciate your attention to addressing public availability of non-current CRS Reports and publication of all non-confidential CRS Reports in more flexible formats.

We welcome the opportunity to discuss this with you further. Please contact Daniel Schuman, Policy Director for Demand Progress, at [Daniel@DemandProgress.org](mailto:Daniel@DemandProgress.org), Kevin R. Kosar, Senior Fellow for American Enterprise Institute, at [Kevin.Kosar@aei.org](mailto:Kevin.Kosar@aei.org), or James R. Jacobs, co-Founder of Free Government Information, at [freegovinfo@gmail.com](mailto:freegovinfo@gmail.com).

Best regards,

American Enterprise Institute  
Americans for Prosperity Foundation  
Association of Research Libraries  
Brennan Center for Justice  
Center for Data Innovation  
Data Coalition Initiative  
Defending Rights & Dissent  
Demand Progress  
Federation of American Scientists  
Fix the Court  
Free Government Information  
FreedomWorks  
Government Information Watch  
GovTrack.us  
Grand Valley State University  
Inclusive America  
Issue One  
Lincoln Network  
Media Alliance  
Minnesota Coalition on Government Information (MNCOGI)  
MuckRock

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<sup>12</sup> Bulk Data Repository, Government Publishing Office, <https://www.govinfo.gov/bulkdata>.

National Coalition for History  
National Freedom of Information Coalition  
National Security Archive  
National Security Counselors  
National Taxpayers Union  
No More Guantánamos Inc.  
Oceana  
Open The Government  
OpenSecrets  
Project On Government Oversight  
Protect Democracy  
Public Citizen  
Quorum  
Reporters Committee for Freedom of the Press  
Revolving Door Project  
Scholarly Publishing and Academic Resources Coalition (SPARC)  
Senior Executives Association  
Taxpayers Protection Alliance  
TechFreedom  
The Digital Democracy Project  
The PEGI Project

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Kevin J. Holland (CRS retired)\*  
Lorelei Kelly (Beeck Center for Social Impact + Innovation at Georgetown)\*  
Louis Fisher (Library of Congress, retired 1970-2010)\*  
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