

**Daniel Schuman, Policy Director, Demand Progress**  
**Testimony Before The**  
**Legislative Branch Subcommittee**  
**Committee on Appropriations**  
**U.S. House of Representatives**  
**May 3, 2017**

Dear Chairman Yoder, Ranking Member Ryan, and Members of the Committee:

On behalf of a coalition of organizations and individuals, thank you for the opportunity to submit testimony in support of expanded public access to Congressional Research Service (CRS) reports. Longstanding congressional policy allows Members and committees to use their websites to disseminate CRS products to the public, although CRS itself may not engage in direct public dissemination. This results in a disheartening inequity: insiders with Capitol Hill connections can easily obtain CRS reports from any of the 20,000 congressional staffers and well-resourced groups can pay for access from subscription services. However, members of the public can access only a small subset of CRS reports that are intermittently posted on an assortment of not-for-profit websites. Now is the time for a systematic solution that provides timely, comprehensive free public access to and preservation of non-confidential reports while protecting confidential communications between CRS and Members and committees of Congress.

CRS reports—not to be confused with confidential CRS memoranda and other products—play a critical role in our legislative process by informing lawmakers and staff about the important issues of the day. The public should have the same access to information. In 2015 CRS completed over 1,200 new reports (including other general-distribution products) and updated over 2,400 existing products. (CRS also produced more than 3,100 confidential memoranda.)

Our interest in free public access to non-confidential CRS reports illustrates the esteem in which the agency is held. CRS reports are regularly requested by members of the public and are frequently cited by the courts and the media. For example, over the last decade CRS reports were cited in 190 federal court opinions, including 64 at the appellate level. Over the same time period, CRS reports were cited 67 times in *The Washington Post* and 45 times *The New York Times*. CRS reports often are published in the record of legislative proceedings.

Taxpayers provide more than \$100 million annually in support of CRS, and yet members of the public often must look to private companies for consistent access to CRS reports. Some citizens are priced out of these services, resulting in inequitable access to information about government activity that is produced at public expense.

In fact, while CRS generates a list of all the reports it has issued over the previous year, it silently redacts that information from the public-facing version of its annual report. This makes it difficult for the public to even know the scope of CRS products they could obtain from Congress. A Google search returned over 27,000 reports including 4,260 hosted on .gov domains, but there is no way to know if those documents are up to date, what might be missing,

or when they might disappear from view. We think it critical that in circumstances when the public has access to a CRS report, it knows whether it is the most recent, up-to-date version.

Comprehensive free public access to non-confidential CRS reports would place the reports in line with publications by other legislative support agencies in the United States and around the globe. The Government Accountability Office, the Congressional Budget Office, the Law Library of Congress, and the 85% of G-20 countries whose parliaments have subject matter experts routinely publish reports to the public. In addition, former CRS analysts with more than 500 years of experience have signed a letter calling for public access to the reports.

We hasten to emphasize that we are *not* calling for public access to CRS products that should be kept confidential or are distributed only to a small network on Capitol Hill. Memoranda produced at the request of a Member or committee and provided to an office in direct response to a request should remain confidential unless the office itself chooses to release the report. By comparison, we believe no such protection should attach to reports typically published on CRS's internal website or otherwise generally disseminated.

We value the work of CRS and in no way wish to impede its ability to serve Congress. CRS reports already undergo multiple levels of administrative review to ensure they are accurate, non-partisan, balanced, and well-written. Authors of every CRS product are aware of the likelihood that reports will become publicly available.

We do not make a specific recommendation on who should comprehensively publish non-confidential CRS reports online, although the approach outlined in the bipartisan, bicameral legislation known as the *Equal Access to Congressional Research Service Reports Act of 2016*, H.R. 4702 (114th) and S. 2639 (114th) is a reasonable. The Clerk of the House, the Secretary of the Senate, the Government Publishing Office (GPO), the Library of Congress and libraries in the Federal Depository Library Program (FDLP) are all reasonable places for the public to gain access to these documents. Space constraints prevent us from responding in this document to concerns occasionally raised about public access to CRS reports, so for more information please go to the document identified in the footnote for our evaluation of those concerns.<sup>1</sup>

We ask only that all non-confidential reports be published as they are released, updated, or withdrawn; that they be published in their full, final form; that they are freely downloadable individually and in bulk; and that they be accompanied by an index or metadata that includes the report ID, the date issued/updated, the report name, a hyperlink to the report, and the division that produced the report.

Thank you again for the opportunity to testify. If you have further questions, please do not hesitate to contact me at [daniel@demandprogress.org](mailto:daniel@demandprogress.org) or 202-792-4550.

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<sup>1</sup> See Nov. 12, 2015 letter in support of expanded public access to CRS reports, available at [https://s3.amazonaws.com/demandprogress/letters/2015-11-12\\_Letter\\_Calling\\_for\\_Public\\_Access\\_to\\_CRS\\_Reports.pdf](https://s3.amazonaws.com/demandprogress/letters/2015-11-12_Letter_Calling_for_Public_Access_to_CRS_Reports.pdf) and <https://goo.gl/sLa37S>.

Sincerely yours,

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|---|--|
| American Association of Law Libraries                                 | Government Accountability Project  |
| American Civil Liberties Union  | GovTrack.us  |
| American Commitment   | LegiStorm  |
| American Society of News Editors                                      | Minnesota Coalition On Government Information                            |
| Americans For Tax Reform  | National Coalition for History   |
| Association of Alternative Newsmedia                                  | National Security Archive  |
| Association of Research Libraries                                     | National Security Counselors   |
| Campaign Finance Institute  | National Taxpayers Union   |
| Cause of Action   | New America's Open Technology Institute                                  |
| Center for Data Innovation  | OpenTheGovernment  |
| Center for Democracy & Technology                                     | Project On Government Oversight  |
| Center for Responsive Politics  | Public Citizen   |
| Center for Science and Democracy at the Union of Concerned Scientists | Quorum   |
| Citizens for Responsibility and Ethics in Washington (CREW)           | R Street Institute   |
| Common Cause  | Reporters Committee for Freedom of the Press                             |
| Council for Citizens Against Government Waste                         | Southern Oregon University Hannon Library                                |
| Data Coalition  | Sunlight Foundation  |
| Defending Rights & Dissent  | Taxpayers Protection Alliance  |
| Demand Progress   | TechFreedom  |
| Free Government Information   | The FOIA Project (foiaproject.org)                                       |
| FreedomWorks  | Transactional Records Access Clearinghouse (TRAC) at Syracuse University |

Amy Frazier (Middlebury College Libraries)\*  
Andrew Lopez (Shain Library, Connecticut College)\*  
Bert Chapman (Purdue University Libraries)\*  
Brenda Ellis (Middlebury College)\*  
Bryan Carson (Middlebury College Library)\*  
Carrie Macfarlane (Middlebury College Libraries)\*  
Claire King (Kansas Supreme Court Law Library)\*  
Dr. William D. Jackson (CRS, retired.)\*  
Francis Buckley (Former Superintendent of Documents, US Government Printing Office)\*  
Helen Burke (Minnesota Coalition on Government Information)\*  
Jada A. Aitchison (UALR Law Library, Little Rock, AR)\*  
Lois Aleta Fundis (Reference and Government Documents Librarian, Mary H. Weir Public Library, Weirton, WV)\*  
Melissa Serfass (University of Arkansas at Little Rock William H. Bowen School of Law Library)\*  
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Patrick Wallace (Middlebury College)\*  
Richard Rowberg (National Academies of Science, Engineering, and Medicine)\*  
Robert Sippel (Evans Library, Florida Institute of Technology)\*  
Ryan Clement (Middlebury College)\*  
Shari Laster (University of California, Santa Barbara)\*  
Stephen Hayes (University of Notre Dame - Hesburgh Libraries' Mahaffey Business library)\*  
Susan Bucks (Monmouth University)\*  
Terry Simpkins (Middlebury College)\*  
Wendy Swanberg (University of Wisconsin-Madison; Bickford Organics)\*

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## **Daniel Schuman Biography**

Daniel Schuman is policy director at Demand Progress, and leads our efforts on issues that concern governmental transparency/accountability/reform, civil liberties/national security, and promoting an open internet.

Daniel co-founded the Congressional Data Coalition, which brings together organizations from across the political spectrum to advocate for a tech-savvy Congress. He directs the Advisory Committee on Transparency, which supports the work of the Congressional Transparency Caucus, and is a fellow at CodeX, the Stanford Center for Legal Informatics. Daniel new website, EveryCRSReport, recently won a 'le hackie' award from D.C. Legal Hackers.

In 2016 Daniel was named to the FastCase 50 and in 2013 Daniel was named among the 'top 25 most influential people under 40 in gov and tech' by FedScoop. He is a nationally recognized expert on federal transparency, accountability, and capacity, and has testified before Congress and appeared on NPR, C-SPAN, and other news outlets.

Daniel previously worked as policy director at CREW; policy counsel at the Sunlight Foundation; and as a legislative attorney with the Congressional Research Service. Daniel graduated *cum laude* from Emory University School of Law.

## Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

|   |
|---|
| <p>Your Name, Business Address, and Telephone Number:</p> <p>Daniel Schuman, Demand Progress, 30 Richie Ave., Silver Spring, MD. 202-742-4550.</p>  |
| <p>1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing.</p> <p>I am appearing on behalf of Demand Progress and a coalition of civil society organizations.</p>  |
| <p>2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2012 related to the agencies or programs funded by the Subcommittee?</p> <p>Yes <input type="radio"/> No <input checked="" type="radio"/></p>   |
| <p>3. Have you or any organization you are representing received any contracts or payments originating with a foreign government since October 1, 2012 related to the agencies or programs funded by the Subcommittee?</p> <p>Yes <input type="radio"/> No <input checked="" type="radio"/></p>   |
| <p>4. If your response to question #2 and/or #3 is "Yes", please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof), and/or the amount and country of origin of any payment or contract originating with a foreign government. Please also indicate whether the recipient was you or the organization(s) you are representing.</p> |

Signature: *Daniel Schuman*

Date: *April 25, 2017*