

**Daniel Schuman, Policy Director, Demand Progress  
Testimony Before The  
Legislative Branch Subcommittee  
Committee on Appropriations  
United States Senate  
Concerning the Congressional Research Service**

**May 10, 2017**

Dear Chairman Lankford, Ranking Member Murphy, 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 Civil Liberties Union  
American Commitment  
American Society of News Editors  
Americans For Tax Reform  
Association of Alternative Newsmedia  
Association of Research Libraries  
Campaign Finance Institute  
Cause of Action  
Center for Data Innovation  
Center for Democracy & Technology  
Center for Responsive Politics  
Center for Science and Democracy at the  
Union of Concerned Scientists  
Citizens for Responsibility and Ethics in  
Washington (CREW)  
Common Cause  
Council for Citizens Against Government  
Waste  
Data Coalition  
Defending Rights & Dissent  
Demand Progress  
Free Government Information  
FreedomWorks

Government Accountability Project  
GovTrack.us  
LegiStorm  
Minnesota Coalition On Government  
Information  
National Coalition for History  
National Security Archive  
National Security Counselors  
National Taxpayers Union  
New America's Open Technology Institute  
OpenTheGovernment  
Project On Government Oversight  
Public Citizen  
Quorum  
R Street Institute  
Reporters Committee for Freedom of the  
Press  
Southern Oregon University Hannon Library  
Sunlight Foundation  
Taxpayers Protection Alliance  
TechFreedom  
The FOIA Project (foiaproject.org)  
Transactional Records Access  
Clearinghouse (TRAC) at Syracuse  
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Amy Frazier (Middlebury College Libraries)\*  
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Susan Bucks (Monmouth University)\*  
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Wendy Swanberg (University of Wisconsin-Madison; Bickford Organics)\*

*\* for affiliation purposes only*

Kathleen L. Amen	Judy Myers
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Kayla Cook	Norman Ornstein
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Jeffrey Griffith	Margo Pierson
Kay Halstead	Ronald Russ
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