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## **Outside Witness Testimony: Fiscal Year 2018 Appropriations**

*Submitted by:*

**Sasha Moss**

Tech Policy Manager, R Street Institute

*To:*

Senate Committee on Appropriations  
Subcommittee on the Legislative Branch

*Regarding:*

Public Access to Legislative Information  
(Congressional Research Service)

May 12, 2017

Dear members of the subcommittee:

The following is a letter addressed to the chairmen and ranking members of the Joint Committee on the Library; the House and Senate legislative branch appropriations subcommittees; the Committee on House Administration; and the Senate Committee on Rules and Administration. It was signed by 25 former Congressional Research Service (“CRS”) employees, with a combined 570 years of service with the agency. They formally request that Congress provide a central online source for timely public access to CRS reports, which would allow all members of the public to enjoy access on equal footing and to verify that the reports are authentic. The nonconfidential reports of other legislative-branch support agencies—such as the Congressional Budget Office, the Government Accountability Office, and the Library of Congress’ law library—already are made available publicly. These former and retired CRS employees respectfully request the same of CRS reports.

### **25 former CRS employees: Give free public access to CRS reports**

Dear Chairman Harper, Chairman Shelby, Chairman Yoder, Chairman Lankford, Ranking Member Brady, Ranking Member Klobuchar, Ranking Member Ryan, and Ranking Member Murphy:

We are 25 former employees of the Congressional Research Service (CRS) with a collective 570 years of service with the agency. We write in strong support of timely, comprehensive free public access to CRS reports. In doing so, we distinguish between CRS reports, which are non-confidential, and other CRS products, such as memoranda, which are confidential.

CRS plays a vital role in our legislative process by informing lawmakers and staff about important policy issues. To that end, nothing should impair CRS's ability to provide confidential support to members of Congress, such as through briefings and confidential memoranda. Nor should Congress take any steps to weaken the Constitutionally-protected status of CRS's work product. In contrast, CRS reports are widely available on Capitol Hill to staff and lobbyists alike, are released with no expectation of confidentiality, and could be of immense value to the general public.

Longstanding congressional policy allows Members and committees to distribute CRS products to the public, which they do in a variety of ways. In addition, CRS provides reports upon request to the judicial branch, to journalists, and to the executive branch, which often publishes them on agency websites. Insiders with relationships to congressional staff can easily obtain the reports, and well-resourced groups pay for access from third-party subscription services. Members of the public, however, can freely access only a subset of CRS reports, usually via third parties.

It is difficult for the public to know the scope of CRS products they could obtain from Congress. A Google search returned over 27,000 products including 4,260 hosted on .gov domains, but there is no way to know if those documents are up to date, whether the search is comprehensive, or when the documents might disappear from view.

We believe Congress should provide a central online source for timely public access to CRS reports. That would place all members of the public on an equal footing to one another with respect to access. It would resolve concerns around public and congressional use of the most up-to-date version. Additionally, it would ensure the public can verify it is using an authentic version. And it would diminish requests to analysts to provide a copy of the most recent report. Other legislative support agencies, i.e., the Congressional Budget Office and the Government Accountability Office, publish non-confidential reports on their websites as a matter of course. Doing so does not appear to harm their ability to perform their mission for Congress.

We thank you for the opportunity to share our thoughts on implementing full public access to non-confidential CRS reports. If you wish to discuss this further, please contact Daniel Schuman, Demand Progress policy director, at [daniel@demandprogress.org](mailto:daniel@demandprogress.org), or Kevin Kosar, R Street Institute senior fellow and governance director, at [kkosar@rstreet.org](mailto:kkosar@rstreet.org). Thank you for your consideration of this matter.

With best regards,

Henry Cohen  
George Costello  
Heather Durkin  
Gregg Esenwein  
Louis Fisher  
Peggy Garvin  
Jeff Griffith

Pamela Hairston  
Glennon J. Harrison  
John Haskell  
Kevin Holland  
Thomas Hungerford  
W. Jackson  
Nancy Jones  
Kevin Kosar  
Jon Medalia  
Jim Nichol  
Elizabeth Palmer  
Harold Relyea  
Mort Rosenberg  
Dick Rowberg  
Daniel Schuman  
Christine Scott  
Sherry Shapiro  
Nye Stevens

cc: Joint Committee on the Library  
House Legislative Branch Appropriations Subcommittee  
Senate Legislative Branch Appropriations Subcommittee  
Committee on House Administration  
Senate Committee on Rules and Administration  
Leadership of the House of Representatives  
Leadership of the United States Senate