

Written testimony of Kevin R. Kosar
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Before the U.S. Senate
Legislative Branch Appropriations Subcommittee
Subject: Congressional Research Service
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Thank you, Chairman Hyde-Smith, Ranking Member Murphy and members of the Legislative Branch Appropriations Subcommittee for holding this open hearing, and thank you for receiving my testimony.

I am vice president of policy at the R Street Institute, and I previously spent 11 rewarding years as an analyst and acting research manager at the Congressional Research Service (CRS).

After serving CRS, I joined others in advocating for equitable public access to CRS reports. I believed that it was unfair that the public had no online source for getting authenticated copies of the reports, whereas lobbyists and others within the Beltway had easy access. I also contended that in the age of “fake news” and “alternative facts” the public and media need more objective sources of information for reference.¹

This subcommittee acted and fixed the problem. Two years ago, it wrote a law that struck down the 1954 appropriations rider that created inequitable access.² Thank you, again.

I am also pleased to see that CRS has made great progress implementing the law’s provisions. [Crsreports.congress.gov](https://crsreports.congress.gov) is now online and has posted 80 percent of its “active” reports.³ The agency also has committed to posting its very useful *In Focus* and *Insights* publications on this public website.⁴ CRS and the Library of Congress deserve credit for this work.

However, I would like to call your attention to one aspect of implementation that has been less than satisfactory. At present, CRS is posting reports only in PDF format. That makes them difficult to read and slow to load on mobile devices. Legislators and congressional staff, meanwhile, have access to both mobile-friendly HTML copies and PDFs through the non-public crs.gov.

¹ Kevin Kosar, “Where taxpayers pay (\$100 million a year) but interest groups benefit,” *The Washington Post*, Nov. 10, 2015. https://www.washingtonpost.com/news/federal-eye/wp/2015/11/10/where-taxpayers-pay-100-million-a-year-but-interest-groups-benefit/?utm_term=.965e4c523c42.

² Consolidated Appropriations Act, 2018 (P.L. 115-141). <https://www.congress.gov/bill/115th-congress/house-bill/1625/text?format=txt>

³ A report is deemed “active” if its content is current and the subject matter is of interest to Congress.

⁴ Carla Hayden, letter to Rep. Mike Quigley, March 1, 2019. The statute requires public release of: “any written product containing research or analysis that is currently available for general congressional access on the CRS Congressional Intranet, or that would be made available on the CRS Congressional Intranet in the normal course of business and does not include material prepared in response to Congressional requests for confidential analysis or research.”

Why the public-facing site offers only PDF copies is unclear. These report files are not born as PDFs. Indeed, CRS analysts and experts create their reports as Microsoft Word files, which then are converted into both HTML and PDF files during the publishing process.

I and others request the subcommittee to please direct CRS to post its reports in HTML or other mobile-friendly formats on crsreports.congress.gov. This implementation shortcoming should be easily solved.⁵

And if I may raise one additional matter, CRS has a large trove of what are called “non-current reports.” These are reports that have been placed in the CRSX archive and made unavailable to Congress except upon request of a legislator or legislative staff. CRS’ rationale for this obscurity has varied. In some cases, the subject of the report is not actively being considered by Congress. In other instances, the author of the report has retired or otherwise departed from the agency, or the report has been superseded by a new report. But many reports are locked in CRSX simply because they are more than a few years old.

To date, CRS has been loath to make these reports available outside of the private CRSX archive. When Rep. Quigley asked CRS whether it would place these reports online, the Librarian of Congress replied that the task was outside the scope of the 2018 Consolidated Appropriations Act’s requirements.⁶

This is a shame. There are an enormous number of informative reports in CRSX that would benefit the public. I would encourage the subcommittee to please direct CRS to begin sharing reports from CRSX on the publicly available site this year.⁷

Finally, and on another subject, in the past couple of years CRS has stopped releasing its data on CRS employee turnover. Previously, they would report these data to Congress in their annual reports. This is concerning, as all reports I have received indicate that CRS is experiencing higher than average levels of turnover.⁸

Thank you for your time and consideration. I would be happy to answer any questions the subcommittee or its staff may have.

⁵ The privately created site Everycrsreport.com, which cost less than \$20,000 to build, has both HTML and PDF copies.

⁶ Carla Hayden, letter to Rep. Mike Quigley, March 1, 2019. Which prompts the question: Can CRS avoid publishing a report publicly through a declaration that the report is no longer “active”?

⁷ Some of these reports—especially reports published more than a decade ago—might only be available in PDF format. Although not ideal, access to PDF copies of old CRS reports would be better than no access.

⁸ For additional details on CRS turnover and staff morale issues, see Kevin R. Kosar, Written testimony on more equitable access to Congressional Research Service reports and CRS employee morale, U.S. Senate, Committee on Appropriations, Subcommittee on the Legislative Branch, April 27, 2018.

<http://kevinrkosar.com/kosar-written-testimony-to-CRS-Senate.pdf>