

**Testimony of Daniel Schuman, Policy Director, Demand Progress, Before the  
House Appropriations Subcommittee on the Legislative Branch, FY 2024,  
Concerning Public Availability of CRS Reports**

Dear Chair Amodei, Ranking Member Espaillat, and members of the House Legislative Branch Appropriations Subcommittee:

Thank you for the opportunity to testify concerning the public availability of non-confidential Congressional Research Service reports. My name is Daniel Schuman and I am policy director at Demand Progress, a non-profit organization dedicated to strengthening our democracy, with a particular focus on modernizing Congress and improving government transparency and accountability.

“Everyone is entitled to his own opinion, but not his own facts.” That sentiment, popularized by former Sen. Daniel Patrick Moynihan, is at the heart of our political system. Congress informs itself of the facts through the work of its committees and through its legislative support entities, such as the Congressional Research Service, the Law Library of Congress, and the Government Accountability Office.

The founders believed “the advancement and diffusion of knowledge is the only true guardian of liberty,” as James Madison wrote, and from the very beginning they made sure information freely flowed across the country.<sup>1</sup> In our time, the federal government routinely publishes information online to inform lawmakers, journalists, academics, businesses, and the general public. For example, GPO recently announced the 9 billionth retrieval of Government Information from its online repositories.<sup>2</sup>

Online publication is the norm. Congress directed its legislative activities be published online in 1995, GAO published 57,500 reports on its website going back to 1950, the Law Library of Congress published 3,800 reports going back to 1943, and so on. By contrast, the Congressional Research Service of the Library of Congress resisted requests, starting in August 1997, to publish its non-partisan, non-confidential

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<sup>1</sup> See generally *History of the House of Representatives*, George Galloway (1976); *The Press, Politics, and Patronage*, Culver Smith (1977)

<sup>2</sup> Testimony of Hugh Halpern, Director, U.S. Government Publishing Office, before the House Legislative Branch Appropriations Subcommittee (Mar. 9, 2023).

reports online, including requests from former CRS staff with a combined 500 years of experience;<sup>3</sup> scores of non-profit organizations;<sup>4</sup> twelve conservative, free market organizations;<sup>5</sup> and countless others.

In 2018, Congress directed CRS to publish all non-confidential reports available on CRS's intranet on the internet when it enacted the Equal Access to Congressional Research Service Reports Act as part of the FY 2018 appropriations bill.<sup>6</sup> Previously, CRS reports could be obtained through requests to individual members of Congress, at non-governmental websites that aggregated some reports, at some public libraries, and through private companies that charge for access. As CRS reports are used by everyone, from high school debate students to journalists to federal courts and policymakers, Congress reasoned that everyone should have no-cost access to research products from an agency costing taxpayers \$100 million per year. No longer should lobbyists, the wealthy, and the well-connected enjoy disproportionate access.

The Consolidated Appropriations Act went further than only requiring online publication of the reports available on CRS's intranet in 2018. The legislation also *allowed* the Library of Congress to publish "non-current reports." These reports were not on CRS's internal website the day the online publication law came into effect. CRS disputes the intent of the language, but Rep. Quigley, the legislation's author, asserts it applies to these non-current, historical reports, and he urges Congress to direct that they be made available in light of the Library's declining to act otherwise.<sup>7</sup>

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<sup>3</sup> Letter from former CRS staff (Oct. 22, 2015), [https://s3.amazonaws.com/demandprogress/letters/2015-10-20\\_Former\\_CRS\\_Employees\\_Call\\_for\\_Public\\_Access\\_to\\_CRS\\_Reports.pdf](https://s3.amazonaws.com/demandprogress/letters/2015-10-20_Former_CRS_Employees_Call_for_Public_Access_to_CRS_Reports.pdf)

<sup>4</sup> Letter from Civil Society to Appropriators Urging Public Access to CRS Reports and Addressing Frequently Raised Concerns by CRS (Nov. 12, 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>5</sup> Letter from 12 conservative, free-market organizations urging public access to CRS Reports (Feb. 29, 2016) <https://www.atr.org/sites/default/files/assets/CRS%20public%20access%20coalition%20letter.pdf>

<sup>6</sup> P.L. 115-141, section 154 (Equal Access to Congressional Research Service Reports).

<sup>7</sup> *Testimony of Representative Mike Quigley Before the Committee on House Administration Concerning Access to Congressional Research Service Reports*, Committee on House Administration (March 8, 2023), <https://docs.house.gov/meetings/HA/HA00/20230308/115399/HHRG-118-HA00-Wstate-Q000023-20230308.pdf>

In addition to legislative text, the House Appropriations Committee adopted report language in 2018 pursuant to an amendment offered by Rep. Quigley that encompassed *all* non-confidential reports:

*Public Access to CRS Reports:* The Committee directs the Library of Congress's Congressional Research Service (CRS) **to make available to the public, all non-confidential reports**. The Committee has debated this issue for several years, and after considering debate and testimony from entities inside the legislative branch and beyond the Committee believes the publishing of CRS reports will not impede CRS's core mission in any impactful way and is in keeping with the Committee's priority of full transparency to the American people. Within 90 days of enactment of this act CRS is directed to submit a plan to its oversight committees detailing its recommendations for implementing this effort as well as any associated cost estimates. Where practicable, CRS is encouraged to consult with the Government Publishing Office (GPO) in developing their plan; the Committee believes GPO could be of assistance in this effort.<sup>8</sup>

The Library of Congress now has published nearly 11,000 CRS reports on Congress.gov. This is a welcome development, and the concerns CRS had raised for more than two decades concerning publishing non-confidential reports online are moot. Unfortunately, however, the Library of Congress's implementation plan had significant flaws,<sup>9</sup> raised at the time<sup>10</sup> but not addressed, such as the document format. In addition, the Library has not used its authority to expand publication to historical CRS reports.

***First, the Library is publishing CRS reports online only in a PDF format and not in an HTML format.*** This is unfortunate. CRS already publishes the reports *on its intranet* in HTML. The absence of the reports *on the internet* in HTML undermines their full integration into the Congress.gov website, weakens the findability of the reports by search engines like Google, impairs reuse by civil society, and prevents the reports from being readable on mobile devices. The use of "responsive design," where the text of a document flows to be readable on any device, including mobile, is a standard practice,

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

<sup>9</sup> Letter from Librarian of Congress to Appropriations Committee Concerning Implementation Plan Concerning Public Access to CRS Reports (May 22, 2018), <https://s3.amazonaws.com/demandprogress/documents/2018-05-22-Library-Implementation-Plan-for-CRS-Reports.pdf>

<sup>10</sup> Letter from Civil Society Organizations Concerning the 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)

and publication of information as structured data has been included as a priority in the House standing orders for more than a decade.

**Second, CRS is not publishing historical — “non-current” — reports.** Not all non-confidential CRS reports are available on CRS’s internal or external websites. For example, our website everycrsreport.com has more than 20,000 CRS reports, twice as many as available from CRS’s official website. CRS’s intranet does not contain all CRS reports, so staff who search CRS’s intranet may be misled to conclude that CRS hasn’t written a report on a topic when in fact CRS has done so. CRS has more than 30,000 reports available *to its own staff* in its CRSX archive, many of which are digitized and have accompanying metadata, but some are hidden from congressional and public view. There may be additional reports in paper format only.

Historical CRS reports are relevant today. Today’s Congress still needs to understand what Congress considered when it debated the Congressional Budget and Impoundment Control Act of 1974, impeached President Nixon in 1973 and Clinton in 1998, established OIRA in 1980, and addressed violations of appropriations law during the Iran-Contra scandal in 1985. What’s past is prologue. Information contained in CRS reports still is useful. It should not require an expensive subscription to a paid service for Members, staff, journalists, civil society, students, and the public to obtain access.

Recognizing the importance of both these issues, this committee adopted in the committee report accompanying the FY 2021 Legislative Branch Appropriations Bill (H. Rept. 116-447, p. 36) the following provisions:

*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**, 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 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.

It is our understanding the Library indicated publishing CRS reports as HTML would cost \$60,000 to implement and six months to complete. Furthermore, it is our understanding that CRS indicated there are 30,000 reports in its CRSX archive. Many of these non-public reports already are digitized, with accompanying metadata. CRS indicated conversion of the current CRSX archive over a one-year period would require about 40 FTE of contract support at an estimated cost of \$2.4 million, although many reports already are digitized with appropriate metadata and would be comparatively inexpensive to publish.

As an organization that publishes twice as many reports as officially available on CRS's website and that routinely works with organizations that digitize government documents, we believe these numbers to be significantly overstated. If CRS is firm on its estimates, perhaps it should collaborate with GPO, which has demonstrated both facility and thrift concerning the online publication of documents and data.

The online publication of all current and historical non-confidential CRS reports would be in keeping with the wishes of the founders, who sought to disseminate facts widely because knowledge is a guardian of liberty. There should be no barriers to access and use of the non-partisan, non-confidential analysis published by Congress's think tank. Accordingly, we respectfully urge the committee to take the following actions:

- Direct the Library and CRS to publish the text of CRS reports online as HTML in addition to PDF format.
- Direct the Library and CRS to create a plan for and to proceed with publication of CRS reports contained in its CRSX archive.
- Direct the Library and CRS to create a plan, timeline, and to proceed with publication of non-current CRS reports that are not already in digital form.

Thank you for the opportunity to submit this testimony.