

Testimony of Rep. Mike Quigley, Illinois' Fifth District
Before the House Legislative Branch Appropriations Subcommittee
Concerning Public Access to Congressional Research Service Reports

Dear Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Legislative Branch Appropriations Subcommittee:

Thank you for the opportunity to provide my views in support of public access to all non-confidential Congressional Research Service reports. Since 1970, the Congressional Research Service has created thousands of non-confidential reports that significantly inform congressional and public understanding of the issues before the Congress. CRS, which receives approximately \$100 million annually in taxpayer funding, now makes many of the reports directly available to the public through its website pursuant to direction by Congress. The public deserves full and unfettered access to these important documents in a similar manner and format as they are available to Members of Congress and their staff. I have long been a champion of public access to CRS reports.

In FY 2018, the House Appropriations committee adopted my amendment in favor of public access to CRS Reports (H. Rept. 115-199). It stated: "The Committee directs the Library of Congress's Congressional Research Service (CRS) to make available to the public, all non-confidential reports." There were no qualifications as to the scope of the non-confidential reports that should be made available.

The Consolidated Appropriations Act, 2018, (P.L. 115-141) contained legislative language directing the Library of Congress on how to make non-confidential CRS Reports publicly available. Specifically, it created a framework whereby the Library should first publish online all non-confidential CRS reports currently available on CRS's internal website. Then, the Library was encouraged to publish "non-current reports," i.e., historical CRS reports that were not on CRS's internal website on the day the law went into effect. The purpose of that framework was to *immediately* publish online those reports that were already internally published while providing the Library with time to work through its historical reports.

Publication of historical CRS reports is important because they often contain information that are relevant to ongoing public debates, provide important context on historical congressional decision-making, and serve as a reference for CRS staff when they respond to questions or generate new or updated CRS products. There are recent examples where members of Congress have cited historical reports — obtained through third party sources — and Congress, the public, the press, and academics should have full access to the non-confidential expertise that tax dollars have funded for more than a half-century.

In 2018, [CRSReports.Congress.Gov](https://www.congress.gov/crs-reports) went live and over time many non-confidential CRS reports have been made publicly available. However, despite the explicit FY 2018 committee report language concerning all CRS reports and the accompanying

legislative language, the Library of Congress have not published all non-confidential CRS reports online. In fact, the Library of Congress indicated at its September 2020 Virtual Public Forum and again in 2021 that it will not make the reports publicly available absent additional congressional direction.

I urge you to clarify the matter for the Library of Congress and for CRS. Please once again direct the Library of Congress and the Congressional Research Service to make publicly available all non-confidential CRS reports, including those not available on CRS's internal website.

CRS has indicated there are 30,000 non-confidential reports in its archive. Many of these non-public reports already are digitized and are maintained by CRS in a repository known as CRSX. Furthermore, CRS has 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 \$2,400,000. CRS may be significantly overestimating the costs of completion. Regardless, it is not necessary to publish all the reports all at once, and it would be reasonable to start with the low hanging fruit. The Congressional Research Service should be afforded the flexibility to allocate resources and employee time over several years to accomplish this task so long as it is made clear that CRS must publish all its non-confidential CRS reports within a reasonable time span.

Availability of CRS reports is crucial, but true accessibility is arguably just as important. Publication of a report solely in a PDF format is suboptimal. Reports should be

published in more modern and flexible internet-friendly formats. Publication as a PDF alone undermines the full integration of CRS reports into the rest of the Congress.gov website, weakens the findability of the reports by search engines, impairs reuse by civil society, may make them less accessible to individuals with visual impairments, and prevents them from being readable on mobile devices where the screens are too small to display readable PDFs.

CRS currently publishes its current reports internally in an HTML format in addition to PDF. This is significantly more flexible than PDF alone and would address the issues we mentioned above. To the extent CRS already has prepared and published reports in an HTML format, they should publish the report online in that format in addition to the current PDF format, just as they currently do for their Congressional user base. CRS has estimated doing so would cost \$60,000 and six months to complete. Again, we find this to be an unusually high estimate of the cost. Regardless, we would be open to allowing the Government Publishing Office to publish the CRS reports in HTML format, as they have significant experience with publishing information as data. Nevertheless, to the extent reports already exist in an HTML format, the Library of Congress should either directly make them available online or partner with GPO to make this happen.

Some historical CRS reports, however, likely will not be available as HTML. They may only be available as PDFs, or as image files, or might potentially need to be scanned. In those cases, we urge the Library to focus on making the reports available in whatever format they currently have and to work to provide additional formats after publication.

The model used by the Law Library of Congress with respect to its Foreign Law Reports, where they were scanned and published online first and then enhanced as part of a public crowdsourcing effort, would be welcome.

Since 1995, Members of Congress, the public, civil society organizations, and the media have clamored for direct, reliable public access to CRS reports. As a matter of transparency and open government, the American people should have ready access to non-confidential works of the government that explain the important issues before Congress. I urge you to direct that all non-confidential CRS reports be made publicly available and to direct the Library of Congress to ensure that they are published online in multiple formats that are best adapted for use on the internet by the widest possible audience.