

# Senate Resolution Pushes for Public Release of CRS Reports

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Led by Senator Joe Lieberman (I-CT), a bipartisan group of Senators has introduced a resolution to put Congressional Research Service (CRS) reports online. The bill, S. Res. 118, offers the best chance yet for public release of these congressionally requested research documents. A good bi-partisan group including Senators McCain (R-AZ), Leahy (D-VT), Feingold (D-WI), Harkin (D-IA), Collins (R-ME), and Lugar (R-IN) have co-sponsored the resolution, which calls for the creation of a public index of reports and allow the public to access the online CRS system through Senate websites.

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## 1) Senators Introduce Resolution to Make Congressional Research Public

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S.R. 118 would allow members to officially provide public online access to non-confidential CRS products, some of the best research conducted by the federal government. Legislators use CRS reports regularly in order to make informed decisions about the issues in Congress. Citizens need access to these reports, too, in order to remain informed and active members of the public.

Created in 1914, the Congressional Research Service - originally called the Legislative Reference Service - is Congress's private think tank. CRS produces detailed, nonpartisan research reports on issues ranging from climate change to next-generation wireless technology. Lawmakers rely on the reports to provide the factual basis on which they build their cases for new legislation. The depth and inherent usefulness of the information contained in the reports make them a valuable resource for journalists, students, activists, companies, and anyone with a stake in the policy-making process.

S.R. 118: A resolution to provide Internet access to certain Congressional Research Service publications (April 2009) [Link](#) [1]

[Lieberman's letter](#) [2] urging public access to CRS reports (March 4, 2009)

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## 2) Public Access to CRS Reports Limited by CRS Policies

For years, academics, journalists, open government advocates and other concerned citizens have urged Congress to provide free, public access to CRS reports through the Internet. American taxpayers spend over \$100 million a year to fund the CRS. Although the reports are non-classified, and play a critical role in our legislative process, they have never been made available in a

consistent and official way to members of the public.

Predictably, to fill the public void left by the CRS, several private companies now sell copies of the reports. This means that CRS reports are readily available to lobbyists, executives and others who can afford to pay. Meanwhile, the most of the public lacks the information necessary to even request reports; there is no publicly available comprehensive list of non-confidential reports.

CRS Director Daniel Mulhollan has clarified in memos to CRS staff that the organization's publication policy is based on statutory language and Congressional guidance mandating that the reports are given only to Congress. CRS is statutorily prohibited from publishing their products without an oversight committee's approval (that would be the Committee on House Administration in the House of Representatives or the Rules Committee in the Senate).

CRS supports this prohibition on sharing their reports for several reasons, the most commonly cited being that CRS must remain a confidential resource for legislators. Some CRS products are indeed confidential, but S.R. 118 doesn't affect confidential reports. Instead, S.R. 118 would make public only those non-confidential reports that are available to Members of Congress through the CRS website.

In 1980, the Senate passed a resolution affirming that CRS material is confidential and intended for Congress only, privileged under the Speech and Debate clause of the Constitution. While this does mean that CRS cannot circulate their own material, the resolution does explicitly allow Congress to share the reports. It seems that the Senate has decided that it is time, in the age of free flowing online information, to proactively release CRS reports to the public.

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### 3) Senate Resolution 118 Improves on Previous Resolutions

Lawmakers dedicated to opening CRS reports to the public have introduced bills or resolutions in each new Congress. This year, S.R. 118 adds some important elements to the argument for opening access to CRS reports.

One of the key problems with the current ask-your-member access plan is that there is no index of all CRS reports. Currently, constituents must guess whether a report exists, and hope that the staffer who takes their calls is willing to do a thorough search to find relevant information. S.R. 118 requires the Sergeant-at-Arms of the Senate to create a centralized catalog of all CRS reports available to lawmakers through the CRS website.

Also new in this version of the resolution is the requirement that all functionality of the CRS website available to legislators and their staff be available to the public through Member and Committee websites. Rather than creating a new tool for public access, the resolution would let Members and Committees share reports with the public using the same online services that are available on Congress' internal CRS website. Ensuring that the same tools accessible to legislators are also accessible to the public would eliminate a major hurdle to a more open and transparent government.

S.R. 118 can and should be passed by the Senate this year, modernizing the way that Congressional research is relayed to the public.

[CRS memo](#) [3] on Distribution of CRS Products to Non-Congressionals (March 2007)

[Response to CRS publication policy](#) [4] from the General Counsel of the House of Representatives (Jan. 27, 1998)

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## Links:

[1] <http://www.govtrack.us/congress/bill.xpd?bill=sr111-118>

[2] <http://tr.im/kRyS>

[3] <http://www.fas.org/sgp/crs/crs032007.pdf>

[4] <http://pogoarchives.org/m/gp/gp-Brand-1998-2001.pdf>