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Statement of CDT Executive Director Leslie Harris on the Recommendations of the Open House Project

Hello, I'm Leslie Harris and I'm the Executive Director of the Center for Democracy & Technology. We've been honored to participate in the Open House Project, and to collaborate with such a dynamic group of people united by their drive to make the government more open and accessible to ordinary Americans.

I'm here today to urge Congress to make the non-classified, non-confidential reports produced by the Congressional Research Service (CRS) available to the public over the Internet.

This highly expert and nonpartisan division of the Library of Congress produces thousands of reports annually at a cost of more than \$100 million a year to taxpayers. The reports cover nearly every important before Congress and are instrumental in shaping public policy. Although there are several companies that sell copies of these highly informative reports to lobbyists and others who are willing to pay, Congress has never made the reports available in a consistent way to ordinary citizens.

One need look no further than today's slate of House hearings to get an understanding of how critical CRS reports are in understanding the issues of the day. Today there are at least about a dozen hearing in the House of Representatives and CRS has produced nonpartisan reports that are directly relevant to each and every one. But few citizens with a stake in these issues even know that these reports exist and fewer still have access to them. Here are a few examples

- Agriculture Committee — Animal Welfare — The Animal Welfare Act: Background and Selected Legislation — RS22493
- Armed Services — Defense Authorization — Defense Authorization and Appropriations Bills: FY1970-FY2006 Order Code 98-756 C
- Energy and Commerce — Alternative Fuel — Multiple reports on Biodiesel, Ethanol, effect on energy taxes, etc.
- Financial Services — Sub-prime Lending — Primer on Current Lending and Foreclosure Issues RL33930

- Financial Services — Rural Housing Program — USDA Rural Housing Programs: An Overview — RL33421
- Foreign Affairs — Jewish and Palestinian Refugees Palestinians and Middle East Peace: Issues for the United States — IB92052
- Judiciary — Role of Family—Based Immigration -U.S. Immigration Policy on Permanent Admissions -- RL32235
- Transportation and Infrastructure - National Levee & Dam Safety Programs— Aging Infrastructure: Dam Safety - RL33108
- Veterans Affairs — Electronic Medical Records sharing between Department of Defense and Department of Veterans Affairs — Veterans Health Care Issues — RL32961

Veterans Affairs — Veteran Cemeteries — Veteran Benefit Issues — RL33216

There can be little doubt that public access to the relevant CRS reports would allow the press and the public to better assess the testimony of witnesses and the positions of lawmakers. And that is why CRS reports matter.

The reports play a critical role in congressional decision-making. They are part of the legislative record, but they remain out of the public eye. Americans have the right to know what impartial non-partisan advice Congress is getting, and to assess whether it is heeding or ignoring that guidance.

- Knowing whom in Congress requested a given report opens an important window into the legislative process. The lack of transparency about the nature of the reports and the requesters is a barrier to tracking influence.
- The reports are a valuable tool to build a more informed and engaged electorate. If journalists, advocacy groups and individual citizens had direct access to CRS reports, the American people would have the facts when issues are being debated.
- Finally, reports have critical scholarly and historic value

As of today, CRS reports are only officially available to Members of Congress and staff via an internal password-protected Web site. Members may provide copies to constituents who request reports, but there is a critical catch-22: a constituent must know a report exists before he or she can request it. Since there exists no publicly available index of available reports, most citizens have no way of knowing what reports are even available.

Some in Congress have argued that releasing CRS documents would inhibit members from seeking research about sensitive topics. They further suggest that the CRS mission is to provide information to Congress, not the public.

But the words of former Chairman of the House Administration Committee Bob Ney (R-Ohio), the biggest critic of posting CRS reports in the past, are most telling:

"Let's say that I'm working on an issue and I'm trying to look for some research that helps me to get my point across and, all of a sudden, the Congressional Research Service

sends me over something and I read it and I say, 'Oh, no, that's not going to help.' Let someone else do the research. Why give your opposition free research?"

The credibility of the argument that public access to the reports would adversely impact lawmakers' use of the service is severely undermined by the booming commercial market that has stepped in To package and sell the reports for as much as \$50 a report to those who can afford the toll, transforming tax payer funded research into private intellectual property.

Consider what this means:

- Insiders on K street have easy access to the reports in real time; shaping their policy arguments and marshalling their resources to Congress to directly support or refute those reports
- Investigative journalists, citizens and public interest groups who advocate on their behalf- environmental groups, national security watch dogs and the like do not. To be sure, they may obtain access to a particular report from a sympathetic member of Congress, but in the main, they are left to their own resources

Public demand for these reports has never been greater. Two years ago, CDT launched Open CRS to aggregate and link several public collections of CRS reports and to use the power of the Internet to support collaborative social production to build the collection. In two years, site has collected about 75% of the reports for 2005 and 2006. Users have downloaded more than 3 million reports from the site in that time. And public has organized to help build the site.

With the support of the Sunlight Foundation, CDT now has resources to further build out the site, engage its users in building the collection, improving its features and functions and organizing the campaign to make these critical documents available on line to the American public.

We're proud of what we've been able to do with the Open CRS project, but as valuable as that site has been to making this vital resource available to the American public, these are public documents and it is the responsibility of the government in the first instance to make them available to the American people. That is why the report issued today by the Open House Project report calls on Congress to make CRS reports available over the Internet as they are published. This is one simple way that we can make Congress more transparent. We join with our colleagues in the Open House Project to urge swift action on this proposal.