

Equal Access to Congressional Research Reports Act of 2016 **S. 2639**

The Equal Access to Congressional Research Reports Act will give members of the public access to formal, written CRS Reports by directing that they be published online by the Government Publishing Office so that all Americans can access them equally. These reports are funded by taxpayers and should be made available to citizens, schools and libraries across the country.

CRS Reports Are Funded by the Public and Should Be Available Equally to the Public

- **Current restrictions prevent CRS from publicly sharing the 3,000 written reports that it issues or updates each year, but third-party for-profit companies often make them available for hefty subscription fees.**
 - Today, libraries and others who want to view CRS Reports must typically pay one of the private subscription services that make this taxpayer-funded resource available for a fee.
 - While some Reports are available for free on open access websites or by request from Congressional offices, the reports are scattered. The public has no way of knowing what Reports are out there, and if the copies they find are authentic or up-to-date.
- **Online publication of CRS Reports in one central, searchable, free database hosted by the U.S. Government Publishing Office (GPO) will allow the public to obtain authentic and up-to-date copies of CRS Reports, benefiting schools, libraries, and interested citizens alike.**

Widespread Support for Equal Access to CRS Reports

- **More than 40 organizations including libraries, educators and transparency groups have [endorsed](#) S.2639**, stating it will “ensure equitable access for all Americans to [CRS Reports], which provide insight into the important issues before Congress and are paid for by taxpayers.”
- **12 conservative organizations have [written](#) to Congress urging expanded public access to CRS reports**, saying that “The bottom line is taxpayers pay for these reports. It is only fair that they have easy access to them.”
- **Former employees of CRS** have also [weighed in](#) to support public access to CRS reports.

What S.2639 Does and Does Not Do

- **S.2639 will NOT affect Members’ ability to obtain confidential research or other custom work product from CRS.**
 - The only items that will be made publicly available under S.2639 are final, written CRS Reports and other final, written products that CRS makes available for general congressional access (i.e., the formal reports staffers see when they browse CRS’s site).
 - This does not include any product that is prepared in response to a request for custom analysis or research and is not made available for general congressional access.
- **S.2639 will NOT add significant new technical burdens or costs to CRS.**
 - The bill simply requires CRS, when it posts a final CRS Report to its intranet, to simultaneously provide an electronic copy of the Report and accompanying metadata to GPO for inclusion in GPO’s collection.

- **S.2639 will NOT expose CRS staff to additional “lobbying” over their work.**
 - The bill authorizes the CRS Director to redact the name of staff authors before the Report is shared with GPO for publication.
 - While some members of the public may choose to contact CRS about a Report, they can already do so now, since CRS Reports are *de facto* already available through third-party websites or may be requested from individual Congressional offices.
 - Former employees of CRS confirm that CRS staff already prepare final CRS Reports knowing they are likely to be widely distributed, [writing](#) that “CRS Reports are widely available on Capitol Hill to staff and lobbyists alike, [and] are released with no expectation of confidentiality.”

- **S.2639 will NOT expose CRS to additional legal liability or undermine the Speech and Debate Clause.**
 - Individual Congressional offices can already release CRS Reports to the public when they choose; S.2639 simply provides for the Reports’ systematic release to the GPO website so the public may find them in one central, free repository. Nothing in the bill creates new legal obligations for CRS or undermines the confidentiality of Members’ communications with CRS and the privileges of the Speech and Debate Clause.
 - To avoid any confusion, the bill requires all published CRS Reports to include a disclaimer stating that the document was prepared by CRS and should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS’s institutional role.
 - The bill also contains express rules of construction in Section 6 making clear that the confidentiality of Congressional communications and the privileges of the Speech and Debate Clause are in no way affected by the bill.

Additional Resources

- [Congressional Research Belongs to the Public](#) (*The New York Times*)
- [Where Taxpayers Pay \(\\$100 million per year\) But Interest Groups Benefit](#) (Kosar, *Washington Post*)
- [The publicly funded reports you can’t read](#) (Samuelson, *Politico*)
- [Should Congressional Research Service Reports Be Public?](#) (Hess, *CQ*)

Staff Contacts:

Alexandra Givens with Senator Leahy, Alexandra.Givens@judiciary-dem.senate.gov
 David Cole with Senator McCain, David.Cole@mccain.senate.gov