

114TH CONGRESS
2D SESSION

S. 2639

To direct the Director of the Government Publishing Office to provide members of the public with Internet access to Congressional Research Service reports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2016

Mr. LEAHY (for himself and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To direct the Director of the Government Publishing Office to provide members of the public with Internet access to Congressional Research Service reports, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Equal Access to Con-
5 gressional Research Service Reports Act of 2016”.

1 **SEC. 2. DEFINITIONS.**

2 (a) CRS PRODUCT.—In this Act, the term “CRS
3 product” means any final work product of CRS in any
4 format.

5 (b) CRS REPORT.—

6 (1) IN GENERAL.—In this Act, the term “CRS
7 Report” means any written CRS product, including
8 an update to a previous written CRS product, con-
9 sisting of—

10 (A) a Congressional Research Service Re-
11 port;

12 (B) a Congressional Research Service Au-
13 thorization of Appropriations Product and Ap-
14 propriations Product; or

15 (C) subject to paragraph (2)(C), any other
16 written CRS product containing CRS research
17 or CRS analysis which is available for general
18 congressional access on the CRS Congressional
19 Intranet.

20 (2) EXCLUSIONS.—The term “CRS Report”
21 does not include—

22 (A) any CRS product that is determined
23 by the CRS Director to be a custom product or
24 service because it was prepared in direct re-
25 sponse to a request for custom analysis or re-
26 search and is not available for general congres-

1 sional access on the CRS Congressional
2 Intranet;

3 (B) any Congressional Research Service
4 Report or any Congressional Research Service
5 Authorization of Appropriations Product and
6 Appropriations Product which, as of the effec-
7 tive date of this Act, is not available for general
8 congressional access on the CRS Congressional
9 Intranet; or

10 (C) a written CRS product that has been
11 made available by CRS for publication on a
12 public website maintained by the GPO Director
13 (other than the Website) or the Library of Con-
14 gress.

15 (c) OTHER DEFINITIONS.—In this Act—

16 (1) the term “CRS” means the Congressional
17 Research Service;

18 (2) the term “CRS Congressional Intranet”
19 means any of the websites maintained by CRS for
20 the purpose of providing to Members and employees
21 of Congress access to information from CRS;

22 (3) the term “CRS Director” means the Direc-
23 tor of CRS;

24 (4) the term “GPO Director” means the Direc-
25 tor of the Government Publishing Office;

1 (5) the term “Member of Congress” includes a
2 Delegate or Resident Commissioner to Congress; and

3 (6) the term “Website” means the website es-
4 tablished and maintained under section 3.

5 **SEC. 3. AVAILABILITY OF CRS REPORTS THROUGH GPO**
6 **WEBSITE.**

7 (a) WEBSITE.—

8 (1) ESTABLISHMENT AND MAINTENANCE.—The
9 GPO Director, in consultation with the CRS Direc-
10 tor, shall establish and maintain a public Website
11 containing CRS Reports and an index of all CRS
12 Reports contained on the Website, in accordance
13 with this section.

14 (2) FORMAT.—On the Website, CRS Reports
15 shall be searchable, sortable, and downloadable, in-
16 cluding downloadable in bulk.

17 (3) FREE ACCESS.—Notwithstanding section
18 4102 of title 44, United States Code, the GPO Di-
19 rector may not charge a fee for access to the
20 Website.

21 (b) UPDATES; DISCLAIMER.—The GPO Director, in
22 consultation with the CRS Director, shall ensure that the
23 Website—

24 (1) is updated contemporaneously, automati-
25 cally, and electronically to include each new or up-

1 dated CRS Report released on or after the effective
2 date of this Act;

3 (2) shows the status of each CRS Report as
4 new, updated, or withdrawn; and

5 (3) displays the following statement in reference
6 to the CRS Reports included on the Website: “These
7 documents were prepared by the Congressional Re-
8 search Service (CRS). CRS serves as nonpartisan
9 shared staff to congressional committees and Mem-
10 bers of Congress. It operates solely at the behest of
11 and under the direction of Congress. Information in
12 a CRS Report should not be relied upon for pur-
13 poses other than public understanding of informa-
14 tion that has been provided by CRS to Members of
15 Congress in connection with CRS’s institutional role.
16 CRS Reports, as a work of the United States Gov-
17 ernment, are not subject to copyright protection in
18 the United States. Any CRS Report may be repro-
19 duced and distributed in its entirety without permis-
20 sion from CRS. However, as a CRS Report may in-
21 clude copyrighted images or material from a third
22 party, you may need to obtain the permission of the
23 copyright holder if you wish to copy or otherwise use
24 copyrighted material.”.

1 (c) FURNISHING OF NECESSARY INFORMATION AND
2 TECHNOLOGY.—The CRS Director shall consult with and
3 provide assistance to the GPO Director to ensure—

4 (1) that the GPO Director is provided with all
5 of the information necessary to carry out this Act,
6 including all of the information described in sub-
7 paragraphs (A) through (E) of section 4(a)(1), in
8 such format and manner as the GPO Director con-
9 siders appropriate; and

10 (2) that CRS makes available and implements
11 such technology as may be necessary to facilitate the
12 contemporaneous, automatic, and electronic provi-
13 sion of CRS Reports to the GPO Director as re-
14 quired under this Act.

15 (d) NONEXCLUSIVITY.—The GPO Director may pub-
16 lish other information on the Website.

17 (e) ADDITIONAL TECHNIQUES.—The GPO Director
18 and the CRS Director may use additional techniques to
19 make CRS Reports available to the public, if such tech-
20 niques are consistent with this Act and any other applica-
21 ble laws.

22 (f) ADDITIONAL INFORMATION.—The CRS Director
23 is encouraged to make additional CRS products that are
24 not custom products or services available to the GPO Di-
25 rector for publication on the Website, and the GPO Direc-

1 tor is encouraged to publish such CRS products on the
2 Website.

3 (g) EXPANSION OF CONTENTS OF ANNUAL REPORT
4 TO CONGRESS TO INCLUDE INFORMATION ON EFFORTS
5 TO MAKE ADDITIONAL PRODUCTS AVAILABLE ON
6 WEBSITE.—Section 203(i) of the Legislative Reorganiza-
7 tion Act of 1946 (2 U.S.C. 166(i)) is amended by striking
8 the period at the end and inserting the following: “, and
9 shall include in the report a description of the efforts made
10 by the Director to make additional Congressional Re-
11 search Service products that are not custom products or
12 services available to the Director of the Government Pub-
13 lishing Office for publication on the website established
14 and maintained under the Equal Access to Congressional
15 Research Service Reports Act of 2016.”.

16 **SEC. 4. WEBSITE CONTENTS.**

17 (a) SPECIFIC REQUIREMENTS FOR REPORTS POSTED
18 ON WEBSITE.—

19 (1) RESPONSIBILITIES OF GPO DIRECTOR.—

20 With respect to each CRS Report included on the
21 Website, the GPO Director shall include—

22 (A) the name and identification number of
23 the CRS Report;

24 (B) an indication as to whether the CRS
25 Report is new, updated, or withdrawn;

1 (C) the date of release of the CRS Report;

2 (D) the division or divisions of CRS that
3 were responsible for the production of the CRS
4 Report; and

5 (E) any other information the GPO Direc-
6 tor, in consultation with the CRS Director, con-
7 siders appropriate.

8 (2) RESPONSIBILITIES OF CRS DIRECTOR.—

9 With respect to each CRS Report included on the
10 Website, the CRS Director shall, prior to transmit-
11 ting the Report to the GPO Director—

12 (A) at the discretion of the CRS Director,
13 remove the name of and any contact informa-
14 tion for any employee of CRS; and

15 (B) include in the CRS Report the fol-
16 lowing written statement: “This document was
17 prepared by the Congressional Research Service
18 (CRS). CRS serves as nonpartisan shared staff
19 to congressional committees and Members of
20 Congress. It operates solely at the behest of and
21 under the direction of Congress. Information in
22 a CRS Report should not be relied upon for
23 purposes other than public understanding of in-
24 formation that has been provided by CRS to
25 Members of Congress in connection with CRS’s

1 institutional role. CRS Reports, as a work of
 2 the United States Government, are not subject
 3 to copyright protection in the United States.
 4 Any CRS Report may be reproduced and dis-
 5 tributed in its entirety without permission from
 6 CRS. However, as this CRS Report may in-
 7 clude copyrighted images or material from a
 8 third party, you may need to obtain the permis-
 9 sion of the copyright holder if you wish to copy
 10 or otherwise use copyrighted material.”.

11 (b) SPECIFIC REQUIREMENTS FOR INDEX ON
 12 WEBSITE.—The GPO Director shall ensure that the index
 13 of all CRS Reports published on the Website is—

- 14 (1) comprehensive;
- 15 (2) contemporaneously updated;
- 16 (3) searchable;
- 17 (4) sortable;
- 18 (5) maintained in a human-readable format;
- 19 (6) maintained in a structured data format;
- 20 (7) downloadable; and
- 21 (8) inclusive of each item of information de-
 22 scribed in subsection (a)(1) with respect to each
 23 CRS Report.

1 **SEC. 5. CONFORMING AMENDMENT TO DUTIES OF CRS.**

2 Section 203(d) of the Legislative Reorganization Act
3 of 1946 (2 U.S.C. 166(d)) is amended—

4 (1) by striking “and” at the end of paragraph
5 (7);

6 (2) by striking the period at the end of para-
7 graph (8) and inserting “; and”; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(9) to comply with the requirements of, and
11 provide information and technological assistance
12 consistent with, the Equal Access to Congressional
13 Research Service Reports Act of 2016.”.

14 **SEC. 6. RULES OF CONSTRUCTION.**

15 (a) NO EFFECT ON SPEECH OR DEBATE CLAUSE.—
16 Nothing in this Act may be construed to diminish, qualify,
17 condition, waive, or otherwise affect the applicability of
18 clause 1 of section 6 of article I of the Constitution of
19 the United States (commonly known as the “Speech or
20 Debate Clause”) or any other privilege available to Con-
21 gress or Members, offices, or employees of Congress with
22 respect to any CRS Report made available online under
23 this Act.

24 (b) CONFIDENTIAL COMMUNICATIONS.—Nothing in
25 this Act may be construed to waive the requirement that
26 any confidential communication by CRS to a Member, of-

1 fice, or committee of Congress shall remain under the cus-
2 tody and control of Congress and may be released only
3 by Congress and its Houses, Members, offices, and com-
4 mittees, in accordance with the rules and privileges of each
5 House and the requirements of this Act.

6 (c) DISSEMINATION OF CRS PRODUCTS.—Nothing in
7 this Act may be construed to limit or otherwise affect the
8 ability of a Member, office, or committee of Congress to
9 disseminate CRS products on a website of the Member,
10 office, or committee or to otherwise provide CRS products
11 to the public, including as part of constituent service ac-
12 tivities.

13 **SEC. 7. EFFECTIVE DATE.**

14 (a) IN GENERAL.—Except as provided in subsection
15 (b), this Act and the amendments made by this Act shall
16 take effect 90 days after the date on which the GPO Di-
17 rector submits the certification described in subsection
18 (b)(2).

19 (b) PROVISION OF INFORMATION AND TECH-
20 NOLOGY.—

21 (1) CRS DEADLINE.—Not later than 90 days
22 after the date of enactment of this Act, the CRS Di-
23 rector shall provide the GPO Director with the infor-
24 mation and technology necessary for the GPO Direc-
25 tor to begin the initial operation of the Website.

1 (2) CERTIFICATION.—Upon provision of the in-
2 formation and technology described in paragraph
3 (1), the GPO Director shall submit to Congress a
4 certification that the CRS Director has provided the
5 information and technology necessary for the GPO
6 Director to begin the initial operation of the
7 Website.

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