




Memorandum

March 20, 2007

TO: All CRS Staff

FROM: Daniel P. Mulholland
Director 

SUBJECT: Distribution of CRS Products to Non-Congressional

Attached is an updating of our policy on providing CRS products to non-congressional. To ensure consistency in the Service's policy on sharing CRS products with non-congressional audiences, distribution controls are being strengthened and clarified. Following upon discussions held before the Research Policy Council, I have concluded that prior approval should now be required at the division or office level before products are distributed to members of the public. This policy is effective immediately.

The dissemination of CRS products to the public has historically been controlled by the Congress. Statute as well as policy guidance from oversight committees have made it clear that CRS is restricted from making any broad publication of its products. Products have generally not been made available to non-congressional directly from CRS, with notable exceptions. For example, specifically identified individual products have been furnished by the Inquiry Section to executive and judicial branch offices and employees, and state and local government officials. The research divisions have also distributed products to such entities when it has been deemed to enhance CRS service to the Congress. Additionally, CRS products have been furnished by the Inquiry Section to members of the media and foreign embassies on request, but only if the requester can make specific reference to the product number or title of the report. Product requests can also originate from other non-congressional sources including individual researchers, corporations, law offices, private associations, libraries, law firms and publishers. The Inquiry Section typically declines these requests, and most often refers the caller to his or her congressional representative's office. However, research divisions have on occasion both received and responded to product requests from these same public sources, and have, on occasion, provided products at their own initiative.

In summary, to avoid inconsistencies and to increase accountability, CRS policy requires prior approval at the division level before products can be disseminated to non-congressional. Assistant and deputy assistant director questions about the policy should be directed to the Office of the Associate Director for Congressional Affairs and Counselor to the Director.



CRS Policy Statement: CRS Products Distribution to Non-Congressionals

March 20, 2007

Effective Date: March 20, 2007

Background: Congress has historically reserved to itself control over the dissemination of CRS products to the public and has consistently sought to preserve its confidential relationship with the Service. Statute as well as policy guidance from oversight committees have made it clear that CRS is restricted from any broad publication of its products. In keeping with this congressional guidance, CRS has generally refrained from making its products directly available to non-congressional requesters, save for a few exceptions based on principles of reciprocity.

For example, research divisions have furnished individual products to Executive Branch and Judicial Branch offices and employees, state and local government officials, and representatives of foreign government entities when it has been deemed to enhance CRS service to the Congress. In addition, the Inquiry Section and the divisions occasionally receive requests for products from individual researchers, corporations, law offices, private associations, libraries, law firms, and publishers. (Analysts and research staff receive direct requests infrequently.) The Inquiry Section typically declines these requests and most often refers the caller to his or her congressional representative's office. However, research divisions have on occasion both received and responded to product requests from these same public sources. The Inquiry Section has also furnished CRS products to the media and foreign embassies but only when the requester has made specific reference to the product number or title of the report. Most formal requests from non-congressional sources come to the Service through the Inquiry Section, although many products are provided to these audiences through the informal, collegial dealings of CRS research staff with work contacts in their fields.

To ensure consistency in the Service's response to requests for CRS products by non-congressional audiences, distribution controls are being strengthened and clarified. Prior approval is now required at the division level before products can be distributed outside the Congress. Increased accountability and articulated standards for case-by-case determination are in the interest of both CRS and the Congress and are in conformity with publication policies put forward in the past.

Implementation:

CRS policy on the distribution of CRS products to non-congressional audiences is as follows:

(1) U.S. governmental entities: CRS staff may provide appropriate congressional distribution products, upon request and upon prior approval of the assistant or associate director, deputy assistant or associate director, or office head, to agencies in the Executive Branch (including the White House) and the Judicial Branch, as well as state and local government officials when it can be demonstrated that the distribution benefits the Congress by assisting CRS in its work (e.g., reciprocity for information sharing). The Inquiry Section will accept such requests only when a product is specifically cited, either by number or title. Enforcement of Inquiry policy is the responsibility of the Associate Director for Congressional Affairs.

(2) Other non-governmental entities: CRS staff may, upon request and upon prior approval of the assistant or associate director, deputy assistant or associate director, or office head, provide congressional distribution products to academic institutions, professional associations, industry, non-governmental organizations, and other members of the public, but only when it can be clearly demonstrated that the distribution benefits the Congress by significantly assisting CRS in its work (e.g., peer review or expert opinion). Inquiry will continue to decline such requests under the oversight of the Associate Director for Congressional Affairs.

(3) The Media: Products may only be provided to the media by the Inquiry Section if the media requester specifically identifies the product by product number or title. Inquiry dissemination will be monitored by the Associate Director for Congressional Affairs. Divisions, analysts, and research staff and other CRS staff outside of the Inquiry Section who receive requests must obtain the approval of the assistant or associate director, deputy assistant or associate director, or office head prior to dissemination, and distribution should occur only when it is clearly demonstrated that such sharing benefits the Congress by providing value to CRS.

(4) Foreign governments: The Inquiry Section may provide congressional distribution products in response to requests from foreign embassies when the requester provides either the title or citation to the product. Enforcement of this policy is the responsibility of the Associate Director for Congressional Affairs. CRS staff may not furnish products to foreign government entities without prior approval of the assistant or associate director, deputy assistant or associate director, or office head, and distribution should only occur when it is clearly demonstrated that such sharing benefits the Congress by providing value to CRS. Following approval, the assistant director will comply with existing Library of Congress security guidelines for reporting foreign contacts.

Contact:

Assistant and deputy assistant directors and associate and deputy associate directors, and office heads should consult with the Office of the Associate Director for Congressional Affairs and Counselor to the Director regarding questions about the proper application of this policy.