

Calendar No. 565

115TH CONGRESS }
2d Session }

SENATE

{ REPORT
115-333 }

MODERNIZING CONGRESSIONAL REPORTING
ACT OF 2018

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 3027

TO SAVE TAXPAYER MONEY AND IMPROVE THE EFFICIENCY AND
SPEED OF INTRAGOVERNMENTAL CORRESPONDENCE, AND FOR
OTHER PURPOSES



SEPTEMBER 4, 2018.—Ordered to be printed

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MODERNIZING CONGRESSIONAL REPORTING ACT OF 2018

SEPTEMBER 4, 2018.—Ordered to be printed

Mr. JOHNSON, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 3027]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 3027) to save taxpayer money and improve the efficiency and speed of intragovernmental correspondence, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

CONTENTS

	Page
I. Purpose and Summary	1
II. Background and Need for the Legislation	2
III. Legislative History	3
IV. Section-by-Section Analysis	3
V. Evaluation of Regulatory Impact	4
VI. Congressional Budget Office Cost Estimate	4
VII. Changes in Existing Law Made by the Bill, as Reported	5

I. PURPOSE AND SUMMARY

S. 3027, the Modernizing Congressional Reporting Act of 2018 (MCRA), requires Federal agencies to send congressionally-mandated reports and other documents electronically to Congress unless congressional offices specifically request a physical copy. The bill also requires Federal agencies to post congressionally-mandated reports on agency websites, in an easily searchable database, to provide the public with greater access to such materials.

II. BACKGROUND AND THE NEED FOR LEGISLATION

The standing rules of the United States Senate task the Committee with studying the “efficiency, economy, and effectiveness of all agencies and departments of the Government.”¹ In executing these duties, the Committee seeks to identify areas of waste, fraud, and abuse within the Federal Government through oversight of programs and activities carried out by Federal agencies and departments.

The Committee has identified unnecessary printing by the Federal Government as an area in which we can improve efficiencies. In 2017 alone, the Committee’s majority staff received an estimated 20,000 sheets of physical mail transmitted by Federal agencies.² The production of congressionally-mandated physical correspondence and reports comes at a cost to the taxpayers. For example, the Department of Veterans Affairs Office of Inspector General reports that just one edition of its *Semiannual Report to Congress* costs nearly \$3,600 to print and mail.³

S. 3027 addresses wasteful, unnecessary printing by requiring that any report an agency is required to submit to Congress, and any responses by agencies to a formal request by a congressional office for any report or other recorded information, be transmitted via acceptable electronic format—unless such committee or office otherwise requests a physical copy. The bill also provides greater transparency to the American public by requiring that all congressionally-mandated reports, and associated structured data and transmittal letters, be posted on the agency’s public website.

S. 3027 builds on previous Committee efforts to curb unnecessary printing to save resources and taxpayer dollars. On July 26, 2017, the Committee favorably reported H.R. 195, the Federal Register Printing Savings Act, introduced by Representative Steve Russell (R–OK). The bill, signed into law on January 22, 2018, prohibits the Government Printing Office (GPO) from distributing printed copies of the Federal Register to offices of the federal government and Members of Congress unless the office specifically requests either a single issue or a subscription.⁴

During the Committee’s consideration of H.R. 195, Senator James Lankford (R–OK) noted that measures such as H.R. 195 are commonsense proposals. Senator Lankford remarked, “We all see the exact same thing, things that are printed, passed out, never touched. For those of us that get all of our information on an iPad or on a computer, we are not going to the printed paper at the same level.”⁵

The Committee’s approval of S. 3027 is the next step in an ongoing process to root out waste and inefficiencies in government.

¹ Standing Rules of the Senate; Rule XXV(k).

² S. Comm. on Homeland Sec. & Governmental Aff. Majority holds in its archive 19 boxes of reports and communications transmitted in 2017. Ninety percent of these archived communications are identified by the Committee Chief Clerk as having been transmitted from Federal agencies and departments. Each box is 4.75” wide, and contains roughly 500 sheets of paper per 2”.

³ Transmittal letter (May 29, 2018), U.S. Department of Veterans Affairs Office of Inspector General, *Semiannual Report to Congress*, Issue 79 (Oct 1, 2017 through Mar 31, 2018) <https://www.va.gov/oig/pubs/sars/VAOIG-SAR-2018-1.pdf>.

⁴ Pub. L. No. 115–120.

⁵ S. Comm. on Homeland Sec. & Governmental Aff., transcript of July 26, 2017 business meeting.

III. LEGISLATIVE HISTORY

S. 3027 was introduced by Ranking Member Claire McCaskill on June 7, 2018. The bill was referred to the Committee on Homeland Security and Governmental Affairs. Original cosponsors include Senators Portman, Peters, Carper, Hassan, Tester, Hoeven, Heitkamp, Jones, Harris, Lankford, Daines, and Ernst. Senator Klobuchar later joined as a cosponsor.

The Committee considered S. 3027 at a business meeting on June 13, 2018. Senator McCaskill offered a substitute amendment that includes a definition for the term “open format,” and adds section 4 to the bill which establishes that agencies shall post all reports on a public website in an open, free, and easily accessed format. The Committee approved the substitute amendment, and the bill as amended, by voice vote *en bloc* and ordered the bill, as amended, reported favorably. Senators present for both votes were Senators Johnson, Portman, Lankford, Enzi, McCaskill, Carper, Peters, Hassan, Harris and Jones.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section specifies that the bill may be cited as the “Modernizing Congressional Reporting Act of 2018.”

Section 2. Definitions

This section provides definitions for the terms “acceptable electronic format,” “agency,” “congressional office,” and “structured data.”

Section 3. Electronic transmission of reports

This section requires any report an agency is required to submit to Congress, and any responses by agencies to a formal request by a congressional office for any report or other recorded information, to be transmitted via acceptable electronic format. Structured data, such as tables, must also be provided in an acceptable format. It stipulates that files transmitted to Congress should be in their original electronic format, or electronically converted format, rather than scanned copies. Subsection (b) requires that any scanned documents must be made searchable via optical character recognition or other means. Subsection (c) allows agencies to deviate from the requirements of this section if the receiving congressional office prefers a different format or method. Subsection (d) requires agencies to abide by any preferred method to receive correspondence that congressional offices designate.

Section 4. Publishing of reports

This section requires that any congressionally-mandated report, and any associated structured data or transmittal letter, must be posted on the agency’s public website. The file must be in an open, searchable, and acceptable electronic format. The database of reports and associated files should be easily accessible by the public without limiting information via registration or fee requirements. Agencies are required to post the reports on their website within 30 days of submitting them to Congress. Agencies may not remove or alter these reports, beyond technical edits, without a joint Con-

gressional resolution authorizing such a change. Section 4 continues by clarifying that this bill does not apply to information that is exempt from disclosure through the Freedom of Information Act, as well as any information that is otherwise prohibited from disclosure by law. Reports should be redacted accordingly, and the agency should identify where the redactions are made in the report, and where appropriate, should identify the exemption under section 552(b) of title 5, United States Code, pursuant to which each redaction is made.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

JULY 9, 2018.

Hon. RON JOHNSON, *Chairman,*
Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 3027, the Modernizing Congressional Reporting Act of 2018.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

KEITH HALL,
Director.

Enclosure.

S. 3027—Modernizing Congressional Reporting Act of 2018

S. 3027 would require that all information federal agencies provide to the Congress be submitted in an electronic format. In addition, the bill would direct each agency to make all information provided to the Congress available online in a free searchable database.

Using information from agencies that produce the thousands of Congressionally mandated reports, CBO estimates that implementing the bill would cost about \$2 million over the 2019–2023 period. CBO estimates that implementing the bill would require about 15 percent of the time of one federal employee and cost about \$15,000 for each of the 26 major agencies to provide all reports and data electronically, as well as to create and update an online searchable database of that information at every agency. That spending would be subject to the availability of appropriated funds.

S. 3027 would affect direct spending by agencies not funded through annual appropriations; therefore, pay-as-you-go procedures apply. However, CBO estimates that any net increase in spending

by those agencies would be negligible. Enacting the bill would not affect revenues.

CBO estimates that enacting S. 3027 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 3027 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On April 24, 2018, CBO transmitted a cost estimate for H.R. 4631, Access to Congressional Mandated Reports, as ordered reported by the Committee on House Administration on April 12, 2018. On March 1, 2018, CBO transmitted a cost estimate for H.R. 4631 as ordered reported by the House Committee on Oversight and Government Reform on February 6, 2018. H.R. 4631 contains requirements similar to those in S. 3027 and the CBO cost estimates for the bills are similar.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was reviewed by Theresa Gullo, Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Because this legislation would not repeal or amend any provision of current law, it would not make changes in existing law within the meaning of clauses (a) and (b) of paragraph 12 of rule XXVI of the Standing Rules of the Senate.

