

Calendar No. 68

116TH CONGRESS }
1st Session }

SENATE

{ REPORT
116-32

MODERNIZING CONGRESSIONAL REPORTING
ACT OF 2019

—
R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 196

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



APRIL 10, 2019.—Ordered to be printed

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MODERNIZING CONGRESSIONAL REPORTING ACT OF 2019

APRIL 10, 2019.—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. 196]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 196) 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 amendments and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

The purpose of S. 196, the Modernizing Congressional Reporting Act of 2019, is to reduce wasteful Federal Government spending on hard-copy paper submissions of Federal agency reports to Congress. S. 196 requires Federal agencies to send all congressional reports or other information in an electronic, searchable format unless a congressional office specifically requests otherwise. The bill also requires agencies to post all congressionally-mandated reports they submit, and any work related to the submitted report, on to the public website of the agency for public viewing and access.

II. BACKGROUND AND THE NEED FOR LEGISLATION

In 2017, the Committee’s majority staff received an estimated 20,000 sheets of physical mail transmitted by Federal agencies.¹ The production of congressionally-mandated reports and physical correspondence comes at a cost to the taxpayers. For example, the Department of Veterans Affairs Office of Inspector General reported that it cost nearly \$3,600 to print and mail just one edition of its Semiannual Report to Congress.²

In 2017, the Committee passed the Federal Register Printing Savings Act to reduce unnecessary and wasteful printing costs. The Act, signed into law on January 22, 2018, prohibits the Government Publishing Office from distributing printed copies of the Federal Register to offices of the Federal Government and Members of Congress unless an office specifically requests otherwise.³ During the Committee’s consideration of the Act, Senator Lankford remarked, “[w]e 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.”⁴

S. 196 addresses unnecessary printing by requiring Federal agencies to send congressionally-mandated reports and correspondence electronically. The bill also provides transparency to the American public by requiring Federal agencies to post all congressionally-mandated reports and information on the agency’s public website.

III. LEGISLATIVE HISTORY

S. 196 was introduced on January 19, 2019, by Senators Rob Portman (R–OH), Tom Carper (D–DE), Steve Daines (R–MT), Joni Ernst (R–IA), Kamala Harris (D–CA), Margaret Wood Hassan (D–NH), John Hoeven (R–ND), Doug Jones (D–AL), and James Lankford (R–OK). The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 196 at a business meeting on February 13, 2019. S. 196 passed by voice vote *en bloc* with Senators Johnson, Portman, Paul, Lankford, Romney, Scott, Enzi, Hawley, Peters, Carper, Hassan, Harris, Sinema, and Rosen present.

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

Section 1. Short title

This section establishes the short title of the bill as the “Modernizing Congressional Reporting Act of 2019.”

¹S. 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”.

²Letter from Acting Secretary Robert L. Wilkie to Chairman Ron Johnson (May 29, 2018) (on file with the S. Comm. on Homeland Sec. & Governmental Aff.).

³Fourth Continuing Appropriations for Fiscal Year 2018, Pub. L. No. 115–120.

⁴S. Comm. on Homeland Sec. & Governmental Aff., transcript of July 26, 2017 business meeting.

Section 2. Definitions

This section provides definitions for the terms “acceptable format,” “agency,” “congressional office,” “congressional office,” “congressionally mandated report,” “open format,” “recorded information,” and “structured data.”

Section 3. Electronic transmission of reports

Subsection (a) requires Federal agencies to send any report or recorded information in an acceptable electronic format.

Subsection (b) requires Federal agencies to submit to Congress such a report in an original electronic file or an electronically converted file rather than a scanned document. The electronic file submitted to Congress must be searchable by character recognition.

Subsection (c) permits an agency to submit a report in a manner other than described in subsection (a) upon agreement with the congressional office.

Subsection (d) requires that, if a congressional office designates a method of receiving the report that deviates from the method outlined in subsection (a), an agency must submit a report under the method designated by the congressional office unless otherwise requested by the congressional office.

Section 4. Publishing of reports

Subsection (a) requires Federal agencies to post any congressionally-mandated report or recorded information on its website in a consistent location.

Subsection (b) prohibits any fee, required registration or other limitations for access to any report posted on an agency website under this bill.

Subsection (c) requires open access to all information posted under this bill, including restrictions that would prevent the reuse of information.

Subsection (d) requires agency websites to include a list of all reports posted under subsection (c) with a link to each report. All reports must be searchable and sortable by title, date of publication, receiving congressional office, statute or resolution that requires the report, metadata elements of the report, and an alpha-numeric identifier that is consistent across report editions. This subsection also requires all reports to have links to download the report and other information.

Subsection (e) requires agencies to post reports to their websites within 30 days after the report is due to Congress.

Subsection (f) allows agencies to change or remove a report or data only if the agency discusses such change or removal with the receiving congressional office(s), and Congress enacts a joint resolution authorizing the change or removal. This subsection authorizes technical corrections without these requirements.

Subsection (g) clarifies that this bill does not interfere with an agency's compliance to the Freedom of Information Act and information exempt from public disclosure. When an agency redacts such information from a report, the agency must identify the specific exemption for the redaction.

Subsection (h) allows a Federal agency to withhold information from a report if the agency reasonably sees that disclosure of such information would be harmful or is prohibited by law to disclose.

The agency must consider if a partial disclosure of information is possible, and if so, take the necessary steps to separate and release any nonexempt information.

Subsection (i) requires agencies to post the list of reports required under subsection (d) to Data.gov within 30 days of the enactment of this bill.

Subsection (j) clarifies that this bill does not relieve an agency from any other requirement to publish a congressionally-mandated report and does not impose any additional need to redact any submission to or withhold information from any congressional office.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 1, 2019.

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. 196, the Modernizing Congressional Reporting Act of 2019.

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

Sincerely,

KEITH HALL,
Director.

Enclosure.

S. 196, Modernizing Congressional Reporting Act of 2019				
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on February 13, 2019				
Millions of Dollars	Direct Spending	Revenues	Net Deficit Effect	Spending Subject to Appropriation
2019	0	0	0	0
2019-2024	*	0	*	2
2019-2029	*	0	*	n.a.
Pay-as-you-go procedures apply?	Yes	Mandate Effects		
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No	
		Contains private-sector mandate?	No	
n.a. = not applicable; * = between zero and \$500,000.				

S. 196 would require that all of the information federal agencies provide to the Congress be submitted in an electronic format. In addition, the bill would direct each agency to make electronically submitted information available on their respective public websites in a free, open, and accessible manner. Finally, agencies would be required to make a list of all information transmitted to Congress—including reports, data, and other materials—publicly available via data.gov.

CBO estimates that implementing the bill would cost about \$2 million over the 2019–2024 period. CBO expects that each of the 26 major executive agencies would need about 15 percent of the time of one federal employee at an average annual cost of \$15,000. That time would be spent on submitting Congressionally-mandated reports electronically, as well as creating and updating an online searchable database where reports would be published. Any spending for those activities would be subject to the availability of appropriated funds.

Enacting S. 196 would affect direct spending by some agencies (such as the Tennessee Valley Authority) because they are authorized to use receipts from the sale of goods, fees, and other collections to cover their operating costs. Because most of those agencies can adjust the amounts collected, CBO estimates that any net changes in direct spending by those agencies would be negligible.

The CBO staff contact for this estimate is David Hughes. This estimate was reviewed by H. Samuel Papenfuss, 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.

