

114TH CONGRESS
1ST SESSION

S. 787

To streamline the collection and distribution of government information.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 2015

Mrs. McCASKILL (for herself and Ms. Ayotte) introduced the following bill;
which was read twice and referred to the Committee on Commerce,
Science, and Transportation

A BILL

To streamline the collection and distribution of government
information.

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 “NTIS Elimination
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The National Technical Information Service
9 (referred to in this Act as “NTIS”), the National
10 Archives and Records Administration, the Govern-

1 ment Accountability Office (referred to in this Act
2 as “GAO”), and the Library of Congress all collect,
3 categorize, and distribute government information.

4 (2) NTIS was established in 1950, more than
5 40 years before the creation of the Internet.

6 (3) NTIS is tasked with collecting and distrib-
7 uting government-funded scientific, technical, engi-
8 neering, and business-related information and re-
9 ports.

10 (4) GAO found that NTIS sold only 8 percent
11 of the 2,500,000 reports in its collection between
12 1995 and 2000.

13 (5) A November 2012 GAO review of NTIS
14 made the following conclusions:

15 (A) “Of the reports added to NTIS’s re-
16 pository during fiscal years 1990 through 2011,
17 GAO estimates that approximately 74 percent
18 were readily available from other public
19 sources.”.

20 (B) “These reports were often available ei-
21 ther from the issuing organization’s website, the
22 Federal Internet portal (<http://www.USA.gov>)
23 or from another source located through a web
24 search.”.

1 (C) “The source that most often had the
2 report [GAO] was searching for was another
3 website located through [http://](http://www.Google.com)
4 www.Google.com.”.

5 (D) “95 percent of the reports available
6 from sources other than NTIS were available
7 free of charge.”.

8 (6) No Federal agency should use taxpayer dol-
9 lars to purchase a report from the National Tech-
10 nical Information Service that is available through
11 the Internet for free.

12 (7) In 1999, Secretary of Commerce William
13 Daley—

14 (A) admitted that the National Technical
15 Information Service would eventually outlive its
16 usefulness and be unable to sustain its revenue-
17 losing profit model;

18 (B) explained that “declining sales reve-
19 nues soon would not be sufficient to recover all
20 of NTIS’ operating costs”; and

21 (C) attributed this “decline to other agen-
22 cies’ practice of making their research results
23 available to the public for free through the
24 Web”.

1 (8) According to the November 2012 GAO re-
2 port referred to in paragraph (5)—

3 (A) “NTIS product expenditures exceeded
4 revenues for 10 out of the past 11 fiscal
5 years.”;

6 (B) “The agency lost, on average, about
7 \$1.3 million over the last 11 years on its prod-
8 ucts.”; and

9 (C) “The decline in revenue for its prod-
10 ucts continues to call into question whether
11 NTIS’s basic statutory function of acting as a
12 self-financing repository and disseminator of
13 scientific and technical information is still via-
14 ble.”.

15 (9) NTIS has compensated for its lost revenue
16 by charging other Federal agencies for various serv-
17 ices that are not associated with NTIS’s primary
18 mission.

19 (10) Future technological advances will ensure
20 that the services offered by NTIS are even more su-
21 perfluous for essential government functions than
22 they are today.

23 **SEC. 3. NATIONAL TECHNICAL INFORMATION SERVICE.**

24 (a) REPEAL.—Effective on the date that is 1 year
25 after the date of the enactment of this Act, the National

1 Technical Information Act of 1988 (subtitle B of title II
2 of Public Law 100–519; 15 U.S.C. 3704b) is repealed.

3 (b) TRANSFER OF CRITICAL FUNCTIONS.—

4 (1) CONSULTATION REQUIREMENT.—The Sec-
5 retary of Commerce, the Archivist of the United
6 States, and the Comptroller General of the United
7 States shall consult with the Director of the Office
8 of Management and Budget to determine if any ac-
9 tivity or function of the National Technical Informa-
10 tion Service—

11 (A) is critical to the national economy; and

12 (B) is not being carried out by—

13 (i) any other agency or instrumen-
14 tality of the Federal Government; or

15 (ii) a contractor of the Federal Gov-
16 ernment.

17 (2) TRANSFERS AUTHORIZED.—

18 (A) IN GENERAL.—Before the effective
19 date set forth in subsection (a), the Secretary
20 of Commerce is authorized to transfer the re-
21 sponsibility for any NTIS activity or function
22 that is critical to the national economy and not
23 otherwise being carried out (as determined
24 under paragraph (1)) to another office within
25 the Department of Commerce.

1 (B) CONGRESSIONAL NOTIFICATION.—Be-
2 fore transferring any activity or function pursu-
3 ant to subparagraph (A), the Secretary shall
4 submit a report to the Committee on Com-
5 merce, Science, and Transportation of the Sen-
6 ate, the Committee on Homeland Security and
7 Governmental Affairs of the Senate, the Com-
8 mittee on Energy and Commerce of the House
9 of Representatives, the Committee on Oversight
10 and Government Reform of the House of Rep-
11 resentatives that—

12 (i) identifies the activities or functions
13 that will be transferred; and

14 (ii) provides the rationale for deter-
15 mining that such activities or functions are
16 critical to the national economy.

17 (3) DEFINED TERM.—As used in this sub-
18 section, an activity or function that is “critical to
19 the national economy” promotes the economic
20 growth of the United States by providing access to
21 information that stimulates innovation and dis-
22 covery.

23 (c) REPOSITORY OF NONCLASSIFIED INFORMA-
24 TION.—

1 (1) IN GENERAL.—The Secretary of Commerce
2 is authorized to continue to maintain a permanent
3 repository of nonclassified scientific, technical, and
4 engineering information that contains reports that
5 are scientific, technical, or engineering in nature.

6 (2) ITEM TO BE INCLUDED.—

7 (A) IN GENERAL.—All Federal entities
8 shall send electronic copies of all nonclassified
9 scientific, technical, and engineering reports
10 and information to the Department of Com-
11 merce for inclusion in the repository referred to
12 in paragraph (1).

13 (B) NOTIFICATION REQUIREMENT.—If any
14 Federal entity regularly fails to comply with the
15 requirement under subparagraph (A), the Sec-
16 retary of Commerce shall notify—

17 (i) the Committee on Commerce,
18 Science, and Transportation of the Senate;
19 and

20 (ii) the Committee on Energy and
21 Commerce of the House of Representa-
22 tives.

23 (3) PUBLIC AVAILABILITY.—The repository re-
24 ferred to in paragraph (1) and any document therein
25 shall be publicly available and searchable, including

1 bibliographic information, in a format that is useful
2 to American industry, business, libraries, and re-
3 search institutions.

4 (4) **DIGITAL COPIES.**—The Secretary shall pro-
5 vide digital copies of any document in the repository
6 referred to in paragraph (1) to the public free of
7 charge.

8 (5) **AUTHORIZATION OF APPROPRIATIONS.**—
9 There is authorized to be appropriated such sums as
10 may be necessary to maintain the repository referred
11 to in paragraph (1).

12 (d) **BIBLIOGRAPHIC INFORMATION.**—The Secretary
13 of Commerce shall continue to make selected bibliographic
14 information products available in a timely manner to de-
15 pository libraries as part of the Depository Library Pro-
16 gram of the Government Publishing Office.

17 (e) **USE OF TECHNOLOGY.**—The Secretary of Com-
18 merce shall utilize available technology to ensure that the
19 Department of Commerce is collecting all nonclassified sci-
20 entific, technical, and engineering information to the best
21 of its ability.

22 **SEC. 4. NTIS REVOLVING FUND.**

23 Not later than 1 year after the date of the enactment
24 of this Act, the Secretary of the Treasury, after consulta-
25 tion with the Secretary of Commerce, shall—

- 1 (1) transfer all unexpended balances in the Na-
2 tional Technical Information Service Revolving Fund
3 (referred to in this section as the “Fund”), estab-
4 lished pursuant to the Department of Commerce Ap-
5 propriations Act, 1993 (title II of Public Law 102–
6 305; 15 U.S.C. 3704b note), to the Department of
7 Commerce to be expended solely for the maintenance
8 of the repository described in section 3(c); and
9 (2) dissolve the Fund.

10 **SEC. 5. SECRETARY OF COMMERCE CERTIFICATION.**

11 Before the effective date set forth in section 3(a), the
12 Secretary of Commerce shall submit a written certification
13 to the Committee on Commerce, Science, and Transpor-
14 tation of the Senate and the Committee on Energy and
15 Commerce of the House of Representatives that all of the
16 operations of the National Technical Information Service,
17 except for the activities or functions transferred pursuant
18 to section 3(b)(2)(A), have been terminated.

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