

116TH CONGRESS  
2D SESSION

# H. R. 4613

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2020

Received; read twice and referred to the Committee on Veterans' Affairs

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## AN ACT

To direct the Secretary of Veterans Affairs to establish and maintain a website of the Department that allows the public to obtain electronic copies of certain legislatively requested reports of the Department of Veterans Affairs, 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “VA Reporting Trans-  
3 parency Act”.

4 **SEC. 2. REQUIRING PUBLIC ACCESS THROUGH DEPART-**  
5 **MENT OF VETERANS AFFAIRS WEBSITE TO**  
6 **LEGISLATIVELY REQUESTED REPORTS OF**  
7 **THE DEPARTMENT.**

8 (a) REQUIREMENT TO ALLOW ACCESS ONLINE.—

9       (1) IN GENERAL.—Not later than 1 year after  
10 the date of enactment of this Act, the Secretary  
11 shall establish and maintain a website of the Depart-  
12 ment that allows the public to obtain electronic cop-  
13 ies of all legislatively requested reports required to  
14 be submitted after the date of the enactment of this  
15 Act.

16       (2) EXISTING RESOURCES.—To the extent pos-  
17 sible, the Secretary shall carry out paragraph (1) by  
18 using existing online resources administered by the  
19 Secretary.

20 (b) CONTENT AND FUNCTION.—The Secretary shall  
21 ensure that the website includes the following:

22       (1) With respect to each legislatively requested  
23 report, each of the following:

24               (A) A citation to the statute requiring the  
25 report.

1 (B) An electronic copy of the report, in-  
2 cluding any transmittal letter associated with  
3 the report, that is platform independent and  
4 available to the public without restrictions, in-  
5 cluding restrictions that would impede the reuse  
6 of the information in the report. Where prac-  
7 ticable, the report shall be in an open format.

8 (C) The ability to retrieve a report, to the  
9 extent practicable, through searches based on  
10 each, and any combination, of the following:

11 (i) The title of the report.

12 (ii) The date of publication.

13 (iii) Any congressional committee or  
14 subcommittee receiving the report.

15 (iv) The Act of Congress or confer-  
16 ence report that requests the report.

17 (v) Subject tags.

18 (vi) A unique alphanumeric identifier  
19 for the report that is consistent across re-  
20 port editions.

21 (vii) Any serial number, Superinten-  
22 dent of Documents number, or other iden-  
23 tification number for the report.

24 (viii) Key words.

25 (ix) Full text search.

1                   (x) Any other information the Sec-  
2                   retary determines appropriate.

3                   (D) The date on which the report was re-  
4                   quired to be submitted to the website.

5                   (E) The date on which the report was sub-  
6                   mitted to the website.

7                   (F) To the extent practicable, a permanent  
8                   means of accessing the report electronically.

9                   (2) A means for bulk download of all legisla-  
10                  tively requested reports.

11                  (3) A means for downloading individual reports  
12                  as the result of a search.

13                  (4) In tabular form, a list of all legislatively re-  
14                  quested reports that can be searched, sorted, and  
15                  downloaded by—

16                   (A) reports submitted within the required  
17                   time;

18                   (B) reports submitted after the date on  
19                   which such reports were required to be sub-  
20                   mitted; and

21                   (C) reports not submitted.

22                  (c) DEADLINE.—The Secretary shall ensure that in-  
23                  formation required to be published on the website under  
24                  this Act with respect to a legislatively requested report  
25                  submitted after the period under subsection (a)(1) is pub-

1 lished not earlier than 30 days after the report is sub-  
2 mitted and not later than 45 days after the report is sub-  
3 mitted.

4 (d) NOTICE ON WEBSITE OF WITHHELD REPORTS.—  
5 If, at the time a requirement or request for a legislatively  
6 requested report is made pursuant to an Act of Congress  
7 or a conference report, Congress includes in such Act or  
8 conference report, as the case may be, specific language  
9 exempting the report from publication on a website under  
10 this section, the Secretary shall publish on such website  
11 the title of the report and notice that Congress exempted  
12 the report from publication.

13 (e) FREE ACCESS.—The Secretary may not charge  
14 a fee, require registration, or impose any other limitation  
15 in exchange for access to the website.

16 **SEC. 3. RELATIONSHIP TO THE FREEDOM OF INFORMA-**  
17 **TION ACT.**

18 (a) IN GENERAL.—Nothing in this Act shall be con-  
19 strued to—

20 (1) require the disclosure of information,  
21 records, or reports that are exempt from public dis-  
22 closure under section 552 of title 5, United States  
23 Code; or

24 (2) impose any affirmative duty on the Sec-  
25 retary to review legislatively requested reports sub-

1       mitted for publication to the website for the purpose  
2       of identifying and redacting such information or  
3       records.

4       (b) REDACTION OF INFORMATION.—The Secretary  
5       may redact information required to be disclosed under this  
6       Act if the information would be properly withheld from  
7       disclosure under section 552 of title 5, United States  
8       Code, and shall—

9               (1) redact information required to be disclosed  
10       under this Act if disclosure of such information is  
11       prohibited by law;

12              (2) redact only such information properly with-  
13       held under this subsection from the submission of  
14       information or from any legislatively requested re-  
15       port submitted under this Act;

16              (3) identify where any such redaction is made  
17       in the submission or report; and

18              (4) identify the exemption under which each  
19       such redaction is made.

20       **SEC. 4. REPORTS REQUIRED.**

21       (a) RECURRING REPORTS THAT THE SECRETARY  
22       RECOMMENDS DISCONTINUING.—The Secretary shall  
23       submit to Congress a report regarding recurring legisla-  
24       tively requested reports that the Secretary recommends  
25       discontinuing not later than—

1           (1) 180 days after the date of the enactment of  
2       this Act; and

3           (2) 2 years after the date of the enactment of  
4       this Act.

5       (b) COMPLIANCE OF VA WEBSITE WITH FEDERAL  
6       STATUTES, REGULATIONS, RULES, AND GUIDANCE.—Not  
7       later than 180 days after the date of the enactment of  
8       this Act, the Secretary shall submit to Congress a report  
9       regarding the compliance of the website of the Department  
10      with Federal statutes, regulations, rules, and guidance re-  
11      garding transparency for and access by the public and  
12      Congress, including requirements for links and informa-  
13      tion subject to section 552 of title 5, United States Code,  
14      and the Inspector General Act of 1978 (Public Law 95–  
15      452).

16   **SEC. 5. DEFINITIONS.**

17       In this Act:

18           (1) LEGISLATIVELY REQUESTED REPORT.—The  
19       term “legislatively requested report” means a report  
20       to be submitted by the Secretary to either house of  
21       Congress or any committee of Congress or sub-  
22       committee thereof pursuant to—

23                   (A) an Act of Congress enacted not more  
24                   than 8 years before the date of the enactment  
25                   of this Act; or

1 (B) a conference report adopted not more  
2 than 8 years before the date of the enactment  
3 of this Act.

4 (2) OPEN FORMAT.—The term “open format”  
5 means a file format for storing digital data based on  
6 an underlying open standard that—

7 (A) is not encumbered by any restrictions  
8 that would impede reuse; and

9 (B) is based on an underlying open data  
10 standard that is maintained by a standards or-  
11 ganization.

12 (3) DEPARTMENT.—The term “Department”  
13 means the Department of Veterans Affairs.

14 (4) SECRETARY.—The term “Secretary” means  
15 the Secretary of Veterans Affairs.

Passed the House of Representatives February 25,  
2020.

Attest: CHERYL L. JOHNSON,  
*Clerk.*