

**Calendar No. 68**116TH CONGRESS  
1ST SESSION**S. 196****[Report No. 116-32]**

To save taxpayer money and improve the efficiency and speed of intragovernmental correspondence, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 19, 2019

Mr. PORTMAN (for himself, Ms. HASSAN, Ms. HARRIS, Mr. HOEVEN, Mr. LANKFORD, Mr. DAINES, Ms. ERNST, Mr. JONES, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

APRIL 10, 2019

Reported by Mr. JOHNSON, with amendments

[Omit the part struck through and insert the part printed in *italic*]**A BILL**

To save taxpayer money and improve the efficiency and speed of intragovernmental correspondence, 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 “Modernizing Congres-  
3 sional Reporting Act of 2019”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act—

6 (1) the term “acceptable electronic format”  
7 means a file format and metadata elements author-  
8 ized by the National Archives and Records Adminis-  
9 tration for the transfer of permanent electronic  
10 records—

11 (A) as set forth in—

12 (i) National Archives and Records Ad-  
13 ministration Bulletin 2014–04: Revised  
14 Format Guidance for the Transfer of Per-  
15 manent Electronic Records, dated January  
16 31, 2014, or any successor bulletin; and

17 (ii) National Archives and Records  
18 Administration Bulletin 2015–04: Metada-  
19 ta Guidance for the Transfer of Permanent  
20 Electronic Records, dated September 15,  
21 2015, or any successor bulletin; and

22 (B) that complies with the requirements of  
23 the Office of Management and Budget Memo-  
24 randum on the Managing Government Records  
25 Directive, dated August 24, 2012 (M–12–18),  
26 or any successor memorandum;

1 (2) the term “agency”—

2 (A) means—

3 (i) a Federal agency, as defined in  
4 section 102 of title 40, United States  
5 Code; and

6 (ii) an agency, as defined in section  
7 552(f)(1) of title 5, United States Code;  
8 and

9 (B) does not include the Government Ac-  
10 countability Office;

11 ~~(3) the term “congressionally mandated report”~~  
12 ~~means a report that is required to be submitted to~~  
13 ~~either House of Congress or any committee of Con-~~  
14 ~~gress, or subcommittee thereof, by a statute, resolu-~~  
15 ~~tion, or conference report that accompanies legisla-~~  
16 ~~tion enacted into law;~~

17 ~~(4)(3) the term “congressional office” means—~~

18 (A) an office of any committee or sub-  
19 committee of the Senate or the House of Rep-  
20 resentatives, including any select or special  
21 committee;

22 (B) an office of any individual Senator or  
23 Member of the House of Representatives;

24 (C) a leadership office of the Senate or the  
25 House of Representatives; and

- 1 (D) Congress or any House of Congress;
- 2 (4) *the term “congressionally mandated report”*
- 3 *means a report that is required to be submitted to ei-*
- 4 *ther House of Congress or any committee of Congress,*
- 5 *or subcommittee thereof, by a statute, resolution, or*
- 6 *conference report that accompanies legislation enacted*
- 7 *into law;*
- 8 (5) the term “open format” means a file format
- 9 for storing digital data based on an underlying open
- 10 standard that—
- 11 (A) is not encumbered by any restrictions
- 12 that would impede reuse; and
- 13 (B) is based on an underlying open data
- 14 standard that is maintained by a standards or-
- 15 ganization;
- 16 (6) the term “recorded information” includes
- 17 all recorded information, regardless of form or char-
- 18 acteristics; and
- 19 (7) the term “structured data” has the meaning
- 20 given the term in National Archives and Records
- 21 Administration Bulletin 2014–04: Revised Format
- 22 Guidance for the Transfer of Permanent Electronic
- 23 Records, dated January 31, 2014, or any successor
- 24 bulletin.

1 **SEC. 3. ELECTRONIC TRANSMISSION OF REPORTS.**

2 (a) IN GENERAL.—On and after the date that is 30  
3 days after the date of enactment of this Act, except as  
4 provided in subsection (c) and to the extent specifically  
5 required otherwise by law—

6 (1) any report or other recorded information re-  
7 quired to be submitted to Congress by an agency  
8 under any provision of law, and any response from  
9 an agency to a request by a congressional office for  
10 any report or other recorded information, shall only  
11 be transmitted by the agency in an acceptable elec-  
12 tronic format; and

13 (2) any structured data included in or with, or  
14 used to create any chart included in or with, any re-  
15 port or other recorded information described in  
16 paragraph (1) shall be transmitted by the agency in  
17 an acceptable electronic format for structured data.

18 (b) FORMAT PREFERENCE.—

19 (1) IN GENERAL.—In transmitting a report or  
20 other recorded information described in subsection  
21 (a) to a congressional office, an agency shall, to the  
22 extent possible, provide the original electronic file or  
23 an electronically converted file rather than a scanned  
24 document, even if the document includes a signa-  
25 ture.

1           (2) SEARCHABLE SCANNED DOCUMENTS.—

2           Each scanned document that is transmitted by an  
3           agency to a congressional office shall be made  
4           searchable via optical character recognition or other  
5           means.

6           (c) OTHER FORMATS.—An agency that is required to  
7           transmit a report or other recorded information described  
8           in subsection (a) to a congressional office in an acceptable  
9           electronic format may, if requested by, or otherwise agreed  
10          to with, the congressional office—

11           (1) transmit the report or other recorded infor-  
12          mation to the congressional office—

13           (A) in an electronic format that is not an  
14          acceptable electronic format; or

15           (B) as a physical document;

16           (2) allow the report or other recorded informa-  
17          tion to be reviewed in camera; or

18           (3) not transmit the report or other recorded  
19          information.

20          (d) ROUTING.—If a congressional office designates a  
21          method to receive reports and other recorded information  
22          described in subsection (a) from agencies, each agency  
23          shall transmit a report or other recorded information to  
24          the congressional office using the designated method, un-  
25          less otherwise requested by the congressional office.

1 **SEC. 4. PUBLISHING OF REPORTS.**

2 (a) **IN GENERAL.**—On and after the date that is 30  
3 days after the date of enactment of this Act, any congres-  
4 sionally mandated report, and any structured data de-  
5 scribed in section 3(a)(2) and any transmittal letter asso-  
6 ciated with the report, shall be posted on the public  
7 website of the agency submitting the report—

8 (1) in an acceptable electronic format;

9 (2) in an open format;

10 (3) in accordance with the format preference  
11 described in section 3(b); and

12 (4) at a uniform resource locator or similar lo-  
13 cator that is changed as infrequently as possible.

14 (b) **FREE ACCESS.**—No fee, registration requirement,  
15 or other access limitation shall be imposed on access to  
16 any report required to be posted under subsection (a).

17 (c) **OPEN ACCESS.**—All reports, data, and other in-  
18 formation posted under this section shall be available to  
19 the public without restrictions, including restrictions that  
20 would impede reuse of any or all elements of the informa-  
21 tion.

22 (d) **EASE OF ACCESS.**—Each agency shall provide in  
23 tabular form a list of all reports, data, or other informa-  
24 tion required to be posted under subsection (a) that—

25 (1) is—

1 (A) accessible via a link posted at the foot-  
2 er of the public website of the agency;

3 (B) accessible at a uniform resource loca-  
4 tor or similar locator that is changed as infre-  
5 quently as practicable;

6 (C) in a structure that is changed as infre-  
7 quently as practicable and is as consistent with  
8 the structure used by other agencies as prac-  
9 ticable;

10 (D) searchable and sortable by, at a min-  
11 imum—

12 (i) the title of the report;

13 (ii) the date of publication of the re-  
14 port;

15 (iii) each congressional office receiving  
16 the report, if applicable;

17 (iv) the statute, resolution, or con-  
18 ference report requiring the report;

19 (v) the metadata elements of the re-  
20 port;

21 (vi) a unique alphanumeric identifier  
22 for the report that is consistent across re-  
23 port editions; and

24 (vii) the serial number, Super-  
25 intendent of Documents number, or other

1 identification number for the report, if ap-  
2 plicable;

3 (E) available in an acceptable electronic  
4 format for structured data, to allow for auto-  
5 mated parsing of all data described in subpara-  
6 graph (D) and download of all reports and as-  
7 sociated structured data; and

8 (F) updated immediately upon posting of  
9 the report, data, or other information; and

10 (2) contains links to download each report,  
11 data, and other information.

12 (e) **TIMELY ACCESS.**—An agency shall post a report,  
13 data, or other information required to be posted by the  
14 agency under subsection (a) not later than 30 days after  
15 the date on which the agency submits the report, data,  
16 or other information to Congress.

17 (f) **REMOVING AND ALTERING REPORTS.**—An agency  
18 may only change or remove, with the exception of technical  
19 changes, a report, data, or other information required to  
20 be posted by the agency under subsection (a) if—

21 (1) the head of the agency consults with each  
22 congressional office to which the report, data, or  
23 other information is submitted; and

1           (2) Congress enacts a joint resolution author-  
2           izing the changing or removal of the report, data, or  
3           other information.

4           (g) RELATION TO THE FREEDOM OF INFORMATION  
5 ACT AND REDACTION.—

6           (1) IN GENERAL.—Nothing in this section shall  
7           be construed to require the disclosure of information  
8           or records that are—

9                   (A) exempt from disclosure under section  
10                   552 of title 5, United States Code (commonly  
11                   known as the “Freedom of Information Act”);  
12                   or

13                   (B) otherwise prohibited from disclosure by  
14                   law.

15           (2) REDACTION OF REPORT.—With respect to  
16           each report, data, or other information required to  
17           be posted by an agency under subsection (a), the  
18           head of the agency shall—

19                   (A) redact any information that may not  
20                   be disclosed under section 552(b) of title 5,  
21                   United States Code, or is otherwise prohibited  
22                   from disclosure by law, before posting the re-  
23                   port;

24                   (B) only redact the information described  
25                   in subparagraph (A);

1 (C) identify where each redaction is made  
2 in the report, data, or other information; and

3 (D) identify the exemption under such sec-  
4 tion 552(b) under which each redaction is  
5 made.

6 (h) WITHHOLDING INFORMATION.—An agency—

7 (1) may withhold information otherwise re-  
8 quired to be disclosed under this section only if—

9 (A) the agency reasonably foresees that  
10 disclosure would harm an interest protected by  
11 an exemption described in section 552(b) of  
12 title 5, United States Code; or

13 (B) disclosure is prohibited by law; and

14 (2) shall—

15 (A) consider whether partial disclosure of  
16 information otherwise required to be disclosed  
17 under this section is possible whenever the  
18 agency determines that a full disclosure of the  
19 information is not possible; and

20 (B) take reasonable steps necessary to seg-  
21 regate and release nonexempt information.

22 (i) OPEN DATA REGISTRATION.—Not later than 30  
23 days after the date of enactment of this Act, each agency  
24 shall make the list described in subsection (d) available  
25 to the public on Data.gov or a successor Federal open gov-

1 ernment data site, in a structure and format used by that  
2 system.

3 (j) SUBMISSION OF REPORTS.—Nothing in this sec-  
4 tion shall be construed to—

5 (1) relieve an agency of any other requirement  
6 to publish a congressionally mandated report on the  
7 website of the agency or otherwise submit a congres-  
8 sionally mandated report to Congress or specific  
9 committees or subcommittees of Congress; or

10 (2) impose any additional requirement to redact  
11 any submission to or withhold information from any  
12 congressional office.



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