

These changes will be overseen by a responsible agency official to ensure compliance.

On top of this, agencies will be required to make paper-based forms available digitally within one year, to provide a digital option as an alternative to in-person government services within two years, to submit a plan to increase the use of electronic signatures on contracts and related documents within 180 days, and to modernize their public-facing websites within one year.

Consumers will no longer be required to print and fill out forms that must then be either faxed or mailed in.

These digital improvements will drastically improve the way our federal agencies provide critical services to folks all across the country, including people with disabilities or those who live in rural areas with limited access to traditional, in-person assistance services all while saving countless taxpayer dollars.

I cannot stress it enough that the federal government is supposed to work for the American people. And we owe it to them to do a better job.

The tools we need to restore the United States' global leadership in technology and digital government are already at our fingertips. Now it's time to act.

I urge my colleagues to vote yes on H.R. 5759: the 21st Century Integrated Digital Experience Act.

Ms. KELLY of Illinois. Mr. Speaker, I am proud to support H.R. 5759, the 21st Century Integrated Digital Experience Act of 2018. This bipartisan legislation, which was reported out of the House Oversight and Government Reform Committee by voice vote, seeks to modernize and improve the delivery of citizen-facing and internal digital services by government agencies.

This legislation builds on the Connected Government Act that I authored and which was signed into law last year. Like the Connected Government Act, the 21st Century IDEA requires federal agency websites to be mobile friendly and secure by providing citizens with an improved customer experience. The bill requires agencies to upgrade their online experiences, provide a digital, mobile friendly option for any paper-based form, requires a plan for the expanded use of electronic signatures, and establishes federal agency chief information officers as the responsible officials inside the federal government for carrying out these requirements. All critical factors in improving customer experience.

American citizens deserve and expect a modern, cost effective digital experience when interacting with the federal government. Recent data from the IRS shows that in-person or live assistance calls to the agency cost taxpayers between \$40 and \$60 on average, while digital transactions cost only \$0.22 on average. A recent 2017 Forrester Research study on Federal Customer Experience Index also found that, "federal websites and mobile apps still offer experiences that are worse than those provided by nondigital channels like physical locations and call centers." The need for enhanced citizen-facing digital service delivery is clear and will dramatically drive down the cost of government operations and improve customer experience.

Restoring the United States Government's global leadership in technology and digital government requires a new approach. To that

end, H.R. 5759 is needed to modernize federal agency websites, support the increased use of mobile devices, transition away from paper-based forms and in-person transactions and bring the U.S. government into the 21st Century.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. COMER) that the House suspend the rules and pass the bill, H.R. 5759, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SETTLEMENT AGREEMENT INFORMATION DATABASE ACT OF 2018

Mr. COMER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6777) to amend chapter 3 of title 5, United States Code, to require the publication of settlement agreements, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6777

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Settlement Agreement Information Database Act of 2018".

#### SEC. 2. INFORMATION REGARDING SETTLEMENT AGREEMENTS ENTERED INTO BY FEDERAL AGENCIES.

(a) REQUIREMENTS FOR SETTLEMENT AGREEMENTS.—Chapter 3 of title 5, United States Code, is amended by adding at the end the following new section:

##### "§ 307. Information regarding settlement agreements

"(a) DEFINITIONS.—In this section:

"(1) LOCAL GOVERNMENT.—The term 'local government' has the meaning given that term in section 6501 of title 31.

"(2) ORDER TYPE.—The term 'order type' means the type of action or instrument used to settle a civil or criminal judicial action.

"(3) SETTLEMENT AGREEMENT.—The term 'settlement agreement' means a settlement agreement (including a consent decree) that—

"(A) is entered into by an Executive agency; and

"(B) relates to an alleged violation of Federal civil or criminal law.

"(4) STATE.—The term 'State' means each of the several States, the District of Columbia, each territory or possession of the United States, and each federally recognized Indian Tribe.

"(b) SETTLEMENT AGREEMENT INFORMATION DATABASE.—

"(1) EXECUTIVE AGENCY REQUIREMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the head of each Executive agency shall, in accordance with guidance issued pursuant to paragraph (2), submit the following information to the database established under paragraph (3):

"(i) A list of each settlement agreement, in a categorized and searchable format, entered into by the Executive agency, as a party to a lawsuit, which shall include, for each settlement agreement—

"(I) the order type of the settlement agreement;

"(II) the date on which the parties entered into the settlement agreement;

"(III) a list of specific violations that specify the basis for the action taken, with a description of the claims each party settled under the settlement agreement;

"(IV) the amount of attorneys' fees and other litigation costs awarded, if any, including a description of the statutory basis for such an award;

"(V) the amount each party settling a claim under the settlement agreement is obligated to pay under the settlement agreement;

"(VI) the total amount the settling parties are obligated to pay under the settlement agreement;

"(VII) the amount, if any, the settling party is obligated to pay that is expressly specified under the settlement agreement as a civil or criminal penalty or fine;

"(VIII) any payment made under the settlement agreement, including a description of any payment made to the Federal Government;

"(IX) the projected duration of the settlement agreement, if available;

"(X) a list of State or local governments that may be directly affected by the terms of the settlement agreement;

"(XI) a brief description of any economic data and methodology used to justify the terms of the settlement agreement;

"(XII) any modifications to the settlement agreement, when applicable;

"(XIII) notice and comments, when applicable; and

"(XIV) whether the settlement agreement is still under judicial enforcement and any period of time by which the parties agreed to have certain conditions met.

"(ii) A copy of each—

"(I) settlement agreement entered into by the Executive agency; and

"(II) statement issued under paragraph (4).

"(B) NONDISCLOSURE.—The requirement to submit information or a copy of a settlement agreement under subparagraph (A) shall not apply to the extent the information or copy (or portion thereof)—

"(i) is subject to a confidentiality provision that prohibits disclosure of the information or copy (or portion thereof); and

"(ii) would not be disclosed under section 552, if the Executive agency provides a citation to the applicable exemption.

"(C) CLARIFICATION OF RESPONSIBLE AGENCY.—In a case in which an Executive agency is acting at the request or on behalf of another Executive agency (referred to as the originating agency), the originating agency is responsible for submitting information under subparagraph (A).

"(2) GUIDANCE.—The Director of the Office of Management and Budget shall issue guidance for Executive agencies to implement paragraph (1). Such guidance shall include the following:

"(A) Specific dates by which submissions must be made, not less than twice a year.

"(B) Data standards, including common data elements and a common, nonproprietary, searchable, machine-readable, platform independent format.

"(C) A requirement that the information and documents required under paragraph (1) are publicly available for a period starting on the date of the settlement through not less than 5 years after the termination of the settlement agreement.

"(3) ESTABLISHMENT OF DATABASE.—The Director of the Office of Management and Budget, or the head of an Executive agency designated by the Director, shall establish and maintain a public, searchable,

downloadable database for Executive agencies to directly upload and submit the information and documents required under paragraph (1) for immediate publication online.

“(4) STATEMENT OF CONFIDENTIALITY.—If the head of an Executive agency determines that a confidentiality provision in a settlement agreement, or the sealing of a settlement agreement, is required to protect the public interest of the United States, the head of the Executive agency may except the settlement agreement from the requirement in paragraph (1) and shall issue a written public statement stating why such action is required to protect the public interest of the United States, which shall explain—

“(A) what interests confidentiality protects; and

“(B) why the interests protected by confidentiality outweigh the public’s interest in knowing about the conduct of the Federal Government and the expenditure of Federal resources.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 5, United States Code, is amended by adding at the end the following new item:

“307. Information regarding settlement agreements.”.

(c) DEADLINE TO ESTABLISH DATABASE.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidance required by section 307(b)(2) of title 5, United States Code, as added by subsection (a), and establish the settlement agreement information database required by section 307(b)(3) of title 5, United States Code, as added by subsection (a).

(d) DEADLINE FOR FIRST SUBMISSION.—Not later than 90 days after the Director issues guidance under section 307(b)(2) of title 5, United States Code, as added by subsection (a), the head of each Executive agency (as defined in section 105 of title 5, United States Code) shall begin submitting information to the database established under such section 307.

### SEC. 3. AMENDMENTS TO THE FREEDOM OF INFORMATION ACT.

Section 552(a)(2) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

“(B) each settlement agreement (as defined in section 307) entered into by an Executive agency, with redactions for information that the agency may withhold under paragraph (8) and subsections (b) and (c) of this section;”.

### SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, shall be construed to require the disclosure of information or records that any agency may properly withhold from public disclosure under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

### SEC. 5. EFFECTIVE DATE; APPLICABILITY.

This Act shall be effective 180 days after the date of the enactment of this Act and shall apply—

(1) with respect to any settlement agreement (as such term is defined in section 307 of title 5, United States Code, as added by section 2), entered into on or after the date of the enactment of this Act; and

(2) to the extent practicable, any such settlement agreement (as such term is defined in section 307 of title 5, United States Code, as added by section 2) that remains in effect on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. COMER) and the gentleman from New York (Mrs. CAROLYN B. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

#### GENERAL LEAVE

Mr. COMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. COMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6777, introduced by Congressman PALMER of Alabama.

Transparency and public participation are critical to maintaining the public’s trust in its government. Since the 1970s, however, Federal agencies have increasingly resolved litigation by entering into consent decrees and other legally binding settlement agreements rather than through a public trial.

These agreements were often negotiated behind closed doors. Secret negotiations prevent the public from holding the Federal Government accountable for decisions made without their input.

States, local governments, industry stakeholders, and taxpayers are often directly affected by the agreements, but are shut out of the negotiations. For example, a consent decree entered into by the Environmental Protection Agency required the city of Fort Smith, Arkansas to reform its sewer systems in 12 years. Sewer utility bills increased by 167 percent in 3 years to fund the obligations of the agreement, while residents’ incomes simultaneously decreased by 11 percent.

Due to poor recordkeeping, it is impossible for Congress and the public to determine the full cost of Federal settlement agreements. Most of the public’s access to Federal settlement agreement information is currently determined by individual agency discretion, usually issued in the form of a press release.

Further, heads of agencies can declare a settlement confidential and seal the contents of the agreement without providing any explanation. The Settlement Agreement Information Database Act seeks to correct this problem by shining light on the details of Federal settlement agreements. The bill requires the establishment of an electronic and publicly-available database of agencies’ settlement agreements. It requires Federal agencies to enter basic information about settlement agreements into the database.

Mr. Speaker, this is a commonsense transparency bill, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this commonsense bill. The Settlement Agreement Information Database Act would create a database of settlement agreements entered into by Federal agencies that relate to alleged violations of Federal, civil, or criminal law.

The Office of Management and Budget would manage this database and set deadlines for submission. The heads of executive agencies would be required to submit details about the types of settlement agreements, parties involved in the settlements, specific violations, and the dates on which the settlement agreements were entered into.

The information about the settlement agreements would remain public until 5 years after the termination of the agreements. The information within the agreements would remain subject to FOIA regulations. But if the head of the agencies decided to keep an entire agreement confidential, he or she would be required to submit an explanation of that action to the database.

This bill would improve the transparency surrounding settlement agreements, which in the past have been difficult for the public to access.

Mr. Speaker, I do not have any further speakers, and I yield back the balance of my time.

Mr. COMER. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. COMER) that the House suspend the rules and pass the bill, H.R. 6777.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

### FEDERAL CIO AUTHORIZATION ACT OF 2018

Mr. COMER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6901) to amend chapter 36 of title 44, United States Code, to make certain changes relating to electronic Government services, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6901

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal CIO Authorization Act of 2018”.

#### SEC. 2. CHANGES RELATING TO ELECTRONIC GOVERNMENT SERVICES.

(a) CHANGE OF CERTAIN NAMES IN CHAPTER 36 OF TITLE 44.—

(1) DEFINITIONS.—Section 3601 of title 44, United States Code, is amended—