

the gentlewoman's leadership, is certainly a day that should be applauded. I thank the gentlewoman for her leadership.

Whistleblowers in the Federal Government should be able to tell their supervisor when something is going wrong. That is the truth, no matter what, especially in cases involving classified information which implies, Mr. Speaker, that it is a matter of national security.

Under the current law, whistleblowers dealing with classified information in the intelligence community can make protected disclosures to their supervisors. However, whistleblowers dealing with classified information outside of the intelligence community do not have the same protection.

With fewer legally-protected options, employees outside of the intelligence community may be more likely to make an illegal disclosure to people or entities without the proper security clearance.

Federal employees dealing with classified information outside of the IC community must be reassured that they can report wrongdoing to the appropriate people, including their supervisors.

With that protection, whistleblowers will be less likely to disclose protected sensitive information on waste, fraud, and abuse to the media or other entities or individuals without the proper security clearance.

This bill would allow whistleblowers to make protected disclosures of classified information to individuals within their chain of command, as the gentlewoman has already suggested.

There are very few conceivable circumstances in which a whistleblower complaint to a supervisor would jeopardize national security, but such disclosures are not currently protected.

There is no reasonable basis for concern about whistleblowers throughout the Federal Government having the right to contact individuals within their chain of command about waste, fraud, or abuse of a classified nature. These additional whistleblower protections will make it easier for Federal employees to do the responsible thing when it comes to classified disclosures.

I urge my colleagues to support this. I thank the gentlewoman for her leadership, and I yield back the balance of my time.

Ms. HILL of California. Mr. Speaker, I urge passage of H.R. 1064, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HILL) that the House suspend the rules and pass the bill, H.R. 1064, 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 2019

Ms. HILL of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 995) to amend chapter 3 of title 5, United States Code, to require the publication of settlement agreements, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 995

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 2019".

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.

SEC. 6. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. HILL) and the gentleman from North Carolina (Mr. MEADOWS) each will control 20 minutes. The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. HILL of California. Mr. Speaker, I ask unanimous consent that all Mem-

bers may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. HILL of California. Mr. Speaker, I yield myself such time as I may consume.

I support this commonsense measure. 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, the parties involved in the settlements, specific violations, and the dates on which the settlement agreements were agreed to.

The information about the settlement agreements would remain public until 5 years after the termination of the agreements. The information in the agreements would remain subject to the Freedom of Information Act, but if the head of the agency decided to keep an entire agreement confidential, he or she would be required to provide an explanation of that action.

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

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

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

I rise in support of H.R. 995. But before I do, I want to congratulate the gentlewoman on the passage, I believe, of her first bill here on the House floor; and go even further to say that, in keeping with this bipartisan support of H.R. 995, the Settlement Agreement Information Database Act of 2019 that was introduced, and is introduced, by the gentleman from Alabama (Mr. PALMER).

Mr. Speaker, transparency and public participation are critical to maintaining the public trust in its government. However, Federal agencies have increasingly resolved litigation by entering into settlement agreements rather than going through a lengthy public trial.

Now settlement agreements are often negotiated behind closed doors. Those secret negotiations effectively prevent the public from participating in important policy sessions.

Mr. Speaker, let me reiterate this. When these settlements are done, when they are actually consummated, they set up future public policy, and to do that behind closed doors is certainly not something that a transparent government should be about.

State and local governments, industry stakeholders, and taxpayers are

often directly affected by these settlements, but unable to provide input.

For example, through the settlement agreement, the Environmental Protection Agency required the city of Fort Smith, Arkansas, to overhaul its sewer system in 12 years. Sewer utility bills increased by 167 percent in 3 years to fund the obligation of this agreement. At the same time, Fort Smith residents' income actually decreased by 11 percent.

The burden of a Federal settlement can be difficult to see and understand. Poor recordkeeping makes it impossible for Congress and the public to determine the full impact of the Federal settlement agreements.

Agencies release information about settlements at their discretion. Some agencies rely even on press releases to release the amount of information. So, as a result, the public only sees the facts through what the agency puts out and only in the most favorable light.

So, in many cases these closed-door negotiations, the terms of the settlement are deemed confidential. Without an explanation to the public, the process becomes even more opaque and seemingly arbitrary.

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H.R. 995 will shine a light on Federal settlement agreements. This bill will require the establishment of electronic and publicly available databases for agencies' settlement agreements.

Mr. Speaker, I urge all of my colleagues to support this particular bill, and I reserve the balance of my time.

Ms. HILL of California. Mr. Speaker, I reserve the balance of my time.

Mr. MEADOWS. Mr. Speaker, I yield as much time as he may consume to the gentleman from Alabama (Mr. PALMER), the sponsor of this particular piece of legislation.

Mr. PALMER. Mr. Speaker, I would like to join my colleague from North Carolina in congratulating the gentlewoman from California on passing her first bill. I now know what that broad smile was about when the “yeas” were announced.

Mr. Speaker, the Federal Government's duty to serve the public interest relies on transparency and accountability to its citizens; however, since the 1970s, Federal agencies have increasingly chosen to avoid a public trial and settle litigation behind closed doors. The resulting consent decrees and settlement agreements can mandate terms beyond the scope of the original violation of Federal law and can lead to higher costs than a trial.

These agreements are nearly impossible to modify or vacate, and in many cases can remain in place for decades. In one instance in New York City, their special education program has been under a consent decree since 1972.

This process has influenced a range of public policies across governmental programs in States, counties, and cities, with elected officials inheriting the burden with little knowledge of the mandates or cost.

In Alabama, for instance, when former Member of Congress Governor Bob Riley was elected Governor of Alabama, he was going over the budget and saw the amount for legal fees and asked what it was for. He was informed of the number of consent decrees that the State was under and they were paying out these legal fees, and it was an enormous amount.

States, municipalities, industry, stakeholders, and taxpayers are often directly affected by the terms of the agreements but are prevented from participating in the negotiations. In some cases, the settlements are declared to be confidential and the contents sealed, without providing any explanation.

Unfortunately, there is no uniform standard for recordkeeping across Federal agencies. While some agencies have issued directives to streamline and publish this information, most of the public's access to Federal settlement agreement information is primarily issued, as my colleague from North Carolina pointed out, in the form of a press release. It is, therefore, impossible for the public to determine the comprehensive costs and outcomes of these settlement agreements.

This lack of transparency leaves elected officials, agency officials, and the public in the dark about the consent decrees that can impact them. Oftentimes, newly elected officials, as I said, from Governors to attorneys general to mayors are sworn in and inherit substantial legal obligations they were completely unaware of before they took office.

The Settlement Agreement Information Database Act will address this problem. The bill establishes a centralized and electronic database of settlement agreements entered into by Federal agencies. Basic information about the settlement agreements already collected by Federal agencies, such as payments and dates, will be available to the public online through this database.

H.R. 995 provides long overdue transparency and accountability and standards to the Federal settlement agreements.

Mr. Speaker, I thank my colleagues, the gentleman from North Carolina (Mr. MEADOWS) and the gentlewoman from California (Ms. HILL), for their support on this bill, and I urge my other colleagues to support this bill as well.

Mr. MEADOWS. Mr. Speaker, I thank the gentleman from Alabama for his leadership on this particular bill. I urge the adoption of it, and I yield back the balance of my time.

Ms. HILL of California. Mr. Speaker, I want to thank the distinguished gentlemen from Alabama and from North Carolina for their congratulations and in sharing my excitement over the passage of my first bill.

Mr. Speaker, I urge the passage of H.R. 995, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HILL) that the House suspend the rules and pass the bill, H.R. 995, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. HILL of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

CREATING ADVANCED STREAMLINED ELECTRONIC SERVICES FOR CONSTITUENTS ACT OF 2019

Ms. HILL of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1079) to require the Director of the Office of Management and Budget to issue guidance on electronic consent forms, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1079

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 "Creating Advanced Streamlined Electronic Services for Constituents Act of 2019" or the "CASES Act".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) congressional offices provide crucial services to constituents by acting as a liaison between the constituents and the respective agencies;

(2) this includes assisting constituents by making inquiries and working toward resolutions on behalf of the constituent with the respective agencies; and

(3) this process should be simplified through the creation of electronic forms that may be submitted under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), thus modernizing the process for constituents and improving access and efficiency of Government services and agencies in order to expedite the resolution of the problem for which constituents sought help.

SEC. 3. OMB GUIDANCE ON ELECTRONIC CONSENT AND ACCESS FORMS.

(a) GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Director shall issue guidance that does the following:

(1) Requires each agency to accept electronic identity proofing and authentication processes for the purposes of allowing an individual to provide prior written consent for the disclosure of the individual's records under section 552a(b) of title 5, United States Code, or for individual access to records under section 552a(d) of such title.

(2) Creates a template for electronic consent and access forms and requires each agency to post the template on the agency website and to accept the forms from any individual properly identity proofed and au-

thenticated in accordance with paragraph (1) for the purpose of authorizing disclosure of the individual's records under section 552a(b) of title 5, United States Code, or for individual access to records under section 552a(d) of such title.

(3) Requires each agency to accept the electronic consent and access forms described in paragraph (2) from any individual properly identity proofed and authenticated in accordance with paragraph (1) for the purpose of authorizing disclosure of the individual's records to another entity, including a congressional office, in accordance with section 552a(b) of title 5, United States Code, or for individual access to records under section 552a(d).

(b) AGENCY COMPLIANCE.—Each agency shall comply with the guidance issued pursuant to subsection (a) not later than 1 year after the date on which such guidance is issued.

(c) DEFINITIONS.—In this section:

(1) AGENCY; INDIVIDUAL; RECORD.—The terms "agency", "individual", and "record" have the meanings given those terms in section 552a(a) of title 5, United States Code.

(2) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

SEC. 4. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.

SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. HILL) and the gentleman from North Carolina (Mr. MEADOWS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. HILL of California. 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 this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. HILL of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this bill, the CASES for Constituents Act, introduced by Representatives GARRET GRAVES and JOE KENNEDY. This bill would modernize the way Federal agencies process Privacy Act waivers and make it easier for Members of Congress to help constituents get assistance from Federal agencies.

Our constituents are required to provide Federal agencies with written consent before our offices can obtain information from the agency on their behalf. Some agencies have outdated policies and still require these consent