

Calendar No. 565115TH CONGRESS
2^D SESSION**S. 3027****[Report No. 115-333]**

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

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2018

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

SEPTEMBER 4, 2018

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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 2018”.

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:
19 Metadata Guidance for the Transfer of
20 Permanent Electronic Records, dated Sep-
21 tember 15, 2015, or any successor bulletin;
22 and

23 (B) that complies with the requirements of
24 the Office of Management and Budget Memo-
25 randum on the Managing Government Records

1 Directive, dated August 24, 2012 (~~M-12-18~~),
2 or any successor memorandum;

3 ~~(2)~~ the term “agency” has the meaning given
4 the term in section 551 of title 5, United States
5 Code;

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

7 (A) an office of any committee or sub-
8 committee of the Senate or the House of Rep-
9 resentatives, including any select or special
10 committee;

11 (B) an office of any individual Senator or
12 Member of the House of Representatives; and

13 (C) a leadership office of the Senate or the
14 House of Representatives; and

15 ~~(4)~~ the term “structured data” has the meaning
16 given the term in National Archives and Records
17 Administration Bulletin 2014-04: Revised Format
18 Guidance for the Transfer of Permanent Electronic
19 Records, dated January 31, 2014, or any successor
20 bulletin.

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

22 (a) ~~IN GENERAL.~~—On or after the date that is 30
23 days after the date of enactment of this Act, except as
24 provided in subsection (c) and to the extent specifically
25 required otherwise by law—

1 (1) any report or written communication re-
2 quired to be submitted to Congress by an agency
3 under any provision of law, and any response from
4 an agency to a request by a congressional office for
5 written information, shall only be transmitted by the
6 agency in an acceptable electronic format; and

7 (2) any structured data included in or with any
8 report, written communication, or written informa-
9 tion described in paragraph (1) shall be transmitted
10 by the agency in an acceptable electronic format for
11 structured data.

12 (b) **FORMAT PREFERENCE.**—

13 (1) **IN GENERAL.**—In transmitting a report,
14 written communication, or written information de-
15 scribed in subsection (a) to a congressional office, an
16 agency shall, to the extent possible, provide the
17 original electronic file or an electronically converted
18 file rather than a scanned document, even if the doc-
19 ument includes a signature.

20 (2) **SEARCHABLE SCANNED DOCUMENTS.**—
21 Each scanned document that is transmitted by an
22 agency to a congressional office shall be made
23 searchable via optical character recognition or other
24 means.

1 (e) OTHER FORMATS.—An agency that transmits a
 2 report, written communication, or written information de-
 3 scribed in subsection (a) to a congressional office in an
 4 acceptable electronic format may, if requested by the con-
 5 gressional office, transmit the report, written communica-
 6 tion, or written information to the congressional office—

7 (1) in an electronic format that is not an ac-
 8 ceptable electronic format;

9 (2) as a physical document; or

10 (3) in camera.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Modernizing Congres-*
 13 *sional Reporting Act of 2018”.*

14 **SEC. 2. DEFINITIONS.**

15 *In this Act—*

16 (1) *the term “acceptable electronic format”*
 17 *means a file format and metadata elements author-*
 18 *ized by the National Archives and Records Adminis-*
 19 *tration for the transfer of permanent electronic*
 20 *records—*

21 (A) *as set forth in—*

22 (i) *National Archives and Records Ad-*
 23 *ministration Bulletin 2014–04: Revised*
 24 *Format Guidance for the Transfer of Per-*

1 *manent Electronic Records, dated January*
2 *31, 2014, or any successor bulletin; and*

3 *(ii) National Archives and Records Ad-*
4 *ministration Bulletin 2015–04: Metadata*
5 *Guidance for the Transfer of Permanent*
6 *Electronic Records, dated September 15,*
7 *2015, or any successor bulletin; and*

8 *(B) that complies with the requirements of*
9 *the Office of Management and Budget Memo-*
10 *randum on the Managing Government Records*
11 *Directive, dated August 24, 2012 (M-12-18), or*
12 *any successor memorandum;*

13 *(2) the term “agency”—*

14 *(A) means—*

15 *(i) a federal agency, as defined in sec-*
16 *tion 102 of title 40, United States Code;*
17 *and*

18 *(ii) an agency, as defined in section*
19 *552(f)(1) of title 5, United States Code; and*

20 *(B) does not include the Government Ac-*
21 *countability Office;*

22 *(3) the term “congressionally mandated report”*
23 *means a report that is required to be submitted to ei-*
24 *ther House of Congress or any committee of Congress,*
25 *or subcommittee thereof, by a statute, resolution, or*

1 conference report that accompanies legislation enacted
2 into law;

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

4 (A) an office of any committee or sub-
5 committee of the Senate or the House of Rep-
6 resentatives, including any select or special com-
7 mittee;

8 (B) an office of any individual Senator or
9 Member of the House of Representatives;

10 (C) a leadership office of the Senate or the
11 House of Representatives; and

12 (D) Congress or any House of Congress;

13 (5) the term “open format” means a file format
14 for storing digital data based on an underlying open
15 standard that—

16 (A) is not encumbered by any restrictions
17 that would impede reuse; and

18 (B) is based on an underlying open data
19 standard that is maintained by a standards or-
20 ganization;

21 (6) the term “recorded information” includes all
22 recorded information, regardless of form or character-
23 istics; and

24 (7) the term “structured data” has the meaning
25 given the term in National Archives and Records Ad-

1 *ministration Bulletin 2014–04: Revised Format*
2 *Guidance for the Transfer of Permanent Electronic*
3 *Records, dated January 31, 2014, or any successor*
4 *bulletin.*

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

6 (a) *IN GENERAL.*—*On or after the date that is 30 days*
7 *after the date of enactment of this Act, except as provided*
8 *in subsection (c) and to the extent specifically required oth-*
9 *erwise by law—*

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

17 (2) *any structured data included in or with, or*
18 *used to create any chart included in or with, any re-*
19 *port or other recorded information described in para-*
20 *graph (1) shall be transmitted by the agency in an*
21 *acceptable electronic format for structured data.*

22 (b) *FORMAT PREFERENCE.*—

23 (1) *IN GENERAL.*—*In transmitting a report or*
24 *other recorded information described in subsection (a)*
25 *to a congressional office, an agency shall, to the extent*

1 *possible, provide the original electronic file or an elec-*
2 *tronically converted file rather than a scanned docu-*
3 *ment, even if the document includes a signature.*

4 (2) *SEARCHABLE SCANNED DOCUMENTS.—Each*
5 *scanned document that is transmitted by an agency*
6 *to a congressional office shall be made searchable via*
7 *optical character recognition or other means.*

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

13 (1) *transmit the report or other recorded infor-*
14 *mation to the congressional office—*

15 (A) *in an electronic format that is not an*
16 *acceptable electronic format; or*

17 (B) *as a physical document;*

18 (2) *allow the report or other recorded informa-*
19 *tion to be reviewed in camera; or*

20 (3) *not transmit the report or other recorded in-*
21 *formation.*

22 (d) *ROUTING.—If a congressional office designates a*
23 *method to receive reports and other recorded information*
24 *described in subsection (a) from agencies, each agency shall*
25 *transmit a report or other recorded information to the con-*

1 *gressional office using the designated method, unless other-*
2 *wise requested by the congressional office.*

3 **SEC. 4. PUBLISHING OF REPORTS.**

4 (a) *IN GENERAL.*—*On or after the date that is 30 days*
5 *after the date of enactment of this Act, any congressionally*
6 *mandated report, and any structured data described in sec-*
7 *tion (3)(a)(2) and any transmittal letter associated with*
8 *the report, shall be posted on the public website of the agen-*
9 *cy—*

10 (1) *in an acceptable electronic format;*

11 (2) *in an open format;*

12 (3) *in accordance with the format preference de-*
13 *scribed in section 3(b); and*

14 (4) *at a uniform resource locator or similar loca-*
15 *tor that is changed as infrequently as possible.*

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

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

1 (d) *EASE OF ACCESS.*—*Each agency shall provide in*
2 *tabular form a list of all reports, data, or other information*
3 *required to be posted under subsection (a) that—*

4 (1) *is—*

5 (A) *accessible via a link posted at the footer*
6 *of the public website of the agency;*

7 (B) *accessible at a uniform resource locator*
8 *or similar locator that is changed as infrequently*
9 *as practicable;*

10 (C) *in a structure that is changed as infre-*
11 *quently as practicable and consistent with the*
12 *structure used by other agencies as practicable;*

13 (D) *searchable and sortable by, at a min-*
14 *imum—*

15 (i) *the title of the report;*

16 (ii) *the date of publication of the re-*
17 *port;*

18 (iii) *each congressional office receiving*
19 *the report, if applicable;*

20 (iv) *the statute, resolution, or con-*
21 *ference report requiring the report;*

22 (v) *the metadata elements of the report;*

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

1 (vii) the serial number, Superintendent
2 of Documents number, or other identifica-
3 tion number for the report, if applicable;

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

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

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

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

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

22 (1) the head of the agency consults with each
23 congressional office to which the report, data, or other
24 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”); or*

12 (B) *otherwise prohibited from disclosure by*
13 *law.*

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

18 (A) *redact any information that may not be*
19 *disclosed under section 552(b) of title 5, United*
20 *States Code, or is otherwise prohibited from dis-*
21 *closure by law, before posting the report;*

22 (B) *only redact the information described in*
23 *subparagraph (A);*

24 (C) *identify where each redaction is made*
25 *in the report, data, or other information; and*

1 (D) identify the exemption under such sec-
2 tion 552(b) under which each redaction is made.

3 (h) *WITHHOLDING INFORMATION.*—An agency—

4 (1) may withhold information otherwise required
5 to be disclosed under this section only if—

6 (A) the agency reasonably foresees that dis-
7 closure would harm an interest protected by an
8 exemption described in section 552(b) of title 5,
9 United States Code; or

10 (B) disclosure is prohibited by law; and

11 (2) shall—

12 (A) consider whether partial disclosure of
13 information otherwise required to be disclosed
14 under this section is possible whenever the agen-
15 cy determines that a full disclosure of the infor-
16 mation is not possible; and

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

19 (i) *OPEN DATA REGISTRATION.*—Not later than 30
20 days after the date of enactment of this Act, each agency
21 shall make the list described in subsection (d) available to
22 the public on Data.gov or a successor Federal open govern-
23 ment data site, in a structure and format used by that sys-
24 tem.

1 (j) *SUBMISSION OF REPORTS.*—*Nothing in this section*
2 *shall be construed to—*

3 (1) *relieve an agency of any other requirement to*
4 *publish a congressionally mandated report on the*
5 *website of the agency or otherwise submit a congress-*
6 *ionally mandated report to Congress or specific com-*
7 *mittees or subcommittees of Congress; or*

8 (2) *impose any additional requirement to redact*
9 *any submission to or withhold information from any*
10 *congressional office.*

Calendar No. 565

115TH CONGRESS
2^D SESSION

S. 3027

[Report No. 115-333]

A BILL

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

SEPTEMBER 4, 2018

Reported with an amendment