

Union Calendar No.

116TH CONGRESS
1ST SESSION

H. R. 4613

[Report No. 116-]

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.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2019

Mr. ROSE of New York (for himself and Mr. CISNEROS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

OCTOBER --, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on October 4, 2019]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “VA Reporting Trans-*
5 *parency Act”.*

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

10 *(a) REQUIREMENT TO ALLOW ACCESS ONLINE.—*

11 *(1) IN GENERAL.—Not later than one year after*
12 *the date of enactment of this Act, the Secretary shall*
13 *establish and maintain a website of the Department*
14 *that allows the public to obtain electronic copies of all*
15 *legislatively requested reports required to be submitted*
16 *after the date of the enactment of this Act.*

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

21 *(b) CONTENT AND FUNCTION.—The Secretary shall en-*
22 *sure that the website includes the following:*

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

1 (A) *A citation to the statute requiring the*
2 *report.*

3 (B) *An electronic copy of the report, includ-*
4 *ing any transmittal letter associated with the re-*
5 *port, that is platform independent and available*
6 *to the public without restrictions, including re-*
7 *strictions that would impede the reuse of the in-*
8 *formation in the report. Where practicable, the*
9 *report shall be in an open format.*

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

13 (i) *The title of the report.*

14 (ii) *The date of publication.*

15 (iii) *Any congressional committee or*
16 *subcommittee receiving the report.*

17 (iv) *The Act of Congress or conference*
18 *report that requests the report.*

19 (v) *Subject tags.*

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

23 (vii) *Any serial number, Superinten-*
24 *dent of Documents number, or other identi-*
25 *fication number for the report.*

1 (viii) *Key words.*

2 (ix) *Full text search.*

3 (x) *Any other information the Sec-*
4 *retary determines appropriate.*

5 (D) *The date on which the report was re-*
6 *quired to be submitted to the website.*

7 (E) *The date on which the report was sub-*
8 *mitted to the website.*

9 (F) *To the extent practicable, a permanent*
10 *means of accessing the report electronically.*

11 (2) *A means for bulk download of all legisla-*
12 *tively requested reports.*

13 (3) *A means for downloading individual reports*
14 *as the result of a search.*

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

18 (A) *reports submitted within the required*
19 *time;*

20 (B) *reports submitted after the date on*
21 *which such reports were required to be submitted;*
22 *and*

23 (C) *reports not submitted.*

24 (c) *DEADLINE.—The Secretary shall ensure that infor-*
25 *mation required to be published on the website under this*

1 *Act with respect to a legislatively requested report submitted*
2 *after the period under subsection (a)(1) is published not*
3 *earlier than 30 days after the report is submitted and not*
4 *later than 45 days after the report is submitted.*

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

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

17 **SEC. 3. RELATIONSHIP TO THE FREEDOM OF INFORMATION**
18 **ACT.**

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

21 *(1) require the disclosure of information, records,*
22 *or reports that are exempt from public disclosure*
23 *under section 552 of title 5, United States 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 dis-
7 closure under section 552 of title 5, United States Code, and
8 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 in-
14 formation or from any legislatively requested report
15 submitted under this Act;

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

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

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

21 (a) *RECURRING REPORTS THAT THE SECRETARY*
22 *RECOMMENDS DISCONTINUING.*—The Secretary shall sub-
23 mit to Congress a report regarding recurring legislatively
24 requested reports that the Secretary recommends dis-
25 continuing not later than—

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

3 (2) two 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 this*
8 *Act, the Secretary shall submit to Congress a report regard-*
9 *ing the compliance of the website of the Department with*
10 *Federal statutes, regulations, rules, and guidance regarding*
11 *transparency for and access by the public and Congress,*
12 *including requirements for links and information subject to*
13 *section 552 of title 5, United States Code, and the Inspector*
14 *General Act of 1978 (Public Law 95–452).*

15 **SEC. 5. DEFINITIONS.**

16 *In this Act:*

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

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

1 (B) a conference report adopted not more
2 than eight 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.