

## **Demand Progress**

### **Appropriations Requests, FY 2020**

<b>LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO BOTH CHAMBERS OF CONGRESS</b>	<b>2</b>
Library of Congress Public Information Advisory Committee	3
Create a Chief Data Officer for the Legislative Branch	4
Improve Lobbyist Tracking Data	6
Access to Historic Congressional Research Service Reports	8
Clarify GAO Audit Power Over the Intelligence Agencies	9
<b>LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO THE HOUSE ONLY</b>	<b>12</b>
Provide Individualized Staff Support for Members Who Serve on HPSCI, HASC, and HAC-D and Need Staff With Appropriate Clearances	13
Standardize Access to Annual Reports from House Office and Support Agencies	15
Improve Transparency Concerning the Bipartisan Legal Advisory Group	16
Create a Central Committee Witness Disclosure Repository	17
Improve Staff Benefits	18
Committee Vote Transparency	19
Improving Access To Legislative Branch Inspectors General Reports	20
<b>LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO THE SENATE ONLY</b>	<b>22</b>
Publish Senators’ Official Personnel and Official Expense Account Report as Data	23
Create a Website for the Legal Treatise Known as the Constitution Annotated	24
Improve Staff Benefits	25
Whistleblower Resource Center	26
Evaluate the Costs of Providing Streaming Video of Senate Appropriations Markups	28
<b>FINANCIAL SERVICES AND GENERAL GOVERNMENT</b>	<b>29</b>
Provide Centralized Access to Congressional Budget Justifications	30
Improving Congressional and Public Access to Inspectors General Reports And Other Improvements	31
Improve Transparency Concerning Lobbying of the Office of Information and Regulatory Affairs (OIRA)	34
<b>COMMERCE, JUSTICE, AND SCIENCE</b>	<b>35</b>
Improve Executive Branch Accountability by Providing an Index of Justice Department Office of Legal Counsel Opinions Currently in Effect	36
Update Foreign Lobbying Reporting and Disclosures (FARA)	37

<b>HOMELAND SECURITY</b>	<b>39</b>
Improve Congressional and Public Visibility into Visitors to the White House	40
<b>DEFENSE</b>	<b>41</b>
Ensure Public Access to Important Current and Historical Decisions, Orders, and Opinions Issued by the Foreign Intelligence Surveillance Court, As Congress Originally Intended	42

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**LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO BOTH CHAMBERS OF  
CONGRESS**

## Library of Congress Public Information Advisory Committee

**Appropriations Committee:** Legislative Branch

**Agency:** Library of Congress

**Account:** D/N/A

**Type of Request:** Report Language

**Background:** The Library of Congress is proud of its reputation and role as the largest library in the world. Part of its mission is to share knowledge through its online resources. Indeed, the Library plays an important role in providing information about Congress to the public, but the Library — at least in our experience — is not in regular contact with civil society, especially with those with expertise in facilitating public access to Congressional information. This is a missed opportunity.

Other legislative and executive branch agencies and entities regularly meeting with civil society stakeholders to share information and provide a foundation for collaboration. For example, the Legislative Branch Bulk Data Task Force meets quarterly concerning bulk access to congressional data, the Advisory Committee on the Records of Congress semi-annually convenes congressional historians, and the Federal Depository Library Council is an ongoing point of contact for depository libraries. In the executive branch, the FOIA Advisory Committee meets monthly as a point of focus for FOIA practitioners and agency officials, the Archivist regularly meets regularly with civil society, and so on.

To our knowledge, however, the Library of Congress does not have a regular mechanism by which it convenes public and internal stakeholders, at least not with respect to sites like Congress.gov. We recommend that such an advisory body be established with broad internal and external stakeholder representation that would hold regular public meetings where a productive interchange can take place.

**Report language:** The Library of Congress is encouraged create an Advisory Committee on Public Access to Congressional Information, composed of internal and external stakeholders that may be a source, consumer, or republisher of information or data concerning Congress, with a particular focus on legislative information. The Advisory Committee shall meet no fewer than 6 times a year in open session. The Library is encouraged to consult the Advisory Committee on a regular basis, not just at its meetings, concerning the information it gathers, holds, or publishes regarding Congress, and how that information is presented and released to the public.

## Create a Chief Data Officer for the Legislative Branch

***Appropriations Committee:*** Legislative Branch

***Agency:*** Joint Items

***Account:*** Chief Data Officer

***Type of Request:*** Bill Text and Report Language

***Background:*** The Legislative branch has made significant efforts to release legislative information to the public as data. This includes the online publishing of bills; committee schedules, documents, and videos; an online House phone directory; CBO reports; the bills and amendments scheduled for a floor vote in the House; the Statement of Disbursements; the new joint meetings calendar; as well as holding regular meetings of the Bulk Data Task Force and the Legislative Data and Transparency Conference. These efforts are welcome and encouraged. We believe a thousand flowers should bloom, but it's also important to have a map to the garden.

Members of Congress, their support offices and agencies, as well as the general public rely on congressional data, but it's not always clear what information exists, where it can be found, and what more can be done. Congress should create a Chief Data Officer with the responsibility of tracking datasets released by the legislative branch; providing advice, guidance, and encouragement to offices regarding the publication of legislative branch information as data; and providing assistance to the public with finding and obtaining legislative data. Congress recently required federal agencies to create Chief Data Officers pursuant to Title II of the Foundations for Evidence Based Policymaking Act of 2017 (P.L. 115-435.)

***Bill text:*** Chief Data Officer. For salaries and expenses of the Chief Data Officer, \$600,000, to be disbursed in equal parts by the Secretary of the Senate and the Clerk of the House of Representatives. The Chief Data Officer shall be chosen and overseen by the Clerk of the House and the Secretary of the Senate, acting jointly.

***Report language:*** The Clerk of the House of Representatives and Secretary of the Senate shall jointly select a Chief Data Officer for the Legislative Branch, compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level II of the Executive Schedule under section 5313 of title 5. The Chief Data Officer may hire subordinates who may be compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5.

The Chief Data Officer shall be responsible for publicly tracking datasets released by the legislative branch; providing advice, guidance, encouragement, and support to legislative branch

offices regarding the publication of legislative branch information as data; providing assistance to the public with finding and obtaining legislative data; supporting the annual Legislative Data and Transparency Conference; supporting the Bulk Data Task Force; and other duties as the Chief Data Officer deems appropriate that promotes public or congressional access to legislative information as data.

## Improve Lobbyist Tracking Data

**Appropriations Committee:** Legislative Branch

**Agency:** Joint Items

**Account:** DNA (Clerk of the House and Secretary of the Senate)

**Type of Request:** Report Language

**Background:** The Honest Leadership and Open Government Act requires the filing of regular reports with the Clerk of the House and the Secretary of the Senate concerning lobbying activities. Some reports are filed by individual lobbyists, other reports are filed by the entities that they work for. Because of the way that lobbyists file, it can be difficult to track lobbyists who work for multiple entities at the same time or over the course of their career.

Lobbyists can be tracked by how they type in their names. It is not unusual, however, for lobbyist names to be represented in different ways. At different times a form field identifying a lobbyist could be filled out as “Joan Smith,” “Joan S. Smith,” “Joan Samantha Smith,” as well as containing various typographical errors, omissions, and name changes. All lobbyists receive unique identifiers for each chamber — a series of letters and numbers that belong only to that lobbyist and is maintained by the House or Senate — but that information is not currently used to verify or track an individual lobbyist’s identity in a public-facing way, nor is their a common unique ID for both chambers (as far as we know).

The recently enacted JACK Act (P.L. 115-418), requires any lobbyist to disclose any previous conviction for a series of crimes. This has caused the Clerk of the House and the Secretary of the Senate to reformulate some of their current lobbying forms. In addition, the Clerk of the House indicated in her recent report to the appropriations committee the following: “By creating a unique lobbyist identifier, we will be able to synchronize House and Senate notification, approval, reporting, and referral efforts.” We support that effort to create a unique lobbyist identifier, and encourage the Clerk and Secretary of the Senate to complete that effort and disclose the unique ID to the public in their data feed.

### **Report language:**

**Unique Lobbyist Identifiers:** Within 180 days of enactment of this Act, and in consultation with internal and external stakeholders, the Clerk of the House and Secretary of the Senate shall report to the Appropriations Committees of the Senate and the House of Representatives regarding progress on generating a Congress-wide unique identifier for lobbyists and disclosing that identifier to the public as structured data as part of the lobbying disclosure downloads.





## Access to Historic Congressional Research Service Reports

**Appropriations Committee:** Legislative Branch

**Agency:** Congressional Research Service

**Account:** Salaries and Expenses

**Type of request:** Report Language

**Background:** Pursuant to law, the Congressional Research Service is publishing current CRS reports and other non-confidential documents on its new website, [crsreports.congress.gov](https://crsreports.congress.gov), with the expectation of meeting current requirements to finish publishing the backlog by the end of the fiscal year. CRS maintains an internal archive of select historical CRS reports in a file known as CRSX. The reports contained therein are digitized and described with metadata, but are not readily available to Congressional staff on [CRS.gov](https://crs.gov) or published on the public-facing website. Some of these historic reports can be found online or purchased through third-party services. These historical CRS reports can provide important context on congressional decision-making and often serve as a reference for CRS staff when they respond to questions or generate new or updated CRS products. They may provide similar value to the public, and CRS should evaluate the feasibility, cost, and benefits and detriments of releasing some or all of the reports on [crsreports.congress.gov](https://crsreports.congress.gov).

### **Report language:**

**Congressional Research Service CRSX Files:** Within 90 days of enactment of this legislation, but no later than January 15, 2020, the Congressional Research Service shall provide to appropriators and make publicly available a report evaluating the publication on [crsreports.congress.gov](https://crsreports.congress.gov) of CRS reports contained in its CRSX archive. Looking only at CRS reports contained within the archive, CRS should examine the feasibility, cost, and benefits and detriments of integrating all or a subset of the reports online at [crsreports.congress.gov](https://crsreports.congress.gov). Such report should give serious consideration to the utility to the public and congress of online access to the reports.

## Clarify GAO Audit Power Over the Intelligence Agencies

**Appropriations Committee:** Legislative Branch

**Agency:** U.S. Government Accountability Office

**Account:** Administrative Provision

**Type of request:** Bill Text

**Background:** The Government Accountability Office plays a critical role in Congressional oversight of the Executive Branch. Unfortunately, that role may be stymied when it comes to the Intelligence Community (“IC”). Despite the fact that, by statute, GAO already has the purview to conduct oversight of all federal agencies and has since 1982, the IC has insisted that it is not subject to such audits from the outset. Comptroller Dodaro recently testified that while the GAO arrests it has the authority to investigate the IC, cooperation is more forthcoming only when HPSCI or SSCI supports the request, even when the request is made by another committee of jurisdiction. For the full legislative history and an explanation of this issue, see this testimony by Kel McClanahan, available at

<https://docs.house.gov/meetings/AP/AP24/20180417/108143/HHRG-115-AP24-Wstate-McClanahanK-20180417.pdf>.

The following language was offered by the House of Representatives as part of its Intel Authorization Act for FY 2010

(<https://www.congress.gov/bill/111th-congress/house-bill/2701/text/eh#toc-HB6DEA970C50D42E18CB0E47AA39BD197>), and we believe Congress should adopt it to give teeth to GAO’s ability to conduct audits inside agencies that have intelligence community functions.

**Report language:**

SEC. 335. Government Accountability Office audits and investigations.

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 334 of this Act, is further amended by adding at the end the following new section:

“Government Accountability Office analyses, evaluations, and investigations

“Sec. 511. (a) In general.—Except as provided in subsection (b), the Director of National Intelligence shall ensure that personnel of the Government Accountability Office designated by

the Comptroller General are provided with access to all information in the possession of an element of the intelligence community that the Comptroller General determines is necessary for such personnel to conduct an analysis, evaluation, or investigation of a program or activity of an element of the intelligence community that is requested by a committee of Congress with jurisdiction over such program or activity.

“(b) Exception.—(1)(A) Subject to subparagraph (B), the Director of National Intelligence may restrict access to information referred to in subsection (a) by personnel designated in such subsection if the Director determines that the restriction is necessary to protect vital national security interests of the United States.

“(B) The Director of National Intelligence may not restrict access under subparagraph (A) solely on the basis of the level of classification or compartmentation of information that the personnel designated in subsection (a) may seek access to while conducting an analysis, evaluation, or investigation.

“(2) If the Director exercises the authority under paragraph (1), the Director shall submit to each committee of Congress with jurisdiction over the program or activity that is the subject of the analysis, evaluation, or investigation for which the Director restricts access to information under such paragraph an appropriately classified statement of the reasons for the exercise of such authority within 7 days.

“(3) The Director shall notify the Comptroller General at the time a statement under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Comptroller General with a copy of such statement.

“(4) The Comptroller General shall submit to each committee of Congress to which the Director of National Intelligence submits a statement under paragraph (2) any comments on the statement that the Comptroller General considers appropriate.

“(c) Confidentiality.—(1) The Comptroller General shall maintain the same level of confidentiality for information made available for an analysis, evaluation, or investigation referred to in subsection (a) as is required of the head of the element of the intelligence community from which such information is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use of such information as officers or employees of the element of the intelligence community

that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such information.

“(2) The Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an analysis, evaluation, or investigation referred to in subsection (a).

“(3) Before initiating an analysis, evaluation, or investigation referred to in subsection (a), the Comptroller General shall provide the Director of National Intelligence and the head of each relevant element of the intelligence community with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records and information of the element of the intelligence community shall be made available in conducting such analysis, evaluation, or investigation.”.

SEC. 336. Certification of compliance with oversight requirements.

(a) In general.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 335 of this Act, is further amended by adding at the end the following new section:

“Certification of compliance with oversight requirements

“Sec. 512. The head of each element of the intelligence community shall semiannually submit to the congressional intelligence committees—

“(1) a certification that, to the best of the knowledge of the head of such element—

“(A) the head of such element of the intelligence community is in full compliance with the requirements of this title; and

“(B) any information required to be submitted by such head of such element under this Act before the date of the submission of such certification has been properly submitted; or

“(2) if such head of such element is unable to submit a certification under paragraph (1), a statement—

“(A) of the reasons such head of such element is not able to submit such a certification;

“(B) describing any information required to be submitted by such head of such element under this Act before the date of the submission of such statement that has not been properly submitted; and

“(C) that the head of such element will submit such information as soon as possible after the submission of such statement.”.

(b) Applicability date.—The first certification or statement required to be submitted by the head of each element of the intelligence community under section 512 of the National Security Act of 1947, as added by subsection (a) of this section, shall be submitted not later than 90 days after the date of the enactment of this Act.

**LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO THE HOUSE ONLY**

**Provide Individualized Staff Support for Members Who Serve on HPSCI, HASC, and  
HAC-D and Need Staff With Appropriate Clearances**

***Appropriations Committee:*** Legislative Branch

***Agency:*** House of Representatives

***Account:*** Salaries, Officers and Employees

***Type of request:*** Bill Text and Report language

***Background:*** Members of the House Permanent Select Committee on Intelligence, the House Appropriations Defense Subcommittee, and the House Armed Services Committee need the support of a staffer that possesses sufficient security clearance to fully assist each Member in his or her duties, and who is fully and solely responsive to that Member. Such staff support is provided in the Senate, where members of the Senate Select Committee on Intelligence are provided staff designees, which are staff paid for by the committee, chosen by each member, and who are provided sufficient clearances to fully assist the Member (i.e., TS/SCI). This occurs in the House of Representatives as well, such as the provision of clearances to personal office staff of Members who serve on the House Foreign Affairs Committee, as well as the provision of a cleared staff designee to ex-officio members of HPSCI.

Recognizing the equities involved, a member who serves on these committees should be able to designate one personal office staffer as a joint staffer with the committee, subject to all the rights and responsibilities of serving as staff on the committee, and who also shall be provided clearance at the TS-SCI level should that staffer pass the background check and be acceptable to the committee. To the extent there is an additional cost, funds will be provided for these shared staff and the costs of the additional clearances.

***Bill text:*** In the section “Salaries, Officers, and Employees” insert where appropriate “not more than \$250,000 for Top Secret/ Sensitive Compartmented Information clearances for additional shared staff.”

***Report Language:***

***Clearance for National Security Committee Members’ Shared Staff:*** Insert at the appropriate place in the Committee report the following: “The Committee recognizes the value for each Member who serves on the House Permanent Select Committee on Intelligence, the House Committee on Appropriations Defense Subcommittee, and House Committee on Armed Services to have a personal office staffer with sufficient security clearance so as to most fully support each Member’s work on those Committees. It also recognizes the equities of allowing

committees to control access to the classified information entrusted to them. Accordingly, the Committee directs the Office of the Sergeant at Arms to recognize the designation by a Member of a personal office staffer as shared staff between the personal office and the committee, upon receiving appropriate notice from the member and the committee, and to provide Top Secret/Sensitive Compartmented Information (TS/SCI) clearance to that staffer, pending the results of a clearance review, at no cost to that Member office. The Committee also directs the Office of the Sergeant of Arms ensure any staffer who receives a TS/SCI clearance is provided adequate training as to the responsibilities of that clearance, including counterintelligence training.”



## Standardize Access to Annual Reports from House Office and Support Agencies

*Appropriations Committee:* Legislative Branch

*Agency:* Legislative Branch-Wide Matters

*Account:* DNA

*Type of Request:* Report Language

*Background:* Many legislative support offices and agencies provide annual or semi-annual reports on their work to the House of Representatives, the United States Senate, or a subcommittee thereof. However, there is no consistent practice with whether the offices and agencies publish those reports are publicly available on their website. These reports are of interest to the public, as they help explain legislative operations and often can help ensure public accountability.

*Report language:*

*Support offices and agencies:* Within 180 days of enactment, every legislative support office and agency shall publish on their website their current annual or semi-annual reports to the House of Representatives, a committee thereof, or a joint report to the House and the Senate, except to the extent the report contains confidential information. To the extent practicable, offices and agencies shall publish prior annual or semi-annual reports online as well. Furthermore, offices and agencies shall maintain the reports online once they are published.

## Improve Transparency Concerning the Bipartisan Legal Advisory Group

*Appropriations Committee:* Legislative Branch

*Agency:* House of Representatives

*Account:* Salaries, Officers and Employees

*Type of Request:* Report Language

**Background:** The Bipartisan Legal Advisory Group (BLAG) speaks for and articulates the institutional position of the House of Representatives in all litigation matters and its determinations are put into effect by the House Office of General Counsel. While there is a congressional website about the Office of General Counsel, there is no congressional web page that provides information on the BLAG.

The House Office of General Counsel's website should be expanded to include information basic information about the BLAG. This includes a description of what the BLAG is; who serves on it; how it functions; instances when the BLAG authorizes OGC to take a legal position; court filings; and select explanatory or historical documents that would shed light on its operations.

**Report language:**

*Bipartisan Legal Advisory Group:* The House Office of General Counsel is directed to provide up-to-date information about the Bipartisan Legal Advisory Group. This includes, but is not limited to, a description of what the BLAG is; who serves on it; how it functions; current and historical instances when the BLAG authorizes or has authorized the Office of General Counsel to take a legal position; court filings; and select explanatory or historical documents that shed light on its operations.

## Create a Central Committee Witness Disclosure Repository

*Appropriations Committee:* Legislative Branch

*Agency:* House of Representatives

*Account:* Salaries, Officers and Employees

*Type of Request:* Report Language

**Background:** House of Representatives Rule XI, clause 2, subsection (g)(5) requires witnesses appearing in a nongovernmental capacity before a committee to disclose any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by any entity represented by the witness and related to the subject matter of the hearing. It also defines what specifically must be disclosed, and requires those statements must be made publicly available in electronic form with appropriate redactions no later than one day after the witness appears.

Congressional committees in implementing this language are using PDF forms to gather the information and posting it on their individual committee webpages. While there has been an improvement in the moving to digital forms to create these PDFs, it is still insufficient to meet the purpose of the rule, which is to track when witnesses who are testifying before Congress that have received money from foreign governments. The information disclosed in the House-wide form should be gathered in a structured data format be made available to the public in an online searchable, sortable, downloadable database that can be tracked by witness, the organization they represent, and the contract or grant they have received.

**Report language:**

*Witness disclosure database:* The Clerk of the House of Representatives shall use the online electronic form that gathers information a witness must disclose under House of Representatives Rule XI, clause 2, and shall aggregate and publish all the data received from each committee online in a format that is searchable, sortable, and downloadable. To the extent possible, the Clerk shall use unique identifiers to identify each committee or subcommittee, each witness, each organization they represent, the contract or grant they have received, and the foreign government that has provided funds. The Clerk is encouraged to consider employing or requiring the use of a unique lobbying identifier for individuals or organizations that is used to track lobbying disclosures under the Honest Leadership and Open Government Act, any unique identifier required under the Foreign Agents Registration Act for agents of foreign governments, and any identifier required by the Federal Elections Commission, as appropriate.

## Improve Staff Benefits

*Appropriations Committee:* Legislative Branch

*Agency:* House of Representatives

*Account:* Salaries and Expenses

*Type of Request:* Report Language

**Background:** Congressional staff are essential to a well-functioning Congress, but their benefits often are inferior to employees in other sectors of the economy. The House should explore improving benefits, such as paid parental leave and addressing student loan costs.

With respect to parental leave, every employee who has served more than a year in the House should be provided twelve weeks of paid parental leave, and the appropriate amount of family and medical leave. Currently, this is up to the discretion of individual offices, but funds for employees to make use of these benefits should be centrally provided and administered, and the benefit should be available to all.

Similarly, student loans are often a barrier to entry to public service, and can be a factor in staff retention. That problem in part was a driver behind Congress's enactment of a public interest student loan forgiveness program, but the nature of the program means that few actually can make use of it. The House should explore a program where students may refinance their loans to a rate of 1% after 2 years of service in the House. This should not vitiate public interest student loan forgiveness, where applicable.

As implementing these programs properly will take some care, CAO should report on options for implementation, administration, and expected costs.

***Report language:***

The Chief Administrative Officer shall report within 6 months of enactment of this legislation, or by January 15, 2020, whichever is sooner, on the establishing a paid family and medical leave program that would be centrally administered by the CAO and provide 12 weeks of paid parental leave for congressional employees with at least 1 year tenure, and other benefits as appropriate. In addition, CAO shall provide a report on options to implement and administer a student loan refinance program whereby congressional staff with 2 years tenure may refinance their loans to a 1% interest rate.

## Committee Vote Transparency

***Appropriations Committee:*** Legislative Branch

***Agency:*** House of Representatives

***Account:*** *Salaries and Expenses*

***Type of Request:*** Bill Text and Report Language

***Background:*** House Rule XI, clause 2, subsection (e) requires committees to keep records of all record committee votes and make that vote “publicly available in electronic form within 48 hours of such record vote. Information so available shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.” As a practical matter, the committees publish the record votes and other information on their individual websites as a PDF. This approach makes vote information hard to find and difficult to use. Committee votes should be captured as data and published on a central website where record vote data and attendant information is maintained as structured data in a database that is searchable, sortable, and downloadable. This, for example, is how information about roll call votes on the floor is maintained.

The Clerk of the House should build or make use of existing systems to gather all record committee vote data and attendant information and publish in on a central database that is publicly accessible.

***Bill text:*** Insert where appropriate “an additional \$750,000 for the Clerk to build a committee vote database.”

***Report language:*** The Clerk of the House shall create an electronic database that captures all committee record committee vote data and attendant information and makes it available on a single website that publishes that information online in a structured data format that is searchable, sortable, and downloadable.

## Improving Access To Legislative Branch Inspectors General Reports

**Appropriations Committee:** Legislative Branch

**Agency:** U.S. Congress

**Accounts:** U.S. Capitol Police, House of Representatives

**Type of Request:** Report Language

**Background:** The House of Representatives and the U.S. Capitol Police have inspectors general (IGs) that provide independent, nonpartisan oversight over their agency's operations. However, the majority of reports of these IGs are not publicly available on the respective websites, and, therefore, also not easily available to congressional staff. For example, the only documents available on the House IG's website are recent annual financial audits.

By contrast, most federal inspectors general post almost all reports on their websites. In fact, Under the Inspector General Empowerment Act of 2016, covered IGs are required to publish on the internet reports that contain recommendations for corrective action within three days of sending it to the agency. While the Act does not apply to the House or Capitol Police IGs, both should follow this best practice. Further, unlike executive branch IG reports, which can be requested under FOIA, there is no comparable request mechanism for House and Capitol Police IG reports. This is even more reason to make these documents available.

The House and Capitol Police inspectors general should also contribute reports to the federal-wide website, Oversight.gov, managed by the Council of the Inspectors General on Integrity and Efficiency (CIGIE), an independent entity composed of more than 70 inspectors general. The vast majority of IGs publish their reports here, including four of the legislative branch IGs.

More information about the House inspector general can be found in the Demand Project report: "The House Office of Inspector General Should Publish Information About Its Reports" (available at <https://medium.com/demand-progress/the-house-office-of-inspector-general-should-publish-information-about-its-reports-d55b83de6043>)

### **Recommended Report Language:**

The legislative branch inspectors general perform important oversight work. However, a few of the legislative branch inspectors general do not make readily available their reports, findings, and recommendations. By contrast, most executive branch agency inspectors general post the vast majority of reports on their websites in a publicly accessible manner. The Committee believes that all legislative branch inspectors general should make their reports publicly available through their websites. The committee expects that within 90 days of passage, the inspectors general of the House of Representatives and the U.S. Capitol Police shall make available to both Congress and the general public its reports in their entirety — except as noted below — by regularly posting them as part of their publicly accessible websites within three days of completion, as

well as through the federal-wide website maintained by the Committee of Inspectors General on Integrity and Efficiency.

The committee understands that the Government Accountability Office, and many inspectors general, including the Department of Defense inspector general, currently include as part of their individual websites a listing of information about a report when some or all of the content must remain non-public because that information is classified or sensitive. In these extraordinary situations, the Committee expects, at a minimum, inclusion on the publicly accessible websites of the individual legislative branch inspectors general, and on Oversight.gov, of the following information regarding the report: the title, date of publication, the agency responsible for the report, the details of the congressional request, a description of the subject, and a general reason for its redaction.

**LEGISLATIVE BRANCH: REQUESTS THAT APPLY TO THE SENATE ONLY**



## Publish Senators' Official Personnel and Official Expense Account Report as Data

*Appropriations Committee:* Legislative Branch

*Agency:* United States Senate

*Account:* Office of the Secretary

*Type of Request:* Report Language

**Background:** The Legislative Branch Appropriations Act of 2010 (P.L. 111-68) required the Secretary of the Senate to publish the Senators' Official Personnel and Official Expense Account (SOPOEA) Report online starting with the first full semiannual period of the 112th Congress. This twice-annual report records all the expenses of the United States Senate, and has been published and made available to the public in its current incarnation since 1964. The Senate's move to online publication came after the House began publishing its Statement of Disbursements online in 2009, which was prompted in part by scandals in the United Kingdom parliament regarding the misuse of funds.

Publication of spending data as a PDF has significant limitations, notably that it is not possible to easily access or analyze the information. Accordingly, the House of Representatives began publishing its Statements of Disbursements as a spreadsheet file (a structured data format known as a CSV, for comma separated value) starting with the period of January 1-March 31, 2016. The Senate provided for the possibility of publication in additional formats in 2010 when it permitted the publication of the report "in other forms at the discretion of the Secretary of the Senate." The time has come for the Senate to publish the SOPOEA Report as structured data, so it too will be in a format most conducive to public understanding.

**Report language:**

*Senators' Official Personnel and Official Expense Account Report:* Within 360 days, the Senate Sergeant at Arms is requested to publish the Senators' Official Personnel and Official Expense Account Report online in a structured data format, such as CSV, in addition to other formats it deems appropriate or are required by law.

## Create a Website for the Legal Treatise Known as the Constitution Annotated

**Appropriations Committee:** Legislative Branch

**Agency:** Congressional Research Service

**Account:** Salaries and Expenses

**Type of request:** Report Language

**Background:** The Annotated Constitution of the United States of America a regularly-updated treatise prepared by the Congressional Research Service that explain the U.S. Constitution as it has been interpreted by the Supreme Court. Thousands of print editions are published once a decade as a hardcover book and every two years with “pocket part” updates. While the Annotated Constitution is prepared in a structured file format (XML) and is available for congressional offices as a continuously-updated website, only in recent years has it been made available online pursuant to a November 2010 directive of the Joint Committee on Printing, but then only as a voluminous PDF that is too large to download and is infrequently updated. The data from the website that contains the Constitution Annotated that is made available to congressional staff — which does not contain any confidential information — should also be available to the public.

### **Report language:**

**Constitution Annotated:** The Annotated Constitution of the United States of America is an invaluable treatise that explains the U.S. Constitution as it has been interpreted by the U.S. Supreme Court. The Congressional Research Service of the Library of Congress makes this document available as a continuously updated website for Congressional staff only. Within 180 days of enactment of this legislation, the Library of Congress shall make the Annotated Constitution, in a structured or semi-structured data format similar to that used to publish it on the Congressional internet, available to the public as a website that is updated continually and contemporaneously with the internal website.

## Improve Staff Benefits

***Appropriations Committee:*** Legislative Branch

***Agency:*** United States Senate

***Account:*** Salaries, Officers, and Employees

***Type of Request:*** Report language

***Background:*** Congressional staff are essential to a well-functioning Congress, but their benefits often are inferior to employees in other sectors of the economy. The Senate should explore improving benefits, such as paid parental leave and addressing student loan costs.

With respect to parental leave, every employee who has served more than a year in the Senate should be provided twelve weeks of paid parental leave, and the appropriate amount of family and medical leave. Currently, this is up to the discretion of individual offices, but funds for employees to make use of these benefits should be centrally provided and administered, and the benefit should be available to all.

Similarly, student loans are often a barrier to entry to public service, and can be a factor with staff retention. That problem in part was a driver behind Congress's enactment of a public interest student loan forgiveness program, but the nature of the program means that few actually can make use of it. The Senate should explore a program where student may refinance their loans to a rate of 1% after 2 years of service in the Senate. This should not vitiate public interest student loan forgiveness, where applicable.

As implementing these programs properly will take some care, Secretary of the Senate should report on options for implementation, administration, and expected costs.

***Report language:*** The Secretary of the Senate shall report within 6 months of enactment of this legislation, or January 15, 2020, whichever is sooner, on the establishing a paid family and medical leave program that would be centrally administered by the Secretary and provide 12 weeks of paid parental leave for congressional employees with at least 1 year tenure, and other benefits as appropriate. In addition, the Secretary shall provide a report on options to implement and administer a student loan refinance program whereby congressional staff with 2 years tenure may refinance their loans to a 1% interest rate.

## Whistleblower Resource Center

***Appropriations Committee:*** Legislative Branch

***Agency:*** United States Senate

***Account:*** Whistleblower Resource Center

***Type of request:*** Bill Text and Report Language

### ***Background:***

People who wish to contact the United States Senate concerning waste, fraud, abuse, or malfeasance often do not know whom they may contact. The office or offices that a whistleblower may contact can vary based upon the individual and the subject matter. In addition, some congressional offices inadvertently mishandle whistleblowers, thereby increasing the likelihood of retaliation or misdirected communications. The Senate should establish a Whistleblower Resource Center to support the needs of Congressional staff in working with whistleblowers and to provide whistleblowers with an objective list of what office or offices and committees have jurisdiction and are permissible to contact regarding their particular claim. The Center is not intended as an office that would in any way address the substance of the issues raised by whistleblowers, but rather would provide resources to assist the Senate in doing so. It's notable that the House of Representatives created a Whistleblower Ombudsman, with many of the same responsibility as described above, as part of its rules package for the 116th Congress.

### ***Legislative text:***

***Whistleblower Resource Center:*** For salaries and expenses of the Whistleblower Resource Center, \$600,000, provided that the Director of the Whistleblower Resource Center and the Deputy Director shall compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level II of the Executive Schedule under section 5313 of title 5, and further provided that additional staff may be hired upon the concurrence of the Director and Deputy director at compensation less than or equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5.

### ***Report language:***

The Committee directs the establishment of an independent Whistleblower Resource Center led by a Director and Deputy Director. The Center is an independent office of the United States Senate that provides advice, assistance, guidance, and training to congressional offices on how to

engage with whistleblowers; guidance and assistance to whistleblowers on the full range of offices with jurisdiction to contact, and a secure mechanism to do so; and coordinates an annual unclassified publicly-available report on how the Senate has handled whistleblower communications. Whistleblowers shall be provided a secure, encrypted option for communicating with the Center, shall have the option to remain anonymous when they communicate with the Center, and the Center will not reveal their identity or any identifying information without their explicit consent. The Senate's Majority Leader and Minority Leader shall appoint Center's Director and Deputy Director, respectively.

## Evaluate the Costs of Providing Streaming Video of Senate Appropriations Markups

*Appropriations Committee:* Legislative Branch

*Agency:* United States Senate

*Account:* Office of the Sergeant at Arms and Doorkeeper

*Type of Request:* Report Language

**Background:** Senate Appropriations Subcommittee markups are only published online as audio, not video. This stands in contrast with other proceedings of the Appropriations Committee, and most other Senate Committees, which release audio and video of their hearings and meetings. The Sergeant at Arms should report back on the additional marginal cost of making video available for Senate Appropriations Committee and Subcommittee markups.

**Appropriations Video:** Within 90 days of enactment of this Act, the Sergeant at Arms shall provide to the Appropriations Committee and publish online a report on the additional marginal costs of recording and publishing online video of Senate Appropriations Committee and Subcommittee markups.

## **FINANCIAL SERVICES AND GENERAL GOVERNMENT**

## **Provide Centralized Access to Congressional Budget Justifications**

***Appropriations Committee:*** Financial Services and General Government

***Agency:*** Executive Office of the President

***Account:*** Office of Management and Budget

***Type of request:*** Bill language

***Background:*** Congressional Budget Justifications provide a plain-language explanation of how an agency spends money and how it intend to spend funds in the upcoming year. The invaluable reports are useful for understanding agency activities, but they can be hard to find and are not available in a central location. While the Office of Management and Budget has declared its authority to control the format of the reports and review their content under OMB Circular A-11 section 22.6(c), OMB has not yet exercised its authority to publish that information in one location. This contrasts with other Executive branch budget documents, which are published on OMB's website. Report language requesting OMB publish CBJs on a central website was included in the final FY 2018 and FY 2019 appropriations bills, but OMB has not fulfilled the request. A Demand Progress report found that 21 percent of the 456 agencies we surveyed did not publish a CBJ on their website, and 6.1 percent of the 456 agencies we surveyed published their CBJs online for only FY 2018 or FY 2019, but not both. (See <https://firstbranchforecast.com/2019/03/11/feds-lag-in-publishing-funding-requests/>)

Given OMB non-compliance with the committee's report language, OMB should be required to publish the documents.

### ***Bill Language:***

***Consolidated Public Access to Agency Congressional Budget Justifications:*** Within two weeks of agency transmittal of a congressional budget justification to Congress, the Director of OMB shall publish that congressional budget justification on its website as part of an online archive of all agency Congressional Budget Justifications.



## **Improving Congressional and Public Access to Inspectors General Reports And Other Improvements**

***Appropriations Committee:*** Financial Services and General Government

***Agency:*** Independent Agencies

***Account:*** Council on the Inspectors General on Integrity and Efficiency (CIGIE)

***Type of Request:*** Bill Text and Report Language

The Financial Services and General Government appropriations bill provided \$2 million in fiscal year 2019 appropriations to the revolving fund of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) for Oversight.gov, the central repository for reports from all 74 Inspectors General. The website ([www.oversight.gov](http://www.oversight.gov)) represents a major step forward in improved accessibility and accountability for federal inspectors general work products. Congress and the public can now search across multiple Inspectors General for reports and recommendations in a much more efficient and expedited manner.

The Oversight.gov website is an impressive proof of concept, but it requires a steady funding stream to continue its operations, improve its functionality, and provide expanded services. CIGIE leadership has described next steps for the website if resources become available (<https://oversight.house.gov/wp-content/uploads/2017/11/Horowitz-CIGIE-Chair-DOJ-IG-State-ment-11-15.pdf>).

Until last year's direct appropriations, financial resources for CIGIE operations came through funds provided by its constituent Inspector General entities, which are held in a revolving fund stipulated through the Inspector General Act of 1978 (amended).

Congress should continue its support of a robust Oversight.gov with increased functionality by providing \$1 million in dedicated funding to CIGIE, as well as accompanying report language.

Congress should also provide guidance to CIGIE as to the importance of congressional and public accessibility to inspectors general work through notification of all reports through their websites. This would follow the best practices regarding classified and sensitive reports of both the DOD Inspector General and the Government Accountability Office ([https://www.gao.gov/restricted/restricted\\_reports](https://www.gao.gov/restricted/restricted_reports)).

***Appropriations Bill Language:***

*Council of the Inspectors General on Integrity and Efficiency:* Provide \$1,000,000 to the revolving fund of the Council of the Inspectors General on Integrity and Efficiency as established under [5 APPENDIX U.S. Code § 11 \(C\)\(3\)\(B\)](#) [Establishment of the Council of the Inspectors General on Integrity and Efficiency] for the purpose of maintaining and expanding the federal-wide inspectors general website.

***Report Language for Oversight.gov:***

\$1,000,000 is provided to the revolving fund of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) for the purpose of maintaining and expanding the federal-wide Inspectors General website and providing related services. The Committee is pleased that the Inspector General community has taken this step that allows for more efficient and effective access to its reports and recommendations by Congress and the public. The Committee expects CIGIE to use these funds for the maintenance of, and improvement to, the existing website, providing information about its contents, and assessing the provision of new services.

The Committee requests that CIGIE provide within 90 days and publish on its website:

- An assessment of the option for creating an online whistleblower hotline, hosted by CIGIE, that provides cross-agency support;
- An evaluation of the merits and costs of providing as part of Oversight.gov information regarding all open and closed inspector general recommendations, including continuously updating their status;
- An assessment of whether CIGIE could provide website hosting, email, and other information technology capabilities or other support services to some inspector general offices; and
- An assessment of whether CIGIE could provide ethics, legal, and human resources capabilities for some inspectors general.

The Committee expects the Oversight.gov website will include, within 180 days of the enactment of this Act:

- A public-facing list of the total number and date range of reports available on Oversight.gov from each inspector general; and
- A public-facing list broken out by each inspector general regarding any non-public reports.

***Report Language for Improved Access:***

The committee understands that the Government Accountability Office and many inspectors general currently include as part of their individual websites a listing of information about a report, even when some or all of the content must remain non-public because that information is classified or sensitive. In these extraordinary situations, the Committee expects, at a minimum, inclusion on the publicly accessible websites of the individual inspectors general and on Oversight.gov of the following information regarding the report: the title, date of publication, the agency responsible for the report, the details of the congressional request, a description of the subject, and a general reason for its redaction. The Committee expects CIGIE to develop best practices to ensure public and congressional awareness and access to all inspectors general reports, including classified or sensitive reports.

***Report Language for Whistleblowers:***

CIGIE should establish best practices whereby each inspector general should establish a written process outlining required procedures for working with whistleblowers. Those procedures should cover intake and evaluation, investigations, ongoing communication with whistleblowers, and training for staff on whistleblower retaliation and anonymity. Inspectors general should develop strong and clear procedures to handle whistleblower claims against their own offices. Finally, CIGIE should conduct a study into the feasibility and benefits of sharing whistleblower staff and associated services among smaller inspectors general offices.

**Improve Transparency Concerning Lobbying of the Office of Information and  
Regulatory Affairs (OIRA)**

***Appropriations Committee:*** Financial Services and General Government

***Agency:*** Executive Office of the President

***Account:*** Office of Management and Budget

***Type of request:*** Report Language

***Background:*** OMB's Office of Information and Regulatory Affairs has great influence over the regulatory process but has failed to abide by the letter and spirit of provisions that provide for transparency when it is being lobbied. This provision provides for OMB to assess whether it has met its obligations as identified by GAO and provide public reporting on its efforts to meet them.

***Report Language:***

***OIRA Transparency:*** In a series of 7 reports going back more than 14 years, GAO issued 25 recommendations to OMB to address transparency issues regarding OIRA's progress on recent improving the transparency of the regulatory review process under Executive Order 12866, and addressing other challenges and opportunities for increasing the transparency and oversight of the rulemaking process. To date, only 9 recommendations have been implemented according to the latest GAO testimony to Congress in March 2016, identified by report number GAO-16-505T.

Within 60 days of enactment OMB will submit to the House of Representatives Appropriations Committee, the Committee on Oversight and Government Reform, and make available online to the public a specific plan with timetables to fully implement the remaining 16 recommendations. Within 180 days OMB will submit an additional report to the two congressional committees and make available to the public a status report on its full implementation of those recommendations, and every 180 days thereafter until they all are completed. It is our expectation that these recommendations will be fully implemented within 1 year.

**COMMERCE, JUSTICE, AND SCIENCE**

**Improve Executive Branch Accountability by Providing an Index of Justice  
Department Office of Legal Counsel Opinions Currently in Effect**

**Appropriations Committee:** Commerce, Justice, Science

**Agency:** Department of Justice

**Account:** General Provisions

**Type of request:** Bill text

**Background:** Opinions by the Justice Department’s Office of Legal Counsel often have the effect of law within the executive branch, but they regularly are withheld from Congress and the public. No one knows how many opinions are currently in effect. In addition, as the OLC may reach opinion that are at variance with interpretations of the law made by Congress or that would be rendered by the Courts, it is essential for the opinions to be available to Congress and the public so that our system of checks and balances can operate effectively.

**Bill language:**

The Attorney General shall publicly report to Congress within 180 days and contemporaneously thereafter—

- (A) The number of final OLC opinions in effect;
- (B) A list of final OLC opinions in effect that includes for each opinion—
  - (a) An unclassified summary;
  - (b) The subject line, subject to classified redaction;
  - (c) The date finalized/updated;
  - (d) The agency/entity requesting it;
  - (e) Whether it is newly issued, updated, or withdrawn.
- (C) A final Office of Legal Counsel opinion is a document in written or electronic form that expresses the opinion of the Attorney General on questions of law or final opinions made in the resolution of inter-agency disputes, rendered in accordance with 28 USC 511-513, and—
  - (1) The Attorney General or his/her designee determines that it is final; or
  - (2) Government officials or contractors follow its guidance; or
  - (3) It is relied upon to formulate legal guidance; or
  - (4) It is cited directly/indirectly in another Office of Legal Counsel opinion.

## Update Foreign Lobbying Reporting and Disclosures (FARA)

**Appropriations Committee:** Commerce, Justice, Science

**Agency:** U.S. Department of Justice

**Account:** General Provisions

**Type of request:** Report Language

**Background:** The activities of foreign lobbyists, as collected and recorded by the Department of Justice under the Foreign Agents Registration Act (FARA), is the subject of sustained public and congressional interest. FARA is intended to provide transparency into how foreign governments attempt to influence U.S. policies on everything from foreign aid to multi-billion-dollar arms deals. But when the Department of Justice does not adequately enforce the law, the public and even Congress can be left in the dark about how our laws are shaped and influenced. Despite recommendations from civil society and the Department's Inspector General, the Justice Department has been slow to implement changes to improve the public's access to information and understanding of enforcement action. Reports on Foreign Lobbying are tremendously important, but they are gathered and published by the Justice Department's FARA Unit in difficult-to-use formats. Despite recommendations the information be gathered as data and published as such, the agency still must be encouraged to modernize its practices.

**Report language:**

**Inspector General Recommendations.** The Department of Justice Inspector General released a report in September 2016, Audit of the National Security Division's Enforcement and Administration of the Foreign Agents Registration Act (Audit Division 16-24), which examined a series of critical issues. However, the Committee understands that many of the Inspector General's recommendations have yet to see implementation. The Committee directs the Department to prepare a report on the status of implementation of the recommendations, including the target dates for implementation, and reasons why the some recommendations are unimplemented. In regards to any recommendation that requires congressional action, the Department should provide statutory or other recommendations.

**Moving to Modern Digital Format.** The Committee is concerned that the information collected under the Foreign Agents Registration Act (FARA) is still managed using antiquated methods that limit its utility. The Committee directs the Attorney General of the United States to review the United States Department of Justice's implementation of the FARA, and within 6 months of enactment issue a report to Congress that is publicly available and evaluates (1) the feasibility and steps necessary to require all filings by foreign agents to be made in an electronic, structured data format where the information is in a digital format; (2) the feasibility for publication of information for the public in a structured data format so it can be searched, sorted, and downloaded by the public, including required documentation when a registrant terminates a relationship with a foreign client.

**Comprehensive Strategy.** The Committee notes that the Department has not yet developed a comprehensive strategy for the enforcement and administration of FARA that includes the agencies that perform FARA investigations and prosecutions and that is integrated with the Department's overall national security efforts. This was a recommendation of the Department of Justice Inspector General, *Audit of the National Security Division's Enforcement and Administration of the Foreign Agents Registration Act*, September 2016 (<https://oig.justice.gov/reports/2016/a1624.pdf>), which the Department agreed to complete. The Committee directs the Department to complete the strategy, and transmit to the Committee, within 90 days of passage.

***Perform a Formal Cost-Benefit Analysis of the Fee Structure***

Foreign lobbyists registered under FARA are required to pay fees for every new contract with a foreign client, as well as additional fees every six months. The Department of Justice Inspector General found that the FARA enforcement unit spends a significant amount of time and resources collecting and processing those fees, but that the fees may actually be deterring people from registering and filing appropriately and "may not be justifiable." (Department of Justice Inspector General, *Audit of the National Security Division's Enforcement and Administration of the Foreign Agents Registration Act*, September 2016 (<https://oig.justice.gov/reports/2016/a1624.pdf>)) The Committee directs the Department to conduct an assessment of the FARA fee structure, including whether to update or eliminate the fees, and report to the Committee within 90 days of passage.



## **HOMELAND SECURITY**

## **Improve Congressional and Public Visibility into Visitors to the White House**

**Appropriations Committee:** Homeland Security

**Agency:** United States Secret Service

**Account:** Operations and Support

***Type of request:*** Bill Text

***Background:*** From September 15, 2009, to the end of the Obama administration, the White House disclosed lists of its visitors on a monthly basis, subject to narrow limitations and exceptions. Civil society has long sought disclosure of these records, maintained by the United States Secret Service, because they could help the public understand who was influencing White House policy. More than 3,000,000 records were released, and the information was relied upon for countless news reports and opened a new window into its functioning. The Trump administration discontinued publication of the logs, triggering lawsuits and closing a window into its operations. Regardless of who is in the White House, the list of visitors should continue to be publicly accessible.

### **Bill language:**

Not later than 30 days after the date of enactment of this Act and updated every 30 days thereafter, the United States Secret Service shall report to the Congress and make contemporaneously available online a searchable, sortable, downloadable database of visitors to the White House and the Vice President's residence that includes the name of each visitor, the name of each individual with whom the visitor met, and the purpose of the visit. Notwithstanding this requirement, the U.S. Secret Service, after consultation with the President or his designee, may exclude from the database any information that would 1) implicate personal privacy or law enforcement concerns or threaten national security, or 2) relate to a purely personal guest. In addition, with respect to a particular sensitive meeting, the Secret Service shall include the number of visitors in the database and post the applicable records no later than 360 days later.

## **DEFENSE**

**Ensure Public Access to Important Current and Historical Decisions, Orders, and Opinions Issued by the Foreign Intelligence Surveillance Court, As Congress Originally Intended**

*Appropriations Committee:* Defense

*Agency:* Director of National Intelligence

*Account:* General Provisions

*Type of request:* Bill Text

*Background:* Section 402 of the USA Freedom Act of 2015 (P.L. 114-23) requires the Director of National Intelligence, in consultation with the Attorney General, to “conduct a declassification review of each decision, order, or opinion issued” by the Foreign Intelligence Surveillance Court “that includes a significant construction or interpretation of any provision of law.” This provision may have been intended by Congress to encompass every FISC decision, order, or opinion, but the government is arguing in Court that the law should not be understood as having a retroactive effect, which is delaying access and could result in an adverse opinion. As a consequence, neither litigants before the FISC nor the general public have had access to the secret court’s secret interpretations of the law. Within the bounds established by federal law, the underlying decisions, opinions, and order should be released to the public as Congress intended.

***Bill Language:***

The Director of National Intelligence shall report to Congress and make publicly available all current and historical decisions, orders, and opinions as described in Section 402 of the USA Freedom Act of 2015 (50 U.S.C. 1871(a)(5)).