

Demand Progress
Legislative Branch Appropriations Requests
FY 2019

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LATE ADDITION

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REQUESTS THAT APPLY TO BOTH CHAMBERS OF CONGRESS

**Review Legislative Branch Salaries for Parity with the Executive Branch and Internal Pay
Disparities by Gender and Race**

Appropriations Committee: Legislative Branch

Agency: Government Accountability Office

Account: Salaries and Expenses

Type of Request: Report Language

Background: There is reason to believe that congressional staff may have lower salaries than their executive branch counterparts. Any pay gap or perception thereof may affect staff retention in the Congress and whether staff joining the executive branch from the legislative branch are provided appropriate remuneration. In addition, it is unknown whether there are disparities in pay among congressional staff based upon gender or race. Having information about any pay gaps will help the Congress understand whether any further action must be taken.

Study on Legislative Branch Salaries: Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Appropriations of the Senate and the House of Representatives and publish on its website a report that--

A) Reviews the salaries and benefits of personal office and committee staff in the Senate and House of Representatives against their Executive branch counterparts to evaluate a) whether staff in each branch receive similar pay for similar work, and b) if there is a disjunction, the extent and nature of that disjunction, broken out by job responsibilities;

B) Reviews the salaries of personal office and committee staff in the Senate and the House of Representatives to evaluate in the aggregate whether a) men and women of with similar job responsibilities, experience, and qualifications receive similar pay for similar work, and b) whether people from different ethnic or racial groups receive similar pay for similar work. This review should focus on personal and committee offices, comparing comparable offices and breaking out the report at that level of detail.

The Chief Administrative Office of the House of Representatives and the Sergeant at Arms of the United States Senate is encouraged to provide all necessary data and support for the Government Accountability Office in support of this study.

Public Committee Calendar on Congress.gov

Appropriations Committee: Legislative Branch

Agency: Library of Congress

Account: Administrative Provision

Type of Request: Report Language

Background: Congress.gov, a website jointly administered by the Library of Congress and the Government Publishing Office and visited by nearly 1 million people each month, provides a valuable resource to the public in publishing information about legislation considered by each chamber of Congress. However, the website does not provide integrated information about hearings and markups taking place each week in each chamber even though that information is available as structured data from the House and the Senate, and has been integrated into an event calendar on third party websites like govtrack.us.

Providing a single source for hearing and markup information from both chambers for the upcoming week would be valuable service. It should include basic information about the meeting, including the topic; the witnesses; the date, time, and location of the meeting; the committee or subcommittee holding the hearing; a link to the committee's website; links to any documents released by the committee relevant to the meeting; and a link to where video from the proceedings are available.

Congress.gov Calendar: Not later than 12 months after the date of enactment of this Act, the Library of Congress and the Government Publishing Office shall update the Congress.gov website to include a calendar for Senate and House of Representatives committee hearings and markups. That calendar, updated contemporaneously as new information is available, shall include at least the following information about every hearing and markup taking place in the Senate and House of Representatives: the committee name; the subcommittee name (if appropriate); the meeting topic; witnesses (if any); legislation under consideration (if any); a link to the committee or subcommittee's website; a link to where video or audio (if any) from the proceedings are or will become available. The calendar shall be organized chronologically, and viewable as an individual day as well as a weekly view. The Library of Congress and Government Publishing Office shall consult with internal and external stakeholders concerning the construction, design, and contents of the website.

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--a series of letters and numbers that belong only to that lobbyist and is maintained by the House and Senate--but that information is not currently used to verify or track an individual lobbyist’s identity in a public-facing way.

The Clerk of the House and the Secretary of the Senate should study whether they are obtaining sufficient information through the current lobbying forms (the LD-1, the LD-2, and the LD-203) to connect a particular lobbyist to every instance he or she has lobbied, and explore how they can release that information to the public to improve tracking. They should consider whether to add an additional field containing a unique identifier for each lobbyist to the various lobbying forms to be completed by lobbyists and lobbying entities to improve tracking.

Unique Lobbyist Identifiers: Within 180 days of enactment of this Act, and in consultation with internal and external stakeholders including civil society, the Clerk of the House and Secretary of the Senate shall report to the Appropriations Committees of the Senate and the House of Representatives, and make available online, recommendations on improving public tracking of lobbyists.

This includes—

- 1) Are Clerk of the House and Secretary of the Senate currently gathering sufficient information to uniquely identify lobbyists in each of the lobbying disclosure forms

currently being submitted? If so, how can they make that information available to the public?

- 2) What additional steps, if any, would allow for the tracking of a lobbyist who works for multiple entities or across multiple years? This can include requiring an additional field for lobbyists or lobbying entities to complete that contains a unique identifier for each lobbyist that is established by the Senate or House of Representatives.

Should it be possible for the Clerk of the House or Secretary of the Senate to address this issue in part or in full with the information that currently is being gathered, they should do so.

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; a online House phone directory; CBO reports; the bills and amendments scheduled for a floor vote in the House; the Statement of Disbursements; 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.

Bill text: Chief Data Officer. For salaries and expenses of the Chief Data Officer, \$500,000, to be disbursed in equal parts by the Secretary of the Senate and the Clerk of the House of Representatives.

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 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, and other duties as the Chief Data

Officer deems appropriate that promotes public or congressional access to legislative information as data.

Standardize Access to Congressional Research Service Annual Reports

Appropriations Committee: Legislative Branch

Agency: Congressional Research Service

Account: Salaries and Expenses

Type of request: report language

Background: The Annual Report of the Congressional Research Service is of interest to Members of Congress and the public. Historical CRS annual reports are not always easy to find, even for Congressional offices, as the Congressional Research Services removes annual reports it published online each year when a report for the new fiscal year is released. By contrast, other legislative support offices and agencies that general annual reports leave the prior versions of the report online. In addition, CRS publishes a version of its annual report online that silently omits some of its content, which is an unusual practice. The full Annual Report of the Congressional Research Service should be published online, in full, and not removed at the end of the fiscal year.

Congressional Research Service Annual Reports: The Congressional Research Service will publish a complete copy of its Annual Report for the current fiscal year on the Library of Congress's website as well as complete copies of all reports from 1980 forward within 30 days, and regularly publish subsequent reports within 5 days of submission to Congress.

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:

<https://www.congress.gov/bill/111th-congress/house-bill/2701/text/eh#toc-HB6DEA970C50D42E18CB0E47AA39BD197> (the stronger, House version of the Intel Authorization Act for FY 2010

framing: <http://www.gao.gov/new.items/d08413t.pdf>

This empowers the GAO to conduct audits inside agencies that have intelligence community functions like other agencies.

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.

Publish the Biographical Directory of the United States Congress as Data

Appropriations Committee: Legislative Branch

Agency: JOINT

Account: Clerk of the House of Representatives and the Office of the Historian of the United States Senate

Type of request: report language

Background: The Biographical Directory of the United States Congress (or Bioguide) is an excellent source of information about current and former members of Congress. Since 1998, the online version of the Bioguide has been maintained by staff in the Office of the Clerk's Office of History and Preservation and the Office of the Historian of the United States Senate at <http://bioguide.congress.gov>. And, since at least 2007, the underlying data structures for Bioguide data have been provided by the House at its XML website.

At this time, however, for those who wish to programmatically make use of the information, the website's data is published only in HTML. In addition, the Bioguide website provides up to three HTML files for each Member: a biography, extended bibliography, and research collection, which can triple the amount of work required to fully scrape the website. Bioguide information should be published in a structured data format like XML. In addition, a change log should be maintained for the Bioguide website to keep the public apprised of updates or changes in its information.

Bioguide IDs: Within 360 days, the Office of the Clerk of the House of Representatives and the Office of the Historian of the United States Senate will begin publishing the Biographical Directory of the United States Congress (or Bioguide) in a structured data format, such as XML. In addition, the offices shall create a public-facing change log to keep the public apprised of changes or updates in information maintained in the Directory.

REQUESTS THAT APPLY TO THE HOUSE ONLY

**Provide Personal Office 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 each Member is responsible for hiring and supervising. 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.

Appropriations Amount: In the section “Salaries, Officers, and Employees” insert where appropriate “not more than \$250,000 for Top Secret/ Sensitive Compartmented Information clearances for personal office staff”

Report Language:

Clearance for National Security Committee Members’ Personal Office 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. Accordingly, the Committee directs the Office of the Sergeant at Arms to provide, upon the written request of a Member unless a written objection is received from the relevant Committee, Top Secret/Sensitive Compartmented Information (TS/SCI) clearance to one staffer for each Member that sits on one of those Committees 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.”

**Evaluate the Marginal Cost of Additional Staff TS/SCI Clearances and Assess Clearances
Distribution Among Offices**

Appropriations Committee: Legislative Branch

Agency: House of Representatives

Account: Salaries, Officers, and Employees

Type of request: Report language

Background: The House of Representatives allows each members' personal office to provide two staff with Top Secret clearances to support that Member in furtherance of their constitutional oversight duties to oversee our national security and foreign policy. However, at times it has been found that TS clearance is not entirely sufficient to provide Members with the level of support they need. Should the House wish to provide all Members of the House with sufficient support on classified matters, it is important to know whether there is any additional cost.

Report on Marginal Costs of Expanding TS/SCI Clearances to Personal Office Staff, and other Matters: Insert at the appropriate place in the Committee Report the following: "The Committee recognizes the value of each Member having a staff person with sufficient clearance so as to support the Member's oversight of issues relating to U.S. national security and foreign policy. Accordingly, the Committee directs the Sergeant at Arms of the House of Representatives to publish an unclassified report on its website no later than 120 days after the date of the enactment of this Act that assesses the additional marginal cost, if any, of upgrading the Top Secret (TS) clearance of one staffer for the personal office of each member of to the House to a Top Secret/Sensitive Compartmented Information (TS/SCI). The report shall include information about the average time necessary for staff to receive TS clearances once requested during the previous year and the number of staff TS clearances that took longer than a year to complete over the course of the previous year. It shall include summary statistics on the number of House staff with clearances, including the total number at each of the following levels: confidential, secret, top secret, and higher than top secret; and break out each of those categories by those held in the aggregate by leadership offices, personal offices, support offices, as well as by each committee."

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.

Support offices and agencies: Within 180 days of enactment, every legislative support office and agency shall publish their current annual or semi-annual reports to the House of Representatives, the United States Senate, or a subcommittee thereof on their website, 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 keep the reports online once they are published.

Whistleblower Resource Center

Appropriations Committee: Legislative Branch

Agency: House of Representatives

Account: Whistleblower Resource Center

Type of request: Bill text and report language

Background:

People who wish to contact the House of Representatives concerning waste, fraud, abuse, or malfeasance often do not know who 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 House 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 House of Representatives in doing so.

Legislative text:

Whistleblower Resource Center: For salaries and expenses of the Whistleblower Resource Center, \$500,000, 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 House of Representatives 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 House 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 House of Representatives Majority Leader and Minority Leader shall appoint Center's Director and Deputy Director, respectively.

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.

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)(B) 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. Part (C) defines what specifically must be disclosed, and part (D) says 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. This makes it difficult to fulfill the purpose of the rule, which is to track when witnesses who are testifying before Congress have received money from foreign governments. Instead, the information should be gathered by a House-wide form that receives the information as in a structured data format and should 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've received.

Witness disclosure database: The Clerk of the House of Representatives shall create an online electronic form that each committee shall use to gather information a witness must disclose under House of Representatives Rule XI, clause 2, subsections (g)(5)(B)-(D), 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 the 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.

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.

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 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.

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, as it is published on the Congressional internet, available to the public as a website that is updated continually and contemporaneously with the internal website.

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.

Instantiate E-Filing for Senate Campaign Disclosures

Appropriations Committee: Legislative Branch

Agency: United States Senate

Account: Office of the Sergeant at Arms and Doorkeeper

Type of Request: Bill text

Background: Since 2001, candidates for the presidency and the House of Representatives have filed their fundraising and expenditure reports electronically, but candidates for the US Senate still are required to file their reports on paper, creating significant delays in disclosure and unnecessary costs to taxpayers. The Federal Election Commission estimates that requiring Senate candidates to electronically file these forms would save taxpayers more than \$800,000 annually.

FILING BY SENATE CANDIDATES WITH COMMISSION

Section 302(g) of the Federal Election 7 Campaign Act of 1971 (52 U.S.C. 30102(g)) is amended to read as follows: “(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.”.

Library of Congress Public Information Advisory Committee

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.

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. This language was included in the final FY 2018 appropriations bill but must be included annually.

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

Appropriations Committee: Financial Services and General Government

Agency: Independent Agencies

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

Type of Request: Bill Text and Report Language

Background: Last year, the Council of the Inspectors General on Integrity and Efficiency (CIGIE) established a central repository for reports from all 72 Inspectors General at Oversight.gov (www.oversight.gov). The website represents a major step forward in improved accessibility and accountability for their work product. 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>).

Currently CIGIE does not receive a direct appropriation; rather, all financial resources for CIGIE operations come through funds provided by its constituent Inspector General entities, which are held in a revolving fund.

Congress should support a robust Oversight.gov with increased functionality and provide \$750,000 in dedicated funding to CIGIE through a new appropriations line item.

Congress should also provide guidance to CIGIE as to the importance of congressional and public accessibility and notification for all reports of an Inspector General through their websites. This would follow the best practices of both the DOD Inspector General and the Government Accountability (https://www.gao.gov/restricted/restricted_reports) office.

Appropriations Bill Language:

Council of the Inspectors General on Integrity and Efficiency: Provide \$750,000 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:

\$750,000 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 expects the IGs to include as part of their individual websites and provide to Oversight.gov a listing of information about the reports even when some or all of the content of the reports 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 IGs 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 listing of restricted reports is in accordance with best practices, such as those employed by the Government Accountability Office and the Department of Defense Office of Inspector 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;
- A public-facing list broken out by each Inspector General of whether that IG has any non-public reports, the number of reports concerning which the IG has given notice to CIGIE of that non-public report, with appropriate descriptive information as described above; and the total number of non-public reports held by the IG for the period of time of reports provided by the IG to Oversight.Gov.

In addition, the Committee requests that CIGIE provide to the Committee within 180 days and publish on its website:

- An evaluation of creating an online whistleblower hotline, hosted by CIGIE, that provides cross-agency support;
- A list of enhancements that CIGIE proposes to the oversight.gov website;
- An evaluation of the merits and costs of providing a database of all open IG recommendations, including a report on their status in near-real time; and
- An assessment of whether CIGIE could provide website hosting capabilities to some IG offices or other support services.

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

STATUS: Drafting Completed

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: 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:

Review of Reports from Foreign Lobbyists: The Attorney General of the United States shall review the United States Department of Justice's implementation of the Foreign Agent Registration Act, which should include a review of the recent DOJ Inspector General Report on FARA and consultation with public stakeholders, and within 6 months of enactment of this act 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 can flow into a machine processable digital format; (2) the publication by the FARA Unit of filing information to the public in bulk in a structured data format so it can be searched, sorted, and downloaded by the public.

HOMELAND SECURITY

Improve Congressional and Public Visibility into Visitors to the White House

STATUS: Drafting Complete

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**

STATUS: Drafting Completed

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 was 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 the USA Freedom Act, 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)).