

104TH CONGRESS  
2D SESSION

# H. R. 3869

To amend the Federal Advisory Committee Act to direct the Director of the Office of Management and Budget to conduct a negotiated rule-making for the purpose of establishing electronic data reporting standards for the electronic interchange of certain data that is required to be reported under existing Federal law.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 1996

Mr. HORN (for himself, Mrs. MALONEY, Mr. BASS, Mr. CLINGER, Mr. EHLERS, Mr. FLANAGAN, Mr. FOX of Pennsylvania, Mr. SHAYS, Mr. STEARNS, and Mr. TATE) introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To amend the Federal Advisory Committee Act to direct the Director of the Office of Management and Budget to conduct a negotiated rulemaking for the purpose of establishing electronic data reporting standards for the electronic interchange of certain data that is required to be reported under existing Federal law.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Electronic Reporting  
3 Streamlining Act of 1996”.

4 **SEC. 2. PURPOSES.**

5 The purposes of this Act are the following:

6 (1) To streamline governmentwide use of elec-  
7 tronic data transmissions in place of paperwork sub-  
8 missions to Federal agencies from non-Federal per-  
9 sons, including businesses and State and local gov-  
10 ernments.

11 (2) To ensure that full advantage is taken of  
12 private-sector standard setting for electronic data  
13 transmission for the benefit of small and large orga-  
14 nizations alike.

15 (3) To reduce costs to business and government  
16 by avoiding further proliferation of incompatible for-  
17 mats and methods for transmitting data in an elec-  
18 tronic format.

19 (4) To stimulate Government adoption of com-  
20 prehensive standards for electronic data exchange.

21 (5) To increase effective public access to data  
22 and other forms of information transmitted to or  
23 from Federal agencies, through electronic means.

24 (6) To minimize costs to the public of review-  
25 ing, obtaining, and searching for data and other

1 forms of information that are available in electronic  
2 form.

3 **SEC. 3. NEGOTIATED RULEMAKING FOR DATA STANDARDS**  
4 **FOR ELECTRONIC INTERCHANGE OF DATA.**

5 Section 15 of the Federal Advisory Committee Act  
6 (5 App. U.S.C.) is amended to read as follows:

7 “ELECTRONIC DATA MANAGEMENT ADVISORY COMMITTEE

8 “SEC. 15. (a) IN GENERAL.—Not later than 90 days  
9 after the date of the enactment of this section, the Direc-  
10 tor of the Office of Management and Budget shall estab-  
11 lish and appoint a negotiated rulemaking committee in ac-  
12 cordance with subchapter III of chapter 5 of title 5, Unit-  
13 ed States Code, for the purpose of establishing electronic  
14 data reporting standards for the electronic interchange of  
15 certain data that is required to be reported under existing  
16 Federal law. The committee shall be known as the Elec-  
17 tronic Data Management Advisory Committee. The Direc-  
18 tor shall designate the subject matter of the negotiated  
19 rulemaking to be conducted by the Committee, which shall  
20 consist of an existing data reporting requirement that ap-  
21 plies to 3 or more agencies and that relates to the report-  
22 ing of data commonly managed by the private sector in  
23 accordance with uniform standards.

24 “(b) MEMBERSHIP OF COMMITTEE.—In addition to  
25 the membership requirements for the Committee under  
26 section 565(b) of title 5, United States Code—

1           “(1) one-third of the membership of the Com-  
2           mittee shall be composed of individuals representing  
3           private industry;

4           “(2) the membership of the Committee shall in-  
5           clude—

6                   “(A) at least one representative of each  
7           Federal agency having regulatory authority  
8           with respect to the subject matter; and

9                   “(B) representatives of organizations de-  
10           voted to the public interest in the subject mat-  
11           ter; and

12           “(3) not more than one-quarter of the member-  
13           ship of the Committee may be composed of individ-  
14           uals representing a particular department or agency.

15           “(c) NEGOTIATED RULEMAKING BY COMMITTEE.—

16                   “(1) IN GENERAL.—The Committee shall con-  
17           duct a negotiated rulemaking in accordance with  
18           subchapter III of chapter 5 of title 5, United States  
19           Code, for the purpose set forth in subsection (a) and  
20           on the subject matter. In conducting the rulemaking,  
21           the Committee shall seek comment and participation  
22           from all persons interested in the subject matter.

23                   “(2) REQUIREMENTS FOR PROPOSED RULE.—  
24           Any proposed rule promulgated by the Committee  
25           shall—

1           “(A) provide data necessary to satisfy ex-  
2           isting regulatory reporting requirements com-  
3           prising the subject matter, under a format and  
4           protocol that will reasonably accommodate fu-  
5           ture or revised data element specifications with-  
6           out requiring users to make costly or substan-  
7           tial modifications to hardware or software that  
8           they use to submit electronic data;

9           “(B) give deference to existing, oper-  
10          ational, comprehensive electronic data inter-  
11          change standards for reporting under the sub-  
12          ject matter;

13          “(C) establish data standards that use  
14          electronic file formats that are nonproprietary,  
15          royalty free, or in the public domain;

16          “(D) include a list of data elements to be  
17          used under the rule, including a description of  
18          the characteristics of each data element;

19          “(E) use data elements that are suitable  
20          for placing in publicly accessible electronic  
21          databases, to the extent such placement is not  
22          otherwise prohibited by law;

23          “(F) provide for electronic dissemination of  
24          data reported under the proposed rule through  
25          one or more publicly accessible, searchable

1 databases identified by the Committee, to the  
2 extent such dissemination is not otherwise pro-  
3 hibited by law;

4 “(G) include a schedule for implementation  
5 of electronic data interchange for each Federal  
6 program to which the proposed rule would  
7 apply; and

8 “(H) set forth a schedule for the dissemi-  
9 nation of all publicly releasable information ob-  
10 tained under the proposed rule through elec-  
11 tronic data interchange in accordance with  
12 chapter 35 of title 44, United States Code, and  
13 Office of Management and Budget Circular A-  
14 130 (as in effect on the date of the enactment  
15 of this section).

16 “(3) PARTICIPATION OF NONGOVERNMENTAL  
17 PERSONS.—In developing standards under this sec-  
18 tion, the Committee shall—

19 “(A) solicit the participation of nongovern-  
20 mental persons;

21 “(B) solicit from such persons proposals  
22 for meeting the requirements set forth in para-  
23 graph (2); and

24 “(C) authorize demonstrations by such  
25 persons of the operational capacity of any

1 standard proposed to be adopted under this sec-  
2 tion.

3 “(4) DEMONSTRATION OF PROPOSED STAND-  
4 ARDS.—Before issuing a proposed rule under this  
5 section, the Committee shall provide for the dem-  
6 onstration and thorough testing of the proposed  
7 standard included in the proposed rule.

8 “(d) REPORT OF COMMITTEE.—Not later than 2  
9 years after the date of the enactment of this section, the  
10 Committee shall transmit to the Director, the Committee  
11 on Government Reform and Oversight of the House of  
12 Representatives, and the Committee on Governmental Af-  
13 fairs of the Senate a report under section 566(f) of title  
14 5, United States Code, on the rulemaking required by this  
15 section.

16 “(e) DEFINITIONS.—For purposes of this section:

17 “(1) COMMITTEE.—The term ‘Committee’  
18 means the Electronic Data Management Advisory  
19 Committee established under subsection (a).

20 “(2) DIRECTOR.—The term ‘Director’ means  
21 the Director of the Office of Management and Budg-  
22 et.

1           “(3) SUBJECT MATTER.—The term ‘subject  
2           matter’ means the subject matter designated by the  
3           Director under subsection (a).”.

○