

Appendix E: Sample of Agency Databases

Methodology: ACUS staff reviewed the web sites of all executive departments and independent agencies, as listed in the *The U.S. Government Manual* (<http://www.usgovernmentmanual.gov/>), to find databases that publish unfavorable information about identified individuals or entities. Publication of such data may be expressly or implicitly authorized by statute. The list below is not exhaustive, but includes representative examples from a range of agencies. The staff also searched Westlaw to find any litigation challenging database entries.

AGENCY	DATABASE	PURPOSE & SCOPE	NOTES
Board of Governors of the Federal Reserve System	Community Reinvestment Act (CRA) Performance Evaluations ¹	Users can search for CRA performance evaluations by bank name, charter number, city, state, or rating. The database includes extensive narrative about the institution drafted by the Federal Reserve. It also contains a section for responses to CRA complaints, but such responses seem to be rare.	
Centers for Medicare and Medicaid Services (CMS)	Hospital Compare, ² Physician Compare, ³ and Nursing Home Compare ⁴	Users can search for quality ratings of Medicare physicians, hospitals, and nursing homes using various criteria. The databases include significant amounts of potentially negative information, including aggregated information from patient satisfaction surveys, surgical complication rates, patient deaths, and average amounts charged for specific medical procedures versus the national average.	<i>Litigation:</i> Bryn Mawr Care v. Sebeleius, 2012 WL 4481924 (N.D.Ill.) (challenging an allegedly mistaken rating on the Nursing Home Compare database).

¹ Board of Governors of the Federal Reserve System, *CRA Ratings Search*, <http://www.federalreserve.gov/apps/crape/BankRating.aspx>. The same database is also available on the web sites of the Office of the Comptroller of the Currency (<http://apps.occ.gov/crasearch/default.aspx>), and the Federal Deposit Insurance Corporation (<https://www2.fdic.gov/crapes/>). Because these are the same database, they are not reproduced in the chart again.

² CMS, *Hospital Compare*, <http://www.medicare.gov/hospitalcompare/search.html>.

³ CMS, *Physician Compare*, <http://www.medicare.gov/physiciancompare/search.html>.

⁴ CMS, *Nursing Home Compare*, <http://www.medicare.gov/nursinghomecompare/search.html>.

AGENCY	DATABASE	PURPOSE & SCOPE	NOTES
Commodity Futures Trading Commission (CFTC)	Disciplinary History ⁵	A searchable database of sanctions against violators. Users can search for disciplinary history by respondent name, by other names used by respondent, by CFTC docket number, or by National Futures Association ID.	
Consumer Financial Protection Bureau (CFPB)	Consumer Complaint Database ⁶	Searchable online database of consumer complaints regarding financial products and services, identifying the product, the company, the company's response, and any outcomes from the dispute. Now includes voluntary consumer narratives describing the complaint.	
Consumer Product Safety Commission (CPSC)	SaferProducts.gov ⁷	Contains reports of harm involving consumer products submitted by consumers, child service providers, health care professionals, government officials, and public safety entities. Manufacturers have an opportunity to comment on the reports, and if they do, their comments are also published online. A GAO report shows that manufacturers were concerned that reports in the database would misidentify products and/or manufacturers. ⁸	<i>Litigation:</i> In <i>Company Doe v. Tenenbaum</i> , 900 F. Supp. 2d 572 (D. Md. 2012), a manufacturer challenged the CPSC's intended publication of a report, arguing that it was materially inaccurate and that publication would violate 15 U.S.C. § 2055.
Department of Health and Human Services: Food and Drug Administration (FDA)	Recalls, Market Withdrawals, & Safety Alerts ⁹	A searchable list of information gathered from press releases and other public notices about recalls and market withdrawals of FDA-regulated products. The list can be organized by brand name, product description, problem, or company name. Users may also filter by keyword or product type.	

⁵ CFTC, *Disciplinary History*, <http://www.cftc.gov/ConsumerProtection/DisciplinaryHistory/index.htm>.

⁶ CFPB, *Consumer Complaint Database*, <http://www.consumerfinance.gov/complaintdatabase/>.

⁷ CPSC, *SaferProducts.gov*, <http://www.saferproducts.gov/>.

⁸ GAO, *Consumer Product Safety Commission: Action Needed to Strengthen Identification of Potentially Unsafe Products* (Oct. 2011), at 9, 13.

⁹ FDA, *Recalls, Market Withdrawals, & Safety Alerts*, <http://www.fda.gov/Safety/Recalls/default.htm>.

AGENCY	DATABASE	PURPOSE & SCOPE	NOTES
HHS: FDA	Manufacturer and User Facility Device Experience Database ¹⁰	Online database of adverse events involving medical devices. The database is searchable by product, problem, and manufacturer. ¹¹	
HHS: FDA	FDA Adverse Event Report System (FAERS) ¹²	Downloadable, quarterly, raw database files containing adverse event reports for identified drug products. Data files downloadable in multiple raw formats, by date.	
HHS: FDA	Enforcement Reports ¹³	Weekly reports showing all recalls monitored by the FDA. The list is navigable in five different views: Product View, Event View, Print-Friendly View, Pending, and Download CSV File. Each table is sortable by product, code, classification, reason for recall, and name of the recalling firm. This is the most comprehensive listing of FDA recalls.	
HHS: FDA	Inspection Classification Database Search ¹⁴	Database of FDA inspections of regulated facilities determining a firm's compliance with statute and regulations. The database is searchable by keyword, location, and other filters.	

¹⁰ FDA, Manufacturer and User Facility Device Experience (MAUDE) Database, <http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/PostmarketRequirements/ReportingAdverseEvents/ucm127891.htm>.

¹¹ FDA, MAUDE Search, at <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfMAUDE/search.CFM>.

¹² FDA, *FDA Adverse Event Reporting System (FAERS): Latest Quarterly Data Files*, <http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Surveillance/AdverseDrugEffects/ucm082193.htm>.

¹³ FDA, *Enforcement Reports*, <http://www.fda.gov/Safety/Recalls/EnforcementReports/default.htm>. See, e.g., Week of June 17, 2015, at http://www.accessdata.fda.gov/scripts/enforcement/enforce_rpt-Product-Tabs.cfm?action=Expand+Index&w=06172015&lang=eng.

¹⁴ FDA, *Inspection Classification Database Search*, <http://www.accessdata.fda.gov/scripts/inspsearch/>.

AGENCY	DATABASE	PURPOSE & SCOPE	NOTES
HHS: Office of Inspector General (OIG)	Exclusions Database ¹⁵	Searchable database of persons and entities excluded from participating in federal health care programs. A sample search reveals that the database contains information such as the name of the excluded individual or entity and other identifying information.	
Department of Transportation (DOT): Bureau of Transportation Statistics (BTS)	Airlines and Airports Data and Statistics, ¹⁶ and Air Travel Consumer Reports ¹⁷	The BTS publishes airline on-time statistics and other airline and airport data. The Air Travel Consumer Reports are monthly reports that include some of the same information (listing airlines by percentage of on-time departures, lost luggage, etc.).	
DOT: National Highway Traffic Safety Administration (NHTSA)	Safercar.gov ¹⁸	Searchable web site of vehicle recalls, investigations, and complaints. There are also crash test ratings, tire ratings, and other data.	
Department of the Treasury: Office of Foreign Assets Control (OFAC)	Sanctions List Search ¹⁹	Searchable database of sanctioned aircraft, entities, individuals, and vessels included in a number of different sanctions lists maintained by different programs.	
Environmental Protection Agency (EPA)	Cases and Settlements ²⁰	Three searchable online databases publish actions taken against regulated entities, including consent decrees, orders, notices of warning, criminal prosecutions, and decisions and orders from administrative law judges.	

¹⁵ HHS OIG, *Search the Exclusions Database*, <http://exclusions.oig.hhs.gov/Default.aspx>.

¹⁶ DOT, Office of the Assistant Secretary for Research and Technology, Bureau of Transportation Statistics, at http://www.rita.dot.gov/bts/sites/rita.dot.gov/bts/files/subject_areas/airline_information/index.html.

¹⁷ DOT, Air Travel Consumer Reports, at <http://www.dot.gov/airconsumer/air-travel-consumer-reports>.

¹⁸ NHTSA, *Safercar.gov*, <http://www.safercar.gov/>.

¹⁹ Department of the Treasury, Office of Foreign Asset Control, *Sanctions List Search*, <https://sdnsearch.ofac.treas.gov/>.

AGENCY	DATABASE	PURPOSE & SCOPE	NOTES
EPA	Enforcement and Compliance History Online (ECHO) ²¹	Searchable online database of facility compliance with environmental laws and regulations. The database is searchable by numerous fields, including location and facility characteristics. ²²	
EPA	Envirofacts ²³	Large database that integrates datasets from multiple EPA sources (including the Toxic Release Inventory Program, below) and is searchable by geographical location, topic, and several other fields.	
EPA	Toxic Release Inventory Program (TRI) ²⁴	Online database that tracks the annual quantities (in pounds) of certain chemicals managed and released by roughly 53,000 identified facilities. The database includes a searchable map.	
Federal Election Commission (FEC)	FEC Enforcement Query System ²⁵	Allows user to search completed FEC enforcement cases and view their public documents. User can search by key word, phrase, individual who filed the complaint, case number, respondent, etc. Search results often contain the complete complaint filed by the third party, including extensive narrative comments.	

²⁰ Three EPA databases are available: *see* EPA, *Civil Cases and Settlements*, <http://cfpub.epa.gov/enforcement/cases/>; EPA, *Summary of Criminal Prosecutions*, http://cfpub.epa.gov/compliance/criminal_prosecution/index.cfm?; EPA, Office of Administrative Law Judges, *Decisions, Orders, & Filings*, <http://www.epa.gov/aljhome/orders.htm>.

²¹ EPA, *Enforcement and Compliance History Online (ECHO)*, <http://echo.epa.gov/>.

²² EPA, *Facility Search – Enforcement and Compliance Data*, <http://echo.epa.gov/facilities/facility-search>.

²³ EPA, *Envirofacts*, <http://www.epa.gov/enviro/index.html>.

²⁴ EPA, *Toxic Release Inventory (TRI) Program*, <http://www2.epa.gov/toxics-release-inventory-tri-program>.

²⁵ FEC, *FEC Enforcement Query System*, <http://eqs.fec.gov/eqs/searcheqs?clearSession>.

AGENCY	DATABASE	PURPOSE & SCOPE	NOTES
Federal Trade Commission (FTC)	Consumer Sentinel Network ²⁶	Non-public database of consumer complaints available only to law enforcement authorities (including federal, state, local, and some international authorities). The complaints include consumer fraud and similar complaints, including identity theft, violations of the Do Not Call registry, telemarketing scams, immigration services, work-at-home schemes, health and weight loss products, debt collection, credit reports, etc.	<i>Litigation:</i> In <i>Ayuda, Inc. v. FTC</i> , 2014 U.S. Dist. LEXIS 138061 (D.D.C. Sep. 30, 2014), parties sued the FTC under the Freedom of Information Act (FOIA) to compel the agency to release large numbers of records from the Consumer Sentinel database.
Multiple (Departments of Commerce, State, and Treasury)	Consolidated Screening List ²⁷	A combined search engine of 11 separate export screening lists maintained by the U.S. Government. The lists identify products, persons, and entities with certain export restrictions. Data can be downloaded or searched online by keyword, name, address, screening list, or country.	
U.S. Federal Government	System for Award Management (SAM) ²⁸	SAM is a searchable online database of federal contractors, including their compliance with various contracting laws, including wages. The database is also used to register contractors.	
United States International Trade Commission (USITC)	337Info – Unfair Import Investigations Information System ²⁹	Searchable database of all complaints related to alleged patent or trademark infringement, misappropriation of trade secrets, trade dress infringement, false advertising, etc.	

²⁶ FTC, Consumer Sentinel Network, at <https://www.ftc.gov/enforcement/consumer-sentinel-network>.

²⁷ Export.gov, *Consolidated Screening List*, http://export.gov/ecr/eg_main_023148.asp (description); <http://apps.export.gov/csl-search/> (search page).

²⁸ System for Award Management (SAM), <https://www.sam.gov/>.

²⁹ International Trade Commission, *337Info – Unfair Import Investigations Information System*, <http://pubapps2.usitc.gov/337external/>.