

Calendar No. 154

116TH CONGRESS
1ST SESSION

H. R. 736

IN THE SENATE OF THE UNITED STATES

JULY 18, 2019

Received; read twice and placed on the calendar

AN ACT

To require the Director of the Government Publishing Office to establish and maintain an online portal accessible to the public that allows the public to obtain electronic copies of all congressionally mandated reports in one place, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Access to Congression-
5 ally Mandated Reports Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CONGRESSIONALLY MANDATED REPORT.—

9 The term “congressionally mandated report”—

1 (A) means a report that is required by
2 statute to be submitted to either House of Con-
3 gress or any committee of Congress or sub-
4 committee thereof; and

5 (B) does not include a report required
6 under part B of subtitle II of title 36, United
7 States Code.

8 (2) DIRECTOR.—The term “Director” means
9 the Director of the Government Publishing Office.

10 (3) FEDERAL AGENCY.—The term “Federal
11 agency” has the meaning given that term under sec-
12 tion 102 of title 40, United States Code, but does
13 not include the Government Accountability Office.

14 (4) OPEN FORMAT.—The term “open format”
15 means a file format for storing digital data based on
16 an underlying open standard that—

17 (A) is not encumbered by any restrictions
18 that would impede reuse; and

19 (B) is based on an underlying open data
20 standard that is maintained by a standards or-
21 ganization.

22 (5) REPORTS ONLINE PORTAL.—The term “re-
23 ports online portal” means the online portal estab-
24 lished under section (3)(a).

1 **SEC. 3. ESTABLISHMENT OF ONLINE PORTAL FOR CON-**
2 **GRESSIONALLY MANDATED REPORTS.**

3 (a) **REQUIREMENT TO ESTABLISH ONLINE POR-**
4 **TAL.—**

5 (1) **IN GENERAL.—**Not later than 1 year after
6 the date of enactment of this Act, the Director shall
7 establish and maintain an online portal accessible by
8 the public that allows the public to obtain electronic
9 copies of all congressionally mandated reports in one
10 place. The Director may publish other reports on the
11 online portal.

12 (2) **EXISTING FUNCTIONALITY.—**To the extent
13 possible, the Director shall meet the requirements
14 under paragraph (1) by using existing online portals
15 and functionality under the authority of the Direc-
16 tor.

17 (3) **CONSULTATION.—**In carrying out this Act,
18 the Director shall consult with the Clerk of the
19 House of Representatives, the Secretary of the Sen-
20 ate, and the Librarian of Congress regarding the re-
21 quirements for and maintenance of congressionally
22 mandated reports on the reports online portal.

23 (b) **CONTENT AND FUNCTION.—**The Director shall
24 ensure that the reports online portal includes the fol-
25 lowing:

1 (1) Subject to subsection (c), with respect to
2 each congressionally mandated report, each of the
3 following:

4 (A) A citation to the statute requiring the
5 report.

6 (B) An electronic copy of the report, in-
7 cluding any transmittal letter associated with
8 the report, in an open format that is platform
9 independent and that is available to the public
10 without restrictions, including restrictions that
11 would impede the re-use of the information in
12 the report.

13 (C) The ability to retrieve a report, to the
14 extent practicable, through searches based on
15 each, and any combination, of the following:

16 (i) The title of the report.

17 (ii) The reporting Federal agency.

18 (iii) The date of publication.

19 (iv) Each congressional committee or
20 subcommittee receiving the report, if appli-
21 cable.

22 (v) The statute requiring the report.

23 (vi) Subject tags.

1 (vii) A unique alphanumeric identifier
2 for the report that is consistent across re-
3 port editions.

4 (viii) The serial number, Super-
5 intendent of Documents number, or other
6 identification number for the report, if ap-
7 plicable.

8 (ix) Key words.

9 (x) Full text search.

10 (xi) Any other relevant information
11 specified by the Director.

12 (D) The date on which the report was re-
13 quired to be submitted, and on which the report
14 was submitted, to the reports online portal.

15 (E) To the extent practicable, a permanent
16 means of accessing the report electronically.

17 (2) A means for bulk download of all congres-
18 sionally mandated reports.

19 (3) A means for downloading individual reports
20 as the result of a search.

21 (4) An electronic means for the head of each
22 Federal agency to submit to the reports online por-
23 tal each congressionally mandated report of the
24 agency, as required by section 4.

1 (5) In tabular form, a list of all congressionally
2 mandated reports that can be searched, sorted, and
3 downloaded by—

4 (A) reports submitted within the required
5 time;

6 (B) reports submitted after the date on
7 which such reports were required to be sub-
8 mitted; and

9 (C) reports not submitted.

10 (c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

11 (1) REPORTS NOT SUBMITTED.—If a Federal
12 agency does not submit a congressionally mandated
13 report to the Director, the Director shall to the ex-
14 tent practicable—

15 (A) include on the reports online portal—

16 (i) the information required under
17 clauses (i), (ii), (iv), and (v) of subsection
18 (b)(1)(C); and

19 (ii) the date on which the report was
20 required to be submitted; and

21 (B) include the congressionally mandated
22 report on the list described in subsection
23 (b)(5)(C).

24 (2) REPORTS NOT IN OPEN FORMAT.—If a Fed-
25 eral agency submits a congressionally mandated re-

1 port that is not in an open format, the Director shall
2 include the congressionally mandated report in an-
3 other format on the reports online portal.

4 (d) DEADLINE.—The Director shall ensure that in-
5 formation required to be published on the online portal
6 under this Act with respect to a congressionally mandated
7 report or information required under subsection (c) is pub-
8 lished—

9 (1) not later than 30 calendar days after the in-
10 formation is received from the Federal agency in-
11 volved; or

12 (2) in the case of information required under
13 subsection (c), not later than 30 calendar days after
14 the deadline under this Act for the Federal agency
15 involved to submit information with respect to the
16 congressionally mandated report involved.

17 (e) EXCEPTION FOR CERTAIN REPORTS.—

18 (1) EXCEPTION DESCRIBED.—A congressionally
19 mandated report which is required by statute to be
20 submitted to a committee of Congress or a sub-
21 committee thereof, including any transmittal letter
22 associated with the report, shall not be submitted to
23 or published on the reports online portal if the chair
24 of a committee or subcommittee to which the report
25 is submitted notifies the Director in writing that the

1 report is to be withheld from submission and publi-
2 cation under this Act.

3 (2) NOTICE ON PORTAL.—If a report is with-
4 held from submission to or publication on the re-
5 ports online portal under paragraph (1), the Direc-
6 tor shall post on the portal—

7 (A) a statement that the report is withheld
8 at the request of a committee or subcommittee
9 involved; and

10 (B) the written notification specified in
11 paragraph (1).

12 (f) FREE ACCESS.—The Director may not charge a
13 fee, require registration, or impose any other limitation
14 in exchange for access to the reports online portal.

15 (g) UPGRADE CAPABILITY.—The reports online por-
16 tal shall be enhanced and updated as necessary to carry
17 out the purposes of this Act.

18 **SEC. 4. FEDERAL AGENCY RESPONSIBILITIES.**

19 (a) SUBMISSION OF ELECTRONIC COPIES OF RE-
20 PORTS.—Not earlier than 30 calendar days or later than
21 45 calendar days after the date on which a congressionally
22 mandated report is submitted to either House of Congress
23 or to any committee of Congress or subcommittee thereof,
24 the head of the Federal agency submitting the congress-
25 sionally mandated report shall submit to the Director the

1 information required under subparagraphs (A) through
2 (D) of section 3(b)(1) with respect to the congressionally
3 mandated report. Nothing in this Act shall relieve a Fed-
4 eral agency of any other requirement to publish the con-
5 gressionally mandated report on the online portal of the
6 Federal agency or otherwise submit the congressionally
7 mandated report to Congress or specific committees of
8 Congress, or subcommittees thereof.

9 (b) GUIDANCE.—Not later than 240 calendar days
10 after the date of enactment of this Act, the Director of
11 the Office of Management and Budget, in consultation
12 with the Director, shall issue guidance to agencies on the
13 implementation of this Act.

14 (c) STRUCTURE OF SUBMITTED REPORT DATA.—
15 The head of each Federal agency shall ensure that each
16 congressionally mandated report submitted to the Director
17 complies with the open format criteria established by the
18 Director in the guidance issued under subsection (b).

19 (d) POINT OF CONTACT.—The head of each Federal
20 agency shall designate a point of contact for congression-
21 ally mandated reports.

22 **SEC. 5. CHANGING OR REMOVING REPORTS.**

23 (a) LIMITATION ON AUTHORITY TO CHANGE OR RE-
24 MOVE REPORTS.—Except as provided in subsection (b),
25 the head of the Federal agency concerned may change or

1 remove a congressionally mandated report submitted to be
2 published on the reports online portal only if—

3 (1) the head of the Federal agency consults
4 with each committee of Congress or subcommittee
5 thereof to which the report is required to be sub-
6 mitted (or, in the case of a report which is not re-
7 quired to be submitted to a particular committee of
8 Congress or subcommittee thereof, to each com-
9 mittee with jurisdiction over the agency, as deter-
10 mined by the head of the agency in consultation with
11 the Speaker of the House of Representatives and the
12 President pro tempore of the Senate) prior to chang-
13 ing or removing the report; and

14 (2) a joint resolution is enacted to authorize the
15 change in or removal of the report.

16 (b) EXCEPTIONS.—Notwithstanding subsection (a),
17 the head of the Federal agency concerned—

18 (1) may make technical changes to a report
19 submitted to or published on the online portal; and

20 (2) may remove a report from the online portal
21 if the report was submitted to or published on the
22 online portal in error.

1 **SEC. 6. RELATIONSHIP TO THE FREEDOM OF INFORMA-**
2 **TION ACT.**

3 (a) IN GENERAL.—Nothing in this Act shall be con-
4 strued to—

5 (1) require the disclosure of information,
6 records, or reports that are exempt from public dis-
7 closure under section 552 of title 5, United States
8 Code; or

9 (2) impose any affirmative duty on the Director
10 to review congressionally mandated reports sub-
11 mitted for publication to the reports online portal
12 for the purpose of identifying and redacting such in-
13 formation or records.

14 (b) REDACTION OF INFORMATION.—The head of a
15 Federal agency may redact information required to be dis-
16 closed under this Act if the information would be properly
17 withheld from disclosure under section 552 of title 5,
18 United States Code, and shall—

19 (1) redact information required to be disclosed
20 under this Act if disclosure of such information is
21 prohibited by law;

22 (2) redact information being withheld under
23 this subsection prior to submitting the information
24 to the Director;

25 (3) redact only such information properly with-
26 held under this subsection from the submission of

1 information or from any congressionally mandated
2 report submitted under this Act;

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

5 (5) identify the exemption under which each
6 such redaction is made.

7 **SEC. 7. IMPLEMENTATION.**

8 (a) **REPORTS SUBMITTED TO CONGRESS.—**

9 (1) **IN GENERAL.—**This Act shall apply with re-
10 spect to any congressionally mandated report
11 which—

12 (A) is required by statute to be submitted
13 to the House of Representatives or Senate at
14 any time before, on, or after the date of the en-
15 actment of this Act; or

16 (B) is included by the Clerk of the House
17 of Representatives or the Secretary of the Sen-
18 ate (as the case may be) on the list of reports
19 received by the House of Representatives or
20 Senate (as the case may be) at any time before
21 the date of the enactment of this Act.

22 (2) **TRANSITION RULE FOR PREVIOUSLY SUB-**
23 **MITTED REPORTS.—**The Director shall ensure that
24 any congressionally mandated report described in
25 paragraph (1) which was required to be submitted to

1 Congress by a statute enacted before the date of the
2 enactment of this Act is published on the online por-
3 tal under this Act not later than 1 year after the
4 date of the enactment of this Act.

5 (b) REPORTS SUBMITTED TO COMMITTEES.—In the
6 case of congressionally mandated reports which are re-
7 quired by statute to be submitted to a committee of Con-
8 gress or a subcommittee thereof, this Act shall apply with
9 respect to—

10 (1) any such report which is first required to be
11 submitted by a statute which is enacted on or after
12 the date of the enactment of this Act; and

13 (2) to the maximum extent practical, any con-
14 gressionally mandated report which was required to
15 be submitted by a statute enacted before the date of
16 enactment of this act unless—

17 (A) the chair of the committee, or sub-
18 committee thereof, to which the report was re-
19 quired to be submitted notifies the Director in
20 writing that the report is to be withheld from
21 publication; and

22 (B) the Director publishes the notification
23 on the online portal.

1 **SEC. 8. DETERMINATION OF BUDGETARY EFFECTS.**

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the House Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.

Passed the House of Representatives July 17, 2019.

Attest: CHERYL L. JOHNSON,
Clerk.

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