

Calendar No. 67116TH CONGRESS
1ST SESSION**S. 195****[Report No. 116–31]**

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

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 2019

Mr. PORTMAN (for himself, Ms. KLOBUCHAR, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

APRIL 10, 2019

Reported by Mr. JOHNSON, with an amendment

[Insert the part printed in italic]

A BILL

To require the Director of the Government Publishing Office to establish and maintain a website 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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) CONGRESSIONALLY MANDATED REPORT.—

7 The term “congressionally mandated report”—

8 (A) means a report that is required to be
9 submitted to either House of Congress or any
10 committee of Congress, or subcommittee there-
11 of, by a statute, resolution, or conference report
12 that accompanies legislation enacted into law;
13 and

14 (B) does not include a report required
15 under part B of subtitle II of title 36, United
16 States Code.

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

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

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

1 (A) is not encumbered by any restrictions
2 that would impede reuse; and

3 (B) is based on an underlying open data
4 standard that is maintained by a standards or-
5 ganization.

6 (5) REPORTS WEBSITE.—The term “reports
7 website” means the website established under section
8 3(a).

9 **SEC. 3. ESTABLISHMENT OF WEBSITE FOR CONGRESSION-**
10 **ALLY MANDATED REPORTS.**

11 (a) REQUIREMENT TO ESTABLISH WEBSITE.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, the Director shall
14 establish and maintain a website accessible by the
15 public that allows the public to obtain electronic cop-
16 ies of all congressionally mandated reports in one
17 place. The Director may publish other reports on the
18 website.

19 (2) EXISTING FUNCTIONALITY.—To the extent
20 possible, the Director shall meet the requirements
21 under paragraph (1) by using existing websites and
22 functionality under the authority of the Director.

23 (3) CONSULTATION.—In carrying out this Act,
24 the Director shall consult with the Clerk of the
25 House of Representatives, the Secretary of the Sen-

1 ate, and the Librarian of Congress regarding the re-
2 quirements for and maintenance of congressionally
3 mandated reports on the reports website.

4 (b) CONTENT AND FUNCTION.—The Director shall
5 ensure that the reports website includes the following:

6 (1) Subject to subsection (c), with respect to
7 each congressionally mandated report, each of the
8 following:

9 (A) A citation to the statute, conference
10 report, or resolution requiring the report.

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

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

21 (i) The title of the report.

22 (ii) The reporting Federal agency.

23 (iii) The date of publication.

24 (iv) Each congressional committee re-
25 ceiving the report, if applicable.

1 (v) The statute, resolution, or con-
2 ference report requiring the report.

3 (vi) Subject tags.

4 (vii) A unique alphanumeric identifier
5 for the report that is consistent across re-
6 port editions.

7 (viii) The serial number, Super-
8 intendent of Documents number, or other
9 identification number for the report, if ap-
10 plicable.

11 (ix) Key words.

12 (x) Full text search.

13 (xi) Any other relevant information
14 specified by the Director.

15 (D) The date on which the report was re-
16 quired to be submitted, and on which the report
17 was submitted, to the reports website.

18 (E) Access to the report not later than 30
19 calendar days after its submission to Congress.

20 (F) To the extent practicable, a permanent
21 means of accessing the report electronically.

22 (2) A means for bulk download of all congress-
23 sionally mandated reports.

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

1 (4) An electronic means for the head of each
2 Federal agency to submit to the reports website each
3 congressionally mandated report of the agency, as
4 required by section 4.

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

8 (A) reports submitted within the required
9 time;

10 (B) reports submitted after the date on
11 which such reports were required to be sub-
12 mitted; and

13 (C) reports not submitted.

14 (c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

15 (1) REPORTS NOT SUBMITTED.—If a Federal
16 agency does not submit a congressionally mandated
17 report to the Director, the Director shall to the ex-
18 tent practicable—

19 (A) include on the reports website—

20 (i) the information required under
21 clauses (i), (ii), (iv), and (v) of subsection
22 (b)(1)(C); and

23 (ii) the date on which the report was
24 required to be submitted; and

1 (B) include the congressionally mandated
2 report on the list described in subsection
3 (b)(5)(C).

4 (2) REPORTS NOT IN OPEN FORMAT.—If a Fed-
5 eral agency submits a congressionally mandated re-
6 port that is not in an open format, the Director shall
7 include the congressionally mandated report in an-
8 other format on the reports website.

9 (d) FREE ACCESS.—The Director may not charge a
10 fee, require registration, or impose any other limitation
11 in exchange for access to the reports website.

12 (e) UPGRADE CAPABILITY.—The reports website
13 shall be enhanced and updated as necessary to carry out
14 the purposes of this Act.

15 **SEC. 4. FEDERAL AGENCY RESPONSIBILITIES.**

16 (a) SUBMISSION OF ELECTRONIC COPIES OF RE-
17 PORTS.—Concurrently with the submission to Congress of
18 each congressionally mandated report, the head of the
19 Federal agency submitting the congressionally mandated
20 report shall submit to the Director the information re-
21 quired under subparagraphs (A) through (D) of section
22 3(b)(1) with respect to the congressionally mandated re-
23 port. Nothing in this Act shall relieve a Federal agency
24 of any other requirement to publish the congressionally
25 mandated report on the website of the Federal agency or

1 otherwise submit the congressionally mandated report to
2 Congress or specific committees of Congress, or sub-
3 committees thereof.

4 (b) GUIDANCE.—Not later than 240 days after the
5 date of enactment of this Act, the Director of the Office
6 of Management and Budget, in consultation with the Di-
7 rector, shall issue guidance to agencies on the implementa-
8 tion of this Act.

9 (c) STRUCTURE OF SUBMITTED REPORT DATA.—
10 The head of each Federal agency shall ensure that each
11 congressionally mandated report submitted to the Director
12 complies with the open format criteria established by the
13 Director in the guidance issued under subsection (b).

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

17 (e) LIST OF REPORTS.—The Librarian of Congress,
18 in consultation with the Clerk of the House of Representa-
19 tives, shall submit to the Director a list of congressionally
20 mandated reports that are required to be submitted during
21 a year as soon as is practicable, including, whenever fea-
22 sible, on rolling basis throughout the year, but in any
23 event not later than April 1 of the following year, which
24 shall—

25 (1) be provided in an open format;

1 (2) include the information required under
2 clauses (i), (ii), (iv), *and* (v) of section 3(b)(1)(C)
3 for each report;

4 (3) include the frequency of the report;

5 (4) include a unique alphanumeric identifier for
6 the report that is consistent across report editions;

7 (5) include the date on which each report is re-
8 quired to be submitted; and

9 (6) be updated and provided to the Director, as
10 necessary.

11 **SEC. 5. REMOVING AND ALTERING REPORTS.**

12 A report submitted to be published to the reports
13 website may only be changed or removed, with the excep-
14 tion of technical changes, by the head of the Federal agen-
15 cy concerned if—

16 (1) the head of the Federal agency consults
17 with each congressional committee to which the re-
18 port is submitted; and

19 (2) Congress enacts a joint resolution author-
20 izing the changing or removal of the report.

21 **SEC. 6. RELATIONSHIP TO THE FREEDOM OF INFORMA-**
22 **TION ACT.**

23 (a) IN GENERAL.—Nothing in this Act shall be con-
24 strued to require the disclosure of information or records
25 that are exempt from public disclosure under section 552

1 of title 5, United States Code, or to impose any affirmative
2 duty on the Director to review congressionally mandated
3 reports submitted for publication to the reports website
4 for the purpose of identifying and redacting such informa-
5 tion or records.

6 (b) REDACTION OF REPORT.—With respect to each
7 congressionally mandated report, the head of each relevant
8 Federal agency—

9 (1) shall redact any information that may not
10 be publicly released under section 552(b) of title 5,
11 United States Code, before submission for publica-
12 tion on the reports website; and

13 (2) shall—

14 (A) redact only such information from the
15 report;

16 (B) identify where any such redaction is
17 made in the report; and

18 (C) identify the exemption under which
19 each such redaction is made.

20 (c) WITHHOLDING INFORMATION.—

21 (1) IN GENERAL.—A Federal agency—

22 (A) may withhold information otherwise re-
23 quired to be disclosed under this Act only if—

24 (i) the Federal agency reasonably
25 foresees that disclosure would harm an in-

1 interest protected by an exemption described
2 in section 552(b) of title 5, United States
3 Code; or

4 (ii) disclosure is prohibited by law;
5 and

6 (B) shall—

7 (i) consider whether partial disclosure
8 of information otherwise required to be dis-
9 closed under this Act is possible whenever
10 the Federal agency determines that a full
11 disclosure of the information is not pos-
12 sible; and

13 (ii) take reasonable steps necessary to
14 segregate and release nonexempt informa-
15 tion.

16 (2) RULE OF CONSTRUCTION.—Nothing in this
17 subsection requires disclosure of information that is
18 otherwise prohibited from disclosure by law, or oth-
19 erwise exempted from disclosure under section
20 552(b)(3) of title 5, United States Code.

21 **SEC. 7. IMPLEMENTATION.**

22 Except as provided in section 4(b), this Act shall be
23 implemented not later than 1 year after the date of enact-
24 ment of this Act and shall apply with respect to congress-

- 1 sionally mandated reports submitted to Congress on or
- 2 after the date that is 1 year after such date of enactment.

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