

115TH CONGRESS
2D SESSION

S. 3438

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

SEPTEMBER 12, 2018

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

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,*

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:

1 (1) CONGRESSIONALLY MANDATED REPORT.—

2 The term “congressionally mandated report”—

3 (A) means a report that is required to be
4 submitted to either House of Congress or any
5 committee of Congress, or subcommittee there-
6 of, by a statute, resolution, or conference report
7 that accompanies legislation enacted into law;
8 and

9 (B) does not include a report required
10 under part B of subtitle II of title 36, United
11 States Code.

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

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

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

21 (A) is not encumbered by any restrictions
22 that would impede reuse; and

23 (B) is based on an underlying open data
24 standard that is maintained by a standards or-
25 ganization.

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

4 **SEC. 3. ESTABLISHMENT OF WEBSITE FOR CONGRESSION-**
5 **ALLY MANDATED REPORTS.**

6 (a) REQUIREMENT TO ESTABLISH WEBSITE.—

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

14 (2) EXISTING FUNCTIONALITY.—To the extent
15 possible, the Director shall meet the requirements
16 under paragraph (1) by using existing websites and
17 functionality under the authority of the Director.

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

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

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, conference
5 report, or resolution requiring the 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 re-
20 ceiving the report, if applicable.

21 (v) The statute, resolution, or con-
22 ference report 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 website.

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

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

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

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

23 (4) An electronic means for the head of each
24 Federal agency to submit to the reports website each

1 congressionally mandated report of the agency, as
2 required by section 4.

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

6 (A) reports submitted within the required
7 time;

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

11 (C) reports not submitted.

12 (c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

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

17 (A) include on the reports website—

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

21 (ii) the date on which the report was
22 required to be submitted; and

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

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

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

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

12 **SEC. 4. FEDERAL AGENCY RESPONSIBILITIES.**

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

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

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

11 (d) POINT OF CONTACT.—The head of each Federal
12 agency shall designate a point of contact for congression-
13 ally mandated report.

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

22 (1) be provided in an open format;

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

- 1 (3) include the frequency of the report;
- 2 (4) include a unique alphanumeric identifier for
- 3 the report that is consistent across report editions;
- 4 (5) include the date on which each report is re-
- 5 quired to be submitted; and
- 6 (6) be updated and provided to the Director, as
- 7 necessary.

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

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

- 13 (1) the head of the Federal agency consults
- 14 with each congressional committee to which the re-
- 15 port is submitted; and
- 16 (2) Congress enacts a joint resolution author-
- 17 izing the changing or removal of the report.

18 **SEC. 6. RELATIONSHIP TO THE FREEDOM OF INFORMA-**
19 **TION ACT.**

20 (a) IN GENERAL.—Nothing in this Act shall be con-
21 strued to require the disclosure of information or records
22 that are exempt from public disclosure under section 552
23 of title 5, United States Code, or to impose any affirmative
24 duty on the Director to review congressionally mandated
25 reports submitted for publication to the reports website

1 for the purpose of identifying and redacting such informa-
2 tion or records.

3 (b) REDACTION OF REPORT.—With respect to each
4 congressionally mandated report, the head of each relevant
5 Federal agency shall redact any information that may not
6 be publicly released under section 552(b) of title 5, United
7 States Code, before submission for publication on the re-
8 ports website, and shall—

9 (1) redact only such information from the re-
10 port;

11 (2) identify where any such redaction is made
12 in the report; and

13 (3) identify the exemption under which each
14 such redaction is made.

15 (c) WITHHOLDING INFORMATION.—

16 (1) IN GENERAL.—A Federal agency—

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

19 (i) the Federal agency reasonably
20 foresees that disclosure would harm an in-
21 terest protected by an exemption described
22 in section 552(b) of title 5, United States
23 Code; or

24 (ii) disclosure is prohibited by law;
25 and

1 (B) shall—

2 (i) consider whether partial disclosure
3 of information otherwise required to be dis-
4 closed under this Act is possible whenever
5 the Federal agency determines that a full
6 disclosure of the information is not pos-
7 sible; and

8 (ii) take reasonable steps necessary to
9 segregate and release nonexempt informa-
10 tion.

11 (2) **RULE OF CONSTRUCTION.**—Nothing in this
12 subsection requires disclosure of information that is
13 otherwise prohibited from disclosure by law, or oth-
14 erwise exempted from disclosure under section
15 552(b)(3) of title 5, United States Code.

16 **SEC. 7. IMPLEMENTATION.**

17 Except as provided in section 4(c), this Act shall be
18 implemented not later than 1 year after the date of enact-
19 ment of this Act and shall apply with respect to congres-
20 sionally mandated reports submitted to Congress on or
21 after the date that is 1 year after such date of enactment.

○