

117TH CONGRESS
1ST SESSION

S. 2838

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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2021

Mr. PORTMAN (for himself, Ms. KLOBUCHAR, Mr. PETERS, and Ms. HASSAN) 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 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:

1 (1) CONGRESSIONAL LEADERSHIP.—The term
2 “congressional leadership” means the Speaker, ma-
3 jority leader, and minority leader of the House of
4 Representatives and the majority leader and minor-
5 ity leader of the Senate.

6 (2) CONGRESSIONALLY MANDATED REPORT.—

7 (A) IN GENERAL.—The term “congression-
8 ally mandated report” means a report of a Fed-
9 eral agency that is required by statute to be
10 submitted to either House of Congress or any
11 committee of Congress or subcommittee thereof.

12 (B) EXCLUSIONS.—

13 (i) PATRIOTIC AND NATIONAL ORGA-
14 NIZATIONS.—The term “congressionally
15 mandated report” does not include a re-
16 port required under part B of subtitle II of
17 title 36, United States Code.

18 (ii) INSPECTORS GENERAL.—The
19 term “congressionally mandated report”
20 does not include a report by an office of an
21 inspector general.

22 (iii) NATIONAL SECURITY EXCEP-
23 TION.—The term “congressionally man-
24 dated report” does not include a report

1 that is required to be submitted to one or
2 more of the following committees:

3 (I) The Select Committee on In-
4 telligence, the Committee on Armed
5 Services, the Committee on Appro-
6 priations, or the Committee on For-
7 eign Relations of the Senate.

8 (II) The Permanent Select Com-
9 mittee on Intelligence, the Committee
10 on Armed Services, the Committee on
11 Appropriations, or the Committee on
12 Foreign Affairs of the House of Rep-
13 resentatives.

14 (3) DIRECTOR.—The term “Director” means
15 the Director of the Government Publishing Office.

16 (4) FEDERAL AGENCY.—The term “Federal
17 agency” has the meaning given the term “federal
18 agency” under section 102 of title 40, United States
19 Code, but does not include the Government Account-
20 ability Office or an element of the intelligence com-
21 munity.

22 (5) INTELLIGENCE COMMUNITY.—The term
23 “intelligence community” has the meaning given
24 that term in section 3 of the National Security Act
25 of 1947 (50 U.S.C. 3003).

1 (6) OPEN FORMAT.—The term “open format”
 2 means a file format for storing digital data based on
 3 an underlying open standard that—

4 (A) is not encumbered by any restrictions
 5 that would impede reuse; and

6 (B) is based on an underlying open data
 7 standard that is maintained by a standards or-
 8 ganization.

9 (7) REPORTS ONLINE PORTAL.—The term “re-
 10 ports online portal” means the online portal estab-
 11 lished under section 3(a).

12 **SEC. 3. ESTABLISHMENT OF ONLINE PORTAL FOR CON-**
 13 **GRESSIONALLY MANDATED REPORTS.**

14 (a) REQUIREMENT TO ESTABLISH ONLINE POR-
 15 TAL.—

16 (1) IN GENERAL.—Not later than 1 year after
 17 the date of enactment of this Act, the Director shall
 18 establish and maintain an online portal accessible by
 19 the public that allows the public to obtain electronic
 20 copies of congressionally mandated reports in one
 21 place.

22 (2) EXISTING FUNCTIONALITY.—To the extent
 23 possible, the Director shall meet the requirements
 24 under paragraph (1) by using existing online portals

1 and functionality under the authority of the Direc-
2 tor.

3 (3) CONSULTATION.—In carrying out this Act,
4 the Director shall consult with congressional leader-
5 ship, the Clerk of the House of Representatives, the
6 Secretary of the Senate, and the Librarian of Con-
7 gress regarding the requirements for and mainte-
8 nance of congressionally mandated reports on the re-
9 ports online portal.

10 (b) CONTENT AND FUNCTION.—The Director shall
11 ensure that the reports online portal includes the fol-
12 lowing:

13 (1) Subject to subsection (c), with respect to
14 each congressionally mandated report, each of the
15 following:

16 (A) A citation to the statute requiring the
17 report.

18 (B) An electronic copy of the report, in-
19 cluding any transmittal letter associated with
20 the report, in an open format that is platform
21 independent and that is available to the public
22 without restrictions, including restrictions that
23 would impede the re-use of the information in
24 the report.

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

4 (i) The title of the report.

5 (ii) The reporting Federal agency.

6 (iii) The date of publication.

7 (iv) Each congressional committee or
8 subcommittee receiving the report, if appli-
9 cable.

10 (v) The statute requiring the report.

11 (vi) Subject tags.

12 (vii) A unique alphanumeric identifier
13 for the report that is consistent across re-
14 port editions.

15 (viii) The serial number, Super-
16 intendent of Documents number, or other
17 identification number for the report, if ap-
18 plicable.

19 (ix) Key words.

20 (x) Full text search.

21 (xi) Any other relevant information
22 specified by the Director.

23 (D) The date on which the report was re-
24 quired to be submitted, and on which the report
25 was submitted, to the reports online portal.

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

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

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

7 (4) An electronic means for the head of each
8 Federal agency to submit to the reports online por-
9 tal each congressionally mandated report of the
10 agency, as required by section 4.

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

14 (A) reports submitted within the required
15 time;

16 (B) reports submitted after the date on
17 which such reports were required to be sub-
18 mitted; and

19 (C) to the extent practicable, reports not
20 submitted.

21 (c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

22 (1) REPORTS NOT SUBMITTED.—If a Federal
23 agency does not submit a congressionally mandated
24 report to the Director, the Director shall to the ex-
25 tent practicable—

1 (A) include on the reports online portal—

2 (i) the information required under
3 clauses (i), (ii), (iv), and (v) of subsection
4 (b)(1)(C); and

5 (ii) the date on which the report was
6 required to be submitted; and

7 (B) include the congressionally mandated
8 report on the list described in subsection
9 (b)(5)(C).

10 (2) REPORTS NOT IN OPEN FORMAT.—If a Fed-
11 eral agency submits a congressionally mandated re-
12 port that is not in an open format, the Director shall
13 include the congressionally mandated report in an-
14 other format on the reports online portal.

15 (d) DEADLINE.—The Director shall ensure that in-
16 formation required to be published on the online portal
17 under this Act with respect to a congressionally mandated
18 report or information required under subsection (c) of this
19 section is published—

20 (1) not later than 30 days after the information
21 is received from the Federal agency involved; or

22 (2) in the case of information required under
23 subsection (c), not later than 30 days after the
24 deadline under this Act for the Federal agency in-

1 involved to submit information with respect to the con-
2 gressionally mandated report involved.

3 (e) EXCEPTION FOR CERTAIN REPORTS.—

4 (1) EXCEPTION DESCRIBED.—A congressionally
5 mandated report which is required by statute to be
6 submitted to a committee of Congress or a sub-
7 committee thereof, including any transmittal letter
8 associated with the report, shall not be submitted to
9 or published on the reports online portal if the chair
10 of a committee or subcommittee to which the report
11 is submitted notifies the Director in writing that the
12 report is to be withheld from submission and publi-
13 cation under this Act.

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

18 (A) a statement that the report is withheld
19 at the request of a committee or subcommittee
20 involved; and

21 (B) the written notification provided by the
22 chair of the committee or subcommittee speci-
23 fied in paragraph (1).

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

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

7 **SEC. 4. FEDERAL AGENCY RESPONSIBILITIES.**

8 (a) SUBMISSION OF ELECTRONIC COPIES OF RE-
9 PORTS.—Not earlier than 30 days or later than 45 days
10 after the date on which a congressionally mandated report
11 is submitted to either House of Congress or to any com-
12 mittee of Congress or subcommittee thereof, the head of
13 the Federal agency submitting the congressionally man-
14 dated report shall submit to the Director the information
15 required under subparagraphs (A) through (D) of section
16 3(b)(1) with respect to the congressionally mandated re-
17 port. Notwithstanding section 6, nothing in this Act shall
18 relieve a Federal agency of any other requirement to pub-
19 lish the congressionally mandated report on the online por-
20 tal of the Federal agency or otherwise submit the congres-
21 sionally mandated report to Congress or specific commit-
22 tees of Congress, or subcommittees thereof.

23 (b) GUIDANCE.—Not later than 180 days after the
24 date of enactment of this Act, the Director of the Office
25 of Management and Budget, in consultation with the Di-

1 rector, shall issue guidance to agencies on the implementa-
2 tion of this Act.

3 (c) STRUCTURE OF SUBMITTED REPORT DATA.—

4 The head of each Federal agency shall ensure that each
5 congressionally mandated report submitted to the Director
6 complies with the open format criteria established by the
7 Director in the guidance issued under subsection (b).

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

11 (e) REQUIREMENT FOR SUBMISSION.—The Director
12 shall not publish any report through the online portal that
13 is received from anyone other than the head of the applica-
14 ble Federal agency, or an officer or employee of the Fed-
15 eral agency specifically designated by the head of the Fed-
16 eral agency.

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

18 (a) LIMITATION ON AUTHORITY TO CHANGE OR RE-
19 MOVE REPORTS.—Except as provided in subsection (b),
20 the head of the Federal agency concerned may change or
21 remove a congressionally mandated report submitted to be
22 published on the reports online portal only if—

23 (1) the head of the Federal agency consults
24 with each committee of Congress or subcommittee
25 thereof to which the report is required to be sub-

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

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

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

13 (1) may make technical changes to a report
14 submitted to or published on the online portal;

15 (2) may remove a report from the online portal
16 if the report was submitted to or published on the
17 online portal in error; and

18 (3) may withhold information, records, or re-
19 ports from publication on the online portal in ac-
20 cordance with section 6.

21 **SEC. 6. WITHHOLDING OF INFORMATION.**

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

24 (1) require the disclosure of information,
25 records, or reports that are exempt from public dis-

1 closure under section 552 of title 5, United States
2 Code, or that may be withheld under section 552a
3 of title 5, United States Code; or

4 (2) impose any affirmative duty on the Director
5 to review congressionally mandated reports sub-
6 mitted for publication to the reports online portal
7 for the purpose of identifying and redacting such in-
8 formation or records.

9 (b) WITHHOLDING OF INFORMATION.—

10 (1) IN GENERAL.—Consistent with subsection
11 (a)(1), the head of a Federal agency may withhold
12 from the Director, and from publication on the on-
13 line portal, any information, records, or reports that
14 are exempt from public disclosure under section 552
15 of title 5, United States Code, or that may be with-
16 held under section 552a of title 5, United States
17 Code.

18 (2) NATIONAL SECURITY.—Nothing in this Act
19 shall be construed to require the publication, on the
20 online portal or otherwise, of any report containing
21 information that is classified, or the public release of
22 which could have a harmful effect on national secu-
23 rity.

24 **SEC. 7. IMPLEMENTATION.**

25 (a) REPORTS SUBMITTED TO CONGRESS.—

1 (1) IN GENERAL.—This Act shall apply with re-
2 spect to any congressionally mandated report
3 which—

4 (A) is required by statute to be submitted
5 to the House of Representatives, or the Speaker
6 thereof, or Senate, or the President or Presi-
7 dent Pro Tempore thereof, at any time before,
8 on, or after the date of the enactment of this
9 Act; or

10 (B) is included by the Clerk of the House
11 of Representatives or the Secretary of the Sen-
12 ate (as the case may be) on the list of reports
13 received by the House of Representatives or
14 Senate (as the case may be) at any time before
15 the date of the enactment of this Act.

16 (2) TRANSITION RULE FOR PREVIOUSLY SUB-
17 MITTED REPORTS.—To the extent practicable, the
18 Director shall ensure that any congressionally man-
19 dated report described in paragraph (1) which was
20 required to be submitted to Congress by a statute
21 enacted before the date of the enactment of this Act
22 is published on the online portal under this Act not
23 later than 1 year after the date of the enactment of
24 this Act.

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

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

9 (2) to the maximum extent practical, any con-
10 gressionally mandated report which was required to
11 be submitted by a statute enacted before the date of
12 enactment of this Act unless—

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

18 (B) the Director publishes the notification
19 on the online portal.

20 (c) ACCESS FOR CONGRESSIONAL LEADERSHIP.—
21 Notwithstanding any provision of this Act or any other
22 provision of law, congressional leadership shall have access
23 to any congressionally mandated report.

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 Senate Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.

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