

Suspend the Rules and Pass the Bill H.R. 736, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
1ST SESSION

H. R. 736

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 HOUSE OF REPRESENTATIVES

JANUARY 23, 2019

Mr. QUIGLEY (for himself, Ms. FOXX of North Carolina, Mr. MOULTON, Ms. STEFANIK, Mr. COOPER, Ms. NORTON, Mr. KHANNA, Mr. SARBANES, Ms. ROYBAL-ALLARD, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. SUOZZI, Mr. GRIJALVA, Mr. WALKER, Mr. RODNEY DAVIS of Illinois, and Mr. LOUDERMILK) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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:

8 (1) CONGRESSIONALLY MANDATED REPORT.—

9 The term “congressionally mandated report”—

10 (A) means a report that is required by

11 statute to be submitted to either House of Con-

12 gress or any committee of Congress or sub-

13 committee thereof; 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 ONLINE PORTAL.—The term “re-
7 ports online portal” means the online portal estab-
8 lished under section (3)(a).

9 **SEC. 3. ESTABLISHMENT OF ONLINE PORTAL FOR CON-**
10 **GRESSIONALLY MANDATED REPORTS.**

11 (a) REQUIREMENT TO ESTABLISH ONLINE POR-
12 TAL.—

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

20 (2) EXISTING FUNCTIONALITY.—To the extent
21 possible, the Director shall meet the requirements
22 under paragraph (1) by using existing online portals
23 and functionality under the authority of the Direc-
24 tor.

1 (3) CONSULTATION.—In carrying out this Act,
2 the Director shall consult with the Clerk of the
3 House of Representatives, the Secretary of the Sen-
4 ate, and the Librarian of Congress regarding the re-
5 quirements for and maintenance of congressionally
6 mandated reports on the reports online portal.

7 (b) CONTENT AND FUNCTION.—The Director shall
8 ensure that the reports online portal includes the fol-
9 lowing:

10 (1) Subject to subsection (c), with respect to
11 each congressionally mandated report, each of the
12 following:

13 (A) A citation to the statute requiring the
14 report.

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

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

25 (i) The title of the report.

1 (ii) The reporting Federal agency.

2 (iii) The date of publication.

3 (iv) Each congressional committee or
4 subcommittee receiving the report, if appli-
5 cable.

6 (v) The statute requiring the report.

7 (vi) Subject tags.

8 (vii) A unique alphanumeric identifier
9 for the report that is consistent across re-
10 port editions.

11 (viii) The serial number, Super-
12 intendent of Documents number, or other
13 identification number for the report, if ap-
14 plicable.

15 (ix) Key words.

16 (x) Full text search.

17 (xi) Any other relevant information
18 specified by the Director.

19 (D) The date on which the report was re-
20 quired to be submitted, and on which the report
21 was submitted, to the reports online portal.

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

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

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

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

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

10 (A) reports submitted within the required
11 time;

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

15 (C) reports not submitted.

16 (c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

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

21 (A) include on the reports online portal—

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

1 (ii) the date on which the report was
2 required to be submitted; and

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

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

11 (d) DEADLINE.—The Director shall ensure that in-
12 formation required to be published on the online portal
13 under this Act with respect to a congressionally mandated
14 report or information required under subsection (c) is pub-
15 lished—

16 (1) not later than 30 calendar days after the in-
17 formation is received from the Federal agency in-
18 volved; or

19 (2) in the case of information required under
20 subsection (c), not later than 30 calendar days after
21 the deadline under this Act for the Federal agency
22 involved to submit information with respect to the
23 congressionally mandated report involved.

24 (e) EXCEPTION FOR CERTAIN REPORTS.—

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

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

15 (A) a statement that the report is withheld
16 at the request of a committee or subcommittee
17 involved; and

18 (B) the written notification specified in
19 paragraph (1).

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

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

1 **SEC. 4. FEDERAL AGENCY RESPONSIBILITIES.**

2 (a) SUBMISSION OF ELECTRONIC COPIES OF RE-
3 PORTS.—Not earlier than 30 calendar days or later than
4 45 calendar days after the date on which a congressionally
5 mandated report is submitted to either House of Congress
6 or to any committee of Congress or subcommittee thereof,
7 the head of the Federal agency submitting the congres-
8 sionally mandated report shall submit to the Director the
9 information required under subparagraphs (A) through
10 (D) of section 3(b)(1) with respect to the congressionally
11 mandated report. Nothing in this Act shall relieve a Fed-
12 eral agency of any other requirement to publish the con-
13 gressionally mandated report on the online portal of the
14 Federal agency or otherwise submit the congressionally
15 mandated report to Congress or specific committees of
16 Congress, or subcommittees thereof.

17 (b) GUIDANCE.—Not later than 240 calendar days
18 after the date of enactment of this Act, the Director of
19 the Office of Management and Budget, in consultation
20 with the Director, shall issue guidance to agencies on the
21 implementation of this Act.

22 (c) STRUCTURE OF SUBMITTED REPORT DATA.—
23 The head of each Federal agency shall ensure that each
24 congressionally mandated report submitted to the Director
25 complies with the open format criteria established by the
26 Director in the guidance issued under subsection (b).

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

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

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

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

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

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

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

3 (2) may remove a report from the online portal
4 if the report was submitted to or published on the
5 online portal in error.

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

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

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

14 (2) impose any affirmative duty on the Director
15 to review congressionally mandated reports sub-
16 mitted for publication to the reports online portal
17 for the purpose of identifying and redacting such in-
18 formation or records.

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

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

4 (2) redact information being withheld under
5 this subsection prior to submitting the information
6 to the Director;

7 (3) redact only such information properly with-
8 held under this subsection from the submission of
9 information or from any congressionally mandated
10 report submitted under this Act;

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

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

15 **SEC. 7. IMPLEMENTATION.**

16 (a) REPORTS SUBMITTED TO CONGRESS.—

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

20 (A) is required by statute to be submitted
21 to the House of Representatives or Senate at
22 any time before, on, or after the date of the en-
23 actment of this Act; or

24 (B) is included by the Clerk of the House
25 of Representatives or the Secretary of the Sen-

1 ate (as the case may be) on the list of reports
2 received by the House of Representatives or
3 Senate (as the case may be) at any time before
4 the date of the enactment of this Act.

5 (2) TRANSITION RULE FOR PREVIOUSLY SUB-
6 MITTED REPORTS.—The Director shall ensure that
7 any congressionally mandated report described in
8 paragraph (1) which was required to be submitted to
9 Congress by a statute enacted before the date of the
10 enactment of this Act is published on the online por-
11 tal under this Act not later than 1 year after the
12 date of the enactment of this Act.

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

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

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

1 (A) the chair of the committee, or sub-
2 committee thereof, to which the report was re-
3 quired to be submitted notifies the Director in
4 writing that the report is to be withheld from
5 publication; and

6 (B) the Director publishes the notification
7 on the online portal.

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

9 The budgetary effects of this Act, for the purpose of
10 complying with the Statutory Pay-As-You-Go Act of 2010,
11 shall be determined by reference to the latest statement
12 titled “Budgetary Effects of PAYGO Legislation” for this
13 Act, submitted for printing in the Congressional Record
14 by the Chairman of the House Budget Committee, pro-
15 vided that such statement has been submitted prior to the
16 vote on passage.