Suspend the Rules and Pass the Bill, H.R. 2485, With an Amendment

(The amendments strike all after the enacting clause and insert a new text and a new title)

117TH CONGRESS 1ST SESSION

H. R. 2485

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

APRIL 13, 2021

Mr. Quigley (for himself, Mr. Comer, Mrs. Axne, Mr. Fitzpatrick, Mr. Cooper, Mr. Walberg, Ms. Norton, Mr. Taylor, Mr. Foster, Mr. Hice of Georgia, Mr. Khanna, Mrs. Bice of Oklahoma, Mr. Danny K. Davis of Illinois, Miss Gonzalez-Colon, Mr. Sarbanes, Mr. Rodney Davis of Illinois, Mr. Cohen, and Mrs. Miller-Meeks) introduced the following bill, which was referred to the Committee on Oversight and Reform, and in addition to the Committees on House Administration, and the Budget, 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.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONALLY MANDATED REPORT.—

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

(B) EXCLUSIONS.—

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

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

(2) DIRECTOR.—The term “Director” means
the Director of the Government Publishing Office.
(3) FEDERAL AGENCY.—The term “Federal agency” has the meaning given the term “federal agency” under section 102 of title 40, United States Code, but does not include the Government Accountability Office or an element of the intelligence community.

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

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

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

(B) is based on an underlying open data standard that is maintained by a standards organization.

(6) REPORTS ONLINE PORTAL.—The term “reports online portal” means the online portal established under section 3(a).

SEC. 3. ESTABLISHMENT OF ONLINE PORTAL FOR CONGRESSIONALLY MANDATED REPORTS.

(a) REQUIREMENT TO ESTABLISH ONLINE PORTAL.—
(1) IN GENERAL.—Not later than 1 year after
the date of enactment of this Act, the Director shall
establish and maintain an online portal accessible by
the public that allows the public to obtain electronic
copies of congressionally mandated reports in one
place.

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

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

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

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

(A) A citation to the statute requiring the
report.
(B) An electronic copy of the report, including any transmittal letter associated with the report, in an open format that is platform independent and that is available to the public without restrictions, including restrictions that would impede the re-use of the information in the report.

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

(i) The title of the report.

(ii) The reporting Federal agency.

(iii) The date of publication.

(iv) Each congressional committee or subcommittee receiving the report, if applicable.

(v) The statute requiring the report.

(vi) Subject tags.

(vii) A unique alphanumeric identifier for the report that is consistent across report editions.

(viii) The serial number, Superintendent of Documents number, or other identification number for the report, if applicable.
(ix) Key words.

(x) Full text search.

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

(D) The date on which the report was required to be submitted, and on which the report was submitted, to the reports online portal.

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

(2) A means for bulk download of all congressionally mandated reports.

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

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

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

(A) reports submitted within the required time;

(B) reports submitted after the date on which such reports were required to be submitted; and
(C) to the extent practicable, reports not submitted.

(c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

(1) REPORTS NOT SUBMITTED.—If a Federal agency does not submit a congressionally mandated report to the Director, the Director shall to the extent practicable—

(A) include on the reports online portal—

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

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

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

(2) REPORTS NOT IN OPEN FORMAT.—If a Federal agency submits a congressionally mandated report that is not in an open format, the Director shall include the congressionally mandated report in another format on the reports online portal.

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

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

(2) in the case of information required under
subsection (c), not later than 30 days after the
deadline under this Act for the Federal agency in-
volved to submit information with respect to the con-
gressionally mandated report involved.

(c) EXCEPTION FOR CERTAIN REPORTS.—

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

(2) NOTICE ON PORTAL.—If a report is with-
held from submission to or publication on the re-
ports online portal under paragraph (1), the Direc-
tor shall post on the portal—
(A) a statement that the report is withheld
at the request of a committee or subcommittee
involved; and

(B) the written notification provided by the
chair of the committee or subcommittee speci-

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

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

SEC. 4. FEDERAL AGENCY RESPONSIBILITIES.

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

(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Director, shall issue guidance to agencies on the implementation of this Act.

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

(d) POINT OF CONTACT.—The head of each Federal agency shall designate a point of contact for congressionally mandated reports.

(e) REQUIREMENT FOR SUBMISSION.—The Director shall not publish any report through the online portal that is received from anyone other than the head of the applicable Federal agency, or an officer or employee of the Federal agency specifically designated by the head of the Federal agency.

SEC. 5. CHANGING OR REMOVING REPORTS.

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

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

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

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

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

(2) may remove a report from the online portal
if the report was submitted to or published on the
online portal in error; and
(3) may withhold information, records, or reports from publication on the online portal in accordance with section 6.

SEC. 6. WITHHOLDING OF INFORMATION.

(a) IN GENERAL.—Nothing in this Act shall be construed to—

(1) require the disclosure of information, records, or reports that are exempt from public disclosure under section 552 of title 5, United States Code, or that may be withheld under section 552a of title 5, United States Code; or

(2) impose any affirmative duty on the Director to review congressionally mandated reports submitted for publication to the reports online portal for the purpose of identifying and redacting such information or records.

(b) WITHHOLDING OF INFORMATION.—

(1) IN GENERAL.—Consistent with subsection (a)(1), the head of a Federal agency may withhold from the Director, and from publication on the online portal, any information, records, or reports that are exempt from public disclosure under section 552 of title 5, United States Code, or that may be withheld under section 552a of title 5, United States Code.
(2) NATIONAL SECURITY.—Nothing in this Act shall be construed to require the publication, on the online portal or otherwise, of any report containing information that is classified, or the public release of which could have a harmful effect on national security.

SEC. 7. IMPLEMENTATION.

(a) Reports Submitted to Congress.—

(1) IN GENERAL.—This Act shall apply with respect to any congressionally mandated report which—

(A) is required by statute to be submitted to the House of Representatives, or the Speaker thereof, or Senate, or the President or President Pro Tempore thereof, at any time before, on, or after the date of the enactment of this Act; or

(B) is included by the Clerk of the House of Representatives or the Secretary of the Senate (as the case may be) on the list of reports received by the House of Representatives or Senate (as the case may be) at any time before the date of the enactment of this Act.

(2) TRANSITION RULE FOR PREVIOUSLY SUBMITTED REPORTS.—To the extent practicable, the
Director shall ensure that any congressionally mandated report described in paragraph (1) which was required to be submitted to Congress by a statute enacted before the date of the enactment of this Act is published on the online portal under this Act not later than 1 year after the date of the enactment of this Act.

(b) Reports Submitted to Committees.—In the case of congressionally mandated reports which are required by statute to be submitted to a committee of Congress or a subcommittee thereof, this Act shall apply with respect to—

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

(2) to the maximum extent practical, any congressionally mandated report which was required to be submitted by a statute enacted before the date of enactment of this Act unless—

(A) the chair of the committee, or subcommittee thereof, to which the report was required to be submitted notifies the Director in writing that the report is to be withheld from publication; and
(B) the Director publishes the notification on the online portal.

SEC. 8. DETERMINATION OF BUDGETARY EFFECTS.

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

Amend the title so as to read: “A bill to require the Director of the Government Publishing Office to establish and maintain a single online portal accessible to the public that allows the public to obtain electronic copies of all congressionally mandated reports, and for other purposes.”.