

Calendar No. 363

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
117-106 }

ACCESS TO CONGRESSIONALLY MANDATED
REPORTS ACT

—
R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

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



MAY 5, 2022.—Ordered to be printed

—
U.S. GOVERNMENT PUBLISHING OFFICE

29-010

WASHINGTON : 2022

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ACCESS TO CONGRESSIONALLY MANDATED REPORTS ACT

MAY 5, 2022.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 2838]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2838), to require the Director of the Government Publishing Office to establish and maintain an on-line 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, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

S. 2838, the *Access to Congressionally Mandated Reports Act*, requires the Government Publishing Office (GPO) to create and maintain a public online portal that contains electronic copies of congressionally mandated reports, with the exception of classified reports. The bill also requires agencies to submit their congressionally mandated reports to GPO, and GPO must track agency submissions and publish them no later than 30 days after receipt. Agencies must submit the reports to GPO within 30 to 45 days after they are submitted to Congress. Within 180 days after the

bill's enactment, the Office of Management and Budget must issue agency guidance on implementation. To the extent practicable and within one year of enactment, GPO must publish on the portal reports that were required to be submitted to Congress before the bill's enactment.

This bill will increase government transparency by providing the public easily-accessible information on how agencies are accomplishing their policy goals. This bill will consolidate information in one database and will help build institutional knowledge within congressional staff as well as serve as a resource for concerned citizens, students, and academics.

II. BACKGROUND AND THE NEED FOR LEGISLATION

Congress receives thousands of reports from agencies annually but does not compile them in a central place. Agencies are not always required to publicly post congressionally-mandated reports. Without such a requirement, agencies decide whether or not to make them accessible to the public. Agencies expend taxpayer-funded time and resources to produce these reports which are intended to inform legislation or congressional oversight of agency operations, yet the general public and Congress itself faces obstacles in locating and reviewing these reports. In addition, when congressional staff who receive a report move on, or there is a transition at a committee, historical reports often are lost.

S. 2838 provides easier public access to congressionally mandated reports by requiring all federal agencies to send any such reports to the GPO for publication on its website. This will help encourage agency compliance with reporting requirements and will support timely access to the reports by concerned citizens, students, and academics, with the additional benefit of decreasing the burden on agencies to process Freedom of Information Act (FOIA) requests.

III. LEGISLATIVE HISTORY

Ranking Member Rob Portman (R-OH) introduced S. 2838, the Access to Congressionally Mandated Reports Act, on September 23, 2021, with Senators Amy Klobuchar (D-MN), Gary Peters (D-MI), and Margaret Hassan (D-NH). The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 2838 at a business meeting on November 3, 2021. The bill was ordered reported without amendment favorably by voice vote *en bloc*. Senators present were Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Portman, Johnson, Lankford, Romney, Scott, and Hawley.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section establishes the short title of the bill as the "Access to Congressionally Mandated Reports Act."

Section 2. Definitions

This section defines a congressionally mandated report as "a report of a Federal agency that is required by statute to be submitted to either House of Congress or any committee of Congress or subcommittee thereof." Excluded from this definition are reports from

private and national organizations (e.g., the Boy Scouts), inspectors general, congressional committees that receive classified information (e.g., the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, or the Committee on Foreign Relations of the Senate; the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, or the Committee on Foreign Affairs of the House of Representatives.)

Section 3. Establishment of online portal for congressionally mandated reports

This section requires the GPO Director to establish an online portal for users to access reports issued to Congress. The reports must be downloadable individually and in bulk, and be capable of retrieval by key terms search (such as submitting agency, date, and the law requiring the report). To the extent possible, the reports should be in an open format. In addition, the website must list all congressionally mandated reports and, for each report, whether and when it was submitted by the agency.

This section requires reports to be published on the portal 30 days after GPO receives the report. It also provides an exception for reports submitted to committees or subcommittees where the chair has notified the GPO director in writing to withhold the report from public display. If this occurs, GPO is required to disclose that the report is withheld on the portal.

Section 4. Federal agency responsibilities

This section stipulates how agencies are to interface with GPO and the new reports website. Each agency is responsible for submitting to GPO a copy of the report that the agency also submits to Congress. This section also directs OMB to issue guidance to implement this law.

Section 5. Changing or removing reports

This section provides that a report can be changed or removed from the website if the head of the submitting federal agency consults with the congressional committee of jurisdiction (regardless of whether the report was submitted to the committee directly), and Congress enacts a joint resolution authorizing the change to, or removal of, the report.

Section 6. Withholding of information

This section states that the bill does not require the disclosure of information or records that are exempt from public disclosure under FOIA. If a report contains specific information that cannot be publicly disclosed under FOIA, the federal agency shall redact that information before the submission of the report to GPO. This section further clarifies that nothing in the bill requires the release of any report containing information that is classified, or the public release of which could harm national security.

Section 7. Implementation

This section sets a one year deadline after enactment for implementation of the bill. For reports due to Congress, or a committee thereof, published prior to the date of enactment, agencies are not

required to submit those historical reports to GPO, but rather may do so to the extent practicable.

Section 8. Determination of budgetary effects

This section ensures compliance with House and Senate budget rules.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 9, 2022.

Hon. GARY C. PETERS,
Chairman, Committee on Homeland Security and Governmental Affairs, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2838, the Access to Congressional Mandated Reports Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

S. 2838, Access to Congressionally Mandated Reports Act			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on November 3, 2021			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	*	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	*	2	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

S. 2838 would require the Government Publishing Office (GPO) to establish and maintain a website for the public to obtain electronic copies of all Congressionally mandated reports. Under the bill, all federal agencies would be required to provide GPO with electronic copies of reports required by law each year.

Using information from GPO and federal agencies that produce thousands of Congressionally mandated reports, CBO estimates that implementing the bill would cost about \$400,000 a year or \$2 million over the 2022–2026 period. Those costs primarily consist of the salaries and expenses associated with four employees who would establish and maintain the website. In addition, there would be some costs for the agencies to collect and submit reports in the required format. CBO also expects the website would primarily contain recent filings and would not include many older reports. Any spending would be subject to the availability of appropriated funds.

Enacting S. 2838 could affect direct spending by some agencies that are allowed to use fees, receipts from the sale of goods, and other collections to cover operating costs. CBO estimates that any net changes in direct spending by those agencies would be negligible because most of them can adjust amounts collected to reflect changes in operating costs.

On June 14, 2021, CBO transmitted a cost estimate for H.R. 2485, the Access to Congressionally Mandated Reports Act, as ordered reported by the House Committee on Oversight and Reform on May 13, 2021. The two pieces of legislation are similar, and the estimated costs are the same.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Because this legislation would not repeal or amend any provision of current law, it would not make changes in existing law within the meaning of clauses (a) and (b) of paragraph 12 of rule XXVI of the Standing Rules of the Senate.