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OFFICE OF MANAGEMENT AND BUDGET
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MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM:

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SUBJECT:

"Access to Congressionally Mandated Reports Act" Implementation
Guidance

Federal agencies regularly submit congressionally mandated reports to Congress, congressional committees, or subcommittees.¹ The "Access to Congressionally Mandated Reports Act" (the Act), enacted in December of 2022, now requires agencies to also submit these reports electronically to the U.S. Government Publishing Office (GPO) after first submitting to Congress, committees, or subcommittees. GPO will publish and make these reports publicly available on GPO's online system of access, GovInfo (<https://www.govinfo.gov/>). This memorandum provides guidance to agencies on how to comply with this mandate, including deadlines for compliance and information about reports that are exempt from submission.

I. Background

The [James M. Inhofe National Defense Authorization Act for Fiscal Year 2023](#), enacted as Pub. L. No. 117-263 on December 23, 2022, included sections 7241-7248, the "Access to Congressionally Mandated Reports Act." That Act instructs the GPO Director to establish a

¹ A "congressionally mandated report" for purposes of this memorandum "means 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 a subcommittee thereof."

centralized repository for Federal agencies² to submit congressionally mandated reports that are required to be submitted to Congress, committees, or subcommittees so they may be accessible to the public.

Federal agencies submit thousands of congressionally mandated reports annually to the House of Representatives and the Senate in hard copy format in order to comply with statute. These reports are then referred to congressional committees, as required in the mandating statute. In addition, Federal agencies submit congressionally mandated reports directly to congressional committees or subcommittees.

A record of each report submitted to the House of Representatives and the Senate is published in the House and Senate Executive Communications sections of the daily Congressional Record. Records of reports submitted directly to congressional committees or subcommittees, however, are not published in the Congressional Record.

Currently, there is no central repository where all agency reports submitted to Congress and congressional committees are publicly accessible. Federal agencies publish electronic copies of some, but not all, of these congressionally mandated reports on their individual agency websites.

II. Scope

Reports submitted to Congress:

The Act applies to all congressionally mandated reports that are required by statute to be submitted to the House of Representatives, the Speaker of the House or the Senate, or the President or President Pro Tempore of the Senate, at any time on or after December 23, 2022. The Act also applies to any report included by the Clerk of the House of Representatives or the Secretary of the Senate on the list of reports received by the House or Senate at any time on or after December 23, 2022.

Reports submitted to Committees or Subcommittees:

The Act applies to any congressionally mandated report required to be submitted to a committee or subcommittee of Congress by a statute which is enacted on or after December 23, 2022.

Reports previously submitted before enactment:

To the extent practicable, any congressionally mandated report to the House (or Speaker of the House) or Senate (or Senate President or Senate President Pro Tempore), required to be

² “Federal agency” includes agencies as defined in 40 U.S.C. § 102 but does not include the Government Accountability Office or an element of the intelligence community.

submitted after December 23, 2022 by a statute enacted before that date, and which the agency actually submitted before that date, may also be submitted for inclusion in GovInfo.

Federal Agency Responsibilities:

- **Designate a point of contact for report submission:** The head of each Federal agency must designate a point of contact for submission of congressionally mandated reports to GPO. Reports must only be submitted by 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.
- **Register for a GPO submission portal account beginning October 1, 2023:** Federal agency designees can begin registering for GPO submission portal accounts on **October 1, 2023**. Registration will be ongoing as needed. Detailed instructions for registering for an account to submit congressionally mandated reports will be provided in September on <https://www.gpo.gov/congressionally-mandated-reports>.
- **Submit reports to the GPO submission portal beginning October 16, 2023:** The Federal agency designee must submit the congressionally mandated report information, including an electronic copy of the report and transmittal letter(s), to the GPO submission portal not earlier than 30 days after submitting a congressionally mandated report to either House of Congress or to any committee or subcommittee of Congress, but no later than 60 days after submitting a congressionally mandated report to either House of Congress or to any committee or subcommittee of Congress. The information required is found in subparagraphs (A) through (D) of section 7243(b)(1) of the Act. Updates on the GPO submission portal will be provided at <https://www.gpo.gov/congressionally-mandated-reports>.
- **The existing process for submitting congressionally mandated reports to Congress, committees, or subcommittees remains in effect:** Submitting a congressionally mandated report to GPO does not replace the requirement of submitting hard copy reports to Congress, committees, or subcommittees and shall not be construed to satisfy any requirement to submit the congressionally mandated report to Congress, or a committee or subcommittee thereof. It also does not satisfy the requirement to publish an electronic copy of a congressionally mandated report on an agency website or otherwise distribute the report.
- **Withholding information:** When submitting congressionally mandated reports to the GPO submission portal, the head of each Federal agency, or a designated official, shall be

responsible for withholding information in accordance with the requirements of section 7246(b).

It is each Federal agency's responsibility to withhold information from the GPO submission portal in accordance with section 7246 of the Act.

Additionally, if the chair of a committee or subcommittee determines that a report submitted to their committee or subcommittee should be withheld from publication, the chair will notify GPO in writing that the report is to be withheld from submission to the GPO submission portal, and the letter of withholding will be published on GovInfo.

III. Exceptions / Reports Not Required to be Submitted to GPO

The following types of congressionally mandated reports are not required to be submitted to GPO's submission portal:

- Reports required under 36 U.S.C. Subtitle II, Part B: Patriotic and National Organizations;
- Reports by an office of an inspector general;
- Reports from the Government Accountability Office;
- Reports from an element of the intelligence community;
- Reports required to be submitted to one or more of the following committees:
 - 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;
- Reports that are law enforcement sensitive;
- Reports that describe information security policies, procedures, or activities of the executive branch; and
- Reports submitted by the government of the District of Columbia to Congress or to congressional committees.

Generally, agencies shall not construe the Act as requiring them to disclose information, records, or reports that are exempt from public disclosure under 5 U.S.C. § 552 or required to be withheld under 5 U.S.C. § 552a.

Agencies are responsible for reviewing their congressionally mandated reports prior to submission for publication to the GPO submission portal for the purposes of identifying and

redacting information or records. There is no affirmative duty on GPO to review reports for these purposes prior to publication.

Agencies shall not construe the Act to require the publication, on GovInfo or otherwise, of any report containing information that is classified, the public release of which could have a harmful effect on national security, or that is otherwise prohibited.

Refer to the text of the Act for specific definitions of congressionally mandated report, Federal agency, and intelligence community.

Each Federal agency is responsible for determining whether their report is exempt from submission to the GPO submission portal.

IV. File Formats and Metadata Requirements

As part of the submission process, the designated Federal agency point of contact will be required to provide the following:

- An electronic copy of the report, including any transmittal letter(s) associated with the report, that is based on an underlying open data standard (maintained by a standards organization) that allows the full text of the report to be searchable and does not have restrictions that would affect or impede the reuse or searchability of the report;
- Title of the report;
- Nature of the report;
- Statute requiring the report;
- Frequency of this reporting requirement;
- Receiving entity(ies), (e.g., House of Representatives, Senate, committees, subcommittees, etc.);
- Executive Communications number from the Congressional Record (if applicable);
- Requirement number in Congress.gov if report is submitted to the Clerk of the House of Representatives;
- Publication date;
- Date report was submitted to Congress; and
- Select subject terms that describe the content of the report.

GPO supports the submission of congressionally mandated reports in open, machine-readable file formats. All submissions require, at minimum, a file containing the searchable text of the report and transmittal letter(s). The file should conform to the PDF/A-1 or PDF/A-2 standards. Pursuant to the May 9, 2013, Open Data Policy Memorandum ([OMB M-13-13](#)), Project Open Data, and the Foundations for Evidence-Based Policymaking Memorandum ([OMB M-19-23](#)),

executive agencies should produce congressionally mandated reports and the information therein in formats and information modeling practices consistent with their agency's public access plan. For formats to be submitted in addition to PDF/A files, please see the acceptable and preferred file formats guidance provided on <https://www.gpo.gov/congressionally-mandated-reports>.

GPO will not accept any file of any format nor its content if any aspect of the data has the following characteristics:

- Platform-dependent;
- Proprietary;
- Compressed or 'lossy;'
- Contains embedded files, including audio, video, executables, or scripts;
- Contains text that is not searchable or that does not have optical character recognition (OCR);
- Contains encryption;
- Contains password protection;
- Contains a digital signature; or
- Contains personally identifiable information (PII) such as Social Security numbers, Government-issued identification numbers, or personal financial account numbers.

Reports submitted to the GPO submission portal should not contain PII; during the submission process, Federal agencies will be required to verify that the report being submitted does not contain PII.

V. Requesting Changes to Reports After Submission to GPO

Except as provided in subsection 7245(b) of the Act, the head of the Federal agency concerned may only change or remove a congressionally mandated report submitted to be published on GovInfo if:

- The head of the Federal agency consults with each committee of Congress or subcommittee thereof to which the report is required to be submitted prior to changing or removing the report;
- In the case of a report which is not required to be submitted to a particular committee of Congress or subcommittee thereof, to each committee with jurisdiction over the agency, as determined 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 changing or removing the report; and,
- A joint resolution is enacted to authorize the change in or removal of the report.

Exceptions to these requirements are for technical changes to a report submitted to the GPO submission portal or published on GovInfo. Federal agencies may request to remove a report from GovInfo if the report was submitted or published in error; agencies may also submit a corrected replacement for a report published in error. Federal agencies may withhold information, records, or reports from publication on GovInfo in accordance with section 7246 of the Act. Instructions will be provided at <https://www.gpo.gov/congressionally-mandated-reports>.

VI. Additional Information

For updated information on the process of submitting congressionally mandated reports and the development of the GPO submission portal, please visit <https://www.gpo.gov/congressionally-mandated-reports>.

VII. Assistance

All questions or inquiries concerning this memorandum should be addressed to GPO via askGPO (<https://ask.gpo.gov>). Please select the Federal Agency customer type and the 'Other' inquiry category.