

Calendar No. 194

118TH CONGRESS }
1st Session

SENATE

{ REPORT
118-91

ELIMINATE USELESS REPORTS ACT

—
R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2073

TO AMEND TITLE 31, UNITED STATES CODE, TO
REQUIRE AGENCIES TO INCLUDE A LIST OF OUTDATED OR
DUPLICATIVE REPORTING REQUIREMENTS IN ANNUAL
BUDGET JUSTIFICATIONS, AND FOR OTHER PURPOSES



AUGUST 22, 2023.—Ordered to be printed
Filed, under authority of the order of the Senate of July 27, 2023

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

R E P O R T

[To accompany S. 2073]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2073) to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes, having considered the same, reports favorably thereon with an amendment, in the nature of a substitute, and recommends that the bill, as amended, do pass.

CONTENTS

	Page
I. Purpose and Summary	1
II. Background and Need for the Legislation	2
III. Legislative History	3
IV. Section-by-Section Analysis of the Bill, as Reported	3
V. Evaluation of Regulatory Impact	4
VI. Congressional Budget Office Cost Estimate	4
VII. Changes in Existing Law Made by the Bill, as Reported	5

I. PURPOSE AND SUMMARY

S. 2073, the *Eliminate Useless Reports Act of 2023*, would increase government efficiency by requiring agencies to include recommendations to sunset, consolidate, reduce in frequency, or maintain the status quo for congressionally mandated reports in their respective Congressional Budget Justifications (CBJs). Congressional committees would need to agree with the recommendations before they take the legislative steps to implement them. The bill

provides the impetus for agencies and Congress to have an open dialogue and review existing reporting requirements.¹

II. BACKGROUND AND NEED FOR THE LEGISLATION

The *Government Performance and Results Act of 1993* (GPRA) required most executive agencies to engage in performance management tasks, including setting goals, measuring results, and reporting their progress.² To do so, GPRA required that agencies generate strategic plans, performance plans, and conduct gap analyses of projects. GPRA included a reporting framework for agencies to demonstrate progress towards accomplishment of these goals. The *GPRA Modernization Act of 2010* (GPRAMA) carried forward requirements from the 1993 GPRA, but developed a more efficient and modern system for government agencies to report their progress.³ Although GPRAMA created a process for agencies to make recommendations regarding congressional reports, implementation has stalled. A report by the Congressional Research Service published a few years after enactment of GPRAMA anticipated implementation difficulties and shortcomings that have since come to pass, including that identification and elimination of unnecessary recurring plans and reports may yield insignificant results for agencies that fail to submit such plans and reports in the first instance.⁴ The report also noted the continuing need to assess whether recurring plans and reports are necessary because Congress continues to legislate new reporting requirements for a variety of reasons.⁵

The *Eliminate Useless Reports Act of 2023* would increase efficiency by providing a clear and comprehensive mechanism for agencies to seek committee agreement to sunset or modify outdated congressional reports. Agencies have traditionally welcomed the opportunity to assess the universe of their required reports and to recommend to Congress which reports may now be unnecessary or superfluous.⁶ The bill preserves resources by giving agencies the option to recommend reports to be terminated, consolidated, or reduced in frequency. An agency may elect not to make recommendations if it determines there is no redundant or unnecessary reporting, including while a report is under development. Interested stakeholders will have the opportunity to comment on agency recommendations regarding the congressional reports identified by agencies. Agency recommendations would be included in materials agencies publish consistent with the *Congressional Budget Justification Transparency Act of 2021*, which requires CBJs be made public no later than two weeks after submission to Congress.⁷

¹ On August 3, 2022, the Committee approved S. 4477, the Eliminate Useless Reports Act of 2022. That bill is substantially similar to S. 2073. Accordingly, this committee report is, in many respects, similar to the committee report for S. 4477. See S. Rept. 117–264.

² Pub. L. No. 103–62 (1993).

³ Pub. L. No. 11–352 (2010).

⁴ Congressional Research Service, *Reexamination of Agency Reporting Requirements: Annual Process Under GPRA Modernization Act of 2010 (GPRAMA)* (R42490) (updated May 29, 2013).

⁵ *Id.* at 3–4, 10.

⁶ *Id.* at 4, 7–10.

⁷ Pub. L. No. 117–40 (2021).

III. LEGISLATIVE HISTORY

Senator Jon Ossoff (D–GA) introduced S. 2073, the *Eliminate Useless Reports Act of 2023*, on June 21, 2023 with original cosponsor Senator James Lankford (R–OK). The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs.

The committee considered S. 2073 at a business meeting on July 26, 2023. At the business meeting, Senator Ossoff offered a substitute amendment that required the Director of the Office of Management and Budget (OMB) review and make recommendations about reports that are required to be produced by two or more agencies. The Committee adopted the Ossoff substitute amendment by unanimous consent with Senators Peters, Hassan, Rosen, Ossoff, Paul, Lankford, and Scott, present. The bill, as amended by the Ossoff substitute amendment, was ordered reported favorably by a roll call vote of 8 yeas to 0 nays, with Senators Peters, Hassan, Sinema, Rosen, Ossoff, Paul, Lankford, and Scott voting in the affirmative. Senators Carper, Padilla, Blumenthal, Johnson, Romney, Hawley, and Marshall voted yea by proxy, for the record only.

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

Section 1. Short title

This section designates the name of the bill as the “Eliminate Useless Reports Act of 2023.”

Section 2. Sunsets for agency reports

Subsection (a) amends Section 1125 of Title 31, United States Code, by striking the requirement for agency chief operating officers to annually compile for the Director of OMB a list identifying the plans and reports the agency is required to produce for Congress, as well as identification of annual reduction targets.

In place of those requirements, a new section 1125, subsection (a) would define terms “budget justification materials,” “recurring plan or report,” and “relevant congressional committee.”

Section 1125, subsection (b)(1) requires each agency head to include in the agency budget justification materials a list of each recurring plan or report that the agency head deems outdated or duplicative and a recommendation on whether to sunset, modify, consolidate, or reduce the frequency of submission of the recurring plan or report, including a justification for the recommendation.

Section 1125, subsection (b)(2) requires each agency head that is required to coordinate or consult with another agency or entity in submission of a recurring plan or report to consult with the head of that agency or entity prior to deeming a recurring plan or report to be outdated or duplicative. In the event of disagreement, the former agency head cannot deem a recurring plan or report to be outdated or duplicative.

Section 1125, subsection (b)(3) requires the Director of OMB to review and make recommendations about reports submitted by two or more agencies.

Section 1125, subsection (c) describes a process for disposition of agency recommendations to sunset, modify, consolidate, or reduce the frequency of submission of the recurring plan or report, including committee responses to agency recommendations. This section

further stipulates that nothing in this section relieves the head of an agency from the requirement of submitting a recurring plan or report; any such relief would be subject to separate legislation.

Subsection (b) strikes a provision of the statutory provision describing the requirements for a President's budget submission that would be rendered redundant by the bill.

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

S. 2073, Eliminate Useless Reports Act of 2023			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on July 26, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply? Yes	
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate? No	
		Contains private-sector mandate? No	
* = between -\$500,000 and \$500,000.			

S. 2073 would require federal agencies to list within their annual budget justification any recurring reports, including government-wide and interagency reports, they identify as outdated or duplicative and to recommend whether to sunset, modify, consolidate, or reduce the frequency of those reports.

Under current law, the Office of Management and Budget coordinates an annual review of reports that may be outdated or duplicative; 53 such reports were so identified within the President's 2024 budget request. Because activities required under the bill would be similar to those already occurring under current law, CBO expects that implementing the bill would not significantly affect federal spending over the 2023–2028 period. Any spending would be subject to the availability of appropriated funds.

Enacting S. 2073 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.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by Chad Chirico, Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

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

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

* * * * *

TITLE 31—MONEY AND FINANCE

* * * * *

SUBTITLE II—THE BUDGET PROCESS

* * * * *

CHAPTER 11—THE BUDGET AND FISCAL, BUDGET, AND PROGRAM INFORMATION

* * * * *

SEC. 1105. BUDGET CONTENTS AND SUBMISSION TO CONGRESS

(a) * * *

(1) * * *

* * * * *

[(39) the list of plans and reports, as provided for under section 1125, that agencies identified for elimination or consolidation because the plans and reports are determined outdated or duplicative of other required plans and reports.]

* * * * *

SEC. 1125. ELIMINATION OF UNNECESSARY AGENCY REPORTING

[(a) AGENCY IDENTIFICATION OF UNNECESSARY REPORTS.—Annually, based on guidance provided by the Director of the Office of Management and Budget, the Chief Operating Officer at each agency shall—

(1) compile a list that identifies all plans and reports the agency produces for Congress, in accordance with statutory requirements or as directed in congressional reports;

(2) analyze the list compiled under paragraph (1), identify which plans and reports are outdated or duplicative of other

required plans and reports, and refine the list to include only the plans and reports identified to be outdated or duplicative;

[(3) consult with the congressional committees that receive the plans and reports identified under paragraph (2) to determine whether those plans and reports are no longer useful to the committees and could be eliminated or consolidated with other plans and reports; and

[(4) provide a total count of plans and reports compiled under paragraph (1) and the list of outdated and duplicative reports identified under paragraph (2) to the Director of the Office of Management and Budget.

[(b) PLANS AND REPORTS.—

[(1) FIRST YEAR.—During the first year of implementation of this section, the list of plans and reports identified by each agency as outdated or duplicative shall be not less than 10 percent of all plans and reports identified under subsection (a)(1).

[(2) SUBSEQUENT YEARS.—In each year following the first year described under paragraph (1), the Director of the Office of Management and Budget shall determine the minimum percent of plans and reports to be identified as outdated or duplicative on each list of plans and reports.]

(a) DEFINITIONS.—*In this section:*

(1) BUDGET JUSTIFICATION MATERIALS.—*The term ‘budget justification materials’ has the meaning given the term in section 3(b)(2) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note; Public Law 109–282).*

(2) RECURRING PLAN OR REPORT.—*The term ‘recurring plan or report’—*

(A) *means any plan or report submitted to Congress by not less than 1 agency on a recurring basis—*

(i) in accordance with Federal law; or

(ii) at the direction of a congressional report; and

(B) *does not include any plan or report that is required to be submitted to the Committee on Armed Services of the Senate.*

(3) RELEVANT CONGRESSIONAL COMMITTEE.—*The term ‘relevant congressional committee’ means a congressional committee to which a recurring plan or report is required to be submitted.*

(b) AGENCY IDENTIFICATION OF UNNECESSARY REPORTS.—

(1) IN GENERAL.—*The head of each agency shall include in the budget justification materials of the agency—*

(A) *subject to paragraph (2), a list of each recurring plan or report submitted by the agency that the head of the agency determines to be outdated or duplicative;*

(B) *with respect to each recurring plan or report described in subparagraph (A)—*

(i) a recommendation on whether to sunset, modify, consolidate, or reduce the frequency of the submission of the recurring plan or report;

(ii) a citation to each provision of law or directive in a congressional report that requires or requests the submission of the recurring plan or report; and

(iii) a list of the relevant congressional committees for the recurring plan or report; and

(C) a justification explaining, with respect to each recommendation described in subparagraph (B)(i) relating to a recurring plan or report—

(i) why the head of the agency made the recommendation, which may include an estimate of the resources expended by the agency to prepare and submit the recurring plan or report; and

(ii) the understanding of the head of the agency of the purpose of the recurring plan or report.

(2) AGENCY CONSULTATION.—

(A) IN GENERAL.—In preparing the list required under paragraph (1)(A), if, in submitting a recurring plan or report, an agency is required to coordinate or consult with another agency or entity, the head of the agency submitting the recurring plan or report shall consult with the head of each agency or entity with whom consultation or coordination is required.

(B) INCLUSION IN LIST.—If, after a consultation under subparagraph (A), the head of each agency or entity consulted under that subparagraph agrees that a recurring plan or report is outdated or duplicative, the head of the agency required to submit the recurring plan or report shall—

(i) include the recurring plan or report in the list described in paragraph (1)(A); and

(ii) identify each agency or entity with which the head of the agency is required to coordinate or consult in submitting the recurring plan or report.

(C) DISAGREEMENT.—If the head of any agency or entity consulted under subparagraph (A) does not agree that a recurring plan or report is outdated or duplicative, the head of the agency required to submit the recurring plan or report shall not include the recurring plan or report in the list described in paragraph (1)(A).

(3) GOVERNMENT-WIDE OR MULTI-AGENCY PLAN AND REPORT SUBMISSIONS.—With respect to a recurring plan or report required to be submitted by not less than 2 agencies, the Director of the Office of Management and Budget shall—

(A) determine whether the requirement to submit the recurring plan or report is outdated or duplicative; and

(B) make recommendations to Congress accordingly.

(c) DISPOSITION OF RECOMMENDATIONS.—

(1) IN GENERAL.—With respect to a recommendation on a recurring plan or report included in budget justification materials by the head of an agency under subsection (b)(1)(B)(i), the chair and ranking member of each relevant congressional committee may—

(A) in coordination with any other relevant congressional committee, as necessary, agree or disagree with the recommendation or postpone a decision on the recommendation; and

(B) notify each agency that submits a recommendation of the disposition of the recommendation under subparagraph (A).

(2) *LEGISLATIVE STEPS.*—If a relevant congressional committee agrees with an agency recommendation submitted under subsection (b)(1)(B)(i), the relevant congressional committee may take the necessary legislative steps to accomplish the recommendation, which may include consulting with the agency that submits the recurring plan or report that is the subject of the recommendation to prepare appropriate legislation.

(3) *AGENCY REQUIREMENTS.*—Nothing in this section shall be construed to relieve the head of an agency from a requirement to submit a recurring plan or report.

[(c)] (d) *REQUEST FOR ELIMINATION OF UNNECESSARY REPORTS.*—In addition to including the list of plans and reports determined to be outdated or duplicative by each agency [in the budget of the United States Government, as provided by section 1105(a)(37)] in the budget justification materials of each agency, the Director of the Office of Management and Budget may concurrently submit to Congress legislation to eliminate or consolidate such plans and reports.

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