

**Calendar No. 655**

117TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
117-264 }

ELIMINATE USELESS REPORTS ACT OF 2022

—  
R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE

TO ACCOMPANY

S. 4477

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REQUIRE AGENCIES TO INCLUDE A LIST OF OUTDATED  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



DECEMBER 15, 2022.—Ordered to be printed

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**ELIMINATE USELESS REPORTS ACT OF 2022**

DECEMBER 15, 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. 4477]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 4477) to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes, having considered the same, reports favorably thereon with an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.

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**I. PURPOSE AND SUMMARY**

S. 4477, the *Eliminate Useless Reports Act of 2022*, would increase government efficiency by allowing agencies to include in their respective Congressional Budget Justification (CBJ) recommendations to sunset, consolidate, reduce in frequency, or maintain the status quo for congressionally mandated reports. Congressional committees would need to agree with the recommendations before they take the legislative steps to implement them. The bill preserves government resources and increases efficiency by providing the impetus for agencies and Congress to have an open dialogue and take a fresh look at existing reporting requirements.

## 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.<sup>1</sup> 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.<sup>2</sup> Though GPRAMA created a process for agencies to make recommendations regarding congressional reports, implementation has essentially become defunct. 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.<sup>3</sup> 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.<sup>4</sup>

The Eliminate Useless Reports Act of 2022 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. 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 and determined to be redundant. 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.<sup>5</sup>

## III. LEGISLATIVE HISTORY

Senator Jon Ossoff (D-GA) introduced S. 4477 on June 23, 2022, with Senator Rob Portman (R-OH). Senator James Lankford joined as a co-sponsor of the bill on August 4, 2022. The bill was referred to the Committee on Homeland Security and Governmental Affairs. The Committee considered S. 4477 at a business meeting on August 3, 2022. During the business meeting, Senator Ossoff offered

<sup>1</sup> Pub. L. No. 103-62 (1993).

<sup>2</sup> Pub. L. No. 11-352 (2010).

<sup>3</sup> Congressional Research Service, *Reexamination of Agency Reporting Requirements: Annual Process Under GPRA Modernization Act of 2010 (GPRAMA)* (R42490) (updated May 29, 2013).

<sup>4</sup> *Id.* at 3-4, 10.

<sup>5</sup> Pub. L. No. 117-40 (2021).

a substitute amendment to S. 4477 (exempting any report or plan required to be submitted to the Senate Armed Services Committee), which was ordered reported favorably by voice vote *en bloc*. Senators present for the vote were Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Lankford, Romney, Scott, and Hawley.

#### 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 2022.”

##### *Section 2. Sunsets for agency Reports*

Section 2(a) amends Section 1125 of Title 31, United States Code, by striking the requirement for agency chief operating officers to annually compile for 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 subsection (a) would define terms to implement the Act’s provisions, specifically, budget justification materials, recurring plan or report, and relevant congressional committee.

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.

Subsection (b)(2) requires each agency head 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.

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, specifically for committee responses to agency recommendations. Nothing in the Act relieves the head of an agency from submitting a recurring plan or report; any such relief would be subject to separate legislation.

Section 2(b) strikes a provision of the statutory provision describing the requirements for a President’s budget submission that would be rendered redundant by the Act.

#### 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. 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 14 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 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).

(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.

