

Calendar No. 194

118TH CONGRESS
1ST SESSION**S. 2073****[Report No. 118–91]**

To amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2023

Mr. OSSOFF (for himself and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

AUGUST 22, 2023

Reported under authority of the order of the Senate of July 27, 2023, by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Eliminate Useless Re-
3 ports Act of 2023”.

4 **SEC. 2. SUNSETS FOR AGENCY REPORTS.**

5 (a) IN GENERAL.—Section 1125 of title 31, United
6 States Code, is amended—

7 (1) by redesignating subsection (e) as sub-
8 section (d);

9 (2) by striking subsections (a) and (b) and in-
10 serting the following:

11 “(a) DEFINITIONS.—In this section:

12 “(1) BUDGET JUSTIFICATION MATERIALS.—

13 The term ‘budget justification materials’ has the
14 meaning given the term in section 3(b)(2) of the
15 Federal Funding Accountability and Transparency
16 Act of 2006 (31 U.S.C. 6101 note; Public Law 109–
17 282).

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

20 “(A) means any plan or report submitted
21 to Congress by not less than 1 agency on a re-
22 curring basis—

23 “(i) in accordance with Federal law;

24 or

25 “(ii) at the direction of a congres-
26 sional report; and

1 “(B) does not include any plan or report
2 that is required to be submitted to the Com-
3 mittee on Armed Services of the Senate.

4 “(3) RELEVANT CONGRESSIONAL COM-
5 MITTEE.—The term ‘relevant congressional com-
6 mittee’ means a congressional committee to which a
7 recurring plan or report is required to be submitted.

8 “(b) AGENCY IDENTIFICATION OF UNNECESSARY
9 REPORTS.—

10 “(1) IN GENERAL.—The head of each agency
11 shall include in the budget justification materials of
12 the agency—

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

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

19 “(i) a recommendation on whether to
20 sunset, modify, consolidate, or reduce the
21 frequency of the submission of the recur-
22 ring plan or report;

23 “(ii) a citation to each provision of
24 law that requires or requests the submis-
25 sion of the recurring plan or report; and

1 “~~(iii)~~ a list of the relevant congres-
 2 sional committees for the recurring plan or
 3 report; and

4 “~~(C)~~ a justification explaining, with respect
 5 to each recommendation described in subpara-
 6 graph ~~(B)~~(i) relating to a recurring plan or re-
 7 port—

8 “~~(i)~~ why the head of the agency made
 9 the recommendation, which may include an
 10 estimate of the resources expended by the
 11 agency to prepare and submit the recur-
 12 ring plan or report; and

13 “~~(ii)~~ the understanding of the head of
 14 the agency of the purpose of the recurring
 15 plan or report.

16 “~~(2)~~ AGENCY CONSULTATION.—

17 “~~(A)~~ IN GENERAL.—In preparing the list
 18 required under paragraph ~~(1)~~(A), if, in submit-
 19 ting a recurring plan or report, an agency is re-
 20 quired to coordinate or consult with another
 21 agency or entity, the head of the agency sub-
 22 mitting the recurring plan or report shall con-
 23 sult with the head of each agency or entity with
 24 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).

“(e) 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

1 agency under subsection (b)(1)(B)(i), the chair and
 2 ranking member of each relevant congressional com-
 3 mittee may—

4 “(A) in coordination with any other rel-
 5 evant congressional committee, as necessary,
 6 agree or disagree with the recommendation or
 7 postpone a decision on the recommendation;
 8 and

9 “(B) notify each agency that submits a
 10 recommendation of the disposition of the rec-
 11 ommendation under subparagraph (A).

12 “(2) LEGISLATIVE STEPS.—If a relevant con-
 13 gressional committee agrees with an agency rec-
 14 ommendation submitted under subsection
 15 (b)(1)(B)(i), the relevant congressional committee
 16 may take the necessary legislative steps to accom-
 17 plish the recommendation, which may include con-
 18 sulting with the agency that submits the recurring
 19 plan or report that is the subject of the rec-
 20 ommendation to prepare appropriate legislation.

21 “(3) AGENCY REQUIREMENTS.—Nothing in this
 22 section shall be construed to relieve the head of an
 23 agency from a requirement to submit a recurring
 24 plan or report.”; and

1 ~~(3)~~ in subsection (d), as so redesignated, by
 2 striking “in the budget of the United States Govern-
 3 ment, as provided by section 1105(a)(37)” and in-
 4 serting “in the budget justification materials of each
 5 agency”.

6 ~~(b) BUDGET CONTENTS.—Section 1105(a) of title~~
 7 ~~31, United States Code, is amended by striking paragraph~~
 8 ~~(39).~~

9 **SECTION 1. SHORT TITLE.**

10 *This Act may be cited as the “Eliminate Useless Re-*
 11 *ports Act of 2023”.*

12 **SEC. 2. SUNSETS FOR AGENCY REPORTS.**

13 ~~(a) IN GENERAL.—Section 1125 of title 31, United~~
 14 ~~States Code, is amended—~~

15 ~~(1) by redesignating subsection (c) as subsection~~
 16 ~~(d);~~

17 ~~(2) by striking subsections (a) and (b) and in-~~
 18 ~~serting the following:~~

19 ~~“(a) DEFINITIONS.—In this section:~~

20 ~~“(1) BUDGET JUSTIFICATION MATERIALS.—The~~
 21 ~~term ‘budget justification materials’ has the meaning~~
 22 ~~given the term in section 3(b)(2) of the Federal Fund-~~
 23 ~~ing Accountability and Transparency Act of 2006 (31~~
 24 ~~U.S.C. 6101 note; Public Law 109–282).~~

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

3 “(A) *means any plan or report submitted to*
 4 *Congress by not less than 1 agency on a recur-*
 5 *ring basis—*

6 “(i) *in accordance with Federal law; or*

7 “(ii) *at the direction of a congressional*
 8 *report; and*

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

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

16 “(b) *AGENCY IDENTIFICATION OF UNNECESSARY RE-*
 17 *PORTS.*—

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

21 “(A) *subject to paragraph (2), a list of each*
 22 *recurring plan or report submitted by the agency*
 23 *that the head of the agency determines to be out-*
 24 *dated or duplicative;*

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

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

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

11 “(iii) a list of the relevant congres-
12 sional committees for the recurring plan or
13 report; and

14 “(C) a justification explaining, with respect
15 to each recommendation described in subpara-
16 graph (B)(i) relating to a recurring plan or re-
17 port—

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

23 “(ii) the understanding of the head of
24 the agency of the purpose of the recurring
25 plan or report.

1 “(2) *AGENCY CONSULTATION.*—

2 “(A) *IN GENERAL.*—*In preparing the list*
 3 *required under paragraph (1)(A), if, in submit-*
 4 *ting a recurring plan or report, an agency is re-*
 5 *quired to coordinate or consult with another*
 6 *agency or entity, the head of the agency submit-*
 7 *ting the recurring plan or report shall consult*
 8 *with the head of each agency or entity with*
 9 *whom consultation or coordination is required.*

10 “(B) *INCLUSION IN LIST.*—*If, after a con-*
 11 *sultation under subparagraph (A), the head of*
 12 *each agency or entity consulted under that sub-*
 13 *paragraph agrees that a recurring plan or report*
 14 *is outdated or duplicative, the head of the agency*
 15 *required to submit the recurring plan or report*
 16 *shall—*

17 “(i) *include the recurring plan or re-*
 18 *port in the list described in paragraph*
 19 *(1)(A); and*

20 “(ii) *identify each agency or entity*
 21 *with which the head of the agency is re-*
 22 *quired to coordinate or consult in submit-*
 23 *ting the recurring plan or report.*

24 “(C) *DISAGREEMENT.*—*If the head of any*
 25 *agency or entity consulted under subparagraph*

1 (A) does not agree that a recurring plan or re-
 2 port is outdated or duplicative, the head of the
 3 agency required to submit the recurring plan or
 4 report shall not include the recurring plan or re-
 5 port in the list described in paragraph (1)(A).

6 “(3) GOVERNMENT-WIDE OR MULTI-AGENCY PLAN
 7 AND REPORT SUBMISSIONS.—With respect to a recur-
 8 ring plan or report required to be submitted by not
 9 less than 2 agencies, the Director of the Office of Man-
 10 agement and Budget shall—

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

14 “(B) make recommendations to Congress ac-
 15 cordingly.

16 “(c) DISPOSITION OF RECOMMENDATIONS.—

17 “(1) IN GENERAL.—With respect to a rec-
 18 ommendation on a recurring plan or report included
 19 in budget justification materials by the head of an
 20 agency under subsection (b)(1)(B)(i), the chair and
 21 ranking member of each relevant congressional com-
 22 mittee may—

23 “(A) in coordination with any other rel-
 24 evant congressional committee, as necessary,

1 *agree or disagree with the recommendation or*
 2 *postpone a decision on the recommendation; and*

3 *“(B) notify each agency that submits a rec-*
 4 *ommendation of the disposition of the rec-*
 5 *ommendation under subparagraph (A).*

6 *“(2) LEGISLATIVE STEPS.—If a relevant congres-*
 7 *sional committee agrees with an agency recommenda-*
 8 *tion submitted under subsection (b)(1)(B)(i), the rel-*
 9 *evant congressional committee may take the necessary*
 10 *legislative steps to accomplish the recommendation,*
 11 *which may include consulting with the agency that*
 12 *submits the recurring plan or report that is the sub-*
 13 *ject of the recommendation to prepare appropriate*
 14 *legislation.*

15 *“(3) AGENCY REQUIREMENTS.—Nothing in this*
 16 *section shall be construed to relieve the head of an*
 17 *agency from a requirement to submit a recurring*
 18 *plan or report.”; and*

19 *(3) in subsection (d), as so redesignated, by*
 20 *striking “in the budget of the United States Govern-*
 21 *ment, as provided by section 1105(a)(37)” and insert-*
 22 *ing “in the budget justification materials of each*
 23 *agency”.*

24 *(b) BUDGET CONTENTS.—Section 1105(a) of title 31,*
 25 *United States Code, is amended by striking paragraph (39).*

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