

Calendar No. 457

116TH CONGRESS }
2d Session }

SENATE

{ REPORT
116-226 }

CONGRESSIONAL REPORTING BURDEN
REDUCTION ACT

—
R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2769

TO ELIMINATE OR MODIFY CERTAIN FEDERAL AGENCY
REPORTING REQUIREMENTS, AND FOR OTHER PURPOSES



JUNE 1, 2020.—Ordered to be printed

—
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JUNE 1, 2020.—Ordered to be printed

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

R E P O R T

[To accompany S. 2769]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2769) to eliminate or modify certain Federal agency reporting requirements, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

CONTENTS

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

I. PURPOSE AND SUMMARY

The purpose of S. 2769, the Congressional Reporting Burden Reduction Act, is to eliminate or modify certain congressionally-mandated reports identified by agencies as duplicative, burdensome, or no longer useful.

II. BACKGROUND AND THE NEED FOR LEGISLATION

The GPRM Modernization Act of 2010 (GPRAMA) was designed to provide a performance management framework for government

agencies.¹ Under GPRAMA, agencies are required to measure performance and self-evaluate by conducting quarterly assessments.² Under section 11 of GPRAMA, each agency’s Chief Operating Officer (COO) is required to conduct an annual review of reporting requirements mandated by Congress and identify for elimination reports or plans deemed obsolete.³ The intended purpose of this mandate is to allow the Office of Management and Budget (OMB) to then take this information and confer with congressional staff to determine whether certain reporting requirements are outdated and can be statutorily eliminated.⁴

In accordance with GPRAMA, OMB published a list of potentially outdated reports for 2019.⁵ This legislation implements OMB’s recommendations by combining, modifying, and/or eliminating several reports in the Committee’s jurisdiction to free up agency time and resources.

III. LEGISLATIVE HISTORY

S. 2769 was introduced on October 31, 2019, by Chairman Ron Johnson (R–WI) and Ranking Member Gary Peters (D–MI). The bill was referred to the Committee on Homeland Security and Governmental Affairs. The Committee considered S. 2769 at a business meeting on November 6, 2019.

During the business meeting, Senator Peters offered an amendment for himself and Senator Johnson striking the section that would have eliminated the Under Secretary for Management quarterly staffing requirement. Both the amendment and the legislation as modified by the amendment were passed by voice vote *en bloc* with Senators Johnson, Portman, Paul, Lankford, Romney, Scott, Enzi, Hawley, Peters, Carper, Hassan, Sinema, and Rosen present.

Consistent with Committee rules, the Committee reports the bill with technical and conforming edits made with the approval of the Chairman and Ranking Member.

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 “Congressional Reporting Burden Reduction Act”.

Section 2. Elimination of Department of Homeland Security reports

Subsection (a) combines reports related to antidumping and countervailing duties into one report.

Subsection (b) changes the date that the Federal Emergency Management Agency is required to provide Congress with reports on the Disaster Relief Fund to the fifth business day of each month.

¹U.S. Gov’t Accountability Office, GAO–18–609SP, Government-wide Actions Needed to Improve Agencies’ Use of Performance Information in Decision Making (2018), available at <https://www.gao.gov/assets/700/694269.pdf>.

²*Id.*

³Pub. L. No. 111–352 at § 1125 (111th Cong.).

⁴GAO–18–609SP, *supra* note 1.

⁵*Budget Reduction FY 2019 Report by Agency* (Feb. 2018), available at https://www.performance.gov/elimination/Final_Burden_Reduction_FY2019_Report.pdf.

Subsection (c) eliminates the congressionally-mandated report to Congress pertaining to the collection of conference fees from non-Federal entities.

Subsection (d) eliminates a reporting requirement pertaining to the funding of operations within the Federal Protective Service.

Subsection (e) eliminates the reporting requirement directing the TSA Administrator to prepare an annual report regarding unclaimed money at airports.

Subsection (f) repeals the reporting requirement mandating the Attorney General to compile financial data related to the genealogy fee and submit it to Congress annually.

Section 3. Elimination of General Services Administration reports

Subsection (a) changes the periodic requirement for the Administrator of General Services to conduct investigations into the cost of the use of private airplanes and motorcycles by Federal employees into an annual report. It also clarifies the contents of the investigation.

Current law requires a report on a photovoltaic bulb program that was never created. Subsection (b) modifies this requirement to only require the report if the program is created.

Section 4. Elimination of National Archives and Records Administration reports

Subsection (a) authorizes the Director of the Office of Government Information Services to publish an electronic version of an annual report on their website instead of reporting annually to Congress.

Subsection (b) repeals section 2106 of title 44, United States Code, which contains annual reports by the National Archives.

Subsection (c) repeals a quarterly report on a National Archives revolving fund.

Section 5. Elimination of Office of Management and Budget reports

Subsection (a) repeals a report on the status of E-government efforts.

Subsection (b) repeals reporting requirements pertaining to flood risk and geospatial data.

Subsection (c) changes the GPRAMA report on outdated reports to take place every other year instead of annually.

Section 6. Reducing frequency of USDS reports

This section reduces reporting requirements for OMB by integrating quarterly reports regarding program savings and pre-eminent information technology projects into one annual submission.

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, November 18, 2019.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2769, the Congressional Reporting Burden Reduction 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. 2769, Congressional Reporting Burden Reduction Act			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on November 6, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	-1	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

* = between -\$500,000 and zero.

S. 2769 would modify or eliminate several reports that the Department of Homeland Security, the General Services Administration, the National Archives and Records Administration, and the Office of Management and Budget must prepare for the Congress. Using information from those agencies about those reports, CBO estimates that implementing the bill would, on net, reduce costs that are subject to appropriation by about \$1 million over the next five years.

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

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):

**DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS ACT OF 2015**

* * * * *

**TITLE I—DEPARTMENTAL MANAGEMENT AND
OPERATIONS**

* * * * *

FEDERAL EMERGENCY MANAGEMENT AGENCY

* * * * *

**DISASTER RELIEF FUND (INCLUDING TRANSFER OF
FUNDS)**

* * * * *

(1) * * *

(2) an estimate or actual amounts, if available, of the following for the current fiscal year shall be submitted not later than the [fifth day of each month] *fifth business day of each month*, and shall be published by the Administrator on the Agency's Web site not later than the fifth day of each month:

* * * * *

UNITED STATES CODE

* * * * *

**TITLE 5—GOVERNMENT ORGANIZATION AND
EMPLOYEES**

* * * * *

CHAPTER 5—ADMINISTRATIVE PROCEDURE

* * * * *

**SEC. 552. PUBLIC INFORMATION; AGENCY RULES, OPINIONS, ORDERS,
RECORDS, AND PROCEEDINGS.**

(a) * * *

* * * * *

(h) * * *

(1) * * *

* * * * *

(4) * * *

(A) **【**Not less frequently than annually, the Director of the Office of Government Information Services shall submit to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on the Judiciary of the Senate, and the President**】** *The Director of the Office of Government Information Services shall make available for public inspection in an electronic format and update not less frequently than annually—*

(i) **【**a report on**】** the findings of the information reviewed and identified under paragraph (2);

* * * * *

【(B) The Director of the Office of Government Information Services shall make each report submitted under subparagraph (A) available for public inspection in an electronic format.**】**

【(C) *(B)* The Director of the Office of Government Information Services shall not be required to obtain the prior approval, comment, or review of any officer or agency of the United States, including the Department of Justice, the Archivist of the United States, or the Office of Management and Budget **【**before**】**, *before making the information described in subparagraph (A) available for public inspection or submitting to Congress, or any committee or subcommittee thereof, any reports, recommendations, testimony, or comments, if such publications or submissions include a statement indicating that the views expressed therein are those of the Director and do not necessarily represent the views of the President.*

* * * * *

CHAPTER 57—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

* * * * *

SEC. 5707. REGULATIONS AND REPORTS.

(a) * * *

(b) * * *

【(1)

(A) The Administrator of General Services shall conduct periodic investigations of the cost of travel and the operation of privately owned airplanes and privately owned motorcycles by employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year.

(B) In conducting the periodic investigations, the Administrator shall review and analyze among other factors—

- (i) depreciation of original vehicle cost;
- (ii) gasoline and oil (excluding taxes);
- (iii) maintenance, accessories, parts, and tires;
- (iv) insurance; and
- (v) State and Federal taxes.**】**

【(2) *(1)*

(A) The Administrator shall issue regulations under this section which—

(i) shall provide that the mileage reimbursement rate for privately owned automobiles, as provided in section 5704(a)(1), is the single standard mileage rate established by the Internal Revenue Service referred to in that section, and

(ii) shall prescribe mileage reimbursement rates which reflect the current costs as determined by the Administrator of operating privately owned airplanes and motorcycles.

(B) At least once each year after the issuance of the regulations described in subparagraph (A) of this paragraph, the Administrator shall determine, based upon the results of the cost investigation, specific figures, each rounded to the nearest half cent, of the average, actual cost per mile during the period for the use of a privately owned airplane, automobile, and motorcycle.

(C) The Administrator shall report the specific figures to Congress not later than five working days after the Administrator makes the cost determination. Each such report shall be printed in the Federal Register.

(D) The mileage reimbursement rates contained in the regulations prescribed under this section shall be adjusted within thirty days following the submission of the report under subparagraph (C) of this paragraph.】

(2)

(A) As part of each report submitted under paragraph (1)(C), the Administrator shall conduct an investigation of the cost of travel and the operation of privately owned airplanes and privately owned motorcycles by employees while engaged on official business.

(B) In conducting each investigation required under subparagraph (A), the Administrator shall review and analyze, among other factors—

- (i) depreciation of original vehicle cost;*
- (ii) gasoline and oil (excluding taxes);*
- (iii) maintenance, accessories, parts, and tires;*
- (iv) insurance; and*
- (v) State and Federal taxes.*

* * * * *

TITLE 6—DOMESTIC SECURITY

* * * * *

CHAPTER 1—HOMELAND SECURITY ORGANIZATION

* * * * *

SEC. 469A. COLLECTION OF FEES FROM NON-FEDERAL PARTICIPANTS IN MEETINGS.

For fiscal year 2010 and thereafter, the Secretary of Homeland Security may collect fees from any non-Federal participant in a conference, seminar, exhibition, symposium, or similar meeting conducted by the Department of Homeland Security in advance of the conference, either directly or by contract, and those fees shall be credited to the appropriation or account from which the costs of

the conference, seminar, exhibition, symposium, or similar meeting are paid and shall be available to pay the costs of the Department of Homeland Security with respect to the conference or to reimburse the Department for costs incurred with respect to the conference: *Provided*, That in the event the total amount of fees collected with respect to a conference exceeds the actual costs of the Department of Homeland Security with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives not later than January 5, 2011, providing the level of collections and a summary by agency of the purposes and levels of expenditures for the prior fiscal year.]

* * * * *

TITLE 8—ALIENS AND NATIONALITY

* * * * *

CHAPTER 12—IMMIGRATION AND NATIONALITY

* * * * *

SEC. 1356. DISPOSITION OF MONEYS COLLECTED UNDER THE PROVISIONS OF THIS SUBCHAPTER

(a) * * *

* * * * *

(t) * * *

(1) * * *

[(2) The Attorney General will prepare and submit annually to Congress statements of the financial condition of the Genealogy Fee.]

[(3)] (2) Any officer or employee of the Immigration and Naturalization Service shall collect fees prescribed under regulation before disseminating any requested genealogical information.

* * * * *

TITLE 19—CUSTOMS DUTIES

* * * * *

CHAPTER 4—TARIFF ACT OF 1930

* * * * *

SEC. 1677L. [REPORT TO CONGRESS ON COLLECTIONS UNDER ANTI-DUMPING AND COUNTERVAILING DUTY ORDERS] *REPORT ON ANTIDUMPING AND COUNTERVAILING DUTY COLLECTIONS AND OTHER RELATED MATTERS.*

[(The) (1) *IN GENERAL.*—Not later than April 30 each year, the Commissioner of U.S. Customs and Border Protection shall [before the 60th day of each fiscal year after fiscal year 1994] submit to Congress a report regarding the collection during the [preceding fiscal year] *most recently completed fiscal year* of

duties imposed under the antidumping and countervailing duty laws.

(2) *ADDITIONAL MATTERS.*—

(A) *IN GENERAL.*—*If the Commissioner prepares a report described in subparagraph (B) for a fiscal year, the Commissioner shall submit any such report with the report required under paragraph (1) for that year.*

(B) *REPORTS DESCRIBED.*—*The reports described in this subparagraph are the following reports specified in Senate Report 114-264 (2017), accompanying S. 3001, 114th Congress:*

- (i) *AD/CVD Actions and Compliance Initiatives.*
- (ii) *AD/CVD Liquidation Instructions.*
- (iii) *AD/CVD Collection of Outstanding Claims.*
- (iv) *AD/CVD Collection New Shipper Single Entry Bonds.*

* * * * *

TITLE 31—MONEY AND FINANCE

* * * * *

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]** *On a biennial basis*, based on guidance provided by the Director of the Office of Management and Budget, the Chief Operating Officer at each agency shall.—

(1) * * *

* * * * *

(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, *who shall submit to Congress that total count and list.*

* * * * *

(c) **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), the]** *The*

Director of the Office of Management and Budget may concurrently with the submission under subsection (a)(4) submit to Congress legislation to eliminate or consolidate [such plans and reports] plans and reports determined to be outdated or duplicative by each agency.

* * * * *

TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS

* * * * *

CHAPTER 31—GENERAL

* * * * *

SEC. 3177. USE OF PHOTOVOLTAIC ENERGY IN PUBLIC BUILDINGS

(a) * * *

(1) * * *

* * * * *

(4) ADMINISTRATION.—[The Administrator] *If the Administrator establishes the program under subsection (a)(1), the Administrator shall administer the program and shall—*

* * * * *

TITLE 42—THE PUBLIC HEALTH AND WELFARE

* * * * *

CHAPTER 50—NATIONAL FLOOD INSURANCE

* * * * *

SEC. 4101C. COORDINATION.

[(a) INTERAGENCY BUDGET CROSSCUT AND COORDINATION REPORT.—

(1) IN GENERAL.—The Secretary of Homeland Security, the Administrator, the Director of the Office of Management and Budget, and the heads of each Federal department or agency carrying out activities under sections 4101a and 4101b of this title shall work together to ensure that flood risk determination data and geospatial data are shared among Federal agencies in order to coordinate the efforts of the Nation to reduce its vulnerability to flooding hazards.

(2) REPORT.—Not later than 30 days after the submission of the budget of the United States Government by the President to Congress, the Director of the Office of Management and Budget, in coordination with the Federal Emergency Management Agency, the United States Geological Survey, the National Oceanic and Atmospheric Administration, the Corps of Engineers, and other Federal agencies, as appropriate, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives an interagency budget crosscut and coordination report, certified by the Secretary or head of each such agency, that—

(A) contains an interagency budget crosscut report that displays relevant sections of the budget proposed for each of the Federal agencies working on flood risk determination data and digital elevation models, including any planned interagency or intra-agency transfers; and

(B) describes how the efforts aligned with such sections complement one another.

(b) DUTIES OF THE ADMINISTRATOR.—】

* * * * *

TITLE 43—PUBLIC LANDS

* * * * *

CHAPTER 46—GEOSPATIAL DATA

* * * * *

SEC. 2808. COVERED AGENCY RESPONSIBILITIES.

(a) * * *

(b) * * *

(1) * * *

* * * * *

【(5) REPORTING.—The Office of Management and Budget shall include a discussion of the summaries and evaluation of the progress in establishing the National Spatial Data Infrastructure in each E-Government status report submitted under section 3606 of title 44.】

* * * * *

TITLE 44—PUBLIC PRINTING AND DOCUMENTS

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CHAPTER 21—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

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Sec.
2101. Definitions.

* * * * *

【2106. Reports to Congress】

* * * * *

SEC. 2901. DEFINITIONS.

* * * * *

NOTE

RECORDS CENTER REVOLVING FUND

(a) * * *

* * * * *

【(e) REPORTING REQUIREMENT.—The National Archives and Records Administration shall provide quarterly reports to the Committees on Appropriations and Governmental Affairs of the Senate, and the Committees on Appropriations and Government Reform

[now Oversight and Government Reform] of the House of Representatives on the operation of the Records Center Revolving Fund.】

* * * * *

[2106. REPORTS TO CONGRESS.

The Archivist shall submit to the Congress, in January of each year and at such other times as the Archivist finds appropriate, a report concerning the administration of functions of the Archivist, the Administration, the National Historical Publications and Records Commission, and the National Archives Trust Fund. Such report shall describe—

(1) program administration and expenditures of funds, both appropriated and nonappropriated, by the Administration, the Commission, and the Trust Fund Board;

(2) research projects and publications undertaken by Commission grantees, and by Trust Fund grantees, including detailed information concerning the receipt and use of all appropriated and nonappropriated funds;

(3) by account, the moneys, securities, and other personal property received and held by the National Archives Trust Fund Board, and of its operations, including a listing of the purposes for which funds are transferred to the National Archives and Records Administration for expenditure to other Federal agencies; and

(4) the matters specified in section 2904(c)(8) of this title.】

* * * * *

CHAPTER 36—MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT

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Sec.
3601. Definitions.

* * * * *

[3606. E-Government report.]

* * * * *

SEC. 3602. OFFICE OF ELECTRONIC GOVERNMENT.

(a) * * *

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(f) * * *

(1) * * *

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[(17) Assist the Director in preparing the E-Government report established under section 3606.]

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SEC. 3604. E-GOVERNMENT FUND.

(a) * * *

* * * * *

(f) * * *

(1) The Director shall report annually to Congress on the operation of the Fund [, through the report established under section 3606].

* * * * *

[SEC. 3606. E-GOVERNMENT REPORT.

(a) Not later than March 1 of each year, the Director shall submit an E-Government status report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(b) The report under subsection (a) shall contain—

(1) a summary of the information reported by agencies under section 202(f) of the E-Government Act of 2002;

(2) the information required to be reported by section 3604(f); and

(3) a description of compliance by the Federal Government with other goals and provisions of the E-Government Act of 2002.]

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TITLE 49—TRANSPORTATION

* * * * *

CHAPTER 449—SECURITY

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SEC. 44945. DISPOSITION OF UNCLAIMED MONEY AND CLOTHING.

(a) * * *

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[NOTE

ANNUAL REPORT

Pub. L. 108-334, title V, § 515(b), Oct. 18, 2004, 118 Stat. 1318, provided that: “Not later than 180 days after the date of enactment of this Act [Oct. 18, 2004] and annually thereafter, the Administrator of the Transportation Security Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives; the Committee on Appropriations of the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Appropriations of the Senate, a report that contains a detailed description of the amount of unclaimed money recovered in total and at each individual airport, and specifically how the unclaimed money is being used to provide civil aviation security.]