

Suspend the Rules and Pass the Bill, S. 2073, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

118TH CONGRESS
2^D SESSION

S. 2073

[Report No. 118-91]

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To amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes.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 2024”.

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 (c) 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) PLAN OR REPORT.—The term ‘plan or re-
19 port’ means any plan or report submitted to Con-
20 gress, any committee of Congress, or subcommittee
21 thereof, by not less than 1 agency—

22 “(A) in accordance with Federal law; or

23 “(B) at the direction or request of a con-
24 gressional report.

1 “(3) RECURRING PLAN OR REPORT.—The term
2 ‘recurring plan or report’ means a plan or report
3 submitted on a recurring basis.

4 “(4) RELEVANT CONGRESSIONAL COM-
5 MITTEE.—The term ‘relevant congressional com-
6 mittee’—

7 “(A) means a congressional committee to
8 which a recurring plan or report is required to
9 be submitted; and

10 “(B) does not include any plan or report
11 that is required to be submitted solely to the
12 Committee on Armed Services of the House of
13 Representatives or the Senate.

14 “(b) AGENCY IDENTIFICATION OF UNNECESSARY
15 REPORTS.—

16 “(1) IN GENERAL.—The head of each agency
17 shall include in the budget justification materials of
18 the agency the following:

19 “(A) Subject to paragraphs (2) and (3),
20 the following:

21 “(i) A list of each recurring plan or
22 report submitted by the agency.

23 “(ii) An identification of whether the
24 recurring plan or report listed in clause (i)
25 was included in the most recent report

1 issued by the Clerk of the House of Rep-
2 resentatives concerning the reports that
3 any agency is required by law or directed
4 or requested by a committee report to
5 make to Congress, any committee of Con-
6 gress, or subcommittee thereof.

7 “(iii) If applicable, the unique alpha-
8 numeric identifier for the recurring plan or
9 report as required by section
10 7243(b)(1)(C)(vii) of the James M. Inhofe
11 National Defense Authorization Act for
12 Fiscal Year 2023 (Public Law 117–263).

13 “(iv) The identification of any recur-
14 ring plan or report the head of the agency
15 determines to be outdated or duplicative.

16 “(B) With respect to each recurring plan
17 or report identified in subparagraph (A)(iv), the
18 following:

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 or directive or request in a congres-

1 sional report that requires or requests the
2 submission of the recurring plan or report.

3 “(iii) A list of the relevant congress-
4 sional committees for the recurring plan or
5 report.

6 “(C) A justification explaining, with re-
7 spect to each recommendation described in sub-
8 paragraph (B)(i) relating to a recurring plan or
9 report—

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

15 “(ii) the understanding of the head of
16 the agency of the purpose of the recurring
17 plan or report.

18 “(2) AGENCY CONSULTATION.—

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

1 sult with the head of each agency or entity with
2 whom consultation or coordination is required.

3 “(B) INCLUSION IN LIST.—If, after a con-
4 sultation under subparagraph (A), the head of
5 each agency or entity consulted under that sub-
6 paragraph agrees that a recurring plan or re-
7 port is outdated or duplicative, the head of the
8 agency required to submit the recurring plan or
9 report shall—

10 “(i) include the recurring plan or re-
11 port in the list described in paragraph
12 (1)(A); and

13 “(ii) identify each agency or entity
14 with which the head of the agency is re-
15 quired to coordinate or consult in submit-
16 ting the recurring plan or report.

17 “(C) DISAGREEMENT.—If the head of any
18 agency or entity consulted under subparagraph
19 (A) does not agree that a recurring plan or re-
20 port is outdated or duplicative, the head of the
21 agency required to submit the recurring plan or
22 report shall not include the recurring plan or
23 report in the list described in paragraph (1)(A).

24 “(3) GOVERNMENT-WIDE OR MULTI-AGENCY
25 PLAN AND REPORT SUBMISSIONS.—With respect to

1 a recurring plan or report required to be submitted
2 by not less than 2 agencies, the Director of the Of-
3 fice of Management and Budget shall—

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

7 “(B) make recommendations to Congress
8 accordingly.

9 “(4) PLAN AND REPORT SUBMISSIONS CON-
10 FORMITY TO THE ACCESS TO CONGRESSIONALLY
11 MANDATED REPORTS ACT.—With respect to an
12 agency recommendation, citation, or justification
13 made under subparagraph (B) or (C) of paragraph
14 (1) or a recommendation by the Director of the Of-
15 fice of Management and Budget under paragraph
16 (3), the agency or Director, as applicable, shall also
17 provide this information to the Director of the Gov-
18 ernment Publishing Office in conformity with the
19 agency submission requirements under section
20 7244(a) of the James M. Inhofe National Defense
21 Authorization Act for Fiscal Year 2023 (Public Law
22 117–263; chapter 41 of title 44 note) in conformity
23 with guidance issued by the Director of the Office of
24 Management and Budget under section 7244(b) of
25 such Act.

1 “(c) RULE OF CONSTRUCTION ON AGENCY REQUIRE-
2 MENTS.—Nothing in this section shall be construed to ex-
3 empt the head of an agency from a requirement to submit
4 a recurring plan or report.”; and

5 (3) in subsection (d), as so redesignated, by
6 striking “in the budget of the United States Govern-
7 ment, as provided by section 1105(a)(37)” and in-
8 sserting “in the budget justification materials of each
9 agency”.

10 (b) BUDGET CONTENTS.—Section 1105(a) of title
11 31, United States Code, is amended by striking paragraph
12 (39).

13 (c) CONFORMITY TO THE ACCESS TO CONGRESSION-
14 ALLY MANDATED REPORTS ACT.—

15 (1) AMENDMENT.—Subsections (a) and (b) of
16 section 7244 of the James M. Inhofe National De-
17 fense Authorization Act for Fiscal Year 2023 (Pub-
18 lic Law 117–263; chapter 41 of title 44, United
19 States Code, note), are amended to read as follows:

20 “(a) SUBMISSION OF ELECTRONIC COPIES OF RE-
21 PORTS.—Not earlier than 30 days or later than 60 days
22 after the date on which a congressionally mandated report
23 is submitted to either House of Congress or to any com-
24 mittee of Congress or subcommittee thereof, the head of
25 the Federal agency submitting the congressionally man-

1 dated report shall submit to the Director the information
2 required under subparagraphs (A) through (D) of section
3 7243(b)(1) with respect to the congressionally mandated
4 report. Notwithstanding section 7246, nothing in this sub-
5 title shall relieve a Federal agency of any other require-
6 ment to publish the congressionally mandated report on
7 the online portal of the Federal agency or otherwise sub-
8 mit the congressionally mandated report to Congress or
9 specific committees of Congress, or subcommittees thereof.

10 “(b) GUIDANCE.—Not later than 180 days after the
11 date of the enactment of this subsection and periodically
12 thereafter as appropriate, the Director of the Office of
13 Management and Budget, in consultation with the Direc-
14 tor, shall issue guidance to agencies on the implementation
15 of this subtitle as well as the requirements of section
16 1125(b) of title 31, United States Code.”.

17 (2) UPDATED OMB GUIDANCE.—Not later than
18 180 days after the date of the enactment of this Act,
19 the Director of the Office of Management and Budg-
20 et shall issue updated guidance to agencies to ensure
21 that the requirements under subsections (a) and (b)
22 of section 1125 of title 31, United States Code, as
23 amended by this Act, for agency submissions of rec-
24 ommendations and justifications for plans and re-
25 ports to sunset, modify, consolidate, or reduce the

1 frequency of the submission of are also submitted as
2 a separate attachment in conformity with the agency
3 submission requirements of electronic copies of re-
4 ports submitted by agencies under section 7244(a)
5 of the James M. Inhofe National Defense Authoriza-
6 tion Act for Fiscal Year 2023 (Public Law 117–263;
7 chapter 41 of title 44, United States Code, note) for
8 publication on the online portal established under
9 section 7243 of such Act.