

**Testimony of Daniel Schuman Before the House Appropriations Subcommittee on the
Legislative Branch, FY 2025, Concerning Agency Reports to Congress**

Dear Chair Valadao, Ranking Member Espaillat, and members of the House Legislative Branch Appropriations Subcommittee:

Thank you for the opportunity to submit testimony on improving Congress' management of reports submitted by agencies. This request concerns the operations of the Clerk of the House of Representatives and the Library of Congress and would entail a \$350,000 appropriation. My name is Daniel Schuman and I am an advocate for improving Legislative Branch efficiency and effectiveness. Thank you for your work in FY24 and in prior Congresses to improve Legislative Branch effectiveness, efficiency, and transparency.

Congress routinely requires federal agencies to submit reports to Congress. These reports contain a wealth of knowledge essential to the legislative process. Over the years, agencies have submitted tens of thousands of reports. However, Congress did not have adequate systems to distribute and archive the reports, nor could it systematically identify all past-due submissions.

To address these issues, Congress enacted the *Access to Congressionally Mandated Reports Act* (ACMRA) as part of the National Defense Authorization Act for FY23 (P.L. 117-263, §7241-7248). ACMRA requires the Government Publishing Office to maintain an online portal for many reports submitted to Congress as well as to generate "a list of all congressionally mandated reports" — reports due to Congress and its committees and subcommittees, with some exceptions. All reports published online are scrubbed for confidential and sensitive information.

GPO is working hard to publish these reports. In parallel, the Library of Congress publishes information on Congress.gov about executive communications to Congress, which include notices of when agency reports are submitted to Congress. The Library does not currently provide a hyperlink to the underlying reports themselves. Such a hyperlink would improve report findability. The Library indicated at a December 2023 meeting that it presently has no plans to generate a hyperlink. **I request the Library of Congress be directed to explore the feasibility and costs of generating hyperlinks to congressionally mandated reports.** It is my understanding that GPO will soon launch an API that would facilitate implementation. Accordingly, I request the inclusion of the following report language:

Congressionally Mandated Reports: As the Office of the Clerk of the House modernizes its LIMS platform and as the Government Publishing Office improves its Congressionally Mandated Reports portal, there should be a collaboration to provide more Executive Reports online, including on the Congress.gov platform. Within 180 days of the issuance of this report, the Library of Congress in collaboration with the Office of the Clerk and the Government Publishing Office shall submit to the House Appropriations Committee, the Committee on House Administration, and make available online a report that contains a plan for increasing online publication of Executive Reports that are findable on Congress.gov, including reports submitted by any officer or Department to Congress, its committees, and subcommittees.

In addition to improving the findability of agency reports, **I recommend Congress take steps to facilitate GPO verification of agency compliance with congressional direction to**

submit reports to Congress. This would entail the generation of a list of all reports the law requires to be submitted to Congress and a comparison of that list against actual submissions. Fortunately, there is an existing legal framework to build upon.

The first building block is House Rule II Clause 2(b), directing the House Clerk to generate a list of all reports any officer or Department is required to make to Congress. It states:

At the commencement of every regular session of Congress, the Clerk shall make and cause to be delivered to each Member, Delegate, and the Resident Commissioner a list of the reports that any officer or Department is required to make to Congress, citing the law or resolution in which the requirement may be contained and placing under the name of each officer the list of reports required to be made by such officer. (emphasis added)

The Clerk of the House interpreted Rule II to apply to reports required by law to be submitted to Congress *and not its committees and subcommittees*. It is our understanding this approach was taken because of resource scarcity. With additional resources and direction, the House Clerk is amenable to updating its list to include reports submitted to committees and subcommittees.

The second building block is the *Access to Congressionally Mandated Reports Act*, which contemplates comparing a list of mandated reports against agency submissions. The legislation directed that a compilation of all congressionally mandated reports be created. It states:

(b) CONTENT AND FUNCTION.—The Director shall ensure that the reports online portal includes the following:

(5) In tabular form, a list of all congressionally mandated reports that can be searched, sorted, and downloaded by—

(A) reports submitted within the required time;

(B) reports submitted after the date on which such reports were required to be submitted; and

(C) to the extent practicable, reports not submitted.

However, the final text of the *ACMRA* did not assign the task of generating a complete list of all congressionally mandated reports to any entity.

Not all agencies have complied with ACMRA's submission mandate, according to Government Publishing Office testimony before the House Legislative Branch Appropriations on April 10, 2024. At the hearing's close, the Subcommittee requested a list of missing reports. A compilation of all reports required by law would be helpful to identify missing reports. The report generated by the Clerk of the House of Representatives would serve this purpose *if* it is interpreted as applying to reports sent to committees and subcommittees.

Accordingly, **I request the Clerk be directed to interpret the House Rule II clause 2(b) requirement to publish a tabular list of the reports that any officer or Department is required to make to Congress as applying to all reports to Congress, including its committees and subcommittees**, which is its plain language meaning. In support of the increased workload for the Clerk, I recommend funding two Executive Communication Clerks in the amount of \$350,000. I request the following legislative language:

Furthermore, the Clerk is appropriated funding to hire two additional executive communications clerks for the purpose of expanding the list required under House Rule II clause 2(b) to include reports due to committees and subcommittee.

In addition, I request the following report language that connects the Clerk's report with GPO's implementation of ACMRA. This will facilitate identification of missing reports.

Congressionally Mandated Reports. The Clerk of the House of Representatives is tasked under House Rule II clause 2(b) to generate “a list of the reports that any officer or Department is required to make to Congress....” This list of reports is an invaluable oversight tool, but currently includes only reports due to Congress and not those due to its committees and subcommittees. In light of the recent enactment of the *Access to Congressionally Mandated Reports Act* and the importance of a complete list of all reports required to be submitted by agencies to Congress, starting no later than the first session of the 119th Congress, the Clerk is directed to dedicate two additional Executive Communication Clerks to support generating a list of the reports that any officer or Department is required to make to Congress, which shall be understood as including reports due to Congress, its committees, and its subcommittees. Furthermore, that list shall be published online in its current format as well as in an electronic format capable of being used by the Government Publishing Office in support of its obligations under the *Access to Congressionally Mandated Reports Act*.

Thank you again for working to improve the operations and transparency of Congress.