



Proposed Changes to Statutory Process for Reexamination of Congressional Reporting Requirements

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Congress frequently inserts text into a statute—or into a [report accompanying legislation](#)—that directs a federal government entity or official to provide information to audiences outside the entity’s organizational boundaries. When Congress does this, the text is oftentimes called a “reporting requirement.” Reporting requirements are important tools available to Congress in fulfilling its constitutional responsibilities. In practice, Congress [often employs reporting requirements](#) to mandate submissions from entities and officials in all three branches of the federal government as a means to inform its study of issues, [oversight](#), and lawmaking and [for multiple additional purposes](#). While many reports are provided to Congress, sometimes Congress may also intend to make information available to audiences in addition to itself. [These audiences may include](#) nonfederal stakeholders, personnel within one or more agencies, or the public.

Congress may sometimes reexamine the usefulness of reporting requirements. In 2011, Congress established a formal, [statutory process](#) to facilitate reexamination of certain types of required reporting. This Insight describes that reexamination process, discusses how pending legislation in the 118th Congress (S. 2073, Title III/H.R. 5301) would alter that process, and identifies potential issues related to those changes. Identical versions of this legislation (apart from their titles) have passed both chambers as parts of different packages of provisions but have not become law.

Processes Relating to Reporting Requirements

Congress creates [reporting requirements](#) to direct federal agencies or officials to submit information to an audience on a contingent (i.e., when certain conditions occur), periodic, ongoing, or one-time basis. Reporting may be more efficient than negotiating for information from agencies on an as-needed basis.

Reporting requirements tend to be established and modified in specific contexts, but Congress has also established general processes related to certain categories of requirements. Since [1822](#), the House of Representatives has required under its rules that a periodically updated list be maintained of [reports required to be made to Congress as a whole](#). This publication does not include requirements for reports to

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be submitted to committees, nor does it include reporting requirements that are established in committee reports but are not included in law. Both chambers also have [processes for receiving formally submitted reports](#). In 2022, [legislation was enacted](#) to require [certain types](#) of statutorily required reports to Congress and its committees to be made available [online to the public](#).

Conditions and needs for reports may also change over time. Some types of reported information may cease to be useful or may become obsolete or redundant. Occasionally, Congress has reexamined the need for existing reporting requirements. In 2011, Congress [statutorily established](#) a formal process it could use for reexamining certain types of requirements. This provision envisions an [annual, multi-step process](#) in which the President and the Office of Management and Budget (OMB) may propose to Congress that certain plans and reports be eliminated or consolidated. The process covers reports that executive branch agencies produce “for Congress” in response to statutory requirements or as directed in reports. The process covers only some reporting requirements. For example, reports from the President are not covered, because the President is not an “agency” under the statute.

Covered agencies may begin the process of reexamining reports by identifying reports that they view as “outdated” or “duplicative” pursuant to the statute and [annual OMB guidance](#). The statute requires an agency to consult with congressional committees to determine whether products are considered useful or could be eliminated or consolidated. After OMB reviews and potentially modifies agency proposals, the President may send proposed changes to Congress.

Proposed Changes to Current Law

If enacted, S. 2073/H.R. 5301 would continue to require executive branch entities to annually review reporting requirements and make recommendations to Congress about potential adjustments. Both bills would make other changes, including, among other things:

- **Inclusion in agency congressional budget justifications.** Instead of the President and OMB submitting a single [collection of proposals](#) on requirements to be changed along with the President’s budget submission, each agency would be required to include recommendations in its annual budget justification. This change might make the recommendations more visible to an agency’s committees of jurisdiction and other stakeholders. However, in striking a requirement for a consolidated listing, the legislation might make comparisons across agencies and assessments of an Administration’s overall approach to reporting requirements more challenging. In either scenario, OMB would likely continue to review and modify an agency’s proposals for consistency with the President’s policy preferences, including if multiple agencies disagree that a report is outdated or duplicative.
- **Application only to “recurring” plans and reports.** S. 2073/H.R. 5301 would explicitly limit the provisions’ applicability to “recurring” reports but does not define that term, which could introduce ambiguity. Many reports are required to be submitted on a periodic basis, while others may be required only under certain conditions. The proposed change appears to newly exclude reports that must be submitted only once.
- **Impact on the Access to Congressionally Mandated Reports Act.** S. 2073/H.R. 5301 would amend a separately enacted law, the [Access to Congressionally Mandated Reports Act](#), which requires agencies to submit many, [though not all](#), reports mandated by Congress to the Government Publishing Office (GPO), which then makes them publicly available. Under the proposed legislation, agencies would be required to include any recommendations to eliminate or change a reporting requirement with the submission of that mandated report to GPO.

- **Transparency.** S. 2073/H.R. 5301 would appear to make transparency-related changes by requiring agencies to publicly identify all “recurring” reports “submitted” by an agency, which might be read to exclude existing reporting requirements with which agencies do not currently comply. (Under current law, agencies are required to produce analogous lists but are not required to publicly release them.) The bills would also newly require agencies to provide justifications for any proposals to sunset, modify, consolidate, or reduce the frequency of such reports.

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