

CHAPTER SIX

CONGRESSIONAL REPORTING PROCESS CAN BETTER CONTRIBUTE TO A LEGISLATIVE-CENTERED PUBLIC ADMINISTRATION

This concluding chapter addresses the previous chapters' main findings in developing this dissertation and specifically answers the research questions from Chapter 1. Rosenbloom's call for a legislative-centered public administration is discussed, focusing on what needs to be done to apply his theory to improve the reporting requirements process. The chapter then touches upon the need for more collaboration between congressional committees and agency officials who prepare reports to determine if the reporting requirements are still useful, and if so, whether they are meeting the information needs of all relevant stakeholders. Such increased collaboration would go a long way in solving the current problems with the reporting process. The goal of collaboration between the congressional committees and the agencies that prepare the required reports is to cut back on unneeded reports and concentrate on those that provide useful information for Congress and agencies in fulfilling their administrative responsibilities. The chapter concludes with a possible approach to promote coordination between the legislative and executive branches to systematically manage the reports management process and improve the flow of information to Congress and other interested stakeholders in the operations of Federal programs.

6.1 SYNOPSIS OF MAIN FINDINGS FROM PREVIOUS CHAPTERS

Chapter 1 finds that congressional reporting requirements, although an important oversight tool, have not been adequately studied and are ripe for a dissertation topic. Chapter 2 concludes that little has been written about congressional reporting requirements, although much has been written about the larger topic of congressional oversight. Rosenbloom's observation that the topic of reporting requirements could make a contribution to "our knowledge of Congress and federal administration," noted in Chapter 1, thus appeared to be correct. Better management of reporting requirements is needed and an approach for improving the process is explored in this concluding chapter.

Chapter 3 shows that the volume and variety of reports are prepared at considerable cost, but also represent a major information resource. This resource has tremendous potential for facilitating

congressional decision-making. In order for this resource to be useful and cost effective it must be managed well. As illustrated by the various computerized systems developed by the Clerk of the House, Secretary of the Senate, the four case study agencies' management and tracking systems, and OMB and NARS roles, considerable time and resources are devoted to the management of congressional reports. The discussion in this chapter also illustrated Rosenbloom's observation of agencies as extensions of Congress in carrying out public policy and efforts by Congress to develop capacity for oversight activities—thus contributing to a legislative-centered public administration. Also as discussed in Chapter 3, the congressional reporting process includes the four characteristics that help define management processes: regularity—a sense of recurrence around the task or function; cycles of activities—routines and subroutines and expectations about the routines form the activities that demarcate the management process; interaction—people, with their particular reading of the task or function, agency mission, personal agenda, and environment come together to “perform” their respective tasks and functions; and outcome oriented—some end product is identifiable with the management process, such as a budget document, personnel action, regulation, or congressional testimony.

Chapter 4 discusses how and why laws creating performance-reporting requirements are created and notes that the purpose of these reporting requirements is to strengthen management controls and processes to increase agency accountability. The information required in these reports is intended to be a valuable resource for Congress in carrying out program authorization, oversight, and appropriations responsibilities, as well as to ensure the public a more accountable and responsive government. However, the chapter also concludes that an excessive number of reports on different issues within an agency are not likely to get the attention of busy congressional decision-makers or the public. One consolidated report--containing useful and understandable information dealing with an agency's performance management, financial management, and IT issues--is more likely to fulfill the intent of laws with reporting requirements: to produce useful information that had not previously been available. And, of course, as just concluded in Chapter 5, in the five years since the sunset provisions of the Federal Reports Elimination and Sunset Act of 1995 took effect, more needs to be done to determine

why the impact of the sunset provision was limited and to find a way to successfully implement this important legislation designed to eliminate outdated reporting requirements.

6.2 KEY RESEARCH QUESTIONS

The key point the dissertation addresses is that congressional reporting requirements are an important management process which can be explored and improved to aid in bringing about Rosenbloom's call for a legislative-centered public administration. While many reporting requirements are vitally important, others are outdated or unnecessary. The sheer number of reporting requirements results in "crowded management space" (Radin 1998/9). This dissertation identifies what needs to be done to improve the reports management process.

6.2.1 Contributions to a Legislative-Centered Public Administration

The main research question for the dissertation was: How does the congressional reporting process contribute to a legislative-centered public administration? The dissertation described the congressional reporting process and identified factors that supported (or did not support) a determination that this process contributes to a legislative-centered public administration. The first conclusion of the dissertation is that the reporting requirements are used by Congress to get information from agencies in order to carry out Congress' legislative responsibilities (e.g., oversight, policy-making, and appropriations responsibilities), as discussed in Chapter 2 regarding the oversight literature by Aberbach, Fisher and others. In this sense, agencies that compile the reports are being used as extensions of Congress in the spirit of Rosenbloom's legislative-centered public administration. It is also clear that the congressional reporting process is a public management process according to Clay's definition in Chapter 3 and that performance-based reporting also is a public-management process. However, from the evidence in Chapters 4 and 5, it can be concluded that the current reports management process is not yet as fully developed as it should be to serve the interests of Congress, the agencies, and the public. While regularity, cycles of activity, and outcomes are evident in the reports management process, there is not as much interaction as is needed among the key actors in the reports management process to make sure that the system is effective (i.e., in achieving congressionally specified

objectives) and meets the needs of all key stakeholders. Each of these aspects of a management process contributes to a legislative-centered public administration.

Additional sub-questions arose that were of significant value to the research. One of these was: How should the congressional reporting process be improved to contribute to a legislative-centered public administration (from congressional, executive agency, and public administration perspectives)? This important question will be discussed in detail later in this chapter.

6.2.2 Elements of the Congressional Reporting Process

Another such sub-question was: What are the elements of the congressional reporting process and how are they institutionalized to form a management process? This question was addressed in Chapter 3 where the tracking mechanisms of the Clerk of the House, the Secretary of the Senate, and the four case study agencies' monitoring systems, and the roles of OMB and NARS were discussed in some detail. Elements of the reporting process include laws passed by Congress requiring specific reports; databases maintained by the Clerk of the House and Secretary of the Senate to track both reporting requirements and reports received by Congress from agencies in response to the requirements; processes maintained in agencies to monitor compliance with reporting requirements; and the roles of OMB and NARS to oversee policy and archival functions. These elements of the reporting process are institutionalized in both Congress (e.g., the Clerk of the House, Secretary of the Senate, and individual House and Senate committees) and in the executive branch agencies that prepare the reports (e.g., congressional relations, budget, planning, general counsel, and program offices). The reporting processes are a management process because they satisfy Clay's definition of the four elements that comprise a public management process—regularity, cycles of activities, interaction, and outcome-oriented. Regularity is a sense of recurrence around the task or function and this is evidenced by the listings of requirements published by the Clerk of the House at the beginning of each session of Congress and the lists maintained by agencies to track their recurring and one-time reporting requirements. Cycles of activities are routines, subroutines, and expectations about the activities that form the management process and are evidenced by preparation of the reports in cycles of activities from planning, writing, processing and issuing required reports. Interaction involves people, with their particular reading of the task or function, agency mission, personal agenda,

and environment, who come together to “perform” their respective tasks and functions, as evidenced by the interaction between groups to pass reporting requirements in law and the interaction among stakeholders and those in the agencies who prepare the reports in compliance with administration policies. Finally, the congressional reporting process is a management process because it is outcome oriented, meaning some end product is identifiable with the management process, such as a budget document, personnel action, regulation, or congressional testimony, as evidenced by, in this case, passage of reporting requirements in law and the resulting reports to Congress.

6.2.3 Problems Implementing an Effective Congressional Reporting Management Process

The final sub-question was: What are the problems associated with implementing an effective congressional reporting management process? Too many reporting requirements lead to a crowded management space; as shown in chapters 3 and 4 there are thousands of reporting requirements imposed on agencies and they have a difficult time keeping up with what is required of them by Congress. In chapters 4 and 5 the problems associated with a crowded management space were discussed.

The term “crowded management space,” used by Beryl Radin (1998), means that at the same time agencies are responsible for implementing GPRA, they are also responsible for implementing numerous other management requirements established by law, executive orders, and OMB directives. Each of these requirements has a unique internal logic, but this logic is sometimes incompatible with that in other requirements. This incompatibility can lead to differing decisions about appropriate policy objectives. In addition, performance-reporting requirements, which are supposed to reinforce one another, are often given to different staff units, each with their own perspectives on what needs to be done to accomplish each requirement’s objectives. Thus, within a department or agency, the budget office, planning office, financial office, evaluation office, or other units are responsible for satisfying the various requirements of differing reporting laws.

The term crowded management space also applies to the number of reports with which Congress must deal. Because each management law has many requirements, as discussed in Chapter 4,

several reports may be required for each one, sometimes by different agencies. As discussed in Chapter 5, the number of reporting requirements has occasionally been reviewed and assessed by Congress, to determine whether (1) the executive branch is adequately responding to the requirements; and (2) the reporting requirements are still meeting their intended purposes or are an unreasonable burden. In 1982, Congress passed the Congressional Reports Elimination Act and, in 1995, the Federal Reports Elimination and Sunset Act. However, these proved to be periodic and scattershot attempts to deal with the problem of too many reports. The sunset provision, in particular, was designed to eliminate hundreds of outdated reporting requirements, but it has yet to achieve this goal, perhaps because the sunset provision did not establish a systematic approach to proactively manage reporting requirements through coordination with all actors involved in the reports management process.

In Chapter 5 we saw attempts by Congress and others to eliminate or combine reporting requirements to get the crowded management agenda under some control, but the novel device of the sunset provision of the Federal Reports Elimination and Sunset Act has not been used as much as it could have been. Part of the lack of use of the sunset provision may have been because agency personnel were not aware of the provision taking effect and its potential impact on reducing their reporting burden. In addition, while many entities are involved with the reports management process, no one entity has taken a leadership role in making sure the system operates effectively. Both GAO and OMB were at times given this task in laws such as the Congressional Budget Act and the Government Management Reform Act, but these agencies have not been assigned long-term responsibilities in this area.

In contrast to the reports elimination laws discussed in Chapter 5, the Reports Consolidation Act of 2000 continues the goal of report elimination by encouraging agencies, OMB, and congressional committees to examine how reports can be consolidated to better utilize government resources. In addition, the crowded management space can be seen in the relationship of the reports to the congressional budget schedule, set by the Congressional Budget Act of 1974 (2 U.S.C. 601-661), as shown in Figure 4.2 in Chapter 4. While this act created a timetable for the budget process, in reality the schedule is often modified, for example when

Congress fails to pass budget resolutions or appropriations bills before the start of the fiscal year, which often happens and negatively affects program operations.

Challenges to effective implementation of GPRA include overlapping and fragmented crosscutting program efforts, the often limited or indirect influence that the federal government has in determining whether a desired result is achieved, and the lack of results-oriented performance information. Instilling an organizational culture that focuses on results remains a work in progress: linking agencies' performance plans directly to the budget process has not yet taken place and has faced difficulties within both the agencies and Congress. Addressing some of these challenges will raise significant policy issues for Congress and the administration to consider and will most likely be difficult to resolve. OMB's development of the PART has tried to breath new life into GPRA by recommending that agencies link their performance goals to their budgets, but the appropriations committees still prefer to have agencies prepare their budget justification materials the same way they did before GPRA or PART.

6.3 USING ROSENBLOOM'S LEGISLATIVE-CENTERED PUBLIC ADMINISTRATION THEORY TO IMPROVE THE CONGRESSIONAL REPORTING PROCESS

As Rosenbloom points out, "Congress has very broad responsibility for federal administration."¹ Congress passes the laws that are the source of federal administration by empowering, organizing, and funding agencies and providing for their staffing through Civil Service laws. Rosenbloom views the Congressional responsibility to supervise and provide oversight for executive branch operations as one of Congress' major functions. To accomplish these goals, standing committees must be adequately staffed and aligned with corresponding executive branch organizations. Congress has also passed legislation such as the GPRA, the IG and CFO acts, and other performance-reporting requirements, discussed in Chapter 4, which emphasizes Congress' supervisory role by placing inspectors general and chief financial officers in agencies, imposing reporting requirements on agencies and otherwise monitoring and participating in managerial activities related to strategic planning and performance measurement. Rosenbloom says "the supervisory role comprehends congressional action to establish administrative systems

¹ Rosenbloom, David H. (2000), Building a Legislative-Centered Public Administration: Congress and the Administrative State, 1946-1999, The University of Alabama Press, Tuscaloosa, AL, p. 136.

and criteria for accounting, reducing paperwork, collecting and releasing information, and a wide variety of other activities.” He concludes that “Congress is an author that continually revises the script.²”

It is time for Congress to revise the script about how the congressional reporting process is managed. This can best be accomplished through congressional coordination with the key management agencies. However, quoting Rosenbloom, “Because of its organization, Congress faces serious limitations when coordination among the agencies is necessary to achieve a policy goal.³” In the case of effectively managing congressional reporting requirements, this congressional shortcoming is painfully obvious. Although Congressional supervision and oversight involve liaison and Congressional intervention, they do not generally require, day-to-day hands-on management by Congress. However, it would be useful if there were day-to-day management of the information needs of Congress regarding the thousands of reporting requirements it imposes on agencies every year.

It will be important to keep in mind Rosenbloom’s observations when reading the rest of this chapter about effectively developing an improved Congressional reports management process in order to further the promise of a legislative-centered public administration. As Rosenbloom points out, “The overall purpose of legislative-centered public administration is to protect the vibrancy of constitutional government by strengthening Congress’ participation in federal administration.” An important way for Congress to strengthen its participation in federal administration would be to strengthen its management of the congressional reporting process. Rosenbloom concludes by stating, “There cannot be a fire wall between the author and the actors charged with carrying out its intent. To be uninvolved in ongoing administrative matters would be to abdicate fundamental congressional responsibility.”⁴ So perhaps it is time for Congress to get more involved in the administrative activity of more effectively managing reporting requirements, while still respecting the Separation of Powers doctrine contained in the Constitution.

² Ibid.

³ Ibid, p. 138

⁴ Ibid, p. 139.

Rosenbloom goes on to observe, “Legislative-centered public administration contains no self-regulating mechanism,” because it can “promote both excessive and self-serving involvement in administration.”⁵ He cites the example Willoughby pointed out regarding Congress placing too many reporting requirements on administrators and thereby creating “rigidity . . . that often militates against efficiency and makes it impossible for administrative officials to meet emergencies and do the things most urgently needed.”⁶ While legislative-centered public administration, per se, may contain no self-regulating mechanism, for purposes of administrative efficiency and effectiveness for both administrators and Congress, such a mechanism may be called for regarding congressional reporting requirements. The rest of this Chapter explores how such a self-regulating mechanism for controlling reporting requirements could be created.

6.4 IMPROVED COORDINATION AND INFORMATION MANAGEMENT PRACTICES COULD IMPROVE THE CONGRESSIONAL REPORTING PROCESS

As noted in Hatch (1997), “Classical management theorists and early modernists nearly always focused on how to stabilize, routinize, and rationalize organizational knowledge about effective government performance.”⁷ It is somewhat surprising then that the literature on the topic of organizational learning, and the more recent literature on what constitutes good information practices, has not been applied to the topic of improving the congressional reporting process. As noted in Druckman, et. al. (1997), the body of literature on these topics is relatively newer and smaller than the body of literature on organizational development and change. Weick and Westley (1995) describe the image of organizations as self-designing systems that blend the image of a repository with that of its culture by quoting Purser and Pasmore (1992):

Self-designing work systems are thinking and learning organizations that have well-developed self-diagnostic capacities, allowing them to question their governing assumptions and reassess their relationship to changing environmental demands . . . Knowledge work organizations ‘learn how to learn’ by maintaining processes that critically examine key assumptions, beliefs, tasks, decisions, and structural issues.⁸

⁵ Ibid, pp. 140-141.

⁶ Willoughby (1927, p 17) cited in Rosenbloom, p. 141.

⁷ Hatch, Mary Jo (1997), Organization Theory: Modern, Symbolic, and Postmodern Perspectives, New York, NY, Oxford University Press, p. 350.

⁸ Purser, R. E. and Pasmore, W. A. (1992), “Organizing for Learning,” Research in Organizational Change and Development, vol. 6, Greenwich, Ct., JAI Press, p. 55.

The current congressional reporting process does not generally maintain procedures that critically examine key assumptions, beliefs, tasks, decisions, and structural issues, other than on a sporadic basis or when someone in Congress champions legislation to address the reports management process' problems. A possible exception to this can be made for the GPRA reporting process. In writing the GPRA law, the Senate Governmental Affairs Committee required agencies to consult with the appropriate congressional committees regarding their performance goals in GPRA reports. This chapter concludes with a proposal to build a feedback loop into the congressional reporting process by establishing a mechanism for regular coordination between the legislative and executive branches to address systematic control issues associated with reporting requirements.

This chapter takes a broad approach by viewing agencies as extensions of Congress as envisioned by Rosenbloom's legislative-centered public administration. Additionally, Congress is viewed not only as an individual organization, but also as part of the larger organization of the Federal government. Congress fulfills its oversight role as a means of determining how the rest of the government needs to progress in a certain area, or to change current operations and policies. Thus, as an individual organizational entity, Congress is reacting to its external environment, as it exists in the executive branch. But Congress is also part of the larger organizational entity of government, and in fact is a major determinant in setting the environmental influences for the larger whole. Therefore, Congress is learning not only for itself, but also for the larger organization/government. To use one of Morgan's (1997) metaphors about organizations, examining "organizations as brains" in the context of the federal government as an organization, Congress would perform the "brain" function through its oversight of the executive branch. It may also be useful to conceive of the federal government in network terms, with daily relationships between and among myriad organizations (and their subunits), with the network enmeshed in other networks and environments. Moreover, Congress itself contains numerous internal differences (e.g., between chambers, among committees and subcommittees). We now turn to the related literature of improving information for decision-making, as it is applicable to viewing Congress as the "brain" of the federal government.

6.4.1 Improving Information for Congressional Decision-making

As noted in Weick and Westley (1995), self-designing organizations are likely to explore issues, whereas bureaucracies tend to exploit them. Both are forms of learning and resilient organizations of either form do both—the challenge is to strike a balance. Weick and Westley also point to the consequences of absolute control within an organization, or by a government over society. They note that “. . .power, particularly absolute power, presents a major impediment to learning, linked as it is to rigid taboos, autocracy, impression management, sycophancy, and hubris.” Congress could be better served by trying to place greater reliance on exploring issues it is interested in, instead of relying on bureaucratic oversight tools of formal hearings and required reports where there is no “real” exchange of information and views with the executive branch.

To illustrate the above conclusion, some examples of congressional reporting requirements will show the difference between bureaucratic and exploring relationships where Congress is trying to get information from the executive branch. As discussed throughout this dissertation, Congress has established literally thousands of reporting requirements on the executive branch, yet many of the subsequent reports are sent to Congress without any learning occurring (e.g., the reports are ignored and filed away in the archives). For example, the topic of immigration and related estimates of legal and illegal immigrants coming into the United States is considered by many experts to be an important policy issue. However the law requiring information on immigration flows from the Immigration and Naturalization Service (INS, now Immigration and Customs Enforcement, or ICE) was written without consulting with the experts on this topic in the section that prepares the annual reports. The subsequent law, 8 U.S.C. 1103, requires a report on ten specific categories of information. INS never reported on several of the required categories because of technical or cost considerations, yet no one from the immigration committees noticed this gap in information for years. Subsequently, the National Academy of Sciences issued a series of studies on immigration and pointed out the gaps in the data needed to measure the impact of immigration. The result, however, was the proposed elimination of 8 U.S.C. 1103 because of a power struggle between the House and Senate immigration committees over immigration quotas. The Senate wanted no restrictions and for political reasons decided to eliminate the reporting requirement, although ultimately the Clinton Administration prevailed by

keeping the statutory reporting requirement from being eliminated. However, ICE still does not report on the categories of information called for in law, because it is not technically possible to do so given their current statistical capabilities.

The case of 8 U.S.C. 1103 is in contrast to the type of collaborative learning called for under GPRA. The agencies preparing GPRA performance plans should meet with their stakeholders on congressional committees to agree on performance measures and the agencies' progress in meeting its goals. This coordination encourages members of Congress to discuss issues and get feedback from agency officials. The importance of coordination for the organization is summarized by Schon, who said that the organization

“acts when individual members, functioning as agents of the collectivity, carry out their parts of the larger task system. Like the individual craftsman, the collective has a theory-in-use implicit in the norms, strategies, and assumptions that govern its regular patterns of task performance. As in his case, their theory-in-use may be inferred from the evidence of intelligent action, especially from the detection and correction of errors. But in their case, intelligent action depends on a continuing mutual adjustment of individual behaviours, one to another. Their organizing depends, in turn, on each person's image of the larger system. In this sense, the organization exists in its members' heads. But the members also have access to external maps, memories and programs, which they must continually complete through mutually adjusted actions.”⁹

Sometimes individual members of Congress take the initiative to actively explore a public policy issue of interest to them and consult with the appropriate agency officials about possible approaches to the public policy issue. This occurs when an individual member of Congress becomes involved, and when the member involves experts from the executive branch and elsewhere in the deliberative process. For example, several years ago the Chairman of a Senate Subcommittee on Appropriations was concerned about discussions he had with Federal law enforcement officers about recruitment, retention, and morale problems. The Federal officers said the problems stemmed from differences in their pay and benefits compared to their State and local counterparts. The Senator wrote a provision into law establishing a presidential advisory commission to study the issue. The commission was bipartisan, bicameral, and also included

⁹ Quoted in Weick, Karl E., and Westley, Francis (1995), “Organizational Learning: Affirming an Oxymoron,” Handbook of Organization Studies, Thousand Oaks, Ca., Sage Publications, p. 444.

Cabinet secretaries, heads of Federal law enforcement agencies, and union representatives. The Senator made sure that he and other interested members of Congress were appointed to the commission.¹⁰ The final report to the President and Congress resulted in passage of a major section of the Federal Employees Pay Comparability Act raising pay and benefits for Federal law enforcement officers.¹¹

The literature on knowledge management could be of assistance in improving Congress' oversight efforts of the executive branch and to learn about public policy issues. In addition, Congress could practice knowledge management to better coordinate the preparation and management of congressional reporting requirements and the subsequent reports submitted to Congress. Knowledge management is broadly defined as:

- Sharing reliable information across boundaries, both internally and externally;
- Linking people across boundaries to share knowledge they may not otherwise share;
- Including technological tools to facilitate knowledge sharing; and
- Helping organizations maximize their value and manage their resources and control risks.

Keys to facilitate knowledge management include:

- Development of a strategic plan;
- Core values;
- Organizational alignment;
- Recruiting, staffing, development, and succession planning strategies;
- Capturing, assessing, and disseminating employees' skills and knowledge information;

¹⁰ This is an example of "fire-alarm" (episodic, ad hoc, market-like) as opposed to "police patrol" (less active but more systematic and with direct intervention) oversight in that the Senator not only wanted to establish a commission, but also wanted Members of Congress appointed to the commission. See McCubbins, Mathew D. and Thomas Schwartz (1984), "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms," American Journal of Political Science, Vol. 28, No. 1. (Feb., 1984), pp. 165-179.

¹¹ The presidential commission was the National Advisory Commission on Law Enforcement, established by the Anti-Drug Abuse Act of 1988.

- Modernizing and integrating institutional, unit and individualized performance measurement and rewards systems;
- Employee empowerment and effective communications;
- Updated and integrated training and development programs; technology infrastructure for sharing knowledge both internally and externally;
- Utilizing advisory groups; and developing effective partnerships.¹²

The next section gives examples of how two agencies took the initiative, using some of the principles of knowledge management discussed above, to coordinate with congressional committees to better manage their reporting requirements.

6.4.2 Examples of Networking Between Agencies and Congress To Improve Reporting Requirements

The Board of Governors of the Federal Reserve System (the FED) provides the first example of an agency taking the initiative to network with a congressional committee to proactively manage what it viewed as a vital reporting requirement. The FED learned that, as a result of the Federal Reports Elimination and Sunset Act discussed in Chapter 5, its semi-annual report to Congress on monetary policy and the state of the economy (Humphrey-Hawkins Report) was sunset. The FED's Federal Open Market Committee discussed the situation and determined that it wanted the reporting requirement to continue to exist. A summary of the internal discussion is contained in the minutes from the meeting:

SUNSET LEGISLATION RELATING TO HUMPHREY-HAWKINS REPORTS--The Committee discussed the Federal Reports Elimination and Sunset Act of 1995, which provides for the termination of the legal requirements for semiannual Humphrey-Hawkins reports to the Congress after 1999. At this meeting, the members agreed that the semiannual reports and associated congressional hearings had been quite useful and should be continued. They had given the Committee an effective means to explain its policies and communicate its views on a variety of issues and had enhanced its accountability to the public and the Congress.¹³

¹² From "Advancing Knowledge in the Knowledge Economy," an international conference sponsored by the National Science Foundation, the Organization for Economic Co-operation and Development, and the University of Michigan, in Washington, D.C. on January 11-12, 2005.

¹³ Kohn, Donald L, "Minutes of the Federal Open Market Committee Meeting Held on February 2-3, 1999," Thomson Corporation Company; Copyright 1999 Board of Governors of the Federal Reserve System, Federal Reserve Bulletin, June 1, 1999, No. 6, Vol. 85; Pg. 426; ISSN: 0014-9209.

The FED then contacted the Senate Banking Committee, which was next in line to hear Humphrey-Hawkins testimony from Chairman Greenspan, informed the committee that the reporting requirement was sunset and indicated the FED's desire that the requirement be reauthorized. It is clear from the opening remarks of Senator Sarbanes that he had been briefed about the need to discuss the importance of the report and the need to reauthorize it. The Senator said to Chairman Greenspan, "I think we have a compelling interest to re-authorize that report, and obviously my question to you has to deal exactly with that report and the view of the Fed with respect to having to make the semiannual reports that are now required under the law and whether you see any problem in re-authorizing that requirement."¹⁴

Senator Sarbanes' question was undoubtedly not a surprise to Chairman Greenspan, whose response was scripted for the record when he said,

None, Senator. As I've testified in the past, we are an independent institution in a democratic society, and that means in order to maintain our independence, it's essential that we are accountable to the public and to the responsible congressional committees to make clear what it is we're doing and why to the extent that we can do so in a responsible way. So we think that coming up on a regularly scheduled basis has, in our judgment, been very productive. And in a sense, I think you're making a good point, Senator, when you say it requires us on a fairly consistent basis to make certain that we have a structure of policy which is coherent to the Congress. And it does discipline us, and I think in an appropriate manner.¹⁵

The FED is to be commended for taking the initiative to meet with the Senate Banking Committee to restore what both institutions view as an important reporting requirement. See Appendix F: Federal Reserve Board's Web Page of Reports to Congress for a link to the Fed's Humphrey-Hawkins [Monetary Policy Report to the Congress](#) at the bottom of the first page. It should be noted that the prominence of a page on the FED's web site devoted to providing summaries and links to all of its reports to Congress is another innovation that other agencies could emulate.

¹⁴Testimony before the Senate Banking Committee, February 23, 1999, CNNfn Transcript # 022306cb.L04.

¹⁵ Ibid.

Another example of coordination to improve the congressional reporting process is GAO's efforts to get feedback from congressional requesters about the level of their satisfaction with GAO reports and testimonies. The feedback process was tested for six months in 2002 as part of GAO's balanced scorecard effort. GAO's most important effort to obtain feedback from its congressional clients is to have Senior Executives have regular feedback meetings with key congressional members and staff throughout the year.

GAO also gathers data on its clients' perceptions through a short questionnaire sent via e-mail to key staff members in the requesting organizations. GAO asks the requesters a standard set of questions about its reports and a modified version of the same questions for testimonies. The respondents can also provide narrative comments on either type of survey. For reports, respondents rate the quality on a five-point scale on each of the following five questions:

1. The requested work was conducted in a professional manner (i.e., objective, fact-based, nonpartisan, nonideological, fair, and balanced).
2. GAO kept you informed on the progress of the work so that you knew in advance what to expect.
3. The product was delivered on time.
4. The product was clear, concise, and candid.
5. The product was responsive to your needs.¹⁶

For the 108th Congress, the GAO client survey effort was expanded to cover all testimonies, all "high-interest" products and all products involving 500 or more staff days done for all committees in the House and Senate. GAO sent out 1,148 surveys, including 697 for written products and 451 for congressional testimonies. Overall, 96 percent of those responding to the e-mail survey responded positively ("strongly" or "generally" agreeing) to the questions. Only 2 percent of the responses were negative, while another 3 percent were neither favorable nor unfavorable. Positive scores were slightly higher for testimonies (96 percent) than for written products (94 percent). Although the survey's 34 percent response rate was disappointing, it

¹⁶ Information provided by an official in the Office of Quality and Continuous Improvement, U.S. Government Accountability Office.

marked an improvement over the 31 percent achieved in FY 2003. GAO plans to explore strategies to improve the response rate and explore adopting a non-response strategy.

GAO's efforts to coordinate with congressional committees are broader than the FED's interaction on the Humphrey-Hawkins reauthorization discussed above. But both agencies have demonstrated the value of meeting periodically with congressional stakeholders in order to determine what reporting requirements are still important versus which ones can be eliminated or cut back in scope. The next section discusses a way to systematize the reports management process on a government-wide basis to better manage reporting requirements through coordination among participating entities.

6.5 POSSIBLE SYSTEMATIC APPROACH TO IMPROVE THE CONGRESSIONAL REPORTING PROCESS

The congressional reporting process needs to be improved to increase coordination between congressional stakeholders and agencies concerning the need for reporting requirements, to address overlapping responsibilities for the reports management system, and to address other deficiencies in the procedures for fulfilling the reporting requirements that make them less useful than they could be.¹⁷ Table 6.1 summarizes the reporting requirements process by listing the tasks to be performed, identifying the organizational entities that perform the individual functions, and showing the areas in which improvements could be made. These possible improvements are discussed below.

¹⁷ The discussion in this section is based on the GAO report [A Systematic Management Approach is Needed for Congressional Reporting Requirements](#) (PAD-82-12, Nov. 25, 1981). The discussion has been updated to reflect current organizational responsibilities for managing the congressional reporting process.

Table 6.1: Congressional Reporting Requirements Tasks, Who Performs Them, and Needed Improvements

Task	Performed By	Improvement
Identify due dates of submissions to the Congress.	House Clerk, Secretary of the Senate	Eliminate duplication of effort.
Identify due dates of submissions to committees.	House Clerk, Secretary of the Senate	Systematize committee review of requirements by jurisdiction.
Identify reporting requirements by committee jurisdiction.	House Clerk, Secretary of the Senate	Same as task above.
Identify reporting requirements by agency.	House Clerk, Secretary of the Senate, other Federal agencies	Develop guidelines and procedures.
Prepare and submit reports.	Federal agencies	Improve report timeliness and relevance.
Disseminate reports.	House Clerk, Secretary of the Senate	Institute coordinated services for distribution.
Log reports.	House Clerk, Secretary of the Senate	Improve the logging system.
Monitor reports and follow up reporting delinquencies.	Committees	Cannot now be accomplished without improving identification tasks and instituting a monitoring system.
Identify requirements for congressional action upon receipt of reports.	Not Being Done	Categorize these requirements.
Assess user satisfaction with reporting requirements operation.	Not Being Done	Develop a feedback mechanism.
Change or eliminate reporting requirements as necessary.	Committees, with assistance, as requested, from departments, OMB, and GAO	Implement a systematic process.

Source: This table, updated for this dissertation, is based on a report the author worked on during the early 1980s. See U. S. General Accounting Office (1981), A Systematic Management Approach is Needed for Congressional Reporting Requirements (PAD-82-12, Nov. 25, 1981).

Note that two tasks discussed in Table 6.1 are not currently being performed—(1) identifying requirements for congressional action upon receipt of reports, and (2) assessing user satisfaction with reporting requirements operation. It can also be argued that some of the other tasks are not

being done very well, such as changing or eliminating reporting requirements as necessary, as illustrated by the poor implementation of the sunset provision discussed in Chapter 5. To serve as an effective resource, reports generated in response to reporting requirements must be managed systematically. The critical elements for systematic management are as follows. The system must provide for identification of individual reporting requirements, their due dates, and their recipient committees. It must make visible the Federal agencies' responsibilities for preparing and submitting documents in response to the requirements for reporting on their activities. It must contain a mechanism for monitoring the submission of reports to the Congress. It must facilitate dissemination of the reports and other information related to them. It must contain measures for assessing the usefulness of the reports and the information they contain.

Historically, these functions have been performed by several organizations acting independently, with no effective coordination among them. Some of the functions are performed by only one organizational entity; others are carried out concurrently by several entities, with varying degrees of completeness and success. As a result, gaps exist in the system and, therefore, opportunities exist for streamlining it to make it more efficient and effective.

6.5.1 Identifying the Reporting Requirements and Logging and Disseminating Reports

As discussed in Chapter 3, both the Clerk of the House and the Secretary of the Senate identify reporting requirements and maintain lists, or inventories, of requirements, due dates and other information to identify and track reports expected from agencies.¹⁸ Both the Clerk and Secretary also record report receipt dates. The Clerk's office checks off receipt dates against its inventory of due dates. In the Secretary's office, the Assistant Reporter of the Senate records receipt dates for all "executive communications" received, including reports received in response to reporting requirements. After the reports have been logged in, they are distributed to the appropriate committees.

¹⁸ The inventory that the Clerk of the House maintains initially listed only reports submitted to the Congress as a whole. Since the early 1980s, it also identifies the committees having oversight responsibility for the reports submitted to the Speaker of the House and it identifies reports to specific committees, but the inventory is still not complete.

The most efficient process for accomplishing these tasks would be to have one organization collect the data and share it with the other. The development of uniform guidelines and procedures would help ensure efficiency in identifying and maintaining data. It could also enhance the usefulness of information contained in reports.

6.5.2 Monitoring Reports and Following Up on Reporting Delinquencies

At present, the Congress cannot determine whether all required reports are submitted, because it does not monitor when reports are submitted against due dates from a central listing of all the reporting requirements, and reports sent directly to committees are not included in a central database. In addition, no historically complete database exists. Thus, the Congress has no systematic way to follow up on delinquencies. Moreover, because committee recipients are not identified until a report is received, the committees cannot easily determine all reports scheduled to be received. The Clerk's document shows what reports are due, but not who should receive them. The log of the Secretary of the Senate, created as reports are received, identifies the recipient committees at that time. Also, neither the Clerk of the House nor the Secretary of the Senate is notified when a report comes directly to a committee.

This difficulty is compounded by the fact that there is no mechanism for categorizing reporting requirements by type. For example, there is no way to tell which requirements have congressional review provisions—that is, which ones require agencies to give advance notification at a specified time before carrying out certain activities. If the Congress could identify and respond to these and other requirements, it could perform its oversight responsibilities more efficiently and effectively.¹⁹

Some monitoring and tracking problems originate with the legislation. Many reporting requirements are levied to elicit as much information as possible about the program or activity being carried out under the legislation. Broad information requirements may, therefore, be vague, and this in turn can affect the timeliness of agency submissions. Moreover, agencies do not always indicate the requirement they are responding to and sometimes they fail to date their

¹⁹ The Congressional Research Service used to maintain an inventory of legislation requiring congressional action on proposals from the executive branch. However, there was no evidence that the Congress made any systematic use of this information.

report documents. Finally, as indicated above, because reports may go to the Speaker of the House, the President of the Senate, or the committees directly, proper logging/monitoring is difficult.

The mechanisms currently maintained by the Clerk of the House and Secretary of the Senate for distributing, monitoring, and tracking reporting requirements are very passive. Information is, therefore, not as useful as it might be, and its dissemination does not always facilitate the decision making process. Because there is no systematic way to monitor, follow up on, or obtain feedback about the usefulness of the information that is derived from the reporting requirements, there are gaps in the information flow. These gaps constitute serious flaws in the way reporting requirements are presently being handled. Tracking mechanisms would be more effective if they were oriented systematically toward the specific information needs of the Congress.

6.5.3 Efforts to Strengthen the Current Procedures

The organizations that have tasks in the reporting requirements process are aware of many of its deficiencies. Each recognizes that the Congress is not getting the information it needs. The Clerk of the House, for example, reviewed the House monitoring and tracking capabilities in the early 1980s and identified the precise requirements that were needed for an information system: it must identify committees, have tracking capabilities, generate periodic reports to committees, and issue warning notices of reports that are due. Because of legislative branch budget reductions the system has not been implemented, but improvements, such as establishing the Web-based systems discussed in Chapter 3, offer opportunities for better coordination between Congress and agencies. This coordination, using the Web-based systems, would need to be developed by a coalition of committees and agencies, as discussed below.

6.5.4 The Need for Systematic Reports Management

As discussed in this dissertation, Congress levies reporting requirements on Federal agencies to exercise its legislative oversight and budget control responsibilities, as well as to obtain information to support its decision-making. The reports submitted in response to these requirements could constitute one of the most valuable information resources available to the Congress. As it is currently managed, however, this resource has grown to be very large, inefficient, ineffective, and costly.

In view of the rapid rate of growth of congressional reporting requirements together with the generation of associated information, a comprehensive and systematic management approach is needed. Comprehensive and systematic management will increase the likelihood that this valuable information resource will influence the quality of congressional decisions in a positive manner.

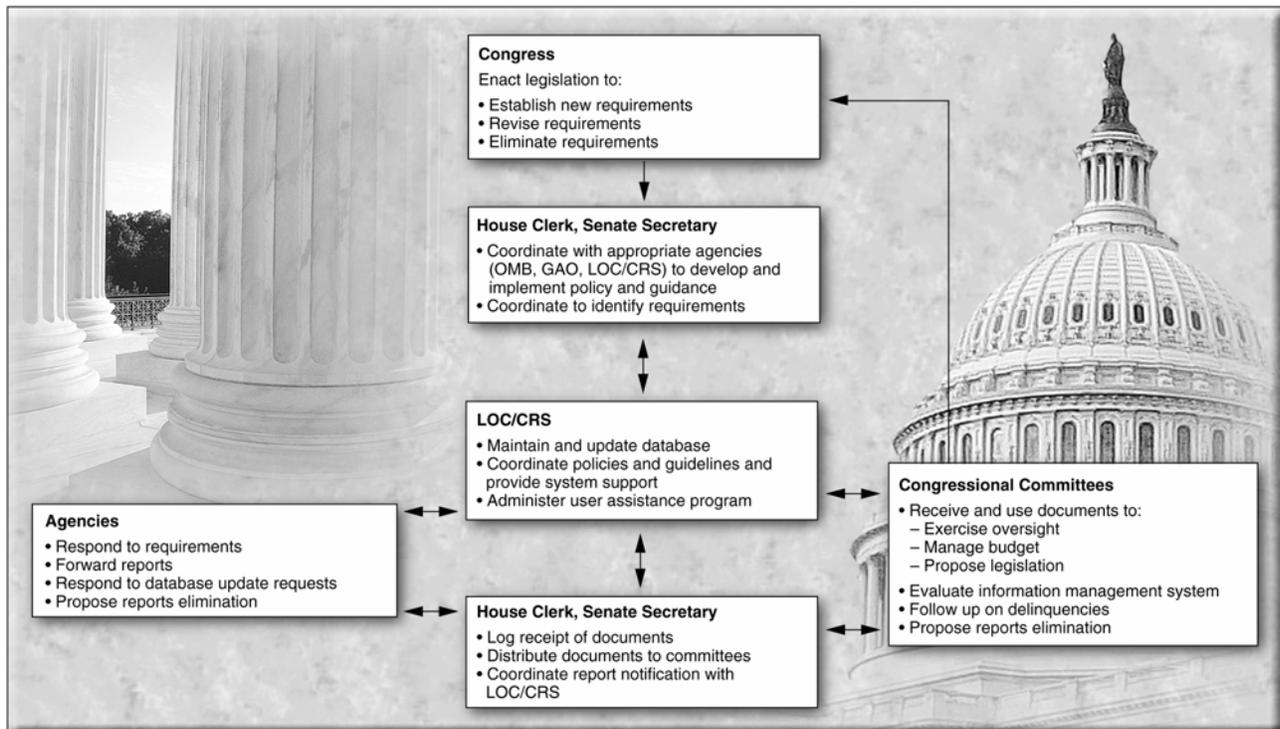
To successfully transform the traditional ad hoc practices from their passive or, at best, marginal sensitivity to congressional needs into an approach that is active and extremely sensitive, the Congress, congressional support agencies, such as GAO, CRS, and OMB, and the executive agencies should take the following actions:

- Develop uniform policy and guidance for the congressional groups with principal functional responsibility (Clerk of the House, Secretary of the Senate) and LOC/CRS;
- Streamline the identification and inventory tasks (Clerk of the House, Secretary of the Senate);
- Implement an adequate monitoring system (Clerk of the House, Secretary of the Senate, and LOC/CRS);
- Reduce executive agency lateness in responding to reporting requirements (agencies and congressional through monitoring and notification procedures); and
- Improve the ability of Congress to relate each report it receives to the policy and program issues that the reporting requirements are designed to address (Congress and executive agencies).

- Identify reporting requirements that should be eliminated and notify congressional committees about results of these efforts (OMB, agencies, and GAO).

Figure 6.1 is a flow chart of what a feedback loop mechanism from Congress to the agency writing the report would look like.

Figure 6.1: Flowchart of a Systematic Management Approach for Congressional Reporting Requirements



Source: GAO.

Source: Updated graphic using the approach the author helped develop for the GAO report [A Systematic Management Approach is Needed for Congressional Reporting Requirements](#) (PAD-82-12, Nov. 25, 1981).

The information system approach recommended in Figure 6.1 essentially has four major components: (1) requirements identification and notification, (2) report logging and monitoring, (3) information dissemination, and (4) report use and feedback. This approach forms a systematic management approach made up of the several sequential elements. First, of course, Congress enacts legislation which may contain new or revised reporting requirements. Then the Clerk of the House and the Secretary of the Senate coordinate the identification of these requirements by electronically monitoring laws contained in the Government Printing Office's electronic databases for certain key words to detect the insertion of reporting requirements within

enacted laws. The Library of Congress/Congressional Research Service (LOC/CRS) enters new and revised requirements into the reporting requirements database, thus updating the annual reporting requirements inventory. The Clerk of the House and the Secretary of the Senate will coordinate with LOC/CRS to transmit requirements to the appropriate congressional committees for review and verification. Requirements will also be transmitted to the appropriate Federal agencies for notification. To accomplish this revised approach would require an enhanced report logging system be put into place and maintained in the LOC/CRS. The offices of the Clerk of the House and the Secretary of the Senate would need to coordinate with appropriate agencies to identify requirements.

When reports are received from Federal agencies, the Clerk of the House and the Secretary of the Senate log them in, and disseminate them to the appropriate congressional committees. Then the congressional committees would monitor reports, follow up on delinquencies, use the reports in their oversight, budget control, and related legislative and decision making activities, and inform the agencies preparing the reports about their usefulness. A final and important step in the reports management process is that Congress would then, on a systematic basis, eliminate or modify reporting requirements to meet its changing needs, basing its decisions on information gained through the operation of the system.

The Clerk of the House and Secretary of the Senate would set general policies and conduct oversight of the reports management process, with assistance as needed from OMB, GAO and LOC/CRS. For example, OMB could use its authority to recommend elimination or consolidation of reporting requirements in the President's annual budget submission, as discussed in Chapter 5; and GAO could occasionally review the operation of the reports management system to recommend further improvements. Implementing the systematic approach to reports management discussed above and illustrated in Figure 6.1 would go a long way toward moving Congress from just getting data from reports to a higher level of knowledge management as discussed in the "Knowledge Creating Hierarchy" (Waltz, 2003).²⁰ The hierarchy illustrates different levels of abstraction, the process flow, and distinctions between explicit (represented and defined) processes and those that are implicit (or tacit knowledge

²⁰ See Edward Waltz (2003), Knowledge Management in the Intelligence Enterprise, Artech House.

processes that are unconscious and not readily articulated). The levels of abstraction progress through the following levels: just obtaining **data** (e.g., measurements and observations); toward **information** (e.g., data placed in context through indexing and organization); then to **knowledge** (e.g., information understood and explained; and ultimately to **wisdom** (e.g., knowledge effectively applied). At the **wisdom** level, knowledge is applied to effectively implement a plan or action to achieve a desired goal or end state, thus showing leadership, goal setting, and application of judgment in decision making. It may be too much to expect Congress to ever get to the **wisdom** level, but it would be nice if it progresses to the **information** level, or even better, to the **knowledge** level. The former is characterized by aligning, transforming, filtering, sorting, indexing and storing data elements in relation to context for subsequent retrieval; and the latter is characterized by the process of comprehending relationships between sets of information and the process of synthesizing to explain these relationships. Either of these steps up the knowledge hierarchy would be an improvement over the current process that merely collects and dispatches the information in reports to be stored by the appropriate committees.

Beryl Radin (1998) notes in a section aptly named “The Context of Fragmentation, Decentralization, and Devolution,” that, although the aims of management reporting suggest that the information produced will support more rational decision-making, the structure of the government makes this extremely difficult.²¹ Factors such as the need for increased management capacity at OMB, political hostilities, divided government, and fragmented congressional power compound this problem.

Fragmentation also exists in Congress, Radin (1999) notes, in its role as receiver--through the various reports that go to different committees (e.g., authorizing, appropriations, and budget committees in the House and Senate)--of management information for review. Therefore, agencies are asked for different reports from these different committees. Anticipating congressional responses to reporting is a challenge for agency managers. In virtually all the interviews conducted for researching this dissertation, the executive and legislative branch staff I

²¹ Radin, Beryl (1998 and 1999), “The Government Performance and Results Act (GPRA): Hydra-headed Monster or Flexible Management Tool?” *Public Administration Review* 58 (July-Aug. 1998): 307-316; and “The Government Performance and Results Act (GPRA) and the Tradition of Federal Management Reform: Square Pegs in Round Holes?” (paper presented at the National Public Management Conference, Texas A and M University, Dec. 3-4, 1999).

talked to impressed me with their strong desire to provide Congress with the information it needs to perform its responsibilities. They also agreed that the current congressional reporting process could profit from a more systematic management process to lighten the burden on all involved.

6.6 CONCLUSIONS

The volume and variety of reports prepared at considerable cost in response to congressional reporting requirements represents a major information resource and contributes to Rosenbloom's theory of a legislative-centered public administration. This resource has tremendous potential for facilitating congressional oversight and decision-making, as discussed in the literature by authors such as Aberbach, Fisher, Oleszek, and Harris. In order for this resource to be useful and cost effective it must be managed well to facilitate Congress' use of agencies as an extension in carrying out its legislative responsibilities, as noted by Rosenbloom.

Congressional reporting requirements are not being managed in a way that achieves the objectives for which they are created. In many cases, similar or the same responsibilities are shared, requiring close cooperation and consistent policies and procedures that, on the whole, do not exist. The documents prepared in response to the requirements represent substantial direct cost to the preparing agencies, yet there is no comprehensive monitoring system that can ensure that the agencies meet the requirements adequately, submit reports when they are due, or reveal when reports are late. The most serious substantive shortcoming is the lack of an institutional process to support and encourage coordination between Congress and the agencies preparing reports to provide for feedback and to identify reporting requirements that are no longer necessary, if they ever were to begin with. The most serious functional gaps are the absence of a comprehensive monitoring system to record which agencies submit reports on what dates and who receives them, to follow up on delinquent reporting agencies, and to track the distribution and use of the information contained in the report documents. There is no committee, or "tsar," responsible for setting policies for the congressional reporting requirements management process.

In view of this, and in view of the rapid rate of growth of congressional reporting requirements since the 1970s (when Johannes , Ripley and Franklin, Dodd and Schott, and Norton made their contributions to the literature by describing reporting requirements), together with the generation

of associated information, a comprehensive and systematic management approach is needed. Comprehensive and systematic management will increase the likelihood that this valuable information resource will influence the quality of congressional decisions in a positive manner and bring about greater collaboration between congressional committees and their agency partners in an enhanced legislative-centered public administration.

This dissertation concludes that the congressional reporting process needs to be improved to increase coordination between congressional stakeholders and agencies concerning the need for reporting requirements, to address overlapping responsibilities for the reports management system, and to address other deficiencies in the procedures for fulfilling the reporting requirements that make them less useful than they could be. Congress cannot determine whether all required reports are submitted because it does not monitor when reports are submitted against due dates from a central listing of all the reporting requirements and reports sent directly to committees are not included in a central database. In addition, no historically complete database exists. Since committee recipients are not identified until a report is received, the committees cannot easily determine all reports scheduled to be received. If the Congress could identify and correct these and other deficiencies, it could perform its oversight responsibilities more efficiently and effectively.

This dissertation proposes recommendations for the development of a systematic reports management process. The reports submitted in response to these requirements could constitute one of the most valuable information resources available to the Congress. As it is currently managed, however, this resource has grown to be very large, inefficient, ineffective, and costly. In view of the rapid rate of growth of congressional reporting requirements together with the generation of associated information, a comprehensive and systematic management approach is needed. Comprehensive and systematic management will increase the likelihood that this valuable information resource will influence the quality of congressional decisions in a positive manner.

The Congress, congressional support agencies such as GAO, CRS, and OMB and the executive agencies, should take a number of actions as discussed in this concluding chapter to successfully

transform the traditional ad hoc practices from their passive or, at best, marginal sensitivity to congressional needs into an approach that is both active and sensitive to congressional needs. First and foremost, uniform policy and guidance for the congressional groups with principal functional responsibility (Clerk of the House, Secretary of the Senate, and LOC/CRS) should be developed. These groups should work together to streamline the identification and inventory tasks and implement an adequate monitoring system. In addition, to reduce executive agency lateness in responding to reporting requirements, executive branch agencies and congressional committees should more aggressively monitor reporting compliance with due dates. Both congressional committees and executive branch agencies should increase coordination to improve the ability of Congress to relate each report it receives to the policy and program issues that the reporting requirements are designed to address. Finally, and also of critical importance, a systematic reports management process should be used to identify reporting requirements that should be eliminated and to notify all appropriate congressional committees of the results of these efforts.