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# Statutory Testimony Requirements: Background and Issues for Congress

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## Statutory Testimony Requirements: Recent History and Issues for Congress

Congress uses a number of tools and strategies to conduct oversight of the executive branch. Recent challenges in several high-profile investigations have caused some to question the effectiveness of certain tools. In some cases, Congress has issued subpoenas or looked to the courts to accomplish its oversight goals. These processes have sometimes been viewed as relatively slow and may limit the effectiveness of oversight. Congress, therefore, might consider other tactics to conduct efficient and effective oversight.

One longstanding yet infrequently used oversight tool is statutory testimony requirements. Statutory testimony requirements are similar in form to several more common types of oversight tools, such as briefing and reporting requirements, but direct agency leaders to appear at committee hearings to testify about specified topics. A CRS review of the *U.S. Code* identified at least 30 statutory testimony requirements currently in law and also found an increase in their use over the past two decades. The recent inclusion of testimony requirements in major legislation—including the Coronavirus Aid, Relief, and Economic Security (CARES) Act—may indicate increased awareness of this option among congressional oversight practitioners.

There are a few key criteria that Congress may evaluate when considering a new statutory testimony requirement. Congress may consider whether such a testimony requirement would be effective. This might include evaluating whether the relevant executive branch officials are likely to comply with the testimony requirement and whether Congress's particular goals would be well-served by requiring officials to appear at a hearing rather than obtaining information in some other form.

Congress might also consider whether a testimony requirement is necessary to achieve the body's purposes. Compared to other oversight tools, testimony requirements are likely to be resource intensive for Congress because they require both the passage of legislation and for committees to hold one or more hearings on a subject. Therefore, Congress might prefer a less resource-intensive option.

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## Introduction

Committee hearings are perhaps the most visible way that Congress conducts oversight of the executive branch. Hearings allow Members to bring their priorities, questions, and concerns to senior agency officials while also communicating that information to other stakeholders and their constituents.<sup>1</sup> Oversight, both in and out of the hearing room, helps Congress understand the activities of the executive branch, identify and respond to issues, and develop legislation.<sup>2</sup>

In most instances, executive branch officials appear before committees when invited.<sup>3</sup> While testimony offered upon invitation is voluntary, Congress's authority over the executive branch<sup>4</sup> can pressure officials to comply with requests for testimony, and the ability to negotiate the logistics and other conditions for hearings further facilitates this engagement.

There are at least two other paths that bring officials before Congress. Subpoenas may be issued if negotiations and other pressure mechanisms are ineffective in getting officials to appear.<sup>5</sup> Officials may comply with duly issued subpoenas, but disagreements can escalate and can end up in litigation.<sup>6</sup> The other path is when Congress establishes a specific obligation in statute for an official to provide testimony. This second situation is the subject of this report.

Voluntary agreements and subpoenas for testimony are both more common and better known than statutory testimony requirements, which remain uncommon. However, the use of these provisions may be increasing, with most existing requirements having been established in the past two decades. In particular, two major pieces of recent legislation—the Dodd-Frank Wall Street Reform and Consumer Protection Act<sup>7</sup> and the Coronavirus Aid, Relief, and Economic Security (CARES) Act<sup>8</sup>—include multiple testimony requirements as a core component of Congress's oversight of new programs.

This report provides an introduction to statutory testimony requirements as they exist in current law and identifies and analyzes issues for Congress if it considers increasing its use of these requirements in both volume and subject areas.

## Testimony Requirements in Current Law

Statutory testimony requirements are legal obligations placed on identified government officials to appear at committee hearings on an established schedule or when a triggering event occurs. CRS reviewed the *U.S. Code* and public laws dating back to 1973 to identify examples of such

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<sup>1</sup> See CRS Report RL30240, *Congressional Oversight Manual*, coordinated by Christopher M. Davis, Todd Garvey, and Ben Wilhelm.

<sup>2</sup> The *Congressional Oversight Manual* includes a fuller discussion of the ways Congress might use oversight when fulfilling its duties.

<sup>3</sup> See CRS Report R46061, *Voluntary Testimony by Executive Branch Officials: An Introduction*, by Ben Wilhelm.

<sup>4</sup> See CRS Report R45442, *Congress's Authority to Influence and Control Executive Branch Agencies*, by Todd Garvey and Daniel J. Sheffner.

<sup>5</sup> See CRS Report R45653, *Congressional Subpoenas: Enforcing Executive Branch Compliance*, by Todd Garvey.

<sup>6</sup> *Ibid.*

<sup>7</sup> P.L. 111-203.

<sup>8</sup> P.L. 116-136.

requirements. As laid out in the **Appendix**, CRS has identified at least 30 potentially relevant provisions.<sup>9</sup>

Statutory testimony requirements are most prominent in the area of public finance, with the Secretary of the Treasury and the chairman of the Board of the Federal Reserve being the officials most commonly obliged to testify.<sup>10</sup> Additional requirements require testimony from other officials regarding finance and associated regulatory policy.<sup>11</sup> The remaining testimony requirements extend into a few other issue areas including drug policy,<sup>12</sup> veterans' affairs,<sup>13</sup> and the United States Postal Service.<sup>14</sup>

Overall, statutory testimony requirements are used much less frequently than are other statutory oversight mechanisms that are similar in form or function.<sup>15</sup> More than 3,300 reporting requirements were established in laws passed during the 115<sup>th</sup> Congress alone,<sup>16</sup> while Congress has relied largely on voluntary compliance supported occasionally by subpoenas when seeking testimony. However, some believe that those practice patterns have begun to break down, with one commentator arguing that “in recent years the executive branch has defied the Supreme Court’s admonition [to avoid conflicts with Congress through negotiations] and upended the voluntary accommodation process.”<sup>17</sup>

Given these issues, Congress may consider other options, including statutory testimony requirements that encourage executive branch responsiveness when Congress exercises its oversight authority. A recent increase in testimony requirements, notably in the Dodd-Frank Act and the CARES Act, may indicate that some committees are moving in this direction.

It appears that officials who are subject to statutory testimony requirements do generally testify before Congress. Based on a review by CRS of the 10 officials subject to at least one testimony requirement,<sup>18</sup> nine have testified at least once during the 117<sup>th</sup> Congress.<sup>19</sup> In some cases, officials are apparently appearing specifically to comply with testimony requirements.<sup>20</sup>

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<sup>9</sup> As laid out in the **Appendix**, there are potential limits to CRS’s review, particularly if any provisions that require testimony use key terms other than those used in CRS’s searches.

<sup>10</sup> For instance, the CARES Act requires testimony from each. See 15 U.S.C. §9042(c)(3)(A)(iii) (Secretary of the Treasury) and 15 U.S.C. §9060(c) (chair of the Board of the Federal Reserve). See also CRS Report R46315, *Congressional Oversight Provisions in the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136)*, by Ben Wilhelm.

<sup>11</sup> These include the chairperson of the Financial Stability Oversight Council (12 U.S.C. §5322(c)); the chairman of the National Advisory Council on International Monetary and Financial Policies (22 U.S.C. §262r(d)), and the director of the Consumer Financial Protection Bureau (12 U.S.C. §5496(a)).

<sup>12</sup> 21 U.S.C. §1703(b)(6).

<sup>13</sup> 38 U.S.C. §8163(c)(1).

<sup>14</sup> 39 U.S.C. §2401e.

<sup>15</sup> See “Similar Statutory Oversight Tools” below.

<sup>16</sup> See CRS Report R46357, *Congressionally Mandated Reports: Overview and Considerations for Congress*, by William T. Egar.

<sup>17</sup> Rob Cetrino, “The DOJ Needs to Stop Thwarting Congressional Oversight,” Project on Government Oversight, May 9, 2022, <https://www.pogo.org/analysis/2022/05/the-doj-needs-to-stop-thwarting-individual-member-oversight>.

<sup>18</sup> Some officials are subject to multiple testimony requirements. This count does not include those officials who are required to appear “upon request” of specified committees.

<sup>19</sup> The only official who has not is the director of the Office of Financial Research, who appears to have last testified in 2019.

<sup>20</sup> See U.S. Congress, House Committee on Financial Services, *The Annual Report of the Financial Stability Oversight Council*, 117<sup>th</sup> Cong., 2<sup>nd</sup> sess., March 22, 2022; and U.S. Congress, Senate Caucus on International Narcotics Control,

### An Example of a Testimony Requirement

This testimony requirement below combines the design elements discussed in the next section of this report. Section 4026 of the CARES Act (codified at 15 U.S.C. §9060) includes the following testimony requirement:

“(c) Testimony

The Secretary and the Chairman of the Board of Governors of the Federal Reserve System shall testify, on a quarterly basis, before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the obligations of the Department of the Treasury and the Federal Reserve System, and transactions entered into, under [the CARES Act].”

## Form and Function of Testimony Requirements

Most testimony requirements have structural similarities to requirements for briefings, notices, and written reports. Based on existing examples, a testimony requirement can be described as having six basic elements, which can be analogized to the classic “6Ws” questions of information gathering (who, what, when, where, why, and how):

- **Who:** The official or officials required to respond, typically specifying the particular position to which the requirement applies;<sup>21</sup>
- **What:** The requirement for oral communication;
- **When:** The timing or trigger for the response;<sup>22</sup>
- **Where:** The committee or committees receiving the response;
- **Why:** The subject matter; and
- **How:** The expectation that the communication will be received as testimony consistent with the relevant chamber and committee rules and practices, which may vary.

Each of these elements helps define the purpose and scope of a testimony provision. A provision with even one of these elements missing might create a clear obligation for the incumbent in the specified position to be responsive to Congress, but may leave open some part of how that official is required to comply.

Most existing provisions do not lay out consequences for officials or an explicit recourse for Congress in cases of non-compliance.<sup>23</sup> While Congress has passed testimony requirements in order to compel officials to provide testimony on specific subjects, this lack of clear option to respond has the potential to undermine their effectiveness.

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*Oversight of the Office of National Drug Control Policy (ONDCP) and its 2022 National Drug Control Strategy*, 117<sup>th</sup> Cong., 2<sup>nd</sup> sess., July 14, 2022.

<sup>21</sup> Two of the testimony requirements also allow the official in the specified position to name a designee to appear in his or her place. See P.L. 115-174 §211(c)(1)(A) and 50 U.S.C. §4565(o).

<sup>22</sup> This timing requirement might trigger based on calendar dates, the occurrence of a specified action or event, or upon the request of a particular committee. Additionally, requirements may recur, for instance, if officials are required to appear “on an annual basis.”

<sup>23</sup> CRS identified one provision (Title 22, Section 286aa, of the *U.S. Code*) that bars the Secretary of the Treasury from supporting some International Monetary Fund actions unless the Secretary certifies that specific conditions are met and, if invited, appears to testify on the issue if asked by identified committees. This provision is comparable to notice requirements, which also restrict certain actions until the specified conditions (i.e., the notice to Congress) are fulfilled.

If an executive branch official did attempt to avoid complying with a testimony requirement, Congress might have to take further action to secure the official's testimony, notwithstanding the statutory requirement. In these circumstances, the process may unfold as it does when Congress is seeking testimony on a voluntary basis. For instance, committees may need still to negotiate with actors from the executive branch or use other pressure to obtain the relevant testimony. Alternatively, Congress might take more direct action, such as issuing a subpoena or considering a contempt citation.

## Similar Statutory Oversight Tools

There are several other types of statutory oversight provisions that use a similar structure: briefing requirements, notice requirements, and substantive reporting requirements.<sup>24</sup> This report broadly organizes these tools, which are all reporting requirements, into two broad categories—oral and written. Oral reporting requirements include testimony requirements as well as briefing requirements (which are discussed below). Written reporting requirements include a broader range, and this section discusses two subtypes—notification requirements and substantive reporting requirements, which includes studies and program data.<sup>25</sup> While detailed discussion of the design and potential uses of these other tools is beyond the scope of this report,<sup>26</sup> it may be useful to briefly review each and how they relate to testimony requirements.

### Briefing Requirements

Briefing requirements are statutory provisions that obligate specified officials to provide information to and engage with committees on policy issues in a non-public or less formal setting. Given the expectation of direct engagement between executive branch officials and Congress, briefing requirements have much in common with testimony requirements. Briefing requirements appear to be more common and extend to more policy areas than testimony requirements do.

The annual National Defense Authorization Act often includes a number of examples of briefing requirements. For instance, the FY2022 version includes the following:

(a) IN GENERAL.—Not later than January 15, 2022, and every 90 days thereafter through December 31, 2025, the Under Secretary of Defense for Policy, in consultation with the Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Intelligence and Security, shall provide to the congressional defense committees an unclassified and classified briefing on the security situation in Afghanistan and ongoing Department of Defense efforts to counter terrorist groups in Afghanistan.<sup>27</sup>

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<sup>24</sup> Substantive reporting requirements are commonly called reporting requirements. A more precise name is used in this report to provide additional clarity.

<sup>25</sup> There are other ways that these tools might be organized or defined. See the “Hybrid Purposes” text box below for further discussion. See also CRS Report R42379, *Changes to the Government Performance and Results Act (GPRA): Overview of the New Framework of Products and Processes*, by Clinton T. Brass; and John R. Johannes, “Study and Recommend: Statutory Reporting Requirements as a Technique of Legislative Initiative in Congress—A Research Note,” *Western Political Quarterly*, vol. 29, no. 4 (December 1976), pp. 589-596.

<sup>26</sup> For more discussion of these other oversight tools see CRS Report RL30240, *Congressional Oversight Manual*, coordinated by Christopher M. Davis, Todd Garvey, and Ben Wilhelm; CRS Report R46661, *Strategies for Identifying Reporting Requirements and Submitted Reporting to Congress*, by Kathleen E. Marchsteiner; CRS Report R46357, *Congressionally Mandated Reports: Overview and Considerations for Congress*, by William T. Egar; and CRS Report R42379, *Changes to the Government Performance and Results Act (GPRA): Overview of the New Framework of Products and Processes*, by Clinton T. Brass.

<sup>27</sup> P.L. 117-81 §1092(a). The section goes on to specify in further detail specific aspects of the broader issue of security

The format of this provision is very similar to the testimony requirements discussed throughout this report, except that it directs officials to provide “unclassified and classified briefings” to committees rather than hearing testimony. Additionally, the provision directs two under secretaries to provide these briefings. Most testimony requirements are directed to the highest level of agency leaders or their designees. However, other department officials with particular expertise or more focused duties may provide more detailed discussion in a briefing than top officials can in a hearing.

While the expectation of direct communication between committees and officials is an important similarity, briefing requirements do not typically define precisely what communication an agency must provide. This makes briefing requirements substantially different from testimony requirements.<sup>28</sup>

In comparison to testimony requirements, briefing requirements may be more focused on ensuring that Congress obtains specific information or has an opportunity for consultation, while testimony requirements might aim to bring information to a wider audience, require an agency to make an official public statement, and reflect formal accountability.

## Written Reporting Requirements

### *Notification Requirements*

Notification requirements direct an identified executive branch official to communicate to Congress when an official takes (or plans to take) an identified action or when specified conditions arise.<sup>29</sup> Notification requirements may be useful to Congress because, compared to the other oversight tools discussed in this report, they could potentially provide more timely information to Congress on executive branch decisionmaking.

These requirements are frequently associated with standby authorities granted to officials or agencies in the executive branch, where the authority may be activated only under specified conditions that include sending a contemporaneous or prior notification to Congress. The official often fulfills this requirement by submitting a letter to Congress or providing other written public communication (such as publication in the *Federal Register*).<sup>30</sup>

For instance, Section 3(b) of the Inspector General Act of 1978 allows the President to remove a presidentially appointed inspector general but only after notifying Congress in writing 30 days in advance.<sup>31</sup> In this case the notification requirement does not directly provide Congress with a

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in Afghanistan.

<sup>28</sup> Outside the context of statutory requirements, off-the-record briefings are also a potential compromise position when committees and agencies are negotiating over voluntary testimony at hearings.

<sup>29</sup> Notification requirements, which are typically fulfilled with written submissions, can be classified as a type of written reporting requirement. See CRS Report R42490, *Reexamination of Agency Reporting Requirements: Annual Process Under the GPRM Modernization Act of 2010 (GPRAMA)*, by Clinton T. Brass.

<sup>30</sup> The National Emergencies Act (50 U.S.C. §§ 1601-1651) works on this model. The President may activate certain statutory “standby authorities” following an official declaration of national emergency related to a particular issue. See CRS Report 98-505, *National Emergency Powers*, by L. Elaine Halchin.

<sup>31</sup> 5 U.S.C. Appx (IG Act) §3(b): “An Inspector General may be removed from office by the President. If an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal” (emphasis added).



legally binding tool to prevent the removal of the inspector general, but it does allow for Congress to investigate the situation, pressure executive branch actors, consider legislation, or bring the issue to broader public attention.<sup>32</sup> In other contexts, notification requirements may facilitate more direct congressional responses.<sup>33</sup>

### ***Substantive Reporting Requirements***

Reporting requirements that call for substantive treatments of a given subject are probably the best known statutory reporting tool used by Congress. They are also the most common and can be found throughout the *U.S. Code* and annual appropriations legislation.<sup>34</sup> A substantive reporting requirement directs an agency or specified officials to provide certain information to Congress in writing. These requirements may specify congressional recipients (e.g., Congress as a whole or specific committees), and they may also call for certain information to be published elsewhere without specifying congressional recipients.

Substantive reporting requirements can be used by Congress for a variety of purposes, such as bringing program data, studies, analysis, agency plans, and policy recommendations to Congress and other audiences. Stakeholders outside of Congress, including both government personnel and outside experts and interest groups who are often key users of this information.<sup>35</sup> Congress also uses substantive reporting requirements to ensure that it receives official status updates on programs and that their implementation is consistent with law and congressional intent.

Congress uses written reporting requirements for purposes that may be poorly suited to testimony. For instance, written reporting requirements may direct agencies to gather information or conduct analysis that is too extensive or complex for either written or oral testimony. Similarly, written reports allow Congress to receive input from a wider range of officials and experts within agencies.

Written reporting requirements frequently direct other oversight officials, such as the Government Accountability Office and agency inspectors general, to report on agencies and officials. While these officials do testify before committees, CRS identified one statutory testimony requirement for an inspector general.<sup>36</sup>

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<sup>32</sup> See CRS In Focus IF11546, *Removal of Inspectors General: Rules, Practice, and Considerations for Congress*, by Ben Wilhelm; and CRS Report R46762, *Congress's Authority to Limit the Removal of Inspectors General*, by Todd Garvey.

<sup>33</sup> See CRS Report R47019, *The Executive Budget Process: An Overview*, by Dominick A. Fiorentino and Taylor N. Riccard, pp. 16-21 (discussing notifications and congressional authority in the budget executive process).

<sup>34</sup> See CRS Report R46661, *Strategies for Identifying Reporting Requirements and Submitted Reporting to Congress*, by Kathleen E. Marchsteiner. See also CRS Report R46357, *Congressionally Mandated Reports: Overview and Considerations for Congress*, by William T. Egar, p. 8.

<sup>35</sup> For a more detailed discussion of potential purposes and uses of substantive reporting requirements, see CRS Report R42490, *Reexamination of Agency Reporting Requirements: Annual Process Under the GPRAModernization Act of 2010 (GPRAMA)*, by Clinton T. Brass, pp. 3-5.

<sup>36</sup> See 12 U.S.C. §5391(d)(3), which requires the inspector general for the Federal Deposit Insurance Corporation to “appear before the appropriate committees of Congress, if requested, to present” its semiannual reports.

### Hybrid Purposes

Some statutory provisions, while clearly intended to facilitate congressional oversight, might be considered “hybrids” that combine elements of two or more oversight tools.

A common example of a class of reporting provisions that might be thought of as “hybrid” are the “spending plan” reports throughout appropriations legislation. For instance, consider the following language in the FY2021 appropriations bill (P.L. 116-260, under the hearing “Other Federal Drug Control Programs”) concerning the Office of National Drug Control Policy (ONDCP):

*Provided further,* That the Director of the Office of National Drug Control Policy shall, not fewer than 30 days prior to obligating funds under this heading for United States membership dues to the World Anti-Doping Agency, submit to the Committees on Appropriations of the House of Representatives and the Senate a spending plan and explanation of the proposed uses of these funds.

This provision requires the ONDCP to submit a substantive report on how it intends to spend certain appropriate funds, but it also treats the submission of that report as a required notification for that expenditure. Some might classify it as a substantive reporting requirement while others would consider it a notification requirement.

## Additional Considerations for Evaluating Potential Testimony Requirements

There are a number of factors that Congress might evaluate when considering a new testimony requirement. In addition to the design aspects discussed above,<sup>37</sup> this section analyzes additional questions of *efficacy* and *necessity*—whether a testimony requirement is likely to serve Congress’s purposes in contrast with other potential options. Finally, the section concludes with a list of broader questions that Congress may consider in the future if the use of testimony requirements continues to expand.

### Efficacy

When considering a testimony requirement, perhaps the most important question for Congress is whether such a requirement will work. Like other oversight tools, testimony requirements are useful to Congress if they advance oversight or support other congressional objectives. Specifically, Congress may consider whether a proposed testimony requirement would likely function as intended and help Congress achieve its goals. Each of these questions is addressed further below.

### Enforcement and Reluctant Witnesses

One risk that Congress might consider when evaluating a potential testimony requirement is that the covered executive branch official or officials may not comply with the statute.

As noted above, one potential element that has not been included in past testimony requirements is specific enforcement mechanisms if officials fail to meet their statutory obligations.<sup>38</sup>

Enforcement of these provisions, therefore, will likely begin with Congress’s authority over the executive branch, including agency appropriations.<sup>39</sup>

<sup>37</sup> See “Form and Function of Testimony Requirements” above.

<sup>38</sup> See “Form and Function of Testimony Requirements.”

<sup>39</sup> See CRS Report R46061, *Voluntary Testimony by Executive Branch Officials: An Introduction*, by Ben Wilhelm; and

History shows, however, that these incentives are not always enough to overcome an Administration's desire to avoid or limit oversight.<sup>40</sup> In such circumstances, Congress has used more assertive tactics to support its authority, including subpoena threats, subpoenas, and resolutions of contempt. These strategies are usually successful,<sup>41</sup> but in some cases, especially in recent years, they have been insufficient.<sup>42</sup> If Congress cannot successfully enforce a subpoena, further action—such as a civil lawsuit or a contempt—is possible.<sup>43</sup> Should such a dispute come before a judge, it is not clear whether a statutory testimony requirement would improve Congress's position compared to a duly issued subpoena.

## Defining and Aligning Goals

Congress is likely to have unique goals each time it sets out to conduct oversight,<sup>44</sup> such as gathering relevant information or ensuring that officials are fulfilling their duties and accountable for their actions. These goals can guide Congress in selecting appropriate oversight options.

For instance, if Congress intends to obtain information directly from agency leadership; ask follow-up questions; assess an official's reactions, level of knowledge, or awareness; or share points on concern, then a testimony requirement may be a strong option. The same is true if Congress wants to raise broader public awareness around an issue. Even if the goals are broader or more complex, it is possible to evaluate how well they might be served by the creation and successful implementation of a testimony requirement.

There are also circumstances when the information that Congress wants is poorly suited to testimony. Large volumes of data (such as detailed information on the budget) may be difficult to convey in a usable form via testimony. Requirements that direct agencies to create plans, develop recommendations, or consult with other agencies might require complex and detailed analysis better suited to written reporting. Even in these cases, Congress might consider a testimony requirement associated with this other reporting.<sup>45</sup>

## Necessity

Another important consideration is whether a testimony requirement, even if it would be effective, is necessary to achieve Congress's goals. In many circumstances, a testimony

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CRS Report R45442, *Congress's Authority to Influence and Control Executive Branch Agencies*, by Todd Garvey and Daniel J. Sheffner.

<sup>40</sup> See CRS Report R45653, *Congressional Subpoenas: Enforcing Executive Branch Compliance*, by Todd Garvey.

<sup>41</sup> There is at least anecdotal evidence that officials have usually felt obliged to appear before committees when subpoenaed. See Louis Fisher, *The Politics of Executive Privilege* (Durham, NC: Carolina Academic Press, 2004), pp. 91-109.

<sup>42</sup> A recent example is the Contempt of Congress referral by the House of Representatives to the Department of Justice (DOJ) of Steve Bannon. See CRS Legal Sidebar LSB10660, *The Bannon Indictment and Prosecution*, by Todd Garvey and Michael A. Foster.

<sup>43</sup> While Congress has not exercised its inherent contempt authority in the modern era, it does refer cases to DOJ, which may consider prosecuting individuals under Title 2, Section 192, of the *U.S. Code*. See CRS Legal Sidebar LSB10660, *The Bannon Indictment and Prosecution*, by Todd Garvey and Michael A. Foster (discussing DOJ's decision to prosecute Bannon for refusing to comply with subpoenas issued by the House Select Committee to Investigate the January 6<sup>th</sup> Attack on the U.S. Capitol).

<sup>44</sup> Congress might have a variety of oversight and non-oversight goals when it uses its oversight authority. See CRS Report RL30240, *Congressional Oversight Manual*, coordinated by Christopher M. Davis, Todd Garvey, and Ben Wilhelm, pp. 2-6.

<sup>45</sup> See Title 7, Section 228(c), of the *U.S. Code*, which requires the Secretary of Agriculture to testify on an annual basis before the agriculture committees on the Department of Agriculture's budget request.

requirement will be one of several potentially effective oversight tools available to Congress. However, it may be more resource intensive than other options that committees might consider.

### Worldwide Threat Assessment

In the spring of 2020, going against previous practice, intelligence agencies, led by the Office of the Director of National Intelligence, declined to participate in public hearings before the intelligence committees on the annual Worldwide Threat Assessment (50 U.S.C. §3043(b)). In previous years these hearings had allowed Congress and the intelligence community to provide an unclassified discussion of major security issues around the world.

While these hearings returned to the committees' calendars in 2021, Congress took notice and included language in the Consolidated Appropriations Act, 2021 (P.L. 116-260) that made the annual open hearing a statutory requirement.

The Worldwide Threat Assessment may be the quintessential example of a testimony requirement that is unlikely to have diminishing value over time. National security is of significant and ongoing interest, and while particular threats and issues might change over time, they will never disappear. When subjects are dynamic but likely to remain important over time, a statutory testimony requirement may be particularly valuable to Congress and is likely to retain that value over time.

### Diminishing Returns

Congress might weigh how oversight of an issue may develop over time and whether there will be sufficient interest or need for hearings over an extended period. Committee hearing time is often limited, and, therefore, many issues are not the subject of regular hearings. Further, the relative importance of issues and the goals of Members and committees are all likely to change over time as Congress passes legislation to address issues, is faced with new matters, or exhausts what it can accomplish on an issue through hearings. Congress may consider whether a testimony requirement obligates committees to continue receiving this testimony beyond the time it is useful.

Even if Congress expects that an issue will be a top priority for an extended period of time and that multiple hearings will help the body navigate that issue, it may consider establishing a sunset or other trigger upon which the testimony obligation will terminate without further legislative action.

One such example is the requirement for the Secretary of the Treasury and the chair of the Federal Reserve originally created as part of the CARES Act in 2020.<sup>46</sup> Section 9060(c) of Title 15 of the *U.S. Code* requires the Secretary and the chair to testify regarding their activities under Title IV of the CARES Act. This provisions originally called for testimony before the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Financial Services on a quarterly basis without a specified end date.<sup>47</sup> While both committees largely followed this quarterly schedule, the Consolidated Appropriations Act, 2022, adjusted the requirement from quarterly to semiannual hearings and set a new sunset of December 31, 2027.<sup>48</sup>

### Additional Questions for Future Consideration

There are also a number of questions that Congress may think about regarding testimony requirements more broadly. Questions that Congress might consider include:

<sup>46</sup> P.L. 116-136. See also CRS Report R46329, *Treasury and Federal Reserve Financial Assistance in Title IV of the CARES Act (P.L. 116-136)*, coordinated by Andrew P. Scott.

<sup>47</sup> P.L. 116-136 §4026(c).

<sup>48</sup> P.L. 117-103, Division HH, Title III, §301.

- Should the chambers set any specific rules for committee use of testimony requirements, such as standardized reporting by the committees or limits on the circumstances in which testimony requirements can be created?
- Should there be any rules or best practices for committees on how to review testimony requirements after they are enacted?
- Should Congress establish specific enforcement mechanisms to foster compliance with testimony requirements?
- Should Congress establish a process to require the executive branch to review testimony requirements and suggest to Congress which requirements could be eliminated?
- How might Congress evaluate the effectiveness and value of testimony requirements and how could it use such feedback to enhance committee oversight?

## Appendix. Identified Testimony Requirements in Current Law

CRS has compiled a list of testimony requirements in current law, which can be found in **Table A-1** below.

### Methodology

Statutory testimony requirements were identified using Boolean searches of the online version of the *U.S. Code* maintained by the Office of Law Revision Counsel of the House of Representatives.<sup>49</sup> While this is not an official version of the *U.S. Code*, it is readily available to the public and is generally an accurate and up-to-date resource. A variety of searches were conducted for provisions that combined terms such as *testify*, *testimony*, and *appear* with references to Congress including *committee* and in some cases with office titles such as *secretary* and *director*. In addition, for legislation enacted since the start of the 2<sup>nd</sup> session of the 116<sup>th</sup> Congress, the public laws were also searched, including appropriations legislation for FY2021 and FY2022.<sup>50</sup>

The results of each of these searches were then reviewed manually, and relevant provisions were identified. In addition to periodic requirements for testimony (e.g., “on an annual basis”), this report includes testimonial requirements that trigger when specific conditions arise (e.g., each time an agency head or board takes a particular action). In the latter cases, depending on how often these specified conditions arise, some officials may be required to testify/appear zero, one, or multiple times.

In some cases, language in addition to the testimony requirements themselves has been included to support comprehension. In these instances, italics have been added to emphasize the included testimony requirement.

### Caveats

There is at least some variation in the language used by the drafters of these provisions. While CRS’s search methodology should capture provisions that use key words such as *testify*, *appear*, and *committee*, if a provision uses alternative language, it may not have been captured.

Additionally, CRS’s review was based on current law and does not include any testimony requirements that are no longer part of the *U.S. Code*.

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<sup>49</sup> Available at <http://www.uscode.house.gov>.

<sup>50</sup> P.L. 116-260, December 27, 2020, and P.L. 117-103, March 15, 2022, respectively.

**Table A-I. Statutory Testimony Requirements**

Statutory Provision	Relevant Language	Individual(s) Required to Testify	Year Requirement Established
7 U.S.C. §228(c)	On or before February 15 of each calendar year beginning with calendar year 1977, or such other date as may be specified by the appropriate committee, the Secretary of Agriculture shall testify before the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture and provide justification in detail of the amount requested in the budget to be appropriated for the next fiscal year for the purposes authorized in this chapter.	Secretary of Agriculture	1976
10 U.S.C. §1071 Note (P.L. 110-181, as amended, §1635(c)(7))	Upon request by any of the appropriate committees of Congress, the Director and the Deputy Director shall testify before such committee, or provide a briefing or otherwise provide requested information to such committee, regarding the discharge of the functions of the Office under this section.	Director and Deputy Director of the Department of Defense—Department of Veterans Affairs Interagency Program Office	2008
12 U.S.C. §225b(a)	<p><b>(a) Appearances before the Congress</b></p> <p><b>(1) In general</b></p> <p>The Chairman of the Board shall appear before the Congress at semi-annual hearings, as specified in paragraph (2), regarding-</p> <p>(A) the efforts, activities, objectives and plans of the Board and the Federal Open Market Committee with respect to the conduct of monetary policy; and</p> <p>(B) economic developments and prospects for the future described in the report required in subsection (b).</p> <p><b>(2) Schedule</b></p> <p>The Chairman of the Board shall appear—</p> <p>(A) before the Committee on Banking and Financial Services of the House of Representatives on or about February 20 of even numbered calendar years and on or about July 20 of odd numbered calendar years;</p> <p>(B) before the Committee on Banking, Housing, and Urban Affairs of the Senate on or about July 20 of even numbered calendar years and on or about February 20 of odd numbered calendar years; and</p> <p>(C) before either Committee referred to in subparagraph (A) or (B), upon request, following the scheduled appearance of the Chairman before the other Committee under subparagraph (A) or (B).</p>	Chairman of the Board of Governors of the Federal Reserve System	2000

Statutory Provision	Relevant Language	Individual(s) Required to Testify	Year Requirement Established
12 U.S.C. §247b	The Vice Chairman for Supervision shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives and at semi-annual hearings regarding the efforts, activities, objectives, and plans of the Board with respect to the conduct of supervision and regulation of depository institution holding companies and other financial firms supervised by the Board.	Vice Chairman for Supervision of the Board of Governors of the Federal Reserve System	2010
12 U.S.C. §5322(c)	<p><b>(a) Purposes and Duties of the Council</b></p> <p><b>(2) Duties</b></p> <p>...</p> <p><b>(c) Testimony by the Chairperson</b></p> <p>The Chairperson shall appear before the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate at an annual hearing, after the report is submitted under subsection (a)—</p> <p>(1) to discuss the efforts, activities, objectives, and plans of the Council; and</p> <p>(2) to discuss and answer questions concerning such report.</p>	Chairperson of the Financial Stability Oversight Council (Note: Secretary of the Treasury is the Chairperson)	2010
12 U.S.C. §5343(d)	<p><b>(d) Testimony</b></p> <p><b>(1) In general</b></p> <p>The Director of the Office shall report to and testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives annually on the activities of the Office, including the work of the Data Center and the Research and Analysis Center, and the assessment of the Office of significant financial market developments and potential emerging threats to the financial stability of the United States.</p>	Director of the Office of Financial Research	2010
12 U.S.C. §5383(c)(3)(C)	<p><b>(3) Reports to Congress and the public</b></p> <p><b>(A) In general</b></p> <p>Not later than 60 days after the date of appointment of the Corporation as receiver for a covered financial company, the Corporation shall file a report with the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—</p> <p>(i) setting forth information on the financial condition of the covered financial company as of the date of the appointment, including a description of its assets and liabilities;</p>	Federal Deposit Insurance Corporation	2010



Statutory Provision	Relevant Language	Individual(s) Required to Testify	Year Requirement Established
	<p>(ii) describing the plan of, and actions taken by, the Corporation to wind down the covered financial company;</p> <p>(iii) explaining each instance in which the Corporation waived any applicable requirements of part 366 of title 12, Code of Federal Regulations (or any successor thereto) with respect to conflicts of interest by any person in the private sector who was retained to provide services to the Corporation in connection with such receivership;</p> <p>(iv) describing the reasons for the provision of any funding to the receivership out of the Fund;</p> <p>(v) setting forth the expected costs of the orderly liquidation of the covered financial company;</p> <p>(vi) setting forth the identity of any claimant that is treated in a manner different from other similarly situated claimants under subsection (b)(4), (d)(4), or (h)(5)(E), the amount of any additional payment to such claimant under subsection (d)(4), and the reason for any such action; and</p> <p>(vii) which report the Corporation shall publish on an online website maintained by the Corporation, subject to maintaining appropriate confidentiality.</p> <p>...</p> <p><b>(C) Congressional testimony</b></p> <p><i>The Corporation and the primary financial regulatory agency, if any, of the financial company for which the Corporation was appointed receiver under this subchapter shall appear before Congress, if requested, not later than 30 days after the date on which the Corporation first files the reports required under subparagraph (A).</i></p>		
12 U.S.C. §5391(d)(3)	<p><b>(3) Reports and testimony</b></p> <p>The Inspector General of the Corporation shall include in the semiannual reports required by section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.), a summary of the findings and evaluations under paragraph (1), and shall appear before the appropriate committees of Congress, if requested, to present each such report.</p>	Inspector General of the Federal Deposit Insurance Corporation	2010
12 U.S.C. §5496(a)	<p><b>(a) Appearances before Congress</b></p> <p>The Director of the Bureau shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services and the Committee on Energy and Commerce of the House of Representatives at semi-annual hearings regarding the reports required under subsection (b).</p>	Director of the Consumer Financial Protection Bureau	1992

Statutory Provision	Relevant Language	Individual(s) Required to Testify	Year Requirement Established
15 U.S.C. §4729	<p><b>(a) In general</b></p> <p>Not later than May 31 of each year, the Secretary of Commerce shall submit to the Congress a report on the international economic position of the United States and, not later than June 30 of each year, shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives to testify on issues addressed in that report.</p>	Secretary of Commerce	1992
15 U.S.C. §9042(c)(3)(A)(iii)	<p><b>(3) Federal reserve programs or facilities</b></p> <p><b>(A) Terms and conditions</b></p> <p><b>(iii) Waiver</b></p> <p>The Secretary may waive the requirement under clause (ii) with respect to any program or facility upon a determination that such waiver is necessary to protect the interests of the Federal Government. If the Secretary exercises a waiver under this clause, the Secretary shall make himself available to testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the reasons for the waiver.</p>	Secretary of the Treasury	2020
15 U.S.C. §9060	<p><b>(c) Testimony</b></p> <p>The Secretary and the Chairman of the Board of Governors of the Federal Reserve System shall testify, on a semiannual basis, before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the obligations of the Department of the Treasury and the Federal Reserve System, and transactions entered into, under this Act. This subsection shall have no force or effect after December 31, 2027.</p>	Secretary of the Treasury and Chairman of the Board of Governors of the Federal Reserve System	2020
20 U.S.C. §9631(g)(2)	<p><b>(2) Testimony</b></p> <p>The Director and principal officers of the Center shall testify before the authorizing committees and the Committees on Appropriations of the House of Representatives and the Senate, upon request of such committees, with respect to—</p> <p>(A) any report required under paragraph (1)(A); and</p> <p>(B) any other matter that such committees may determine appropriate.</p>	Director and principal officers of the National Center for Research in Advanced Information and Digital Technologies <sup>a</sup>	2008
20 U.S.C. §9703(i)	<p><b>(i) Testimony</b></p> <p>The Commission shall annually provide testimony by the Chairperson to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.</p>	Financial Literacy and Education Commission (Note: Secretary of the Treasury is the Chairperson)	2003

Statutory Provision	Relevant Language	Individual(s) Required to Testify	Year Requirement Established
20 U.S.C. §9709(c)(3) <sup>b</sup>	<p><b>(c) Report</b></p> <p><b>(1) In general</b></p> <p>Not later than 2 years after August 14, 2008, the Financial Literacy and Education Commission shall submit a report to the Committee on Banking, Housing, and Urban Affairs and the Committee on Health Education, Labor, and Pensions of the Senate and the Committee on Financial Services and the Committee on Education and Labor of the House of Representatives on the state of financial education among students at covered educational institutions.</p> <p>...</p> <p><b>(3) Appearance before Congress</b></p> <p><i>The Secretary shall, upon request, provide testimony before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives concerning the report required by this subsection.</i></p>	Secretary of the Treasury	2008
21 U.S.C. §1703(b)(6)	<p><b>(b) Responsibilities</b></p> <p>The Director—</p> <p>...</p> <p>(6) shall appear before duly constituted committees and subcommittees of the House of Representatives and of the Senate to represent the drug policies of the executive branch...</p>	Director of the Office of National Drug Control Policy	1988
22 U.S.C. §262r(d)	<p><b>(d) Testimony required</b></p> <p><i>Upon request of the Committee on Banking, Finance and Urban Affairs of the House of Representatives, the Chairman shall testify before the Committee to support and explain each annual report required by subsection (a). If the President has delegated to a person or persons other than the Chairman the authority to manage United States participation in the international financial institutions which was vested in the President by section 1(b) of the Reorganization Plan No. 4 of 1965, such person or persons shall, upon request of the Committee, accompany the Chairman and testify before the Committee with regard to such report. The Chairman and such other person or persons shall assess, in their testimony, the effectiveness of the international financial institutions, the major issues affecting United States participation, the major developments in the past year, the prospects for the coming year, United States policy goals with respect to the international financial institutions, and any specific issues addressed to them by any member of the Committee.</i></p>	Chairman of the National Advisory Council on International Monetary and Financial Policies (Note: Secretary of the Treasury is the Chairperson)	1989

Statutory Provision	Relevant Language	Individual(s) Required to Testify	Year Requirement Established
22 U.S.C. §262r-4(b)	<p><b>(b) Testimony</b></p> <p>After submitting the report required by subsection (a) but not later than March 1 of each year, the Secretary of the Treasury shall appear before the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate and present testimony on—</p> <ol style="list-style-type: none"> <li>(1) any progress made in reforming the International Monetary Fund;</li> <li>(2) the status of efforts to reform the international financial system;</li> <li>(3) the compliance of countries which have received assistance from the International Monetary Fund with agreements made as a condition of receiving the assistance; and</li> <li>(4) the status of implementation of international anti-money laundering and counterterrorist financing standards by the International Monetary Fund, the multilateral development banks, and other multilateral financial policymaking bodies.</li> </ol>	Secretary of the Treasury	1998
22 U.S.C. §286aa	<p>The Congress hereby finds that Communist dictatorships result in severe constraints on labor and capital mobility and other highly inefficient labor and capital supply rigidities which contribute to balance of payments deficits in direct contradiction of the goals of the International Monetary Fund. <i>Therefore, the Secretary of the Treasury shall instruct the United States Executive Director of the [International Monetary] Fund to actively oppose any facility involving use of Fund credit by any Communist dictatorship, unless the Secretary of the Treasury certifies and documents in writing upon request and so notifies and appears, if requested, before the Foreign Relations and Banking, Housing, and Urban Affairs Committees of the Senate and the Banking, Finance and Urban Affairs Committee of the House of Representatives, at least twenty-one days in advance of any vote on such drawing that such drawing—</i></p> <ol style="list-style-type: none"> <li>(1) provides the basis for correcting the balance of payments difficulties and restoring a sustainable balance of payments position;</li> <li>(2) would reduce the severe constraints on labor and capital mobility or other highly inefficient labor and capital supply rigidities and advances market-oriented forces in that country; and</li> <li>(3) is in the best economic interest of the majority of the people in that country.</li> </ol> <p><i>Should the Secretary not meet a request to appear before the aforementioned committees at least twenty-one days in advance of any vote on any facility involving use of Fund credit by any communist dictatorship and certify and document in writing that these three conditions have been met, the United States Executive Director shall vote against such program.</i></p>	Secretary of the Treasury	1983

Statutory Provision	Relevant Language	Individual(s) Required to Testify	Year Requirement Established
22 U.S.C. §3142(a)	<p><b>(a) Annual report on foreign direct investment in United States</b></p> <p>Not later than 6 months after November 7, 1990, and not later than the end of each 1-year period occurring thereafter, the Secretary of Commerce shall submit to the Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Foreign Affairs of the House of Representatives, to the Committee on Commerce, Science, and Transportation of the Senate, and to the Joint Economic Committee of the Congress a report on the role and significance of foreign direct investment in the United States. Such report shall address the history, scope, trends, market concentrations, and effects on the United States economy of such investment. <i>In addition, the Secretary of Commerce shall, if requested by any such committee, appear before that committee to provide testimony with respect to any report under this subsection.</i></p>	Secretary of Commerce	1990
22 U.S.C. §4413(i)	<p><b>(i) Annual report; contents; testimony respecting report</b></p> <p>Not later than February 1 of each year, the Endowment shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress. The report shall include a comprehensive and detailed report of the Endowment's operations, activities, financial condition, and accomplishments under this subchapter and may include such recommendations as the Endowment deems appropriate. <i>The Board members and officers of the Endowment shall be available to testify before appropriate committees of the Congress with respect to such report, the report of any audit made by the Comptroller General pursuant to subsection (f), or any other matter which any such committee may determine.</i></p>	Board members and officers of the National Endowment for Democracy <sup>c</sup>	1983
22 U.S.C. §5305	<p><b>Reporting requirements</b></p> <p>(a) Reports required</p> <p>In furtherance of the purpose of this chapter, the Secretary, after consultation with the Chairman of the Board, shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, on or before October 15 of each year, a written report on international economic policy, including exchange rate policy. The Secretary shall provide a written update of developments six months after the initial report. <i>In addition, the Secretary shall appear, if requested, before both committees to provide testimony on these reports.</i></p>	Secretary of the Treasury	1988
31 U.S.C. §313 Note (P.L. 115-174, §211(c)(1)(A))	<p><b>(1) Reports and testimony by Secretary of the Treasury and Chairman of the Federal Reserve.</b></p> <p>(A) In general. The Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, or their designee, shall submit to the</p>	The Secretary of the Treasury and the Chairman of the Board of Governors of the	2018

Statutory Provision	Relevant Language	Individual(s) Required to Testify	Year Requirement Established
31 U.S.C. §5336(c)(11)	<p>Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, an annual report and <i>provide annual testimony</i> to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives on the efforts of the Secretary and the Chairman with the National Association of Insurance Commissioners with respect to global insurance regulatory or supervisory forums, including—</p> <ul style="list-style-type: none"> <li>(i) a description of the insurance regulatory or supervisory standard-setting issues under discussion at international standard-setting bodies, including the Financial Stability Board and the International Association of Insurance Supervisors;</li> <li>(ii) a description of the effects that proposals discussed at international insurance regulatory or supervisory forums of insurance could have on consumer and insurance markets in the United States;</li> <li>(iii) a description of any position taken by the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the Director of the Federal Insurance Office in international insurance discussions; and</li> <li>(iv) a description of the efforts by the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the Director of the Federal Insurance Office to increase transparency at the Financial Stability Board with respect to insurance proposals and the International Association of Insurance Supervisors, including efforts to provide additional public access to working groups and committees of the International Association of Insurance Supervisors.</li> </ul>	Federal Reserve System (or their designee)	2021
	<p><b>(11) Department of the Treasury Testimony.</b></p> <p><b>(A) In general.</b> Not later than March 31 of each year for 5 years beginning in 2022, the Director shall be made available to testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, or an appropriate subcommittee thereof, regarding FinCEN issues, including, specifically, issues relating to—</p> <ul style="list-style-type: none"> <li>(i) anticipated plans, goals, and resources necessary for operations of FinCEN in implementing the requirements of the Anti-Money Laundering Act of 2020 and the amendments made by that Act;</li> <li>(ii) the adequacy of appropriations for FinCEN in the current and the previous fiscal year to—</li> </ul>	Director of the Financial Crimes Enforcement Network	

Statutory Provision	Relevant Language	Individual(s) Required to Testify	Year Requirement Established
38 U.S.C. §8163(c)(1)	<p>(I) ensure that the requirements and obligations imposed upon FinCEN by the Anti-Money Laundering Act of 2020 and the amendments made by that Act are completed as efficiently, effectively, and expeditiously as possible; and</p> <p>(II) provide for robust and effective implementation and enforcement of the provisions of the Anti-Money Laundering Act of 2020 and the amendments made by that Act;</p> <p>(iii) strengthen FinCEN management efforts, as necessary and as identified by the Director, to meet the requirements of the Anti-Money Laundering Act of 2020 and the amendments made by that Act;</p> <p>(iv) provide for the necessary public outreach to ensure the broad dissemination of information regarding any new program requirements provided for in the Anti-Money Laundering Act of 2020 and the amendments made by that Act, including—</p> <p>(I) educating the business community on the goals and operations of the new beneficial ownership database; and</p> <p>(II) disseminating to the governments of countries that are allies or partners of the United States information on best practices developed by FinCEN related to beneficial ownership information retention and use;</p> <p>(v) any policy recommendations that could facilitate and improve communication and coordination between the private sector, FinCEN, and the Federal, State, and local agencies and entities involved in implementing innovative approaches to meet their obligations under the Anti-Money Laundering Act of 2020 and the amendments made by that Act, the Bank Secrecy Act (as defined in section 6003 of the Anti-Money Laundering Act of 2020), and other anti-money laundering compliance laws; and</p> <p>(vi) any other matter that the Director determines is appropriate.</p> <p><b>(B) Testimony classification.</b> The testimony required under subparagraph (A)—</p> <p>(i) shall be submitted in unclassified form; and</p> <p>(ii) may include a classified portion.</p> <p>(a) If the Secretary proposes to enter into an enhanced-use lease with respect to certain property, the Secretary shall conduct a public hearing before entering into the lease....</p> <p>...</p> <p>(c)(I) If after a hearing under subsection (a) the Secretary intends to enter into an enhanced-use lease of the property involved, the Secretary shall notify the congressional veterans' affairs committees, the Committees on Appropriations of the House of</p>	Secretary of Veterans Affairs	2016

Statutory Provision	Relevant Language	Individual(s) Required to Testify	Year Requirement Established
39 U.S.C. §2401(e)	<p>Representatives and the Senate, and the Committees on the Budget of the House of Representatives and the Senate of the Secretary's intention to enter into such lease, shall publish a notice of such intention in the Federal Register, and shall submit to the congressional veterans' affairs committees a copy of the proposed lease. <i>With respect to a major enhanced-use lease, upon the request of the congressional veterans' affairs committees, not later than 30 days after the date of such notice, the Secretary shall testify before the committees on the major enhanced-use lease, including with respect to the status of the lease, the cost, and the plans to carry out the activities under the lease.</i> The Secretary may not delegate such testifying below the level of the head of the Office of Asset Enterprise Management of the Department or any successor to such office.</p>	United States Postal Service	1976
42 U.S.C. §2000ee(d)(4)	<p><b>(4) Testimony</b> The members of the Board shall appear and testify before Congress upon request.</p>	Privacy and Civil Liberties Oversight Board	2004
47 U.S.C. §1430(c)	<p><b>(a) In general</b> Not later than 1 year after February 22, 2012, and each year thereafter, the First Responder Network Authority shall submit an annual report covering the preceding fiscal year to the appropriate committees of Congress.</p>	Board of the First Responder Network Authority	2012
	<p>...</p> <p><b>(c) Availability to testify</b> The members of the Board and employees of the First Responder Network Authority shall be available to testify before the appropriate committees of the Congress with respect to—</p> <ol style="list-style-type: none"> <li>(1) the report required under subsection (a);</li> <li>(2) the report of any audit conducted under section 1429 of this title; or</li> <li>(3) any other matter which such committees may determine appropriate.</li> </ol>		



Statutory Provision	Relevant Language	Individual(s) Required to Testify	Year Requirement Established
50 U.S.C. §3043b	<p><b>Annual reports on worldwide threats</b></p> <p>...</p> <p>(d) Hearings</p> <p>(1) Open hearings</p> <p>Upon request by the appropriate congressional committees, the Director (and any other head of an element of the intelligence community determined appropriate by the committees in consultation with the Director) shall testify before such committees in an open setting regarding a report under subsection (b).</p> <p>(2) Closed hearings</p> <p>Any information that may not be disclosed during an open hearing under paragraph (1) in order to protect intelligence sources and methods may instead be discussed in a closed hearing that immediately follows such open hearing.</p>	Director of National Intelligence	2020
50 U.S.C. §4565(o)	<p><b>(o) Testimony</b></p> <p><b>(1) In general</b></p> <p>Not later than March 31 of each year, the chairperson, or the designee of the chairperson, shall appear before the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate to present testimony on—</p> <p>(A) anticipated resources necessary for operations of the Committee in the following fiscal year at each of the departments or agencies represented on the Committee;</p> <p>(B) the adequacy of appropriations for the Committee in the current and the previous fiscal year to—</p> <p>(i) ensure that thorough reviews and investigations are completed as expeditiously as possible;</p> <p>(ii) monitor and enforce mitigation agreements; and</p> <p>(iii) identify covered transactions for which a notice under clause (i) of subsection (b)(1)(C) or a declaration under clause (v) of that subsection was not submitted to the Committee;</p> <p>(C) management efforts to strengthen the ability of the Committee to meet the requirements of this section; and</p> <p>(D) activities of the Committee undertaken in order to—</p>	Committee on Foreign Investment in the United States (Note: Secretary of the Treasury is the Chairperson)	2018

Statutory Provision	Relevant Language	Individual(s) Required to Testify	Year Requirement Established
P.L. 117-103, Div. E, §124	<p>(i) educate the business community, with a particular focus on the technology sector and other sectors of importance to national security, on the goals and operations of the Committee;</p> <p>(ii) disseminate to the governments of countries that are allies or partners of the United States best practices of the Committee that-</p> <p>(I) strengthen national security reviews of relevant investment transactions; and</p> <p>(II) expedite such reviews when appropriate; and</p> <p>(iii) promote openness to foreign investment, consistent with national security considerations.</p> <p>(a) Not later than 60 days after the end of each quarter, the Office of Financial Stability and the Office of Financial Research shall submit reports on their activities to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives and the Senate Committee on Banking, Housing, and Urban Affairs.</p> <p>...</p> <p>(c) <i>At the request of any such Committees specified in subsection (a), the Office of Financial Stability and the Office of Financial Research shall make officials available to testify on the contents of the reports required under subsection (a).</i></p>	Officials of the Office of Financial Stability and the Office of Financial Research	2022

**Sources:** U.S. Code; Public Laws.

**Notes:**

- a. The National Center for Research in Advanced Information and Digital Technologies is not an “agency or establishment” of the federal government (20 U.S.C. §9631(a)). It is included as an additional example of potentially relevant statutory language.
- b. This testimony requirement appears to have effectively expired, but it is still part of current law and may still be a relevant language example.
- c. The National Endowment for Democracy is not an “agency or establishment” of the federal government (22 U.S.C. §4411(a)). It is included as an additional example of potentially relevant statutory language.

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