

Calendar No. 66

117TH CONGRESS
1ST SESSION

S. 272

[Report No. 117-23]

To amend the Federal Funding Accountability and Transparency Act of 2006, to require the budget justifications and appropriation requests of agencies be made publicly available.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2021

Mr. PETERS (for himself, Mr. PORTMAN, Mr. CARPER, Mr. CORNYN, and Ms. ERNST) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

MAY 27, 2021

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Federal Funding Accountability and Transparency Act of 2006, to require the budget justifications and appropriation requests of agencies be made publicly available.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Congressional Budget
3 Justification Transparency Act of 2021”.

4 **SEC. 2. PUBLIC AVAILABILITY OF BUDGET JUSTIFICATIONS**
5 **AND APPROPRIATION REQUESTS.**

6 (a) IN GENERAL.—Section 3 of the Federal Funding
7 Accountability and Transparency Act of 2006 (31 U.S.C.
8 6101 note) is amended to read as follows:

9 **“SEC. 3. FULL DISCLOSURE OF FEDERAL FUNDS.**

10 “(a) IN GENERAL.—Not less frequently than monthly
11 when practicable, and in any event not less frequently than
12 quarterly, the Secretary (in consultation with the Director
13 and, with respect to information described in subsection
14 (b)(2), the head of the applicable agency (as defined in
15 subsection (b)(1))) shall ensure that updated information
16 with respect to the information described in subsection (b)
17 is posted on the website established under section 2.

18 “(b) INFORMATION TO BE POSTED.—

19 “(1) FUNDS.—For any funds made available to
20 or expended by a Federal agency or component of a
21 Federal agency, the information to be posted shall
22 include—

23 “(A) for each appropriations account, in-
24 cluding an expired or unexpired appropriations
25 account, the amount—

26 “(i) of budget authority appropriated;

1 “(ii) that is obligated;

2 “(iii) of unobligated balances; and

3 “(iv) of any other budgetary re-
4 sources;

5 “(B) from which accounts and in what
6 amount—

7 “(i) appropriations are obligated for
8 each program activity; and

9 “(ii) outlays are made for each pro-
10 gram activity;

11 “(C) from which accounts and in what
12 amount—

13 “(i) appropriations are obligated for
14 each object class; and

15 “(ii) outlays are made for each object
16 class; and

17 “(D) for each program activity, the
18 amount—

19 “(i) obligated for each object class;
20 and

21 “(ii) of outlays made for each object
22 class.

23 “(2) BUDGET JUSTIFICATIONS.—

24 “(A) DEFINITIONS.—In this paragraph—

1 “(i) the term ‘agency’ has the mean-
 2 ing given that term in section 101 of title
 3 31, United States Code;

4 “(ii) the term ‘budget justification
 5 materials’ means the annual budget jus-
 6 tification materials of an agency that are
 7 submitted, in conjunction with the budget
 8 of the United States Government sub-
 9 mitted under section 1105(a) of title 31,
 10 United States Code; and

11 “(iii) the term ‘open Government data
 12 asset’ has the meaning given that term in
 13 section 3502 of title 44, United States
 14 Code).

15 “(B) INFORMATION.—The information to
 16 be posted—

17 “(i) shall include any budget justifica-
 18 tion materials—

19 “(I) for the second fiscal year be-
 20 ginning after the date of enactment of
 21 this paragraph, and each fiscal year
 22 thereafter; and

23 “(II) to the extent practicable,
 24 that were released for any fiscal year

1 before the date of enactment of this
2 paragraph; and

3 “(ii) shall not include any portion of
4 the budget justification materials the dis-
5 closure of which is prohibited by law, that
6 contains classified information; or that is
7 exempt from disclosure under paragraph
8 (1) of section 552(b) of title 5, United
9 States Code.

10 “(C) FORMAT.—Budget justification mate-
11 rials shall be posted under subparagraph (B)—

12 “(i) as an open Government data
13 asset;

14 “(ii) in a manner that enables users
15 to download individual reports; download
16 all reports in bulk; and download in bulk
17 the results of a search; to the extent prac-
18 ticable; and

19 “(iii) in a structured data format; to
20 the extent practicable.

21 “(D) DEADLINE.—The budget justification
22 materials required to be posted under subpara-
23 graph (B)(i) shall be posted not later than 2
24 weeks after the date on which the budget jus-

1 tification materials are first submitted to Con-
2 gress.

3 “(E) ~~RULE OF CONSTRUCTION.~~—Nothing
4 in this paragraph shall be construed to author-
5 ize an agency to destroy any budget justifica-
6 tion materials relating to a fiscal year before
7 the fiscal year described in subparagraph
8 (B)(i).”.

9 (b) ~~INFORMATION REGARDING AGENCY BUDGET~~
10 ~~JUSTIFICATIONS.~~—Section 1105 of title 31, United States
11 Code, is amended by adding at the end the following:

12 “(i)(1) The Director of the Office of Management
13 and Budget shall make publicly available on a website, and
14 continuously update, a tabular list for each fiscal year of
15 each agency that submits budget justification materials,
16 which shall include—

17 “(A) the name of the agency;

18 “(B) a unique identifier that identifies the
19 agency;

20 “(C) to the extent practicable, the date on
21 which the budget justification materials of the agen-
22 cy are first submitted to Congress;

23 “(D) the date on which the budget justification
24 materials of the agency are posted online under sec-

1 tion 3 of the Federal Funding Accountability and
 2 Transparency Act of 2006 (31 U.S.C. 6101 note);

3 ~~“(E) the uniform resource locator where the~~
 4 budget justification materials are published on the
 5 website of the agency; and

6 ~~“(F) a single data set that contains the infor-~~
 7 mation described in subparagraphs (A) through (E)
 8 with respect to the agency for all fiscal years for
 9 which budget justifications of the agency are made
 10 available under section 3 of the Federal Funding Ac-
 11 countability and Transparency Act of 2006 (31
 12 U.S.C. 6101 note) in a structured data format.

13 ~~“(2)(A) Each agency that submits budget justifica-~~
 14 tion materials shall make the materials available on the
 15 website of the agency, in accordance with the policies es-
 16 tablished by the Director of the Office of Management and
 17 Budget under subparagraph (B).

18 ~~“(B) Not later than 30 days after the date of enact-~~
 19 ment of this subsection, the Director of the Office of Man-
 20 agement and Budget, in consultation with the Secretary
 21 of the Treasury, shall establish policies for agencies relat-
 22 ing to making available materials under subparagraph
 23 (A), which shall include guidelines for making budget jus-
 24 tification materials available in a format aligned with the
 25 requirements of section 3(b)(2)(C) of the Federal Funding

1 Accountability and Transparency Act of 2006 (31 U.S.C.
 2 6101 note) and using a uniform resource locator that is
 3 in a consistent format across agencies and is descriptive,
 4 memorable, and pronounceable, such as the format of
 5 ‘agencyname.gov/budget’.

6 “(C) If the Director of the Office of Management and
 7 Budget maintains a public website that contains the budg-
 8 et of the United States Government submitted under sub-
 9 section (a) and any related materials, such website shall
 10 also contain a link to the tabular list required under para-
 11 graph (1).

12 “(3) In this subsection, the term ‘budget justification
 13 materials’ has the meaning given that term in section 3
 14 of the Federal Funding Accountability and Transparency
 15 Act of 2006 (31 U.S.C. 6101 note).”.

16 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

17 The budgetary effects of this Act, for the purpose of
 18 complying with the Statutory Pay-As-You-Go Act of 2010,
 19 shall be determined by reference to the latest statement
 20 titled “Budgetary Effects of PAYGO Legislation” for this
 21 Act, submitted for printing in the Congressional Record
 22 by the Chairman of the Senate Budget Committee, pro-
 23 vided that such statement has been submitted prior to the
 24 vote on passage.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Congressional Budget*
 3 *Justification Transparency Act of 2021”.*

4 **SEC. 2. PUBLIC AVAILABILITY OF BUDGET JUSTIFICATIONS**
 5 **AND APPROPRIATION REQUESTS.**

6 *(a) IN GENERAL.—Section 3 of the Federal Funding*
 7 *Accountability and Transparency Act of 2006 (31 U.S.C.*
 8 *6101 note) is amended to read as follows:*

9 **“SEC. 3. FULL DISCLOSURE OF FEDERAL FUNDS.**

10 *“(a) IN GENERAL.—Not less frequently than monthly*
 11 *when practicable, and in any event not less frequently than*
 12 *quarterly, the Secretary (in consultation with the Director*
 13 *and, with respect to information described in subsection*
 14 *(b)(2), the head of the applicable Federal agency) shall en-*
 15 *sure that updated information with respect to the informa-*
 16 *tion described in subsection (b) is posted on the website es-*
 17 *tablished under section 2.*

18 *“(b) INFORMATION TO BE POSTED.—*

19 *“(1) FUNDS.—For any funds made available to*
 20 *or expended by a Federal agency or component of a*
 21 *Federal agency, the information to be posted shall in-*
 22 *clude—*

23 *“(A) for each appropriations account, in-*
 24 *cluding an expired or unexpired appropriations*
 25 *account, the amount—*

26 *“(i) of budget authority appropriated;*

1 “(ii) that is obligated;

2 “(iii) of unobligated balances; and

3 “(iv) of any other budgetary resources;

4 “(B) from which accounts and in what
5 amount—

6 “(i) appropriations are obligated for
7 each program activity; and

8 “(ii) outlays are made for each pro-
9 gram activity;

10 “(C) from which accounts and in what
11 amount—

12 “(i) appropriations are obligated for
13 each object class; and

14 “(ii) outlays are made for each object
15 class; and

16 “(D) for each program activity, the
17 amount—

18 “(i) obligated for each object class; and

19 “(ii) of outlays made for each object
20 class.

21 “(2) BUDGET JUSTIFICATIONS.—

22 “(A) DEFINITIONS.—In this paragraph—

23 “(i) the term ‘budget justification ma-
24 terials’ means the annual budget justifica-
25 tion materials of a Federal agency, or a

1 *component of a Federal agency, that are*
2 *submitted, in conjunction with the budget of*
3 *the United States Government submitted*
4 *under section 1105(a) of title 31, United*
5 *States Code; and*

6 “(ii) the term ‘open Government data
7 asset’ has the meaning given that term in
8 section 3502 of title 44, United States Code.

9 “(B) *INFORMATION.*—*The information to be*
10 *posted—*

11 “(i) *shall include any budget justifica-*
12 *tion materials—*

13 “(I) *for the second fiscal year be-*
14 *ginning after the date of enactment of*
15 *this paragraph, and each fiscal year*
16 *thereafter; and*

17 “(II) *to the extent practicable,*
18 *that were released for any fiscal year*
19 *before the date of enactment of this*
20 *paragraph; and*

21 “(ii) *shall not include budget justifica-*
22 *tion materials the disclosure of which is*
23 *prohibited by law, that are classified, or*
24 *that are exempt from disclosure under sec-*
25 *tion 552(b) of title 5, United States Code.*

1 “(C) *FORMAT.*—*Budget justification mate-*
 2 *rials shall be posted under subparagraph (B)—*

3 *“(i) as an open Government data asset;*

4 *“(ii) in a manner that enables users to*
 5 *download individual reports, download all*
 6 *reports in bulk, and download in bulk the*
 7 *results of a search, to the extent practicable;*
 8 *and*

9 *“(iii) in a structured data format, to*
 10 *the extent practicable.*

11 “(D) *DEADLINE.*—*The budget justification*
 12 *materials required to be posted under subpara-*
 13 *graph (B)(i) shall be posted not later than 2*
 14 *weeks after the date on which the budget jus-*
 15 *tification materials are first submitted to Con-*
 16 *gress.*

17 “(E) *RULE OF CONSTRUCTION.*—*Nothing in*
 18 *this paragraph shall be construed to authorize a*
 19 *Federal agency, or a component of a Federal*
 20 *agency, to destroy any budget justification mate-*
 21 *rials relating to a fiscal year before the fiscal*
 22 *year described in subparagraph (B)(i).”.*

23 (b) *INFORMATION REGARDING AGENCY BUDGET JUS-*
 24 *TIFICATIONS.*—*Section 1105 of title 31, United States Code,*
 25 *is amended by adding at the end the following:*

1 “(i)(1) *The Director of the Office of Management and*
2 *Budget shall make publicly available on a website, and con-*
3 *tinuously update, a tabular list for each fiscal year of each*
4 *agency that submits budget justification materials, which*
5 *shall include—*

6 “(A) *the name of the agency;*

7 “(B) *a unique identifier that identifies the agen-*
8 *cy;*

9 “(C) *to the extent practicable, the date on which*
10 *the budget justification materials of the agency are*
11 *first submitted to Congress;*

12 “(D) *the date on which the budget justification*
13 *materials of the agency are posted online under sec-*
14 *tion 3 of the Federal Funding Accountability and*
15 *Transparency Act of 2006 (31 U.S.C. 6101 note);*

16 “(E) *the uniform resource locator where the*
17 *budget justification materials are published on the*
18 *website of the agency; and*

19 “(F) *a single data set that contains the informa-*
20 *tion described in subparagraphs (A) through (E) with*
21 *respect to the agency for all fiscal years for which*
22 *budget justifications of the agency are made available*
23 *under section 3 of the Federal Funding Account-*
24 *ability and Transparency Act of 2006 (31 U.S.C.*
25 *6101 note) in a structured data format.*

1 “(2)(A) *Each agency that submits budget justification*
2 *materials shall make the materials available on the website*
3 *of the agency, in accordance with the policies established*
4 *by the Director of the Office of Management and Budget*
5 *under subparagraph (B).*

6 “(B) *Not later than 1 year after the date of enactment*
7 *of this subsection, the Director of the Office of Management*
8 *and Budget, in consultation with the Secretary of the Treas-*
9 *ury, shall establish policies and data standards for agencies*
10 *relating to making available materials under subparagraph*
11 *(A), which shall include guidelines for making budget jus-*
12 *tification materials available in a format aligned with the*
13 *requirements of section 3(b)(2)(C) of the Federal Funding*
14 *Accountability and Transparency Act of 2006 (31 U.S.C.*
15 *6101 note) and using a uniform resource locator that is*
16 *in a consistent format across agencies and is descriptive,*
17 *memorable, and pronounceable, such as the format of*
18 *‘agencyname.gov/budget’.*

19 “(C) *If the Director of the Office of Management and*
20 *Budget maintains a public website that contains the budget*
21 *of the United States Government submitted under sub-*
22 *section (a) and any related materials, such website shall*
23 *also contain a link to the tabular list required under para-*
24 *graph (1).*

1 “(3) *In this subsection, the term ‘budget justification*
2 *materials’ has the meaning given that term in section*
3 *3(b)(2) of the Federal Funding Accountability and Trans-*
4 *parency Act of 2006 (31 U.S.C. 6101 note).’.*”

5 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

6 *The budgetary effects of this Act, for the purpose of*
7 *complying with the Statutory Pay-As-You-Go-Act of 2010,*
8 *shall be determined by reference to the latest statement titled*
9 *“Budgetary Effects of PAYGO Legislation” for this Act,*
10 *submitted for printing in the Congressional Record by the*
11 *Chairman of the Senate Budget Committee, provided that*
12 *such statement has been submitted prior to the vote on pas-*
13 *sage.*

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A BILL

To amend the Federal Funding Accountability and Transparency Act of 2006, to require the budget justifications and appropriation requests of agencies be made publicly available.

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Reported with an amendment