

CONGRESSIONAL BUDGET OFFICE DATA SHARING ACT

APRIL 29, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ARRINGTON, from the Committee on the Budget,
submitted the following

R E P O R T

[To accompany H.R. 7032]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Budget, to whom was referred the bill (H.R. 7032) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide the Congressional Budget Office with necessary authorities to expedite the sharing of data from executive branch agencies, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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SUMMARY AND PURPOSE OF LEGISLATION

H.R. 7032, the *Congressional Budget Office Data Sharing Act*, increases and clarifies the Congressional Budget Office's (CBO) au-

thority to access data to ensure that CBO can provide complete and timely cost estimates of proposed legislation to Congress. The bill provides an amendment to the *Congressional Budget and Impoundment Control Act of 1974* that would enhance and expedite CBO's ability to access data and information from executive branch agencies for cost estimates and reports. This bill would also remove the parenthetical reference in section 201(d) of the *Congressional Budget and Impoundment Control Act of 1974* (2 U.S.C. § 601(d)) and still require CBO to maintain confidentiality under section 203(e). The bill allows agencies to disclose information to the CBO Director or authorized CBO representative unless a law is enacted that specifically disallows CBO access to the material. Additionally, this bill requires the CBO Director to submit a report, no later than one year after enactment, to the chairs of the Committees on the Budget of the House of Representatives and the Senate regarding requests for information from executive branch agencies and any challenges faced in accessing that information.

BACKGROUND AND NEED FOR LEGISLATION

The *Congressional Budget and Impoundment Control Act of 1974* established the Congressional Budget Office (CBO) and requires CBO to provide congressional committees with a cost estimate of legislation reported by the committee.¹ In order to provide these cost estimates and other reports required by the *Congressional Budget and Impoundment Control Act of 1974*, the CBO Director is "authorized to secure information, data, estimates, and statistics directly from the various departments, agencies, and establishments of the executive branch of Government and the regulatory agencies and commissions" under section 201(d).² CBO plays a key role in the budget and legislative process, by providing objective, nonpartisan information to lawmakers through cost estimates and analytic reports. Cost estimates prepared by CBO of the budgetary effects of various legislative proposals serve as a guide of the fiscal impact of legislation considered by Congress.³ Section 402 of the *Congressional Budget and Impoundment Control Act of 1974* requires the Director of CBO to submit a cost estimate to any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House) that reports a bill.⁴ CBO must rely on timely and accurate data and information from executive branch departments and agencies in order to fulfill their obligation under section 402. Beyond the budget process, clause 3(c) of House rule XIII dictates that a committee report on a measure approved by the committee must include the statement required under section 308(a) of the *Congressional Budget and Impoundment Control Act of 1974* and a cost estimate of the legisla-

¹Congressional Budget and Impoundment Control Act of 1974 Pub. L. 93-344, Sec. 402 (1974).

²Congressional Budget and Impoundment Control Act of 1974 Pub. L. 93-344, Sec. 201(d) (1974).

³Congressional Budget Office, *Frequently Asked Questions About CBO Cost Estimates* (Feb. 2013).

⁴Congressional Budget and Impoundment Control Act of 1974 Pub. L. 93-344, Sec. 402 (1974).

tion prepared pursuant to section 402 of the *Congressional Budget and Impoundment Control Act of 1974*.⁵

Section 201(d) includes a parenthetical caveat regarding the CBO Director’s ability to access to data, detailing that the Director does not have authority to access information “the disclosure of which would be a violation of law.”⁶ This caveat, at times, has delayed and complicated the CBO Director’s ability to obtain data from executive branch agencies on occasion.⁷ Part of these discussions can revolve around 18 U.S.C. § 1905 which prohibits federal employees from publicly releasing various forms of confidential government information.⁸ This elongates the discussion process before CBO can acquire the needed data or information.

Due to elongated discussions, the CBO Director is not always able to access information needed for cost estimates of legislation or reports. This may inhibit Congress’s ability to legislate as they may not always have all the information regarding the fiscal impact of legislation in a timely manner. This bill would help expedite the information retrieval process for CBO so it can timely provide the proper information to lawmakers regarding the budgetary impact of legislation and other reports.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section establishes the short title of the bill as the “Congressional Budget Office Data Sharing Act”.

Section 2. Requests by CBO of information from executive agencies

Subsection (a) amends section 201(d) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 601(d)). It strikes the parenthetical reference and ensures that confidentiality, as determined by law, is maintained in accordance with section 203(e). It also specifies that CBO can obtain available information with or without a written agreement. Subsection (a)(3) also ensures that no future laws supersede, limit, or otherwise modify the CBO Director’s authority to receive material unless specifically provided by such a law.

Subsection (b) requires the CBO Director to submit a report, no later than one year after enactment, to the chairs of the Committees on the Budget of the House of Representatives and the Senate detailing any request for information pursuant to a written agreement made to any department, agency, or establishment of the executive branch or any regulatory agency, and any challenges faced accessing that information.

LEGISLATIVE HISTORY AND CONSIDERATION

On January 18, 2024, Representatives Brendan Boyle (D-PA-2) and Jodey Arrington (R-TX-19) introduced H.R. 7032, and the bill was referred to the Committee on the Budget.

⁵ House Rule XIII; United States House of Representatives, *Rules of the House of Representatives* (2023).

⁶ Congressional Budget and Impoundment Control Act of 1974 Pub. L. 93-344, Sec. 201(d) (1974).

⁷ 5 U.S. Code § 552a.

⁸ 18 U.S.C. § 1905.

On February 6, 2024, the Committee considered H.R. 7032, and ordered the measure reported to the House, without amendment, by a vote of 30 ayes to 0 noes.

HEARINGS

Pursuant to clause 3(a)(6) of rule XIII the following hearing was used to develop H.R. 7032, the *Congressional Budget Office Data Sharing Act*:

On January 31, 2024, the Committee held a hearing titled “Creating a Culture of Fiscal Responsibility: Assessing the Role of the Congressional Budget Office.” The Committee received testimony from:

The Honorable Phillip Swagel, Ph.D., Director of the Congressional Budget Office.

VOTES OF THE COMMITTEE

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to accompany any bill or resolution of a public character to include the total number of votes cast for and against each roll-call vote, on a motion to report and any amendments offered to the measure or matter, together with the names of those voting for and against.

Listed below are the actions taken by the Committee on the Budget of the House of Representatives on H.R. 7032, the *Congressional Budget Office Data Sharing Act*.

On February 6, 2024, the Committee met in open session, a quorum being present.

Chairman Arrington asked unanimous consent to be authorized, consistent with clause 1(a)(2) of rule XI of the Rules of the House of Representatives, to declare a recess at any time during the committee meeting.

There was no objection to this unanimous consent request.

Chairman Arrington asked unanimous consent to dispense with the first reading of the bill, the bill be considered read and open to amendment at any point, and to dispense with the reading of any amendments.

There was no objection to this unanimous consent request.

H.R. 7032, the *Congressional Budget Office Data Sharing Act*, was ordered reported to the House of Representatives, without amendment, by a vote of 30 ayes to 0 noes.

The Committee on the Budget took the following vote:

COMMITTEE ON THE BUDGET

HOUSE OF REPRESENTATIVES
118TH CONGRESS

RECORD OF COMMITTEE VOTE

Date: 2/6/24 Time: 10:00 AM Place: 210 Cannon HOB

Description of Vote: **On Favorably Reporting, without amendment, H.R. 7032, the Congressional Budget Office Data Sharing Act**

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
ARRINGTON (TX) (Chairman)	X			BOYLE (PA) (Ranking)	X		
NORMAN (SC)	X			SCHAKOWSKY (IL)	X		
McCLINTOCK (CA)	X			BLUMENAUER (OR)	X		
GROTHMAN (WI)	X			KILDEE (MI)	X		
SMUCKER (PA)	X			PETERS (CA)			
BURGESS (TX)	X			LEE (CA)			
CARTER (GA)	X			DOGGETT (TX)	X		
CLINE (VA)	X			PANETTA (CA)	X		
GOOD (VA)	X			WEXTON (VA)			
BERGMAN (MI)	X			JACKSON-LEE (TX)			
FERGUSON (GA)	X			OMAR (MN) (Vice Ranking Member)	X		
ROY (TX)	X			TRONE (MD)			
MOORE (UT)	X			BALINT (VT)	X		
VALADAO (CA)	X			SCOTT (VA)	X		
ESTES (KS)	X			ESPAILLAT (NY)	X		
McCLAIN (MI)	X			VACANT			
FISCHBACH (MN)	X						
YAKYM (IN)	X						
BRECHEEN (OK)	X						
EDWARDS (NC)	X						
VACANT							

TOTALS: Aye: 30 No: 0 Present: 0

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

CONGRESSIONAL BUDGET ACT COMPLIANCE

For purposes of Clauses 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and Section 308(a)(1) of the *Congressional Budget and Impoundment Control Act of 1974* (relating to estimates of new budget authority, new spending authority, new credit authority, or increased or decreased revenues or tax expenditures), are not considered applicable. The estimate and comparison required to be prepared by the Director of the Congressional Budget Office pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and sections 402 and 423 of the *Congressional Budget and Impoundment Control Act of 1974* submitted to the committee prior to the filing of this report are as follows:

H.R. 7032, Congressional Budget Office Data Sharing Act			
As ordered reported by the House Committee on the Budget on February 6, 2024			
By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply? No	
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 7032 would amend the Congressional Budget and Impoundment Control Act of 1974 to clarify and strengthen the ability of the Congressional Budget Office (CBO) to access executive branch data. The bill would require CBO to continue to maintain the same level of confidentiality for the data as the agency that provides the data. H.R. 7032 also would require CBO to report to the Congress within one year of enactment about requests for information made to federal agencies and any challenges it faced. Under current law, CBO generally has access to information from the executive branch; however, questions about the extent of CBO's authority can delay the timing of that access.

Because H.R. 7032 would primarily clarify CBO's ability to access and its need to protect executive branch data, we estimate that implementing H.R. 7032 would have no significant effect on federal spending. Any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

COMMITTEE COST ESTIMATE

Pursuant to clauses 3(d) of rule XIII of the Rules of the House of Representatives the committee report incorporates the cost estimate prepared by the Director of the Congressional Budget Office pursuant to Sections 402 and 423 of the *Congressional Budget and Impoundment Control Act of 1974*.

FEDERAL MANDATES STATEMENT

Pursuant to section 423 of the *Unfunded Mandates Reform Act*, the Committee has determined that the bill does not contain federal mandates on the private sector. The Committee has determined that the bill does not impose a federal intergovernmental mandate on state, local, or tribal governments.

ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (P.L. 104-1).

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 7032, the *Congressional Budget Office Data Sharing Act*, establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to allow greater authority for the Congressional Budget Office to obtain data and to limit any potential delays in obtaining such information and ensure timely completion of cost estimates on proposed legislation and reports for Congress. This bill would amend the *Congressional Budget and Impoundment Control Act of 1974* to ensure that the CBO Director receives the necessary authority to obtain data and information from executive branch agencies while still maintaining confidentiality requirements required under the *Congressional Budget and Impoundment Control Act of 1974*.

EARMARK STATEMENT

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 7032 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI of the Rules of the House of Representatives.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**CONGRESSIONAL BUDGET AND IMPOUNDMENT
CONTROL ACT OF 1974**

* * * * * *

TITLE II—CONGRESSIONAL BUDGET OFFICE

ESTABLISHMENT OF OFFICE

SEC. 201. (a) IN GENERAL.—

(1) There is established an office of the Congress to be known as the Congressional Budget Office (hereinafter in this title referred to as the “Office”). The Office shall be headed by a Director; and there shall be a Deputy Director who shall perform such duties as may be assigned to him by the Director and, during the absence or incapacity of the Director or during a vacancy in that office, shall act as Director.

(2) The Director shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate after considering recommendations received from the Committees on the Budget of the House and the Senate, without regard to political affiliation and solely on the basis of his fitness to perform his duties. The Deputy Director shall be appointed by the Director.

(3) The term of office of the Director shall be 4 years and shall expire on January 3 of the year preceding each Presidential election. Any individual appointed as Director to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of that term. An individual serving as Director at the expiration of a term may continue to serve until his successor is appointed. Any Deputy Director shall serve until the expiration of the term of office of the Director who appointed him (and until his successor is appointed), unless sooner removed by the Director.

(4) The Director may be removed by either House by resolution.

(5)(A) The Director shall receive compensation at an annual rate of pay that is equal to the maximum rate of pay in effect under section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 4575(f)).

(B) The Deputy Director shall receive compensation at an annual rate of pay that is \$1,000 less than the annual rate of pay received by the Director, as determined under subparagraph (A).

(b) PERSONNEL.—The Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties and functions of the Office. All personnel of the Office shall be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties. The Director may prescribe the duties and responsibilities of the personnel of the Office, and delegate to them authority to perform any of the duties, powers, and functions imposed on the Office or on the Director. For purposes of pay (other than pay of the Director and Deputy Director) and employment benefits, rights, and privileges, all personnel of the Office shall be treated as if they were employees of the House of Representatives.

(c) EXPERTS AND CONSULTANTS.—In carrying out the duties and functions of the Office, the Director may procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract as independent contractors, or, in the case of individual experts or consultants, by employment at rates of pay not in excess of the daily equivalent of the highest rate of basic pay payable under the General Schedule of section 5332 of title 5, United States Code.

(d) RELATIONSHIP TO EXECUTIVE BRANCH.—[The Director is authorized] (1) *The Director is authorized to secure information, data, estimates, and statistics directly from the various departments, agencies, and establishments of the executive branch of Government and the regulatory agencies and commissions of the Government. All such departments, agencies, establishments, and regulatory agencies and commissions shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions [(other than material the disclosure of which would be a violation of law)] (with or without written agreement) provided that the Director maintains the level of confidentiality required by law of the department, agency, establishment, or regulatory agency or commission from which it is obtained in accordance with section 203(e).* The Director is also authorized, upon agreement with the head of any such department, agency, establishment, or regulatory agency or commission, to utilize its services, facilities, and personnel with or without reimbursement; and the head of each such department, agency, establishment, or regulatory agency or commission is authorized to provide the Office such services, facilities, and personnel.

(2) *No provision of law enacted after the date of the enactment of the Congressional Budget Office Data Sharing Act shall be construed to supersede, limit, or otherwise modify the authority of the Director to obtain any material under this subsection unless such provision specifically provides, by specific reference to this paragraph, that such authority is to be superseded, limited, or otherwise modified.*

(e) RELATIONSHIP TO OTHER AGENCIES OF CONGRESS.—In carrying out the duties and functions of the Office, and for the purpose of coordinating the operations of the Office with those of other congressional agencies with a view to utilizing most effectively the in-

formation, services, and capabilities of all such agencies in carrying out the various responsibilities assigned to each, the Director is authorized to obtain information, data, estimates, and statistics developed by the General Accounting Office, and the Library of Congress, and (upon agreement with them) to utilize their services, facilities, and personnel with or without reimbursement. The Comptroller General, and the Librarian of Congress are authorized to provide the Office with the information, data, estimates, and statistics, and the services, facilities, and personnel, referred to in the preceding sentence.

(f) REVENUE ESTIMATES.—For the purposes of revenue legislation which is income, estate and gift, excise, and payroll taxes (i.e., Social Security), considered or enacted in any session of Congress, the Congressional Budget Office shall use exclusively during that session of Congress revenue estimates provided to it by the Joint Committee on Taxation. During that session of Congress such revenue estimates shall be transmitted by the Congressional Budget Office to any committee of the House of Representatives or the Senate requesting such estimates, and shall be used by such Committees in determining such estimates. The Budget Committees of the Senate and House shall determine all estimates with respect to scoring points of order and with respect to the execution of the purposes of this Act.

(g) APPROPRIATIONS.—There are authorized to be appropriated to the Office for each fiscal year such sums as may be necessary to enable it to carry out its duties and functions. Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding 12 months following the effective date of this subsection, the expenses of the Office shall be paid from the contingent fund of the Senate, in accordance with the paragraph relating to the contingent fund of the Senate under the heading “UNDER LEGISLATIVE” in the Act of October 1, 1888 (28 Stat. 546; 2 U.S.C. 68), and upon vouchers approved by the Director.

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