

117TH CONGRESS
1ST SESSION

S. 272

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

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

3 (a) IN GENERAL.—Section 3 of the Federal Funding
 4 Accountability and Transparency Act of 2006 (31 U.S.C.
 5 6101 note) is amended to read as follows:

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

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

15 “(b) INFORMATION TO BE POSTED.—

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

20 “(A) for each appropriations account, in-
 21 cluding an expired or unexpired appropriations
 22 account, the amount—

23 “(i) of budget authority appropriated;

24 “(ii) that is obligated;

25 “(iii) of unobligated balances; and

1 “(iv) of any other budgetary re-
2 sources;

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

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

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

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

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

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

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

17 “(i) obligated for each object class;
18 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 ‘agency’ has the mean-
24 ing given that term in section 101 of title
25 31, United States Code;

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

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

12 “(B) INFORMATION.—The information to
13 be posted—

14 “(i) shall include any budget justifica-
15 tion materials—

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

20 “(II) to the extent practicable,
21 that were released for any fiscal year
22 before the date of enactment of this
23 paragraph; and

24 “(ii) shall not include any portion of
25 the budget justification materials the dis-

1 closure of which is prohibited by law, that
2 contains classified information, or that is
3 exempt from disclosure under paragraph
4 (1) of section 552(b) of title 5, United
5 States Code.

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

8 “(i) as an open Government data
9 asset;

10 “(ii) in a manner that enables users
11 to download individual reports, download
12 all reports in bulk, and download in bulk
13 the results of a search, to the extent prac-
14 ticable; and

15 “(iii) in a structured data format, to
16 the extent practicable.

17 “(D) DEADLINE.—The budget justification
18 materials required to be posted under subpara-
19 graph (B)(i) shall be posted not later than 2
20 weeks after the date on which the budget jus-
21 tification materials are first submitted to Con-
22 gress.

23 “(E) RULE OF CONSTRUCTION.—Nothing
24 in this paragraph shall be construed to author-
25 ize an agency to destroy any budget justifica-

1 tion materials relating to a fiscal year before
 2 the fiscal year described in subparagraph
 3 (B)(i).”.

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

7 “(i)(1) The Director of the Office of Management
 8 and Budget shall make publicly available on a website, and
 9 continuously update, a tabular list for each fiscal year of
 10 each agency that submits budget justification materials,
 11 which shall include—

12 “(A) the name of the agency;

13 “(B) a unique identifier that identifies the
 14 agency;

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

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

22 “(E) the uniform resource locator where the
 23 budget justification materials are published on the
 24 website of the agency; and

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

8 “(2)(A) Each agency that submits budget justifica-
9 tion materials shall make the materials available on the
10 website of the agency, in accordance with the policies es-
11 tablished by the Director of the Office of Management and
12 Budget under subparagraph (B).

13 “(B) Not later than 30 days after the date of enact-
14 ment of this subsection, the Director of the Office of Man-
15 agement and Budget, in consultation with the Secretary
16 of the Treasury, shall establish policies for agencies relat-
17 ing to making available materials under subparagraph
18 (A), which shall include guidelines for making budget jus-
19 tification materials available in a format aligned with the
20 requirements of section 3(b)(2)(C) of the Federal Funding
21 Accountability and Transparency Act of 2006 (31 U.S.C.
22 6101 note) and using a uniform resource locator that is
23 in a consistent format across agencies and is descriptive,
24 memorable, and pronounceable, such as the format of
25 ‘agencyname.gov/budget’.

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

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

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

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

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