

Suspend the Rules and Pass the Bill, H.R. 3830, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
1ST SESSION

H. R. 3830

To provide taxpayers with an improved understanding of Government programs through the disclosure of cost, performance, and areas of duplication among them, leverage existing data to achieve a functional Federal program inventory, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2019

Mr. WALBERG (for himself and Mr. COOPER) introduced the following bill;
which was referred to the Committee on Oversight and Reform

A BILL

To provide taxpayers with an improved understanding of Government programs through the disclosure of cost, performance, and areas of duplication among them, leverage existing data to achieve a functional Federal program inventory, and for other purposes.

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 “Taxpayers Right-To-
5 Know Act”.

1 **SEC. 2. INVENTORY OF GOVERNMENT PROGRAMS.**

2 Section 1122(a) of title 31, United States Code, is
3 amended—

4 (1) by redesignating paragraphs (1) and (2) as
5 paragraphs (2) and (3), respectively;

6 (2) by inserting before paragraph (2), as so re-
7 designated, the following:

8 “(1) DEFINITIONS.—For purposes of this sub-
9 section—

10 “(A) the term ‘Federal financial assist-
11 ance’ has the meaning given that term under
12 section 7501;

13 “(B) the term ‘open Government data
14 asset’ has the meaning given that term under
15 section 3502 of title 44;

16 “(C) the term ‘program’ means a single
17 program activity or an organized set of aggre-
18 gated, disaggregated, or consolidated program
19 activities by 1 or more agencies directed toward
20 a common purpose or goal; and

21 “(D) the term ‘program activity’ has the
22 meaning given that term in section 1115(h).”;
23 (3) in paragraph (2), as so redesignated—

24 (A) by striking “IN GENERAL.—Not later
25 than October 1, 2012, the Office of Manage-
26 ment and Budget shall” and inserting

1 “WEBSITE AND PROGRAM INVENTORY.—The
2 Director of the Office of Management and
3 Budget shall”;

4 (B) in subparagraph (A), by inserting
5 “that includes the information required under
6 subsections (b) and (c)” after “a single
7 website”; and

8 (C) by striking subparagraphs (B) and (C)
9 and inserting the following:

10 “(B) include on the website described in
11 subparagraph (A), or another appropriate Fed-
12 eral Government website where related informa-
13 tion is made available, as determined by the Di-
14 rector—

15 “(i) a program inventory that shall
16 identify each program; and

17 “(ii) for each program identified in
18 the program inventory, the information re-
19 quired under paragraph (3);

20 “(C) make the information in the program
21 inventory required under subparagraph (B)
22 available as an open Government data asset;
23 and

24 “(D) at a minimum—

1 “(i) update the information required
2 to be included on the single website under
3 subparagraph (A) on a quarterly basis;
4 and

5 “(ii) update the program inventory re-
6 quired under subparagraph (B) on an an-
7 nual basis.”;

8 (4) in paragraph (3), as so redesignated—

9 (A) in the matter preceding subparagraph
10 (A), by striking “described under paragraph (1)
11 shall include” and inserting “identified in the
12 program inventory required under paragraph
13 (2)(B) shall include”;

14 (B) in subparagraph (B), by striking
15 “and” at the end;

16 (C) in subparagraph (C), by striking the
17 period at the end and inserting “and,”; and

18 (D) by adding at the end the following:

19 “(D) for each program activity that is part
20 of a program—

21 “(i) a description of the purposes of
22 the program activity and the contribution
23 of the program activity to the mission and
24 goals of the agency;

1 “(ii) a consolidated view for the cur-
2 rent fiscal year and each of the 2 fiscal
3 years before the current fiscal year of—

4 “(I) the amount appropriated;

5 “(II) the amount obligated; and

6 “(III) the amount outlayed;

7 “(iii) to the extent practicable and
8 permitted by law, links to any related eval-
9 uation, assessment, or program perform-
10 ance review by the agency, an inspector
11 general, or the Government Accountability
12 Office (including program performance re-
13 ports required under section 1116), and
14 other related evidence assembled in re-
15 sponse to implementation of the Founda-
16 tions for Evidence-Based Policymaking Act
17 of 2018 (Public Law 115–435; 132 Stat.
18 5529);

19 “(iv) an identification of the statutes
20 that authorize the program activity or the
21 authority under which the program activity
22 was created or operates;

23 “(v) an identification of any major
24 regulations specific to the program activity;

1 “(vi) any other information that the
2 Director of the Office of Management and
3 Budget determines relevant relating to pro-
4 gram activity data in priority areas most
5 relevant to Congress or the public to in-
6 crease transparency and accountability;
7 and

8 “(vii) for each assistance listing under
9 which Federal financial assistance is pro-
10 vided, for the current fiscal year and each
11 of the 2 fiscal years before the current fis-
12 cal year and consistent with existing law
13 relating to the protection of personally
14 identifiable information—

15 “(I) a linkage to the relevant
16 program activities that fund Federal
17 financial assistance by assistance list-
18 ing;

19 “(II) information on the popu-
20 lation intended to be served by the as-
21 sistance listing based on the language
22 of the solicitation, as required under
23 section 6102;

24 “(III) to the extent practicable
25 and based on data reported to the

1 agency providing the Federal financial
2 assistance, the results of the Federal
3 financial assistance awards provided
4 by the assistance listing;

5 “(IV) to the extent practicable,
6 the percentage of the amount appro-
7 priated for the assistance listing that
8 is used for management and adminis-
9 tration;

10 “(V) the identification of each
11 award of Federal financial assistance
12 and, to the extent practicable, the
13 name of each direct or indirect recipi-
14 ent of the award; and

15 “(VI) any information relating to
16 the award of Federal financial assist-
17 ance that is required to be included on
18 the website established under section
19 2(b) of the Federal Funding Account-
20 ability and Transparency Act of 2006
21 (31 U.S.C. 6101 note).”; and

22 (5) by adding at the end the following:

23 “(4) ARCHIVING.—The Director of the Office of
24 Management and Budget shall—

1 “(A) archive and preserve the information
2 included in the program inventory required
3 under paragraph (2)(B) after the end of the pe-
4 riod during which such information is made
5 available under paragraph (3); and

6 “(B) make information archived in accord-
7 ance with subparagraph (A) publicly available
8 as an open Government data asset.”.

9 **SEC. 3. GUIDANCE, IMPLEMENTATION, REPORTING, AND**
10 **REVIEW.**

11 (a) DEFINITIONS.—In this section—

12 (1) the term “appropriate congressional com-
13 mittees” means the Committee on Oversight and Re-
14 form of the House of Representatives and the Com-
15 mittee on Homeland Security and Governmental Af-
16 fairs of the Senate;

17 (2) the term “Director” means the Director of
18 the Office of Management and Budget;

19 (3) the term “program” has the meaning given
20 that term in section 1122(a)(1) of title 31, United
21 States Code, as amended by section 2 of this Act;

22 (4) the term “program activity” has the mean-
23 ing given that term in section 1115(h) of title 31,
24 United States Code; and

1 (5) the term “Secretary” means the Secretary
2 of the Treasury.

3 (b) PLAN FOR IMPLEMENTATION AND RECONCILING
4 PROGRAM DEFINITIONS.—Not later than 180 days after
5 the date of enactment of this Act, the Director, in con-
6 sultation with the Secretary, shall submit to the appro-
7 priate congressional committees a report that—

8 (1) includes a plan that—

9 (A) discusses how making available on a
10 website the information required under sub-
11 section (a) of section 1122 of title 31, United
12 States Code, as amended by section 2, will le-
13 verage existing data sources while avoiding du-
14 plicative or overlapping information in pre-
15 senting information relating to program activi-
16 ties and programs;

17 (B) indicates how any gaps in data will be
18 assessed and addressed;

19 (C) indicates how the Director will display
20 such data; and

21 (D) discusses how the Director will expand
22 the information collected with respect to pro-
23 gram activities to incorporate the information
24 required under the amendments made by sec-
25 tion 2;

1 (2) sets forth details regarding a pilot program,
2 developed in accordance with best practices for effective pilot programs—
3

4 (A) to develop and implement a functional
5 program inventory that could be limited in
6 scope; and

7 (B) under which the information required
8 under the amendments made by section 2 with
9 respect to program activities shall be made
10 available on the website required under section
11 1122(a) of title 31, United States Code;

12 (3) establishes an implementation timeline
13 for—

14 (A) gathering and building program activity
15 information;

16 (B) developing and implementing the pilot
17 program;

18 (C) seeking and responding to stakeholder
19 comments;

20 (D) developing and presenting findings
21 from the pilot program to the appropriate congressional
22 committees;

23 (E) notifying the appropriate congressional
24 committees regarding how program activities

1 will be aggregated, disaggregated, or consoli-
2 dated as part of identifying programs; and

3 (F) implementing a Governmentwide pro-
4 gram inventory through an iterative approach;
5 and

6 (4) includes recommendations, if any, to rec-
7 oncile the conflicting definitions of the term “pro-
8 gram” in relevant Federal statutes, as it relates to
9 the purpose of this Act.

10 (c) IMPLEMENTATION.—

11 (1) IN GENERAL.—Not later than 3 years after
12 the date of enactment of this Act, the Director shall
13 make available online all information required under
14 the amendments made by section 2 with respect to
15 all programs.

16 (2) EXTENSIONS.—The Director may, based on
17 an analysis of the costs of implementation, and after
18 submitting to the appropriate congressional commit-
19 tees a notification of the action by the Director, ex-
20 tend the deadline for implementation under para-
21 graph (1) by not more than a total of 1 year.

22 (d) REPORTING.—Not later than 2 years after the
23 date on which the Director makes available online all in-
24 formation required under the amendments made by sec-
25 tion 2 with respect to all programs, the Comptroller Gen-

1 eral of the United States shall submit to the appropriate
2 congressional committees a report regarding the imple-
3 mentation of this Act and the amendments made by this
4 Act, which shall—

5 (1) review how the Director and agencies deter-
6 mined how to aggregate, disaggregate, or consolidate
7 program activities to provide the most useful infor-
8 mation for an inventory of Government programs;

9 (2) evaluate the extent to which the program
10 inventory required under section 1122 of title 31,
11 United States Code, as amended by this Act, pro-
12 vides useful information for transparency, decision-
13 making, and oversight;

14 (3) evaluate the extent to which the program
15 inventory provides a coherent picture of the scope of
16 Federal investments in particular areas; and

17 (4) include the recommendations of the Comp-
18 troller General, if any, for improving implementation
19 of this Act and the amendments made by this Act.

20 **SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.**

21 (a) IN GENERAL.—Section 1122 of title 31, United
22 States Code, is amended—

23 (1) in subsection (b), in the matter preceding
24 paragraph (1), by inserting “described in subsection
25 (a)(2)(A)” after “the website” each place it appears;

1 (2) in subsection (c), in the matter preceding
2 paragraph (1), by inserting “described in subsection
3 (a)(2)(A)” after “the website”; and

4 (3) in subsection (d)—

5 (A) in the subsection heading, by striking
6 “ON WEBSITE”; and

7 (B) in the first sentence, by striking “on
8 the website”.

9 (b) OTHER AMENDMENTS.—

10 (1) Section 1115(a) of title 31, United States
11 Code, is amended in the matter preceding paragraph
12 (1) by striking “the website provided under” and in-
13 serting “a website described in”.

14 (2) Section 10 of the GPRA Modernization Act
15 of 2010 (31 U.S.C. 1115 note) is amended—

16 (A) in subsection (a)(3), by striking “the
17 website described under” and inserting “a
18 website described in”; and

19 (B) in subsection (b)—

20 (i) in paragraph (1), by striking “the
21 website described under” and inserting “a
22 website described in”; and

23 (ii) in paragraph (3), by striking “the
24 website as required under” and inserting
25 “a website described in”.

1 (3) Section 1120(a)(5) of title 31, United
2 States Code, is amended by striking “the website de-
3 scribed under” and inserting “a website described
4 in”.

5 (4) Section 1126(b)(2)(E) of title 31, United
6 States Code, is amended by striking “the website of
7 the Office of Management and Budget pursuant to”
8 and inserting “a website described in”.

9 (5) Section 3512(a)(1) of title 31, United
10 States Code, is amended by striking “the website de-
11 scribed under” and inserting “a website described
12 in”.

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

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