

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PETERS

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

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

8 (a) IN GENERAL.—Section 3 of the Federal Funding
9 Accountability and Transparency Act of 2006 (31 U.S.C.
10 6101 note) is amended to read as follows:

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

2 “(a) IN GENERAL.—Not less frequently than monthly
3 when practicable, and in any event not less frequently than
4 quarterly, the Secretary (in consultation with the Director
5 and, with respect to information described in subsection
6 (b)(2), the head of the applicable Federal agency) shall
7 ensure that updated information with respect to the infor-
8 mation described in subsection (b) is posted on the website
9 established under section 2.

10 “(b) INFORMATION TO BE POSTED.—

11 “(1) FUNDS.—For any funds made available to
12 or expended by a Federal agency or component of a
13 Federal agency, the information to be posted shall
14 include—

15 “(A) for each appropriations account, in-
16 cluding an expired or unexpired appropriations
17 account, the amount—

18 “(i) of budget authority appropriated;

19 “(ii) that is obligated;

20 “(iii) of unobligated balances; and

21 “(iv) of any other budgetary re-
22 sources;

23 “(B) from which accounts and in what
24 amount—

25 “(i) appropriations are obligated for
26 each program activity; and

1 “(ii) outlays are made for each pro-
2 gram activity;

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

5 “(i) appropriations are obligated for
6 each object class; and

7 “(ii) outlays are made for each object
8 class; and

9 “(D) for each program activity, the
10 amount—

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

13 “(ii) of outlays made for each object
14 class.

15 “(2) BUDGET JUSTIFICATIONS.—

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

17 “(i) the term ‘budget justification ma-
18 terials’ means the annual budget justifica-
19 tion materials of a Federal agency, or a
20 component of a Federal agency, that are
21 submitted, in conjunction with the budget
22 of the United States Government sub-
23 mitted under section 1105(a) of title 31,
24 United States Code; and

1 “(ii) the term ‘open Government data
2 asset’ has the meaning given that term in
3 section 3502 of title 44, United States
4 Code.

5 “(B) INFORMATION.—The information to
6 be posted—

7 “(i) shall include any budget justifica-
8 tion materials—

9 “(I) for the second fiscal year be-
10 ginning after the date of enactment of
11 this paragraph, and each fiscal year
12 thereafter; and

13 “(II) to the extent practicable,
14 that were released for any fiscal year
15 before the date of enactment of this
16 paragraph; and

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

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

24 “(i) as an open Government data
25 asset;

1 “(ii) in a manner that enables users
2 to download individual reports, download
3 all reports in bulk, and download in bulk
4 the results of a search, to the extent prac-
5 ticable; and

6 “(iii) in a structured data format, to
7 the extent practicable.

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

14 “(E) RULE OF CONSTRUCTION.—Nothing
15 in this paragraph shall be construed to author-
16 ize a Federal agency, or a component of a Fed-
17 eral agency, to destroy any budget justification
18 materials relating to a fiscal year before the fis-
19 cal year described in subparagraph (B)(i).”.

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

23 “(i)(1) The Director of the Office of Management
24 and Budget shall make publicly available on a website, and
25 continuously update, a tabular list for each fiscal year of

1 each agency that submits budget justification materials,
2 which shall include—

3 “(A) the name of the agency;

4 “(B) a unique identifier that identifies the
5 agency;

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

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

13 “(E) the uniform resource locator where the
14 budget justification materials are published on the
15 website of the agency; and

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

23 “(2)(A) Each agency that submits budget justifica-
24 tion materials shall make the materials available on the
25 website of the agency, in accordance with the policies es-

1 tablished by the Director of the Office of Management and
2 Budget under subparagraph (B).

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

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

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

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

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go-Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the Senate Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.