

## Calendar No. 275

116TH CONGRESS  
1ST SESSION

# S. 2177

[Report No. 116-154]

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.

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### IN THE SENATE OF THE UNITED STATES

JULY 18, 2019

Mr. LANKFORD (for himself, Ms. HASSAN, Ms. SINEMA, Ms. ERNST, Mr. JOHNSON, Mr. ENZI, Mr. PAUL, Mr. CORNYN, Mr. TESTER, Mr. BRAUN, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

OCTOBER 28, 2019

Reported by Mr. JOHNSON, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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## 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”.

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

7       Section 1122(a) of title 31, United States Code, is  
8 amended—

9           (1) by redesignating paragraphs (1) and (2) as  
10 paragraphs (2) and (3), respectively;

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

13           “(1) DEFINITIONS.—For purposes of this sub-  
14 section—

15           “(A) the term ‘Federal financial assist-  
16 ance’ has the meaning given that term under  
17 section 7501;

18           “(B) the term ‘open Government data  
19 asset’ has the meaning given that term under  
20 section 3502 of title 44;

21           “(C) the term ‘program’ means a single  
22 program activity or an organized set of aggre-  
23 gated, disaggregated, or consolidated program  
24 activities by 1 or more agencies directed toward  
25 a common purpose or goal; and

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

4           (A) by striking “IN GENERAL.—Not later  
5 than October 1, 2012, the Office of Manage-  
6 ment and Budget shall” and inserting  
7 “WEBSITE AND PROGRAM INVENTORY.—The  
8 Director of the Office of Management and  
9 Budget shall”;

10          (B) in subparagraph (A), by inserting  
11 “that includes the information required under  
12 subsections (b) and (c)” after “a single  
13 website”; and

14          (C) by striking subparagraphs (B) and (C)  
15 and inserting the following:

16           “(B) include on the website described in  
17 subparagraph (A), or another appropriate Fed-  
18 eral Government website where related informa-  
19 tion is made available, as determined by the Di-  
20 rector—

21           “(i) a program inventory that shall  
22 identify each program; and

23           “(ii) for each program identified in  
24 the program inventory, the information re-  
25 quired under paragraph (3);

1           “(C) make the information in the program  
2 inventory required under subparagraph (B)  
3 available as an open Government data asset;  
4 and

5           “(D) at a minimum—

6           “(i) update the information required  
7 to be included on the single website under  
8 subparagraph (A) on a quarterly basis;  
9 and

10           “(ii) update the program inventory re-  
11 quired under subparagraph (B) on an an-  
12 nual basis.”;

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

14           (A) in the matter preceding subparagraph  
15 (A), by striking “described under paragraph (1)  
16 shall include” and inserting “identified in the  
17 program inventory required under paragraph  
18 (2)(B) shall include, for each program activity  
19 that is a part of a program”;

20           (B) by striking subparagraphs (A) and  
21 (C);

22           (C) by redesignating subparagraph (B) as  
23 subparagraph (A);

24           (D) in subparagraph (A), as so redesign-  
25 nated—

1 (i) by striking “program” each place  
2 it appears and inserting “program activ-  
3 ity”; and

4 (ii) by striking “and” at the end; and  
5 (E) by adding at the end the following:

6 “(B) a consolidated view for the current  
7 fiscal year and each of the 2 fiscal years before  
8 the current fiscal year of—

9 “(i) the amount appropriated;

10 “(ii) the amount obligated; and

11 “(iii) the amount outlayed;

12 “(C) to the extent practicable and per-  
13 mitted by law, links to any related evaluation,  
14 assessment, or program performance review by  
15 the agency, an inspector general, or the Govern-  
16 ment Accountability Office (including program  
17 performance reports required under section  
18 1116), and other related evidence assembled in  
19 response to implementation of the Foundations  
20 for Evidence-Based Policymaking Act of 2018  
21 (Public Law 115–435; 132 Stat. 5529);

22 “(D) an identification of the statutes that  
23 authorize the program activity or the authority  
24 under which the program activity was created  
25 or operates;

1           “(E) an identification of any major regula-  
2 tions specific to the program activity;

3           “(F) any other information that the Direc-  
4 tor of the Office of Management and Budget  
5 determines relevant relating to program activity  
6 data in priority areas most relevant to Congress  
7 or the public to increase transparency and ac-  
8 countability; and

9           “(G) for assistance listings under which  
10 Federal financial assistance is provided, for the  
11 current fiscal year and each of the 2 fiscal  
12 years before the current fiscal year and con-  
13 sistent with existing law relating to the protec-  
14 tion of personally identifiable information—

15           “(i) a linkage to the relevant program  
16 activities that fund Federal financial as-  
17 sistance by assistance listing;

18           “(ii) information on the population in-  
19 tended to be served by the assistance list-  
20 ing based on the language of the sollicita-  
21 tion, as required under section 6102;

22           “(iii) to the extent practicable based  
23 on data reported to the agency providing  
24 the Federal financial assistance, the results

1 of the Federal financial assistance awards  
2 provided by assistance listing;

3 “(iv) to the extent practicable, the  
4 percentage of the amount appropriated for  
5 the assistance listing that is used for man-  
6 agement and administration;

7 “(v) the identification of each award  
8 of Federal financial assistance and, to the  
9 extent practicable, the name of each direct  
10 or indirect recipient of the award; and

11 “(vi) any information relating to the  
12 award of Federal financial assistance that  
13 is required to be included on the website  
14 established under section 2(b) of the Fed-  
15 eral Funding Accountability and Trans-  
16 parency Act of 2006 (31 U.S.C. 6101  
17 note).”; and

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

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

21 “(A) archive and preserve the information  
22 included in the program inventory required  
23 under paragraph (2)(B) after the end of the pe-  
24 riod during which such information is required  
25 to be made available under paragraph (3); and

1           “(B) make information archived in accord-  
2           ance with subparagraph (A) available for re-  
3           search via an archiving process that results in  
4           self-service of data access.”.

5 **SEC. 3. GUIDANCE, IMPLEMENTATION, REPORTING, AND**  
6 **REVIEW.**

7           (a) DEFINITIONS.—In this section—

8           (1) the term “Director” means the Director of  
9           the Office of Management and Budget;

10           (2) the term “program” has the meaning given  
11           that term in section 1122(a)(1) of title 31, United  
12           States Code, as amended by section 2 of this Act;  
13           and

14           (3) the term “program activity” has the mean-  
15           ing given that term in section 1115(h) of title 31,  
16           United States Code.

17           (b) PLAN FOR IMPLEMENTATION AND RECONCILING  
18 PROGRAM DEFINITIONS.—Not later than 180 days after  
19 the date of enactment of this Act, the Director shall sub-  
20 mit to Congress a report that—

21           (1) includes *a* plan that—

22           (A) discusses how making available on a  
23           website the information required under sub-  
24           section (a) of section 1122 of title 31, United  
25           States Code, as amended by section 2, will le-

1           verage existing data sources while avoiding du-  
2           plicative or overlapping information in pre-  
3           senting information relating to program activi-  
4           ties and programs;

5                 (B) indicates how any gaps in data will be  
6           assessed and addressed;

7                 (C) indicates how the Director will display  
8           such data; and

9                 (D) discusses how the Director will expand  
10          the information collected with respect to pro-  
11          gram activities to incorporate the information  
12          required under the amendments made by sec-  
13          tion 2;

14          (2) sets forth details regarding a pilot program,  
15          developed in accordance with best practices for effec-  
16          tive pilot programs—

17                 (A) to develop and implement a functional  
18          program inventory that could be limited in  
19          scope; and

20                 (B) under which the information required  
21          under the amendments made by section 2 with  
22          respect to program activities shall be made  
23          available on the website required under section  
24          1122(a) of title 31, United States Code;

1           (3) establishes an implementation timeline  
2 for—

3           (A) gathering and building program activ-  
4 ity information;

5           (B) developing and implementing the pilot  
6 program;

7           (C) seeking and responding to stakeholder  
8 comments;

9           (D) developing and presenting findings  
10 from the pilot program to Congress;

11           (E) notifying Congress regarding how pro-  
12 gram activities will be aggregated,  
13 disaggregated, or consolidated as part of identi-  
14 fying programs; and

15           (F) implementing a Governmentwide pro-  
16 gram inventory through an iterative approach;  
17 and

18           (4) ~~including~~ *includes* recommendations, if any,  
19 to reconcile the conflicting definitions of the term  
20 “program” in relevant Federal statutes, as it relates  
21 to the purpose of this Act.

22 (c) IMPLEMENTATION.—

23           (1) IN GENERAL.—Not later than 3 years after  
24 the date of enactment of this Act, the Director shall  
25 make available online all information required under

1 the amendments made by section 2 with respect to  
2 all programs.

3 (2) EXTENSIONS.—The Director may, based on  
4 an analysis of the costs of implementation, and after  
5 submitting to Congress a notification of the action  
6 by the Director, extend the deadline for implementa-  
7 tion under paragraph (1) by not more than a total  
8 of 1 year.

9 (d) REPORTING.—Not later than 2 years after the  
10 date on which the Director makes available online all in-  
11 formation required under the amendments made by sec-  
12 tion 2 with respect to all programs, the Comptroller Gen-  
13 eral of the United States shall submit to Congress a report  
14 regarding the implementation of this Act and the amend-  
15 ments made by this Act, which shall—

16 (1) review how the Director and agencies deter-  
17 mined how to aggregate, disaggregate, or consolidate  
18 program activities to provide the most useful infor-  
19 mation for an inventory of Government investments;

20 (2) evaluate the extent to which the program  
21 inventory required under section 1122 of title 31,  
22 United States Code, as amended by this Act, pro-  
23 vides useful information for transparency, decision-  
24 making, and oversight;

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

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

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

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

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

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

16           (3) in subsection (d)—

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

19           (B) in the first sentence, by striking “on  
20 the website”.

21           (b) OTHER AMENDMENTS.—

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

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

3           (A) in subsection (a)(3), by striking “the  
4 website described under” and inserting “a  
5 website described in”; and

6           (B) in subsection (b)—

7           (i) in paragraph (1), by striking “the  
8 website described under” and inserting “a  
9 website described in”; and

10           (ii) in paragraph (3), by striking “the  
11 website as required under” and inserting  
12 “a website described in”.

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

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

21           (5) Section 3512(a)(1) of title 31, United  
22 States Code, is amended by striking “the website de-  
23 scribed under” and inserting “a website described  
24 in”.

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116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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**A BILL**

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OCTOBER 28, 2019

Reported with amendments