

112TH CONGRESS  
1ST SESSION

# H. R. 3609

To provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2011

Mr. LANKFORD (for himself, Mr. BOREN, Mr. GERLACH, and Mrs. BLACKBURN) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, 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. REQUIREMENTS RELATING TO ANNUAL REPORT ON**  
2 **COST OF, PERFORMANCE BY, AND AREAS FOR**  
3 **IMPROVEMENTS FOR GOVERNMENT PRO-**  
4 **GRAMS.**

5 (a) REQUIREMENT TO IDENTIFY AND DESCRIBE  
6 PROGRAMS.—Each fiscal year, for purposes of the report  
7 required by subsection (b), the head of each agency  
8 shall—

9 (1) identify and describe every program admin-  
10 istered by the agency;

11 (2) for each such program—

12 (A) determine the total administrative ex-  
13 penses of the program;

14 (B) determine the expenditures for services  
15 for the program;

16 (C) estimate the number of clients served  
17 by the program and beneficiaries who received  
18 assistance under the program (if applicable);  
19 and

20 (D) estimate—

21 (i) the number of full-time employees  
22 who administer the program; and

23 (ii) the number of full-time equiva-  
24 lents (whose salary is paid in part or full  
25 by the Federal Government through a  
26 grant or contract or subaward of a grant

1 or contract) who assist in administering  
2 the program; and

3 (3) identify programs within the Federal Gov-  
4 ernment (whether inside or outside the agency) with  
5 duplicative or overlapping missions, services, and al-  
6 lowable uses of funds.

7 (b) RELATIONSHIP TO CATALOG OF DOMESTIC AS-  
8 SISTANCE.—With respect to the requirements of sub-  
9 sections (a)(1) and (a)(2)(B), the head of an agency may  
10 use the same information provided in the catalog of do-  
11 mestic and international assistance programs in the case  
12 of any program that is a domestic or international assist-  
13 ance program.

14 (c) REPORT.—Not later than February 1 of each fis-  
15 cal year, the head of each agency shall publish on the offi-  
16 cial public website of the agency a report containing the  
17 following:

18 (1) The information required under subsection  
19 (a) with respect to the preceding fiscal year.

20 (2) The latest performance reviews (including  
21 the program performance reports required under  
22 section 1116 of title 31, United States Code) of each  
23 program of the agency identified under subsection  
24 (a)(1), including performance indicators, perform-  
25 ance goals, output measures, and other specific

1 metrics used to review the program and how the  
2 program performed on each.

3 (3) For each program that makes payments,  
4 the latest improper payment rate of the program  
5 and the total estimated amount of improper pay-  
6 ments, including fraudulent payments and overpay-  
7 ments.

8 (4) The total amount of unspent and unobli-  
9 gated program funds held by the agency and grant  
10 recipients (not including individuals) stated as an  
11 amount—

12 (A) held as of the beginning of the fiscal  
13 year in which the report is submitted; and

14 (B) held for five fiscal years or more.

15 (5) Such recommendations as the head of the  
16 agency considers appropriate—

17 (A) to consolidate programs that are dupli-  
18 cative or overlapping;

19 (B) to eliminate waste and inefficiency;  
20 and

21 (C) to terminate lower priority, outdated,  
22 and unnecessary programs and initiatives.

23 (d) DEFINITIONS.—In this Act:

24 (1) ADMINISTRATIVE EXPENSES.—The term  
25 “administrative costs” has the meaning as deter-

1       mined by the Director of the Office of Management  
2       and Budget under section 504(b)(2) of Public Law  
3       111–85 (31 U.S.C. 1105 note), except the term shall  
4       also include, for purposes of that section and this  
5       section, with respect to an agency—

6               (A) costs incurred by the agency as well as  
7       costs incurred by grantees, subgrantees, and  
8       other recipients of funds from a grant program  
9       or other program administered by the agency;  
10      and

11             (B) expenses related to personnel salaries  
12      and benefits, property management, travel, pro-  
13      gram management, promotion, reviews and au-  
14      dits, case management, and communication  
15      about, promotion of, and outreach for programs  
16      and program activities administered by the  
17      agency.

18             (2) SERVICES.—The term “services” has the  
19      meaning provided by the Director of the Office of  
20      Management and Budget and shall be limited to  
21      only activities, assistance, and aid that provide a di-  
22      rect benefit to a recipient, such as the provision of  
23      medical care, assistance for housing or tuition, or fi-  
24      nancial support (including grants and loans).

1           (3) AGENCY.—The term “agency” has the same  
2           meaning given that term in section 551(1) of title 5,  
3           United States Code, except that the term also in-  
4           cludes offices in the legislative branch other than the  
5           Government Accountability Office.

6           (4) PERFORMANCE INDICATOR, PERFORMANCE  
7           GOAL, OUTPUT MEASURE, PROGRAM ACTIVITY.—The  
8           terms “performance indicator”, “performance goal”,  
9           “output measure”, and “program activity” have the  
10          meanings provided by section 1115 of title 31,  
11          United States Code.

12          (5) PROGRAM.—The term “program” has the  
13          meaning provided by the Director of the Office of  
14          Management and Budget and shall include, with re-  
15          spect to an agency, any organized set of activities di-  
16          rected toward a common purpose or goal undertaken  
17          by the agency that includes services, projects, proc-  
18          esses, or financial or other forms of assistance, in-  
19          cluding grants, contracts, loans, leases, technical  
20          support, consultation, or other guidance.

21 **SEC. 3. AMENDMENTS TO CATALOG OF FEDERAL DOMES-**  
22 **TIC ASSISTANCE PROGRAMS.**

23          (a) ADDITION OF INTERNATIONAL ASSISTANCE PRO-  
24          GRAMS.—

1           (1) IN GENERAL.—Section 6101 of title 31,  
2       United States Code, is amended by adding at the  
3       end the following:

4           “(7) The term ‘international assistance’ has the  
5       meaning provided by the Director of the Office of  
6       Management and Budget and shall include, with re-  
7       spect to an agency, assistance including grants, con-  
8       tracts, loans, leases, and other financial and tech-  
9       nical support to—

10               “(A) foreign nations;

11               “(B) international organizations;

12               “(C) services provided by programs admin-  
13       istered by any agency outside of the territory of  
14       the United States; and

15               “(D) services funded by any agency pro-  
16       vided in foreign nations or outside of the terri-  
17       tory of the United States by non-governmental  
18       organizations and entities.

19           “(8) The term ‘assistance program’ means each  
20       of the following:

21               “(A) A domestic assistance program.

22               “(B) An international assistance pro-  
23       gram.”.

24       (2) CONFORMING AMENDMENTS.—

1 (A) Section 6102 of title 31, United States  
2 Code, is amended—

3 (i) in subsection (a), in the matter  
4 preceding paragraph (1), by striking “do-  
5 mestic” both places it appears; and

6 (ii) in subsection (b), by striking “do-  
7 mestic”.

8 (B) Section 6104 of such title is amend-  
9 ed—

10 (i) in subsections (a) and (b), by in-  
11 serting “and international assistance”  
12 after “domestic assistance” each place it  
13 appears; and

14 (ii) in the section heading, by insert-  
15 ing “**and international**” after “**do-**  
16 **mestic**”.

17 (b) ADDITIONAL INFORMATION REQUIRED TO BE  
18 INCLUDED CATALOG.—Section 6104(b) of title 31, United  
19 States Code, is amended—

20 (1) by striking “and” at the end of paragraph  
21 (2);

22 (2) by striking the period at the end of para-  
23 graph (3) and inserting a semicolon; and

24 (3) by adding at the end the following new  
25 paragraphs:



1 “(4) the information required in paragraphs (1)  
2 through (4) of subsection (b) of the Taxpayers Right  
3 to Know Act;

4 “(5) the budget function or functions applicable  
5 to each assistance program contained in the catalog;

6 “(6) with respect to each assistance program in  
7 the catalog, an electronic link to the annual report  
8 required by section 2(b) of the Taxpayers Right to  
9 Know Act by the agency that carries out the assist-  
10 ance program; and

11 “(7) the authorization and appropriation  
12 amount provided by law for each assistance program  
13 in the catalog in the current fiscal year, and a nota-  
14 tion if the program is not authorized in the current  
15 year, has not been authorized in law, or does not re-  
16 ceive a specific line item appropriation.”.

17 (c) REPORT RELATED TO COMPLIANCE WITH CATA-  
18 LOG REQUIREMENTS.—Section 6104 of title 31, United  
19 States Code, is further amended by adding at the end the  
20 following new subsection:

21 “(e) COMPLIANCE.—On the website of the catalog of  
22 Federal domestic and international assistance informa-  
23 tion, the Administrator shall provide the following:

24 “(1) CONTACT INFORMATION.—The title and  
25 contact information for the person in each agency

1 responsible for the implementation, compliance, and  
2 quality of the data in the catalog.

3 “(2) REPORT.—An annual report compiled by  
4 the Administrator of domestic assistance programs,  
5 international assistance programs, and agencies with  
6 respect to which the requirements of this chapter are  
7 not met.”.

8 (d) BULK DOWNLOADS OF DATA.—Section 6103 of  
9 such title is amended by adding at the end the following  
10 new subsection:

11 “(d) BULK DOWNLOADS.—The information in the  
12 catalog of domestic and international assistance under sec-  
13 tion 6104 of this title shall be available on a regular basis  
14 through bulk downloads from the website of the catalog.”.

15 (e) REVISION TO AGENCY DEFINITION.—Section  
16 6101(2) of such title is amended by inserting before the  
17 period at the end the following: “except such term also  
18 includes offices in the legislative branch other than the  
19 Government Accountability Office”.

20 **SEC. 4. REGULATIONS AND IMPLEMENTATION.**

21 (a) REGULATIONS.—Not later than 120 days after  
22 the date of the enactment of this Act, the Director of the  
23 Office of Management and Budget shall prescribe regula-  
24 tions to implement this Act.

1       (b) IMPLEMENTATION.—This Act shall be imple-  
2   mented beginning with the first full fiscal year occurring  
3   after the date of the enactment of this Act.

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