

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3609
OFFERED BY MR. LANKFORD**

Strike all after the enacting clause and insert the following:

1 **SEC. 1. SHORT TITLE.**

2 This Act may be cited as the “Taxpayers Right to
3 Know Act”.

4 **SEC. 2. AGENCY REQUIREMENTS RELATING TO ANNUAL**
5 **REPORT ON THE COST AND PERFORMANCE**
6 **OF GOVERNMENT PROGRAMS AND AREAS OF**
7 **DUPLICATION AMONG PROGRAMS.**

8 (a) **REQUIREMENT TO IDENTIFY AND DESCRIBE**
9 **PROGRAMS.**—On an annual basis, for purposes of the re-
10 port required by subsection (b), the head of each agency
11 shall—

12 (1) identify and describe every program admin-
13 istered by the agency;

14 (2) for each such program—

15 (A) determine the total administrative ex-
16 penses of the program;

17 (B) determine the expenditures for services
18 for the program;

1 (C) estimate the number of clients served
2 by the program and beneficiaries who received
3 assistance under the program (if applicable);
4 and

5 (D) estimate—

6 (i) the number of full-time employees
7 who administer the program; and

8 (ii) the number of full-time equiva-
9 lents (whose salary is paid in part or full
10 by the Federal Government through a
11 grant or contract, a subaward of a grant
12 or contract, a cooperative agreement, or
13 another form of financial award or assist-
14 ance) who assist in administering the pro-
15 gram; and

16 (3) identify programs within the agency with
17 duplicative or overlapping missions, services, and al-
18 lowable uses of funds.

19 (b) REPORT.—Not later than February 1 of each fis-
20 cal year, the head of each agency shall create a link on
21 the homepage of the official public website of the agency
22 to a report containing the following:

23 (1) IDENTIFICATION AND DESCRIPTION OF PRO-
24 GRAMS.—The information required under subsection

25 (a) with respect to the preceding fiscal year.

1 (2) PERFORMANCE REVIEWS.—The latest per-
2 formance reviews (including the program perform-
3 ance reports required under section 1116 of title 31,
4 United States Code) of each program of the agency
5 identified under subsection (a)(1), including per-
6 formance indicators, performance goals, output
7 measures, and other specific metrics used to review
8 the program and how the program performed on
9 each.

10 (3) IMPROPER PAYMENT INFORMATION.—For
11 all programs and activities that may be susceptible
12 to significant improper payments, as identified by
13 the head of the agency under section 2(a) of the Im-
14 proper Payments Information Act of 2002 (31
15 U.S.C. 321 note), the latest improper payment rate
16 and the total estimated amount of improper pay-
17 ments during the preceding fiscal year, including
18 fraudulent payments and overpayments.

19 (4) EXPIRED GRANT FUNDING.—The total
20 amount of undisbursed grant funding remaining in
21 grant accounts for which the period of availability to
22 the grantee has expired.

23 (5) RECOMMENDATIONS.—Such recommenda-
24 tions as the head of the agency considers appro-
25 priate—

1 (A) to consolidate programs within the
2 agency that are duplicative or overlapping;

3 (B) to eliminate waste and inefficiency;
4 and

5 (C) to terminate lower priority, outdated,
6 and unnecessary programs and initiatives.

7 (c) RELATIONSHIP TO CATALOG OF DOMESTIC FI-
8 NANCIAL ASSISTANCE.—With respect to the requirements
9 of subsections (a)(1) and (a)(2)(B), the head of an agency
10 may use the same information provided in the Catalog of
11 Domestic Financial Assistance if applicable.

12 (d) FORMAT.—Each agency shall make reports re-
13 quired by subsection (b) available in a searchable, ma-
14 chine-readable format, and shall expend no funds for the
15 printing of such reports, except when providing such docu-
16 ments to the Congress.

17 **SEC. 3. OFFICE OF MANAGEMENT AND BUDGET REQUIRE-**
18 **MENTS RELATING TO ANNUAL REPORT ON**
19 **THE COST AND PERFORMANCE OF GOVERN-**
20 **MENT PROGRAMS AND AREAS OF DUPLICA-**
21 **TION AMONG PROGRAMS.**

22 (a) REPORT BY OFFICE OF MANAGEMENT AND
23 BUDGET.—Not later than February 1 of each fiscal year,
24 the Director of the Office of Management and Budget
25 shall publish on the official public website of the Office

1 of Management and Budget a report containing the fol-
2 lowing:

3 (1) IDENTIFICATION OF DUPLICATIVE PRO-
4 GRAMS.—An identification of programs across agen-
5 cies with duplicative or overlapping missions, serv-
6 ices, and allowable uses of funds.

7 (2) RECOMMENDATIONS.—Such recommenda-
8 tions as the Director considers appropriate—

9 (A) to consolidate programs across agen-
10 cies that are duplicative or overlapping;

11 (B) to eliminate waste and inefficiency;
12 and

13 (C) to terminate lower priority, outdated,
14 and unnecessary programs and initiatives.

15 (b) RELATIONSHIP TO PRESIDENT’S BUDGET.—With
16 respect to the requirements of subsection (a)(2), the Di-
17 rector may use the same information provided in the
18 President’s annual budget submission, if applicable.

19 **SEC. 4. DEFINITIONS.**

20 In this Act:

21 (1) ADMINISTRATIVE COSTS.—The term “ad-
22 ministrative costs” has the meaning as determined
23 by the Director of the Office of Management and
24 Budget under section 504(b)(2) of Public Law 111-
25 85 (31 U.S.C. 1105 note), except the term shall also

1 include, for purposes of that section and this section,
2 with respect to an agency—

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

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

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

22 (3) AGENCY.—The term “agency” has the same
23 meaning given that term in section 551(1) of title 5,
24 United States Code, except that the term also in-

1 includes offices in the legislative branch other than the
2 Government Accountability Office.

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

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

19 **SEC. 5. CLASSIFIED INFORMATION.**

20 Nothing in this Act shall be construed to require the
21 disclosure of classified information.

22 **SEC. 6. REGULATIONS AND IMPLEMENTATION.**

23 (a) REGULATIONS.—Not later than 120 days after
24 the date of the enactment of this Act, the Director of the

1 Office of Management and Budget shall prescribe regula-
2 tions to implement this Act.

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

Amend the title so as to read: “A bill to provide tax-
payers with an annual report disclosing the cost and per-
formance of Government programs and areas of duplica-
tion among them.”.

