

118TH CONGRESS
1ST SESSION

S. 778

To require the disclosure of information relating to the cost of programs, projects, or activities carried out using Federal funds.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2023

Ms. ERNST (for herself and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require the disclosure of information relating to the cost of programs, projects, or activities carried out using Federal funds.

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 “Cost Openness and
5 Spending Transparency Act of 2023” or the “COST Act
6 of 2023”.

1 **SEC. 2. DISCLOSURE REQUIREMENTS FOR FEDERAL**
2 **FUNDS.**

3 (a) IN GENERAL.—Subchapter III of chapter 13 of
4 title 31, United States Code, is amended by adding at the
5 end the following:

6 **“§ 1356. Disclosure requirements for Federal funds**

7 “(a) DEFINITION.—In this section, the term ‘agency’
8 means—

9 “(1) an Executive agency, as defined in section
10 105 of title 5; and

11 “(2) an independent regulatory agency, as de-
12 fined in section 3502 of title 44.

13 “(b) DISCLOSURE REQUIREMENTS.—An agency and
14 an individual or entity (including a State or local govern-
15 ment and a recipient of a Federal research grant) carrying
16 out a program, project, or activity that is, in whole or in
17 part, carried out using Federal funds shall clearly state
18 in any statement, press release, request for proposals, bid
19 solicitation, or other document describing the program,
20 project, or activity, other than a communication con-
21 taining not more than 280 characters—

22 “(1) the percentage of the total costs of the
23 program, project, or activity which will be financed
24 with Federal funds;

1 “(2) the dollar amount of the Federal funds
2 made available for the program, project, or activity;
3 and

4 “(3) the percentage of the total costs of, and
5 dollar amount for, the program, project, or activity
6 that will be financed by nongovernmental sources.

7 “(c) CERTIFICATION.—An individual or entity car-
8 rying out a program, project, or activity that is, in whole
9 or in part, carried out using Federal funds shall, as part
10 of the performance progress reporting regarding the pro-
11 gram, project, or activity, include a certification indicating
12 whether the individual or entity complied with the disclo-
13 sure requirements under subsection (b) with respect to
14 communications containing not more than 280 characters
15 relating to the program, project, or activity.

16 “(d) COMPLIANCE REVIEW.—The Director of the Of-
17 fice of Management and Budget shall annually—

18 “(1) review a random sampling of public com-
19 munications issued by agencies and recipients of
20 Federal funds for compliance with the disclosure re-
21 quirements under subsection (b); and

22 “(2) make publicly available the findings of the
23 review under paragraph (1).

24 “(e) PUBLIC REPORTING.—Not later than 1 year
25 after the date of enactment of this section, the Director

1 of the Office of Management and Budget shall make avail-
2 able to the public a mechanism to anonymously report
3 communications that do not comply with the disclosure re-
4 quirements under subsection (b), which shall require that
5 such a report include—

6 “(1) the noncompliant communication or, if
7 publicly available, the location of the noncompliant
8 communication; and

9 “(2) identifying information regarding the pro-
10 gram, project, or activity that is, in whole or in part,
11 carried out using Federal funds.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—
13 The table of sections for subchapter III of chapter 13 of
14 title 31, United States Code, is amended by adding at the
15 end the following:

“1356. Disclosure requirements for Federal funds.”.

○