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**United States Department of Agriculture  
Marketing and Regulatory Programs  
Agricultural Marketing Service**

<b>AMS Directive</b>	<b>AMS 2020.2</b>	<b>11/03/2023</b>
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**RESTRICTIONS ON THE DISCLOSURE OF BUDGET  
ESTIMATES AND SUPPORTING MATERIALS**

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**1. PURPOSE**

This Directive sets forth responsibilities and restrictions on the disclosure of budget estimates and supporting materials.

**2. SPECIAL INSTRUCTIONS AND REPLACEMENT HIGHLIGHTS**

This Directive replaces AMS Directive 430-3, dated 8/13/93.

**3. AUTHORITIES AND REFERENCES**

Restrictions on the disclosure of budget estimates and supporting materials are contained in Office of Management and Budget (OMB) Circular A-11, Section 22; and in the Departmental Budget Manual, Part 1, Chapter 2, Section 1.

**4. SCOPE**

This Directive applies to AMS programs and employees.

**5. POLICY**

It is AMS policy to comply with all regulations concerning the confidentiality of budgetary data.

**6. ROLES AND RESPONSIBILITIES**

All AMS employees having access to budgetary data are responsible for following the provisions of this Directive concerning the confidential nature of budgetary data.

**7. DISCLOSURES PROHIBITED – TO THE PUBLIC**

a. Disclosure of the following data to the public is prohibited:

- (1) Program/Staff, Agency, and Department estimates and all other budget estimates and supporting materials that precede the President's budget. Budgetary data includes the amount of the proposed appropriation, the language of the appropriation estimate, and any limitations contained within it. Restrictions apply to past and current estimates. Similar restrictions also apply to supplemental and deficiency estimates and budget amendments.
- (2) The President's budget prior to transmittal to the Congress.
- (3) Data on congressional action on the President's budget, and Agency material furnished to congressional committees in connection with consideration of the budget prior to release by the committee or other congressional agency involved.

b. Disclosure of the following data to a Member of Congress or staff is prohibited:

- (1) The budgetary data stated in paragraph 6a(1), except when requested in formal appropriation hearings, or when a direct request is received from a Member of Congress (or a member of his/her staff acting at the direction of the Member of Congress) in connection with their consideration of the budget after its transmittal. Such requests shall be forwarded to the AMS Budget Division for appropriate Agency and Department coordination.
- (2) The President's budget prior to transmittal to the Congress.

**8. DISCLOSURES PROHIBITED**

The regulations of the Executive Branch, Department, or Agency do not prohibit making the following data available:

- a. The budget estimates and supporting materials, at any stage of preparation of the budget, to other Federal employees of the Executive Branch when they require the

information in the performance of their official duties.

- b. The President's budget after it is made public through formal transmittal to the Congress.
- c. Data relating to congressional action on the budget, including committee actions and reports, Department comments furnished to the Congress, etc., but only after and to the extent that such data are released to the public by the committees or other congressional agencies. This release is most commonly made through printed bills and reports, and published debate in the Congressional Record.
- d. Data published in the Federal Register.

## **9. RECORDS MANAGEMENT**

Federal records created by this Directive must be maintained in accordance with the established General Records Schedule (GRS) and/or the AMS/APHIS Records Management Handbook when applicable. If employees are named in an active litigation hold, Freedom of Information Act (FOIA) request, and/or other action, those records, regardless of media, must be preserved and maintained in their native format until otherwise notified by your Agency Records Officer and/or the Office of General Counsel.

- a. MRP Information Technology, Information Management Branch (MRP-IT, IMB) is the official recordkeeper of this Directive, which is to be preserved permanently, per Paperwork and Data Management (PDM) 4-1.
- b. The Resource Management Specialists for FMD are the official recordkeepers of the records listed below, which will be maintained in accordance with the APHIS Records Handbook and with:

(1) GRS 1.1 – Item 001: Official record of assignment and subject files; destroy when 3 years old, but longer retention is authorized if required for business use.

(2) GRS 1.2 – Item 010: Financial transaction records related to collecting debts and accounting; official record held in the office of record; destroy 6 years after final payment or cancellation, but longer retention is authorized if required for business use.

(3) GRS 1.2 – Item 011: Copies used for administrative or reference purposes; destroy when business use ceases.

## **10. INQUIRIES AND ADDITIONAL INFORMATION**

- a. Contact the AMS Budget Division for further information.

- b. This Directive can be accessed online via the [AMS Issuances Web page](#).

/s/

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