

Calendar No. 121

111TH CONGRESS
1ST SESSION

S. 1064

[Report No. 111-56]

To amend the American Recovery and Reinvestment Act of 2009 to provide for enhanced State and local oversight of activities conducted under such Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18, 2009

Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. BURRIS, Mrs. McCASKILL, Mr. FEINGOLD, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JULY 22, 2009

Reported by Mr. LIEBERMAN, with amendments

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

A BILL

To amend the American Recovery and Reinvestment Act of 2009 to provide for enhanced State and local oversight of activities conducted under such Act, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Enhanced Oversight
3 of State and Local Economic Recovery Act”.

4 **SEC. 2. REQUIREMENTS FOR FUNDING FOR STATE AND**
5 **LOCAL OVERSIGHT UNDER AMERICAN RE-**
6 **COVERY AND REINVESTMENT ACT OF 2009.**

7 (a) **FEDERAL AGENCY REQUIREMENT.**—Section
8 1552 of the American Recovery and Reinvestment Act of
9 2009 (Public Law 111–5; 123 Stat. 297) is amended—

10 (1) by inserting “(a) **FEDERAL AGENCY RE-**
11 **QUIREMENT.**—” before “Federal agencies receiving”;

12 (2) by striking “may,” and all that follows
13 through “reasonably” and inserting “shall, subject
14 to guidance from the Director of the Office of Man-
15 agement and Budget,”; and

16 (3) by striking “data collection requirements”
17 and inserting “data collection requirements, audit-
18 ing, contract and grant planning and management,
19 and investigations of waste, fraud, and abuse”.

20 (b) **STATE AND LOCAL GOVERNMENT AUTHORITY.**—
21 Such section is further amended by adding at the end the
22 following:

23 “(b) **STATE AND LOCAL GOVERNMENT AUTHOR-**
24 **ITY.**—Notwithstanding any other provision of law, State
25 and local governments receiving funds under this Act may
26 set aside an amount up to 0.5 percent of such funds, in

1 addition to any funds already allocated to administrative
 2 expenditures, to conduct planning and oversight to prevent
 3 and detect waste, fraud, and abuse.”.

4 (c) TECHNICAL AND CONFORMING AMENDMENT.—
 5 The heading for section 1552 of such Act is amended to
 6 read as follows:

7 **“SEC. 1552. FUNDING FOR STATE AND LOCAL GOVERNMENT**
 8 **OVERSIGHT.”.**

9 **SEC. 3. AUTHORIZATION FOR ACQUISITION BY STATE AND**
 10 **LOCAL GOVERNMENTS THROUGH FEDERAL**
 11 **SUPPLY SCHEDULES.**

12 Section 502 of title 40, United States Code, is
 13 amended by adding at the end the following:

14 “(e) USE OF SUPPLY SCHEDULES FOR ECONOMIC
 15 RECOVERY.—

16 “(1) IN GENERAL.—The Administrator may
 17 provide for the use by State or local governments of
 18 Federal supply schedules of the General Services Ad-
 19 ministration for goods or services that are funded by
 20 the American Recovery and Reinvestment Act of
 21 2009 (Public Law 111–5).

22 “(2) VOLUNTARY USE.—In the case of the use
 23 by a State or local government of a Federal supply
 24 schedule under paragraph (1), participation by a
 25 firm that sells to the Federal Government through

1 the supply schedule shall be voluntary with respect
 2 to a sale to the State or local government through
 3 such supply schedule.

4 “(3) *PROVISIONS TO ENSURE PROPER USAGE BY*
 5 *NON-FEDERAL USERS.—The Administrator shall, for*
 6 *authorized non-Federal users of Federal Supply*
 7 *Schedules—*

8 “(A) *review the existing ordering guidance*
 9 *and, as necessary, prescribe additional guidance*
 10 *to ensure proper usage and to maximize task*
 11 *and delivery order competition;*

12 “(B) *make available the online electronic*
 13 *Request for Quote (RFQ)/Request for Proposal*
 14 *(RFP) system; and*

15 “(C) *make available, free of charge, training*
 16 *related to proper Schedule usage, including on-*
 17 *line training courses.*

18 “~~(3)~~(4) *DEFINITIONS.—The definitions in sub-*
 19 *section (c)(3) shall apply for purposes of this sub-*
 20 *section.”.*

21 **SEC. 4. DEFINITION OF JOBS CREATED AND JOBS RE-**
 22 **TAINED.**

23 Section 1512(g) of the American Recovery and Rein-
 24 vestment Act of 2009 (Public Law 111–5; 123 Stat. 288)
 25 is amended by adding at the end “The Director of the

1 Office of Management and Budget shall issue guidance to
 2 ensure accurate and consistent reporting of ‘jobs created’
 3 and ‘jobs retained’ as those terms are used in subsection
 4 (c)(3)(D).”.

5 **SEC. 5. FEDERAL AWARDS UNDER THE AMERICAN RECOV-**
 6 **ERY AND REINVESTMENT ACT OF 2009 .**

7 *Section 2 of the Federal Funding Accountability and*
 8 *Transparency Act of 2006 (31 U.S.C. 6101 note; Public*
 9 *Law 109–282) is amended—*

10 *(1) in subsection (b)—*

11 *(A) by redesignating paragraphs (2), (3),*
 12 *and (4) as paragraphs (3), (4), and (5), respec-*
 13 *tively; and*

14 *(B) by inserting after paragraph (1) the fol-*
 15 *lowing:*

16 *“(2) ADDITIONAL WEBSITE CONTENT.—Not later*
 17 *than 30 days after the date of enactment of the En-*
 18 *hanced Oversight of State and Local Economic Recov-*
 19 *ery Act, the Office of Management and Budget shall*
 20 *ensure that the website under this subsection—*

21 *“(A) clearly differentiates between projects*
 22 *funded under the American Recovery and Rein-*
 23 *vestment Act of 2009 (Public Law 111–5) and*
 24 *other Federal awards; and*

1 “(B) provides users with the ability to per-
2 form searches for information in the website re-
3 lating only to Federal awards funded by the
4 American Recovery and Reinvestment Act of
5 2009 (Public Law 111–5).”; and
6 (2) by adding after subsection (g) the following:
7 “(h) WEBLINK.—The website *Recovery.gov* established
8 under the American Recovery and Reinvestment Act of
9 2009 (Public Law 111–5) shall contain a prominently dis-
10 played weblink on its front page to the website under this
11 section.”.

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