

DATA ACT

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OCTOBER 25, 2011.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. ISSA, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2146]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 2146) to amend title 31, United States Code, to require accountability and transparency in Federal spending, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Digital Accountability and Transparency Act of 2011” or the “DATA Act”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.  
Sec. 2. Table of contents.  
Sec. 3. Definitions.

**TITLE I—ACCOUNTABILITY AND TRANSPARENCY IN FEDERAL SPENDING**

Sec. 101. General requirements for accountability and transparency in Federal spending.  
Sec. 102. Data standardization for accountability and transparency in Federal spending.  
Sec. 103. General provisions and deadlines for accountability and transparency in Federal spending.

**TITLE II—FEDERAL ACCOUNTABILITY AND SPENDING TRANSPARENCY BOARD**

Sec. 201. Federal Accountability and Spending Transparency Board.  
Sec. 202. Conforming amendment relating to compensation of Chairperson.  
Sec. 203. Amendments and repeal of Recovery Accountability and Transparency Board.

**TITLE III—ADDITIONAL PROVISIONS**

Sec. 301. Classified information.  
Sec. 302. Paperwork Reduction Act exemption.  
Sec. 303. Matching program.  
Sec. 304. Transfer of Consolidated Federal Funds Report.  
Sec. 305. Repeal of Federal Funding Accountability and Transparency Act of 2006.  
Sec. 306. Government Accountability Office Improvement.  
Sec. 307. Effective date.

**SEC. 3. DEFINITIONS.**

In this Act:

- (1) The term “Board” means the Federal Accountability and Spending Transparency Board established under subchapter III of chapter 36 of title 31, United States Code, as added by this Act.
- (2) The term “Executive agency” has the meaning provided by section 105 of title 5, United States Code, except the term does not include the Government Accountability Office.

## **TITLE I—ACCOUNTABILITY AND TRANSPARENCY IN FEDERAL SPENDING**

**SEC. 101. GENERAL REQUIREMENTS FOR ACCOUNTABILITY AND TRANSPARENCY IN FEDERAL SPENDING.**

(a) IN GENERAL.—Subtitle III of title 31, United States Code, is amended by inserting after chapter 35 the following new chapter:

**“CHAPTER 36—ACCOUNTABILITY AND TRANSPARENCY IN FEDERAL SPENDING**

“SUBCHAPTER I—REPORTING REQUIREMENTS

“Sec.  
“3601. Definitions.  
“3602. Recipient reporting requirement.  
“3603. Agency reporting requirement.  
“3604. Exemptions from recipient reporting requirement.

“SUBCHAPTER II—DATA STANDARDIZATION

“3611. Data standardization for reporting information.  
“3612. Full disclosure of information.  
“3613. Federal accountability portal.  
“3614. Agency responsibilities.  
“3615. Office of Management and Budget responsibilities.  
“3616. Treasury responsibilities.  
“3617. General Services Administration responsibilities.

“SUBCHAPTER III—FEDERAL ACCOUNTABILITY AND SPENDING TRANSPARENCY BOARD

“3621. Establishment.  
“3622. Composition of the board.  
“3623. Functions.  
“3624. Powers.  
“3625. Employment, personnel, and related authorities.  
“3626. Rulemaking authority.

“3627. Transfer of certain personnel.  
 “3628. Authorization and availability of appropriations.

“SUBCHAPTER IV—GENERAL PROVISIONS

“3641. Independence of Inspectors General.  
 “3642. Effective date.  
 “3643. Sunset.

“SUBCHAPTER I—REPORTING REQUIREMENTS

“§ 3601. Definitions

“In this chapter:

- “(1) RECIPIENT.—The term ‘recipient’ means—  
 “(A) any person that receives Federal funds pursuant to a Federal award, either directly or through a subgrant or subcontract at any tier; and  
 “(B) any State, local, or tribal government, or any government corporation, that receives Federal funds pursuant to a Federal award, either directly or through a subgrant or subcontract at any tier.  
 “(2) FEDERAL AWARD.—The term ‘Federal award’ means Federal financial assistance and expenditures that—  
 “(A) include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance; and  
 “(B) include contracts, subcontracts, purchase orders, task orders, delivery orders, blanket purchase agreements, schedule orders, and other transactions.  
 “(3) FEDERAL FUNDS.—The term ‘Federal funds’ means any funds that are made available to an Executive agency through Federal appropriations.  
 “(4) BOARD.—The term ‘Board’ means the Federal Accountability and Spending Transparency Board established under subchapter III of this chapter.  
 “(5) CHAIRPERSON.—The term ‘Chairperson’ means the Chairperson of the Federal Accountability and Spending Transparency Board.  
 “(6) EXECUTIVE AGENCY.—The term ‘Executive agency’ has the meaning provided by section 105 of title 5, except the term does not include the Government Accountability Office.  
 “(7) FOREIGN CORRUPT PRACTICES ACT OF 1977.—The term ‘Foreign Corrupt Practices Act of 1977’ means—  
 “(A) section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1); and  
 “(B) sections 104 and 104A of the Foreign Corrupt Practices Act (15 U.S.C. 78dd-2).

“§ 3602. Recipient reporting requirement

“(a) REQUIREMENT.—Each recipient shall report each receipt and use of Federal funds pursuant to a Federal award to the Board.

“(b) CHARACTERISTICS OF REPORTS.—

- “(1) FREQUENCY OF REPORTS.—  
 “(A) IN GENERAL.—The Board shall designate, by rule, the frequency of reports to be submitted by recipients under subsection (a), but the frequency shall not be less than once each quarter.  
 “(B) CONTINUOUS OR AUTOMATIC REPORTING.—To the extent practicable, the Board shall require continuous or automatic reporting for compliance with this section.  
 “(2) CONTENT OF REPORTS.—Each report submitted by a recipient under subsection (a) shall contain—  
 “(A) an identification of the recipient, including the recipient’s name and location, with location information provided in proper United States Postal Service standardized format, including ZIP+4, or proper international postal service standardized format where applicable;  
 “(B) an identification of the Executive agency;  
 “(C) an identification of the Federal award;  
 “(D) if applicable, an identification of the program pursuant to which the Federal award was awarded;  
 “(E) the total amount of Federal funds received from that Executive agency for the Federal award, during the period covered by the report;  
 “(F) the amount of Federal funds from the Federal award that were expended or obligated by the recipient to projects or activities during the period covered by the report;  
 “(G) a detailed list of all projects or activities for which Federal funds were expended or obligated;  
 “(H) if the Federal award is a prime award, an identification of all sub-awards;

“(I) if the Federal award is a subaward, an identification of its prime award; and

“(J) such additional information reasonably related to the receipt and use of Federal funds as the Board shall, by rule, require.

“(3) USE OF DATA STANDARDS.—The reports submitted under this section shall use the common data elements and data reporting standards designated by the Board under section 3611.

“(c) FULFILLMENT OF REQUIREMENTS BY PRIME AWARDEES.—The Board shall, by rule, permit prime awardees to fulfill the requirements of this section on behalf of subawardees, so long as all subaward tiers are reported.

“(d) GUIDANCE BY BOARD.—The Board shall issue guidance to recipients on compliance with this section.

“(e) REGISTRATION.—Recipients required to report information under subsection (a) shall register with the Central Contractor Registration database or complete such other registration requirements as the Board shall, by rule, require.

**“§ 3603. Agency reporting requirement**

“(a) REQUIREMENT.—Each Executive agency shall report all obligations and expenditures of Federal funds to the Board.

“(b) CHARACTERISTICS OF REPORTS.—

“(1) FREQUENCY OF REPORTS.—

“(A) IN GENERAL.—The Board shall designate, by rule, the frequency of reports to be submitted by agencies under subsection (a), but the frequency shall not be less than once each quarter.

“(B) CONTINUOUS OR AUTOMATIC REPORTING.—To the extent practicable, the Board shall require continuous or automatic reporting for compliance with this section.

“(2) CONTENT OF REPORT.—

“(A) The Board shall designate, by rule, the content of reports to be submitted by agencies under subsection (a).

“(B) To the extent practicable, reports submitted by agencies under subsection (a) shall identify the programs and budget functions pursuant to which Federal funds are obligated or expended.

“(C) To the extent practicable, the Board shall permit agencies to comply with subsection (a) by submitting the same information that they submit or contribute for other governmentwide reporting requirements, including the following:

“(i) For information about Federal awards—

“(I) the Federal assistance awards data system established pursuant to section 6102a of title 31, United States Code;

“(II) the Federal procurement data system established pursuant to section 1122(a)(4) of title 41, United States Code;

“(III) the common application and reporting system established pursuant to section 6 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note); or

“(IV) such systems as may be established to replace or supplement the systems identified in this clause.

“(ii) For information about internal expenditures and accounting, the Federal Agencies’ Centralized Trial-Balance Systems (FACTS I and FACTS II), the Governmentwide Financial Report System (GFRS), the Intragovernmental Fiduciary Confirmation System (IFCS), or such systems as may be established to replace or supplement such systems.

“(3) USE OF DATA STANDARDS.—The reports submitted under this section shall use the common data elements and data reporting standards designated by the Board under section 3611.

“(4) INFORMATION ALSO SUBJECT TO RECIPIENT REPORTING REQUIREMENT.—In complying with this section, each Executive agency shall identify, to the extent practicable, Federal awards made by the agency that are subject to the recipient reporting requirement of section 3602 so that information reported by recipients and information reported by the agency can be directly compared.

“(c) GUIDANCE BY BOARD.—The Board shall issue guidance to Executive agencies on compliance with this section.

“(d) BOARD TO MONITOR COMPLIANCE.—The Board shall regularly report to Congress on each Executive agency’s compliance with this section, including the timeliness, completeness, accuracy, and interoperability of the data submitted by each Executive agency. The Board shall make these reports publicly available contemporaneously online.

**“§ 3604. Exemptions from recipient reporting requirement**

“(a) EXEMPTION.—A recipient is exempt from the reporting requirement of section 3602 with respect to funds received pursuant to a Federal award if—

“(1) the recipient is an individual; and

“(2) either—

“(A) the total amount of Federal funds received by the recipient does not exceed \$100,000 in the current calendar year or fiscal year; or

“(B) no transaction in which the recipient has received Federal funds during the current calendar year or fiscal year has exceeded \$24,999.

“(b) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—The Board may, by rule, grant additional exemptions under this section for classes or categories of recipients.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle III of title 31, United States Code, is amended by inserting after the item relating to chapter 35 the following new item:

“36. Accountability and Transparency in Federal Spending ..... 3601”.

**SEC. 102. DATA STANDARDIZATION FOR ACCOUNTABILITY AND TRANSPARENCY IN FEDERAL SPENDING.**

Chapter 36 of title 31, United States Code, as added by section 101, is amended by adding at the end the following new subchapter:

**“SUBCHAPTER II—DATA STANDARDIZATION****“§ 3611. Data standardization for reporting information**

“(a) COMMON DATA ELEMENTS.—

“(1) REQUIREMENT.—The Board shall, by rule, designate common data elements, such as codes, identifiers, and fields, for information required to be reported by recipients or agencies under this chapter.

“(2) CHARACTERISTICS OF COMMON DATA ELEMENTS.—The common data elements designated under paragraph (1) shall, to the extent practicable, be non-proprietary.

“(3) EXISTING COMMON DATA ELEMENTS.—In designating common data elements under this subsection, the Board shall, to the extent practicable, incorporate the following:

“(A) Common data elements developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization.

“(B) Common data elements developed and maintained by intragovernmental partnerships, such as the National Information Exchange Model.

“(C) Common data elements developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council.

“(D) Common data elements developed and maintained by accounting standards organizations.

“(b) DATA REPORTING STANDARDS.—

“(1) REQUIREMENT.—The Board shall, by rule, designate data reporting standards to govern the reporting required to be performed by recipients and agencies under this title.

“(2) CHARACTERISTICS OF DATA REPORTING STANDARDS.—The data reporting standards required by paragraph (1) shall, to the extent practicable—

“(A) incorporate a widely accepted, nonproprietary, searchable, platform-independent computer-readable format;

“(B) be consistent with and implement applicable accounting principles; and

“(C) be capable of being continually upgraded as necessary.

“(3) EXISTING DATA REPORTING STANDARDS.—In designating reporting standards under this subsection, the Board shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Business Reporting Language (XBRL).

**“§ 3612. Full disclosure of information**

“(a) REQUIREMENT.—The Board shall publish online all information submitted by recipients and agencies pursuant to sections 3602 and 3603.

“(b) AGGREGATION OF INFORMATION THAT IS EXEMPT FROM RECIPIENT REPORTING REQUIREMENT.—The Board shall publish, online and in the aggregate, information

that is exempt from recipient reporting under section 3604 but that is reported by an Executive agency under section 3603 in the aggregate.

“(c) COMPLIANCE WITH OPEN DATA PRINCIPLES AND BEST PRACTICES.—To the extent practicable, the Board shall publish data under this section in a manner that complies with applicable principles and best practices in the private sector for the publication of open government data.

“(d) ONLINE PUBLICATION.—

“(1) IN GENERAL.—The Board shall, in accordance with this section and section 204 of the E-Government Act of 2002 (44 U.S.C. 3501 note), establish and maintain one or more websites for the publication of data required to be published online under this section.

“(2) PURPOSE OF WEBSITE OR WEBSITES.—The website or websites established and maintained under this subsection shall serve as a public portal for Federal financial information, including information concerning all Federal awards and information concerning the expenditure of all Federal funds.

“(3) CONTENT AND FUNCTION OF WEBSITE OR WEBSITES.—The Board shall ensure that the website or websites established and maintained under this subsection:

“(A) Makes available all information published under subsection (a) in a reasonably timely manner.

“(B) Makes available all information published under subsection (a) in its original format.

“(C) Makes available all information published under subsection (a) without charge, license, or registration requirement.

“(D) Permits all information published under subsection (a) to be searched and aggregated.

“(E) Permits all information published under subsection (a) to be downloaded in bulk.

“(F) To the extent practicable, disseminates information published under subsection (a) via automatic electronic means.

“(G) To the extent practicable, permits information published under subsection (a) to be freely shared by the public, such as by social media.

“(H) To the extent practicable, uses permanent uniform resource locators for information published under subsection (a).

“(I) Provide an opportunity for the public to provide input about the usefulness of the site and recommendations for improvements.

“(e) AGREEMENTS WITH OTHER AGENCIES.—The Board may make contracts or agreements with any Federal agency (within or outside the executive branch) to publish data maintained by such agency on the website or websites established and maintained under this section.

“(f) NEW TECHNOLOGIES.—Notwithstanding any other provision in this section, the Board may comply with the requirements of this section using such new technologies as may replace websites for data publication and dissemination.

“(g) TRANSFER OF FUNCTIONS OF USASPENDING.GOV.—The Board and the Office of Management and Budget shall transfer the functions of USASpending.gov to the website or websites established under this section.

**“§ 3613. Federal accountability portal**

“(a) REQUIREMENT.—The Board shall establish and maintain an integrated Internet-based system, consisting of one or more websites and to be known as a ‘Federal accountability portal’, to carry out the functions described in subsection (b).

“(b) FUNCTIONS.—The Federal accountability portal shall be designed and operated to carry out the following functions:

“(1) Combine information submitted by recipients and agencies under sections 3602 and 3603 with other compilations of information, such as Government databases and other proprietary and nonproprietary databases.

“(2) Permit Executive agencies to verify the eligibility of recipients to receive Federal funds and to access information relevant to the responsibility of recipients.

“(3) Permit Executive agencies, Inspectors General, and law enforcement agencies to track Federal awards and recipients to detect and prevent waste, fraud, and abuse.

“(c) GUIDANCE BY BOARD.—The Board shall issue guidance on the use of and access to the Federal accountability portal.

**“§ 3614. Agency responsibilities**

“(a) REQUIREMENT.—As a condition of receipt of Federal funds of an Executive agency pursuant to any Federal award, the Executive agency shall require any recipient of such funds to provide the information required under section 3602.

“(b) PENALTIES FOR RECIPIENTS’ NONCOMPLIANCE.—

“(1) IN GENERAL.—The head of an Executive agency may impose a civil penalty in an amount not more than \$250,000 on a recipient of Federal funds from that Executive agency that does not provide the information required under section 3602 or provides information that contains a material omission or misstatement.

“(2) NONPRECLUSION.—The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy that is available by law to the United States or any other person. Any amounts received from a civil penalty under this subsection shall be deposited in the Treasury of the United States to the credit of the appropriation or appropriations from which the award is made.

“(3) NOTIFICATION.—The head of an Executive agency shall provide a written notification to a recipient that fails to provide the information required under section 3602 or provides information that contains a material omission or misstatement. Such notification shall provide the recipient with information on how to comply with the requirements of section 3602 and notice of the penalties for failing to do so. The head of the Executive agency may not impose a civil penalty under paragraph (1) until 30 days after the date of the notification.

“(c) COMPLIANCE WITH BOARD GUIDANCE.—Executive agencies shall comply with the instructions and guidance issued by the Board under this Act.

“(d) INFORMATION AND ASSISTANCE.—

“(1) IN GENERAL.—Upon request of the Board for information or assistance from any Executive agency or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Board, or an authorized designee.

“(2) REPORT OF REFUSALS.—Whenever information or assistance requested by the Board is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to Congress.

“(e) USE OF DATA STANDARDS.—After the Board designates any common data element or data reporting standard under section 3611, each Executive agency shall issue guidance that requires every recipient of Federal funds under any of its Federal awards to use that common data element or data reporting standard for any information reported to that Executive agency to which the common data element or data reporting standard is applicable.

**“§ 3615. Office of Management and Budget responsibilities**

“After the Board designates any common data element or data reporting standard under section 3611, the Director of the Office of Management and Budget shall issue guidance that requires Executive agencies to use that common data element or data reporting standard for any information reported by Executive agencies to the Office of Management and Budget to which the common data element or data reporting standard is applicable.

**“§ 3616. Treasury responsibilities**

“After the Board designates any common data element or data reporting standard under section 3611, the Secretary of the Treasury shall issue guidance that requires Executive agencies to use that common data element or data reporting standard for any information reported by Executive agencies to the Department of the Treasury to which the common data element or data reporting standard is applicable.

**“§ 3617. General Services Administration responsibilities**

“After the Board designates any common data element or data reporting standard under section 3611, the Administrator of General Services shall apply that common data element or data reporting standard for any information contained in acquisition-related databases maintained by the General Services Administration to which the common data element or data reporting standard is applicable.”

**SEC. 103. GENERAL PROVISIONS AND DEADLINES FOR ACCOUNTABILITY AND TRANSPARENCY IN FEDERAL SPENDING.**

(a) EFFECTIVE DATE AND SUNSET.—Chapter 36 of title 31, United States Code, as added by section 101, is further amended by adding at the end the following new subchapter:

**“SUBCHAPTER IV—GENERAL PROVISIONS**

**“§ 3641. Independence of Inspectors General**

“Nothing in this chapter shall affect the independent authority of an inspector general to determine whether to conduct an audit or investigation.

**“§ 3642. Effective date**

“This chapter takes effect on October 1, 2011.

**“§ 3643. Sunset**

“This chapter shall cease to be in effect after September 30, 2018.”.

**(b) DEADLINES FOR IMPLEMENTATION.—**

(1) BOARD DEADLINES.—Within 180 days after the effective date of this Act, the Board shall—

(A) issue guidance under sections 3602(d) and 3603(c) of title 31, United States Code, as added by this Act;

(B) designate common data elements under section 3611(a) of such title and data reporting standards under section 3611(b) of such title, as so added; and

(C) establish one or more websites under section 3612(d) of such title, as so added.

(2) AGENCY AND DEPARTMENT DEADLINES.—

(A) Within one year after the effective date of this Act, each Executive agency shall implement section 3614(a) of title 31, United States Code, as added by this Act.

(B) Within two years after the Board designates any common data element or data reporting standard under section 3611(a) of such title, as so added—

(i) each Executive agency shall issue guidance under section 3614(e) of such title, as so added;

(ii) the Director of the Office of Management and Budget shall issue guidance under section 3615 of such title, as so added;

(iii) the Secretary of the Treasury shall issue guidance under section 3616 of such title, as so added; and

(iv) the Administrator of General Services shall take the actions required under section 3617 of such title, as so added.

## **TITLE II—FEDERAL ACCOUNTABILITY AND SPENDING TRANSPARENCY BOARD**

**SEC. 201. FEDERAL ACCOUNTABILITY AND SPENDING TRANSPARENCY BOARD.**

Chapter 36 of title 31, United States Code, as added by section 101, is further amended by inserting after subchapter II the following new subchapter:

### **“SUBCHAPTER III—FEDERAL ACCOUNTABILITY AND SPENDING TRANSPARENCY BOARD**

**“§ 3621. Establishment**

“(a) ESTABLISHMENT.—There is established the Federal Accountability and Spending Transparency Board as an independent agency in the Executive Branch.

“(b) FUNCTIONS AND POWERS TRANSFERRED.—

“(1) FUNCTIONS TRANSFERRED.—Except as provided in this section, there are transferred to the Board all functions of the Recovery Accountability and Transparency Board.

“(2) POWERS, AUTHORITIES, RIGHTS, AND DUTIES.—The Federal Accountability and Spending Transparency Board shall succeed to all powers, authorities, rights, and duties that were vested in the Recovery Accountability and Transparency Board on the day before the effective date of this chapter.

**“§ 3622. Composition of the board**

“(a) CHAIRPERSON.—

“(1) IN GENERAL.—There is a Chairperson of the Board, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) HEAD OF BOARD.—The Chairperson is the head of the Board and shall have direction, authority, and control over it.

“(3) COMMISSION ESTABLISHED.—When a vacancy occurs in the office of the Chairperson of the Board, a commission is established to recommend individuals to the President for appointment to the vacant office. The commission shall be composed of—

“(A) the Speaker of the House of Representatives;

“(B) the President pro tempore of the Senate;

“(C) the majority and minority leaders of the House of Representatives and the Senate; and



“(D) the chairmen and ranking minority members of the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

“(4) RECOMMENDATIONS.—A commission established because of a vacancy in the office of the Chairperson of the Board shall recommend at least three individuals. The President may ask the commission to recommend additional individuals.

“(5) TERM.—The term of service of the Chairperson of the Board shall be 5 years, but the Chairperson may serve after the expiration of the Chairperson’s term until a successor has taken office.

“(6) LIMITATION ON TERMS.—No person may serve as the Chairperson of the Board for more than 2 terms, whether or not such terms of service are consecutive.

“(7) COMPENSATION.—An individual appointed as Chairperson under paragraph (1) shall be compensated at the rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(b) MEMBERS.—The members of the Board shall include—

“(1) the Inspectors General of the Department of the Treasury, the Department of Defense, the Department of Agriculture, the Department of Health and Human Services, the Department of Transportation, the Department of Energy, the Department of Education, and the Department of Homeland Security;

“(2) the Deputy Secretary of the Department of the Treasury, the Chief Management Officer of the Department of Defense, the Deputy Secretaries of the Department of Agriculture, the Department of Health and Human Services, the Department of Transportation, the Department of Energy, the Department of Education, and the Undersecretary for Management of the Department of Homeland Security; and

“(3) the Controller of the Office of Federal Financial Management and the Deputy Director for Management of the Office of Management and Budget.

#### “§ 3623. Functions

“(a) IN GENERAL.—The Board shall—

“(1) be responsible for the collection, storage, and public disclosure of information about Federal spending;

“(2) serve as the authoritative government source for the information about Federal spending that it collects; and

“(3) coordinate and conduct oversight of Federal funds in order to prevent fraud, waste, and abuse.

“(b) SPECIFIC FUNCTIONS.—The functions of the Board shall include each of the following:

“(1) Receiving, storing, and publicly disseminating all of the information that is reported to it under this Act.

“(2) Reviewing whether reporting under section 3602 meets applicable standards and specifies the purpose of the Federal award and measures of performance.

“(3) Auditing, investigating, or reviewing Federal funds to determine whether fraud, wasteful spending, poor contract or grant management, or other abuses are occurring and referring matters it considers appropriate for further investigation to the inspector general for the Executive agency that disbursed the Federal funds.

“(4) Regularly auditing the quality of the data submitted to it under sections 3602 and 3603.

“(5) Standardizing common data elements and data reporting standards to foster transparency and accountability for Federal spending, as required by section 3611.

“(6) Reviewing whether there are appropriate mechanisms for interagency collaboration relating to Federal funds, including coordinating and collaborating to the extent practicable with the Inspectors General Council on Integrity and Efficiency established by the Inspector General Reform Act of 2008 (Public Law 110–409).

“(7) Issuing a report in accordance with subsection (e) on the feasibility of collecting and publishing online tax expenditures data.

“(c) PRIORITIES IN AUDITS, INVESTIGATIONS, AND REVIEWS.—

“(1) IN GENERAL.—To the extent practicable, the Board shall give high priority to auditing, investigating, or reviewing Federal funds—

“(A) awarded without the use of competitive procedures; or

“(B) awarded to any contractor found to be in violation of the Foreign Corrupt Practices Act of 1977.

“(2) IDENTIFICATION.—The Board shall identify any contractor found to be in violation of the Foreign Corrupt Practices Act of 1977 as a violator of such Act in any contract information related to such contractor published online under section 3612.

“(d) REPORT REQUIREMENTS.—

“(1) REPORTS.—

“(A) REGULAR REPORTS ON DATA QUALITY AUDITS.—The Board shall regularly submit to the President and Congress reports on its audits of the quality of the data submitted to it under sections 3602 and 3603.

“(B) SEMI-ANNUAL REPORTS ON ACTIVITIES.—The Board shall submit semi-annual reports to the President and Congress, summarizing the activities and findings of the Board and the findings of inspectors general of Executive agencies.

“(C) REPORT ON SAVINGS.—Not later than five years after the effective date of this chapter, the Board shall submit to the President, Congress, and the Comptroller General of the United States a report containing estimates of the direct and indirect cost savings to the Treasury achieved as a result of the Board’s activities.

“(2) PUBLIC AVAILABILITY.—The Board shall make all reports submitted under paragraph (1) publicly available contemporaneously online.

“(3) GAO EVALUATION.—Upon receipt of the report submitted by the Board under paragraph (1)(C), the Comptroller General shall conduct an evaluation of the report and submit the evaluation to Congress within six months after receipt of the report, with such findings and recommendations as the Comptroller General considers appropriate.

“(e) TAX EXPENDITURES REPORT.—

“(1) IN GENERAL.—For purposes of subsection (b)(7), not later than one year after the effective date of this chapter, the Board shall submit to the appropriate congressional committees a report on tax expenditures data that includes the following:

“(A) A description of processes that could be put in place to collect and disseminate tax expenditures data, and the potential effects of making such data publicly available on the Internal Revenue Service, taxpayers, and other relevant parties determined by the Board.

“(B) Any changes in law that are needed to make such tax expenditures data publicly available.

“(2) TAX EXPENDITURES DEFINED.—In this section, the term ‘tax expenditures’ has the meaning given that term in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)).

“(3) PUBLIC AVAILABILITY.—The Board shall make the report submitted under paragraph (1) publicly available.

“(f) RECOMMENDATIONS.—

“(1) IN GENERAL.—The Board shall make recommendations to Executive agencies on measures to prevent fraud, waste, and abuse relating to Federal funds.

“(2) RESPONSIVE REPORTS.—Not later than 30 days after receipt of a recommendation under paragraph (1), an Executive agency shall submit a report to the President, the congressional committees of jurisdiction, and the Board on whether the Executive agency agrees or disagrees with the recommendations and any actions the Executive agency will take to implement the recommendations. The Board shall make all reports submitted to it under this paragraph publicly available contemporaneously online.

#### “§ 3624. Powers

“(a) IN GENERAL.—The Board shall conduct audits, investigations, and reviews of spending of Federal funds and coordinate on such activities with the inspectors general of the relevant Executive agency to avoid duplication and overlap of work.

“(b) AUDITS AND REVIEWS.—The Board may—

“(1) conduct its own independent audits, investigations, and reviews relating to Federal funds; and

“(2) collaborate on audits, investigations, and reviews relating to Federal funds with any inspector general of an Executive agency.

“(c) AUTHORITIES.—

“(1) AUDITS, INVESTIGATIONS, AND REVIEWS.—In conducting audits, investigations, and reviews, the Board shall have the authorities provided under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

“(2) SUBPOENA AUTHORITY.—

“(A) IN GENERAL.—In addition to the authorities provided pursuant to paragraph (1) and subject to subparagraph (B), the Board may issue subpoenas to compel the testimony of persons who are not Federal officers or

employees and may enforce such subpoenas in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

“(B) BOARD APPROVAL FOR SUBPOENA.—No subpoena may be issued under this subsection without the approval, by vote, of a majority of the Board.

“(3) MATCHING PROGRAM AUTHORITY WITH RESPECT TO EVALUATIONS AND REVIEWS.—The authorities provided under section 6(a)(9) of the Inspector General Act of 1978 (provided to the Board pursuant to paragraph (1)) may be used by the Board while conducting an evaluation or other review authorized under such Act.

“(d) CONTRACTS.—

“(1) IN GENERAL.—The Board may enter into contracts to enable the Board to discharge its duties under this chapter, including contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Board.

“(2) CONTRACTING FOR MISSIONS OF OTHER AGENCIES.—The Board may enter into contracts with any Federal agency (within or outside the executive branch) to enable such agency to identify waste, fraud, and abuse, including contracts and other arrangements for audits, studies, analyses, and other services.

“(e) STANDARDS AND GUIDELINES.—The Board shall carry out the authorities provided under subsections (a) and (b) in accordance with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

“(f) TRANSFER OF FUNDS.—The Board may transfer funds appropriated to the Board for expenses to support administrative support services and audits, reviews, or other activities related to oversight by the Board of covered funds to any office of inspector general, the Office of Management and Budget, and the General Services Administration.

**“§ 3625. Employment, personnel, and related authorities**

“(a) SELECTION OF EXECUTIVE DIRECTOR.—On behalf of the Board, the Chairperson shall appoint an Executive Director who shall be the chief executive officer of the Board and who shall carry out the functions of the Board subject to the supervision and direction of the Board. The position of Executive Director shall be a career reserved position in the Senior Executive Service, as that position is defined under section 3132 of title 5, United States Code.

“(b) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide the Board with administrative support services, including the provision of office space and facilities.

**“§ 3626. Rulemaking authority**

“The Board shall promulgate regulations to carry out this chapter.

**“§ 3627. Transfer of certain personnel**

“(a) RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD EMPLOYEES.—The Chairperson or Executive Director, or both, shall identify employees of the Recovery Accountability and Transparency Board for transfer to the Board, and such identified employees shall be transferred to the Board for employment.

“(b) PAY.—

“(1) Except as provided in paragraph (2), each transferred employee shall, during the 2-year period beginning on the effective date of this chapter, receive pay at a rate equal to not less than the basic rate of pay (including any geographic differential) that the employee received during the pay period immediately preceding the date of transfer.

“(2) Paragraph (1) does not limit the right of the Board to reduce the rate of basic pay of a transferred employee for cause, for unacceptable performance, or with the consent of the employee.

“(3) Paragraph (1) applies to a transferred employee only while that employee remains employed by the Board.

**“§ 3628. Authorization and availability of appropriations**

“(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$51,000,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018 to carry out the functions of the Board.

“(b) AVAILABILITY OF APPROPRIATIONS.—If the Recovery Accountability and Transparency Board has unobligated appropriations as of the effective date of this chapter, such appropriations shall remain available to the Board until September 30, 2015.”

**SEC. 202. CONFORMING AMENDMENT RELATING TO COMPENSATION OF CHAIRPERSON.**

Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

“Chairperson of the Federal Accountability and Spending Transparency Board.”.

**SEC. 203. AMENDMENTS AND REPEAL OF RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD.**

(a) CONFORMING AMENDMENT TO NAME OF BOARD.—Section 1501(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 287) is amended by striking “Recovery Accountability and Transparency Board” and inserting “Federal Accountability and Spending Transparency Board”.

(b) CONFORMING AMENDMENTS TO SUBTITLE B OF TITLE XV OF PUBLIC LAW 111–5.—Subtitle B of title XV of division A of such Act is amended by striking sections 1521, 1522, 1525(a), and 1529.

(c) REPEAL OF SUBTITLE B OF TITLE XV OF PUBLIC LAW 111–5.—Effective on October 1, 2013, subtitle B of title XV of division A of such Act is repealed.

(d) REFERENCES IN FEDERAL LAW TO BOARD.—On and after the effective date of this Act, any reference in Federal law to the Recovery Accountability and Transparency Board is deemed to be a reference to the Federal Accountability and Spending Transparency Board.

**TITLE III—ADDITIONAL PROVISIONS****SEC. 301. CLASSIFIED INFORMATION.**

Nothing in this Act or the amendments made by this Act shall be construed to require the disclosure of classified information.

**SEC. 302. PAPERWORK REDUCTION ACT EXEMPTION.**

Section 3518(c) of title 44, United States Code, is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraph (3)”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

“(2) Notwithstanding paragraph (3), this subchapter shall not apply to the collection of information during the conduct of any audit, investigation, inspection, evaluation, or other review conducted by the Federal Accountability and Spending Transparency Board, the Council of Inspectors General on Integrity and Efficiency, or any Federal office of Inspector General, including any office of Special Inspector General.”.

**SEC. 303. MATCHING PROGRAM.**

Section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (8), by striking “and”;

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

“(9) notwithstanding subsections (o), (p), (q), (r), and (u) of section 552a of title 5, United States Code, to compare, through a matching program (as defined in such section), any Federal records with other Federal or non-Federal records, while conducting an audit, investigation, or inspection authorized under this Act to identify weaknesses that may lead to fraud, waste, or abuse and to detect improper payments and fraud; and”.

**SEC. 304. TRANSFER OF CONSOLIDATED FEDERAL FUNDS REPORT.**

(a) TRANSFER OF FUNCTIONS.—The Federal Accountability and Spending Transparency Board and the Secretary of Commerce shall transfer the functions of the Consolidated Federal Funds Report to the website or websites established under section 3612 of title 31, United States Code, as added by this Act.

(b) INFORMATION.—The Board shall ensure that the website or websites established under such section 3612 permits users to determine the following information:

(1) For each fiscal year, the total amount of Federal funds that were obligated in each State, county or parish, congressional district, and municipality of the United States.

(2) For each fiscal year, the total amount of Federal funds that were actually expended in each State, county or parish, congressional district, and municipality of the United States.

(c) CONFORMING REPEALS OF SUPERSEDED PROVISIONS.—Chapter 62 of subtitle V of title 31, United States Code, is repealed. The item relating to that chapter in the table of chapters at the beginning of subtitle V of such title is repealed.

**SEC. 305. REPEAL OF FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006.**

The Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282; 31 U.S.C. 6101 note) is repealed.

**SEC. 306. GOVERNMENT ACCOUNTABILITY OFFICE IMPROVEMENT.**

(a) AUTHORITY TO OBTAIN INFORMATION.—

(1) AUTHORITY TO OBTAIN RECORDS.—Section 716 of title 31, United States Code, is amended in subsection (a)—

(A) by striking “(a)” and inserting “(2)”; and

(B) by inserting after the section heading the following:

“(a)(1) The Comptroller General is authorized to obtain such agency records as the Comptroller General requires to discharge his duties (including audit, evaluation, and investigative duties), including through the bringing of civil actions under this section. In reviewing a civil action under this section, the court shall recognize the continuing force and effect of the authorization in the preceding sentence until such time as the authorization is repealed pursuant to law.”.

(2) COPIES.—Section 716(a) of title 31, United States Code, as amended by subsection (a), is further amended in the second sentence of paragraph (2) by striking “inspect an agency record” and inserting “inspect, and make and retain copies of, an agency record”.

(b) ADMINISTERING OATHS.—Section 711 of title 31, United States Code, is amended by striking paragraph (4) and inserting the following:

“(4) administer oaths to witnesses when auditing and settling accounts and, with the prior express approval of the Comptroller General, when investigating fraud or attempts to defraud the United States, or irregularity or misconduct of an employee or agent of the United States.”.

(c) ACCESS TO CERTAIN INFORMATION.—

(1) ACCESS TO CERTAIN INFORMATION.—Subchapter II of chapter 7 of title 31, United States Code, is amended by adding at the end the following:

**“§ 721. Access to certain information**

“(a) No provision of the Social Security Act, including section 453(l) of that Act (42 U.S.C. 653(l)), shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information or to inspect or copy any record under section 716 of this title.

“(b) No provision of the Federal Food, Drug, and Cosmetic Act, including section 301(j) of that Act (21 U.S.C. 331(j)), shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information or to inspect or copy any record under section 716 of this title.

“(c) No provision of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (Public Law 94–435) and the amendments made by that Act shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information or to inspect or copy any record under section 716 of this title, including with respect to any information disclosed to the Assistant Attorney General of the Antitrust Division of the Department of Justice or the Federal Trade Commission for purposes of pre-merger review under section 7A of the Clayton Act (15 U.S.C. 18a).

“(d)(1) The Comptroller General shall prescribe such policies and procedures as are necessary to protect from public disclosure proprietary or trade secret information obtained consistent with this section.

“(2) Nothing in this section shall be construed to—

“(A) alter or amend the prohibitions against the disclosure of trade secret or other sensitive information prohibited by section 1905 of title 18 and other applicable laws; or

“(B) affect the applicability of section 716(e) of this title, including the protections against unauthorized disclosure contained in that section, to information obtained consistent with this section.

“(e) Specific references to statutes in this section shall not be construed to affect access by the Government Accountability Office to information under statutes that are not so referenced.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 31, United States Code, is amended by inserting after the item relating to section 720 the following:

“721. Access to certain information.”.

(d) AGENCY REPORTS.—Section 720(b) of title 31, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “or planned” after “action taken”; and

(2) by striking paragraph (1) and inserting the following:

“(1) the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the congressional committees with jurisdiction over the agency program or activity that is the subject of the recommendation, and the Government Accountability Office before the 61st day after the date of the report; and”.

**SEC. 307. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect on October 1, 2011.

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

H.R. 2146, the Digital Accountability and Transparency Act, or DATA Act, opens Federal spending to closer scrutiny by the public, watchdog groups, media, executive branch management, and Congress.

The DATA Act imposes a universal reporting requirement for recipients of Federal grants, loans, and contracts. It also requires Federal agencies to publicly report all of their obligations and expenditures—encompassing both external spending, such as grants, loans, and contracts, and internal spending on salaries, supplies, and facilities. The DATA Act provides for recipient-reported and agency-reported spending information to be disclosed publicly on a single online platform. To ensure that these two categories of information may be checked against one another and easily searched and analyzed, the DATA Act imposes common data identifiers and electronic reporting standards on recipients and agencies alike.

The DATA Act also incorporates lessons learned from the American Recovery and Reinvestment Act of 2009 (“ARRA”), which required the recipients of Federal stimulus funds to report on the receipt and use of those funds to a single central database. The contents of this database are made public on the website [Recovery.gov](http://Recovery.gov). The Recovery Accountability and Transparency Board (“Recovery Board”) maintains the database and has established the Recovery Operations Center (ROC), an analytical tool that combines information reported by stimulus recipients with other databases to detect irregularities and fraud. By April 2011, the Recovery Board’s activities had resulted in over 1,300 inspector general investigations of questionable awards.<sup>1</sup> The DATA Act makes ARRA’s recipient reporting requirement permanent, and extends it to all Federal grants, loans, and contracts, rather than just those funded by the stimulus. The DATA Act also establishes a government-wide version of the ROC.

BACKGROUND AND NEED FOR LEGISLATION

For the past two years, the Committee has examined the need to improve the transparency of Federal information, particularly Federal spending data. The Committee’s efforts have included

<sup>1</sup> Recovery Accountability and Transparency Board Monthly Status Report, April 30, 2011, available at <http://www.recovery.gov/About/board/Pages/Reports.aspx> (“Recovery Board Status Report”).

seven hearings,<sup>2</sup> the formation of the Congressional Transparency Caucus,<sup>3</sup> and extensive outreach and research by Republican and Democratic Committee staff. H.R. 2146, the Digital Accountability and Transparency Act, or DATA Act, applies the lessons learned from these activities to open Federal spending to closer scrutiny by the public, watchdog groups, media, executive branch management, and Congress.

American taxpayers have the right to expect free access to accurate, comprehensive, and useful information describing how the Federal government uses their money. Transparency can provide a check on waste, fraud, and abuse in government<sup>4</sup> but only if Federal data is reliably published in formats that make it easy to analyze. Decision-makers within the government—including managers in the executive branch and members serving on the Congressional appropriations and oversight committees—also need this information to make informed choices.

Despite groundbreaking efforts to make Federal spending transparent to Americans, the information currently made available by the government often lacks accuracy, comprehensiveness, and usefulness. For example, the Sunlight Foundation in 2010 reported that USASpending.gov provided accurate information for only 35% of Federal grant programs.<sup>5</sup> Moreover, USASpending.gov covers Federal grants, contracts, or loans, but not internal agency spending, which means that it cannot provide taxpayers or decision-makers with a complete picture of the cost of a given program, office, or department.

Recovery.gov has demonstrated better accuracy<sup>6</sup> and relevance<sup>7</sup> than USASpending.gov. Its recipient-reported data has proved more useful for government-wide oversight than

<sup>2</sup>“Preventing Stimulus Waste and Fraud: Who are the Watchdogs?” March 19, 2009; “Tracking the Money: Preventing Waste, Fraud and Abuse of Recovery Act Funding,” July 8, 2009; “Tracking the Money: How Recovery Act Recipients Account for their Use of Stimulus Dollars,” Nov. 19, 2009; “The Freedom of Information Act: Crowd-Sourcing Government Oversight,” March 17, 2011; “Achieving Transparency and Accountability in Federal Spending,” June 14, 2011; “Transparency Through Technology: Evaluating Federal Open-Government Initiatives,” March 11, 2011 (Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform); “Improving Oversight and Accountability in Federal Grant Programs,” June 23, 2011 (Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform).

<sup>3</sup>See Press Release, “Issa, Quigley Announce Bipartisan Transparency Caucus,” March 24, 2010.

<sup>4</sup>See, e.g., Testimony of Earl Devaney before the Committee on Oversight and Government Reform, June 14, 2011, available at [http://oversight.house.gov/images/stories/Testimony/Devaney\\_Testimony\\_2.pdf](http://oversight.house.gov/images/stories/Testimony/Devaney_Testimony_2.pdf), at 4 (“Devaney Testimony”) (“Transparency can cause embarrassment, which, in turn, causes self-correcting behavior”).

<sup>5</sup>See Sunlight Foundation, *Clearspending: Making Sense of the Federal Checkbook*, available at <http://sunlightfoundation.com/clearspending/> (accessed July 4, 2011). The Sunlight Foundation study covered only grant programs, because grant information on USASpending.gov may be compared to corresponding information in the Catalog of Federal Domestic Assistance, but there is no independent compilation of contract information to which contract data on USASpending.gov may be compared. On September 29, 2010, the Sunlight Foundation filed a Freedom of Information Act (FOIA) request with the Office of Management and Budget (OMB) for data quality reports covering the Federal Procurement Data System (FPDS), which feeds contract data into USASpending.gov. The FPDS data quality reports would have permitted the Sunlight Foundation to evaluate the accuracy of USASpending.gov’s contract data. OMB had not responded to the Sunlight Foundation’s FOIA request as of July 2011, and on May 25, 2011, refused a request by the Committee on Oversight and Government Reform for the same documents.

<sup>6</sup>By the end of the first quarter of calendar 2011, only 17 recipients had failed to file recipient reports under ARRA twice, and the number of three-time non-reporters was seven. Devaney Testimony at 5.

<sup>7</sup>In contrast with the extensive use of the Recovery Operations Center by the Recovery Board and inspectors general throughout the executive branch to detect irregularities and fraud, Federal authorities do not use USASpending.gov for any oversight-related purpose.

USASpending.gov’s data. First, Recovery.gov’s recipient-supplied reports are received quarterly, permitting activity to be tracked across time; by contrast, USASpending.gov only publishes data once for each contract, grant, or loan transaction. Second, the recipients of stimulus grants, contracts, and loans have a strong incentive to report accurately under ARRA, because they run the risk of losing their stimulus funding if they do not. Meanwhile, Federal agencies have a weaker incentive to provide accurate data to the government-wide databases that feed USASpending.gov because the Federal Funding Accountability and Transparency Act of 2006 (“FFATA”)<sup>8</sup> mandate applies to OMB but not to the agencies, and imposes no penalties for noncompliance. However, Recovery.gov’s scope is even more limited than that of USASpending.gov; it covers only the grants, loans, and contracts that are funded by the stimulus.

Finally, the usefulness of both USASpending.gov and Recovery.gov is hampered by the Federal government’s long-term failure to adopt common data elements and reporting standards for electronic financial information. For example, there is no system of identifier codes for all Federal awards; instead, every agency separately tracks grants, contracts, and loans using its own distinct system.<sup>9</sup> Similarly, there is no system of identifier codes for all recipients of Federal grants, contracts, and loans; no master list of all Federal programs; and, in fact, no agreed system of agency codes. Without government-wide identifiers for awards, recipients, programs, agencies, and other data elements, sophisticated electronic searches and comparisons will be impossible, even under a comprehensive spending transparency mandate.

#### THE DATA ACT’S SOLUTION

The DATA Act establishes a new Federal entity, the Federal Accountability and Spending Transparency Board (FAST Board). The FAST Board is charged with collecting Federal spending information and publishing that information in formats that make it easy to search, sort, and download. The FAST Board is a direct successor to the Recovery Board, assuming the Recovery Board’s ARRA duties and legal obligations. Like the Recovery Board, it is an independent Federal entity<sup>10</sup> with a chairperson appointed by the President.

The DATA Act empowers the FAST Board to collect periodic reports from recipients of all Federal grants, contracts, and loans that describe each recipient’s receipt and use of Federal funds. To ensure compliance by recipients, each Executive agency is directed to make the DATA Act’s recipient reporting requirement a condition of receiving funds under all of the agency’s grant, contract, and loan programs. The recipient reporting requirement extends to the last tier of sub-grant and sub-contract. Separately, the DATA Act

<sup>8</sup>Pub. L. 109–292.

<sup>9</sup>See Recovery Accountability and Transparency Board white paper, “Solutions for Accountability and Transparency: Uniform Governmentwide Award ID Number.”

<sup>10</sup>The DATA Act expressly removes responsibility for Federal spending transparency from OMB and assigns it to an independent entity. According to testimony before the Committee, “OMB’s close identification with the President conflicts with the need to be a neutral enforcer [of financial reporting requirements].” Testimony of Ellen Miller, Executive Director, Sunlight Foundation, before the Committee on Oversight and Government Reform, June 14, 2011, available at [http://oversight.house.gov/images/stories/Testimony/6-14-11\\_Ellen\\_Miller\\_Testimony.pdf](http://oversight.house.gov/images/stories/Testimony/6-14-11_Ellen_Miller_Testimony.pdf) (“Miller Testimony”).



also requires every Executive agency to report all of its receipts and disbursements of Federal funds to the FAST Board. The DATA Act directs the Board to permit agencies to comply with this requirement by submitting information that they already submit to existing government-wide financial systems.

The FAST Board is further directed to designate common electronic data elements and reporting standards for the spending information it collects. The DATA Act directly requires recipients and agencies to use the elements and standards designated by the Board. These elements and standards must be non-proprietary, and the Board is directed to favor elements and standards that have already been developed by government and the private sector.

The DATA Act requires the FAST Board to publish, online, all of the information it receives from recipients and agencies. The information must be made available to the public in a timely manner, in its original format, without any charge, registration, or license requirement, and be easily searchable. The FAST Board must permit users to download the information in bulk.

To effectuate the FAST Board's mission, the DATA Act specifies that the Board's regulations and guidance are binding on recipients and agencies. The Act also requires the FAST Board to set up a Federal accountability portal—an electronic platform combining spending information with other Federal databases and commercially-available information sources—that will replicate the current ROC across all Federal spending. Conservative estimates based on the performance of the ROC suggest that the FAST Board's Federal accountability portal will facilitate direct savings that more than offset the cost of the FAST Board.<sup>11</sup>

#### LEGISLATIVE HISTORY

The DATA Act builds on the Federal Funding Accountability and Transparency Act of 2006 (“FFATA”). FFATA required the Office of Management and Budget (OMB) to establish a website, USASpending.gov, that publishes selected information, gleaned from government-wide databases, for each Federal grant, loan, and contract. The DATA Act requires the same information to be published online, but greatly expands the scope of spending transparency by adding agencies' internal spending data to FFATA's mandate.

Last Congress, the Committee twice reported legislation to impose consistent data technologies on Federal spending information. On July 30, 2009, the Committee reported, by voice vote, H.R. 2392, the Government Information Transparency Act, which had been introduced by then-Ranking Member Darrell Issa and cosponsored by then-Chairman Edolphus Towns. The Government Infor-

<sup>11</sup> As of April 30, 2011, the Federal Government had disbursed just over \$200 billion in stimulus contracts, grants, and loans under ARRA, spread over three fiscal years. See Recovery.gov. As a result of the Recovery Board's oversight of awards of stimulus funds, including data analyses conducted by the ROC, \$11.5 million was saved from being disbursed, while inspector general reviews questioned \$877 million in spending. See Recovery Board Status Report. Assuming that the Federal Government disburses approximately \$1.1 trillion in total contracts, grants, and loans in a fiscal year, the results of a government-wide version of the ROC might include \$63 million in cancelled disbursements and inspector general reviews questioning nearly \$5 billion in spending. This estimate does not take into account the fact that the DATA Act covers internal agency spending as well as external grants, contracts, and loans, nor does it reflect the possible uses of accurate, government-wide spending data by Congressional appropriators, oversight committees, or the public.

mation Transparency Act would have required OMB to adopt consistent electronic data standards for Federal financial information and would have required agencies to use those standards. The House never acted on the Government Information Transparency Act.

On December 10, 2009, the Committee reported, by voice vote, S. 303, the reauthorization of the Federal Financial Assistance Management Improvement Act of 1999, with a bipartisan manager’s amendment which incorporated the data-standards language of the previous Government Information Transparency Act. The House passed S. 303 on December 14, 2009. However, the differences between the original version of the bill and the House-passed version were never reconciled.

Chairman Issa introduced the DATA Act on June 13, 2011. The DATA Act was discussed during a hearing of the full Committee on June 14, 2011, and amended during a Committee business meeting on June 22, 2011. After amending the legislation, the Committee favorably reported it by voice vote.

#### SECTION-BY-SECTION

##### *Section 1. Short title*

This section states that the Act may be cited as the “Digital Accountability and Transparency Act of 2011,” or the “DATA Act.”

##### *Section 2. Table of contents*

This section lists the table of contents.

##### *Section 3. Definitions*

This section lists definitions for terms used in the Act.

#### TITLE I—ACCOUNTABILITY AND TRANSPARENCY IN FEDERAL SPENDING

##### *Section 101. General requirements for accountability and transparency in Federal spending*

This section adds a new Chapter 36 to Subtitle 3 of Title 31, U.S. Code, beginning with a new Subchapter I:

#### **CHAPTER 36—ACCOUNTABILITY AND TRANSPARENCY IN FEDERAL SPENDING**

##### **Subchapter I—Reporting Requirements**

Section 3601. Definitions.

Section 3602. Recipient reporting requirement. Requires all recipients of Federal grants, contracts, and loans to report on their receipt and use of Federal funds to the new Federal Accountability and Spending Transparency Board (“FAST Board”). Reporting will take place at least quarterly. The FAST Board will require continuous or automatic reporting to the extent practicable.

Section 3603. Agency reporting requirement. Requires Federal agencies to report all obligations and expenditures of Federal funds to the FAST Board. The requirement includes internal spending as well as external grants, contracts, and loans. Directs the FAST Board to allow agencies to comply by submitting the same data

that they already submit to existing government-wide systems, such as FPDS, FAADS, FACTS, GFRS, etc.

Section 3604. Exemptions from recipient reporting requirement. Exempts individuals who receive grants, contracts, or assistance that does not exceed \$100,000 in a year or is less than \$25,000 in a single transaction from the recipient reporting requirement in Section 101. It also permits the FAST Board to grant, by rule, additional exemptions.

*Section 102. Data standardization for accountability and transparency in Federal spending*

This section adds a new Subchapter II to the new Chapter 36:

**Subchapter II—Data Standardization**

Section 3611. Data standardization for reporting information. Requires the FAST Board to designate common data elements and data reporting standards for the information reported to it by recipients and agencies.

Section 3612. Full disclosure of information. Requires the FAST Board to publish online the information it receives from recipients and agencies, and to set up and maintain a website that allows the public to search, download, and share the information. Requires the FAST Board and OMB to transfer the functions of USASpending.gov to the new website.

Section 3613. Federal accountability portal. Requires the FAST Board to set up an Internet-accessible data portal that will allow agencies to verify recipients' eligibility to receive Federal funds and facilitate searches to find waste, fraud, and abuse.

Section 3614. Agency responsibilities. Directs agencies to require the recipients of their grants, contracts, and loans to fulfill the recipient reporting requirement as a condition of receiving the Federal funds. Requires agencies to use the FAST Board's data elements and standards for their own program-specific reporting requirements, where applicable.

Section 3615. OMB responsibilities. Directs OMB to require agencies to use the FAST Board's data elements and standards for the financial information that they submit to it.

Section 3616. Treasury responsibilities. Directs Treasury to require agencies to use the FAST Board's data elements and standards for the financial information that they submit to it.

Section 3617. General Service Administration responsibilities. Requires GSA to apply the FAST Board's data elements and standards for the financial information maintained by GSA to the Integrated Acquisition Environment.

*Section 103. General provisions and deadlines for accountability*

This section adds a new Subchapter IV to the new Chapter 36:

**Subchapter IV—General Provisions**

Section 3641. Independence of Inspectors General. Provides that nothing in Chapter 36 shall affect the independent authority of inspectors general in the decision to conduct an audit or investigation.

Section 3642. Effective Date. October 1, 2011.

Section 3643. Sunset. September 30, 2018; sets deadlines for actions by the Board, OMB, Treasury, and agencies.

TITLE II—FEDERAL ACCOUNTABILITY AND SPENDING TRANSPARENCY BOARD

*Section 201. Federal Accountability and Spending Transparency Board*

This section adds a new Subchapter III to the new Chapter 36:

**Subchapter III—Federal Accountability and Spending Transparency Board**

Section 3621. Establishment. Establishes the new Federal Accountability and Spending Transparency Board (“FAST Board”) as a permanent successor to the Recovery Accountability and Transparency Board (“Recovery Board”).

Section 3622. Composition of the Board. The FAST Board will be composed of a Presidentially-appointed Chairman with a 5-year term and 16 inspectors general, deputy secretaries, and OMB officials.

Section 3623. Functions. The FAST Board will serve as the authoritative government source for information about Federal spending.

Section 3624. Powers. The FAST Board will have powers under the Inspector General Act to conduct audits, investigations, and reviews.

Sections 3625, 3626, 3627. Specify the FAST Board’s employment, personnel, and related authorities; give it rulemaking authority; and provide for the transfer of Recovery Board personnel.

Section 3628. Appropriation. Authorizes an annual appropriation of \$51 million through fiscal year 2018.

*Section 202. Conforming amendment relating to compensation of Chairperson*

This section sets the FAST Board Chairperson’s compensation in Level III of the Executive Schedule.

*Section 203. Amendments and repeal of Recovery Accountability and Transparency Board*

This section provides that the FAST Board will fulfill the responsibilities of the Recovery Board until the Recovery Board’s scheduled end on September 30, 2013.

TITLE III—ADDITIONAL PROVISIONS

*Section 301. Classified information.* Prevents any disclosure of classified information under this Act.

*Section 302. Paperwork Reduction Act Exemption.* Exempts specific activities of the FAST Boards and inspectors general from the Paperwork Reduction Act.

*Section 303. Matching Program.* Exempts specific activities of the FAST Board and inspectors general from the Computer Matching Act.

*Section 304. Transfer of Consolidated Federal Funds Report.* Transfers responsibility for the annual Consolidated Federal Funds Report from the Department of Commerce to the FAST Board.

*Section 305. Repeal of FFATA.* Repeals the superseded Federal Funding Accountability and Transparency Act of 2006.

*Section 306. Government Accountability Office Improvement.* Amends Title 31 of the U.S. Code to provide additional authorities to the Comptroller General, including filing civil actions to obtain agency records and administering oaths; provides that the Comptroller General's ability to obtain records shall not be limited by various existing statutes

*Section 307. Effective date.* October 1, 2011.

#### EXPLANATION OF AMENDMENTS

Chairman Issa offered an amendment in the nature of a substitute that included the following changes: (1) a clarification of the definition of "recipient" to ensure that the recipient reporting mandate extends to every tier of subgrants and subcontracts; (2) requirements that significant actions of the FAST Board be "by rule," to ensure that these actions are subject to the notice-and-comment procedures prescribed by the Administrative Procedure Act; (3) an adjustment to the recipient reporting exemption to ensure that the recipients of student loans are excluded from the reporting requirement; (4) the addition of the inspector general and deputy secretary of the Department of the Treasury to the FAST Board; (5) a requirement of a majority vote of the FAST Board for the issuance of a subpoena; and (6) the incorporation of provisions expanding the access of the Comptroller General to certain information. The amendment in the nature of a substitute was agreed to by voice vote.

Rep. Speier offered an amendment to the amendment in the nature of a substitute requiring the FAST Board to give "high priority," to the extent practicable, to audits, investigations, and reviews of Federal funds awarded without the use of competitive procedures. The amendment was agreed to by voice vote.

Rep. Welch offered an amendment to the amendment in the nature of a substitute requiring the FAST Board to give "high priority," to the extent practicable, to audits, investigations, and reviews of Federal funds awarded to any contractor found to be in violation of the Foreign Corrupt Practices Act of 1977. The amendment was agreed to by voice vote.

Rep. Quigley offered an amendment to the amendment in the nature of a substitute requiring the FAST Board to compile and submit to Congress a report on the feasibility of collecting and publishing tax expenditures data. The amendment was agreed to by voice vote.

#### COMMITTEE CONSIDERATION

On June 22, 2011, the Committee met in open session and ordered reported favorably the bill, H.R. 2146, as amended, by voice vote, a quorum being present.

#### ROLL CALL VOTES

There were no roll call votes during consideration of H.R. 2146.

## APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill requires federal agencies to publicly report obligations and expenditures, and imposes a universal reporting requirement for recipients of federal grants, loans and contracts. As such this bill does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF  
THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

## FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

## UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104–4) requires a statement as to whether the provisions of the reported include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

## EARMARK IDENTIFICATION

H.R. 2146 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 2146. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST  
ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2146 from the Director of Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 16, 2011.*

Hon. DARRELL ISSA,  
*Chairman, Committee on Oversight and Government Reform,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2146, the DATA Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

*H.R. 2146—DATA Act*

Summary: H.R. 2146 would establish a new independent board within the Executive Branch to track federal spending on grants, contracts, and loans and to provide information about federal spending on a single public Web site. H.R. 2146 also would require federal agencies and recipients of federal funds to comply with reporting requirements issued by the board. Finally, the legislation would end the authorization for the existing Recovery Accountability and Transparency Board (Recovery Board).

Assuming appropriation of amounts authorized and estimated to be necessary to improve the collection and reporting of government financial data, CBO estimates that implementing the bill would cost \$575 million over the 2012–2016 period. Enacting H.R. 2146 could increase revenues from the collection of civil and criminal penalties and direct spending of those amounts; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net budgetary impact of any additional collections would be negligible for each year.

H.R. 2146 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2146 is shown in the following table. The costs of this legislation fall within budget function 800 (general government) and all budget functions that include spending on grants, contracts, and loans.

	By fiscal year, in millions of dollars—					2012– 2016
	2012	2013	2014	2015	2016	
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Federal Accountability and Spending Transparency Board:						
Authorization Level .....	51	51	51	51	51	255
Estimated Outlays .....	47	50	51	51	51	250
Collection and Reporting of Financial Data:						
Estimated Authorization Level .....	50	90	75	60	50	325
Estimated Outlays .....	50	90	75	60	50	325
Total Changes:						
Estimated Authorization Level .....	101	151	126	126	101	580
Estimated Outlays .....	97	150	126	126	101	575

Notes: Amounts may not sum to totals because of rounding.

**Basis of estimate:** For this estimate, CBO assumes that the legislation will be enacted near the end of 2011, that the specified and necessary amounts will be appropriated near the start of each fiscal year, and that spending will follow historical patterns for similar activities. CBO estimates that implementing H.R. 2146 would cost \$575 million over the 2012–2016 period.

#### *Federal Accountability and Spending Transparency Board*

H.R. 2146 would establish the Federal Accountability and Spending Transparency (FAST) Board to replace the Recovery Board that was created by the American Recovery and Reinvestment Act of 2009 (ARRA). The Recovery Board, consisting of a chairman and 12 inspectors general, was created to oversee ARRA spending and act to prevent waste, fraud, and abuse from federal expenditures. The Recovery Board produces reports on ARRA spending and maintains three Web sites.

The FAST board would consist of a paid chairman, appointed by the President, and 18 members, including eight Inspectors General from the Departments of the Treasury, Defense, Agriculture, Health and Human Services, Transportation, Energy, Education, and Homeland Security. The FAST Board would have an executive director and staffing would be provided by employees transferred from the Recovery Board. The FAST board would have the authority to establish data standards for agencies and recipients of federal funds and to track and publicly report information about federal spending on grants, contracts, and loans. H.R. 2146 would authorize the appropriation of \$51 million annually over the 2012–2018 period to operate the FAST board. Assuming appropriation of those amounts, CBO estimates that implementing those provisions would cost \$250 million over the 2012–2016 period and around \$100 million after 2016.

#### *Collection and reporting of financial data*

The federal government has many databases that it uses to monitor and report on federal spending. Three of the major ones are the U.S. Census Bureau's Federal Assistance Award Data System (FAADS), the General Services Administration's Federal Procurement Data System (FPDS), and the U.S. Department of Health and Human Services' Web site, [www.Grants.gov](http://www.Grants.gov). There are also Web sites, such as the Office of Management and Budget's [www.usaspending.gov](http://www.usaspending.gov), which display award amounts for all federal contracts, grants, and loans, and the Recovery Accountability and



Transparency Board's Web site, [www.recovery.gov](http://www.recovery.gov), which is limited to tracking spending stemming from ARRA.

H.R. 2146 would authorize creation of a single comprehensive database of federal spending that would be available through a public Web site. That site would include lists of all entities that receive federal contracts, grants, or loans. Creating this Web site would involve combining and eliminating some current systems. The FAST board also would establish consistent definitions for data, reporting, and standards to be used by federal agencies and certain recipients of federal funds.

Information from the Office of Management and Budget, the Recovery Board, and federal agencies indicates that the government currently collects most of the information that would be needed to create a comprehensive database on federal spending as required under H.R. 2146. However, not all of that information is standardized, accurate, or readily available. CBO estimates that improving the government's current efforts to collect and report on financial data would have a net cost of about \$325 million over the 2012–2016 period. Those costs are net of savings that would result from ending the authority for the Recovery Board and eliminating some federal information systems. Additional costs would cover computers, training, and communications between agencies and recipients about the reporting of financial information as well as activities to standardize financial reporting.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. Enacting H.R. 2146 could increase revenues from civil and criminal fines imposed on those who violate the regulations issued by the board. Civil fines are recorded in the budget as revenues and deposited into the general fund of the Treasury. Criminal fines are recorded as revenues, which are deposited in the Crime Victims Fund and spent in subsequent years. CBO expects that any net effect associated with collecting and spending such penalties would not be significant in any year.

Intergovernmental and private-sector impact: H.R. 2146 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal spending: Matthew Pickford; Impact on state, local, and tribal governments: Elizabeth Cove Delisle; Impact on the private sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 31, UNITED STATES CODE

SUBTITLE I—GENERAL

\* \* \* \* \*

CHAPTER 7—GOVERNMENT ACCOUNTABILITY OFFICE

SUBCHAPTER I—DEFINITIONS AND GENERAL ORGANIZATION

Sec.

701. Definitions.

\* \* \* \* \*

721. Access to certain information.

\* \* \* \* \*

SUBCHAPTER II—GENERAL DUTIES AND POWERS

§ 711. General authority

The Comptroller General may—

(1) \* \* \*

\* \* \* \* \*

[(4) administer oaths to witnesses when auditing and settling accounts.]

(4) administer oaths to witnesses when auditing and settling accounts and, with the prior express approval of the Comptroller General, when investigating fraud or attempts to defraud the United States, or irregularity or misconduct of an employee or agent of the United States.

\* \* \* \* \*

§ 716. Availability of information and inspection of records

(a)(1) The Comptroller General is authorized to obtain such agency records as the Comptroller General requires to discharge his duties (including audit, evaluation, and investigative duties), including through the bringing of civil actions under this section. In reviewing a civil action under this section, the court shall recognize the continuing force and effect of the authorization in the preceding sentence until such time as the authorization is repealed pursuant to law.

[(a)] (2) Each agency shall give the Comptroller General information the Comptroller General requires about the duties, powers, activities, organization, and financial transactions of the agency. The Comptroller General may [inspect an agency record] inspect, and make and retain copies of, an agency record to get the information. This subsection does not apply to expenditures made under section 3524 or 3526(e) of this title.

\* \* \* \* \*

§ 720. Agency reports

(a) \* \* \*

(b) When the Comptroller General makes a report that includes a recommendation to the head of an agency, the head of the agency shall submit a written statement on action taken or planned on the

recommendation by the head of the agency. The statement shall be submitted to—

[(1) the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives before the 61st day after the date of the report; and]

*(1) the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the congressional committees with jurisdiction over the agency program or activity that is the subject of the recommendation, and the Government Accountability Office before the 61st day after the date of the report; and*

\* \* \* \* \*

**§ 721. Access to certain information**

*(a) No provision of the Social Security Act, including section 453(l) of that Act (42 U.S.C. 653(l)), shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information or to inspect or copy any record under section 716 of this title.*

*(b) No provision of the Federal Food, Drug, and Cosmetic Act, including section 301(j) of that Act (21 U.S.C. 331(j)), shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information or to inspect or copy any record under section 716 of this title.*

*(c) No provision of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (Public Law 94-435) and the amendments made by that Act shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information or to inspect or copy any record under section 716 of this title, including with respect to any information disclosed to the Assistant Attorney General of the Antitrust Division of the Department of Justice or the Federal Trade Commission for purposes of pre-merger review under section 7A of the Clayton Act (15 U.S.C. 18a).*

*(d)(1) The Comptroller General shall prescribe such policies and procedures as are necessary to protect from public disclosure proprietary or trade secret information obtained consistent with this section.*

*(2) Nothing in this section shall be construed to—*

*(A) alter or amend the prohibitions against the disclosure of trade secret or other sensitive information prohibited by section 1905 of title 18 and other applicable laws; or*

*(B) affect the applicability of section 716(e) of this title, including the protections against unauthorized disclosure contained in that section, to information obtained consistent with this section.*

*(e) Specific references to statutes in this section shall not be construed to affect access by the Government Accountability Office to information under statutes that are not so referenced.*

\* \* \* \* \*

## SUBTITLE III—FINANCIAL MANAGEMENT

Chapter	Sec.
31. Public Debt .....	3101
*        *        *        *        *        *	
36. <i>Accountability and Transparency in Federal Spending</i>	3601
*        *        *        *        *        *	

### CHAPTER 36—ACCOUNTABILITY AND TRANSPARENCY IN FEDERAL SPENDING

#### SUBCHAPTER I—REPORTING REQUIREMENTS

- Sec.
3601. *Definitions.*
3602. *Recipient reporting requirement.*
3603. *Agency reporting requirement.*
3604. *Exemptions from recipient reporting requirement.*

#### SUBCHAPTER II—DATA STANDARDIZATION

3611. *Data standardization for reporting information.*
3612. *Full disclosure of information.*
3613. *Federal accountability portal.*
3614. *Agency responsibilities.*
3615. *Office of Management and Budget responsibilities.*
3616. *Treasury responsibilities.*

#### SUBCHAPTER III—FEDERAL ACCOUNTABILITY AND SPENDING TRANSPARENCY BOARD

3621. *Establishment.*
3622. *Composition of the board.*
3623. *Functions.*
3624. *Powers.*
3625. *Employment, personnel, and related authorities.*
3626. *Rulemaking authority.*
3627. *Transfer of certain personnel.*
3628. *Authorization and availability of appropriations.*

#### SUBCHAPTER IV—GENERAL PROVISIONS

3641. *Independence of Inspectors General.*
3642. *Effective date.*
3643. *Sunset.*

#### SUBCHAPTER I—REPORTING REQUIREMENTS

##### § 3601. **Definitions**

*In this chapter:*

- (1) **RECIPIENT.**—*The term “recipient” means—*
- (A) *any person that receives Federal funds pursuant to a Federal award, either directly or through a subgrant or subcontract at any tier; and*
- (B) *any State, local, or tribal government, or any government corporation, that receives Federal funds pursuant to a Federal award, either directly or through a subgrant or subcontract at any tier.*
- (2) **FEDERAL AWARD.**—*The term “Federal award” means Federal financial assistance and expenditures that—*
- (A) *include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance; and*
- (B) *include contracts, subcontracts, purchase orders, task orders, delivery orders, blanket purchase agreements, schedule orders, and other transactions.*

(3) *FEDERAL FUNDS.*—The term “Federal funds” means any funds that are made available to an Executive agency through Federal appropriations.

(4) *BOARD.*—The term “Board” means the Federal Accountability and Spending Transparency Board established under subchapter III of this chapter.

(5) *CHAIRPERSON.*—The term “Chairperson” means the Chairperson of the Federal Accountability and Spending Transparency Board.

(6) *EXECUTIVE AGENCY.*—The term “Executive agency” has the meaning provided by section 105 of title 5, except the term does not include the Government Accountability Office.

(7) *FOREIGN CORRUPT PRACTICES ACT OF 1977.*—The term “Foreign Corrupt Practices Act of 1977” means—

(A) section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1); and

(B) sections 104 and 104A of the Foreign Corrupt Practices Act (15 U.S.C. 78dd-2).

### **§ 3602. Recipient reporting requirement**

(a) *REQUIREMENT.*—Each recipient shall report each receipt and use of Federal funds pursuant to a Federal award to the Board.

(b) *CHARACTERISTICS OF REPORTS.*—

(1) *FREQUENCY OF REPORTS.*—

(A) *IN GENERAL.*—The Board shall designate, by rule, the frequency of reports to be submitted by recipients under subsection (a), but the frequency shall not be less than once each quarter.

(B) *CONTINUOUS OR AUTOMATIC REPORTING.*—To the extent practicable, the Board shall require continuous or automatic reporting for compliance with this section.

(2) *CONTENT OF REPORTS.*—Each report submitted by a recipient under subsection (a) shall contain—

(A) an identification of the recipient, including the recipient’s name and location, with location information provided in proper United States Postal Service standardized format, including ZIP+4, or proper international postal service standardized format where applicable;

(B) an identification of the Executive agency;

(C) an identification of the Federal award;

(D) if applicable, an identification of the program pursuant to which the Federal award was awarded;

(E) the total amount of Federal funds received from that Executive agency for the Federal award, during the period covered by the report;

(F) the amount of Federal funds from the Federal award that were expended or obligated by the recipient to projects or activities during the period covered by the report;

(G) a detailed list of all projects or activities for which Federal funds were expended or obligated;

(H) if the Federal award is a prime award, an identification of all subawards;

(I) if the Federal award is a subaward, an identification of its prime award; and

(J) such additional information reasonably related to the receipt and use of Federal funds as the Board shall, by rule, require.

(3) *USE OF DATA STANDARDS.*—The reports submitted under this section shall use the common data elements and data reporting standards designated by the Board under section 3611.

(c) *FULFILLMENT OF REQUIREMENTS BY PRIME AWARDEES.*—The Board shall, by rule, permit prime awardees to fulfill the requirements of this section on behalf of subawardees, so long as all subaward tiers are reported.

(d) *GUIDANCE BY BOARD.*—The Board shall issue guidance to recipients on compliance with this section.

(e) *REGISTRATION.*—Recipients required to report information under subsection (a) shall register with the Central Contractor Registration database or complete such other registration requirements as the Board shall, by rule, require.

**§ 3603. Agency reporting requirement**

(a) *REQUIREMENT.*—Each Executive agency shall report all obligations and expenditures of Federal funds to the Board.

(b) *CHARACTERISTICS OF REPORTS.*—

(1) *FREQUENCY OF REPORTS.*—

(A) *IN GENERAL.*—The Board shall designate, by rule, the frequency of reports to be submitted by agencies under subsection (a), but the frequency shall not be less than once each quarter.

(B) *CONTINUOUS OR AUTOMATIC REPORTING.*—To the extent practicable, the Board shall require continuous or automatic reporting for compliance with this section.

(2) *CONTENT OF REPORT.*—

(A) The Board shall designate, by rule, the content of reports to be submitted by agencies under subsection (a).

(B) To the extent practicable, reports submitted by agencies under subsection (a) shall identify the programs and budget functions pursuant to which Federal funds are obligated or expended.

(C) To the extent practicable, the Board shall permit agencies to comply with subsection (a) by submitting the same information that they submit or contribute for other governmentwide reporting requirements, including the following:

(i) For information about Federal awards—

(I) the Federal assistance awards data system established pursuant to section 6102a of title 31, United States Code;

(II) the Federal procurement data system established pursuant to section 1122(a)(4) of title 41, United States Code;

(III) the common application and reporting system established pursuant to section 6 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note); or

(IV) such systems as may be established to replace or supplement the systems identified in this clause.

(ii) For information about internal expenditures and accounting, the Federal Agencies' Centralized Trial-Balance Systems (FACTS I and FACTS II), the Governmentwide Financial Report System (GFRS), the Intragovernmental Fiduciary Confirmation System (IFCS), or such systems as may be established to replace or supplement such systems.

(3) *USE OF DATA STANDARDS.*—The reports submitted under this section shall use the common data elements and data reporting standards designated by the Board under section 3611.

(4) *INFORMATION ALSO SUBJECT TO RECIPIENT REPORTING REQUIREMENT.*—In complying with this section, each Executive agency shall identify, to the extent practicable, Federal awards made by the agency that are subject to the recipient reporting requirement of section 3602 so that information reported by recipients and information reported by the agency can be directly compared.

(c) *GUIDANCE BY BOARD.*—The Board shall issue guidance to Executive agencies on compliance with this section.

(d) *BOARD TO MONITOR COMPLIANCE.*—The Board shall regularly report to Congress on each Executive agency's compliance with this section, including the timeliness, completeness, accuracy, and interoperability of the data submitted by each Executive agency. The Board shall make these reports publicly available contemporaneously online.

#### **§ 3604. Exemptions from recipient reporting requirement**

(a) *EXEMPTION.*—A recipient is exempt from the reporting requirement of section 3602 with respect to funds received pursuant to a Federal award if—

(1) the recipient is an individual; and

(2) either—

(A) the total amount of Federal funds received by the recipient does not exceed \$100,000 in the current calendar year or fiscal year; or

(B) no transaction in which the recipient has received Federal funds during the current calendar year or fiscal year has exceeded \$24,999.

(b) *AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.*—The Board may, by rule, grant additional exemptions under this section for classes or categories of recipients.

### **SUBCHAPTER II—DATA STANDARDIZATION**

#### **§ 3611. Data standardization for reporting information**

(a) *COMMON DATA ELEMENTS.*—

(1) *REQUIREMENT.*—The Board shall, by rule, designate common data elements, such as codes, identifiers, and fields, for information required to be reported by recipients or agencies under this chapter.

(2) *CHARACTERISTICS OF COMMON DATA ELEMENTS.*—The common data elements designated under paragraph (1) shall, to the extent practicable, be nonproprietary.

(3) *EXISTING COMMON DATA ELEMENTS.*—*In designating common data elements under this subsection, the Board shall, to the extent practicable, incorporate the following:*

(A) *Common data elements developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization.*

(B) *Common data elements developed and maintained by intragovernmental partnerships, such as the National Information Exchange Model.*

(C) *Common data elements developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council.*

(D) *Common data elements developed and maintained by accounting standards organizations.*

(b) *DATA REPORTING STANDARDS.*—

(1) *REQUIREMENT.*—*The Board shall, by rule, designate data reporting standards to govern the reporting required to be performed by recipients and agencies under this title.*

(2) *CHARACTERISTICS OF DATA REPORTING STANDARDS.*—*The data reporting standards required by paragraph (1) shall, to the extent practicable—*

(A) *incorporate a widely accepted, nonproprietary, searchable, platform-independent computer-readable format;*

(B) *be consistent with and implement applicable accounting principles; and*

(C) *be capable of being continually upgraded as necessary.*

(3) *EXISTING DATA REPORTING STANDARDS.*—*In designating reporting standards under this subsection, the Board shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Business Reporting Language (XBRL).*

### **§ 3612. Full disclosure of information**

(a) *REQUIREMENT.*—*The Board shall publish online all information submitted by recipients and agencies pursuant to sections 3602 and 3603.*

(b) *AGGREGATION OF INFORMATION THAT IS EXEMPT FROM RECIPIENT REPORTING REQUIREMENT.*—*The Board shall publish, online and in the aggregate, information that is exempt from recipient reporting under section 3604 but that is reported by an Executive agency under section 3603 in the aggregate.*

(c) *COMPLIANCE WITH OPEN DATA PRINCIPLES AND BEST PRACTICES.*—*To the extent practicable, the Board shall publish data under this section in a manner that complies with applicable principles and best practices in the private sector for the publication of open government data.*

(d) *ONLINE PUBLICATION.*—

(1) *IN GENERAL.*—*The Board shall, in accordance with this section and section 204 of the E-Government Act of 2002 (44 U.S.C. 3501 note), establish and maintain one or more websites for the publication of data required to be published online under this section.*



(2) *PURPOSE OF WEBSITE OR WEBSITES.*—The website or websites established and maintained under this subsection shall serve as a public portal for Federal financial information, including information concerning all Federal awards and information concerning the expenditure of all Federal funds.

(3) *CONTENT AND FUNCTION OF WEBSITE OR WEBSITES.*—The Board shall ensure that the website or websites established and maintained under this subsection:

(A) Makes available all information published under subsection (a) in a reasonably timely manner.

(B) Makes available all information published under subsection (a) in its original format.

(C) Makes available all information published under subsection (a) without charge, license, or registration requirement.

(D) Permits all information published under subsection (a) to be searched and aggregated.

(E) Permits all information published under subsection (a) to be downloaded in bulk.

(F) To the extent practicable, disseminates information published under subsection (a) via automatic electronic means.

(G) To the extent practicable, permits information published under subsection (a) to be freely shared by the public, such as by social media.

(H) To the extent practicable, uses permanent uniform resource locators for information published under subsection (a).

(I) Provide an opportunity for the public to provide input about the usefulness of the site and recommendations for improvements.

(e) *AGREEMENTS WITH OTHER AGENCIES.*—The Board may make contracts or agreements with any Federal agency (within or outside the executive branch) to publish data maintained by such agency on the website or websites established and maintained under this section.

(f) *NEW TECHNOLOGIES.*—Notwithstanding any other provision in this section, the Board may comply with the requirements of this section using such new technologies as may replace websites for data publication and dissemination.

(g) *TRANSFER OF FUNCTIONS OF USASPENDING.GOV.*—The Board and the Office of Management and Budget shall transfer the functions of USASpending.gov to the website or websites established under this section.

### **§ 3613. Federal accountability portal**

(a) *REQUIREMENT.*—The Board shall establish and maintain an integrated Internet-based system, consisting of one or more websites and to be known as a “Federal accountability portal”, to carry out the functions described in subsection (b).

(b) *FUNCTIONS.*—The Federal accountability portal shall be designed and operated to carry out the following functions:

(1) Combine information submitted by recipients and agencies under sections 3602 and 3603 with other compilations of infor-

mation, such as Government databases and other proprietary and nonproprietary databases.

(2) Permit Executive agencies to verify the eligibility of recipients to receive Federal funds and to access information relevant to the responsibility of recipients.

(3) Permit Executive agencies, Inspectors General, and law enforcement agencies to track Federal awards and recipients to detect and prevent waste, fraud, and abuse.

(c) *GUIDANCE BY BOARD.*—The Board shall issue guidance on the use of and access to the Federal accountability portal.

#### **§3614. Agency responsibilities**

(a) *REQUIREMENT.*—As a condition of receipt of Federal funds of an Executive agency pursuant to any Federal award, the Executive agency shall require any recipient of such funds to provide the information required under section 3602.

(b) *PENALTIES FOR RECIPIENTS' NONCOMPLIANCE.*—

(1) *IN GENERAL.*—The head of an Executive agency may impose a civil penalty in an amount not more than \$250,000 on a recipient of Federal funds from that Executive agency that does not provide the information required under section 3602 or provides information that contains a material omission or misstatement.

(2) *NONPRECLUSION.*—The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy that is available by law to the United States or any other person. Any amounts received from a civil penalty under this subsection shall be deposited in the Treasury of the United States to the credit of the appropriation or appropriations from which the award is made.

(3) *NOTIFICATION.*—The head of an Executive agency shall provide a written notification to a recipient that fails to provide the information required under section 3602 or provides information that contains a material omission or misstatement. Such notification shall provide the recipient with information on how to comply with the requirements of section 3602 and notice of the penalties for failing to do so. The head of the Executive agency may not impose a civil penalty under paragraph (1) until 30 days after the date of the notification.

(c) *COMPLIANCE WITH BOARD GUIDANCE.*—Executive agencies shall comply with the instructions and guidance issued by the Board under this Act.

(d) *INFORMATION AND ASSISTANCE.*—

(1) *IN GENERAL.*—Upon request of the Board for information or assistance from any Executive agency or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Board, or an authorized designee.

(2) *REPORT OF REFUSALS.*—Whenever information or assistance requested by the Board is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to Congress.

(e) *USE OF DATA STANDARDS.*—After the Board designates any common data element or data reporting standard under section 3611, each Executive agency shall issue guidance that requires every recipient of Federal funds under any of its Federal awards to use that common data element or data reporting standard for any information reported to that Executive agency to which the common data element or data reporting standard is applicable.

**§ 3615. Office of Management and Budget responsibilities**

After the Board designates any common data element or data reporting standard under section 3611, the Director of the Office of Management and Budget shall issue guidance that requires Executive agencies to use that common data element or data reporting standard for any information reported by Executive agencies to the Office of Management and Budget to which the common data element or data reporting standard is applicable.

**§ 3616. Treasury responsibilities**

After the Board designates any common data element or data reporting standard under section 3611, the Secretary of the Treasury shall issue guidance that requires Executive agencies to use that common data element or data reporting standard for any information reported by Executive agencies to the Department of the Treasury to which the common data element or data reporting standard is applicable.

**§ 3617. General Services Administration responsibilities**

After the Board designates any common data element or data reporting standard under section 3611, the Administrator of General Services shall apply that common data element or data reporting standard for any information contained in acquisition-related databases maintained by the General Services Administration to which the common data element or data reporting standard is applicable.

**SUBCHAPTER III—FEDERAL ACCOUNTABILITY AND SPENDING TRANSPARENCY BOARD**

**§ 3621. Establishment**

(a) *ESTABLISHMENT.*—There is established the Federal Accountability and Spending Transparency Board as an independent agency in the Executive Branch.

(b) *FUNCTIONS AND POWERS TRANSFERRED.*—

(1) *FUNCTIONS TRANSFERRED.*—Except as provided in this section, there are transferred to the Board all functions of the Recovery Accountability and Transparency Board.

(2) *POWERS, AUTHORITIES, RIGHTS, AND DUTIES.*—The Federal Accountability and Spending Transparency Board shall succeed to all powers, authorities, rights, and duties that were vested in the Recovery Accountability and Transparency Board on the day before the effective date of this chapter.

**§ 3622. Composition of the board**

(a) *CHAIRPERSON.*—

(1) *IN GENERAL.*—There is a Chairperson of the Board, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) *HEAD OF BOARD.*—The Chairperson is the head of the Board and shall have direction, authority, and control over it.

(3) *COMMISSION ESTABLISHED.*—When a vacancy occurs in the office of the Chairperson of the Board, a commission is established to recommend individuals to the President for appointment to the vacant office. The commission shall be composed of—

(A) the Speaker of the House of Representatives;

(B) the President pro tempore of the Senate;

(C) the majority and minority leaders of the House of Representatives and the Senate; and

(D) the chairmen and ranking minority members of the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(4) *RECOMMENDATIONS.*—A commission established because of a vacancy in the office of the Chairperson of the Board shall recommend at least three individuals. The President may ask the commission to recommend additional individuals.

(5) *TERM.*—The term of service of the Chairperson of the Board shall be 5 years, but the Chairperson may serve after the expiration of the Chairperson's term until a successor has taken office.

(6) *LIMITATION ON TERMS.*—No person may serve as the Chairperson of the Board for more than 2 terms, whether or not such terms of service are consecutive.

(7) *COMPENSATION.*—An individual appointed as Chairperson under paragraph (1) shall be compensated at the rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(b) *MEMBERS.*—The members of the Board shall include—

(1) the Inspectors General of the Department of the Treasury, the Department of Defense, the Department of Agriculture, the Department of Health and Human Services, the Department of Transportation, the Department of Energy, the Department of Education, and the Department of Homeland Security;

(2) the Deputy Secretary of the Department of the Treasury, the Chief Management Officer of the Department of Defense, the Deputy Secretaries of the Department of Agriculture, the Department of Health and Human Services, the Department of Transportation, the Department of Energy, the Department of Education, and the Undersecretary for Management of the Department of Homeland Security; and

(3) the Controller of the Office of Federal Financial Management and the Deputy Director for Management of the Office of Management and Budget.

### **§ 3623. Functions**

(a) *IN GENERAL.*—The Board shall—

(1) be responsible for the collection, storage, and public disclosure of information about Federal spending;

(2) serve as the authoritative government source for the information about Federal spending that it collects; and

(3) coordinate and conduct oversight of Federal funds in order to prevent fraud, waste, and abuse.

(b) **SPECIFIC FUNCTIONS.**—The functions of the Board shall include each of the following:

(1) Receiving, storing, and publicly disseminating all of the information that is reported to it under this Act.

(2) Reviewing whether reporting under section 3602 meets applicable standards and specifies the purpose of the Federal award and measures of performance.

(3) Auditing, investigating, or reviewing Federal funds to determine whether fraud, wasteful spending, poor contract or grant management, or other abuses are occurring and referring matters it considers appropriate for further investigation to the inspector general for the Executive agency that disbursed the Federal funds.

(4) Regularly auditing the quality of the data submitted to it under sections 3602 and 3603.

(5) Standardizing common data elements and data reporting standards to foster transparency and accountability for Federal spending, as required by section 3611.

(6) Reviewing whether there are appropriate mechanisms for interagency collaboration relating to Federal funds, including coordinating and collaborating to the extent practicable with the Inspectors General Council on Integrity and Efficiency established by the Inspector General Reform Act of 2008 (Public Law 110–409).

(7) Issuing a report in accordance with subsection (e) on the feasibility of collecting and publishing online tax expenditures data.

(c) **PRIORITIES IN AUDITS, INVESTIGATIONS, AND REVIEWS.**—

(1) **IN GENERAL.**—To the extent practicable, the Board shall give high priority to auditing, investigating, or reviewing Federal funds—

(A) awarded without the use of competitive procedures; or

(B) awarded to any contractor found to be in violation of the Foreign Corrupt Practices Act of 1977.

(2) **IDENTIFICATION.**—The Board shall identify any contractor found to be in violation of the Foreign Corrupt Practices Act of 1977 as a violator of such Act in any contract information related to such contractor published online under section 3612.

(d) **REPORT REQUIREMENTS.**—

(1) **REPORTS.**—

(A) **REGULAR REPORTS ON DATA QUALITY AUDITS.**—The Board shall regularly submit to the President and Congress reports on its audits of the quality of the data submitted to it under sections 3602 and 3603.

(B) **SEMI-ANNUAL REPORTS ON ACTIVITIES.**—The Board shall submit semi-annual reports to the President and Congress, summarizing the activities and findings of the Board and the findings of inspectors general of Executive agencies.

(C) **REPORT ON SAVINGS.**—Not later than five years after the effective date of this chapter, the Board shall submit to the President, Congress, and the Comptroller General of the

*United States a report containing estimates of the direct and indirect cost savings to the Treasury achieved as a result of the Board's activities.*

(2) *PUBLIC AVAILABILITY.—The Board shall make all reports submitted under paragraph (1) publicly available contemporaneously online.*

(3) *GAO EVALUATION.—Upon receipt of the report submitted by the Board under paragraph (1)(C), the Comptroller General shall conduct an evaluation of the report and submit the evaluation to Congress within six months after receipt of the report, with such findings and recommendations as the Comptroller General considers appropriate.*

(e) *TAX EXPENDITURES REPORT.—*

(1) *IN GENERAL.—For purposes of subsection (b)(7), not later than one year after the effective date of this chapter, the Board shall submit to the appropriate congressional committees a report on tax expenditures data that includes the following:*

(A) *A description of processes that could be put in place to collect and disseminate tax expenditures data, and the potential effects of making such data publicly available on the Internal Revenue Service, taxpayers, and other relevant parties determined by the Board.*

(B) *Any changes in law that are needed to make such tax expenditures data publicly available.*

(2) *TAX EXPENDITURES DEFINED.—In this section, the term “tax expenditures” has the meaning given that term in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)).*

(3) *PUBLIC AVAILABILITY.—The Board shall make the report submitted under paragraph (1) publicly available.*

(f) *RECOMMENDATIONS.—*

(1) *IN GENERAL.—The Board shall make recommendations to Executive agencies on measures to prevent fraud, waste, and abuse relating to Federal funds.*

(2) *RESPONSIVE REPORTS.—Not later than 30 days after receipt of a recommendation under paragraph (1), an Executive agency shall submit a report to the President, the congressional committees of jurisdiction, and the Board on whether the Executive agency agrees or disagrees with the recommendations and any actions the Executive agency will take to implement the recommendations. The Board shall make all reports submitted to it under this paragraph publicly available contemporaneously online.*

### **§ 3624. Powers**

(a) *IN GENERAL.—The Board shall conduct audits, investigations, and reviews of spending of Federal funds and coordinate on such activities with the inspectors general of the relevant Executive agency to avoid duplication and overlap of work.*

(b) *AUDITS AND REVIEWS.—The Board may—*

(1) *conduct its own independent audits, investigations, and reviews relating to Federal funds; and*

(2) *collaborate on audits, investigations, and reviews relating to Federal funds with any inspector general of an Executive agency.*

(c) *AUTHORITIES.*—

(1) *AUDITS, INVESTIGATIONS, AND REVIEWS.*—*In conducting audits, investigations, and reviews, the Board shall have the authorities provided under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).*

(2) *SUBPOENA AUTHORITY.*—

(A) *IN GENERAL.*—*In addition to the authorities provided pursuant to paragraph (1) and subject to subparagraph (B), the Board may issue subpoenas to compel the testimony of persons who are not Federal officers or employees and may enforce such subpoenas in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).*

(B) *BOARD APPROVAL FOR SUBPOENA.*—*No subpoena may be issued under this subsection without the approval, by vote, of a majority of the Board.*

(3) *MATCHING PROGRAM AUTHORITY WITH RESPECT TO EVALUATIONS AND REVIEWS.*—*The authorities provided under section 6(a)(9) of the Inspector General Act of 1978 (provided to the Board pursuant to paragraph (1)) may be used by the Board while conducting an evaluation or other review authorized under such Act.*

(d) *CONTRACTS.*—

(1) *IN GENERAL.*—*The Board may enter into contracts to enable the Board to discharge its duties under this chapter, including contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Board.*

(2) *CONTRACTING FOR MISSIONS OF OTHER AGENCIES.*—*The Board may enter into contracts with any Federal agency (within or outside the executive branch) to enable such agency to identify waste, fraud, and abuse, including contracts and other arrangements for audits, studies, analyses, and other services.*

(e) *STANDARDS AND GUIDELINES.*—*The Board shall carry out the authorities provided under subsections (a) and (b) in accordance with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).*

(f) *TRANSFER OF FUNDS.*—*The Board may transfer funds appropriated to the Board for expenses to support administrative support services and audits, reviews, or other activities related to oversight by the Board of covered funds to any office of inspector general, the Office of Management and Budget, and the General Services Administration.*

**§ 3625. Employment, personnel, and related authorities**

(a) *SELECTION OF EXECUTIVE DIRECTOR.*—*On behalf of the Board, the Chairperson shall appoint an Executive Director who shall be the chief executive officer of the Board and who shall carry out the functions of the Board subject to the supervision and direction of the Board. The position of Executive Director shall be a career reserved position in the Senior Executive Service, as that position is defined under section 3132 of title 5, United States Code.*

(b) *ADMINISTRATIVE SUPPORT.*—The General Services Administration shall provide the Board with administrative support services, including the provision of office space and facilities.

**§ 3626. Rulemaking authority**

The Board shall promulgate regulations to carry out this chapter.

**§ 3627. Transfer of certain personnel**

(a) *RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD EMPLOYEES.*—The Chairperson or Executive Director, or both, shall identify employees of the Recovery Accountability and Transparency Board for transfer to the Board, and such identified employees shall be transferred to the Board for employment.

(b) *PAY.*—

(1) Except as provided in paragraph (2), each transferred employee shall, during the 2-year period beginning on the effective date of this chapter, receive pay at a rate equal to not less than the basic rate of pay (including any geographic differential) that the employee received during the pay period immediately preceding the date of transfer.

(2) Paragraph (1) does not limit the right of the Board to reduce the rate of basic pay of a transferred employee for cause, for unacceptable performance, or with the consent of the employee.

(3) Paragraph (1) applies to a transferred employee only while that employee remains employed by the Board.

**§ 3628. Authorization and availability of appropriations**

(a) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated \$51,000,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018 to carry out the functions of the Board.

(b) *AVAILABILITY OF APPROPRIATIONS.*—If the Recovery Accountability and Transparency Board has unobligated appropriations as of the effective date of this chapter, such appropriations shall remain available to the Board until September 30, 2015.

SUBCHAPTER IV—GENERAL PROVISIONS

**§ 3641. Independence of Inspectors General**

Nothing in this chapter shall affect the independent authority of an inspector general to determine whether to conduct an audit or investigation.

**§ 3642. Effective date**

This chapter takes effect on October 1, 2011.

**§ 3643. Sunset**

This chapter shall cease to be in effect after September 30, 2018.

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**SUBTITLE V—GENERAL ASSISTANCE  
ADMINISTRATION**

Chapter	Sec.
61. Program Information .....	6101
<b>62. Consolidated Federal Funds Report .....</b>	<b>6201</b>
* * * * *	* * * * *

**[CHAPTER 62—CONSOLIDATED FEDERAL FUNDS  
REPORT**

- [Sec.**
- [6201.** Definitions.
- [6202.** Content, form, and data for report.
- [6203.** Printing and distribution of reports and machine-readable records.
- [6204.** Delegation.
- [6205.** Availability of information.
- [6206.** Data consistency and uniformity of data elements.
- [6207.** Authorization of appropriations.

**[§ 6201. Definitions**

**[As used in this chapter, the term—**

**[(1) “Director” means the Director of the Office of Management and Budget;**

**[(2) “State” means any State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Government of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands; and**

**[(3) “municipality” means any subcounty unit of general local government that received Federal assistance in the fiscal year that is the subject of the report.**

**[§ 6202. Content, form, and data for report**

**[(a) For fiscal years 1986, 1987, 1988, 1989, and 1990, not later than 180 days after the end of each fiscal year, the Director shall prepare a Consolidated Federal Funds Report presenting the total amount of Federal funds that were obligated for expenditure or expended in each State, county or parish, congressional district, and municipality of the United States in appropriate general categories of Federal funds during the preceding fiscal year. To the extent practicable, such categories shall be consistently constituted from year to year. The report shall be in the form described in subsection (b) and shall be based on the data referred to in subsection (c).**

**[(b) The Director shall include in each report required by subsection (a)—**

**[(1) the total amount of Federal funds that were reported obligated for expenditure in each State, county or parish, congressional district, and municipality of the United States in appropriate general categories of Federal funds in the fiscal year preceding the fiscal year in which the report is made; or**

**[(2) the total amount of Federal funds that were reported actually expended in each State, county or parish, congressional district, and municipality of the United States in appropriate categories in the fiscal year preceding the fiscal year in which the report is made.**

[(c) The report required by subsection (a) shall be based on the data included in—

[(1) the Federal assistance awards data system established pursuant to section 6102a of this title;

[(2) the Federal procurement data system established pursuant to section 1122(a)(4) of title 41;

[(3) the appropriate data files of the Office of Personnel Management;

[(4) the payroll, pension, and grants files of the Office of the Secretary of Defense;

[(5) the appropriate data files of the United States Postal Service and the Postal Regulatory Commission;

[(6) the data system used by the Bureau of the Census to prepare the annual Federal aid to States report;

[(7) the retirement and disability files of the United States Coast Guard, the Tennessee Valley Authority, the Commissioned Corps of the Public Health Service, the Commissioned Corps of the National Oceanic and Atmospheric Administration, and the Foreign Service;

[(8) the insurance claims files of the Federal Emergency Management Agency and the Department of Agriculture;

[(9) the grants files of the Legal Services Corporation;

[(10) the excess earned income tax credit file of the Internal Revenue Service;

[(11) the appropriate data files of the National Railroad Passenger Corporation; and

[(12) the payroll file of the Federal Bureau of Investigation.

[(d) For the purposes of subsection (b), the general categories of Federal funds presented in each report required by subsection (a) shall include data with respect to grants, loans, purchases and contracts, cooperative agreements, direct Federal payments to individuals, pay of civilian employees of the Government, military pay, annuities, retirement pay, pensions, and disability compensation.

**[(§ 6203. Printing and distribution of reports and machine-readable records**

[(a)(1) The Director shall—

[(A) prepare—

[(i) printed copies of each of the reports required by this chapter; and

[(ii) machine-readable records of such reports; and

[(B) make the printed copies of the reports and the machine-readable records available to the public for purchase at a price fixed under subsection (b).

[(2) The Director shall transmit free of charge one of each of the printed copies of the reports required by this chapter to—

[(A) each Federal regional depository library;

[(B) the Committees on Government Operations, the Budget, and Appropriations of the House of Representatives; and

[(C) the Committees on Governmental Affairs, the Budget, and Appropriations of the Senate.

[(3) The Director shall also transmit promptly after the end of each calendar year, free of charge, one machine-readable record of the report required by section 6202 to the Committee on Rules and

Administration of the Senate and to the Committee on House Oversight of the House of Representatives.

[(4) Subject to subsection (b), the Director may, at his discretion, waive all or part of the fee required by subsection (a)(1)(B) of this section.

[(b) In carrying out subsection (a)(1)(B), the Director shall, based on the estimates made under paragraphs (1) and (2) of this subsection, fix the price of each printed copy and each machine-readable record of the report so that the aggregate revenues obtained in each fiscal year under subsection (a) will cover as much as is feasible of the incremental costs incurred in making these reports and machine-readable records available for purchase by the public. In computing these costs the Director shall not consider the costs of the activities set forth in sections 6102a and 6205 of this title but shall consider—

[(1) the cost of compiling the reports required by this chapter; preparing the printed copies and machine-readable records under subsection (a); and distributing the printed copies and the machine-readable records of the report for each fiscal year; and

[(2) the number of printed copies and the number of machine-readable records of the report that will be purchased.

**[(§ 6204. Delegation**

[In order to carry out sections 6202 and 6203 of this chapter, the Director may delegate to any authority of the executive branch of the Federal Government the responsibility for carrying out such sections. The Director shall oversee the activities of any authority to which responsibilities are delegated under this section and shall monitor the compliance of each authority with respect to the requirements set forth in section 6205.

**[(§ 6205. Availability of information**

[Each head of any authority of the Government having custody of the data files and systems referred to in section 6202(c)—

[(1) shall make available to the Director (or other authority to which the Director has delegated the responsibility to carry out such section) the information requested in the form designated; and

[(2) is authorized to make available to the Director (or such other authority) such administrative services, equipment, personnel, and facilities (and funds appropriated therefor) as the Director or such authority requires to carry out such section.

**[(§ 6206. Data consistency and uniformity of data elements**

[The Director shall designate a single organizational unit to provide for data consistency and uniform reporting of data elements.

**[(§ 6207. Authorization of appropriations**

[There are authorized to be appropriated to carry out this chapter such sums as may be necessary for each of the fiscal years 1986, 1987, 1988, 1989, and 1990.]

\* \* \* \* \*

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**SECTION 5314 OF TITLE 5, UNITED STATES CODE**

**§ 5314. Positions at level III**

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Solicitor General of the United States.

\* \* \* \* \*

*Chairperson of the Federal Accountability and Spending Transparency Board.*

\* \* \* \* \*

**AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**

\* \* \* \* \*

**DIVISION A—APPROPRIATIONS PROVISIONS**

\* \* \* \* \*

**TITLE XV—ACCOUNTABILITY AND TRANSPARENCY**

**SEC. 1501. DEFINITIONS.**

In this title:

(1) \* \* \*

(2) BOARD.—The term “Board” means the [Recovery Accountability and Transparency Board] *Federal Accountability and Spending Transparency Board* established in section 1521.

\* \* \* \* \*

**Subtitle B—Recovery Accountability and Transparency Board**

**[SEC. 1521. ESTABLISHMENT OF THE RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD.**

[There is established the Recovery Accountability and Transparency Board to coordinate and conduct oversight of covered funds to prevent fraud, waste, and abuse.

**[SEC. 1522. COMPOSITION OF BOARD.**

[(a) CHAIRPERSON.—

[(1) DESIGNATION OR APPOINTMENT.—The President shall—

[(A) designate the Deputy Director for Management of the Office of Management and Budget to serve as Chairperson of the Board;

[(B) designate another Federal officer who was appointed by the President to a position that required the ad-

vice and consent of the Senate, to serve as Chairperson of the Board; or

[(C) appoint an individual as the Chairperson of the Board, by and with the advice and consent of the Senate.

[(2) COMPENSATION.—

[(A) DESIGNATION OF FEDERAL OFFICER.—If the President designates a Federal officer under paragraph (1)(A) or (B) to serve as Chairperson, that Federal officer may not receive additional compensation for services performed as Chairperson.

[(B) APPOINTMENT OF NON-FEDERAL OFFICER.—If the President appoints an individual as Chairperson under paragraph (1)(C), that individual shall be compensated at the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

[(b) MEMBERS.—The members of the Board shall include—

[(1) the Inspectors General of the Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, Homeland Security, Justice, Transportation, Treasury, and the Treasury Inspector General for Tax Administration; and

[(2) any other Inspector General as designated by the President from any agency that expends or obligates covered funds.]

\* \* \* \* \*

**SEC. 1525. EMPLOYMENT, PERSONNEL, AND RELATED AUTHORITIES.**

[(a) EMPLOYMENT AND PERSONNEL AUTHORITIES.—

[(1) IN GENERAL.—

[(A) AUTHORITIES.—Subject to paragraph (2), the Board may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

[(B) APPLICATION.—For purposes of exercising the authorities described under subparagraph (A), the term “Chairperson of the Board” shall be substituted for the term “head of a temporary organization”.

[(C) CONSULTATION.—In exercising the authorities described under subparagraph (A), the Chairperson shall consult with members of the Board.

[(2) EMPLOYMENT AUTHORITIES.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under paragraph (1) of this subsection—

[(A) paragraph (2) of subsection (b) of section 3161 of that title (relating to periods of appointments) shall not apply; and

[(B) no period of appointment may exceed the date on which the Board terminates under section 1530.]

\* \* \* \* \*

**[SEC. 1529. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated such sums as necessary to carry out this subtitle.]

\* \* \* \* \*

[Effective on October 1, 2013, pursuant to the amendment made by section 203(b) of H.R. 2146, subtitle B of title XV of division A of the American Recovery and Reinvestment Act of 2009 (as amended by such section) is repealed.]

## **[Subtitle B—Recovery Accountability and Transparency Board**

### **[SEC. 1523. FUNCTIONS OF THE BOARD.**

#### **[(a) FUNCTIONS.—**

**[(1) IN GENERAL.—**The Board shall coordinate and conduct oversight of covered funds in order to prevent fraud, waste, and abuse.

**[(2) SPECIFIC FUNCTIONS.—**The functions of the Board shall include—

**[(A)** reviewing whether the reporting of contracts and grants using covered funds meets applicable standards and specifies the purpose of the contract or grant and measures of performance;

**[(B)** reviewing whether competition requirements applicable to contracts and grants using covered funds have been satisfied;

**[(C)** auditing or reviewing covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring and referring matters it considers appropriate for investigation to the inspector general for the agency that disbursed the covered funds;

**[(D)** reviewing whether there are sufficient qualified acquisition and grant personnel overseeing covered funds;

**[(E)** reviewing whether personnel whose duties involve acquisitions or grants made with covered funds receive adequate training; and

**[(F)** reviewing whether there are appropriate mechanisms for interagency collaboration relating to covered funds, including coordinating and collaborating to the extent practicable with the Inspectors General Council on Integrity and Efficiency established by the Inspector General Reform Act of 2008 (Public Law 110–409).

#### **[(b) REPORTS.—**

**[(1) FLASH AND OTHER REPORTS.—**The Board shall submit to the President and Congress, including the Committees on Appropriations of the Senate and House of Representatives, reports, to be known as “flash reports”, on potential management and funding problems that require immediate attention. The Board also shall submit to Congress such other reports as the Board considers appropriate on the use and benefits of funds made available in this Act.

**[(2) QUARTERLY REPORTS.—**The Board shall submit quarterly reports to the President and Congress, including the Committees on Appropriations of the Senate and House of Representatives, summarizing the findings of the Board and the findings of inspectors general of agencies. The Board may submit additional reports as appropriate.

**[(3) ANNUAL REPORTS.—**The Board shall submit annual reports to the President and Congress, including the Committees

on Appropriations of the Senate and House of Representatives, consolidating applicable quarterly reports on the use of covered funds.

**[(4) PUBLIC AVAILABILITY.—**

**[(A) IN GENERAL.—**All reports submitted under this subsection shall be made publicly available and posted on the website established by section 1526.

**[(B) REDACTIONS.—**Any portion of a report submitted under this subsection may be redacted when made publicly available, if that portion would disclose information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code.

**[(c) RECOMMENDATIONS.—**

**[(1) IN GENERAL.—**The Board shall make recommendations to agencies on measures to prevent fraud, waste, and abuse relating to covered funds.

**[(2) RESPONSIVE REPORTS.—**Not later than 30 days after receipt of a recommendation under paragraph (1), an agency shall submit a report to the President, the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives, and the Board on—

**[(A)** whether the agency agrees or disagrees with the recommendations; and

**[(B)** any actions the agency will take to implement the recommendations.

**[SEC. 1524. POWERS OF THE BOARD.**

**[(a) IN GENERAL.—**The Board shall conduct audits and reviews of spending of covered funds and coordinate on such activities with the inspectors general of the relevant agency to avoid duplication and overlap of work.

**[(b) AUDITS AND REVIEWS.—**The Board may—

**[(1)** conduct its own independent audits and reviews relating to covered funds; and

**[(2)** collaborate on audits and reviews relating to covered funds with any inspector general of an agency.

**[(c) AUTHORITIES.—**

**[(1) AUDITS AND REVIEWS.—**In conducting audits and reviews, the Board shall have the authorities provided under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.). Additionally, the Board may issue subpoenas to compel the testimony of persons who are not Federal officers or employees and may enforce such subpoenas in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

**[(2) STANDARDS AND GUIDELINES.—**The Board shall carry out the powers under subsections (a) and (b) in accordance with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

**[(d) PUBLIC HEARINGS.—**The Board may hold public hearings and Board personnel may conduct necessary inquiries. The head of each agency shall make all officers and employees of that agency available to provide testimony to the Board and Board personnel. The Board may issue subpoenas to compel the testimony of persons who are not Federal officers or employees at such public hearings.

Any such subpoenas may be enforced in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

[(e) CONTRACTS.—The Board may enter into contracts to enable the Board to discharge its duties under this subtitle, including contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Board.

[(f) TRANSFER OF FUNDS.—The Board may transfer funds appropriated to the Board for expenses to support administrative support services and audits, reviews, or other activities related to oversight by the Board of covered funds to any office of inspector general, the Office of Management and Budget, the General Services Administration, and the Panel.

**[SEC. 1525. EMPLOYMENT, PERSONNEL, AND RELATED AUTHORITIES.**

**[(b) INFORMATION AND ASSISTANCE.—**

[(1) IN GENERAL.—Upon request of the Board for information or assistance from any agency or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Board, or an authorized designee.

[(2) REPORT OF REFUSALS.—Whenever information or assistance requested by the Board is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives, without delay.

[(c) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide the Board with administrative support services, including the provision of office space and facilities.

**[SEC. 1526. BOARD WEBSITE.**

[(a) ESTABLISHMENT.—The Board shall establish and maintain, no later than 30 days after enactment of this Act, a user-friendly, public-facing website to foster greater accountability and transparency in the use of covered funds.

[(b) PURPOSE.—The website established and maintained under subsection (a) shall be a portal or gateway to key information relating to this Act and provide connections to other Government websites with related information.

[(c) CONTENT AND FUNCTION.—In establishing the website established and maintained under subsection (a), the Board shall ensure the following:

[(1) The website shall provide materials explaining what this Act means for citizens. The materials shall be easy to understand and regularly updated.

[(2) The website shall provide accountability information, including findings from audits, inspectors general, and the Government Accountability Office.

[(3) The website shall provide data on relevant economic, financial, grant, and contract information in user-friendly visual presentations to enhance public awareness of the use of covered funds.



[(4) The website shall provide detailed data on contracts awarded by the Federal Government that expend covered funds, including information about the competitiveness of the contracting process, information about the process that was used for the award of contracts, and for contracts over \$500,000 a summary of the contract.

[(5) The website shall include printable reports on covered funds obligated by month to each State and congressional district.

[(6) The website shall provide a means for the public to give feedback on the performance of contracts that expend covered funds.

[(7) The website shall include detailed information on Federal Government contracts and grants that expend covered funds, to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

[(8) The website shall provide a link to estimates of the jobs sustained or created by the Act.

[(9) The website shall provide a link to information about announcements of grant competitions and solicitations for contracts to be awarded.

[(10) The website shall include appropriate links to other government websites with information concerning covered funds, including Federal agency and State websites.

[(11) The website shall include a plan from each Federal agency for using funds made available in this Act to the agency.

[(12) The website shall provide information on Federal allocations of formula grants and awards of competitive grants using covered funds.

[(13) The website shall provide information on Federal allocations of mandatory and other entitlement programs by State, county, or other appropriate geographical unit.

[(14) To the extent practical, the website shall provide, organized by the location of the job opportunities involved, links to and information about how to access job opportunities, including, if possible, links to or information about local employment agencies, job banks operated by State workforce agencies, the Department of Labor’s CareerOneStop website, State, local and other public agencies receiving Federal funding, and private firms contracted to perform work with Federal funding, in order to direct job seekers to job opportunities created by this Act.

[(15) The website shall be enhanced and updated as necessary to carry out the purposes of this subtitle.

[(d) WAIVER.—The Board may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security or to protect information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code.

**[SEC. 1527. INDEPENDENCE OF INSPECTORS GENERAL.**

[(a) INDEPENDENT AUTHORITY.—Nothing in this subtitle shall affect the independent authority of an inspector general to determine whether to conduct an audit or investigation of covered funds.

[(b) REQUESTS BY BOARD.—If the Board requests that an inspector general conduct or refrain from conducting an audit or investigation and the inspector general rejects the request in whole or in part, the inspector general shall, not later than 30 days after rejecting the request, submit a report to the Board, the head of the applicable agency, and the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives. The report shall state the reasons that the inspector general has rejected the request in whole or in part. The inspector general’s decision shall be final.

**[SEC. 1528. COORDINATION WITH THE COMPTROLLER GENERAL AND STATE AUDITORS.**

[The Board shall coordinate its oversight activities with the Comptroller General of the United States and State auditors.

**[SEC. 1530. TERMINATION OF THE BOARD.**

[The Board shall terminate on September 30, 2013.]

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**SECTION 3518 OF TITLE 44, UNITED STATES CODE**

**§ 3518. Effect on existing laws and regulations**

(a) \* \* \*

\* \* \* \* \*

(c)(1) Except as provided in [paragraph (2)] *paragraph (3)*, this subchapter shall not apply to the collection of information—

(A) \* \* \*

\* \* \* \* \*

*(2) Notwithstanding paragraph (3), this subchapter shall not apply to the collection of information during the conduct of any audit, investigation, inspection, evaluation, or other review conducted by the Federal Accountability and Spending Transparency Board, the Council of Inspectors General on Integrity and Efficiency, or any Federal office of Inspector General, including any office of Special Inspector General.*

[(2)] (3) This subchapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

\* \* \* \* \*

**SECTION 6 OF THE INSPECTOR GENERAL ACT OF 1978**

AUTHORITY; ADMINISTRATION PROVISIONS

SEC. 6. (a) In addition to the authority otherwise provided by this Act, each Inspector General, in carrying out the provisions of this Act, is authorized—

(1) \* \* \*

\* \* \* \* \*

(8) to obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-18 of the General Schedule by section 5332 of title 5, United States Code; **[and]**

*(9) notwithstanding subsections (o), (p), (q), (r), and (u) of section 552a of title 5, United States Code, to compare, through a matching program (as defined in such section), any Federal records with other Federal or non-Federal records, while conducting an audit, investigation, or inspection authorized under this Act to identify weaknesses that may lead to fraud, waste, or abuse and to detect improper payments and fraud; and*

**[(9)] (10)** to the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this Act.

\* \* \* \* \*

**FEDERAL FUNDING ACCOUNTABILITY AND  
TRANSPARENCY ACT OF 2006**

**[SECTION 1. SHORT TITLE.**

**[This Act may be cited as the “Federal Funding Accountability and Transparency Act of 2006”.**

**[SEC. 2. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.**

**[(a) DEFINITIONS.—In this section:**

**[(1) ENTITY.—The term “entity”—**

**[(A) includes, whether for profit or nonprofit—**

**[(i) a corporation;**

**[(ii) an association;**

**[(iii) a partnership;**

**[(iv) a limited liability company;**

**[(v) a limited liability partnership;**

**[(vi) a sole proprietorship;**

**[(vii) any other legal business entity;**

**[(viii) any other grantee or contractor that is not excluded by subparagraph (B) or (C); and**

**[(ix) any State or locality;**

**[(B) on and after January 1, 2009, includes any subcontractor or subgrantee; and**

**[(C) does not include—**

**[(i) an individual recipient of Federal assistance; or**

**[(ii) a Federal employee.**

[(2) FEDERAL AWARD.—The term “Federal award”—

[(A) means Federal financial assistance and expenditures that—

[(i) include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

[(ii) include contracts, subcontracts, purchase orders, task orders, and delivery orders;

[(B) does not include individual transactions below \$25,000; and

[(C) before October 1, 2008, does not include credit card transactions.

[(3) SEARCHABLE WEBSITE.—The term “searchable website” means a website that allows the public to—

[(A) search and aggregate Federal funding by any element required by subsection (b)(1);

[(B) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(i), by fiscal year;

[(C) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(ii), by fiscal year; and

[(D) download data included in subparagraph (A) included in the outcome from searches.

[(b) IN GENERAL.—

[(1) WEBSITE.—Not later than January 1, 2008, the Office of Management and Budget shall, in accordance with this section, section 204 of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note), and the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), ensure the existence and operation of a single searchable website, accessible by the public at no cost to access, that includes for each Federal award—

[(A) the name of the entity receiving the award;

[(B) the amount of the award;

[(C) information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action;

[(D) the location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country;

[(E) a unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity;

[(F) the names and total compensation of the five most highly compensated officers of the entity if—

[(i) the entity in the preceding fiscal year received—

[(I) 80 percent or more of its annual gross revenues in Federal awards; and

[(II) \$25,000,000 or more in annual gross revenues from Federal awards; and

[(i) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.

[(G) any other relevant information specified by the Office of Management and Budget.

[(2) SCOPE OF DATA.—The website shall include data for fiscal year 2007, and each fiscal year thereafter.

[(3) DESIGNATION OF AGENCIES.—The Director of the Office of Management and Budget is authorized to designate one or more Federal agencies to participate in the development, establishment, operation, and support of the single website. In the initial designation, or in subsequent instructions and guidance, the Director may specify the scope of the responsibilities of each such agency.

[(4) AGENCY RESPONSIBILITIES.—Federal agencies shall comply with the instructions and guidance issued by the Director of the Office of Management and Budget under paragraph (3), and shall provide appropriate assistance to the Director upon request, so as to assist the Director in ensuring the existence and operation of the single website.

[(c) WEBSITE.—The website established under this section—

[(1) may use as the source of its data the Federal Procurement Data System, Federal Assistance Award Data System, and Grants.gov, if all of these data sources are searchable through the website and can be accessed in a search on the website required by this Act, provided that the user may—

[(A) specify such search shall be confined to Federal contracts and subcontracts;

[(B) specify such search shall be confined to include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

[(2) shall not be considered in compliance if it hyperlinks to the Federal Procurement Data System website, Federal Assistance Award Data System website, Grants.gov website, or other existing websites, so that the information elements required by subsection (b)(1) cannot be searched electronically by field in a single search;

[(3) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements;

[(4) shall be updated not later than 30 days after the award of any Federal award requiring a posting; and

[(5) shall provide for separate searches for Federal awards described in subsection (a) to distinguish between the Federal awards described in subsection (a)(2)(A)(i) and those described in subsection (a)(2)(A)(ii).

[(d) SUBAWARD DATA.—

[(1) PILOT PROGRAM.—

[(A) IN GENERAL.—Not later than July 1, 2007, the Director of the Office of Management and Budget shall commence a pilot program to—

[(i) test the collection and accession of data about subgrants and subcontracts; and

[(ii) determine how to implement a subaward reporting program across the Federal Government, including—

[(I) a reporting system under which the entity issuing a subgrant or subcontract is responsible for fulfilling the subaward reporting requirement; and

[(II) a mechanism for collecting and incorporating agency and public feedback on the design and utility of the website.

[(B) TERMINATION.—The pilot program under subparagraph (A) shall terminate not later than January 1, 2009.

[(2) REPORTING OF SUBAWARDS.—

[(A) IN GENERAL.—Based on the pilot program conducted under paragraph (1), and, except as provided in subparagraph (B), not later than January 1, 2009, the Director of the Office of Management and Budget—

[(i) shall ensure that data regarding subawards are disclosed in the same manner as data regarding other Federal awards, as required by this Act; and

[(ii) shall ensure that the method for collecting and distributing data about subawards under clause (i)—

[(I) minimizes burdens imposed on Federal award recipients and subaward recipients;

[(II) allows Federal award recipients and subaward recipients to allocate reasonable costs for the collection and reporting of subaward data as indirect costs; and

[(III) establishes cost-effective requirements for collecting subaward data under block grants, formula grants, and other types of assistance to State and local governments.

[(B) EXTENSION OF DEADLINE.—For subaward recipients that receive Federal funds through State, local, or tribal governments, the Director of the Office of Management and Budget may extend the deadline for ensuring that data regarding such subawards are disclosed in the same manner as data regarding other Federal awards for a period not to exceed 18 months, if the Director determines that compliance would impose an undue burden on the subaward recipient.

[(e) EXCEPTION.—Any entity that demonstrates to the Director of the Office of Management and Budget that the gross income, from all sources, for such entity did not exceed \$300,000 in the previous tax year of such entity shall be exempt from the requirement to report subawards under subsection (d), until the Director determines that the imposition of such reporting requirements will not cause an undue burden on such entities.

[(f) CONSTRUCTION.—Nothing in this Act shall prohibit the Office of Management and Budget from including through the website established under this section access to data that is publicly available in any other Federal database.

[(g) REPORT.—

【(1) IN GENERAL.—The Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives an annual report regarding the implementation of the website established under this section.

【(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

【(A) data regarding the usage and public feedback on the utility of the site (including recommendations for improving data quality and collection);

【(B) an assessment of the reporting burden placed on Federal award and subaward recipients; and

【(C) an explanation of any extension of the subaward reporting deadline under subsection (d)(2)(B), if applicable.

【(3) PUBLICATION.—The Director of the Office of Management and Budget shall make each report submitted under paragraph (1) publicly available on the website established under this section.

**【SEC. 3. CLASSIFIED INFORMATION.**

【Nothing in this Act shall require the disclosure of classified information.

**【SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORTING REQUIREMENT.**

【Not later than January 1, 2010, the Comptroller General shall submit to Congress a report on compliance with this Act.】

## ADDITIONAL VIEWS

I support H.R. 2146, the Digital Accountability and Transparency Act, and I am encouraged that our Committee has reported it favorably. Since the beginning of this Congress, I have stated repeatedly that increasing transparency and open government should not be a partisan issue. That is why I cosponsored H.R. 2146.

I am also pleased that the bill as reported includes the GAO Improvement Act, which I introduced as a provision of H.R. 1144, the Transparency and Openness in Government Act.

Protecting taxpayers' hard-earned money from waste, fraud, and abuse is one of the most important issues we deal with on this Committee. In 2009, Congress passed the American Recovery and Reinvestment Act to promote job creation, economic activity, and long-term growth.<sup>1</sup> As part of the Recovery Act, we put in place some of the strongest transparency and accountability measures ever enacted. For example, we created the Recovery Accountability and Transparency Board (RAT Board), which has improved the government's ability to track federal spending. The Chairman of the RAT Board, Earl Devaney, testified that the Recovery Act has had historically low levels of waste, fraud, and abuse. In his testimony, Mr. Devaney called this enhanced transparency "the force-multiplier that drives accountability."<sup>2</sup>

On June 13, President Obama signed an Executive Order that took the model of the RAT Board and extended it across the federal government. The President's Executive Order established a new Government Accountability and Transparency Board (GAT Board) to provide strategic direction for enhancing transparency and eliminating waste, fraud, and abuse in programs across the entire federal government.<sup>3</sup>

H.R. 2146 would establish a new Federal Accountability and Spending Transparency Board (FAST Board) that would be authorized to set government-wide data standards and coordinate oversight of federal funds to prevent waste, fraud, and abuse. The creation of this Board offers significant potential to build on our successes to date and to enhance efforts to minimize waste, fraud, and abuse across the entire government.

I do have several concerns with the bill as reported by the Committee.

First, the bill would provide the Chair of the FAST Board with the power to compel the testimony of *any* person in connection with any investigation or audit conducted by the Board. There is no court or grand jury supervision of the testimonial subpoena provi-

<sup>1</sup>Pub. L. No. 111-5 (2009).

<sup>2</sup>House Committee on Oversight and Government Reform, Testimony of Earl Devaney, Chairman, Recovery Accountability and Transparency Board, Hearing on Achieving Transparency and Accountability in Federal Spending (June 14, 2011).

<sup>3</sup>Exec. Order No.13576, Delivering an Efficient, Effective, and Accountable Government (June 13, 2011).



sion, and no safeguards to protect the civil liberties of those compelled to provide testimony. As Chairman Devaney has testified, he believes this authority is unnecessary. Although the RAT Board had the authority to issue testimonial subpoenas in connection with Recovery Act oversight, it did not encounter a single circumstance when compulsory process was needed. During Committee consideration, we took a significant step in the right direction by requiring a vote of the Board prior to the issuance of a subpoena, but I believe additional safeguards are needed to help protect the rights and liberties of Americans.

I am also concerned about the process for selecting a Chair for the new Board. The bill would require the establishment of a commission to select the Chair that appears to be modeled on the current statutory appointment mechanism for the Comptroller General. That process has resulted in lengthy vacancies, including the most recent vacancy of nearly three years from March 2008 to December 2010.

I am also concerned about the virtually unprecedented authorities that would be given to the Board under the DATA Act. As currently drafted, the DATA Act would grant the new Board broad authority to conduct rulemakings, audit and investigate all federal spending, and issue binding guidance to all federal agencies and recipients of federal funds.

The Office of Management and Budget (OMB) is the implementation and enforcement arm of government-wide policy. OMB manages agency performance, federal procurement, financial management, and information policy and technology. In this capacity, OMB issued implementing guidance for the Recovery Act and updated guidance several times over the next year and half to improve compliance, recipient reporting, and data quality. It is clear from the success of the Recovery Act that this model worked. The new Board should designate common data elements and data reporting standards, but OMB, working in consultation with the Board, should issue implementing guidance.

Finally, I also have concerns with the bill's full-scale repeal of the Federal Funding Accountability and Transparency Act, the bill's seven year sunset provision, and the financial burden the measure could have on state and local governments.

During Committee consideration of the bill, Chairman Issa assured the Committee that "I completely agree that each of these are areas that we can work together on improvement."<sup>4</sup> I look forward to working with the Chairman to further improve H.R. 2146 before bringing the bill to the floor.

ELIJAH E. CUMMINGS.



<sup>4</sup> House Committee on Oversight and Government Reform, Statement of Chairman Issa, Business Meeting on H.R. 2146, the DATA Act (June 22, 2011).