

Calendar No. 707

118TH CONGRESS
2D SESSION**S. 3926****[Report No. 118–301]**

To amend the Federal Funding Accountability and Transparency Act of 2006 to ensure that other transaction agreements are reported to USAspending.gov, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2024

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

DECEMBER 17 (legislative day, DECEMBER 16), 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Federal Funding Accountability and Transparency Act of 2006 to ensure that other transaction agreements are reported to USAspending.gov, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stop Secret Spending
3 Act of 2024”.

4 **SEC. 2. OTHER TRANSACTION AGREEMENT REPORTING.**

5 (a) **OTHER TRANSACTION AGREEMENTS.**—Section
6 2(a) of the Federal Funding Accountability and Trans-
7 parency Act of 2006 (31 U.S.C. 6101 note) is amended—

8 (1) in paragraph (4)(A)(ii), by striking “and
9 delivery orders” and inserting “delivery orders, and
10 other transaction agreements”; and

11 (2) in paragraph (7)—

12 (A) in subparagraph (B), by striking
13 “(2)(A)(i)” and inserting “(4)(A)(i)”; and

14 (B) in subparagraph (C), by striking
15 “(2)(A)(ii)” and inserting “(4)(A)(ii)”.

16 (b) **DATA STANDARDS.**—Section 4 of the Federal
17 Funding Accountability and Transparency Act of 2006
18 (31 U.S.C. 6101 note) is amended by adding at the end
19 the following:

20 “(e) **OTHER TRANSACTION AGREEMENT IDENTI-**
21 **FIERS.**—Not later than 90 days after the date of enact-
22 ment of the Stop Secret Spending Act of 2024, the Sec-
23 retary shall create a unique identifier for data relating to
24 other transaction agreements made available on the
25 website established under section 2.”.

1 ~~(c) ANNUAL REPORT ON UNREPORTED FUNDING.—~~

2 Section 2(a) of the Federal Funding Accountability and
3 Transparency Act of 2006 (~~31 U.S.C. 6101~~ note) is
4 amended by adding at the end the following:

5 ~~“(h) ANNUAL REPORT.—~~Not later than 1 year after
6 the date of enactment of the Stop Secret Spending Act
7 of 2024, and annually thereafter, the Secretary shall post
8 to the website established under this section a report that
9 includes—

10 ~~“(1) the total amount of Federal spending on~~
11 Federal awards, data for which has not been posted
12 to the website; and

13 ~~“(2) with respect to the Federal spending de-~~
14 scribed in paragraph (1)—

15 ~~“(A) the categories of the Federal spend-~~
16 ing; and

17 ~~“(B) the reason data on the Federal~~
18 spending has not been posted to the website, in-
19 cluding whether the Federal spending was—

20 ~~“(i) national security-related or classi-~~
21 fied;

22 ~~“(ii) a grant or contract awarded or~~
23 entered into by a legislative or judicial
24 branch agency; or

1 “(iii) a subaward below a primary
2 subaward.”.

3 **SEC. 3. OTHER AMENDMENTS.**

4 (a) **INSPECTOR GENERAL REPORTS.**—Section 6(a) of
5 the Federal Funding Accountability and Transparency
6 Act of 2006 (31 U.S.C. 6101 note) is amended by striking
7 paragraph (2) and inserting the following:

8 “(2) **DEADLINES.**—The Inspector General of
9 each Federal agency shall submit to Congress and
10 make publicly available a report described in para-
11 graph (1)(B)—

12 “(A) not later than 1 year after the date
13 of enactment of the Stop Secret Spending Act
14 of 2024; and

15 “(B) on the same date as the Inspector
16 General of each Federal agency submits the
17 second and fourth reports required under sec-
18 tions 3521(f) and 9105(a)(3) of title 31, United
19 States Code following the date of the report
20 submitted under subparagraph (A); and.”.

21 (b) **FULL DISCLOSURE OF FEDERAL FUNDS.**—

22 (1) **IN GENERAL.**—Section 3 of the Federal
23 Funding Accountability and Transparency Act of
24 2006 (31 U.S.C. 6101 note) is amended—

25 (A) in subsection (b)—

1 (i) paragraph (1), in the matter pre-
2 ceeding subparagraph (A), by striking “a
3 Federal agency or component of a Federal
4 agency” and inserting “a Federal agency or
5 a component of a Federal agency included
6 on the list posted under subsection (e)(2)”;
7 and

8 (ii) in paragraph (2)(B), by striking
9 “to be posted” and inserting “to be posted
10 by a Federal agency or a component of a
11 Federal agency included on the list posted
12 under subsection (e)(2)”; and

13 (B) by adding at the end the following:

14 “(e) QUALITY OF INFORMATION.—The Secretary and
15 the Director, in consultation with the heads of Federal
16 agencies, shall ensure that the information to be posted
17 under subsection (b) that is posted by a Federal agency
18 or component of a Federal agency is complete and accu-
19 rate.

20 “(d) DISPLAY STANDARDS.—The Secretary, in con-
21 sultation with the Director, shall ensure that the heads
22 of Federal agencies that post information under sub-
23 section (b) comply with display standards established by
24 the Secretary.

1 “(e) AGENCY REPORTING DETERMINATION.—Not
 2 later than 1 year after the date of enactment of the Stop
 3 Secret Spending Act of 2024, and not less frequently than
 4 once every 2 years thereafter, the Secretary, in coordina-
 5 tion with the Director, shall—

6 “(1) assess and make a determination with re-
 7 spect to which Federal agencies and components of
 8 Federal agencies are required to post information
 9 under subsection (b);

10 “(2) publish a list of the Federal agencies and
 11 components of Federal agencies determined under
 12 paragraph (1) on the website established under sec-
 13 tion 2(b)(1); and

14 “(3) provide to the head and inspector general
 15 of each Federal agency or component of a Federal
 16 agency included on the list published under para-
 17 graph (2) written notice of the inclusion of the Fed-
 18 eral agency or component of a Federal agency on the
 19 list.”.

20 (2) EFFECTIVE DATE.—The amendments made
 21 by paragraph (1)(A) shall take effect on the date on
 22 which the Secretary publishes the first list under
 23 section 3(e)(2) of the Federal Funding Account-
 24 ability and Transparency Act of 2006 (31 U.S.C.
 25 6101 note), as added by paragraph (1).

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Stop Secret Spending*
 3 *Act of 2024”.*

4 **SEC. 2. OTHER TRANSACTION AGREEMENT REPORTING.**

5 (a) *OTHER TRANSACTION AGREEMENTS.*—Section
 6 *2(a) of the Federal Funding Accountability and Trans-*
 7 *parency Act of 2006 (31 U.S.C. 6101 note) is amended—*

8 (1) *in paragraph (4)(A)—*

9 (A) *in clause (ii), by adding “and” at the*
 10 *end; and*

11 (B) *by adding at the end the following:*

12 *“(iii) includes other transaction agree-*
 13 *ments;”; and*

14 (2) *in paragraph (7)—*

15 (A) *in subparagraph (B), by striking*

16 *“(2)(A)(i)” and inserting “(4)(A)(i);” and*

17 (B) *in subparagraph (C), by striking*

18 *“(2)(A)(ii)” and inserting “(4)(A)(ii)”.*

19 (b) *DATA STANDARDS.*—Section 4 of the Federal
 20 *Funding Accountability and Transparency Act of 2006 (31*
 21 *U.S.C. 6101 note) is amended by adding at the end the fol-*
 22 *lowing:*

23 “(e) *OTHER TRANSACTION AGREEMENT DATA.*—Not
 24 *later than 3 years after the date of enactment of the Stop*
 25 *Secret Spending Act of 2024, the Secretary shall ensure*

1 *that, with respect to the website established under section*
 2 *2, or any successor website—*

3 *“(1) data relating to other transaction agree-*
 4 *ments is automatically transmitted to the website;*
 5 *and*

6 *“(2) a centralized view of the data described in*
 7 *paragraph (1) is available on the website.”.*

8 *(c) ANNUAL REPORT ON UNREPORTED FUNDING.—*
 9 *Section 2 of the Federal Funding Accountability and*
 10 *Transparency Act of 2006 (31 U.S.C. 6101 note) is amend-*
 11 *ed by adding at the end the following:*

12 *“(h) ANNUAL REPORT.—Not later than 1 year after*
 13 *the date of enactment of the Stop Secret Spending Act of*
 14 *2024, and annually thereafter, the Secretary shall post to*
 15 *the website established under this section a report that in-*
 16 *cludes—*

17 *“(1) the total amount of Federal spending on*
 18 *Federal awards for which data has not been posted to*
 19 *the website; and*

20 *“(2) the reason data on the Federal spending de-*
 21 *scribed in paragraph (1) has not been posted to the*
 22 *website, including whether the Federal spending*
 23 *was—*

24 *“(A) national security-related or classified;*

1 “(B) a grant or contract awarded or entered
2 into by a legislative or judicial branch agency;
3 or

4 “(C) a subaward below a primary
5 subaward.”.

6 (d) *IMPLEMENTATION PLAN.*—

7 (1) *DEFINITIONS.*—In this subsection:

8 (A) *DIRECTOR.*—The term “Director”
9 means the Director of the Office of Management
10 and Budget.

11 (B) *RELEVANT AGENCY.*—The term “rel-
12 evant agency” means a Federal agency (as de-
13 fined in section 2(a) of the Federal Funding Ac-
14 countability and Transparency Act of 2006 (31
15 U.S.C. 6101 note)) that has the authority to
16 enter into an other transaction agreement, as de-
17 termined by the Director.

18 (C) *SECRETARY.*—The term “Secretary”
19 means the Secretary of the Treasury.

20 (D) *USASPENDING.GOV.*—The term
21 “USAspending.gov” means the website estab-
22 lished under section 2 of the Federal Funding
23 Accountability and Transparency Act of 2006
24 (31 U.S.C. 6101 note).

1 (2) *INITIAL COMPILATION.*—*If the Secretary has*
2 *not yet complied with subsection (e) of section 4 of the*
3 *Federal Funding Accountability and Transparency*
4 *Act of 2006 (31 U.S.C. 6101 note), as added by this*
5 *section, by the date that is 1 year after the date of*
6 *enactment of this Act, not later than 1 year after the*
7 *date of enactment of this Act, the Secretary, in co-*
8 *ordination with the Director and the heads of relevant*
9 *agencies, shall publish on USAspending.gov a report*
10 *that lists and includes a detailed description of all*
11 *other transaction agreements entered into by the rel-*
12 *evant agencies for the fiscal year preceding the fiscal*
13 *year during which the report is published.*

14 (3) *PLAN.*—*If the Secretary has not yet complied*
15 *with subsection (e) of section 4 of the Federal Fund-*
16 *ing Accountability and Transparency Act of 2006 (31*
17 *U.S.C. 6101 note), as added by this section, by the*
18 *date that is 2 years after the date of enactment of this*
19 *Act, not later than 2 years after the date of enactment*
20 *of this Act, the Secretary, in consultation with the*
21 *Director and the heads of relevant agencies, shall sub-*
22 *mit to Congress a plan that includes—*

23 (A) *the status of including data relating to*
24 *other transaction agreements on*
25 *USAspending.gov; and*

1 (B) actions underway and planned to en-
 2 sure that the data described in subparagraph (A)
 3 is fully incorporated into USAspending.gov by
 4 the date that is 3 years after the date of enact-
 5 ment of this Act.

6 **SEC. 3. OTHER AMENDMENTS.**

7 (a) *INSPECTOR GENERAL REPORTS.*—Section 6(a) of
 8 the Federal Funding Accountability and Transparency Act
 9 of 2006 (31 U.S.C. 6101 note) is amended—

10 (1) in paragraph (1)—

11 (A) in the matter preceding subparagraph
 12 (A), by striking “each Federal agency” and in-
 13 serting “each agency described in paragraphs (1)
 14 and (2) of section 901(b) of title 31, United
 15 States Code”;

16 (B) in subparagraph (A), by striking “Fed-
 17 eral agency” and inserting “agency”; and

18 (C) in subparagraph (B), by striking “Fed-
 19 eral agency” and inserting “agency”; and

20 (2) by striking paragraph (2) and inserting the
 21 following:

22 “(2) *DEADLINES.*—The inspector general of each
 23 agency described in paragraphs (1) and (2) of section
 24 901(b) of title 31, United States Code, shall submit to

1 Congress and make publicly available a report de-
 2 scribed in paragraph (1)(B)—

3 “(A) not later than 1 year after the date of
 4 enactment of the Stop Secret Spending Act of
 5 2024; and

6 “(B) not less than frequently than once
 7 every 2 years after the date described in sub-
 8 paragraph (A) until the date that is 10 years
 9 after the date of enactment of the Stop Secret
 10 Spending Act of 2024 on the date of submission
 11 of the report required under section 3521(f) or
 12 9105(a)(3) of title 31, United States Code, for
 13 the applicable fiscal year.”.

14 (b) *FULL DISCLOSURE OF FEDERAL FUNDS.*—

15 (1) *IN GENERAL.*—Section 3 of the Federal
 16 Funding Accountability and Transparency Act of
 17 2006 (31 U.S.C. 6101 note) is amended—

18 (A) in subsection (b)—

19 (i) paragraph (1), in the matter pre-
 20 ceding subparagraph (A), by striking “a
 21 Federal agency or component of a Federal
 22 agency” and inserting “a Federal agency or
 23 a component of a Federal agency included
 24 on the list posted under subsection (e)(2)”;
 25 and

1 (ii) in paragraph (2)(B), in the matter
 2 preceding clause (i), by striking “to be post-
 3 ed” and inserting “to be posted by a Fed-
 4 eral agency or a component of a Federal
 5 agency included on the list posted under
 6 subsection (e)(2)”; and

7 (B) by adding at the end the following:

8 “(c) *QUALITY OF INFORMATION.*—

9 “(1) *IN GENERAL.*—The Secretary and the Direc-
 10 tor, in consultation with the heads of Federal agen-
 11 cies, shall establish requirements to ensure that the in-
 12 formation to be posted under subsection (b) that is
 13 posted by a Federal agency or component of a Federal
 14 agency is complete and accurate.

15 “(2) *FEDERAL AGENCY RESPONSIBILITY.*—The
 16 head of each Federal agency or component of a Fed-
 17 eral agency posting data under subsection (b) shall
 18 ensure that the data is complete and accurate.

19 “(3) *AUTHORITY TO VERIFY ACCURACY.*—The
 20 Secretary and the Director may verify that the data
 21 posted under subsection (b) by a Federal agency or
 22 component of a Federal agency are complete, accu-
 23 rate, and consistent.

24 “(d) *DISPLAY STANDARDS.*—The Secretary, in con-
 25 sultation with the Director, shall ensure that the heads of

1 *Federal agencies that post information under subsection (b)*
 2 *comply with display standards established by the Secretary.*

3 “(e) *AGENCY REPORTING DETERMINATION.*—Not later
 4 *than 1 year after the date of enactment of the Stop Secret*
 5 *Spending Act of 2024, and not less frequently than once*
 6 *every 2 years thereafter, the Secretary, in coordination with*
 7 *the Director, shall—*

8 “(1) *assess and make a determination with re-*
 9 *spect to which Federal agencies and components of*
 10 *Federal agencies are required to post information*
 11 *under subsection (b);*

12 “(2) *publish a list of the Federal agencies and*
 13 *components of Federal agencies determined under*
 14 *paragraph (1) on the website established under section*
 15 *2(b)(1); and*

16 “(3) *provide to the head and inspector general of*
 17 *each Federal agency or component of a Federal agen-*
 18 *cy included on the list published under paragraph (2)*
 19 *written notice of the inclusion of the Federal agency*
 20 *or component of a Federal agency on the list.”.*

21 (2) *EFFECTIVE DATE.*—*The amendments made*
 22 *by paragraph (1)(A) shall take effect on the date on*
 23 *which the Secretary publishes the first list under sec-*
 24 *tion 3(e)(2) of the Federal Funding Accountability*

1 *and Transparency Act of 2006 (31 U.S.C. 6101 note),*
2 *as added by paragraph (1).*

3 **SEC. 4. GAO REPORT.**

4 *Not later than 1 year after the date of enactment of*
5 *this Act, the Comptroller General of the United States shall*
6 *make recommendations for any updates the Comptroller*
7 *General of the United States determines advisable to clause*
8 *52.204.10 of the Federal Acquisition Regulation with re-*
9 *spect to incorporating requirements under the Federal*
10 *Funding Accountability and Transparency Act of 2006 (31*
11 *U.S.C. 6101 note).*

Calendar No. 707

118TH CONGRESS
2^D Session

S. 3926

[Report No. 118–301]

A BILL

To amend the Federal Funding Accountability and Transparency Act of 2006 to ensure that other transaction agreements are reported to USAspending.gov, and for other purposes.

DECEMBER 17 (legislative day, DECEMBER 16), 2024

Reported with an amendment