

112TH CONGRESS
1ST SESSION

S. 1222

To amend title 31, United States Code, to require accountability and transparency in Federal spending, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2011

Mr. WARNER introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend title 31, United States Code, to require accountability and transparency in Federal spending, 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,*

3 **SECTION 1. SHORT TITLE.**

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

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

7 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. Effective date.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) The term “Board” means the Federal Ac-
4 countability and Spending Transparency Board es-
5 tablished under subchapter III of chapter 36 of title
6 31, United States Code, as added by this Act.

7 (2) The term “Executive agency” has the
8 meaning provided by section 105 of title 5, United
9 States Code, except the term does not include the
10 Government Accountability Office.

1 **TITLE I—ACCOUNTABILITY AND**
 2 **TRANSPARENCY IN FEDERAL**
 3 **SPENDING**

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

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

9 **“CHAPTER 36—ACCOUNTABILITY AND**
 10 **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. Effective date.

“3642. Sunset.

1 “SUBCHAPTER I—REPORTING REQUIREMENTS

2 “§ 3601. Definitions

3 “In this chapter:

4 “(1) RECIPIENT.—The term ‘recipient’
5 means—6 “(A) any person that receives Federal
7 funds pursuant to a Federal award, either di-
8 rectly or as a subcontractor or subgrantee; and9 “(B) any State, local, or tribal government
10 that receives Federal funds pursuant to a Fed-
11 eral award, either directly or as a subcontractor
12 or subgrantee.13 “(2) FEDERAL AWARD.—The term ‘Federal
14 award’ means Federal financial assistance and ex-
15 penditures that—16 “(A) include grants, subgrants, loans,
17 awards, cooperative agreements, and other
18 forms of financial assistance; and19 “(B) include contracts, subcontracts, pur-
20 chase orders, task orders, delivery orders, blan-
21 ket purchase agreements, schedule orders, and
22 other transactions.23 “(3) FEDERAL FUNDS.—The term ‘Federal
24 funds’ means any funds that are made available to

1 an Executive agency through Federal appropria-
2 tions.

3 “(4) BOARD.—The term ‘Board’ means the
4 Federal Accountability and Spending Transparency
5 Board established under subchapter III of this chap-
6 ter.

7 “(5) CHAIRPERSON.—The term ‘Chairperson’
8 means the Chairperson of the Federal Accountability
9 and Spending Transparency Board.

10 “(6) EXECUTIVE AGENCY.—The term ‘Execu-
11 tive agency’ has the meaning provided by section
12 105 of title 5, except the term does not include the
13 Government Accountability Office.

14 **“§ 3602. Recipient reporting requirement**

15 “(a) REQUIREMENT.—Each recipient shall report
16 each receipt and use of Federal funds pursuant to a Fed-
17 eral award to the Board.

18 “(b) CHARACTERISTICS OF REPORTS.—

19 “(1) FREQUENCY OF REPORTS.—

20 “(A) IN GENERAL.—The Board shall des-
21 ignate the frequency of reports to be submitted
22 by recipients under subsection (a), but the fre-
23 quency shall not be less than once each quarter.

24 “(B) CONTINUOUS OR AUTOMATIC RE-
25 PORTING.—To the extent practicable, the Board

1 shall require continuous or automatic reporting
2 for compliance with this section.

3 “(2) CONTENT OF REPORTS.—Each report sub-
4 mitted by a recipient under subsection (a) shall con-
5 tain—

6 “(A) an identification of the recipient, in-
7 cluding the recipient’s name and location, with
8 location information provided in proper United
9 States Postal Service standardized format, in-
10 cluding ZIP+4, or proper international postal
11 service standardized format where applicable;

12 “(B) an identification of the Executive
13 agency;

14 “(C) an identification of the Federal
15 award;

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

19 “(E) the total amount of Federal funds re-
20 ceived from that Executive agency;

21 “(F) the amount of Federal funds that
22 were expended or obligated to projects or activi-
23 ties;

1 “(G) a detailed list of all projects or activi-
2 ties for which Federal funds were expended or
3 obligated; and

4 “(H) additional information such as per-
5 formance and results that is reasonably related
6 to the receipt and use of Federal funds as the
7 Board shall require.

8 “(3) USE OF DATA STANDARDS.—The reports
9 submitted under this section shall use the common
10 data elements and data reporting standards des-
11 ignated by the Board under section 3611.

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

14 “(d) REGISTRATION.—Recipients required to report
15 information under subsection (a) shall register with the
16 Central Contractor Registration database or complete
17 such other registration requirements as the Board shall
18 require.

19 **“§ 3603. Agency reporting requirement**

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

23 “(b) CHARACTERISTICS OF REPORTS.—

24 “(1) FREQUENCY OF REPORTS.—

1 “(A) IN GENERAL.—The Board shall des-
2 gnate the frequency of reports to be submitted
3 by agencies under subsection (a), but the fre-
4 quency shall not be less than once each quarter.

5 “(B) CONTINUOUS OR AUTOMATIC RE-
6 PORTING.—To the extent practicable, the Board
7 shall require continuous or automatic reporting
8 for compliance with this section.

9 “(2) CONTENT OF REPORT.—

10 “(A) The Board shall designate the con-
11 tent of reports to be submitted by agencies
12 under subsection (a).

13 “(B) To the extent practicable, the Board
14 shall permit agencies to comply with subsection
15 (a) by submitting the same information that
16 they submit or contribute for other government-
17 wide reporting requirements, including the fol-
18 lowing:

19 “(i) For information about Federal
20 awards—

21 “(I) the Federal assistance
22 awards data system established pursu-
23 ant to section 6102a of title 31,
24 United States Code;

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

5 “(III) the common application
6 and reporting system established pur-
7 suant to section 6 of the Federal Fi-
8 nancial Assistance Management Im-
9 provement Act of 1999 (31 U.S.C.
10 6101 note); or

11 “(IV) such systems as may be es-
12 tablished to replace or supplement the
13 systems identified in this clause.

14 “(ii) For information about internal
15 expenditures and accounting, the Federal
16 Agencies’ Centralized Trial-Balance Sys-
17 tems (FACTS I and FACTS II), the Gov-
18 ernmentwide Financial Report System
19 (GFRS), the Intragovernmental Fiduciary
20 Confirmation System (IFCS), or such sys-
21 tems as may be established to replace or
22 supplement such systems.

23 “(3) USE OF DATA STANDARDS.—The reports
24 submitted under this section shall use the common

1 data elements and data reporting standards des-
2 ignated by the Board under section 3611.

3 “(4) INFORMATION ALSO SUBJECT TO RECIPI-
4 ENT REPORTING REQUIREMENT.—In complying with
5 this section, each Executive agency shall identify, to
6 the extent practicable, Federal awards made by the
7 agency that are subject to the recipient reporting re-
8 quirement of section 3602 so that information re-
9 ported by recipients and information reported by the
10 agency can be directly compared.

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

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

20 **“§ 3604. Exemptions from recipient reporting require-**
21 **ment**

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

25 “(1) the recipient is an individual;

1 reported by recipients or agencies under this chap-
2 ter.

3 “(2) CHARACTERISTICS OF COMMON DATA ELE-
4 MENTS.—The common data elements designated
5 under paragraph (1) shall, to the extent practicable,
6 be nonproprietary.

7 “(3) EXISTING COMMON DATA ELEMENTS.—In
8 designating common data elements under this sub-
9 section, the Board shall, to the extent practicable,
10 incorporate the following:

11 “(A) Common data elements developed and
12 maintained by an international voluntary con-
13 sensus standards body, as defined by the Office
14 of Management and Budget, such as the Inter-
15 national Organization for Standardization.

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

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

1 “(D) Common data elements developed
2 and maintained by accounting standards orga-
3 nizations.

4 “(b) DATA REPORTING STANDARDS.—

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

9 “(2) CHARACTERISTICS OF DATA REPORTING
10 STANDARDS.—The data reporting standards re-
11 quired by paragraph (1) shall, to the extent prac-
12 ticable—

13 “(A) incorporate a widely accepted, non-
14 proprietary, searchable, platform-independent
15 computer-readable format;

16 “(B) be consistent with and implement ap-
17 plicable accounting principles; and

18 “(C) be capable of being continually up-
19 graded as necessary.

20 “(3) EXISTING DATA REPORTING STAND-
21 ARDS.—In designating reporting standards under
22 this subsection, the Board shall, to the extent prac-
23 ticable, incorporate existing nonproprietary stand-
24 ards, such as the eXtensible Business Reporting
25 Language (XBRL).

1 **“§ 3612. Full disclosure of information**

2 “(a) REQUIREMENT.—The Board shall publish online
3 all information submitted by recipients and agencies pur-
4 suant to sections 3602 and 3603.

5 “(b) AGGREGATION OF INFORMATION THAT IS EX-
6 EMPT FROM RECIPIENT REPORTING REQUIREMENT.—
7 The Board shall publish, online and in the aggregate, in-
8 formation that is exempt from recipient reporting under
9 section 3604 but that is reported by an Executive agency
10 under section 3606 in the aggregate.

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

17 “(d) ONLINE PUBLICATION.—

18 “(1) IN GENERAL.—The Board shall, in accord-
19 ance with this section and section 204 of the E-Gov-
20 ernment Act of 2002 (44 U.S.C. 3501 note), estab-
21 lish and maintain one or more websites for the pub-
22 lication of data required to be published online
23 under this section.

24 “(2) PURPOSE OF WEBSITE OR WEBSITES.—
25 The website or websites established and maintained
26 under this subsection shall serve as a public portal

1 for Federal financial information, including informa-
2 tion concerning all Federal awards and information
3 concerning the expenditure of all Federal funds.

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

8 “(A) Makes available all information pub-
9 lished under subsection (a) in a reasonably
10 timely manner.

11 “(B) Makes available all information pub-
12 lished under subsection (a) in its original for-
13 mat.

14 “(C) Makes available all information pub-
15 lished under subsection (a) without charge, li-
16 cense, or registration requirement.

17 “(D) Permits all information published
18 under subsection (a) to be searched and aggre-
19 gated.

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

22 “(F) To the extent practicable, dissemi-
23 nates information published under subsection
24 (a) via automatic electronic means.

1 “(G) To the extent practicable, permits in-
2 formation published under subsection (a) to be
3 freely shared by the public, such as by social
4 media.

5 “(H) To the extent practicable, uses per-
6 manent uniform resource locators for informa-
7 tion published under subsection (a).

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

11 “(e) NEW TECHNOLOGIES.—Notwithstanding any
12 other provision in this section, the Board may comply with
13 the requirements of this section using such new tech-
14 nologies as may replace websites for data publication and
15 dissemination.

16 “(f) TRANSFER OF FUNCTIONS OF
17 USASPENDING.GOV.—The Board and the Office of Man-
18 agement and Budget shall transfer the functions of
19 USASpending.gov to the website or websites established
20 under this section.

21 **“§ 3613. Federal accountability portal**

22 “(a) REQUIREMENT.—The Board shall establish and
23 maintain an integrated Internet-based system, consisting
24 of one or more websites and to be known as a ‘Federal

1 accountability portal’, to carry out the functions described
2 in subsection (b).

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

6 “(1) Combine information submitted by recipi-
7 ents and agencies under sections 3602 and 3603
8 with other compilations of information, such as Gov-
9 ernment databases and other proprietary and non-
10 proprietary databases.

11 “(2) Permit Executive agencies to verify the eli-
12 gibility of recipients to receive Federal funds.

13 “(3) Permit Executive agencies, Inspectors
14 General, and law enforcement agencies to track Fed-
15 eral awards and recipients to find waste, fraud, and
16 abuse.

17 “(c) GUIDANCE BY BOARD.—The Board shall issue
18 guidance on the use of and access to the Federal account-
19 ability portal.

20 **“§ 3614. Agency responsibilities**

21 “(a) REQUIREMENT.—As a condition of receipt of
22 Federal funds of an Executive agency pursuant to any
23 Federal award, the Executive agency shall require any re-
24 cipient of such funds to provide the information required
25 under section 3602.

1 “(b) PENALTIES FOR RECIPIENTS’ NONCOMPLI-
2 ANCE.—

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

10 “(2) NONPRECLUSION.—The imposition of a
11 civil penalty under this subsection does not preclude
12 any other criminal or civil statutory, common law, or
13 administrative remedy that is available by law to the
14 United States or any other person. Any amounts re-
15 ceived from a civil penalty under this subsection
16 shall be deposited in the Treasury of the United
17 States to the credit of the appropriation or appro-
18 priations from which the award is made.

19 “(3) NOTIFICATION.—The head of an Executive
20 agency shall provide a written notification to a re-
21 cipient that fails to provide the information required
22 under section 3602 or provides information that con-
23 tains a material omission or misstatement. Such no-
24 tification shall provide the recipient with information
25 on how to comply with the requirements of section

1 3602 and notice of the penalties for failing to do so.
2 The head of the Executive agency may not impose
3 a civil penalty under paragraph (1) until 30 days
4 after the date of the notification.

5 “(c) COMPLIANCE WITH BOARD GUIDANCE.—Execu-
6 tive agencies shall comply with the instructions and guid-
7 ance issued by the Board under this Act.

8 “(d) INFORMATION AND ASSISTANCE.—

9 “(1) IN GENERAL.—Upon request of the Board
10 for information or assistance from any Executive
11 agency or other entity of the Federal Government,
12 the head of such entity shall, insofar as is prac-
13 ticable and not in contravention of any existing law,
14 furnish such information or assistance to the Board,
15 or an authorized designee.

16 “(2) REPORT OF REFUSALS.—Whenever infor-
17 mation or assistance requested by the Board is, in
18 the judgment of the Board, unreasonably refused or
19 not provided, the Board shall report the cir-
20 cumstances to Congress.

21 “(e) USE OF DATA STANDARDS.—After the Board
22 designates any common data element or data reporting
23 standard under section 3611, each Executive agency shall
24 issue guidance that requires every recipient of Federal
25 funds under any of its Federal awards to use that common

1 data element or data reporting standard for any informa-
2 tion reported to that Executive agency to which the com-
3 mon data element or data reporting standard is applicable.

4 **“§ 3615. Office of Management and Budget respon-**
5 **sibilities**

6 “After the Board designates any common data ele-
7 ment or data reporting standard under section 3611, the
8 Director of the Office of Management and Budget shall
9 issue guidance that requires Executive agencies to use that
10 common data element or data reporting standard for any
11 information reported by Executive agencies to the Office
12 of Management and Budget to which the common data
13 element or data reporting standard is applicable.

14 **“§ 3616. Treasury responsibilities**

15 “After the Board designates any common data ele-
16 ment or data reporting standard under section 3611, the
17 Secretary of the Treasury shall issue guidance that re-
18 quires Executive agencies to use that common data ele-
19 ment or data reporting standard for any information re-
20 ported by Executive agencies to the Department of the
21 Treasury to which the common data element or data re-
22 porting standard is applicable.”.

1 **SEC. 103. GENERAL PROVISIONS AND DEADLINES FOR AC-**
2 **COUNTABILITY AND TRANSPARENCY IN FED-**
3 **ERAL SPENDING.**

4 (a) **EFFECTIVE DATE.**—Chapter 36 of title 31,
5 United States Code, as added by section 101, is further
6 amended by adding at the end the following new sub-
7 chapter:

8 “SUBCHAPTER IV—GENERAL PROVISIONS

9 “§ 3641. **Effective date**

10 “This chapter takes effect on October 1, 2011.”.

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

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

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

17 (B) designate common data elements
18 under section 3611(a) of such title and data re-
19 porting standards under section 3611(b) of
20 such title, as so added; and

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

23 (2) **AGENCY AND DEPARTMENT DEADLINES.**—

24 (A) Within one year after the effective date
25 of this Act, each Executive agency shall imple-

1 ment section 3614(a) of title 31, United States
2 Code, as added by this Act.

3 (B) Within two years after the Board des-
4 ignates any common data element or data re-
5 porting standard under section 3611(a) of such
6 title, as so added—

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

10 (ii) the Director of the Office of Man-
11 agement and Budget shall issue guidance
12 under section 3615 of such title, as so
13 added; and

14 (iii) the Secretary of the Treasury
15 shall issue guidance under section 3616 of
16 such title, as so added.

17 **TITLE II—FEDERAL ACCOUNT-**
18 **ABILITY AND SPENDING**
19 **TRANSPARENCY BOARD**

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

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

1 “SUBCHAPTER III—FEDERAL ACCOUNTABILITY
2 AND SPENDING TRANSPARENCY BOARD

3 **“§ 3621. Establishment**

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

7 “(b) FUNCTIONS AND POWERS TRANSFERRED.—

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

12 “(2) POWERS, AUTHORITIES, RIGHTS, AND DU-
13 TIES.—The Federal Accountability and Spending
14 Transparency Board shall succeed to all powers, au-
15 thorities, rights, and duties that were vested in the
16 Recovery Accountability and Transparency Board on
17 the day before the effective date of this Act.

18 **“§ 3622. Composition of the board**

19 “(a) CHAIRPERSON.—

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

23 “(2) HEAD OF BOARD.—The Chairperson is the
24 head of the Board and shall have direction, author-
25 ity, and control over it.

1 “(3) COMMISSION ESTABLISHED.—When a va-
2 cancy occurs in the office of Chairperson of the
3 Board, a commission is established to recommend
4 individuals to the President for appointment to the
5 vacant office. The commission shall be composed
6 of—

7 “(A) the Speaker of the House of Rep-
8 resentatives;

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

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

14 “(D) the chairmen and ranking minority
15 members of the Committee on Homeland Secu-
16 rity and Governmental Affairs of the Senate
17 and the Committee on Oversight and Govern-
18 ment Reform of the House of Representatives.

19 “(4) RECOMMENDATIONS.—A commission es-
20 tablished because of a vacancy in the office of the
21 Chairperson shall recommend at least three individ-
22 uals. The President may ask the commission to rec-
23 ommend additional individuals.

24 “(5) TERM.—The term of service of the Chair-
25 person of the Board shall be 5 years, but the Chair-

1 person may serve after the expiration of the Chair-
2 person's term until a successor has taken office.

3 “(6) LIMITATION ON TERMS.—No person may
4 serve as the Chairperson of the Board for more than
5 2 terms, whether or not such terms of service are
6 consecutive.

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

12 “(b) MEMBERS.—The members of the Board shall in-
13 clude—

14 “(1) the Inspectors General of the Department
15 of Agriculture, the Department of Defense, the De-
16 partment of Education, the Department of Energy,
17 the Department of Health and Human Services, the
18 Department of Homeland Security, the Department
19 of Transportation, and the Department of the
20 Treasury;

21 “(2) the Deputy Secretaries of the Department
22 of Agriculture, the Department of Education, the
23 Department of Energy, the Department of Health
24 and Human Services, the Department of Transpor-
25 tation, and the Department of the Treasury, the

1 Chief Management Officer of the Department of De-
2 fense, and the Undersecretary for Management of
3 the Department of Homeland Security; and

4 “(3) the Controller of the Office of Manage-
5 ment and Budget and the Deputy Director for Man-
6 agement of the Office of Management and Budget.

7 **“§ 3623. Functions**

8 “(a) IN GENERAL.—The Board shall—

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

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

15 “(3) coordinate and conduct oversight of Fed-
16 eral funds in order to prevent fraud, waste, and
17 abuse.

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

20 “(1) Receiving, storing, and publicly dissemi-
21 nating all of the information that is reported to it
22 under this Act.

23 “(2) Reviewing whether reporting under section
24 3602 meets applicable standards and specifies the

1 purpose of the Federal award and measures of per-
2 formance.

3 “(3) Auditing, investigating, or reviewing Fed-
4 eral funds to determine whether fraud, wasteful
5 spending, poor contract or grant management, or
6 other abuses are occurring and referring matters it
7 considers appropriate for further investigation to the
8 inspector general for the Executive agency that dis-
9 bursed the Federal funds.

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

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

16 “(6) Reviewing whether there are appropriate
17 mechanisms for interagency collaboration relating to
18 Federal funds, including coordinating and collabo-
19 rating to the extent practicable with the Inspectors
20 General Council on Integrity and Efficiency estab-
21 lished by the Inspector General Reform Act of 2008
22 (Public Law 110–409).

23 “(c) REPORT REQUIREMENTS.—

24 “(1) REPORTS.—

1 “(A) REGULAR REPORTS ON DATA QUAL-
2 ITY AUDITS.—The Board shall regularly submit
3 to the President and Congress reports on its
4 audits of the quality of the data submitted to
5 it under sections 3602 and 3603.

6 “(B) SEMI-ANNUAL REPORTS ON ACTIVI-
7 TIES.—The Board shall submit semi-annual re-
8 ports to the President and Congress, summa-
9 rizing the activities and findings of the Board
10 and the findings of inspectors general of Execu-
11 tive agencies.

12 “(C) REPORT ON SAVINGS.—Not later
13 than five years after the effective date of this
14 Act, the Board shall submit to the President,
15 Congress, and the Comptroller General of the
16 United States a report containing estimates of
17 the direct and indirect cost savings to the
18 Treasury achieved as a result of the Board’s ac-
19 tivities.

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

23 “(3) GAO EVALUATION.—Upon receipt of the
24 report submitted by the Board under paragraph
25 (1)(C), the Comptroller General shall conduct an

1 evaluation of the report and submit the evaluation to
2 Congress within six months after receipt of the re-
3 port, with such findings and recommendations as the
4 Comptroller General considers appropriate.

5 “(d) RECOMMENDATIONS.—

6 “(1) IN GENERAL.—The Board shall make rec-
7 ommendations to Executive agencies on measures to
8 prevent fraud, waste, and abuse relating to Federal
9 funds.

10 “(2) RESPONSIVE REPORTS.—Not later than 30
11 days after receipt of a recommendation under para-
12 graph (1), an Executive agency shall submit a report
13 to the President, the congressional committees of ju-
14 risdiction, and the Board on whether the Executive
15 agency agrees or disagrees with the recommenda-
16 tions and any actions the Executive agency will take
17 to implement the recommendations. The Board shall
18 make all reports submitted to it under this para-
19 graph publicly available contemporaneously online.

20 **“§ 3624. Powers**

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

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

2 “(1) conduct its own independent audits, inves-
3 tigation, and reviews relating to Federal funds; and

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

7 “(c) AUTHORITIES.—

8 “(1) AUDITS, INVESTIGATIONS, AND RE-
9 VIEWS.—In conducting audits, investigations, and
10 reviews, the Board shall have the authorities pro-
11 vided under section 6 of the Inspector General Act
12 of 1978 (5 U.S.C. App.). Additionally, the Board
13 may issue subpoenas to compel the testimony of per-
14 sons who are not Federal officers or employees and
15 may enforce such subpoenas in the same manner as
16 provided for inspector general subpoenas under sec-
17 tion 6 of the Inspector General Act of 1978 (5
18 U.S.C. App.).

19 “(2) STANDARDS AND GUIDELINES.—The
20 Board shall carry out the powers under paragraphs
21 (1) and (2) in accordance with section 4(b)(1) of the
22 Inspector General Act of 1978 (5 U.S.C. App.).

23 “(d) CONTRACTS.—The Board may enter into con-
24 tracts to enable the Board to discharge its duties under
25 this subtitle, including contracts and other arrangements

1 for audits, studies, analyses, and other services with public
 2 agencies and with private persons, and make such pay-
 3 ments as may be necessary to carry out the duties of the
 4 Board.

5 “(e) TRANSFER OF FUNDS.—The Board may trans-
 6 fer funds appropriated to the Board for expenses to sup-
 7 port administrative support services and audits, reviews,
 8 or other activities related to oversight by the Board of cov-
 9 ered funds to any office of inspector general, the Office
 10 of Management and Budget, and the General Services Ad-
 11 ministration.

12 **“§ 3625. Employment, personnel, and related authori-**
 13 **ties**

14 “(a) SELECTION OF EXECUTIVE DIRECTOR.—On be-
 15 half of the Board, the Chairperson shall appoint an Execu-
 16 tive Director who shall be the chief executive officer of
 17 the Board and who shall carry out the functions of the
 18 Board subject to the supervision and direction of the
 19 Board. The position of Executive Director shall be a ca-
 20 reer reserved position in the Senior Executive Service, as
 21 that position is defined under section 3132 of title 5,
 22 United States Code.

23 “(b) ADMINISTRATIVE SUPPORT.—The General Serv-
 24 ices Administration shall provide the Board with adminis-

1 trative support services, including the provision of office
2 space and facilities.

3 **“§ 3626. Rulemaking authority**

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

6 **“§ 3627. Transfer of certain personnel**

7 “(a) RECOVERY ACCOUNTABILITY AND TRANS-
8 PARENCY BOARD EMPLOYEES.—The Chairperson or Ex-
9 ecutive Director, or both, shall identify employees of the
10 Recovery Accountability and Transparency Board for
11 transfer to the Board, and such identified employees shall
12 be transferred to the Board for employment.

13 “(b) PAY.—

14 “(1) Except as provided in paragraph (2), each
15 transferred employee shall, during the 2-year period
16 beginning on the effective date of this Act, receive
17 pay at a rate equal to not less than the basic rate
18 of pay (including any geographic differential) that
19 the employee received during the pay period imme-
20 diately preceding the date of transfer.

21 “(2) Paragraph (1) does not limit the right of
22 the Board to reduce the rate of basic pay of a trans-
23 ferred employee for cause, for unacceptable perform-
24 ance, or with the consent of the employee.

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

4 **“§ 3628. Authorization and availability of appropria-**
 5 **tions**

6 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
 7 is authorized to be appropriated \$51,000,000 for each of
 8 fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and
 9 2018 to carry out the functions of the Board.

10 “(b) AVAILABILITY OF APPROPRIATIONS.—If the Re-
 11 covery Accountability and Transparency Board has unobli-
 12 gated appropriations as of the effective date of this chap-
 13 ter, such appropriations shall remain available to the
 14 Board until September 30, 2015.”.

15 **SEC. 202. CONFORMING AMENDMENT RELATING TO COM-**
 16 **PENSATION OF CHAIRPERSON.**

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

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

21 **SEC. 203. AMENDMENTS AND REPEAL OF RECOVERY AC-**
 22 **COUNTABILITY AND TRANSPARENCY BOARD.**

23 (a) CONFORMING AMENDMENT TO NAME OF
 24 BOARD.—Section 1501(a)(2) of the American Recovery
 25 and Reinvestment Act of 2009 (Public Law 111–5; 123

1 Stat. 287) is amended by striking “Recovery Account-
2 ability and Transparency Board” and inserting “Federal
3 Accountability and Spending Transparency Board”.

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

7 (c) REPEAL OF SUBTITLE B OF PUBLIC LAW 111–
8 5.—Effective on October 1, 2013, subtitle B of such Act
9 is repealed.

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

15 **TITLE III—ADDITIONAL** 16 **PROVISIONS**

17 **SEC. 301. CLASSIFIED INFORMATION.**

18 Nothing in this Act or the amendments made by this
19 Act shall be construed to require the disclosure of classi-
20 fied information.

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

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

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

1 (2) by redesignating paragraph (2) as para-
2 graph (3); and

3 (3) by inserting after paragraph (1) the fol-
4 lowing new paragraph:

5 “(2) Notwithstanding paragraph (3), this sub-
6 chapter shall not apply to the collection of informa-
7 tion during the conduct of any audit, investigation,
8 inspection, evaluation, or other review conducted by
9 the Federal Accountability and Spending Trans-
10 parency Board, the Council of Inspectors General on
11 Integrity and Efficiency, or any Federal office of In-
12 spector General, including any office of Special In-
13 spector General.”.

14 **SEC. 303. MATCHING PROGRAM.**

15 Section 6(a) of the Inspector General Act of 1978
16 (5 U.S.C. App.) is amended—

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

18 (2) by redesignating paragraph (9) as para-
19 graph (10); and

20 (3) by inserting after paragraph (8) the fol-
21 lowing new paragraph:

22 “(9) notwithstanding subsections (o), (p), (q),
23 (r), and (u) of section 552a of title 5, United States
24 Code, to compare, through a matching program (as
25 defined in such section), any Federal records with

1 other Federal or non-Federal records, while con-
2 ducting an audit, investigation, inspection, evalua-
3 tion, or other review authorized under this Act to
4 identify weaknesses that may lead to fraud, waste,
5 or abuse and to detect improper payments and
6 fraud; and”.

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

9 (a) **TRANSFER OF FUNCTIONS.**—The Federal Ac-
10 countability and Transparency Board and the Secretary
11 of Commerce shall transfer the functions of the Consoli-
12 dated Federal Funds Report to the website or websites
13 established under section 3612 of title 31, United States
14 Code, as added by this Act.

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

18 (1) For each fiscal year, the total amount of
19 Federal funds that were obligated in each State,
20 county or parish, congressional district, and munici-
21 pality of the United States.

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

