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

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IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2011

Mr. ISSA introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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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 and Transparency Act of 2011” or the “DATA Act”.

5 SEC. 2. TABLE OF CONTENTS.

6 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. 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. 306. 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.

“SUBCHAPTER III—FEDERAL ACCOUNTABILITY AND SPENDING TRANSPARENCY BOARD

“3621. Establishment.
“3622. Composition of the board.
“3623. Functions.
“3625. Employment, personnel, and related authorities.
“3626. Rulemaking authority.
“3627. Transfer of certain personnel.

“SUBCHAPTER IV—GENERAL PROVISIONS

“3641. Effective date.
“3642. 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 as a subcontractor or subgrantee; and

“(B) any State, local, or tribal government that receives Federal funds pursuant to a Federal award, either directly or as a subcontractor or subgrantee.

“(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.

“§ 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 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;

“(F) the amount of Federal funds that were expended or obligated to projects or activities;
“(G) a detailed list of all projects or activities for which Federal funds were expended or obligated; and

“(H) such additional information reasonably related to the receipt and use of Federal funds as the Board shall 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) Guidance by Board.—The Board shall issue guidance to recipients on compliance with this section.

“(d) 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 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 the frequency of reports to be submitted
by agencies under subsection (a), but the fre-
quency shall not be less than once each quarter.

“(B) CONTINUOUS OR AUTOMATIC RE-
PORTING.—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 the con-
tent of reports to be submitted by agencies
under subsection (a).

“(B) 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 government-
wide reporting requirements, including the fol-
lowing:

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

“(3) 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 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. Transparency and Accountability 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 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 intergovernmental 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 3606 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 Web sites for the publication of data required to be published online under this section.

(2) PURPOSE OF WEB SITE OR WEB SITES.—The Web site or Web sites 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 WEB SITE OR WEB SITES.—The Board shall ensure that the Web site or Web sites 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) 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 Web sites for data publication and dissemination.

“(f) Transfer of Functions of USASpending.gov.—The Board and the Office of Management and Budget shall transfer the functions of USASpending.gov to the Web site or Web sites 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 Web sites 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 non-proprietary databases.

“(2) Permit Executive agencies to verify the eligibility of recipients to receive Federal funds.

“(3) Permit Executive agencies, Inspectors General, and law enforcement agencies to track Federal awards to find 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.”.
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. Effective date

“This chapter takes effect on October 1, 2011.

§ 3642. 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(c) 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 Web sites 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 imple-
ment section 3614(a) of title 31, United States Code, as added by this Act.

(B) Within two years after the Board des-
ignates any common data element or data re-
porting 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 Man-
agement and Budget shall issue guidance under section 3615 of such title, as so added; and

(iii) the Secretary of the Treasury shall issue guidance under section 3616 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 Act.
§ 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 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 Comptroller General 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 Agriculture, the Department of Defense, the Department of Education, the Department of Energy, the Department of Health and Human Services, the
Department of Homeland Security, and the Department of Transportation;

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

“(3) the Controller of the Office of Management and Budget 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 collabo-
rating 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).

“(c) 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 Act, 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.

“(d) 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.). 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 paragraphs
(1) and (2) in accordance with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

“(d) 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.

“(e) 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 Act, 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(a)(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 PUBLIC LAW 111–5.—Subtitle B of such Act is amended by striking sections 1521, 1522, 1525(a), and 1529.

(c) REPEAL OF SUBTITLE B OF PUBLIC LAW 111–5.—Effective on October 1, 2013, subtitle B 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, inspection, evaluation, or other review authorized under this Act to identify weaknesses that may lead to 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 Transparency Board and the Secretary of Commerce shall transfer the functions of the Consolidated Federal Funds Report to the Web site or Web sites established under section 3612 of title 31, United States Code, as added by this Act.

(b) Information.—The Board shall ensure that the Web site or Web sites 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.


SEC. 306. EFFECTIVE DATE.

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