

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.

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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

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

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

7           “(b) AUTHORITY TO GRANT ADDITIONAL EXEMP-  
8 TIONS.—The Board may grant additional exemptions  
9 under this section for classes or categories of recipients.”.

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

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

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

16          Chapter 36 of title 31, United States Code, as added  
17 by section 101, is amended by adding at the end the fol-  
18 lowing new subchapter:

19          “SUBCHAPTER II—DATA STANDARDIZATION  
20 **“§ 3611. Data standardization for reporting informa-**  
21 **tion**

22          “(a) COMMON DATA ELEMENTS.—

23               “(1) REQUIREMENT.—The Board shall, by rule,  
24               designate common data elements, such as codes,  
25               identifiers, and fields, for information required to be

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 munic-  
21 ipality 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.

1 (c) CONFORMING REPEALS OF SUPERSEDED PROVI-  
2 SIONS.—Chapter 62 of subtitle V of title 31, United States  
3 Code, is repealed. The item relating to that chapter in the  
4 table of chapters at the beginning of subtitle V of such  
5 title is repealed.

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

8 The Federal Funding Accountability and Trans-  
9 parency Act of 2006 (Public Law 109–282; 31 U.S.C.  
10 6101 note) is repealed.

11 **SEC. 306. EFFECTIVE DATE.**

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

