

112TH CONGRESS
1ST SESSION

H. R. 2146

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

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

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; and

9 “(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; and

19 “(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) such additional information reason-
5 ably related to the receipt and use of Federal
6 funds as the Board shall require.

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

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

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

18 **“§ 3603. Agency reporting requirement**

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

22 “(b) CHARACTERISTICS OF REPORTS.—

23 “(1) FREQUENCY OF REPORTS.—

24 “(A) IN GENERAL.—The Board shall des-
25 ignate the frequency of reports to be submitted

1 by agencies under subsection (a), but the fre-
2 quency shall not be less than once each quarter.

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

7 “(2) CONTENT OF REPORT.—

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

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

17 “(i) For information about Federal
18 awards—

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

23 “(II) the Federal procurement
24 data system established pursuant to

1 section 1122(a)(4) of title 41, United
2 States Code;

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

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

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

21 “(3) USE OF DATA STANDARDS.—The reports
22 submitted under this section shall use the common
23 data elements and data reporting standards des-
24 ignated by the Board under section 3611.

“(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.

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

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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; and

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 intergovernmental 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 Web sites for the
22 publication of data required to be published online
23 under this section.

24 “(2) PURPOSE OF WEB SITE OR WEB SITES.—
25 The Web site or Web sites established and main-
26 tained under this subsection shall serve as a public

1 portal for Federal financial information, including
2 information concerning all Federal awards and infor-
3 mation concerning the expenditure of all Federal
4 funds.

5 “(3) CONTENT AND FUNCTION OF WEB SITE OR
6 WEB SITES.—The Board shall ensure that the Web
7 site or Web sites established and maintained under
8 this subsection:

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

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

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

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

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

23 “(F) To the extent practicable, dissemi-
24 nates information published under subsection
25 (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 Web sites 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 Web site or Web sites 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 Web sites 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 to find waste, fraud, and abuse.

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

19 **“§ 3614. Agency responsibilities**

20 “(a) REQUIREMENT.—As a condition of receipt of
21 Federal funds of an Executive agency pursuant to any
22 Federal award, the Executive agency shall require any re-
23 cipient of such funds to provide the information required
24 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 AND SUNSET.**—Chapter 36 of
5 title 31, United States Code, as added by section 101, is
6 further amended by adding at the end the following new
7 subchapter:

8 “SUBCHAPTER IV—GENERAL PROVISIONS

9 “§ 3641. **Effective date**

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

11 “§ 3642. **Sunset**

12 “This chapter shall cease to be in effect after Sep-
13 tember 30, 2018.”.

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

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

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

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

24 (C) establish one or more Web sites under
25 section 3612(d) of such title, as so added.

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

1 (A) Within one year after the effective date
2 of this Act, each Executive agency shall imple-
3 ment section 3614(a) of title 31, United States
4 Code, as added by this Act.

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

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

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

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

1 **TITLE II—FEDERAL ACCOUNT-**
2 **ABILITY AND SPENDING**
3 **TRANSPARENCY BOARD**

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

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

9 “SUBCHAPTER III—FEDERAL ACCOUNTABILITY
10 AND SPENDING TRANSPARENCY BOARD

11 “§ 3621. **Establishment**

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

15 “(b) FUNCTIONS AND POWERS TRANSFERRED.—

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

20 “(2) POWERS, AUTHORITIES, RIGHTS, AND DU-
21 TIES.—The Federal Accountability and Spending
22 Transparency Board shall succeed to all powers, au-
23 thorities, rights, and duties that were vested in the
24 Recovery Accountability and Transparency Board on
25 the day before the effective date of this Act.

1 **“§ 3622. Composition of the board**

2 “(a) CHAIRPERSON.—

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

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

9 “(3) COMMISSION ESTABLISHED.—When a va-
10 cancy occurs in the office of Chairperson of the
11 Board, a commission is established to recommend
12 individuals to the President for appointment to the
13 vacant office. The commission shall be composed
14 of—

15 “(A) the Speaker of the House of Rep-
16 resentatives;

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

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

22 “(D) the chairmen and ranking minority
23 members of the Committee on Homeland Secu-
24 rity and Governmental Affairs of the Senate
25 and the Committee on Oversight and Govern-
26 ment Reform of the House of Representatives.

1 “(4) RECOMMENDATIONS.—A commission es-
2 tablished because of a vacancy in the office of the
3 Comptroller General shall recommend at least three
4 individuals. The President may ask the commission
5 to recommend additional individuals.

6 “(5) TERM.—The term of service of the Chair-
7 person of the Board shall be 5 years, but the Chair-
8 person may serve after the expiration of the Chair-
9 person’s term until a successor has taken office.

10 “(6) LIMITATION ON TERMS.—No person may
11 serve as the Chairperson of the Board for more than
12 2 terms, whether or not such terms of service are
13 consecutive.

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

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

21 “(1) the Inspectors General of the Department
22 of Agriculture, the Department of Defense, the De-
23 partment of Education, the Department of Energy,
24 the Department of Health and Human Services, the

1 Department of Homeland Security, and the Depart-
2 ment of Transportation;

3 “(2) the Deputy Secretaries of the Department
4 of Agriculture, the Department of Education, the
5 Department of Energy, the Department of Health
6 and Human Services, and the Department of Trans-
7 portation; the Chief Management Officer of the De-
8 partment of Defense, and the Undersecretary for
9 Management of the Department of Homeland Secu-
10 rity; and

11 “(3) the Controller of the Office of Manage-
12 ment and Budget and the Deputy Director for Man-
13 agement of the Office of Management and Budget.

14 **“§ 3623. Functions**

15 “(a) IN GENERAL.—The Board shall—

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

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

22 “(3) coordinate and conduct oversight of Fed-
23 eral funds in order to prevent fraud, waste, and
24 abuse.

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

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

6 “(2) Reviewing whether reporting under section
7 3602 meets applicable standards and specifies the
8 purpose of the Federal award and measures of per-
9 formance.

10 “(3) Auditing, investigating, or reviewing Fed-
11 eral funds to determine whether fraud, wasteful
12 spending, poor contract or grant management, or
13 other abuses are occurring and referring matters it
14 considers appropriate for further investigation to the
15 inspector general for the Executive agency that dis-
16 bursed the Federal funds.

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

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

23 “(6) Reviewing whether there are appropriate
24 mechanisms for interagency collaboration relating to
25 Federal funds, including coordinating and collabo-

1 rating to the extent practicable with the Inspectors
2 General Council on Integrity and Efficiency estab-
3 lished by the Inspector General Reform Act of 2008
4 (Public Law 110–409).

5 “(c) REPORT REQUIREMENTS.—

6 “(1) REPORTS.—

7 “(A) REGULAR REPORTS ON DATA QUAL-
8 ITY AUDITS.—The Board shall regularly submit
9 to the President and Congress reports on its
10 audits of the quality of the data submitted to
11 it under sections 3602 and 3603.

12 “(B) SEMI-ANNUAL REPORTS ON ACTIVI-
13 TIES.—The Board shall submit semi-annual re-
14 ports to the President and Congress, summa-
15 rizing the activities and findings of the Board
16 and the findings of inspectors general of Execu-
17 tive agencies.

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

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

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

11 “(d) RECOMMENDATIONS.—

12 “(1) IN GENERAL.—The Board shall make rec-
13 ommendations to Executive agencies on measures to
14 prevent fraud, waste, and abuse relating to Federal
15 funds.

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

1 **“§ 3624. Powers**

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

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

8 “(1) conduct its own independent audits, inves-
9 tigations, and reviews relating to Federal funds; and

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

13 “(c) AUTHORITIES.—

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

25 “(2) STANDARDS AND GUIDELINES.—The
26 Board shall carry out the powers under paragraphs

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

3 “(d) CONTRACTS.—The Board may enter into con-
4 tracts to enable the Board to discharge its duties under
5 this subtitle, including contracts and other arrangements
6 for audits, studies, analyses, and other services with public
7 agencies and with private persons, and make such pay-
8 ments as may be necessary to carry out the duties of the
9 Board.

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

17 **“§ 3625. Employment, personnel, and related authori-**
18 **ties**

19 “(a) SELECTION OF EXECUTIVE DIRECTOR.—On be-
20 half of the Board, the Chairperson shall appoint an Execu-
21 tive Director who shall be the chief executive officer of
22 the Board and who shall carry out the functions of the
23 Board subject to the supervision and direction of the
24 Board. The position of Executive Director shall be a ca-
25 reer reserved position in the Senior Executive Service, as

1 that position is defined under section 3132 of title 5,
 2 United States Code.

3 “(b) ADMINISTRATIVE SUPPORT.—The General Serv-
 4 ices Administration shall provide the Board with adminis-
 5 trative support services, including the provision of office
 6 space and facilities.

7 **“§ 3626. Rulemaking authority**

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

10 **“§ 3627. Transfer of certain personnel**

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

17 “(b) PAY.—

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

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

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

8 **“§ 3628. Authorization and availability of appropria-**
 9 **tions**

10 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
 11 is authorized to be appropriated \$51,000,000 for each of
 12 fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and
 13 2018 to carry out the functions of the Board.

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

19 **SEC. 202. CONFORMING AMENDMENT RELATING TO COM-**
 20 **PENSATION OF CHAIRPERSON.**

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

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

1 **SEC. 203. AMENDMENTS AND REPEAL OF RECOVERY AC-**
2 **COUNTABILITY AND TRANSPARENCY BOARD.**

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

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

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

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

20 **TITLE III—ADDITIONAL**
21 **PROVISIONS**

22 **SEC. 301. CLASSIFIED INFORMATION.**

23 Nothing in this Act or the amendments made by this
24 Act shall be construed to require the disclosure of classi-
25 fied information.

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

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

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

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

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

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

19 **SEC. 303. MATCHING PROGRAM.**

20 Section 6(a) of the Inspector General Act of 1978
21 (5 U.S.C. App.) is amended—

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

23 (2) by redesignating paragraph (9) as para-
24 graph (10); and

25 (3) by inserting after paragraph (8) the fol-
26 lowing new paragraph:

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

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

13 (a) TRANSFER OF FUNCTIONS.—The Federal Ac-
14 countability and Transparency Board and the Secretary
15 of Commerce shall transfer the functions of the Consoli-
16 dated Federal Funds Report to the Web site or Web sites
17 established under section 3612 of title 31, United States
18 Code, as added by this Act.

19 (b) INFORMATION.—The Board shall ensure that the
20 Web site or Web sites established under such section 3612
21 permits users to determine the following information:

22 (1) For each fiscal year, the total amount of
23 Federal funds that were obligated in each State,
24 county or parish, congressional district, and munic-
25 ipality of the United States.

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

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

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

12 The Federal Funding Accountability and Trans-
13 parency Act of 2006 (Public Law 109–282; 31 U.S.C.
14 6101 note) is repealed.

15 **SEC. 306. EFFECTIVE DATE.**

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

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