

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

MINORITY (202) 225-5051

<http://oversight.house.gov>

May 8, 2017

The Honorable Mick Mulvaney
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Mulvaney:

The federal government annually spends more than \$3.7 trillion on its programs and operations.¹ For years, federal government spending data has been housed in disconnected and siloed systems using various formats. There was no unified, detailed view of how the government spends tax dollars. The 2014 Digital Accountability and Transparency Act (DATA Act) was intended to resolve this long-standing issue by requiring standardized data reporting for all federal spending.² Beginning today, agencies are to start reporting their spending information. Getting to this milestone is a significant achievement. The Office of Management and Budget (OMB) and Department of Treasury (Treasury) are integral to effective implementation, including setting data standards, issuing agency guidance, and identifying opportunities to reduce reporting burden for federal awardees.

While there is strong reason to be optimistic that the DATA Act can and will achieve its goals, there are ongoing implementation challenges that threaten its success. The Government Accountability Office (GAO) has recently reported, for example, widespread and longstanding financial management issues that present risks to agencies' abilities to submit quality data as required by the DATA Act.³ Additionally, GAO found that OMB and the Department of Treasury may be missing an opportunity to identify government-wide systemic issues and good practices from agency inspectors general reviews of DATA Act implementation.⁴ For example, eleven of the sixteen large agencies that conducted readiness reviews had technology issues, including challenges with developing and submitting required files, integrating multiple existing and disparate financial and management systems, or needing to install new systems or modify existing systems to implement the DATA Act. These and other issues have already had an effect

¹ U.S. Government Accountability Office (GAO), *Data Act: Improvements Needed in Reviewing Agency Implementation Plans and Monitoring Progress* (July 2016) (GAO-16-698).

² Pub. L. 113-101 (May 9, 2014).

³ GAO, *Data Act: As Reporting Deadline Nears, Challenges Remain that Will Affect Data Quality*, Apr. 2017 (GAO-17-496).

⁴ GAO, *Data Act: DATA Act: Office of Inspector General Reports Help Identify Agencies' Implementation Challenges*, Apr. 2017 (GAO-17-460).

on agency readiness. According to GAO, the Departments of Defense, Housing and Urban Development, the Interior, Veterans Affairs, and the Environmental Protection Agency will not fully meet the May 2017 reporting requirements.⁵

Addressing these and other outstanding issues is important to mitigating risks to DATA Act implementation. There are five recommendations in particular that GAO has identified as necessary for successful DATA Act implementation, some of which are amongst the highest priorities to OMB and Treasury:

1. Establish a set of clear policies and processes for developing and maintaining data standards that are consistent with leading practices for data governance.⁶
2. Accelerate efforts to determine how best to merge DATA Act purposes and requirements to produce a federal program inventory.⁷
3. Provide agencies with additional guidance to address potential clarity, consistency or quality issues with the definitions for specific data elements including Award Description and Primary Place of Performance, and that they clearly document and communicate these actions to agencies providing this data as well as to end-users.⁸
4. Establish or leverage processes to determine the complete population of agencies that are required to report spending data under the DATA Act.⁹
5. Establish mechanisms to assess the results of independent audits and reviews of agencies' compliance with the DATA Act requirements, including those of agency inspectors general, to help inform full implementation of the act's requirements across government.¹⁰

The Committee requires an update on Treasury's efforts to address these recommendations. In the response, describe the agency's actions to date and a timeline for when key activities will take place to fully address the recommendations. Provide this information as soon as possible, but no later than 5:00 p.m. on May 22, 2017.

⁵ GAO-17-496.

⁶ GAO, *DATA Act: Progress Made in Initial Implementation but Challenges Must be Addressed as Efforts Proceed*, July 2016 (GAO-15-752T). For more information, see <https://www.gao.gov/products/GAO-15-752T>, recommendations tab.

⁷ *Id.*

⁸ GAO, *DATA Act: Data Standards Established, but More Complete and Timely Guidance Is Needed to Ensure Effective Implementation*, Jan. 2016 (GAO-16-261). For more information, see <https://www.gao.gov/products/GAO-16-261>, recommendations tab.

⁹ GAO, *Data Act, Improvements Needed in Reviewing Agency Implementation Plans and Monitoring Progress*, July 2016 (GAO-16-698). For more information, see: <https://www.gao.gov/products/GAO-16-698>, recommendations tab.

¹⁰ GAO-17-460.

The Honorable Mick Mulvaney

May 8, 2017

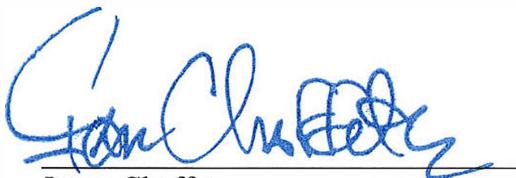
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When producing documents to the Committee, please deliver production sets to the Majority staff in room 2157 of the Rayburn House Office Building and the Minority staff in room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request.

The Committee on Oversight and Government Reform is the principal investigative committee in the U.S. House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate "any matter" at "any time."

Please have your staff contact Drew Baney or Shea Bader of the Committee staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

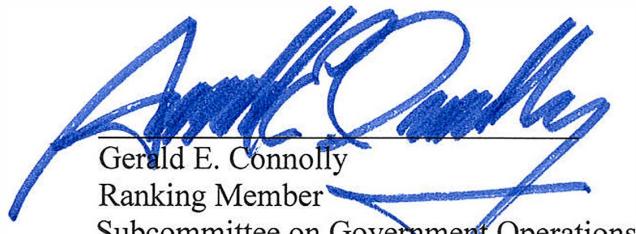
Sincerely,



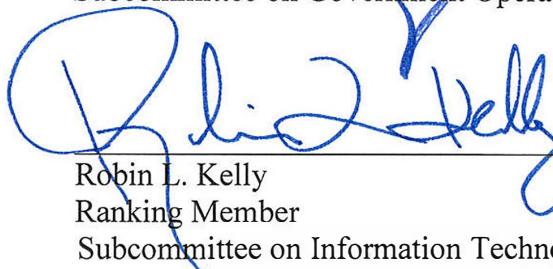
Jason Chaffetz
Chairman



Elijah E. Cummings
Ranking Member



Gerald E. Connolly
Ranking Member
Subcommittee on Government Operations



Robin L. Kelly
Ranking Member
Subcommittee on Information Technology

Enclosure

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGIN TIME, ENDDATE, END TIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.