

112TH CONGRESS
2^D SESSION

H. R. 2146

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Digital Accountability
3 and Transparency Act of 2012” or the “DATA Act”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 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. Amendments to the Federal Funding Accountability and Transparency Act of 2006.
- Sec. 104. Effective date and deadlines for accountability and transparency in Federal spending.

TITLE II—FEDERAL ACCOUNTABILITY AND SPENDING
TRANSPARENCY COMMISSION

- Sec. 201. Federal Accountability and Spending Transparency Commission.
- Sec. 202. Conforming amendment relating to compensation of Chairman.
- Sec. 203. Conforming amendments related to Recovery Accountability and Transparency Board.

TITLE III—ADDITIONAL PROVISIONS

- Sec. 301. Classified information.
- Sec. 302. Paperwork Reduction Act exemption.
- Sec. 303. Matching program exception for inspectors general.
- Sec. 304. Transfer of Consolidated Federal Funds Report.
- Sec. 305. Transfer of authority over Catalog of Federal Domestic Assistance to Commission.
- Sec. 306. Government Accountability Office Improvement.
- Sec. 307. Amendments to the Inspector General Act of 1978 and the Inspector General Reform Act of 2008.
- Sec. 308. Limits and transparency for travel and conference spending.
- Sec. 309. Effective date.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) The term “Commission” means the Federal
9 Accountability and Spending Transparency Commis-

1 sion established under subchapter III of chapter 36
2 of title 31, United States Code, as added by this
3 Act.

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

8 **TITLE I—ACCOUNTABILITY AND**
9 **TRANSPARENCY IN FEDERAL**
10 **SPENDING**

11 **SEC. 101. GENERAL REQUIREMENTS FOR ACCOUNTABILITY**
12 **AND TRANSPARENCY IN FEDERAL SPENDING.**

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

16 **“CHAPTER 36—ACCOUNTABILITY AND**
17 **TRANSPARENCY IN FEDERAL SPENDING**

“SUBCHAPTER I—REPORTING REQUIREMENTS

- “3601. Definitions.
- “3602. Recipient reporting requirement.
- “3603. Agency reporting requirement.
- “3604. Treasury reporting requirement.
- “3605. 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. Consolidated financial reporting.
- “3616. Office of Management and Budget responsibilities.
- “3617. Treasury responsibilities.
- “3618. General Services Administration responsibilities.

“SUBCHAPTER III—FEDERAL ACCOUNTABILITY AND SPENDING TRANSPARENCY
COMMISSION

- “3621. Establishment.
- “3622. Composition of the Commission.
- “3623. Functions.
- “3624. Powers.
- “3625. Employment, personnel, and related authorities.
- “3626. Transfer of certain personnel.
- “3627. Advisory committee to Commission.
- “3628. Authorization and availability of appropriations.
- “3629. Sunset.

“SUBCHAPTER IV—GENERAL PROVISIONS

- “3641. Independence of inspectors general.
- “3642. Effective date.

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 through a subgrant or subcontract at
9 any tier; and

10 “(B) any State, local, or tribal govern-
11 ment, or any government corporation, that re-
12 ceives Federal funds pursuant to a Federal
13 award, either directly or through a subgrant or
14 subcontract at any tier.

15 “(2) FEDERAL AWARD.—The term ‘Federal
16 award’ means Federal financial assistance and ex-
17 penditures that—

1 “(A) include grants, subgrants, loans,
2 awards, cooperative agreements, agreements en-
3 tered into under other transactional authority,
4 and other forms of financial assistance; and

5 “(B) include contracts, subcontracts, pur-
6 chase orders, task orders, and delivery orders.

7 “(3) COMMISSION.—The term ‘Commission’
8 means the Federal Accountability and Spending
9 Transparency Commission established under sub-
10 chapter III of this chapter, or any successor entity
11 to the Federal Accountability and Spending Trans-
12 parency Commission.

13 “(4) CHAIRMAN.—The term ‘Chairman’ means
14 the Chairman of the Federal Accountability and
15 Spending Transparency Commission.

16 “(5) EXECUTIVE AGENCY.—The term ‘Execu-
17 tive agency’ has the meaning provided by section
18 105 of title 5, except the term does not include the
19 Government Accountability Office.

20 “(6) FOREIGN CORRUPT PRACTICES ACT OF
21 1977.—The term ‘Foreign Corrupt Practices Act of
22 1977’ means—

23 “(A) section 30A of the Securities Ex-
24 change Act of 1934 (15 U.S.C. 78dd–1); and

1 “(B) sections 104 and 104A of the For-
2 foreign Corrupt Practices Act (15 U.S.C. 78dd–2).

3 **“§ 3602. Recipient reporting requirement**

4 “(a) REQUIREMENT.—Each recipient shall report to
5 the Commission each receipt and use of Federal funds
6 pursuant to a Federal award.

7 “(b) CHARACTERISTICS OF REPORTS.—

8 “(1) FREQUENCY OF REPORTS.—

9 “(A) IN GENERAL.—The Commission shall
10 designate, by rule, the frequency of reports to
11 be submitted by recipients under subsection (a),
12 but the frequency shall not be less than once
13 each quarter.

14 “(B) DEADLINES.—The Commission shall,
15 by rule, specify deadlines by which a particular
16 receipt or use of Federal funds must be re-
17 ported by a recipient under subsection (a). In
18 specifying deadlines under this subparagraph,
19 the Commission shall take into account the ca-
20 pabilities of the management and accounting
21 systems and processes of recipients. The Com-
22 mission shall, by rule, provide for extensions of
23 the deadlines specified under this subparagraph
24 in cases of hardship or emergency.

1 “(C) CONTINUOUS OR AUTOMATIC RE-
2 PORTING.—To the extent practicable, the Com-
3 mission shall require continuous or automatic
4 reporting for compliance with this section.

5 “(2) CONTENT OF REPORTS.—Each report sub-
6 mitted by a recipient under subsection (a) shall con-
7 tain the following information:

8 “(A) An identification of the recipient, in-
9 cluding the recipient’s name and location (in-
10 cluding city, county, State, congressional dis-
11 trict, and country), with location information
12 provided in proper United States Postal Service
13 standardized format, including ZIP+4, or prop-
14 er international postal service standardized for-
15 mat where applicable.

16 “(B) An identification of the recipient and
17 the parent entity of the recipient, if the recipi-
18 ent is owned by another entity.

19 “(C) An identification of the Executive
20 agency.

21 “(D) An identification of the Federal
22 award.

23 “(E) If applicable, an identification of the
24 program pursuant to which the Federal award
25 was awarded.

1 “(F) The total amount of Federal funds
2 received from that Executive agency for the
3 Federal award, during the period covered by the
4 report.

5 “(G) The amount of Federal funds from
6 the Federal award that were expended or obli-
7 gated by the recipient to projects or activities
8 during the period covered by the report.

9 “(H) A list of all projects or activities for
10 which Federal funds were expended or obli-
11 gated.

12 “(I) If the Federal award is a prime
13 award, an identification of its immediate sub-
14 awards.

15 “(J) If the Federal award is a subaward,
16 an identification of its immediate prime award.

17 “(K) Such additional information reason-
18 ably related to the receipt and use of Federal
19 funds as the Commission shall, by rule, require.

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

1 “(c) FULFILLMENT OF REQUIREMENTS BY PRIME
2 AWARDEES.—The Commission shall, by rule, permit
3 prime awardees to fulfill the requirements of this section
4 on behalf of subawardees, so long as all subaward tiers
5 are reported.

6 “(d) GUIDANCE BY COMMISSION.—The Commission
7 shall issue guidance to recipients on compliance with this
8 section.

9 “(e) PREPOPULATION.—To the extent practicable,
10 the Commission shall prepopulate its electronic systems
11 for the submission of reports required by this section with
12 data submitted to it by agencies under section 3603 of
13 this title, and shall permit recipients either to confirm that
14 prepopulated data is correct or, if it is incorrect, to make
15 corrections.

16 “(f) REGISTRATION.—Recipients required to report
17 information under subsection (a) shall register with the
18 Central Contractor Registration database or complete
19 such other registration requirements as the Commission
20 shall, by rule, require.

21 **“§ 3603. Agency reporting requirement**

22 “(a) REQUIREMENT.—Each Executive agency shall
23 report to the Commission all obligations and expenditures
24 of Federal funds.

25 “(b) CHARACTERISTICS OF REPORTS.—

1 “(1) FREQUENCY OF REPORTS.—

2 “(A) IN GENERAL.—The Commission shall
3 designate, by rule, and after consultation with
4 the Office of Management and Budget, the fre-
5 quency of reports to be submitted by agencies
6 under subsection (a), but the frequency shall
7 not be less than once each quarter.

8 “(B) DEADLINES.—The Commission shall,
9 by rule, and after consultation with the Office
10 of Management and Budget, specify the dead-
11 line by which an obligation or expenditure must
12 be reported by an agency under subsection (a).

13 “(C) CONTINUOUS OR AUTOMATIC RE-
14 PORTING.—To the extent practicable, the Com-
15 mission shall require continuous or automatic
16 reporting for compliance with this section.

17 “(2) CONTENT OF REPORT.—

18 “(A) INFORMATION RELATING TO FED-
19 ERAL AWARDS.—Each report submitted by an
20 Executive agency under subsection (a) that re-
21 lates to a Federal award shall contain the fol-
22 lowing information for that Federal award:

23 “(i) An identification of the recipient,
24 including the recipient’s name and location
25 (including city, State, congressional dis-

1 trict, and country), with location informa-
2 tion provided in proper United States
3 Postal Service standardized format, includ-
4 ing ZIP+4, or proper international postal
5 service standardized format where applica-
6 ble.

7 “(ii) An identification of the recipient
8 and the parent entity of the recipient,
9 should the entity be owned by another enti-
10 ty.

11 “(iii) An identification of the Execu-
12 tive agency.

13 “(iv) An identification of the Federal
14 award.

15 “(v) If applicable, an identification of
16 the program pursuant to which the Fed-
17 eral award was awarded.

18 “(vi) If necessary, the total amount of
19 the award.

20 “(vii) The total amount of Federal
21 funds received by the recipient from the
22 Executive agency for the Federal award,
23 during the period covered by the report.

24 “(viii) Information on the award, in-
25 cluding transaction type, funding agency,

1 the North American Industry Classification
2 System code or Catalog of Federal Domes-
3 tic Assistance number (if applicable), the
4 program source, and an award title de-
5 scriptive of the purpose of each funding ac-
6 tion.

7 “(ix) Such additional information rea-
8 sonably related to the Federal award as
9 the Commission shall, by rule, require.

10 “(B) INFORMATION NOT RELATING TO
11 FEDERAL AWARDS.—The content of each report
12 submitted by an Executive agency under sub-
13 section (a) that does not relate to a Federal
14 award shall be designated by the Commission,
15 by rule, and after consultation with the Office
16 of Management and Budget.

17 “(C) IDENTIFICATION INFORMATION.—To
18 the extent practicable, reports submitted by
19 agencies under subsection (a) shall identify the
20 programs, budget functions, Treasury accounts,
21 and appropriations categories pursuant to
22 which Federal funds are obligated or expended.

23 “(D) USE OF OTHER REPORTING INFOR-
24 MATION.—To the extent practicable, the Com-
25 mission shall permit agencies to comply with

1 subsection (a) by submitting the same informa-
2 tion that they submit or contribute for other
3 governmentwide reporting requirements, includ-
4 ing the following:

5 “(i) For information about Federal
6 awards—

7 “(I) the Federal assistance
8 awards data system established pursu-
9 ant to section 6102a of title 31,
10 United States Code;

11 “(II) the Federal procurement
12 data system established pursuant to
13 section 1122(a)(4) of title 41, United
14 States Code;

15 “(III) the common application
16 and reporting system established pur-
17 suant to section 6 of the Federal Fi-
18 nancial Assistance Management Im-
19 provement Act of 1999 (31 U.S.C.
20 6101 note); or

21 “(IV) such systems as may be es-
22 tablished to replace or supplement the
23 systems identified in this clause.

24 “(ii) For information about internal
25 expenditures and accounting, the Federal

1 Agencies’ Centralized Trial-Balance Sys-
2 tems (FACTS I and FACTS II), the Gov-
3 ernmentwide Financial Report System
4 (GFRS), the Intragovernmental Fiduciary
5 Confirmation System (IFCS), or such sys-
6 tems as may be established to replace or
7 supplement such systems.

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 Commission under section 3611 of
12 this title.

13 “(4) INFORMATION ALSO SUBJECT TO RECIPI-
14 ENT REPORTING REQUIREMENT.—In complying with
15 this section, each Executive agency shall identify, to
16 the extent practicable, Federal awards made by the
17 agency that are subject to the recipient reporting re-
18 quirement of section 3602 of this title so that infor-
19 mation reported by recipients and information re-
20 ported by the agency can be directly compared.

21 “(c) GUIDANCE BY COMMISSION.—The Commission
22 shall issue guidance to Executive agencies on compliance
23 with this section.

24 “(d) COMMISSION TO MONITOR COMPLIANCE.—The
25 Commission shall regularly report to Congress on each Ex-

1 executive agency's compliance with this section, including
2 the timeliness, completeness, accuracy, and interoper-
3 ability of the data submitted by each Executive agency.
4 The Commission shall make these reports publicly avail-
5 able contemporaneously online.

6 **“§ 3604. Treasury reporting requirement**

7 “(a) REQUIREMENT.—The Department of the Treas-
8 ury shall report to the Commission disbursements of Fed-
9 eral funds.

10 “(b) CHARACTERISTICS OF REPORTS.—

11 “(1) FREQUENCY OF REPORTS.—

12 “(A) IN GENERAL.—The Commission and
13 the Secretary of the Treasury shall determine
14 the frequency of reports submitted by the De-
15 partment of the Treasury under subsection (a),
16 but the frequency shall not be less than once
17 each quarter.

18 “(B) CONTINUOUS OR AUTOMATIC RE-
19 PORTING.—To the extent practicable, the Com-
20 mission and the Department of the Treasury
21 shall establish continuous or automatic report-
22 ing for compliance with this section.

23 “(2) CONTENT OF REPORT.—

24 “(A) The Commission and the Secretary of
25 the Treasury shall determine the content of re-

1 ports submitted by the Department of the
2 Treasury under subsection (a).

3 “(B) To the extent practicable, reports
4 submitted by the Department of the Treasury
5 under subsection (a) shall identify the pro-
6 grams, budget functions, Treasury accounts,
7 and appropriations categories pursuant to
8 which Federal funds are disbursed.

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

14 “(c) COMMISSION TO MONITOR COMPLIANCE.—The
15 Commission shall regularly submit to Congress reports on
16 compliance by the Department of the Treasury with this
17 section, including the timeliness, completeness, accuracy,
18 and interoperability of the data submitted. The Commis-
19 sion shall make all reports submitted under this subsection
20 publicly available contemporaneously online.

21 **“§ 3605. Exemptions from recipient reporting require-**
22 **ment**

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

1 “(1) the recipient is an individual; and

2 “(2) either—

3 “(A) the total amount of Federal funds re-
4 ceived by the recipient does not exceed
5 \$100,000 in the current calendar year or fiscal
6 year; or

7 “(B) no transaction in which the recipient
8 has received Federal funds during the current
9 calendar year or fiscal year has exceeded
10 \$24,999.

11 “(b) AUTHORITY TO GRANT ADDITIONAL EXEMP-
12 TIONS.—The Commission may, by rule, grant additional
13 exemptions under this section for classes or categories of
14 recipients.

15 “(c) ADJUSTMENT FOR INFLATION.—The Commis-
16 sion shall, by rule, provide for an adjustment of the dollar
17 thresholds specified in subsection (a)(2) to maintain the
18 constant dollar value of the threshold.”.

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

**“36. Accountability and Transparency in Federal Spend-
ing 3601”.**

1 **SEC. 102. DATA STANDARDIZATION FOR ACCOUNTABILITY**
2 **AND TRANSPARENCY IN FEDERAL SPENDING.**

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

6 “SUBCHAPTER II—DATA STANDARDIZATION
7 “§ 3611. **Data standardization for reporting informa-**
8 **tion**

9 “(a) COMMON DATA ELEMENTS.—

10 “(1) REQUIREMENT.—The Commission shall,
11 by rule, designate common data elements, such as
12 codes, identifiers, and fields, for information re-
13 quired to be reported by recipients and agencies
14 under this chapter, including identifiers for recipi-
15 ents, awards, and agencies.

16 “(2) CHARACTERISTICS OF COMMON DATA ELE-
17 MENTS.—The common data elements designated
18 under this subsection shall, to the extent practicable,
19 be nonproprietary.

20 “(3) EXISTING COMMON DATA ELEMENTS.—In
21 designating common data elements under this sub-
22 section, the Commission shall, to the extent prac-
23 ticable, ensure interoperability and incorporate the
24 following:

25 “(A) Common data elements developed and
26 maintained by an international voluntary con-

1 sensus standards body, as defined by the Office
2 of Management and Budget, such as the Inter-
3 national Organization for Standardization.

4 “(B) Common data elements developed and
5 maintained by intragovernmental partnerships,
6 such as the National Information Exchange
7 Model.

8 “(C) Common data elements developed and
9 maintained by Federal entities with authority
10 over contracting and financial assistance, such
11 as the Federal Acquisition Regulatory Council.

12 “(D) Common data elements developed
13 and maintained by accounting standards orga-
14 nizations.

15 “(b) DATA REPORTING STANDARDS.—

16 “(1) REQUIREMENT.—The Commission shall,
17 by rule, designate data reporting standards to gov-
18 ern the reporting required to be performed by recipi-
19 ents and agencies under this title.

20 “(2) CHARACTERISTICS OF DATA REPORTING
21 STANDARDS.—The data reporting standards des-
22 ignated under this subsection shall, to the extent
23 practicable—

1 “(A) incorporate a widely accepted, non-
2 proprietary, searchable, platform-independent
3 computer-readable format;

4 “(B) be consistent with and implement ap-
5 plicable accounting principles; and

6 “(C) be capable of being continually up-
7 graded as necessary.

8 “(3) EXISTING DATA REPORTING STAND-
9 ARDS.—In designating reporting standards under
10 this subsection, the Commission shall, to the extent
11 practicable, incorporate existing nonproprietary
12 standards, such as the eXtensible Business Report-
13 ing Language (XBRL).

14 **“§ 3612. Full disclosure of information**

15 “The Commission shall publish online all information
16 submitted by recipients and agencies pursuant to sections
17 3602, 3603, and 3604 of this title in accordance with the
18 Federal Funding Accountability and Transparency Act of
19 2006 (31 U.S.C. 6101 note).

20 **“§ 3613. Federal accountability portal**

21 “(a) REQUIREMENT.—The Commission shall estab-
22 lish and maintain a government-wide Internet-based data
23 access system, to be known as a ‘Federal accountability
24 portal’, to carry out the functions described in subsection
25 (b).

1 “(b) FUNCTIONS.—

2 “(1) IN GENERAL.—The Federal accountability
3 portal shall incorporate—

4 “(A) information submitted by recipients
5 and agencies under sections 3602, 3603, and
6 3604 of this title;

7 “(B) other information maintained by Fed-
8 eral, State, local, and foreign government agen-
9 cies; and

10 “(C) other commercially and publicly avail-
11 able information.

12 “(2) SPECIFIC FUNCTIONS.—The Federal ac-
13 countability portal shall be designed and operated to
14 carry out the following functions:

15 “(A) Combine information submitted by
16 recipients and agencies under sections 3602,
17 3603, and 3604 of this title with other compila-
18 tions of information, including those listed in
19 paragraph (1).

20 “(B) Permit Executive agencies, in accord-
21 ance with applicable law, to verify the eligibility
22 and responsibility of recipients and potential re-
23 cipients with respect to the receipt and use of
24 Federal funds.

1 “(C) Permit Executive agencies, inspectors
2 general, law enforcement agencies, and appro-
3 appropriate State authorities, in accordance with ap-
4 plicable law, to track Federal awards and re-
5 cipients to detect and prevent waste, fraud, and
6 abuse.

7 “(D) Serve as the primary accountability
8 portal for the entire Federal Government.

9 “(c) GUIDANCE BY COMMISSION.—The Commission
10 shall issue guidance on the use of and access to the Fed-
11 eral accountability portal.

12 **“§ 3614. Agency responsibilities**

13 “(a) REQUIREMENT.—As a condition of receipt of
14 Federal funds of an Executive agency pursuant to any
15 Federal award, the Executive agency shall require any re-
16 cipient of such funds to provide the information required
17 under section 3602 of this title.

18 “(b) PENALTIES FOR RECIPIENT NONCOMPLI-
19 ANCE.—

20 “(1) IN GENERAL.—The head of an Executive
21 agency may impose a civil penalty in an amount not
22 more than \$250,000 on a recipient of Federal funds
23 from that Executive agency that does not provide
24 the information required under section 3602 of this

1 title or provides information that contains a material
2 omission or misstatement.

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

12 “(3) NOTIFICATION.—The head of an Executive
13 agency shall provide a written notification to a re-
14 cipient that fails to provide the information required
15 under section 3602 of this title or provides informa-
16 tion that contains a material omission or
17 misstatement. Such notification shall provide the re-
18 cipient with information on how to comply with the
19 requirements of such section 3602 and notice of the
20 penalties for failing to do so. The head of the Execu-
21 tive agency may not impose a civil penalty under
22 paragraph (1) until 60 days after the date of the no-
23 tification.

1 “(c) COMPLIANCE WITH COMMISSION GUIDANCE.—
2 Executive agencies shall comply with the instructions and
3 guidance issued by the Commission under this Act.

4 “(d) INFORMATION AND ASSISTANCE.—

5 “(1) IN GENERAL.—Upon request of the Com-
6 mission for information or assistance from any Ex-
7 ecutive agency or other entity of the Federal Gov-
8 ernment, the head of such entity shall, insofar as is
9 practicable and not in contravention of any existing
10 law, furnish such information or assistance to the
11 Commission, or an authorized designee.

12 “(2) REPORT OF REFUSALS.—Whenever infor-
13 mation or assistance requested by the Commission
14 is, in the judgment of the Commission, unreasonably
15 refused or not provided, the Commission shall report
16 the circumstances to Congress.

17 “(e) REQUIREMENT TO USE COMMON DATA ELE-
18 MENTS AND DATA REPORTING STANDARDS.—After the
19 Commission designates any common data element or data
20 reporting standard under section 3611 of this title, each
21 Executive agency shall issue guidance that requires every
22 recipient of Federal funds under any of its Federal awards
23 to use that common data element or data reporting stand-
24 ard for any information reported to that Executive agency

1 to which the common data element or data reporting
2 standard is applicable.

3 “(f) PREPOPULATION.—To the extent practicable,
4 each Executive agency shall use data from the website
5 maintained by the Commission under the Federal Funding
6 Accountability and Transparency Act of 2006 (31 U.S.C.
7 6101 note) to prepopulate any electronic systems main-
8 tained by that agency for the submission of reports on
9 the receipt and use of Federal funds distributed by that
10 agency.

11 **“§ 3615. Consolidated financial reporting**

12 “(a) REPORT IDENTIFYING RECIPIENT FINANCIAL
13 REPORTING REQUIREMENTS TO BE CONSOLIDATED.—In
14 consultation with the Office of Management and Budget,
15 each Executive agency shall, not later than two years after
16 the effective date of this chapter, submit to the President,
17 Congress, and the Commission a report that—

18 “(1) describes any agency-specific financial re-
19 porting requirements for recipients of Federal funds
20 pursuant to a Federal award from the agency;

21 “(2) identifies every element of information that
22 such recipients must regularly submit to the agency
23 pursuant to such requirements; and

24 “(3) for each element so identified, identifies
25 whether that element or a similar element is already

1 being reported to the Commission by such recipients
2 under this title.

3 “(b) DATE CERTAIN THAT RECIPIENTS MAY USE
4 CONSOLIDATED FINANCIAL REPORTING.—Beginning on
5 the date that is three years after the effective date of this
6 chapter, recipients of Federal funds are deemed to have
7 satisfied the agency-specific financial reporting require-
8 ments identified in the reports required by subsection (a)
9 by transmitting the same information to the Commission,
10 in a manner prescribed by the Commission.

11 “(c) RECIPIENT NOTIFICATION.—After an Executive
12 agency has submitted its report under subsection (a), the
13 Executive agency shall issue guidance notifying recipients
14 of Federal funds under its awards that they may, as of
15 the date that is three years after the effective date of this
16 chapter, satisfy those agency-specific financial reporting
17 requirements identified by the agency in its report re-
18 quired under subsection (a) by reporting the same infor-
19 mation to the Commission only.

20 “(d) COMMISSION RESPONSIBILITIES.—

21 “(1) After an Executive agency submits its re-
22 port under subsection (a), the Commission shall pro-
23 mulgate rules describing the manner in which the
24 agency-specific financial reporting requirements
25 identified in the report may be met by recipients of

1 Federal funds from that agency through reporting to
2 the Commission only.

3 “(2) Upon receipt of agency-specific financial
4 reporting information as described under this sec-
5 tion, the Commission shall immediately make such
6 information available to the Executive agency to
7 which the information had previously been required
8 to be submitted.

9 **“§ 3616. Office of Management and Budget respon-**
10 **sibilities**

11 “After the Commission designates any common data
12 element or data reporting standard under section 3611 of
13 this title, the Director of the Office of Management and
14 Budget shall issue guidance that requires Executive agen-
15 cies to use that common data element or data reporting
16 standard for any information reported by Executive agen-
17 cies to the Office of Management and Budget to which
18 the common data element or data reporting standard is
19 applicable.

20 **“§ 3617. Treasury responsibilities**

21 “After the Commission designates any common data
22 element or data reporting standard under section 3611 of
23 this title, the Secretary of the Treasury shall issue guid-
24 ance that requires Executive agencies to use that common
25 data element or data reporting standard for any informa-

1 tion reported by Executive agencies to the Department of
 2 the Treasury to which the common data element or data
 3 reporting standard is applicable.

4 **“§ 3618. General Services Administration responsibil-**
 5 **ities**

6 “After the Commission designates any common data
 7 element or data reporting standard under section 3611 of
 8 this title, the Administrator of General Services shall
 9 apply that common data element or data reporting stand-
 10 ard for any information contained in acquisition-related
 11 databases maintained by the General Services Administra-
 12 tion to which the common data element or data reporting
 13 standard is applicable.”.

14 **SEC. 103. AMENDMENTS TO THE FEDERAL FUNDING AC-**
 15 **COUNTABILITY AND TRANSPARENCY ACT OF**
 16 **2006.**

17 (a) ADDITIONAL REQUIREMENTS FOR
 18 USASPENDING.GOV.—Section 2(c) of the Federal Fund-
 19 ing Accountability and Transparency Act of 2006 (31
 20 U.S.C. 6101 note) is amended—

- 21 (1) by striking paragraphs (1) and (2);
 22 (2) by redesignating paragraphs (3), (4), and
 23 (5) as paragraphs (1), (2), and (3), respectively; and
 24 (3) by adding at the end the following new
 25 paragraphs:

1 “(4) shall, to the extent practicable, publish
2 data under this section in a manner that complies
3 with applicable principles and best practices in the
4 private sector for the publication of open government
5 data;

6 “(5) shall serve as a public portal for Federal
7 financial information, including information con-
8 cerning all Federal awards and information con-
9 cerning the expenditure of all Federal funds;

10 “(6) shall—

11 “(A) make available all information pub-
12 lished under subsections (b), (c), and (d) in a
13 reasonably timely manner;

14 “(B) make available all information pub-
15 lished under subsections (b), (c), and (d), using
16 the common data elements and data reporting
17 standards designated by the Commission under
18 section 3611 of title 31, United States Code;

19 “(C) make available all information pub-
20 lished under subsections (b), (c), and (d) with-
21 out charge, license, or registration requirement;

22 “(D) permit all information published
23 under subsections (b), (c), and (d) to be
24 searched and aggregated;

1 “(E) permit all information published
2 under subsections (b), (c), and (d) to be
3 downloaded, including downloaded in bulk;

4 “(F) to the extent practicable, disseminate
5 information published under subsections (b),
6 (c), and (d) via automatic electronic means;

7 “(G) to the extent practicable, permit in-
8 formation published under subsections (b), (c),
9 and (d) to be freely shared by the public, such
10 as by social media; and

11 “(H) to the extent practicable, use perma-
12 nent uniform resource locators for information
13 published under subsections (b), (c), and (d).”.

14 (b) REQUIREMENT TO REPORT ALL DATA SUB-
15 MITTED UNDER DATA ACT AND CHAPTER 61 OF TITLE
16 31 ON USASPENDING.GOV.—Section 2 of the Federal
17 Funding Accountability and Transparency Act of 2006
18 (31 U.S.C. 6101 note), as amended by subsection (a), is
19 further amended—

20 (1) by striking subsections (d) and (e);

21 (2) by redesignating subsection (c) as sub-
22 section (e); and

23 (3) by inserting after subsection (b) the fol-
24 lowing new subsections (c) and (d):

1 “(c) FULL DISCLOSURE OF DATA SUBMITTED
2 UNDER THE DIGITAL ACCOUNTABILITY AND TRANS-
3 PARENCY ACT OF 2012.—

4 “(1) REQUIREMENT.—The Commission shall
5 publish on the website established under this section
6 all information submitted by recipients and agencies
7 pursuant to sections 3602, 3603, and 3604 of title
8 31, United States Code, as added by the Digital Ac-
9 countability and Transparency Act of 2012.

10 “(2) AGGREGATION OF INFORMATION THAT IS
11 EXEMPT FROM RECIPIENT REPORTING REQUIRE-
12 MENT.—The Commission shall publish, online and in
13 the aggregate, information that is exempt from re-
14 cipient reporting under section 3605 of such title
15 but that is reported by an Executive agency under
16 section 3603 of such title in the aggregate.

17 “(d) FULL DISCLOSURE OF INFORMATION RE-
18 QUIRED BY CHAPTER 61 OF TITLE 31.—The Commission
19 shall publish on the website established under this section
20 all information contained in the information system re-
21 quired under section 6103 of title 31, United States
22 Code.”.

23 “(e) ADDITIONAL DEFINITIONS.—Subsection 2(a) of
24 the Federal Funding Accountability and Transparency

1 Act of 2006 (31 U.S.C. 6101 note) is amended by adding
2 at the end the following:

3 “(4) RECIPIENT.—The term ‘recipient’
4 means—

5 “(A) any person that receives Federal
6 funds pursuant to a Federal award, either di-
7 rectly or through a subgrant or subcontract at
8 any tier; and

9 “(B) any State, local, or tribal govern-
10 ment, or any government corporation, that re-
11 ceives Federal funds pursuant to a Federal
12 award, either directly or through a subgrant or
13 subcontract at any tier.

14 “(5) COMMISSION.—The term ‘Commission’
15 means the Federal Accountability and Spending
16 Transparency Commission established under sub-
17 chapter III of chapter 36 of title 31, United States
18 Code, or any successor entity to the Federal Ac-
19 countability and Spending Transparency Commis-
20 sion.”.

21 (d) NEW TECHNOLOGIES.—Section 2(f) of the Fed-
22 eral Funding Accountability and Transparency Act of
23 2006 is amended—

24 (1) by striking “Nothing” and inserting the fol-
25 lowing:

1 “(1) ACCESS TO OTHER DATA.—Nothing”; and
2 (2) by adding at the end the following new
3 paragraph:

4 “(2) NEW TECHNOLOGIES.—Nothing in this
5 Act shall prohibit the Commission from complying
6 with the requirements of this section using such new
7 technologies as may replace websites for data publi-
8 cation and dissemination.”.

9 (e) CONFORMING AMENDMENTS TO REPLACE OMB
10 WITH COMMISSION FOR MANAGEMENT OF
11 USASPENDING.GOV.—Section 2 of such Act (31 U.S.C.
12 6101 note) is further amended—

13 (1) in subsection (b), by striking “Office of
14 Management and Budget” and inserting “Commis-
15 sion” both places it appears in paragraph (1); and

16 (2) in subsection (g), by striking “Director of
17 the Office of Management and Budget” and insert-
18 ing “Commission” in paragraph (1) and in para-
19 graph (3).

20 (f) REPEAL OF SUPERSEDED PROVISIONS.—Section
21 2(b) of such Act (31 U.S.C. 6101 note) is further amend-
22 ed by striking paragraphs (3) and (4).

23 (g) TECHNICAL AND CONFORMING AMENDMENTS.—
24 Such Act (31 U.S.C. 6101 note) is further amended—

1 (1) in section 2(b), by striking “Not later than
2 January 1, 2008, the” and inserting “The”; and

3 (2) in section 2(g)—

4 (A) by striking “Committee on Govern-
5 ment Reform” and inserting “Committee on
6 Oversight and Government Reform”; and

7 (B) in paragraph (2)—

8 (i) by inserting “and” at the end of
9 subparagraph (A);

10 (ii) by striking “; and” at the end of
11 subparagraph (B) and inserting a period;

12 and

13 (iii) by striking subparagraph (C).

14 **SEC. 104. EFFECTIVE DATE AND DEADLINES FOR ACCOUNT-**
15 **ABILITY AND TRANSPARENCY IN FEDERAL**
16 **SPENDING.**

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

21 “SUBCHAPTER IV—GENERAL PROVISIONS

22 “§ 3641. **Independence of inspectors general**

23 “Nothing in this chapter shall affect the independent
24 authority or discretion of an inspector general to deter-
25 mine whether or how to conduct an audit, investigation,

1 or any other function authorized by the Inspector General
2 Act of 1978 (5 U.S.C. App.), or to disclose any informa-
3 tion relating to an audit or investigation.

4 **“§ 3642. Effective date**

5 “This chapter takes effect on the date of the enact-
6 ment of this chapter.”.

7 (b) DEADLINES FOR IMPLEMENTATION.—

8 (1) DEADLINE FOR APPOINTMENT OF COMMIS-
9 SIONERS.—Within 60 days after the effective date of
10 this Act, the President shall appoint Commissioners
11 to the Commission under section 3622 of title 31,
12 United States Code, as added by this Act.

13 (2) COMMISSION DEADLINES.—

14 (A) Within 60 days after the effective date
15 of this Act, the Commission shall establish the
16 committee required under section 3627 of title
17 31, United States Code, as added by this Act.

18 (B) Within 180 days after the effective
19 date of this Act, the Commission shall—

20 (i) promulgate rules and issue guid-
21 ance under sections 3602 and 3603 of title
22 31, United States Code, as added by this
23 Act;

24 (ii) together with the Secretary of the
25 Treasury, determine the frequency and

1 content of reports to be submitted to the
2 Commission by the Department of the
3 Treasury under section 3604 of such title,
4 as so added;

5 (iii) designate common data elements
6 under section 3611(a) of such title and
7 data reporting standards under section
8 3611(b) of such title, as so added; and

9 (iv) establish one or more websites
10 under the Federal Funding Accountability
11 and Transparency Act of 2006, as amend-
12 ed by this Act.

13 (3) AGENCY AND DEPARTMENT DEADLINES.—

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

18 (B) Within two years after the Commission
19 designates any common data element or data
20 reporting standard under section 3611 of such
21 title, as so added—

22 (i) each Executive agency shall issue
23 guidance under section 3614(e) of such
24 title, as so added;

1 (ii) the Director of the Office of Man-
2 agement and Budget shall issue guidance
3 under section 3615 of such title, as so
4 added; and

5 (iii) the Administrator of General
6 Services shall take the actions required
7 under section 3617 of such title, as so
8 added.

9 (4) TREASURY DEADLINES.—

10 (A) Within 180 days after the effective
11 date of this Act, the Secretary of the Treasury,
12 together with the Commission, shall determine
13 the frequency and content of reports to be sub-
14 mitted to the Commission by the Department of
15 the Treasury under section 3604 of title 31,
16 United States Code, as added by this Act.

17 (B) Within 180 days after the Commission
18 and the Secretary of the Treasury determine
19 the frequency and content of reports to be sub-
20 mitted to the Commission by the Department of
21 the Treasury under section 3604 of such title,
22 as so added, the Department of the Treasury
23 shall begin to submit such reports to the Com-
24 mission.

1 (C) Within two years after the Commission
2 designates any common data element or data
3 reporting standard under section 3611 of such
4 title, as so added, the Secretary of the Treasury
5 shall issue guidance under section 3616 of such
6 title, as so added.

7 (5) RECIPIENT DEADLINES.—Notwithstanding
8 any other provision of this Act or the amendments
9 made by this Act, no recipient shall be required to
10 comply with this Act or such amendments until 180
11 days after the Commission has issued rules and
12 guidance under section 3602 of title 31, United
13 States Code, as added by this Act.

14 (6) TRANSFER OF USASPENDING.GOV.—Within
15 180 days after the effective date of this Act, the
16 Commission and the Office of Management and
17 Budget shall transfer the management and control
18 of USASpending.gov from the Office of Management
19 and Budget to the Commission, as required by the
20 Federal Funding Accountability and Transparency
21 Act of 2006, as amended by this Act.

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

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

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 COMMISSION

11 “§ 3621. **Establishment**

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

16 “(b) FUNCTIONS AND POWERS TRANSFERRED.—

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

21 “(2) POWERS, AUTHORITIES, RIGHTS, AND DU-
22 TIES.—The Federal Accountability and Spending
23 Transparency Commission shall succeed to all pow-
24 ers, authorities, rights, and duties that were vested
25 in the Recovery Accountability and Transparency

1 Board on the day before the effective date of this
2 chapter.

3 **“§ 3622. Composition of the Commission**

4 “(a) MEMBERS.—

5 “(1) IN GENERAL.—The Commission shall be
6 composed of five Commissioners who shall be ap-
7 pointed by the President, by and with the consent of
8 the Senate.

9 “(2) PARTY AFFILIATION.—Not more than
10 three of the members of the Commission shall be
11 members of the same political party.

12 “(3) TERM.—Each Commissioner shall hold of-
13 fice for a term of five years and until a successor
14 is appointed and has qualified, except that—

15 “(A) a Commissioner shall not so continue
16 to serve beyond the expiration of the next ses-
17 sion of Congress subsequent to the expiration of
18 such term of office;

19 “(B) any Commissioner appointed to fill a
20 vacancy occurring prior to the expiration of the
21 term for which that Commissioner’s predecessor
22 was appointed shall be appointed for the re-
23 mainder of such term; and

24 “(C) the terms of office of the Commis-
25 sioners first taking office after the enactment of

1 this paragraph shall expire as designated by the
2 President at the time of nomination, one at the
3 end of one year, one at the end of two years,
4 one at the end of three years, one at the end
5 of four years, and one at the end of five years.

6 “(4) COMPENSATION.—An individual appointed
7 to the Commission under this subsection shall be
8 compensated at the rate of basic pay prescribed for
9 level III of the Executive Schedule under section
10 5314 of title 5.

11 “(b) CHAIRMAN.—

12 “(1) IN GENERAL.—The President shall ap-
13 point, by and with the advice and consent of the
14 Senate, a member of the Commission as Chairman,
15 who shall serve as Chairman at the pleasure of the
16 President. An individual may be appointed as Chair-
17 man at the same time that person is appointed as
18 a Commissioner. At any time, the President may ap-
19 point, by and with the advise and consent of the
20 Senate, a different Chairman, and the Commissioner
21 previously appointed as Chairman may complete that
22 Commissioner’s term as a Commissioner.

23 “(2) DUTIES.—The Chairman shall be the chief
24 administrative officer of the Commission and shall
25 preside at meetings of the Commission.

1 “(3) POWERS AND FUNCTIONS.—

2 “(A) Except as otherwise provided in this
3 paragraph and in section 3625 of this chapter,
4 the executive and administrative functions of
5 the Commission, including functions of the
6 Commission with respect to the appointment
7 and supervision of personnel employed under
8 the Commission, the distribution of business
9 among such personnel and among administra-
10 tive units of the Commission, and the use and
11 expenditure of funds, according to budget cat-
12 egories, plans, programs, and priorities estab-
13 lished and approved by the Commission, shall
14 be exercised solely by the Chairman.

15 “(B) In carrying out any of his functions
16 under the provisions of this paragraph, the
17 Chairman shall be governed by the general poli-
18 cies, plans, priorities, and budgets approved by
19 the Commission and by such regulatory deci-
20 sions, findings, and determinations as the Com-
21 mission may by law be authorized to make.

22 “(C) The appointment by the Chairman of
23 the heads of major administrative units under
24 the Commission shall be subject to the approval
25 of the Commission.

1 “(D) Personnel employed regularly and full
2 time in the immediate offices of Commissioners
3 other than the Chairman shall not be affected
4 by the provisions of this paragraph.

5 “(E) The Commission shall be responsible
6 for the functions of revising budget estimates of
7 the Commission and determining the distribu-
8 tion of appropriated funds according to major
9 programs and purposes of the Commission.

10 “(F) The Chairman may authorize the per-
11 formance by any officer, employee, or adminis-
12 trative unit under the Chairman’s jurisdiction
13 of any functions of the Chairman under this
14 paragraph.

15 “(4) LIMITATION ON TERMS.—No person ap-
16 pointed as Chairman under this subsection shall
17 serve as Chairman for more than 10 years, whether
18 or not such service is consecutive.

19 “(5) INTERIM CHAIRMAN.—Upon the effective
20 date of this chapter, the person serving as Chair-
21 person of the Recovery Accountability and Trans-
22 parency Board on the day before the effective date
23 of this chapter shall serve as acting Chairman of the
24 Commission until the President appoints a Chair-
25 man of the Commission pursuant to this subsection.

1 “(c) VACANCIES.—A vacancy in the Commission shall
2 not impair the right of the remaining Commissioners to
3 exercise all the powers of the Commission.

4 **“§ 3623. Functions**

5 “(a) IN GENERAL.—The Commission shall—

6 “(1) be responsible for the collection, storage,
7 and public disclosure of information about Federal
8 spending;

9 “(2) serve as the authoritative government
10 source for the information about Federal spending
11 that it collects; and

12 “(3) coordinate and conduct oversight of Fed-
13 eral funds in order to prevent waste, fraud, and
14 abuse.

15 “(b) SPECIFIC FUNCTIONS.—The functions of the
16 Commission shall include each of the following:

17 “(1) Receiving, storing, and publicly dissemi-
18 nating all of the information that is reported to it
19 under sections 3602, 3603, and 3604 of this title.

20 “(2) Reviewing whether reporting under section
21 3602 of this title meets applicable standards and
22 specifies the purpose of the Federal award and
23 measures of performance.

1 “(3) Identifying possible criminal activity and
2 referring such matters to appropriate Federal, State,
3 and local law enforcement authorities.

4 “(4) Supporting ongoing criminal investiga-
5 tions, prosecutions, and related proceedings.

6 “(5) Furnishing research, analytical, and infor-
7 mational services to Executive agencies, inspectors
8 general, law enforcement agencies, and appropriate
9 State authorities in the interest of detection, preven-
10 tion, and prosecution of waste, fraud, and abuse of
11 Federal funds.

12 “(6) Regularly evaluating the quality of the
13 data submitted to it under sections 3602, 3603, and
14 3604 of this title.

15 “(7) Standardizing common data elements and
16 data reporting standards to foster transparency and
17 accountability for Federal spending, as required by
18 section 3611 of this title.

19 “(8) Reviewing whether there are appropriate
20 mechanisms for interagency collaboration relating to
21 Federal funds, including coordinating and collabo-
22 rating to the extent practicable with the Council of
23 the Inspectors General on Integrity and Efficiency
24 established by section 11 of the Inspector General
25 Act of 1978 (5 U.S.C. App.).

1 “(9) Issuing a report in accordance with sub-
2 section (e) on the feasibility of collecting and pub-
3 lishing online tax expenditures data.

4 “(c) PRIORITIES IN ANALYSES AND REVIEWS.—

5 “(1) IN GENERAL.—To the extent practicable,
6 the Commission shall give high priority to analyses
7 and reviews relating to Federal funds—

8 “(A) awarded without the use of competi-
9 tive procedures; or

10 “(B) awarded to any contractor found to
11 be in violation of the Foreign Corrupt Practices
12 Act of 1977.

13 “(2) IDENTIFICATION.—The Commission shall
14 identify any contractor found to be in violation of
15 the Foreign Corrupt Practices Act of 1977 as a vio-
16 lator of such Act in any contract information related
17 to such contractor published online under the Fed-
18 eral Funding Accountability and Transparency Act
19 of 2006.

20 “(d) REPORT REQUIREMENTS.—

21 “(1) REPORTS.—

22 “(A) REGULAR REPORTS ON DATA QUAL-
23 ITY AUDITS.—The Commission shall regularly
24 submit to the President and Congress reports
25 on its audits of the quality of the data sub-

1 mitted to it under sections 3602, 3603, and
2 3604 of this title.

3 “(B) SEMI-ANNUAL REPORTS ON ACTIVITIES.—The Commission shall submit semi-annual reports to the President and Congress, summarizing the activities and findings of the Commission and, in the Commission’s discretion, the findings of inspectors general of Executive agencies that relate to the Commission’s activities during the reporting period.

11 “(C) REPORT ON SAVINGS.—Not later than five years after the effective date of this chapter, the Commission shall submit to the President, Congress, and the Comptroller General of the United States a report containing estimates of the direct and indirect cost savings to the Treasury achieved as a result of the Commission’s activities.

19 “(D) OTHER REPORTS.—Section 2(f) of the Federal Funding Accountability and Transparency Act of 2006 requires another report by the Commission.

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

1 “(3) GAO EVALUATION.—Upon receipt of the
2 report submitted by the Commission under para-
3 graph (1)(C), the Comptroller General shall conduct
4 an evaluation of the report and submit the evalua-
5 tion to Congress within six months after receipt of
6 the report, with such findings and recommendations
7 as the Comptroller General considers appropriate.

8 “(e) TAX EXPENDITURES REPORT.—

9 “(1) IN GENERAL.—For purposes of subsection
10 (b)(7), not later than one year after the effective
11 date of this chapter, the Commission shall submit to
12 the appropriate congressional committees a report
13 on tax expenditures data that includes the following:

14 “(A) A description of processes that could
15 be put in place to collect and disseminate tax
16 expenditures data, and the potential effects of
17 making such data publicly available on the In-
18 ternal Revenue Service, taxpayers, and other
19 relevant parties determined by the Commission.

20 “(B) Any changes in law that are needed
21 to make such tax expenditures data publicly
22 available.

23 “(2) TAX EXPENDITURES DEFINED.—In this
24 section, the term ‘tax expenditures’ has the meaning
25 given that term in section 3(3) of the Congressional

1 Budget and Impoundment Control Act of 1974 (2
2 U.S.C. 622(3)).

3 “(3) PUBLIC AVAILABILITY.—The Commission
4 shall make the report submitted under paragraph
5 (1) publicly available.

6 “(f) RECOMMENDATIONS.—

7 “(1) IN GENERAL.—The Commission shall
8 make recommendations to Executive agencies on
9 measures to prevent waste, fraud, and abuse relating
10 to Federal funds.

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

22 **“§ 3624. Powers**

23 “(a) IN GENERAL.—The Commission shall conduct
24 independent analyses and reviews of spending of Federal
25 funds, including analyses and reviews of information

1 maintained in the Federal accountability portal estab-
2 lished under section 3612 of this title, and provide inves-
3 tigative and audit support to the inspectors general of Ex-
4 ecutive agencies.

5 “(b) ANALYSES AND REVIEWS.—The Commission
6 may—

7 “(1) conduct its own independent analyses and
8 reviews of spending of Federal funds; and

9 “(2) collaborate with and provide support for
10 any inspector general of any Executive agency or
11 other law enforcement authority on any audit, inves-
12 tigation, or other review relating to Federal funds.

13 “(c) AUTHORITIES.—

14 “(1) ANALYSES, REVIEWS, AND INVESTIGATIVE
15 AND AUDIT SUPPORT.—In conducting analyses and
16 reviews, and in providing investigative and audit
17 support to inspectors general and law enforcement
18 authorities, the Commission shall have the authori-
19 ties provided under paragraphs (1), (3), and (6)
20 through (10) of section 6(a), and section 6(b), of the
21 Inspector General Act of 1978 (5 U.S.C. App.).

22 “(2) MATCHING PROGRAM AUTHORITY WITH
23 RESPECT TO EVALUATIONS AND REVIEWS.—The au-
24 thorities provided under section 6(a)(9) of the In-
25 spector General Act of 1978 (provided to the Com-

1 mission pursuant to paragraph (1)) may be used by
2 the Commission while conducting an evaluation or
3 other review authorized under such Act.

4 “(d) CONTRACTS.—

5 “(1) IN GENERAL.—The Commission may enter
6 into contracts to enable the Commission to discharge
7 its duties under this chapter, including contracts
8 and other arrangements for audits, studies, analyses,
9 and other services with public agencies and with pri-
10 vate persons, and make such payments as may be
11 necessary to carry out the duties of the Commission.

12 “(2) CONTRACTING FOR MISSIONS OF OTHER
13 AGENCIES.—The Commission may enter into con-
14 tracts with any Federal agency (within or outside
15 the executive branch) to enable such agency to iden-
16 tify waste, fraud, and abuse, including contracts and
17 other arrangements for audits, studies, analyses, and
18 other services.

19 “(3) CONTRACTING FOR PUBLICATION OF
20 DATA.—The Commission may make contracts or
21 agreements with any Federal agency (within or out-
22 side the executive branch) to publish data main-
23 tained by such agency on the website maintained
24 under the Federal Funding Accountability and
25 Transparency Act of 2006.

1 “(e) TRANSFER OF FUNDS.—The Commission may
2 transfer funds appropriated to the Commission for ex-
3 penses to support administrative support services, inves-
4 tigation, audits, reviews, or other activities related to
5 oversight by the Commission of Federal funds to any of-
6 fice of inspector general, the Office of Management and
7 Budget, and the General Services Administration.

8 **“§ 3625. Employment, personnel, and related authori-**
9 **ties**

10 “(a) EXECUTIVE DIRECTOR.—The Commission shall
11 have an Executive Director, who shall be appointed by the
12 Commission and serve at the pleasure of the Commission.
13 The Executive Director shall report directly to the Com-
14 mission and carry out the functions of the Commission
15 subject to the supervision and direction of the Commis-
16 sion. The position of Executive Director shall be a career
17 reserved position in the Senior Executive Service, as that
18 position is defined under section 3132 of title 5.

19 “(b) OTHER EMPLOYEES.—The Commission may ap-
20 point and fix the compensation of such officers, attorneys,
21 information technology professionals, and other employees
22 as may be necessary for carrying out the functions of the
23 Commission under this chapter.

24 “(c) ADMINISTRATIVE SUPPORT.—The General Serv-
25 ices Administration shall provide the Commission with ad-

1 ministrative support services, including the provision of of-
2 fice space and facilities.

3 **“§ 3626. Transfer of certain personnel**

4 “(a) RECOVERY ACCOUNTABILITY AND TRANS-
5 PARENCY BOARD EMPLOYEES.—The Chairman or Execu-
6 tive Director, or both, shall identify employees of the Re-
7 covery Accountability and Transparency Board for trans-
8 fer to the Commission, and such identified employees shall
9 be transferred to the Commission for employment.

10 “(b) PAY.—

11 “(1) Except as provided in paragraph (2), each
12 transferred employee shall, during the 2-year period
13 beginning on the effective date of this chapter, re-
14 ceive pay at a rate equal to not less than the basic
15 rate of pay (including any geographic differential)
16 that the employee received during the pay period im-
17 mediately preceding the date of transfer.

18 “(2) Paragraph (1) does not limit the right of
19 the Commission to reduce the rate of basic pay of
20 a transferred employee for cause, for unacceptable
21 performance, or with the consent of the employee.

22 “(3) Paragraph (1) applies to a transferred em-
23 ployee only while that employee remains employed by
24 the Commission.

1 **“§ 3627. Advisory committee to Commission**

2 “(a) ESTABLISHMENT AND PURPOSE.—

3 “(1) ESTABLISHMENT.—The Commission shall
4 establish an advisory committee to be known as the
5 Federal Accountability and Spending Transparency
6 Advisory Committee (in this section referred to as
7 the ‘Advisory Committee’).

8 “(2) PURPOSE.—The Advisory Committee shall
9 submit to the Commission such findings and rec-
10 ommendations related to the Commission’s imple-
11 mentation of this chapter as it determines are ap-
12 propriate.

13 “(b) MEMBERSHIP AND CHAIRPERSON.—

14 “(1) IN GENERAL.—The Commission shall ap-
15 point no fewer than 10, and no more than 20, mem-
16 bers to the Advisory Committee, from among indi-
17 viduals who—

18 “(A) represent the interests of recipients of
19 Federal contracts;

20 “(B) represent the interests of State, local,
21 and tribal governments receiving Federal
22 grants;

23 “(C) represent the interests of other recipi-
24 ents of Federal funds; and

1 “(D) represent nonprofit organizations
2 that advocate transparency and accountability
3 in government.

4 “(2) TERM.—Each member of the Advisory
5 Committee appointed under this section shall serve
6 for a term of three years, except that the Commis-
7 sion may appoint original members of the Com-
8 mittee to one-year and two-year terms in order to
9 achieve staggered terms. No person shall serve more
10 than one term.

11 “(3) CHAIRPERSON.—The members of the Ad-
12 visory Committee shall elect a chairperson.

13 “(c) MEETINGS.—The Advisory Committee shall
14 meet not less frequently than six times annually, at the
15 call of the chairperson of the Advisory Committee.

16 “(d) COMPENSATION AND TRAVEL EXPENSES.—
17 Each member of the Committee who is not a full-time em-
18 ployee of the United States shall—

19 “(1) be entitled to receive compensation at a
20 rate not to exceed the daily equivalent of the annual
21 rate of basic pay in effect for a position at level V
22 of the Executive Schedule under section 5316 of title
23 5 for each day during which the member is engaged
24 in the actual performance of the duties of the Com-
25 mittee; and

1 “(2) while away from the home or regular place
2 of business of the member in the performance of
3 services for the Committee, be allowed travel ex-
4 penses, including per diem in lieu of subsistence, in
5 the same manner as persons employed intermittently
6 in the Government service are allowed expenses
7 under section 5703(b) of title 5.

8 “(e) STAFF.—The Commission shall make available
9 to the Advisory Committee such staff of the Commission
10 as the chairperson of the Advisory Committee recommends
11 is necessary to carry out this section.

12 “(f) REVIEW BY COMMISSION.—After receipt of any
13 finding or recommendation from the Advisory Committee,
14 the Commission shall—

15 “(1) review the finding or recommendation; and

16 “(2) promptly issue a public statement—

17 “(A) assessing the finding or recommenda-
18 tion of the Advisory Committee; and

19 “(B) disclosing the action, if any, the Com-
20 mission intends to take with respect to the find-
21 ing or recommendation.

22 “(g) ADVISORY COMMITTEE FINDINGS.—Nothing in
23 this section shall be construed as requiring the Commis-
24 sion to agree to or act upon any finding or recommenda-
25 tion of the Advisory Committee.

1 “(h) FEDERAL ADVISORY COMMITTEE ACT.—The
2 Federal Advisory Committee Act (5 U.S.C. App.) shall
3 apply to the Advisory Committee.

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, 2018,
9 and 2019 to carry out the functions of the Commission.

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

15 **“§ 3629. Sunset**

16 “This subchapter shall cease to be in effect after the
17 date occurring seven years after the date of the enactment
18 of this subchapter.”.

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

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

23 “Chairman of the Federal Accountability and
24 Spending Transparency Commission.”.

1 **SEC. 203. CONFORMING AMENDMENTS RELATED TO RE-**
2 **COVERY ACCOUNTABILITY AND TRANS-**
3 **PARENCY BOARD.**

4 (a) REPEAL OF SUPERSEDED PROVISIONS IN SUB-
5 TITLE B OF TITLE XV OF PUBLIC LAW 111-5.—Subtitle
6 B of title XV of division A of the American Recovery and
7 Reinvestment Act of 2009 (Public Law 111-5; 123 Stat.
8 287) is amended by striking sections 1521, 1522, 1525(a),
9 1529, and 1530.

10 (b) CONFORMING AMENDMENTS.—

11 (1) REFERENCES TO BOARD AND CHAIR-
12 PERSON.—

13 (A) Paragraph (2) of section 1501 of the
14 American Recovery and Reinvestment Act of
15 2009 (Public Law 111-5; 123 Stat. 287) is
16 amended to read as follows:

17 “(2) COMMISSION.—The term ‘Commission’
18 means the Federal Accountability and Spending
19 Transparency Commission established in chapter 36
20 of title 31, United States Code.”.

21 (B) Such section is further amended by
22 striking paragraph (3).

23 (C) The following provisions of such Act
24 are amended by striking “Board” each place it
25 appears and inserting “Commission” in the
26 headings or text, as the case may be: the head-

1 ing of subtitle B of title XV, and sections 1523,
2 1524, 1525(b), 1525(c), 1526, 1527, 1528,
3 1542, and 1553.

4 (D) Section 1513(b)(2) of such Act is
5 amended by striking “the quarter in which the
6 Board terminates under section 1530” and in-
7 serting “the quarter ending September 30,
8 2013”.

9 (c) REPEAL OF SUBTITLE B OF TITLE XV OF PUB-
10 LIC LAW 111–5.—Effective on October 1, 2013, subtitle
11 B of title XV of division A of such Act is repealed.

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

17 **TITLE III—ADDITIONAL**
18 **PROVISIONS**

19 **SEC. 301. CLASSIFIED INFORMATION.**

20 Nothing in this Act or the amendments made by this
21 Act shall be construed to require the public disclosure of
22 classified information.

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

24 Section 3518(c) of title 44, United States Code, is
25 amended—

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

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

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

7 “(2) Notwithstanding paragraph (3), this subchapter
8 shall not apply to the collection of information during the
9 conduct of any evaluation, or other review conducted by
10 the Federal Accountability and Spending Transparency
11 Commission, or during the conduct of any audit, investiga-
12 tion, inspection, evaluation, or any other review conducted
13 by the Council of Inspectors General on Integrity and Effi-
14 ciency or any office of inspector general, including any of-
15 fice of special inspector general.”.

16 **SEC. 303. MATCHING PROGRAM EXCEPTION FOR INSPEC-**
17 **TORS GENERAL.**

18 Section 6(a) of the Inspector General Act of 1978
19 (5 U.S.C. App.) is amended—

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

21 (2) by redesignating paragraph (9) as para-
22 graph (10); and

23 (3) by inserting after paragraph (8) the fol-
24 lowing new paragraph:

1 “(9) notwithstanding subsections (e)(12), (o),
2 (p), (q), (r), and (u) of section 552a of title 5,
3 United States Code, to compare, through a matching
4 program (as defined in such section), any Federal
5 records with other Federal or non-Federal records,
6 while conducting an audit, investigation, or inspec-
7 tion authorized under this Act to identify weak-
8 nesses that may lead to waste, fraud, or abuse and
9 to detect improper payments and fraud; and”.

10 **SEC. 304. TRANSFER OF CONSOLIDATED FEDERAL FUNDS**

11 **REPORT.**

12 (a) **TRANSFER OF FUNCTIONS.**—The Commission
13 and the Secretary of Commerce shall transfer the func-
14 tions of the Consolidated Federal Funds Report to the
15 website established under the Federal Funding Account-
16 ability and Transparency Act of 2006, as amended by this
17 Act.

18 (b) **INFORMATION.**—Section 2(d) of the Federal
19 Funding Accountability and Transparency Act of 2006,
20 as amended by section 103 of this Act, is further amend-
21 ed—

22 (1) by striking the period at the end of para-
23 graph (6) and inserting “; and”; and

24 (2) by adding at the end the following new
25 paragraph:

1 “(7) shall permit users to determine the fol-
2 lowing information:

3 “(A) For each fiscal year, the total amount
4 of Federal funds that were obligated in each
5 State, county or parish, congressional district,
6 and municipality of the United States.

7 “(B) For each fiscal year, the total amount
8 of Federal funds that were actually expended in
9 each State, county or parish, congressional dis-
10 trict, and municipality of the United States.”.

11 (c) CONFORMING REPEALS OF SUPERSEDED PROVI-
12 SIONS.—Chapter 62 of subtitle V of title 31, United States
13 Code, is repealed. The item relating to that chapter in the
14 table of chapters at the beginning of subtitle V of such
15 title is repealed.

16 **SEC. 305. TRANSFER OF AUTHORITY OVER CATALOG OF**
17 **FEDERAL DOMESTIC ASSISTANCE TO COM-**
18 **MISSION.**

19 (a) TRANSFER OF AUTHORITY FROM ADMINIS-
20 TRATOR OF GENERAL SERVICES AND DIRECTOR OF OF-
21 FICE OF MANAGEMENT AND BUDGET TO COMMISSION.—

22 (1) DEFINITION.—Paragraph (6) of section
23 6101 of title 31, United States Code, is amended to
24 read as follows:

1 “(6) ‘Commission’ means the Federal Account-
2 ability and Spending Transparency Commission es-
3 tablished in subchapter III of chapter 36 of this
4 title.”.

5 (2) AMENDMENTS RELATING TO PROGRAM IN-
6 FORMATION REQUIREMENTS.—Section 6102 of such
7 title is amended—

8 (A) in subsections (a) and (b), by striking
9 “Administrator” and inserting “Commission”
10 both places it appears;

11 (B) in subsection (c)—

12 (i) by striking “Administrator” and
13 inserting “Commission”;

14 (ii) in paragraph (3), by striking “and
15 that the printed catalog” and all that fol-
16 lows through “printing”; and

17 (iii) in paragraph (4)—

18 (I) by striking “transmit annu-
19 ally” and inserting “make”; and

20 (II) by striking “to the Com-
21 mittee” and all that follows through
22 the period and inserting the following:
23 “available to the Committee on Over-
24 sight and Government Reform of the
25 House of Representatives and the

1 Committee on Homeland Security and
2 Governmental Affairs of the Senate.”.

3 (3) AMENDMENTS RELATING TO ASSISTANCE
4 AWARDS INFORMATION SYSTEM.—Section 6102a of
5 such title is amended—

6 (A) by striking subsection (b);

7 (B) by redesignating subsection (c) as sub-
8 section (b);

9 (C) by striking “Director” and inserting
10 “Commission” each place it appears; and

11 (D) in subsection (b), as so redesignated—

12 (i) by striking “transmit promptly
13 after the end of each calendar quarter, free
14 of charge,” and insert “make available”;
15 and

16 (ii) by striking “Oversight” and in-
17 serting “Administration”.

18 (4) AMENDMENTS RELATING TO ACCESS TO
19 COMPUTER INFORMATION SYSTEM.—Section 6103 of
20 such title is amended—

21 (A) in subsections (a) and (c), by striking
22 “Administrator” and inserting “Commission”
23 each place it appears; and

24 (B) by striking the text of subsection (b)
25 and inserting the following: “The Commission

1 shall publish online all of the information con-
2 tained in the information system under sub-
3 section (a) in accordance with the Federal
4 Funding Accountability and Transparency Act
5 of 2006 (31 U.S.C. 6101 note).”.

6 (5) AMENDMENTS RELATING TO CATALOG OF
7 FEDERAL DOMESTIC ASSISTANCE PROGRAMS.—Sec-
8 tion 6104 of such title if amended by striking “Ad-
9 ministrator” and inserting “Commission” each place
10 it appears.

11 (6) REPEAL OF AUTHORIZATION.—Section
12 6106 of such title is repealed.

13 (b) DEADLINE FOR TRANSFER OF PROGRAM INFOR-
14 MATION SYSTEM AND CATALOG OF FEDERAL DOMESTIC
15 ASSISTANCE.—Within 180 days after the effective date of
16 this Act, the Commission and the Administrator of Gen-
17 eral Services shall transfer the management and control
18 of the following from the Administrator to the Commis-
19 sion, as required by chapter 61 of title 31, United States
20 Code, as amended by subsection (a):

21 (1) The computer information system required
22 under section 6103 of such title, as so amended.

23 (2) The catalog of Federal domestic assistance
24 programs required under section 6104 of such title,
25 as so amended.

1 (c) DEADLINE FOR TRANSFER OF ASSISTANCE
2 AWARDS INFORMATION SYSTEM.—Within 180 days after
3 the effective date of this Act, the Commission and the Di-
4 rector of the Office of Management and Budget shall
5 transfer the management and control of the assistance
6 awards information system from the Director to the Com-
7 mission, as required by section 6102a of title 31, United
8 States Code, as amended by subsection (a).

9 **SEC. 306. GOVERNMENT ACCOUNTABILITY OFFICE IM-**
10 **PROVEMENT.**

11 (a) AUTHORITY TO OBTAIN INFORMATION.—

12 (1) AUTHORITY TO OBTAIN RECORDS.—Section
13 716 of title 31, United States Code, is amended in
14 subsection (a)—

15 (A) by striking “(a)” and inserting “(2)”;

16 and

17 (B) by inserting after the section heading
18 the following:

19 “(a)(1) The Comptroller General is authorized to ob-
20 tain such agency records as the Comptroller General re-
21 quires to discharge his duties (including audit, evaluation,
22 and investigative duties), including through the bringing
23 of civil actions under this section. In reviewing a civil ac-
24 tion under this section, the court shall recognize the con-
25 tinuing force and effect of the authorization in the pre-

1 ceding sentence until such time as the authorization is re-
2 pealed pursuant to law.”.

3 (2) COPIES.—Section 716(a) of title 31, United
4 States Code, as amended by subsection (a), is fur-
5 ther amended in the second sentence of paragraph
6 (2) by striking “inspect an agency record” and in-
7 sserting “inspect, and make and retain copies of, an
8 agency record”.

9 (b) ADMINISTERING OATHS.—Section 711 of title 31,
10 United States Code, is amended by striking paragraph (4)
11 and inserting the following:

12 “(4) administer oaths to witnesses when audit-
13 ing and settling accounts and, with the prior express
14 approval of the Comptroller General, when inves-
15 tigating fraud or attempts to defraud the United
16 States, or irregularity or misconduct of an employee
17 or agent of the United States.”.

18 (c) ACCESS TO CERTAIN INFORMATION.—

19 (1) ACCESS TO CERTAIN INFORMATION.—Sub-
20 chapter II of chapter 7 of title 31, United States
21 Code, is amended by adding at the end the fol-
22 lowing:

23 **“§ 721. Access to certain information**

24 “(a) No provision of the Social Security Act, includ-
25 ing section 453(l) of that Act (42 U.S.C. 653(l)), shall

1 be construed to limit, amend, or supersede the authority
2 of the Comptroller General to obtain any information or
3 to inspect or copy any record under section 716 of this
4 title.

5 “(b) No provision of the Federal Food, Drug, and
6 Cosmetic Act, including section 301(j) of that Act (21
7 U.S.C. 331(j)), shall be construed to limit, amend, or su-
8 perse the authority of the Comptroller General to obtain
9 any information or to inspect or copy any record under
10 section 716 of this title.

11 “(c) No provision of the Hart-Scott-Rodino Antitrust
12 Improvements Act of 1976 (Public Law 94–435) and the
13 amendments made by that Act shall be construed to limit,
14 amend, or supersede the authority of the Comptroller Gen-
15 eral to obtain any information or to inspect or copy any
16 record under section 716 of this title, including with re-
17 spect to any information disclosed to the Assistant Attor-
18 ney General of the Antitrust Division of the Department
19 of Justice or the Federal Trade Commission for purposes
20 of pre-merger review under section 7A of the Clayton Act
21 (15 U.S.C. 18a).

22 “(d)(1) The Comptroller General shall prescribe such
23 policies and procedures as are necessary to protect from
24 public disclosure proprietary or trade secret information
25 obtained consistent with this section.

1 “(2) Nothing in this section shall be construed to—

2 “(A) alter or amend the prohibitions against
3 the disclosure of trade secret or other sensitive infor-
4 mation prohibited by section 1905 of title 18 and
5 other applicable laws; or

6 “(B) affect the applicability of section 716(e) of
7 this title, including the protections against unauthor-
8 ized disclosure contained in that section, to informa-
9 tion obtained consistent with this section.

10 “(e) Specific references to statutes in this section
11 shall not be construed to affect access by the Government
12 Accountability Office to information under statutes that
13 are not so referenced.”.

14 (2) TECHNICAL AND CONFORMING AMEND-
15 MENT.—The table of sections for chapter 7 of title
16 31, United States Code, is amended by inserting
17 after the item relating to section 720 the following:

“721. Access to certain information.”.

18 (d) AGENCY REPORTS.—Section 720(b) of title 31,
19 United States Code, is amended—

20 (1) in the matter preceding paragraph (1), by
21 inserting “or planned” after “action taken”; and

22 (2) by striking paragraph (1) and inserting the
23 following:

24 “(1) the Committee on Homeland Security and
25 Governmental Affairs of the Senate, the Committee

1 on Oversight and Government Reform of the House
2 of Representatives, the congressional committees
3 with jurisdiction over the agency program or activity
4 that is the subject of the recommendation, and the
5 Government Accountability Office before the 61st
6 day after the date of the report; and”.

7 **SEC. 307. AMENDMENTS TO THE INSPECTOR GENERAL ACT**
8 **OF 1978 AND THE INSPECTOR GENERAL RE-**
9 **FORM ACT OF 2008.**

10 (a) INCORPORATION OF PROVISIONS FROM THE IN-
11 SPECTOR GENERAL REFORM ACT OF 2008 INTO THE IN-
12 SPECTOR GENERAL ACT OF 1978.—

13 (1) CLASSIFICATION AND PAY.—

14 (A) AMENDMENT.—Section 8G of the In-
15 spector General Act of 1978 (5 U.S.C. App.) is
16 amended by adding at the end the following
17 new subsection:

18 “(i) CLASSIFICATION AND PAY.—

19 “(1) IN GENERAL.—Notwithstanding any other
20 provision of law, the Inspector General of each des-
21 ignated Federal entity shall, for pay and all other
22 purposes, be classified at a grade, level, or rank des-
23 ignation, as the case may be, at or above those of
24 a majority of the senior level executives of that des-
25 ignated Federal entity (such as a General Counsel,

1 Chief Information Officer, Chief Financial Officer,
2 Chief Human Capital Officer, or Chief Acquisition
3 Officer). The pay of an Inspector General of a des-
4 ignated Federal entity shall be not less than the av-
5 erage total compensation (including bonuses) of the
6 senior level executives of that designated Federal en-
7 tity calculated on an annual basis.

8 “(2) LIMITATION ON ADJUSTMENT.—

9 “(A) IN GENERAL.—In the case of an In-
10 spector General of a designated Federal entity
11 whose pay is adjusted under paragraph (1), the
12 total increase in pay in any fiscal year resulting
13 from that adjustment may not exceed 25 per-
14 cent of the average total compensation (includ-
15 ing bonuses) of the Inspector General of that
16 entity for the preceding 3 fiscal years.

17 “(B) SUNSET OF LIMITATION.—The limi-
18 tation under subparagraph (A) shall not apply
19 to any adjustment made in fiscal year 2013 or
20 each fiscal year thereafter.”.

21 (B) CONFORMING REPEAL.—Section 4(b)
22 of the Inspector General Reform Act of 2008
23 (Public Law 110–409; 122 Stat. 4304; 5
24 U.S.C. App. 3 note) is repealed.

25 (2) PAY RETENTION.—

1 (A) AMENDMENT.—The Inspector General
2 Act of 1978 (5 U.S.C. App.) is amended by
3 adding after section 8L the following new sec-
4 tion:

5 **“SEC. 8M. PAY RETENTION.**

6 “(a) IN GENERAL.—The provisions of section 3392
7 of title 5, United States Code, other than the terms ‘per-
8 formance awards’ and ‘awarding of ranks’ in subsection
9 (c)(1) of such section, shall apply to career appointees of
10 the Senior Executive Service who are appointed to the po-
11 sition of Inspector General.

12 “(b) NONREDUCTION IN PAY.—Notwithstanding any
13 other provision of law, career Federal employees serving
14 on an appointment made pursuant to statutory authority
15 found other than in section 3392 of title 5, United States
16 Code, shall not suffer a reduction in pay, not including
17 any bonus or performance award, as a result of being ap-
18 pointed to the position of Inspector General.”.

19 (B) CONFORMING REPEAL.—Section 4(c)
20 of the Inspector General Reform Act of 2008
21 (Public Law 110–409; 122 Stat. 4304; 5
22 U.S.C. App. 3 note) is repealed.

23 (3) ALLEGATIONS OF WRONGDOING AGAINST
24 SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

1 (A) AMENDMENT.—Section 11(d) of the
2 Inspector General Act of 1978 (5 U.S.C. App.)
3 is amended by adding at the end the following
4 new paragraph:

5 “(12) ALLEGATIONS OF WRONGDOING AGAINST
6 SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

7 “(A) SPECIAL COUNSEL DEFINED.—In this
8 paragraph, the term ‘Special Counsel’ means
9 the Special Counsel appointed under section
10 1211(b) of title 5, United States Code.

11 “(B) AUTHORITY OF INTEGRITY COM-
12 MITTEE.—

13 “(i) IN GENERAL.—An allegation of
14 wrongdoing against the Special Counsel or
15 the Deputy Special Counsel may be re-
16 ceived, reviewed, and referred for investiga-
17 tion by the Integrity Committee to the
18 same extent and in the same manner as in
19 the case of an allegation against an Inspec-
20 tor General (or a member of the staff of
21 an Office of Inspector General), subject to
22 the requirement that the Special Counsel
23 recuse himself or herself from the consider-
24 ation of any allegation brought under this
25 paragraph.

1 “(ii) COORDINATION WITH EXISTING
2 PROVISIONS OF LAW.—This paragraph
3 does not eliminate access to the Merit Sys-
4 tems Protection Board for review under
5 section 7701 of title 5, United States
6 Code. To the extent that an allegation
7 brought under this subsection involves sec-
8 tion 2302(b)(8) of that title, a failure to
9 obtain corrective action within 120 days
10 after the date on which that allegation is
11 received by the Integrity Committee shall,
12 for purposes of section 1221 of such title,
13 be considered to satisfy section
14 1214(a)(3)(B) of that title.

15 “(C) REGULATIONS.—The Integrity Com-
16 mittee may prescribe any rules or regulations
17 necessary to carry out this paragraph, subject
18 to such consultation or other requirements as
19 might otherwise apply.”.

20 (B) CONFORMING AMENDMENT.—Section
21 7(b) of the Inspector General Reform Act of
22 2008 (Public Law 110–409; 122 Stat. 4312; 5
23 U.S.C. 1211 note) is repealed.

24 (b) AGENCY APPLICABILITY.—

1 (1) AMENDMENTS.—The Inspector General Act
2 of 1978 (5 U.S.C. App.), as amended by subsection
3 (a), is further amended—

4 (A) in section 8L—

5 (i) in subsection (a)(1)—

6 (I) by striking the first “agency”
7 and inserting “Federal agency and
8 designated Federal entity”; and

9 (II) by striking the second and
10 third “agency” and inserting “Federal
11 agency or designated Federal entity”;
12 and

13 (ii) in subsection (b)—

14 (I) in paragraph (1), by striking
15 “agency” and inserting “Federal
16 agency and designated Federal enti-
17 ty”; and

18 (II) in paragraph (2)—

19 (aa) in subparagraph (A),
20 by striking “agency” and insert-
21 ing “Federal agency and des-
22 ignated Federal entity”; and

23 (bb) in subparagraph (B),
24 by striking “agency” and insert-

1 ing “Federal agency and des-
2 ignated Federal entity”; and

3 (B) in section 11(c)(3)(A)(ii), by striking
4 “department, agency, or entity of the executive
5 branch” and inserting “Federal agency or des-
6 ignated Federal entity”.

7 (2) IMPLEMENTATION.—Not later than 180
8 days after the date of enactment of this Act, the
9 head and the Inspector General of each Federal
10 agency and each designated Federal entity (as such
11 terms are defined in sections 12 and 8G of the In-
12 spector General Act of 1978 (5 U.S.C. App.), re-
13 spectively) shall implement the amendments made by
14 this subsection.

15 (c) REQUIREMENTS FOR INSPECTORS GENERAL
16 WEBSITES.—Section 8L(b)(1) of the Inspector General
17 Act of 1978 (5 U.S.C. App.) is amended—

18 (1) by striking “report or audit (or portion of
19 any report or audit)” and inserting “audit report,
20 inspection report, or evaluation report (or portion of
21 any such report)”; and

22 (2) by striking “report or audit (or portion of
23 that report or audit)” and inserting “report (or por-
24 tion of that report)” each place it appears.

25 (d) CORRECTIONS.—

1 (1) EXECUTIVE ORDER NUMBER.—Section
2 7(c)(2) of the Inspector General Reform Act of 2008
3 (Public Law 110–409; 122 Stat. 4313; 31 U.S.C.
4 501 note) is amended by striking “12933” and in-
5 serting “12993”.

6 (2) PUNCTUATION AND CROSS-REFERENCES.—
7 The Inspector General Act of 1978 (5 U.S.C. App.)
8 is amended—

9 (A) in section 6(a)(4), by striking “infor-
10 mation, as well as any tangible thing)” and in-
11 serting “information), as well as any tangible
12 thing”; and

13 (B) in section 8G(g)(3), by striking “8C”
14 and inserting “8D”.

15 (3) SPELLING.—The Inspector General Act of
16 1978 (5 U.S.C. App.) is amended—

17 (A) in section 3(a), by striking “subpena”
18 and inserting “subpoena”;

19 (B) in section 6(a)(4), by striking “sub-
20 pena” and “subpenas” and inserting “sub-
21 poena” and “subpoenas”, respectively;

22 (C) in section 8D(a)—

23 (i) in paragraph (1), by striking “sub-
24 penas” and inserting “subpoenas”; and

1 (ii) in paragraph (2), by striking
2 “subpena” and inserting “subpoena”, each
3 place it appears;

4 (D) in section 8E(a)—

5 (i) in paragraph (1), by striking “sub-
6 penas” and inserting “subpoenas”; and

7 (ii) in paragraph (2), by striking
8 “subpena” and inserting “subpoena” each
9 place it appears; and

10 (E) in section 8G(d), by striking “sub-
11 penas” and inserting “subpoenas”.

12 (e) REPEAL.—Section 744 of the Financial Services
13 and General Government Appropriations Act, 2009 (divi-
14 sion D of Public Law 111–8; 123 Stat. 693; 5 U.S.C. App.
15 8L) is repealed.

16 **SEC. 308. LIMITS AND TRANSPARENCY FOR TRAVEL AND**
17 **CONFERENCE SPENDING.**

18 (a) TRAVEL EXPENSES OF FEDERAL AGENCIES RE-
19 LATING TO CONFERENCES.—

20 (1) LIMITATIONS AND REPORTS ON TRAVEL EX-
21 PENSES TO CONFERENCES.—Chapter 57 of title 5,
22 United States Code, is amended by inserting after
23 section 5711 the following:

1 **“§ 5712. Limitations and reports on travel expenses to**
2 **conferences**

3 “(a) In this section, the term—

4 “(1) ‘conference’ means a meeting that—

5 “(A) is held for consultation, education, or
6 discussion;

7 “(B) is not held entirely at an agency facil-
8 ity;

9 “(C) involves costs associated with travel
10 and lodging for some participants; and

11 “(D) is sponsored by 1 or more agencies,
12 1 or more organizations that are not agencies,
13 or a combination of such agencies or organiza-
14 tions; and

15 “(2) ‘international conference’ means a con-
16 ference attended by representatives of —

17 “(A) the United States Government; and

18 “(B) any foreign government, international
19 organization, or foreign nongovernmental orga-
20 nization.

21 “(b) No agency may pay the travel expenses for more
22 than 50 employees of that agency who are stationed in
23 the United States, for any international conference occur-
24 ring outside the United States, unless the Secretary of
25 State determines that attendance for such employees is
26 in the national interest.

1 “(c) At the beginning of each quarter of each fiscal
2 year, each agency shall post on the public Internet website
3 of that agency a report on each conference for which the
4 agency paid travel expenses during the preceding 3
5 months that includes—

6 “(1) the itemized expenses paid by the agency,
7 including travel expenses, the cost of scouting for
8 and selecting the location of the conference, and any
9 agency expenditures to otherwise support the con-
10 ference;

11 “(2) the primary sponsor of the conference;

12 “(3) the location of the conference;

13 “(4) in the case of a conference for which that
14 agency was the primary sponsor, a statement that—

15 “(A) justifies the location selected;

16 “(B) demonstrates the cost efficiency of
17 the location; and

18 “(C) provides a cost benefit analysis of
19 holding a conference rather than conducting a
20 teleconference;

21 “(5) the date of the conference;

22 “(6) a brief explanation how the conference ad-
23 vanced the mission of the agency;

24 “(7) the title of any Federal employee or any
25 individual who is not a Federal employee whose trav-

1 el expenses or other conference expenses were paid
2 by the agency; and

3 “(8) the total number of individuals whose trav-
4 el expenses or other conference expenses were paid
5 by the agency.

6 “(d) Each report posted on the public Internet
7 website under subsection (c) shall—

8 “(1) be in a searchable electronic format; and

9 “(2) remain on that website for at least 5 years
10 after the date of posting.”.

11 (2) TECHNICAL AND CONFORMING AMEND-
12 MENT.—The table of sections for chapter 57 of title
13 5, United States Code, is amended by inserting after
14 the item relating to section 5711 the following:

“5712. Limitations and reports on travel expenses to conferences.”.

15 (b) LIMITATIONS ON ANNUAL TRAVEL EXPENSES.—

16 (1) IN GENERAL.—In the case of each of fiscal
17 years 2012 through 2016, an agency (as defined
18 under section 5701(1) of title 5, United States
19 Code) may not make, or obligate to make, expendi-
20 tures for travel expenses, in an aggregate amount
21 greater than 80 percent of the aggregate amount of
22 such expenses for fiscal year 2010.

23 (2) IDENTIFICATION OF TRAVEL EXPENSES.—

24 (A) RESPONSIBILITIES.—Not later than
25 September 1, 2012 and after consultation with

1 the Administrator of General Services and the
2 Director of the Administrative Office of the
3 United States Courts, the Director of the Office
4 of Management and Budget shall establish
5 guidelines for the determination of what ex-
6 penses constitute travel expenses for purposes
7 of this subsection. The guidelines shall identify
8 specific expenses, and classes of expenses, that
9 are to be treated as travel expenses.

10 (B) EXEMPTION FOR MILITARY TRAVEL.—

11 The guidelines required under subparagraph
12 (A) shall exclude military travel expenses in de-
13 termining what expenses constitute travel ex-
14 penses. Military travel expenses shall include
15 travel expenses involving military combat, the
16 training or deployment of uniformed military
17 personnel, and such other travel expenses as are
18 determined under the guidelines.

19 (c) CONFERENCE TRANSPARENCY AND LIMITA-

20 TIONS.—

21 (1) DEFINITIONS.—In this subsection—

22 (A) the term “agency” has the meaning
23 given under section 5701(1) of title 5, United
24 States Code; and

1 (B) the term “conference” has the mean-
2 ing given under section 5712(a)(1) of that title
3 (as added by subsection (a)).

4 (2) PUBLIC AVAILABILITY OF CONFERENCE MA-
5 TERIALS.—Each agency shall post on the public
6 Internet website of that agency detailed information
7 on any presentation made by any employee of that
8 agency at a conference, including—

9 (A) any minutes relating to the presen-
10 tation;

11 (B) any speech delivered;

12 (C) any visual exhibit, including photo-
13 graphs or slides;

14 (D) any video, digital, or audio recordings
15 of the conference; and

16 (E) information regarding any financial
17 support or other assistance from a foundation
18 or other non-Federal source used to pay or de-
19 fray the costs of the conference, which shall in-
20 clude a certification by the head of the agency
21 that there is no conflict of interest resulting
22 from the support received from each such
23 source.

24 (3) LIMITATION ON AMOUNT EXPENDED ON A
25 CONFERENCE.—

1 (A) IN GENERAL.—No agency may expend
2 more than \$500,000 to support a single con-
3 ference.

4 (B) RULE OF CONSTRUCTION.—Nothing in
5 this paragraph shall be construed to preclude
6 an agency from receiving financial support or
7 other assistance from a foundation or other
8 non-Federal source to pay or defray the costs of
9 a conference the total cost of which exceeds
10 \$500,000.

11 (4) LIMITATION ON THE ANNUAL NUMBER OF
12 CONFERENCES AN AGENCY MAY SUPPORT.—No
13 agency may expend funds on more than a single con-
14 ference sponsored or organized by an organization
15 during any fiscal year, unless the agency is the pri-
16 mary sponsor and organizer of the conference.

17 **SEC. 309. EFFECTIVE DATE.**

18 Except as otherwise provided in this Act, this Act and
19 the amendments made by this Act shall take effect on the
20 date of the enactment of this Act.

Passed the House of Representatives April 25, 2012.

Attest:

Clerk.

112TH CONGRESS
2^D SESSION

H. R. 2146

AN ACT

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