

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 994

To expand the Federal Funding Accountability and Transparency Act of 2006 to increase accountability and transparency in Federal spending, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. CARPER (for himself, Mr.
PORTMAN, and Mr. COBURN)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Digital Accountability
5 and Transparency Act of 2013”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to—

8 (1) expand the Federal Funding Accountability
9 and Transparency Act of 2006 (31 U.S.C. 6101
10 note) by disclosing direct Federal agency expendi-

1 tures and linking Federal contract, loan, and grant
2 spending information to programs of Federal agen-
3 cies to enable taxpayers and policy makers to track
4 Federal spending more effectively;

5 (2) provide consistent, reliable, and searchable
6 Government-wide spending data that is displayed ac-
7 curately for taxpayers and policy makers on
8 USASpending.gov;

9 (3) simplify reporting for entities receiving Fed-
10 eral funds by streamlining reporting requirements
11 and reducing compliance costs while improving
12 transparency; and

13 (4) improve the quality of data submitted to
14 USASpending.gov by holding Federal agencies ac-
15 countable for the completeness and accuracy of the
16 data submitted.

17 **SEC. 3. AMENDMENTS TO THE FEDERAL FUNDING AC-**
18 **COUNTABILITY AND TRANSPARENCY ACT OF**
19 **2006.**

20 The Federal Funding Accountability and Trans-
21 parency Act of 2006 (31 U.S.C. 6101 note) is amended—

22 (1) in section 2—

23 (A) in subsection (a)—

1 (i) in the matter preceding paragraph
2 (1), by striking “this section” and insert-
3 ing “this Act”;

4 (ii) by redesignating paragraphs (2)
5 and (3) as paragraphs (3) and (7), respec-
6 tively;

7 (iii) by inserting after paragraph (1)
8 the following:

9 “(2) FEDERAL AGENCY.—The term ‘Federal
10 agency’ has the meaning given the term ‘Executive
11 agency’ under section 105 of title 5, United States
12 Code.”; and

13 (iv) by inserting after paragraph (3),
14 as redesignated by subparagraph (A), the
15 following:

16 “(4) FEDERAL FUNDS.—The term ‘Federal
17 funds’ means any funds that are made available to
18 or expended by a Federal agency.

19 “(5) OBJECT CLASS.—The term ‘object class’
20 means the category assigned for purposes of the an-
21 nual budget of the President submitted under sec-
22 tion 1105(a) of title 31, United States Code, to the
23 type of property or services purchased by the Fed-
24 eral Government.

1 “(6) PROGRAM ACTIVITY.—The term ‘program
2 activity’ has the meaning given that term under sec-
3 tion 1115(h) of title 31, United States Code.”; and

4 (B) in subsection (c)—

5 (i) in paragraph (4), by striking
6 “and” at the end;

7 (ii) in paragraph (5), by striking the
8 period at the end and inserting a semi-
9 colon; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(6) shall have the ability to aggregate data for
13 the categories described in paragraphs (1) through
14 (5) without double-counting data; and

15 “(7) shall permit all information published
16 under this section to be downloaded in bulk.”; and

17 (2) by striking sections 3 and 4 and inserting
18 the following:

19 **“SEC. 3. FULL DISCLOSURE OF FEDERAL FUNDS.**

20 “(a) IN GENERAL.—Not later than 3 years after the
21 date of enactment of the Digital Accountability and
22 Transparency Act of 2013, and every month thereafter,
23 the Secretary of the Treasury, in consultation with the Di-
24 rector of the Office of Management and Budget, shall en-

1 sure that the information in subsection (b) is posted on
2 the website established under section 2.

3 “(b) INFORMATION TO BE POSTED.—The informa-
4 tion to be posted shall include, for each Federal agency,
5 component of a Federal agency, appropriations account,
6 program activity, and object class (including any sub-
7 component of an object class), and other accounts or data
8 as appropriate—

9 “(1) the amount of budget authority author-
10 ized;

11 “(2) the amount obligated;

12 “(3) the amount of outlays;

13 “(4) the amount of any Federal funds repro-
14 grammed or transferred; and

15 “(5) the amount of expired and unexpired un-
16 obligated balances.

17 **“SEC. 4. DATA STANDARDS.**

18 “(a) IN GENERAL.—The Secretary of the Treasury,
19 in consultation with the Director of the Office of Manage-
20 ment and Budget, the Administrator of General Services,
21 and the heads of Federal agencies, shall establish Govern-
22 ment-wide financial data standards for Federal funds,
23 which shall include common data elements for financial
24 and payment information required to be reported by Fed-
25 eral agencies and entities receiving Federal funds.

1 “(b) REQUIREMENTS.—The data standards estab-
2 lished under subsection (a) shall, to the extent reasonable
3 and practicable—

4 “(1) incorporate widely accepted common data
5 elements, such as those developed and maintained
6 by—

7 “(A) an international voluntary consensus
8 standards body;

9 “(B) Federal agencies with authority over
10 contracting and financial assistance; and

11 “(C) accounting standards organizations;

12 “(2) incorporate a widely accepted, nonpropri-
13 etary, searchable, platform-independent computer-
14 readable format;

15 “(3) include Government-wide universal identi-
16 fiers for Federal awards and entities receiving Fed-
17 eral awards;

18 “(4) be consistent with and implement applica-
19 ble accounting principles;

20 “(5) be capable of being continually upgraded
21 as necessary;

22 “(6) produce consistent and comparable data,
23 including across program activities; and

1 “(7) establish a standard method of conveying
2 the reporting period, reporting entity, unit of meas-
3 ure, and other associated attributes.

4 “(c) DEADLINES.—

5 “(1) GUIDANCE.—Not later than 1 year after
6 the date of enactment of the Digital Accountability
7 and Transparency Act of 2013, the Secretary of the
8 Treasury, in consultation with the Director of the
9 Office of Management and Budget, shall issue guid-
10 ance to Federal agencies on the data standards es-
11 tablished under subsection (a).

12 “(2) AGENCIES.—Not later than 1 year after
13 the date on which the guidance under paragraph (1)
14 is issued, each Federal agency shall collect, report,
15 and maintain financial and payment information
16 data in accordance with the data standards estab-
17 lished under subsection (a).

18 “(3) WEBSITE.—Not later than 2 years after
19 the date on which the guidance under paragraph (1)
20 is issued, the Director of the Office of Management
21 and Budget and the Secretary of the Treasury shall
22 ensure that the data standards established under
23 subsection (a) are applied to the data made available
24 on the website established under section 2.

1 “(d) CONSULTATION.—The Secretary of the Treas-
2 ury shall consult with public and private stakeholders in
3 establishing data standards under this section.

4 **“SEC. 5. SIMPLIFYING FEDERAL AWARD REPORTING.**

5 “(a) IN GENERAL.—The Director of the Office of
6 Management and Budget, in consultation with relevant
7 Federal agencies, recipients of Federal funds, including
8 State and local governments, and institutions of higher
9 education (as defined in section 102 of the Higher Edu-
10 cation Act of 1965 (20 U.S.C. 1002)), shall review the
11 information required to be reported by recipients of Fed-
12 eral awards to identify—

13 “(1) common reporting elements across the
14 Federal Government;

15 “(2) unnecessary duplication in financial re-
16 porting; and

17 “(3) unnecessarily burdensome reporting re-
18 quirements for recipients of Federal awards.

19 “(b) PILOT PROGRAM.—

20 “(1) ESTABLISHMENT.—Not later than 1 year
21 after the date of enactment of the Digital Account-
22 ability and Transparency Act of 2013, the Director
23 of the Office of Management and Budget, or a des-
24 ignee of the Director, shall establish a pilot program
25 relating to reporting (in this section referred to as

1 the ‘pilot program’) to facilitate the development of
2 recommendations for—

3 “(A) common reporting elements across
4 the Federal Government;

5 “(B) the elimination of unnecessary dupli-
6 cation in financial reporting; and

7 “(C) the reduction of compliance costs for
8 recipients of Federal awards.

9 “(2) REQUIREMENTS.—The pilot program
10 shall—

11 “(A) include a combination of Federal con-
12 tracts, grants, and subawards, the aggregate
13 value of which is not less than \$1,000,000,000;

14 “(B) include a diverse group of recipients
15 of Federal awards; and

16 “(C) to the extent practicable, include re-
17 cipients who receive Federal awards from mul-
18 tiple programs across multiple agencies.

19 “(3) DATA COLLECTION.—The pilot program
20 shall include data collected during a 12-month re-
21 porting cycle.

22 “(4) REPORTING AND EVALUATION REQUIRE-
23 MENTS.—Each recipient of a Federal award partici-
24 pating in the pilot program shall submit to the Of-

1 fice of Management and Budget any requested re-
2 ports of the selected Federal awards.

3 “(5) TERMINATION.—The pilot program shall
4 terminate on the date that is 2 years after the date
5 on which the Director of the Office of Management
6 and Budget establishes the pilot program.

7 “(6) AGENCY GUIDANCE.—Not later than 90
8 days after the date on which the pilot program ter-
9 minates under subsection (b)(5), the Director of the
10 Office of Management and Budget shall provide
11 guidance to the heads of Federal agencies regarding
12 how to simplify the reporting requirements for re-
13 cipients of Federal awards to reduce unnecessary
14 duplicative reports and to reduce compliance costs,
15 as appropriate.

16 “(7) REPORT TO CONGRESS.—Not later than
17 90 days after the date on which the pilot program
18 terminates under subsection (b)(5), the Director of
19 the Office of Management and Budget shall submit
20 to the Committee on Homeland Security and Gov-
21 ernmental Affairs and the Committee on the Budget
22 of the Senate and the Committee on Oversight and
23 Government Reform and the Committee on the
24 Budget of the House of Representatives a report on
25 the pilot program, which shall include—

1 “(A) a description of the data collected
2 under the pilot program, the usefulness of the
3 data provided, and the cost to collect the data
4 from recipients; and

5 “(B) recommendations for—

6 “(i) consolidating aspects of Federal
7 financial reporting to reduce the costs to
8 recipients of Federal awards;

9 “(ii) automating aspects of Federal fi-
10 nancial reporting to increase efficiency and
11 reduce the costs to recipients of Federal
12 awards;

13 “(iii) any legislative action required to
14 simplify the reporting requirements for re-
15 cipients of Federal awards; and

16 “(iv) improving financial trans-
17 parency.

18 **“SEC. 6. ACCOUNTABILITY FOR FEDERAL FUNDING.**

19 “(a) INSPECTOR GENERAL REPORTS.—

20 “(1) IN GENERAL.—In accordance with para-
21 graph (2), the Inspector General of each Federal
22 agency, in consultation with the Comptroller General
23 of the United States, shall—

1 “(A) review a statistically valid sampling of
2 the spending data submitted under this Act by
3 the Federal agency; and

4 “(B) submit to Congress and make pub-
5 lically available a report assessing the complete-
6 ness, timeliness, quality, and accuracy of the
7 data sampled and the implementation and use
8 of data standards by the Federal agency.

9 “(2) DEADLINES.—

10 “(A) FIRST REPORT.—Not later than 18
11 months after the date on which guidance is
12 issued under section 4(c)(1), the Inspector Gen-
13 eral of each Federal agency shall submit a re-
14 port as described in paragraph (1).

15 “(B) SUBSEQUENT REPORTS.—On the
16 same date as the Inspector General of each
17 Federal agency submits the second and fourth
18 reports under sections 3521(f) and 9105(a)(3)
19 of title 31, United States Code, that are sub-
20 mitted after the report under subparagraph
21 (A), the Inspector General shall submit a report
22 as described in paragraph (1). The report sub-
23 mitted under this subparagraph may be sub-
24 mitted as a part of the report submitted under

1 section 3521(f) or 9105(a)(3) of title 31,
2 United States Code.

3 “(b) COMPTROLLER GENERAL.—Not later than 2
4 years after the date of enactment of the Digital Account-
5 ability and Transparency Act of 2013, and every 2 years
6 thereafter until the date that is 6 years after such date
7 of enactment, and after review of the reports submitted
8 under subsection (a), the Comptroller General of the
9 United States shall submit to Congress and make pub-
10 lically available a report assessing and comparing the data
11 completeness, timeliness, quality, and accuracy of the data
12 submitted under this Act by Federal agencies and the im-
13 plementation and use of data standards by Federal agen-
14 cies.

15 **“SEC. 7. CLASSIFIED AND PROTECTED INFORMATION.**

16 “Nothing in this Act shall require the disclosure to
17 the public of—

18 “(1) information protected from disclosure
19 under section 552 of title 5, United States Code
20 (commonly known as the ‘Freedom of Information
21 Act’); or

22 “(2) information protected under section 552a
23 of title 5, United States Code (commonly known as
24 the ‘Privacy Act of 1974’), or section 6103 of the
25 Internal Revenue Code of 1986.”.

1 **SEC. 4. EXECUTIVE AGENCY ACCOUNTING AND OTHER FI-**
2 **NANCIAL MANAGEMENT REPORTS AND**
3 **PLANS.**

4 Section 3512(a) of title 31, United States Code, is
5 amended—

6 (1) in paragraph (1), by inserting “and make
7 available on the website described under section
8 1122” after “appropriate committees of Congress”;
9 and

10 (2) in paragraph (4), by adding at the end the
11 following:

12 “(C) Not later than 1 year after the date
13 of enactment of the Digital Accountability and
14 Transparency Act of 2013, and every 5 years
15 thereafter, the Director shall make available on
16 the website described under section 1122 a re-
17 port regarding the implementation of the Fed-
18 eral Funding Accountability and Transparency
19 Act of 2006 (31 U.S.C. 6101 note).”.

20 **SEC. 5. FUNDING.**

21 The Secretary of the Treasury may use amounts in
22 the Department of the Treasury franchise fund estab-
23 lished under the matter under the heading “Treasury
24 Franchise Fund” (as contained in section 101(f) of divi-
25 sion A of title I of Public Law 104–208 (31 U.S.C. 322
26 note; 110 Stat. 3009–316)) without further appropriation

1 to carry out this Act and the amendments made by this
2 Act.