

117TH CONGRESS
1ST SESSION

S. 3289

To amend the Federal Funding Accountability and Transparency Act of 2006 to require the Director of the Office of Management and Budget and the Secretary of the Treasury to track and disclose funding and outlays relating to disasters and emergencies on a centralized website, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2021

Mr. PETERS (for himself, Mr. PORTMAN, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Federal Funding Accountability and Transparency Act of 2006 to require the Director of the Office of Management and Budget and the Secretary of the Treasury to track and disclose funding and outlays relating to disasters and emergencies on a centralized website, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disclosing All Spend-
5 ing That Ensures Relief Act” or the “DISASTER Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) At a time of constrained budgets, it is fis-
4 cally prudent to understand the amount and the
5 scope of the Federal Government's funding and out-
6 lays relating to disasters and emergencies affecting
7 communities in need.

8 (2) Understanding the funding and outlays of
9 Federal agencies relating to disasters and emer-
10 gencies will help better inform the congressional
11 funding process and presidential budget requests.

12 (3) Knowledge about funding and outlay trends
13 relating to disasters and emergencies will guide miti-
14 gation efforts that reduce vulnerabilities to future
15 disasters and emergencies.

16 (4) Any accounting mechanism to track outlays
17 relating to disasters and emergencies should account
18 for all funding sources, including both procurement
19 and financial assistance funding, regardless of how
20 that funding is appropriated.

21 (5) The Federal Government's fiscal exposure
22 to disasters and emergencies is not limited to the
23 funding and outlays of Federal agencies and should
24 also include financial damages associated with disas-
25 ters and emergencies. For example, financial dam-
26 ages associated with wildfires may exceed the

1 amount that Federal agencies actually spend in re-
2 sponse to wildfires. The difference in damages and
3 outlays illustrates the Federal Government's fiscal
4 exposure to wildfires. Although some Federal agen-
5 cies currently track financial damages associated
6 with disasters and emergencies, this tracking should
7 be consistent and standardized across all relevant
8 Federal agencies.

9 (6) Data quality issues in business systems
10 used by Federal agencies and recipients of Federal
11 awards hinder analysis and learning opportunities
12 about funding and outlays relating to disasters and
13 emergencies.

14 **SEC. 3. PURPOSE.**

15 The purpose of this Act is to require—

16 (1) relevant Federal agencies and components
17 of Federal agencies to track and report to the Direc-
18 tor of the Office of Management and Budget and
19 the Secretary of the Treasury data on funding, out-
20 lays, and, to the extent practicable, financial dam-
21 ages relating to disasters and emergencies for publi-
22 cation on a centralized website;

23 (2) the Comptroller General to study and rec-
24 ommend data quality remediation measures for the

1 data sources of the website described in paragraph
2 (1); and

3 (3) if applicable, the Director of the Office of
4 Management and Budget and the Secretary of the
5 Treasury to implement the data quality remediation
6 measures described in paragraph (2).

7 **SEC. 4. ENHANCED DISCLOSURE OF FUNDING RELATING**
8 **TO DISASTERS OR EMERGENCIES.**

9 (a) DEFINITION.—

10 (1) IN GENERAL.—Section 2(a) of the Federal
11 Funding Accountability and Transparency Act of
12 2006 (31 U.S.C. 6101 note) is amended—

13 (A) by redesignating paragraphs (2)
14 through (8) as paragraphs (4) through (10), re-
15 spectively;

16 (B) by inserting after paragraph (1) the
17 following:

18 “(2) DISASTER OR EMERGENCY.—The term
19 ‘disaster or emergency’ means—

20 “(A) any major disaster or emergency de-
21 clared by the President under section 401 or
22 501, respectively, of the Robert T. Stafford Dis-
23 aster Relief and Emergency Assistance Act (42
24 U.S.C. 5170, 5191);

1 “(B) any fire for which assistance is pro-
2 vided under section 420 of the Robert T. Staf-
3 ford Disaster Relief and Emergency Assistance
4 Act (42 U.S.C. 5187);

5 “(C) any fire for which fire suppression ac-
6 tivities are carried out by the Department of
7 the Interior or the Department of Agriculture;

8 “(D) any national emergency declared by
9 the President under section 201 of the National
10 Emergencies Act (50 U.S.C. 1621);

11 “(E) any disaster or emergency relating to
12 assistance provided under section 7(b) of the
13 Small Business Act (15 U.S.C. 636(b));

14 “(F) any natural disaster declared by the
15 Secretary of Agriculture under section 321(a)
16 of the Consolidated Farm and Rural Develop-
17 ment Act (7 U.S.C. 1961(a));

18 “(G) any public health emergency declared
19 by the Secretary of Health and Human Services
20 under section 319 of the Public Health Service
21 Act (42 U.S.C. 247d);

22 “(H) any commercial fishery failure due to
23 a fishery resource disaster or catastrophic re-
24 gional fishery disaster determined by the Sec-
25 retary of Commerce under section 312(a) or

1 315(a), respectively, of the Magnuson-Stevens
 2 Fishery Conservation and Management Act (16
 3 U.S.C. 1861a(a), 1864(a)); and

4 “(I) any other potential or actual disaster
 5 or emergency identified by the Director, in con-
 6 sultation with the head of any relevant Federal
 7 agency.

8 “(3) DISASTER-RELATED FINANCIAL DAM-
 9 AGES.—The term ‘disaster-related financial dam-
 10 ages’ means any financial or economic loss deter-
 11 mined by the Director that may inform necessary
 12 Federal outlays relating to any disaster or emer-
 13 gency.”; and

14 (C) in paragraph (9), as so redesignated—

15 (i) in subparagraph (C), by striking
 16 “and” at the end;

17 (ii) in subparagraph (D), by striking
 18 the period at the end and inserting “;
 19 and”; and

20 (iii) by adding at the end the fol-
 21 lowing:

22 “(E) search and aggregate Federal fund-
 23 ing and outlays relating to disasters or emer-
 24 gencies and other relevant information.”.

1 (2) CONFORMING AMENDMENTS.—Section 2 of
 2 the Federal Funding Accountability and Trans-
 3 parency Act of 2006 (31 U.S.C. 6101 note), as
 4 amended by paragraph (1), is further amended—

5 (A) in subsection (a)(9)—

6 (i) in subparagraph (B), by striking
 7 “paragraph (2)(A)(i)” and inserting “para-
 8 graph (6)(A)(i)”; and

9 (ii) in subparagraph (C), by striking
 10 “paragraph (2)(A)(ii)” and inserting
 11 “paragraph (6)(A)(ii)”; and

12 (B) in subsection (c)(5), by striking “sub-
 13 section (a)(2)(A)(i) and those described in sub-
 14 section (a)(2)(A)(ii)” and inserting “subsection
 15 (a)(6)(A)(i) and those described in subsection
 16 (a)(6)(A)(ii)”.

17 (b) FUNDING RELATING TO DISASTERS AND EMER-
 18 GENCIES.—Section 3 of the Federal Funding Account-
 19 ability and Transparency Act of 2006 (31 U.S.C. 6101
 20 note) is amended—

21 (1) in subsection (b)(1)—

22 (A) in subparagraph (C)(ii), by striking
 23 “and” at the end;

24 (B) by redesignating subparagraph (D) as
 25 subparagraph (E); and

1 (C) by inserting after subparagraph (C)
 2 the following:

3 “(D) from which accounts and in what
 4 amount—

5 “(i) appropriations are obligated relat-
 6 ing to any disaster or emergency, which
 7 shall be accompanied by the information
 8 described in subsection (c)(2)(A); and

9 “(ii) outlays are made relating to any
 10 disaster or emergency, which shall be ac-
 11 companied by the information described in
 12 subsection (c)(2)(A); and”; and

13 (2) by adding at the end the following:

14 “(c) FULL DISCLOSURE OF FUNDING AND OUTLAYS
 15 RELATING TO DISASTERS AND EMERGENCIES.—

16 “(1) PILOT PROGRAM.—

17 “(A) IN GENERAL.—Not later than 180
 18 days after the date of enactment of the DIS-
 19 ASTER Act, the Director and the Secretary
 20 shall establish a pilot program to—

21 “(i) test and evaluate the collection
 22 and accession of data involving and associ-
 23 ated with amounts obligated or outlayed
 24 relating to any disaster or emergency, as

1 those data are reported under subsection
2 (b)(1)(D), which may include—

3 “(I) outlays in the wake of any
4 disaster or emergency;

5 “(II) outlays in advance of any
6 potential or actual disaster or emer-
7 gency;

8 “(III) administrative outlays as-
9 sociated with outlays described in sub-
10 clause (I) or (II); or

11 “(IV) any other category of out-
12 lays relating to any disaster or emer-
13 gency determined by the Director and
14 the Secretary;

15 “(ii) test and evaluate the collection
16 and accession of data involving and associ-
17 ated with disaster-related financial dam-
18 ages, as those data are reported under
19 paragraph (2)(A)(iii), which shall be pro-
20 vided as ancillary data to the data de-
21 scribed in clause (i);

22 “(iii) determine the proper scope and
23 standardization of data elements for the
24 data described in clauses (i) and (ii);

1 “(iv) determine the proper frequency
2 of reporting for the data described in
3 clauses (i) and (ii), which shall be not less
4 frequently than once every 2 weeks;

5 “(v) produce a strategic plan, which
6 shall be made publicly available not later
7 than 90 days after the date on which the
8 pilot program terminates, for implementing
9 a program across the Federal Government
10 for reporting the data described in clauses
11 (i) and (ii) using the scope and standard-
12 ization determined under clause (iii) and
13 the frequency determined under clause (iv);
14 and

15 “(vi) identify and propose solutions
16 for any challenges in implementing the
17 program described in clause (v), includ-
18 ing—

19 “(I) as appropriate, recommenda-
20 tions for proposed legislation; and

21 “(II) challenges in reporting
22 funding or outlays that—

23 “(aa) have been repro-
24 grammed from an existing pro-
25 gram;

1 “(bb) have been subject to a
2 reporting requirement waiver;

3 “(cc) involve a need for cost
4 allocation methodology within
5 any individual appropriations ac-
6 count in order to identify outlays
7 associated with any disaster or
8 emergency, such as an outlay for
9 salaries of Federal employees
10 who are engaged in response to
11 any disaster or emergency; or

12 “(dd) relate to any disaster
13 or emergency that lacks a clear
14 start or end date.

15 “(B) CONSULTATION WITH EXPERTS.—In
16 establishing the pilot program under subpara-
17 graph (A), the Director and the Secretary shall
18 consult with individuals who are—

19 “(i) representatives of relevant gov-
20 ernmental and nongovernmental organiza-
21 tions, including Federal agencies and com-
22 ponents of Federal agencies of diverse sizes
23 and missions; and

24 “(ii) experts in—

1 “(I) disaster relief and prepared-
2 ness; or

3 “(II) Federal Government ac-
4 counting.

5 “(C) TERMINATION.—The pilot program
6 established under subparagraph (A) shall termi-
7 nate not later than 2 years after the date of the
8 establishment of the pilot program.

9 “(2) REPORTING OF DISASTER- AND EMER-
10 GENCY-RELATED FUNDING.—Using information
11 learned from the pilot program established under
12 paragraph (1)(A) and not later than 1 year after the
13 date of the termination of the pilot program, the Di-
14 rector and the Secretary shall—

15 “(A) establish data standards by which to
16 identify, categorize, and describe each disaster
17 or emergency, including—

18 “(i) a label for the identification and
19 categorization of the disaster or emer-
20 gency;

21 “(ii) to the extent practicable—

22 “(I) each State or locality af-
23 fected by the disaster or emergency;
24 and

1 “(II) the start and end dates of
2 the disaster or emergency;

3 “(iii) to the extent practicable, the es-
4 timated disaster-related financial damages,
5 which shall be—

6 “(I) disaggregated by affected
7 States or localities;

8 “(II) itemized by standardized
9 categories to demonstrate the need for
10 specific types of Federal outlays; and

11 “(III) collected on an ongoing
12 basis; and

13 “(iv) any other information or cat-
14 egory determined by the Director and the
15 Secretary; and

16 “(B) issue guidance to Federal agencies
17 and components of Federal agencies to—

18 “(i) require the tracking and report-
19 ing of funds obligated or outlayed relating
20 to any disaster or emergency in accordance
21 with subsection (b)(1)(D);

22 “(ii) require the tracking and pub-
23 lishing on the website established under
24 section 2(b)(1) of—

1 “(I) to the extent practicable,
2 any disaster-related financial dam-
3 ages, which shall be provided as ancil-
4 lary data to the data described in
5 clause (i); and

6 “(II) information relating to any
7 disaster or emergency identified, cat-
8 egorized, and described under sub-
9 section (c)(2)(A);

10 “(iii) eliminate any tracking, pub-
11 lishing, or reporting that would be duplica-
12 tive of the information tracked under
13 clauses (i) and (ii); and

14 “(iv) not less frequently than annu-
15 ally, give feedback to, and receive updated
16 guidance from, the Director and the Sec-
17 retary relating to any outlays by Federal
18 agencies and components of Federal agen-
19 cies that—

20 “(I) are not tracked under clause
21 (i); and

22 “(II) may qualify as outlays re-
23 lating to any disaster or emergency.

24 “(3) COMPTROLLER GENERAL REPORT.—Not
25 later than 3 years after the date on which the Direc-

tor and the Secretary issue guidance under paragraph (2)(B), the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report that—

“(A) assesses the completeness, timeliness, quality, accuracy, and usefulness of the information described in paragraph (2)(B); and

“(B) if appropriate, includes any recommendations to improve the information described in paragraph (2)(B).”.

SEC. 5. DATA QUALITY REPORTS AND REMEDIATION PLANS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Reform of the House of Representatives.

(2) COMPTROLLER GENERAL.—The term “Comptroller General” means the Comptroller General of the United States.

1 (3) DATA QUALITY ISSUE.—The term “data
2 quality issue” means a situation in which a collec-
3 tion of quantitative or qualitative data represent or
4 suggest inaccurate, misleading, or insufficiently clear
5 information in a common way.

6 (4) DIRECTOR.—The term “Director” means
7 the Director of the Office of Management and Budg-
8 et.

9 (5) SECRETARY.—The term “Secretary” means
10 the Secretary of the Treasury.

11 (b) REPORT.—Not later than 180 days after the date
12 of enactment of this Act, the Comptroller General shall
13 submit a publicly available report to the appropriate con-
14 gressional committees relating to current and ongoing
15 data quality issues in the data sources of the website es-
16 tablished under section 2(b)(1) of the Federal Funding
17 Accountability and Transparency Act of 2006 (31 U.S.C.
18 6101 note), including data quality issues of—

19 (1) the Federal Funding Accountability and
20 Transparency Act Subaward Reporting System;

21 (2) the Federal Procurement Data System;

22 (3) any business system operated by a Federal
23 agency or a component of a Federal agency identi-
24 fied by the Comptroller General;

1 (4) any successor system of a system described
2 in this subsection; and

3 (5) any other data source identified by the
4 Comptroller General.

5 (c) CONTENTS.—The report submitted under sub-
6 section (b) shall include—

7 (1) an identification of data quality issues of
8 the data systems described in subsection (b), as ap-
9 plicable, including situations in which—

10 (A) outlayed amounts exceed obligated
11 amounts;

12 (B) subaward amounts exceed prime award
13 amounts;

14 (C) inappropriate variations exist for how
15 a single entity or location is identified, such as
16 a situation in which—

17 (i) the same legal entity possesses
18 multiple different unique identifiers; or

19 (ii) the same geographic location pos-
20 sesses intentional or unintentional vari-
21 ations in spelling;

22 (D) open text fields are insufficiently in-
23 formative, such as in award descriptions;

24 (E) required or relevant information is
25 missing, including—

1 (i) as a result of a reporting require-
 2 ment waiver; and

3 (ii) any information that is collected
 4 inconsistently across Federal award types
 5 or Federal program types, such as indus-
 6 try information or demographic informa-
 7 tion;

8 (F) labels and other identifiers are incor-
 9 rectly or inappropriately assigned, including—

10 (i) any failure to produce or update
 11 labels and other identifiers for funding
 12 that has been reprogrammed from an ex-
 13 isting program; and

14 (ii) any inaccurate identification of
 15 funds obligated or outlayed relating to any
 16 disaster or emergency; and

17 (G) any other potential or actual problem
 18 is identified by the Comptroller General; and

19 (2) for each data quality issue identified under
 20 paragraph (1)—

21 (A) a list of each relevant system in which
 22 the data quality issue is created and propa-
 23 gated;

1 (B) a list of the stakeholder groups in-
2 volved in creating and reviewing the data in
3 which the data quality issue is found;

4 (C) an explanation of known and accepted
5 exceptions to instances of the data quality issue
6 that—

7 (i) may appear problematic; and

8 (ii) are justified in some cases;

9 (D) an assessment of the root cause of the
10 data quality issue;

11 (E) a discussion of any tradeoffs on data
12 quality versus cost or effort;

13 (F) a list of existing mechanisms to detect
14 or prevent instances of the data quality issue;
15 and

16 (G) any recommendations for relevant
17 business systems and stakeholder groups to re-
18 mediate the data quality issue and explain to
19 public data consumers the known and accepted
20 exceptions, including—

21 (i) a proposed timeline for implemen-
22 tation and evaluation by relevant stake-
23 holder groups, which shall not exceed 2
24 years from the date of the submission of
25 the report, unless justified in writing;

- 1 (ii) metrics to determine success;
- 2 (iii) proposed solutions that may in-
- 3 volve technological, behavioral, institu-
- 4 tional, cultural, educational, regulatory,
- 5 legislative, or resource allocation changes;
- 6 and
- 7 (iv) any other recommendation relat-
- 8 ing to the efficiency or effectiveness of the
- 9 data systems described in subsection (b).

10 (d) UPDATES.—Not later than 2 years after the date
11 on which the report required under subsection (b) is sub-
12 mitted, and every 2 years thereafter until not less than
13 6 years after such date, the Comptroller General shall sub-
14 mit to the appropriate congressional committees an up-
15 dated and publicly available report that includes—

- 16 (1) the information required to be included in
- 17 the report under subsection (c);
- 18 (2) any newly identified data quality issues;
- 19 (3) information relating to the success of the
- 20 remediation recommendations included in previous
- 21 reports; and
- 22 (4) a determination of whether any additional
- 23 updated reports with the same submission schedule
- 24 and requirements as the report required under this
- 25 subsection are needed.

1 (e) IMPLEMENTATION PLANS.—Not later than 90
2 days after the date on which the Comptroller General sub-
3 mits a report required under subsection (b) or (d), the
4 Director and the Secretary shall submit to the appropriate
5 congressional committees a publicly available report that
6 explains, with respect to a recommendation described in
7 subsection (c)(2)(G)—

- 8 (1) whether and how each relevant stakeholder
9 group should implement the recommendation, in-
10 cluding any comments on the recommendation; and
11 (2) if applicable, any challenges and related so-
12 lutions to implementing the recommendation.

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