

117TH CONGRESS
2D SESSION

S. 3836

To establish within the Executive Office of the President the Taxpayer
Watchdog Office.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2022

Ms. ERNST introduced the following bill; which was read twice and referred
to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish within the Executive Office of the President
the Taxpayer Watchdog Office.

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 Watchdog Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) AGENCY.—The term “agency” means—

8 (A) an Executive agency, as defined in sec-
9 tion 105 of title 5, United States Code; and

1 (B) an independent regulatory agency, as
2 defined in section 3502 of title 44, United
3 States Code.

4 (2) DIRECTOR.—The term “Director” means
5 the Director of Openness in Government appointed
6 under section 3(b).

7 (3) FEDERAL TRANSPARENCY LAWS.—The
8 term “Federal transparency laws” means trans-
9 parency laws of the Federal Government, includ-
10 ing—

11 (A) section 552 of title 5, United States
12 Code;

13 (B) section 552b of title 5, United States
14 Code;

15 (C) the Federal Funding Accountability
16 and Transparency Act of 2006 (31 U.S.C. 6101
17 note);

18 (D) the program inventory of each Federal
19 agency required under section 1122(a) of title
20 31, United States Code;

21 (E) section 2374b of title 10, United
22 States Code;

23 (F) section 11319 of title I of the Infra-
24 structure Investment and Jobs Act (Public Law
25 117–58); and

(G) any requirement included in an annual appropriations Act for a grant recipient of Federal funds to include in statements, press releases, requests for proposals, bid solicitations, or other documents describing projects or programs funded in whole or in part with Federal money—

(i) the percentage of the total costs of the program or project which will be financed with Federal money;

(ii) the dollar amount of Federal funds for the project or program; or

(iii) the percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

(4) OFFICE.—The term “Office” means the Taxpayer Watchdog Office established under section 3(a).

SEC. 3. ESTABLISHMENT OF TAXPAYER WATCHDOG OFFICE.

(a) ESTABLISHMENT.—There is established within the Executive Office of the President the Taxpayer Watchdog Office.

1 (b) DIRECTOR.—The Director shall be the head of
 2 the Office and shall be appointed by the President.

3 (c) STAFF RESOURCES.—The Director of the Office
 4 of Management and Budget shall ensure that the Office
 5 has sufficient staff resources to enable the Director to ful-
 6 fill the duties described in section 4.

7 **SEC. 4. DUTIES OF THE OFFICE.**

8 (a) OVERSIGHT.—

9 (1) IMPLEMENTATION OF GOVERNMENT TRANS-
 10 PARENCY LAWS.—The Director shall oversee the im-
 11 plementation of Federal transparency laws.

12 (2) COMPLAINTS.—The Director shall accept
 13 and review complaints about a failure of an agency
 14 to comply with a Federal transparency law.

15 (3) EVALUATION.—The Director shall develop a
 16 standard compliance and performance scoring meth-
 17 odology using a 100-point scale and shall evaluate
 18 and grade each agency according to the scale by con-
 19 sidering—

20 (A) the compliance of the agency with Fed-
 21 eral transparency laws, including the accuracy,
 22 thoroughness, and timeliness of the agency in
 23 providing the public the information required by
 24 those laws; and

1 (B) any other action taken by the agency
2 to increase openness in the Federal Govern-
3 ment.

4 (4) COOPERATION.—

5 (A) IN GENERAL.—The Director may col-
6 lect necessary information from agencies to de-
7 termine whether an agency is in compliance
8 with Federal transparency laws.

9 (B) AGENCY COOPERATION.—Each agency
10 shall cooperate with the Office to provide infor-
11 mation necessary to complete the evaluation re-
12 quired under paragraph (3).

13 (b) INFORMATION TO THE PUBLIC.—The Director
14 shall—

15 (1) with respect to information to which the
16 public is required to be provided access under Fed-
17 eral transparency laws—

18 (A) compile and maintain on a searchable
19 public website an up-to-date summary of the in-
20 formation and the manner in which the infor-
21 mation may be accessed; and

22 (B) compile a summary of the legal limita-
23 tions to accessing the information, including
24 limitations relating to personal privacy, national

1 security, law enforcement, and privileged com-
2 munications; and

3 (2) compile case law on the interpretation of
4 Federal transparency laws.

5 (c) REPORT AND RECOMMENDATIONS.—

6 (1) ANNUAL REPORT.—Not later than 1 year
7 after the date of enactment of this Act, and annually
8 thereafter, the Director shall make available to the
9 public a report—

10 (A) listing—

11 (i) each Federal transparency law;
12 and

13 (ii) the compilation of information re-
14 lating to Federal transparency laws re-
15 quired under subsection (b)(1);

16 (B) summarizing the evaluations required
17 under subsection (a)(3);

18 (C) detailing how the Federal transparency
19 laws apply to—

20 (i) each agency; and

21 (ii) each entity receiving Federal fi-
22 nancial assistance, including grants, sub-
23 grants, loans, contracts, and tax expendi-
24 tures;

1 (D) providing statistics on the timeliness
2 and completeness of agency reporting and dis-
3 closure of information required to be provided
4 or disclosed under Federal transparency laws;
5 and

6 (E) including any agency response to the
7 evaluation in the report.

8 (2) RECOMMENDATIONS.—Not later than 2
9 years after the date of enactment of this Act, and
10 not less frequently than every 2 years thereafter, the
11 Director shall submit to the President, the heads of
12 agencies, and Congress recommendations for im-
13 provements to increase transparency in the activities
14 and missions of, and supported by, the Federal Gov-
15 ernment.

16 **SEC. 5. OFFICERS AND EMPLOYEES.**

17 The Director may appoint and terminate such offi-
18 cers and employees as may be necessary to enable the Of-
19 fice to perform the duties of the Office.

20 **SEC. 6. FUNDING.**

21 The Office shall be funded through the Office of Man-
22 agement and Budget.

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