



A Comparison of the Transparency and Accountability Provisions in the House and Senate Economic Recovery Bills

The following is a comparison of the transparency and oversight provisions of House and Senate economic recovery packages (H.R. 1 and S. 336 respectively). While many of the provisions are similar, if not virtually identical, there are also significant differences between the two bills. In general, the Senate bill is less specific with regards to content to be provided on the federal website and gives the administration more flexibility in accountability implementation.

Economic Recovery Website

The House and Senate bills would both require that an Accountability and Transparency Board create a website that would be a “portal or gateway to key information related to this Act” and include “data on relevant economic, financial, grant, and contract information;” “detailed data on contracts awarded by the Government;” and “a means for the public to give feedback on the performance of contracts.”

However, the House bill goes further and would require that, with respect to money expended on infrastructure projects, the applicable federal, state, or local authority post on the stimulus website a notification to the public of funds obligated to particular infrastructure investments. The notice would include:

- A description of the infrastructure investment funded
- The purpose of the infrastructure investment
- The total cost of the infrastructure investment.
- The rationale of the agency for funding the infrastructure investment with funds made available under this Act.
- The name of the person to contact at the agency if there are concerns with the infrastructure investment and, an email address for federal officials
- A certification from the Governor, mayor, or other chief executive, that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

For funds authorized for “operational purposes,” the state or local authority would be required to publish on the website “a description of the intended use of the funds, including the number of jobs sustained or created.”

The Senate bill does not distinguish between operational and infrastructure spending and does not have the detail about what is to be disclosed.

The website created in the House bill would also contain each contract or grant made through stimulus funds. The Senate bill provides a waiver on posting contracts to protect national security.

Additionally, the House bill calls the website Recovery.gov, which is the name of the beta site being developed by the Obama administration. The Senate bill does not require a name for the website.

Accountability and Transparency Board

Both House and Senate bills provide that an “Accountability and Transparency Board” be established to “to coordinate and conduct oversight of Federal spending under this Act to prevent waste, fraud, and abuse.” While the functions and reporting requirements of the Board are similar, the Senate and House bills differ in two respects.

The Board created by the House bill would be chaired by the president’s Chief Performance Officer and composed of six inspectors general or deputy secretaries from various agencies. The Board created by Senate bill would instead be chaired by the OMB Director, another presidentially appointed official for which consent of the Senate is required, or someone else with the “advice and consent” of the Senate.

The Senate’s bill also specifies that the Board may hold public hearings, conduct investigative depositions, and issue subpoenas. The House bill does not provide such details.

Contracting

The House bill insists that, “to the maximum extent possible,” contracts should be fixed price and competitively bid. Contracts that are not would be posted in a special section of the stimulus website. The House bill also stipulates that the GAO and IGs may examine the records of contractors and subcontractors. The Senate bill does not have such detail.

Other Oversight

Under the language in the House bill, inspectors general would be required to investigate concerns raised by the public. Any findings, reviews, or audits resulting from such investigations would be posted on the stimulus website.

The House bill also requires that the Government Accountability Office issue bimonthly reports on the use of funds by select states and localities. These reports would be made available to the public on the stimulus website.

The Senate bill does not have either item in its bill.

Below is a detailed, side-by-side comparison of the transparency and accountability provisions enumerated in the House and Senate economic stimulus bills.

A Comparison of the Transparency and Accountability Provisions in the House and Senate Economic Recovery Bills

Unless otherwise specified, the provisions noted below are virtually identical. Numbers under provision titles are the section numbers in which the provision appears.

House (HR 1)

Senate (S 336)

Stimulus Spending Website	
<i>The House and Senate bills would both require that an Accountability and Transparency Board create a website that would be a “portal or gateway to key information related to this Act” and include “data on relevant economic, financial, grant, and contract information;” “detailed data on contracts awarded by the Government;” and “a means for the public to give feedback on the performance of contracts.”</i>	
Establishment of a Stimulus Spending Website	
1226	1519
Website is to be called Recovery.gov	A waiver is to be granted to posting certain contracts to protect national security
Requirements for Federal, State, and Local Agencies to Post Certain Information on Internet	
1201	N/A
Requires that each infrastructure project be listed, along with a description, purpose of the project, total cost, rationale the agency used for funding the project, and contact info for a person in charge of project be listed on Recovery.gov.	
Also required is that a certification from the governor, mayor, or other chief executive that a given infrastructure is an "appropriate use of taxpayer dollars"	
All contracts and grants issued as stimulus spending would be posted	

Accountability and Transparency Board	
<i>Both House and Senate bills provide that an “Accountability and Transparency Board” be established to “to coordinate and conduct oversight of Federal spending under this Act to prevent waste, fraud, and abuse.”</i>	
Establishment of the Accountability and Transparency Board	
1221	1511
Composition of the Board	
1222	1512
Chaired by the Chief Performance Officer	Chaired by OMB Director, some officer who was appointed to a position that was approved by the senate, or someone else with the "advice and consent" of the Senate
Composed of 6 members designated by the President from IGs or deputy secretaries from Education, Energy, HHS, Transportation, or other	Composed of IGs from Ag, Commerce, Education, Energy, HHS, HS, Justice, Transportation, Treasury, TIGTA and any other IG from an agency that expends funds authorized by this act.
Functions of the Board	
1223	1513
Contains a provision to provide "flash" reports on potential funding problems that require immediate attention	
Powers of the Board	
1224	1514
	Board may hold public hearings, conduct investigative depositions, and issue subpoenas
Personnel Policies of the Board	
1225	1515
Allows Board chair to appoint an executive director	

Independent Advisory Panel	
<i>Both House and Senate bills provide that an "Independent Advisory Board" be established to "make recommendations to the Board on actions the Board could take to prevent waste, fraud, and abuse."</i>	
Establishment of an Independent Advisory Panel	
1229	1531 A little more specific (i.e. defines "quorum")
Duties of the Panel	
N/A	1532 Language under this section is similar to that under the House bill's sec. 1229
Powers of the Panel	
N/A	1533 Panel may hold hearings, secure information from agencies, use the mail system like other agencies, may accept gifts or donations
Personnel Matters of the Panel	
N/A	1534 Specifies compensation and travel expenses policies
Funding of the Panel	
1230 \$14,000,000	1534 Funds "authorized to be appropriated such sums as necessary"
Termination of the Panel	
1231 12 months after 90% of funds under act have been expended	1535 Sept. 30, 2012

Other Transparency and Oversight Provisions	
IG Reviews	
1202 IGs are to investigate concerns raised by public. Findings, reviews, and audits resulting from such concerns are to be posted on Recovery.gov	N/A
GAO Reviews and Reports	
1203 Specifies that GAO issue bimonthly reports on the use of funds by selected states and localities. Reports are to be posted on Recovery.gov	N/A
Council of Economic Advisers Reports	
1204	1541 Specifies date when first report is due
Special Contracting Provisions	
1205 "To the maximum extent possible" contracts should be fixed-price and competitively bid. Any contracts that aren't are to be listed on Recovery.gov	N/A
Limitations on Non-Competitive Contracts	
1241 Specifies how long non-competed contracts may be used for this act	N/A
Access to GAO and IG Offices to Certain Employees	
1242 GAO and IGs may examine records of contractors, subcontractors, or state or local agency administering contract	N/A
Inspector General Independence	
1227	1516
Coordination with the Comptroller General and State Auditors	
1228	1517