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## ***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 H.R. 1, as amended by the Senate). 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 would place reporting requirements on a larger set of stimulus funds recipients.

### ***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.”

The Senate bill would require that *all recipients*, including states but not individuals, of recovery funds (grants, loans, and contracts) form a federal agency to report on a quarterly basis the following:

- Total amount of recovery funds received from the agency.
- Amount of funds expended or obligated to projects.
- A detailed list of all projects for which recovery funds were expended, including:
  - The name and description of the project.
  - An evaluation of the completion status of the project.
  - An analysis of the number of jobs created or retained by the project.

Federal agencies that make stimulus funds available would be required to make these reports available of the recovery website on a quarterly basis. The Government Accountability Office (GAO) and the Congressional Budget Office (CBO) would be required to comment on the analysis of the number of jobs created or retained.

However, the House bill would require that similar reporting requirements be placed on only infrastructure projects and funds used for “operational purposes.” 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 detail what is to be disclosed.

The website created by the House bill would also post each contract or grant document for spending of stimulus funds. The Senate bill also requires the documents be made available but 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 specify 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 authorizes the Board to hold public hearings, conduct investigative depositions, and issue subpoenas. The House bill does not specify such powers for the Board.

### ***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 Senate bill does not have such a requirement.

Both House and Senate bills 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.

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 (HR 1 AS2)**

| <b>Stimulus Spending Website</b>   |   |
|--|---|
| <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> |   |
| <b>Establishment of a Stimulus Spending Website</b>  |   |
| <b>1226</b>  | <b>1519</b>   |
| Website is to be called Recovery.gov   | A waiver is to be granted to posting certain contracts to protect national security   |
| <b>Requirements for Federal, State, and Local Agencies to Post Certain Information on Internet</b>   |   |
| <b>1201</b>  | <b>1551</b>   |
| 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.  | Any recipient of stimulus funds, including states, must report to the federal agencies that made available those funds the total amount of funds received; the amount of funds expended or obligated to projects or actives. Also requires a detailed list of all projects including the name and description of the project; |
| For "operational funding," a description of the intended use of the funds and the number of jobs created are required to be posted online  | an evaluation of the completion status of the project; and an analysis of the number of jobs created or retained by the project.  |
| Also requires a certification from the governor, mayor, or other chief executive that a given infrastructure is an "appropriate use of taxpayer dollars"   | These recipient reports would be sent to the authorizing agency quarterly. Federal agencies would then make these reports available on the website quarterly.   |
| All contracts and grants issued as stimulus spending would be posted online  | CBO and GAO would be required to comment on the reports' analysis of number of jobs created or retained   |

### 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."*

| Establishment of the Accountability and Transparency Board   |   |
|--|---|
| <b>1221</b>  | <b>1511</b>   |
| Composition of the Board   |   |
| <b>1222</b>  | <b>1512</b>   |
| 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   |   |
| <b>1223</b>  | <b>1513</b>   |
| Contains a provision to provide "flash" reports on potential funding problems that require immediate attention                         |   |
| Powers of the Board  |   |
| <b>1224</b>  | <b>1514</b>   |
|  | Board may hold public hearings, conduct investigative depositions, and issue subpoenas  |
| Personnel Policies of the Board  |   |
| <b>1225</b>  | <b>1515</b>   |
| Allows Board chair to appoint an executive director  |   |
| Funding of the Board   |   |
| <b>1230</b>  | <b>1520</b>   |
| \$14,000,000   | Funds "authorized to be appropriated such sums as necessary"  |
| Termination of the Panel   |   |
| <b>1231</b>  | <b>1521</b>   |
| 12 months after 90% of funds under act have been expended  | Sept. 30, 2012  |

### Independent Advisory Panel

*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."*

| Establishment of an Independent Advisory Panel |   |
|--|---|
| <b>1229</b>                                    | <b>1531</b>   |
|  | A little more specific (i.e. defines "quorum")  |
| Duties of the Panel                            |   |
| <b>N/A</b>                                     | <b>1532</b>   |
|  | Language under this section is similar to that under the House bill's sec. 1229   |
| Powers of the Panel                            |   |
| <b>N/A</b>                                     | <b>1533</b>   |
|  | 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                 |   |
| <b>N/A</b>                                     | <b>1534</b>   |
|  | Specifies compensation and travel expenses policies   |
| Funding of the Panel                           |   |
| <b>N/A</b>                                     | <b>1534</b>   |
|  | Funds "authorized to be appropriated such sums as necessary"  |
| Termination of the Panel                       |   |
| <b>N/A</b>                                     | <b>1535</b>   |
|  | Sept. 30, 2012  |

| <b>Other Transparency and Oversight Provisions</b>   |   |
|--|---|
| <b>IG Reviews</b>  |   |
| <b>1202</b>  | <b>N/A</b>                              |
| IGs are to investigate concerns raised by public. Findings, reviews, and audits resulting from such concerns are to be posted on Recovery.gov      |   |
| <b>GAO Reviews and Reports</b>   |   |
| <b>1203</b>  | <b>901</b>                              |
| <b>Council of Economic Advisers Reports</b>  |   |
| <b>1204</b>  | <b>1541</b>                             |
|  | Specifies date when first report is due |
| <b>Special Contracting Provisions</b>  |   |
| <b>1205</b>  | <b>N/A</b>                              |
| "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 |   |
| <b>Limitations on Non-Competitive Contracts</b>  |   |
| <b>1241</b>  | <b>N/A</b>                              |
| Specifies how long non-competited contracts may be used for this act   |   |
| <b>Access to GAO and IG Offices to Certain Employees</b>   |   |
| <b>1242</b>  | <b>902</b>                              |
| <b>Inspector General Independence</b>  |   |
| <b>1227</b>  | <b>1516</b>                             |
| <b>Coordination with the Comptroller General and State Auditors</b>  |   |
| <b>1228</b>  | <b>1517</b>                             |