

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.

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## 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

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## 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”;

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-

1 tor and the Secretary issue guidance under para-  
 2 graph (2)(B), the Comptroller General of the United  
 3 States shall submit to the Committee on Homeland  
 4 Security and Governmental Affairs of the Senate  
 5 and the Committee on Oversight and Reform of the  
 6 House of Representatives a report that—

7 “(A) assesses the completeness, timeliness,  
 8 quality, accuracy, and usefulness of the infor-  
 9 mation described in paragraph (2)(B); and

10 “(B) if appropriate, includes any rec-  
 11 ommendations to improve the information de-  
 12 scribed in paragraph (2)(B).”.

13 **SEC. 5. DATA QUALITY REPORTS AND REMEDIATION**  
 14 **PLANS.**

15 (a) **DEFINITIONS.**—In this section:

16 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
 17 **TEES.**—The term “appropriate congressional com-  
 18 mittees” means—

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

21 (B) the Committee on Oversight and Re-  
 22 form of the House of Representatives.

23 (2) **COMPTROLLER GENERAL.**—The term  
 24 “Comptroller General” means the Comptroller Gen-  
 25 eral 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 (e)(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.

○