Using the Digital Accountability and Transparency Act (DATA Act) to Enhance Transparency and Foster Accountability

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What Does 21st Century Governance Look Like?

- The types of issues that government confronts are growing more complex and boundary-less (wicked issues).
- The approaches (policy tools) that government uses to address these issues are wide ranging and increasingly indirect (hollow government).
- Citizen confidence in government is at historic lows in many places and citizens are rightly demanding increased transparency and opportunities for active engagement.
- All of this must take place in an environment where agencies are stressed to develop and maintain the basic capacities they need in an era of fiscal constraints.

- A bottom line: new ways of thinking, new management approaches, and new personnel capabilities are essential to better serve our citizens in the 21st century.

Transparency, Civic Engagement and Open Government

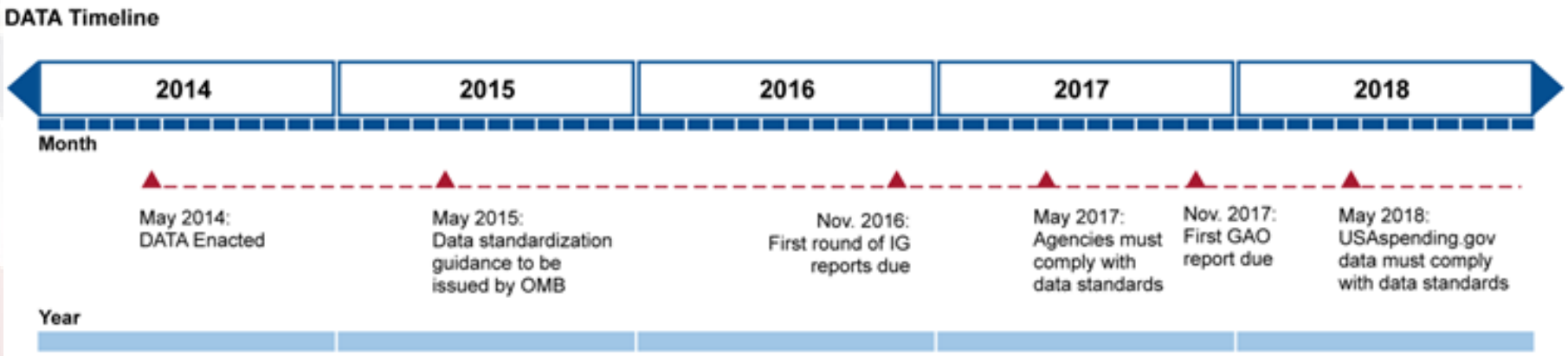
Providing information and data to citizens in readily available, real-time, and useful formats

- Data.Gov, USAspending.gov, Recovery.gov, performance.gov
- Civic Engagement:
  - Open dialogues, e.g., homeland security plans, health information technology and privacy, recovery.gov.
  - Agency blogs, eg OMB (whitehouse.gov/omb/blog), TSA (tsa.gov/blog)
  - Mash ups, e.g., EPA and Puget Sound
- The possibility for place based performance information (Donald F. Kettl)

The Digital Accountability and Transparency Act

- The DATA Act is a major transparency initiative.
- Signed into law in May 2014.
- Requires federal agencies to release spending, grants, and contract data by May 2017
- Must post to web in machine–readable formats
- Must use a consistent set of data standards

DATA Act Timeline



Source: GAO Analysis of Pub. L. 113-101, 128 Stat. 1146.

Note: IGs and GAO are required to report two additional times—at two and four years after their respective initial reports. If the guidance is issued earlier than one year after passage, dates that follow would move up commensurately.

The Early Stages of Implementation DATA Act

- Initial data standards issued by OMB and Treasury
- Pilot on recipient burden
- GAO's oversight strategy and work with the accountability community
- Effective implementation holds great promise to enhance federal management, oversight, and decision-making

DATA Act standards

Source: GAO analysis of Office of Management and Budget and Treasury plans for establishing government-wide data standards under the DATA Act.

The Compliance Burden Pilot

- The DATA Act requires a pilot program to, among other things, develop recommendations to reduce compliance costs for award recipients. (Section 5)
- The pilot is required to include a combination of federal contract, grants, and sub-awards across a diverse group of recipients and programs.
- The pilot will last two years.
- OMB is required to report to Congress no later than 90 days after the pilot ends.

The Compliance Burden Pilot, continued

- HHS is leading the pilot for OMB
- OMB and HHS are taking a “nontraditional” pilot approach. As one phase of that, they plan to conduct focus groups and test standardized data elements by September 2015.
- Congress has raised concerns that current plans do not meet the DATA Act’s requirements.
- GAO is reviewing the pilot.

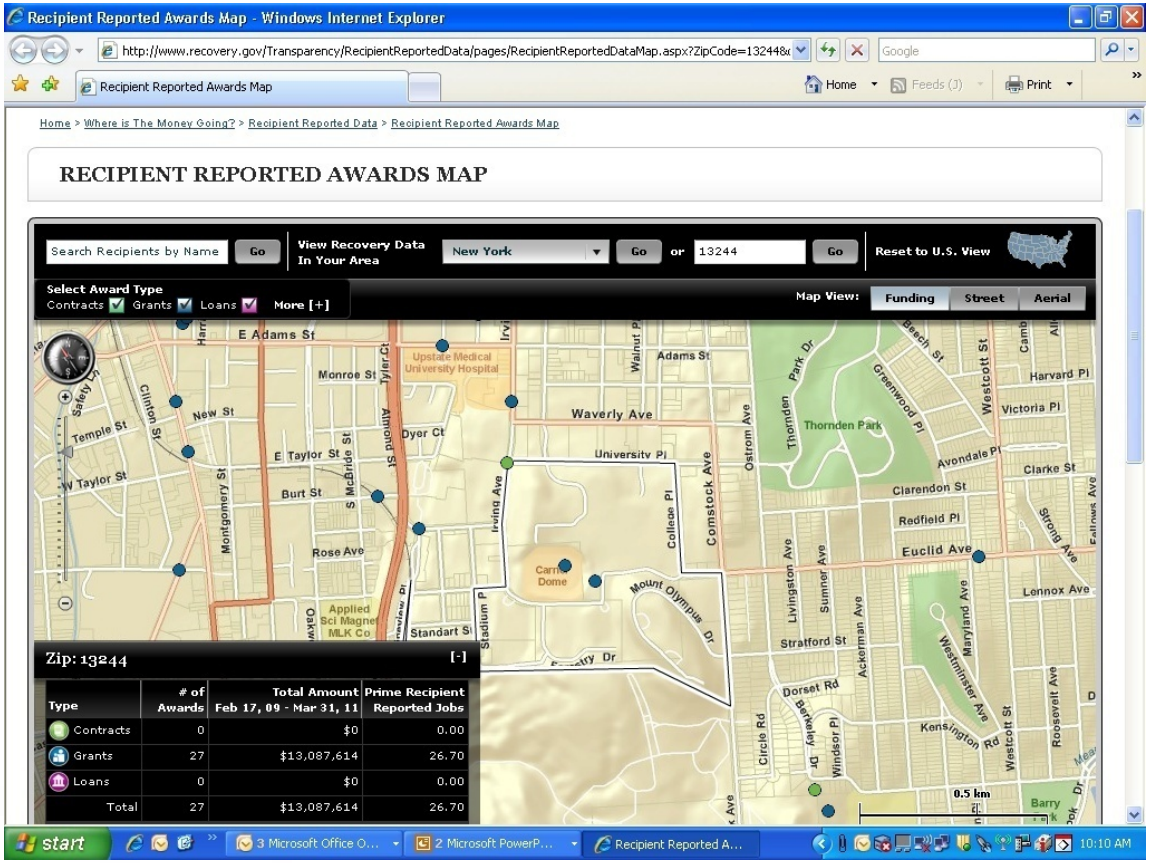
Implications for the Accountability Community

- Key roles for GAO and IGs in assessing implementation
- “Real time” monitoring and assessments to ensure that efforts remain on track
- Working Group established to coordinate audit work across the federal government
- Join the dialogue: http://fedspendingtransparency.github.io/dataelements/ and https://cxo.dialogue2.cao.gov/
- Federal program inventory as required by GPRAMA
- Using the resulting data to better target and inform audits

GAO's Open Recommendations (GAO-15-752T)

- To ensure that federal program spending data are provided to the public in a transparent, useful, and timely manner, OMB should accelerate efforts to determine how best to merge DATA Act purposes and requirements with the GPRAMA requirement to produce a federal program inventory.
- To ensure that the integrity of data standards is maintained over time, OMB and Treasury should establish a set of clear policies and processes for developing and maintaining data standards that are consistent with leading practices for data governance.
- To ensure that interested parties' concerns are addressed as implementation efforts continue, OMB and Treasury should build on existing efforts and put in place policies and procedures to foster ongoing and effective two-way dialogue with stakeholders.

Recovery.gov as One Model for Moving Forward



Thank You!