

Union Calendar No. 738

115TH CONGRESS
2^D SESSION

H. R. 4887

[Report No. 115–947]

To modernize Federal grant reporting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2018

Ms. FOXX (for herself, Mr. GOMEZ, Mr. ISSA, Mr. QUIGLEY, and Mr. KILMER) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

SEPTEMBER 12, 2018

Additional sponsors: Mr. WALKER, Mr. DESJARLAIS, and Ms. KELLY of Illinois

SEPTEMBER 12, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on January 29, 2018]

A BILL

To modernize Federal grant reporting, 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 **SEC. 1. SHORT TITLE.**

4 *This Act may be cited as the “Grant Reporting Effi-*
5 *ciency and Agreements Transparency Act of 2018” or the*
6 *“GREAT Act”.*

7 **SEC. 2. PURPOSES.**

8 *The purposes of this Act are to—*

9 *(1) modernize reporting by recipients of Federal*
10 *grants and cooperative agreements by creating and*
11 *imposing data standards for the information that*
12 *grants and cooperative agreement recipients must re-*
13 *port to the Federal Government;*

14 *(2) implement the recommendation by the Direc-*
15 *tor of the Office of Management and Budget, under*
16 *section 5(b)(6) of the Federal Funding Accountability*
17 *and Transparency Act of 2006 (31 U.S.C. 6101 note),*
18 *which includes the development of a “comprehensive*
19 *taxonomy of standard definitions for core data ele-*
20 *ments required for managing Federal financial assist-*
21 *ance awards”;*

22 *(3) reduce burden and compliance costs of recipi-*
23 *ents of Federal grants and cooperative agreements by*
24 *enabling technology solutions, existing or yet to be de-*
25 *veloped, by both the public and private sectors, to bet-*

1 *ter manage data recipients already provide to the*
 2 *Federal Government; and*

3 *(4) to strengthen oversight and management of*
 4 *Federal grants and cooperative agreements by agen-*
 5 *cies through consolidated collection and display of*
 6 *and access to open data that has been standardized,*
 7 *and where appropriate, transparency to the public.*

8 **SEC. 3. DATA STANDARDS FOR GRANT REPORTING.**

9 *(a) AMENDMENT.—Subtitle V of title 31, United States*
 10 *Code, is amended by inserting after chapter 63 the following*
 11 *new chapter:*

12 **“CHAPTER 64—DATA STANDARDS FOR**
 13 **GRANT REPORTING**

“Sec.

“6401. Definitions.

“6402. Data standards for grant reporting.

“6403. Guidance applying data standards for grant reporting.

“6404. Agency requirements.

14 **“§ 6401. Definitions**

15 *“In this chapter:*

16 *“(1) AGENCY.—The term ‘agency’ has the mean-*
 17 *ing given that term in section 552(f) of title 5.*

18 *“(2) CORE DATA ELEMENTS.—The term ‘core*
 19 *data elements’ means data elements that are not pro-*
 20 *gram-specific in nature and are required by agencies*
 21 *for all or the vast majority of Federal grant and co-*
 22 *operative assistance recipients for purposes of report-*
 23 *ing.*

1 “(3) *DIRECTOR*.—The term ‘Director’ means the
2 *Director of the Office of Management and Budget.*

3 “(4) *FEDERAL AWARD*.—The term ‘Federal
4 *award*’—

5 “(A) means the transfer of anything of
6 value for a public purpose of support or stimula-
7 tion authorized by a law of the United States,
8 including financial assistance and Government
9 facilities, services, and property;

10 “(B) includes grants, subgrants, awards,
11 and cooperative agreements; and

12 “(C) does not include—

13 “(i) conventional public information
14 services or procurement of property or serv-
15 ices for the direct benefit or use of the Gov-
16 ernment; or

17 “(ii) an agreement that provides
18 only—

19 “(I) direct Government cash as-
20 sistance to an individual;

21 “(II) a subsidy;

22 “(III) a loan;

23 “(IV) a loan guarantee; or

24 “(V) insurance.

1 “(5) *SECRETARY.*—*The term ‘Secretary’ means*
2 *the head of the standard-setting agency.*

3 “(6) *STANDARD-SETTING AGENCY.*—*The term*
4 *‘standard-setting agency’ means the Executive depart-*
5 *ment designated under section 6402(a)(1).*

6 “(7) *STATE.*—*The term ‘State’ means each State*
7 *of the United States, the District of Columbia, each*
8 *commonwealth, territory or possession of the United*
9 *States, and each federally recognized Indian Tribe.*

10 **“§ 6402. Data standards for grant reporting**

11 “(a) *IN GENERAL.*—

12 “(1) *DESIGNATION OF STANDARD-SETTING AGEN-*
13 *CY.*—*The Director shall designate the Executive de-*
14 *partment (as defined in section 101 of title 5) that*
15 *issues the most Federal awards in a calendar year as*
16 *the standard-setting agency.*

17 “(2) *ESTABLISHMENT OF STANDARDS.*—*Not later*
18 *than 1 year after the date of the enactment of this*
19 *chapter, the Secretary and the Director shall establish*
20 *Governmentwide data standards for information re-*
21 *ported by recipients of Federal awards.*

22 “(3) *DATA ELEMENTS.*—*The data standards es-*
23 *tablished under paragraph (2) shall include, at a*
24 *minimum—*

1 “(A) *standard definitions for data elements*
2 *required for managing Federal awards; and*

3 “(B) *unique identifiers for Federal awards*
4 *and entities receiving Federal awards that can*
5 *be consistently applied Governmentwide.*

6 “(b) *SCOPE.—The data standards established under*
7 *subsection (a) shall include core data elements and may*
8 *cover any information required to be reported to any agency*
9 *by recipients of Federal awards, including audit-related in-*
10 *formation reported under chapter 75 of this title.*

11 “(c) *REQUIREMENTS.—The data standards required to*
12 *be established under subsection (a) shall, to the extent rea-*
13 *sonable and practicable—*

14 “(1) *render information reported by recipients of*
15 *Federal grant and cooperative agreement awards fully*
16 *searchable and machine-readable;*

17 “(2) *incorporate standards developed and main-*
18 *tained by voluntary consensus standards bodies;*

19 “(3) *be consistent with and implement applica-*
20 *ble accounting and reporting principles; and*

21 “(4) *incorporate the data standards established*
22 *under the Federal Funding Accountability and*
23 *Transparency Act of 2006 (31 U.S.C. 6101 note).*

1 “(d) *CONSULTATION.*—*In establishing the data stand-*
 2 *ards under subsection (a), the Secretary and the Director*
 3 *shall consult with, as appropriate—*

4 “(1) *the Secretary of the Treasury, to ensure that*
 5 *the data standards incorporate the data standards*
 6 *created under the Federal Funding Accountability*
 7 *and Transparency Act of 2006 (31 U.S.C. 6101 note);*

8 “(2) *the head of each agency that issues Federal*
 9 *awards;*

10 “(3) *recipients of Federal awards and organiza-*
 11 *tions representing recipients of Federal awards;*

12 “(4) *private sector experts;*

13 “(5) *members of the public, including privacy*
 14 *experts, privacy advocates, and industry stakeholders;*
 15 *and*

16 “(6) *State and local governments.*

17 **“§ 6403. *Guidance applying data standards for grant***
 18 ***reporting***

19 “(a) *IN GENERAL.*—*Not later than 2 years after the*
 20 *date of the enactment of this chapter—*

21 “(1) *the Secretary and the Director shall issue*
 22 *guidance to all agencies directing the agencies to*
 23 *apply the data standards established under section*
 24 *6402 to all applicable reporting by recipients of Fed-*
 25 *eral grant and cooperative agreement awards; and*

1 “(2) the Director shall prescribe guidance apply-
 2 ing the data standards to audit-related information
 3 reported under chapter 75.

4 “(b) GUIDANCE.—The guidance issued under this sec-
 5 tion shall—

6 “(1) to the extent reasonable and practicable—

7 “(A) minimize the disruption to existing re-
 8 porting practices for agencies and for recipients
 9 of Federal grant and cooperative agreement
 10 awards; and

11 “(B) explore opportunities to implement
 12 modern technologies within Federal award re-
 13 porting;

14 “(2) allow the Director to permit exceptions for
 15 categories of grants if the Director publishes a list of
 16 such exceptions, including exceptions for Indian
 17 Tribes and Tribal organizations consistent with the
 18 Indian Self-Determination and Education Assistance
 19 Act; and

20 “(3) take into consideration the consultation re-
 21 quired under section 6402(d).

22 **“§ 6404. Agency requirements**

23 “Not later than 3 years after the date of the enactment
 24 of this chapter, the head of each agency shall ensure that
 25 all of the agency’s grants and cooperative agreements use

1 *data standards for all future information collection requests*
 2 *and amend existing information collection requests covered*
 3 *by chapter 35 of title 44 (commonly referred to as the Pa-*
 4 *perwork Reduction Act) to comply with the data standards*
 5 *established under section 6402, consistent with the guidance*
 6 *issued by the Secretary and the Director under section*
 7 *6403.”.*

8 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
 9 *table of chapters for subtitle V of title 31, United States*
 10 *Code, is amended by inserting after the item relating to*
 11 *chapter 63 the following new item:*

“64. *Data Standards for Grant Reporting* 6401”.

12 **SEC. 4. SINGLE AUDIT ACT.**

13 (a) *AMENDMENTS.—*

14 (1) *Section 7502(h) of title 31, United States*
 15 *Code, is amended by inserting before “to a Federal*
 16 *clearinghouse” the following “in an electronic form*
 17 *consistent with the data standards established under*
 18 *chapter 64,”.*

19 (2) *Section 7505 of title 31, United States Code,*
 20 *is amended by adding at the end the following new*
 21 *subsection:*

22 “(d) *Such guidance shall require audit-related infor-*
 23 *mation reported under this chapter to be reported in an*
 24 *electronic form consistent with the data standards estab-*
 25 *lished under chapter 64.”.*

1 (b) *GUIDANCE.*—Not later than 2 years after the date
2 of the enactment of this Act, the Director shall issue guid-
3 ance requiring audit-related information reported under
4 chapter 75 of title 31, United States Code, to be reported
5 in an electronic form consistent with the data standards
6 established under chapter 64 of title 31, United States Code,
7 as added by section 3.

8 **SEC. 5. CONSOLIDATION OF ASSISTANCE-RELATED INFOR-**
9 **MATION; PUBLICATION OF PUBLIC INFORMA-**
10 **TION AS OPEN DATA.**

11 (a) *COLLECTION OF INFORMATION.*—Not later than 4
12 years after the date of the enactment of this Act, the Sec-
13 retary and the Director shall enable the collection, public
14 display, and maintenance of Federal award information as
15 a Governmentwide data set, using the data standards estab-
16 lished under chapter 64 of title 31, United States Code, as
17 added by section 3, subject to reasonable restrictions estab-
18 lished by the Director to ensure protection of personally
19 identifiable and otherwise sensitive information.

20 (b) *PUBLICATION OF INFORMATION.*—The Secretary
21 and the Director shall require the publication of recipient-
22 reported data collected from all agencies on a single public
23 portal. Information may be published on an existing Gov-
24 ernmentwide website as determined appropriate by the Di-
25 rector.

1 (c) *FOIA*.—Nothing in this section shall require the
 2 disclosure to the public of information that would be exempt
 3 from disclosure under section 552 of title 5, United States
 4 Code (commonly known as the “Freedom of Information
 5 Act”).

6 **SEC. 6. EVALUATION OF NONPROPRIETARY IDENTIFIERS.**

7 (a) *DETERMINATION REQUIRED*.—The Director and
 8 the Secretary shall determine whether to use nonproprietary
 9 identifiers under section 6402(a)(3)(B) of title 31, United
 10 States Code, as added by section 3(a).

11 (b) *FACTORS TO BE CONSIDERED*.—In making the de-
 12 termination required pursuant to subsection (a), the Direc-
 13 tor and the Secretary shall consider factors such as accessi-
 14 bility and cost to recipients of Federal awards, agencies
 15 that issue Federal awards, private-sector experts, and mem-
 16 bers of the public, including privacy experts and privacy
 17 advocates.

18 (c) *PUBLICATION AND REPORT ON DETERMINATION*.—
 19 Not later than the earlier of 1 year after the date of the
 20 enactment of this Act or the date on which the Secretary
 21 and Director establish data standards pursuant to section
 22 6402(a)(2) of title 31, United States Code, as added by sec-
 23 tion 3(a), the Secretary and the Director shall publish and
 24 submit to the Committees on Oversight and Government Re-
 25 form of the House of Representatives and Homeland Secu-

1 rity and Governmental Affairs of the Senate a report ex-
2 plaining the reasoning for the determination made pursu-
3 ant to subsection (a).

4 **SEC. 7. DEFINITIONS.**

5 In this Act, the terms “agency”, “Director”, “Federal
6 award”, and “Secretary” have the meaning given those
7 terms in section 6401 of title 31, United States Code, as
8 added by section 3(a).

9 **SEC. 8. RULE OF CONSTRUCTION.**

10 Nothing in this Act, or the amendments made by this
11 Act, shall be construed to require the collection of data that
12 is not otherwise required pursuant to any Federal law, rule,
13 or regulation.

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