

115TH CONGRESS
2D SESSION

S. 3484

To modernize Federal grant reporting, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2018

Mr. LANKFORD (for himself and Mr. ENZI) introduced the following bill;
which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Grant Reporting Efficiency and Agreements Trans-
6 parency Act of 2018” or the “GREAT Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.
- Sec. 4. Data standards for grant reporting.
- Sec. 5. Single Audit Act.

Sec. 6. Consolidation of assistance-related information; publication of public information as open data.

Sec. 7. Evaluation of nonproprietary identifiers.

Sec. 8. Rule of construction.

Sec. 9. No additional funds authorized.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are to—

3 (1) modernize reporting by recipients of Federal
4 grants and cooperative agreements by creating and
5 imposing data standards for the information that
6 those recipients are required to report to the Federal
7 Government;

8 (2) implement the recommendation by the Di-
9 rector of the Office of Management and Budget con-
10 tained in the report submitted under section 5(b)(6)
11 of the Federal Funding Accountability and Trans-
12 parency Act of 2006 (31 U.S.C. 6101 note) relating
13 to the development of a “comprehensive taxonomy of
14 standard definitions for core data elements required
15 for managing Federal financial assistance awards”;

16 (3) reduce burden and compliance costs of re-
17 cipients of Federal grants and cooperative agree-
18 ments by enabling technology solutions, existing or
19 yet to be developed, for use in both the public and
20 private sectors to better manage the data that re-
21 cipients already provide to the Federal Government;
22 and

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

7 **SEC. 3. DEFINITIONS.**

8 In this Act, the terms “agency”, “Director”, “Fed-
 9 eral award”, and “Secretary” have the meanings given
 10 those terms in section 6401 of title 31, United States
 11 Code, as added by section 4(a) of this Act.

12 **SEC. 4. DATA STANDARDS FOR GRANT REPORTING.**

13 (a) AMENDMENT.—Subtitle V of title 31, United
 14 States Code, is amended by inserting after chapter 63 the
 15 following:

16 **“CHAPTER 64—DATA STANDARDS FOR**
 17 **GRANT REPORTING**

“Sec.

“6401. Definitions.

“6402. Data standards for grant reporting.

“6403. Guidance applying data standards for grant reporting.

“6404. Agency requirements.

18 **“§ 6401. Definitions**

19 “In this chapter:

20 “(1) AGENCY.—The term ‘agency’ has the
 21 meaning given the term in section 552(f) of title 5.

22 “(2) CORE DATA ELEMENTS.—The term ‘core
 23 data elements’ means data elements that—

1 “(A) are not program-specific in nature;
2 and

3 “(B) are required by agencies for all or the
4 vast majority of Federal grant and cooperative
5 assistance recipients for purposes of reporting.

6 “(3) DIRECTOR.—The term ‘Director’ means
7 the Director of the Office of Management and Budg-
8 et.

9 “(4) EXECUTIVE DEPARTMENT.—The term
10 ‘Executive department’ has the meaning given the
11 term in section 101 of title 5.

12 “(5) FEDERAL AWARD.—The term ‘Federal
13 award’—

14 “(A) means the transfer of anything of
15 value for a public purpose of support or stimu-
16 lation authorized by a law of the United States,
17 including financial assistance and Government
18 facilities, services, and property;

19 “(B) includes a Federal grant, subgrant,
20 award, or cooperative agreement; and

21 “(C) does not include—

22 “(i) conventional public information
23 services or procurement of property or
24 services for the direct benefit or use of the
25 Government; or

1 “(ii) an agreement that provides
2 only—

3 “(I) direct Government cash as-
4 sistance to an individual;

5 “(II) a subsidy;

6 “(III) a loan;

7 “(IV) a loan guarantee; or

8 “(V) insurance.

9 “(6) SECRETARY.—The term ‘Secretary’ means
10 the head of the standard-setting agency.

11 “(7) STANDARD-SETTING AGENCY.—The term
12 ‘standard-setting agency’ means the Executive de-
13 partment designated under section 6402(a)(1).

14 “(8) STATE.—The term ‘State’ means each
15 State of the United States, the District of Columbia,
16 each commonwealth, territory, or possession of the
17 United States, and each federally recognized Indian
18 Tribe.

19 **“§ 6402. Data standards for grant reporting**

20 “(a) IN GENERAL.—

21 “(1) DESIGNATION OF STANDARD-SETTING
22 AGENCY.—The Director shall designate the Execu-
23 tive department that issues the most Federal awards
24 in a calendar year as the standard-setting agency.

1 “(2) ESTABLISHMENT OF STANDARDS.—Not
2 later than 1 year after the date of enactment of this
3 chapter, the Secretary and the Director shall estab-
4 lish Governmentwide data standards for information
5 reported by recipients of Federal awards.

6 “(3) DATA ELEMENTS.—The data standards
7 established under paragraph (2) shall include, at a
8 minimum—

9 “(A) standard definitions for data elements
10 required for managing Federal awards; and

11 “(B) unique identifiers for Federal awards
12 and recipients of Federal awards that can be
13 consistently applied Governmentwide.

14 “(b) SCOPE.—The data standards established under
15 subsection (a)—

16 “(1) shall include core data elements; and

17 “(2) may cover any information required to be
18 reported to any agency by recipients of Federal
19 awards, including audit-related information reported
20 under chapter 75 of this title.

21 “(c) REQUIREMENTS.—The data standards estab-
22 lished under subsection (a) shall, to the extent reasonable
23 and practicable—

1 “(1) render information reported by recipients
2 of Federal grant and cooperative agreement awards
3 fully searchable and machine-readable;

4 “(2) be nonproprietary;

5 “(3) incorporate standards developed and main-
6 tained by voluntary consensus standards bodies;

7 “(4) be consistent with and implement applica-
8 ble accounting and reporting principles; and

9 “(5) incorporate the data standards established
10 under the Federal Funding Accountability and
11 Transparency Act of 2006 (31 U.S.C. 6101 note).

12 “(d) CONSULTATION.—In establishing the data
13 standards under subsection (a), the Secretary and the Di-
14 rector shall consult with, as appropriate—

15 “(1) the Secretary of the Treasury to ensure
16 that the data standards established under subsection
17 (a) incorporate the data standards established under
18 the Federal Funding Accountability and Trans-
19 parency Act of 2006 (31 U.S.C. 6101 note);

20 “(2) the head of each agency that issues Fed-
21 eral awards;

22 “(3) recipients of Federal awards and organiza-
23 tions representing recipients of Federal awards;

24 “(4) private sector experts;

1 “(5) members of the public, including privacy
2 experts, privacy advocates, and industry stake-
3 holders; and

4 “(6) State and local governments.

5 **“§ 6403. Guidance applying data standards for grant**
6 **reporting**

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

9 “(1) the Secretary and the Director shall issue
10 guidance to all agencies directing the agencies to
11 apply the data standards established under section
12 6402(a) to all applicable reporting by recipients of
13 Federal grants and cooperative agreement awards;
14 and

15 “(2) the Director shall prescribe guidance ap-
16 plying the data standards established under section
17 6402(a) to audit-related information reported under
18 chapter 75 of this title.

19 “(b) GUIDANCE.—The guidance issued under this
20 section shall—

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

22 “(A) minimize the disruption to existing
23 reporting practices for agencies and for recipi-
24 ents of Federal grant and cooperative agree-
25 ment awards; and

1 “(B) explore opportunities to implement
2 modern technologies in Federal award report-
3 ing;

4 “(2) allow the Director to permit exceptions for
5 categories of grants, including exceptions for Federal
6 awards granted to Indian Tribes and tribal organiza-
7 tions consistent with the Indian Self-Determination
8 and Education Assistance Act (25 U.S.C. 5301 et
9 seq.), if the Director publishes a list of such excep-
10 tions; and

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

13 **“§ 6404. Agency requirements**

14 “Not later than 3 years after the date of enactment
15 of this chapter, the head of each agency shall ensure that
16 all of the grants and cooperative agreements of the agency
17 use data standards for all future information collection re-
18 quests, and amend existing information collection requests
19 covered by chapter 35 of title 44 (commonly known as the
20 ‘Paperwork Reduction Act’), to comply with the data
21 standards established under section 6402 of this chapter,
22 consistent with the guidance issued by the Secretary and
23 the Director under section 6403 of this chapter.”.

24 (b) TECHNICAL AND CONFORMING AMENDMENT.—
25 The table of chapters for subtitle V of title 31, United

1 States Code, is amended by inserting after the item relat-
 2 ing to chapter 63 the following:

“64. Data standards for grant reporting 6401”.

3 **SEC. 5. SINGLE AUDIT ACT.**

4 (a) AMENDMENTS.—

5 (1) AUDIT REQUIREMENTS.—Section 7502(h)
 6 of title 31, United States Code, is amended, in the
 7 matter preceding paragraph (1), by inserting “in an
 8 electronic form consistent with the data standards
 9 established under chapter 64 and” after “the report-
 10 ing package,”.

11 (2) REGULATIONS.—Section 7505 of title 31,
 12 United States Code, is amended by adding at the
 13 end the following:

14 “(d) Such guidance shall require audit-related infor-
 15 mation reported under this chapter to be reported in an
 16 electronic form consistent with the data standards estab-
 17 lished under chapter 64.”.

18 (b) GUIDANCE.—Not later than 2 years after the
 19 date of enactment of this Act, the Director shall issue
 20 guidance requiring audit-related information reported
 21 under chapter 75 of title 31, United States Code, to be
 22 reported in an electronic form consistent with the data
 23 standards established under chapter 64 of that title, as
 24 added by section 4(a) of this Act.

1 **SEC. 6. CONSOLIDATION OF ASSISTANCE-RELATED INFOR-**
2 **MATION; PUBLICATION OF PUBLIC INFORMA-**
3 **TION AS OPEN DATA.**

4 (a) **COLLECTION OF INFORMATION.**—Not later than
5 4 years after the date of enactment of this Act, the Sec-
6 retary and the Director shall, using the data standards
7 established under chapter 64 of title 31, United States
8 Code, as added by section 4(a) of this Act, enable the col-
9 lection, public display, and maintenance of Federal award
10 information as a Governmentwide data set, subject to rea-
11 sonable restrictions established by the Director to ensure
12 protection of personally identifiable and otherwise sen-
13 sitive information.

14 (b) **PUBLICATION OF INFORMATION.**—The Secretary
15 and the Director shall require the publication of data re-
16 ported by recipients of Federal awards that is collected
17 from all agencies on a single public portal, which may be
18 an existing Governmentwide website, as determined appro-
19 priate by the Director.

20 (c) **FOIA.**—Nothing in this section shall require the
21 disclosure to the public of information that would be ex-
22 empt from disclosure under section 552 of title 5, United
23 States Code (commonly known as the “Freedom of Infor-
24 mation Act”).

1 **SEC. 7. EVALUATION OF NONPROPRIETARY IDENTIFIERS.**

2 (a) DETERMINATION REQUIRED.—The Director and
3 the Secretary shall determine whether to use nonpropri-
4 etary identifiers described in section 6402(a)(3)(B) of title
5 31, United States Code, as added by section 4(a) of this
6 Act.

7 (b) FACTORS TO BE CONSIDERED.—In making the
8 determination required under subsection (a), the Director
9 and the Secretary shall consider factors such as accessi-
10 bility and cost to recipients of Federal awards, agencies
11 that issue Federal awards, private sector experts, and
12 members of the public, including privacy experts and pri-
13 vacy advocates.

14 (c) PUBLICATION AND REPORT ON DETERMINA-
15 TION.—Not later than the earlier of 1 year after the date
16 of enactment of this Act or the date on which the Director
17 and the Secretary establish data standards pursuant to
18 section 6402(a)(2) of title 31, United States Code, as
19 added by section 4(a) of this Act, the Director and the
20 Secretary shall publish and submit to the Committee on
21 Homeland Security and Governmental Affairs of the Sen-
22 ate and the Committee on Oversight and Government Re-
23 form of the House of Representatives a report explaining
24 the reasoning for the determination made under sub-
25 section (a).

1 **SEC. 8. RULE OF CONSTRUCTION.**

2 Nothing in this Act, or the amendments made by this
3 Act, shall be construed to require the collection of data
4 that is not otherwise required under any Federal law, rule,
5 or regulation.

6 **SEC. 9. NO ADDITIONAL FUNDS AUTHORIZED.**

7 No additional funds are authorized to carry out the
8 requirements of this Act and the amendments made by
9 this Act. Such requirements shall be carried out using
10 amounts otherwise authorized.

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