

In the Senate of the United States,

October 21, 2019.

Resolved, That the bill from the House of Representatives (H.R. 150) entitled “An Act to modernize Federal grant reporting, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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

2 (a) *SHORT TITLE*.—*This Act may be cited as the*
3 *“Grant Reporting Efficiency and Agreements Trans-*
4 *parency Act of 2019” or the “GREAT Act”.*

5 (b) *TABLE OF CONTENTS*.—*The table of contents for*
6 *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 in-
formation 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 by law to report to the*
7 *Federal Government;*

8 *(2) implement the recommendation by the Direc-*
9 *tor of the Office of Management and Budget contained*
10 *in the report submitted under section 5(b)(6) of the*
11 *Federal Funding Accountability and Transparency*
12 *Act of 2006 (31 U.S.C. 6101 note) relating to the de-*
13 *velopment of a “comprehensive taxonomy of standard*
14 *definitions for core data elements required for man-*
15 *aging Federal financial assistance awards”;*

16 *(3) reduce burden and compliance costs of recipi-*
17 *ents of Federal grants and cooperative agreements by*
18 *enabling technology solutions, existing or yet to be de-*
19 *veloped, for use in both the public and private sectors*
20 *to better manage the data that recipients already pro-*
21 *vide to the Federal Government; and*

22 *(4) strengthen oversight and management of Fed-*
23 *eral grants and cooperative agreements by agencies by*
24 *consolidating the collection and display of and access*
25 *to open data that has been standardized and, where*
26 *appropriate, increasing transparency to the public.*

1 **SEC. 3. DEFINITIONS.**

2 *In this Act, the terms “agency”, “Director”, “Federal*
 3 *award”, and “Secretary” have the meanings given those*
 4 *terms in section 6401 of title 31, United States Code, as*
 5 *added by section 4(a) of this Act.*

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

7 *(a) AMENDMENT.—Subtitle V of title 31, United States*
 8 *Code, is amended by inserting after chapter 63 the fol-*
 9 *lowing:*

10 **“CHAPTER 64—DATA STANDARDS FOR**
 11 **GRANT REPORTING**

“Sec.

“6401. Definitions.

“6402. Data standards for grant reporting.

“6403. Guidance applying data standards for grant reporting.

“6404. Agency requirements.

12 **“§ 6401. Definitions**

13 *“In this chapter:*

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

16 *“(2) CORE DATA ELEMENTS.—The term ‘core*
 17 *data elements’ means data elements relating to finan-*
 18 *cial management, administration, or management*
 19 *that—*

20 *“(A) are not program-specific in nature or*
 21 *program-specific outcome measures, as defined in*
 22 *section 1115(h) of this title; and*

1 “(B) are required by agencies for all or the
2 vast majority of recipients of Federal awards for
3 purposes of reporting.

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

6 “(4) *EXECUTIVE DEPARTMENT*.—The term ‘Exec-
7 utive department’ has the meaning given the term in
8 section 101 of title 5.

9 “(5) *FEDERAL AWARD*.—The term ‘Federal
10 award’—

11 “(A) means the transfer of anything of
12 value for a public purpose of support or stimula-
13 tion authorized by a law of the United States,
14 including financial assistance and Government
15 facilities, services, and property;

16 “(B) includes a grant, a subgrant, a cooper-
17 ative agreement, or any other transaction; and

18 “(C) does not include a transaction or
19 agreement—

20 “(i) that provides for conventional
21 public information services or procurement
22 of property or services for the direct benefit
23 or use of the Government; or

24 “(ii) that provides only—

1 “(I) direct Government cash as-
2 sistance to an individual;

3 “(II) a subsidy;

4 “(III) a loan;

5 “(IV) a loan guarantee; or

6 “(V) insurance.

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

9 “(7) STANDARD-SETTING AGENCY.—The term
10 ‘standard-setting agency’ means the Executive depart-
11 ment designated under section 6402(a)(1).

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

16 **“§ 6402. Data standards for grant reporting**

17 “(a) IN GENERAL.—

18 “(1) DESIGNATION OF STANDARD-SETTING AGEN-
19 CY.—The Director shall designate the Executive de-
20 partment that administers the greatest number of pro-
21 grams under which Federal awards are issued in a
22 calendar year as the standard-setting agency.

23 “(2) ESTABLISHMENT OF STANDARDS.—Not later
24 than 2 years after the date of enactment of this chap-
25 ter, the Secretary and the Director shall establish

1 *Governmentwide data standards for information re-*
2 *ported by recipients of Federal awards.*

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

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

8 “(B) *unique identifiers for Federal awards*
9 *and recipients of Federal awards that can be*
10 *consistently applied Governmentwide.*

11 “(b) *SCOPE.*—*The data standards established under*
12 *subsection (a)—*

13 “(1) *shall include core data elements;*

14 “(2) *may cover information required by law to*
15 *be reported to any agency by recipients of Federal*
16 *awards, including audit-related information reported*
17 *under chapter 75 of this title; and*

18 “(3) *may not be used by the Director or any*
19 *agency to require the collection of any data not other-*
20 *wise required under Federal law.*

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

1 “(1) render information reported by recipients of
2 *Federal awards fully searchable and machine-read-*
3 *able;*

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 stand-*
13 *ards under subsection (a), the Secretary and the Director*
14 *shall consult with—*

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

20 “(2) *the head of each agency that issues Federal*
21 *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, auditors, and industry
3 stakeholders; and

4 “(6) State and local governments.

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

7 “(a) *IN GENERAL.*—Not later than 3 years after the
8 date of enactment of this chapter—

9 “(1) the Secretary and the Director shall jointly
10 issue 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 awards; and

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

18 “(b) *GUIDANCE.*—The guidance issued under sub-
19 section (a) shall—

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

21 “(A) minimize the disruption of existing re-
22 porting practices of, and not increase the report-
23 ing burden on, agencies or recipients of Federal
24 awards; and

1 “(B) explore opportunities to implement
2 modern technologies in reporting relating to Fed-
3 eral awards;

4 “(2) allow the Director to permit exceptions for
5 classes of Federal awards, including exceptions for
6 Federal awards granted to Indian Tribes and Tribal
7 organizations consistent with the Indian Self-Deter-
8 mination and Education Assistance Act (25 U.S.C.
9 5301 et seq.), if the Director publishes a list of those
10 exceptions and submits the list to the Committee on
11 Homeland Security and Governmental Affairs of the
12 Senate and the Committee on Oversight and Reform
13 of the House of Representatives; and

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

16 “(c) *UPDATING GUIDANCE.*—

17 “(1) *IN GENERAL.*—Not less frequently than once
18 every 10 years, the Director shall update the guidance
19 issued under subsection (a).

20 “(2) *PROCEDURES.*—In updating guidance
21 under paragraph (1), the Director shall, to the max-
22 imum extent practicable, follow the procedures for the
23 development of the data standards and guidance pre-
24 scribed under this section and section 6402.

1 **“§ 6404. Agency requirements**

2 “Not later than 1 year after the date on which guid-
3 ance is issued or updated under subsection (b) or (c), respec-
4 tively, of section 6403, the head of each agency shall—

5 “(1) ensure that all of the Federal awards that
6 the agency issues use data standards for all future in-
7 formation collection requests; and

8 “(2) amend existing information collection re-
9 quests under chapter 35 of title 44 (commonly known
10 as the ‘Paperwork Reduction Act’) to comply with the
11 data standards established under section 6402 of this
12 chapter, in accordance with the guidance issued by
13 the Secretary and the Director under section 6403 of
14 this chapter.”.

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

“64. *Data standards for grant reporting* 6401”.

19 **SEC. 5. SINGLE AUDIT ACT.**

20 (a) *AMENDMENTS.*—

21 (1) *AUDIT REQUIREMENTS.*—Section 7502(h) of
22 title 31, United States Code, is amended, in the mat-
23 ter preceding paragraph (1), by inserting “in an elec-
24 tronic form in accordance with the data standards es-

1 *tablished under chapter 64 and” after “the reporting*
 2 *package,”.*

3 (2) *REGULATIONS.—Section 7505 of title 31,*
 4 *United States Code, is amended by adding at the end*
 5 *the following:*

6 “(d) *Such guidance shall require audit-related infor-*
 7 *mation reported under this chapter to be reported in an*
 8 *electronic form in accordance with the data standards es-*
 9 *tablished under chapter 64.”.*

10 (b) *GUIDANCE.—Not later than 3 years after the date*
 11 *of enactment of this Act, the Director shall issue guidance*
 12 *requiring audit-related information reported under chapter*
 13 *75 of title 31, United States Code, to be reported in an elec-*
 14 *tronic form consistent with the data standards established*
 15 *under chapter 64 of that title, as added by section 4(a) of*
 16 *this Act.*

17 **SEC. 6. CONSOLIDATION OF ASSISTANCE-RELATED INFOR-**
 18 **MATION; PUBLICATION OF PUBLIC INFORMA-**
 19 **TION AS OPEN DATA.**

20 (a) *COLLECTION OF INFORMATION.—Not later than 5*
 21 *years after the date of enactment of this Act, the Secretary*
 22 *and the Director shall, using the data standards established*
 23 *under chapter 64 of title 31, United States Code, as added*
 24 *by section 4(a) of this Act, enable the collection, public dis-*
 25 *play, and maintenance of Federal award information as*

1 a Governmentwide data set, subject to reasonable restric-
 2 tions established by the Director to ensure protection of per-
 3 sonally identifiable information and otherwise sensitive in-
 4 formation.

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

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

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

17 (a) *DETERMINATION REQUIRED.*—The Director and
 18 the Secretary shall determine whether to use nonproprietary
 19 identifiers described in section 6402(a)(3)(B) of title 31,
 20 United States Code, as added by section 4(a) of this Act.

21 (b) *FACTORS TO BE CONSIDERED.*—In making the de-
 22 termination under subsection (a), the Director and the Sec-
 23 retary shall consider factors such as accessibility and cost
 24 to recipients of Federal awards, agencies that issue Federal
 25 awards, private sector experts, and members of the public,

1 *including privacy experts, privacy advocates, transparency*
2 *experts, and transparency advocates.*

3 *(c) PUBLICATION AND REPORT ON DETERMINATION.—*

4 *Not later than the earlier of 1 year after the date of enact-*
5 *ment of this Act or the date on which the Director and the*
6 *Secretary establish data standards under section 6402(a)(2)*
7 *of title 31, United States Code, as added by section 4(a)*
8 *of this Act, the Director and the Secretary shall publish and*
9 *submit to the Committee on Homeland Security and Gov-*
10 *ernmental Affairs of the Senate and the Committee on Over-*
11 *sight and Reform of the House of Representatives a report*
12 *explaining the reasoning for the determination made under*
13 *subsection (a).*

14 **SEC. 8. RULE OF CONSTRUCTION.**

15 *Nothing in this Act, or the amendments made by this*
16 *Act, shall be construed to require the collection of data that*
17 *is not otherwise required under any Federal law, rule, or*
18 *regulation.*

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

20 *No additional funds are authorized to carry out the*
21 *requirements of this Act and the amendments made by this*

- 1 *Act. Such requirements shall be carried out using amounts*
- 2 *otherwise authorized.*

Attest:

Secretary.

116TH CONGRESS
1ST SESSION

H.R. 150

AMENDMENT