

Suspend the Rules and Pass the Bill, H.R. 4887, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
2^D SESSION

H. R. 4887

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

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.**

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—

1 (1) modernize reporting by recipients of Federal
2 grants and cooperative agreements by creating and
3 imposing data standards for the information that
4 grants and cooperative agreement recipients must
5 report to the Federal Government;

6 (2) implement the recommendation by the Di-
7 rector of the Office of Management and Budget,
8 under section 5(b)(6) of the Federal Funding Ac-
9 countability and Transparency Act of 2006 (31
10 U.S.C. 6101 note), which includes the development
11 of a “comprehensive taxonomy of standard defini-
12 tions for core data elements required for managing
13 Federal financial assistance awards”;

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

20 (4) to strengthen oversight and management of
21 Federal grants and cooperative agreements by agen-
22 cies through consolidated collection and display of
23 and access to open data that has been standardized,
24 and where appropriate, transparency to the public.

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

2 (a) AMENDMENT.—Subtitle V of title 31, United
3 States Code, is amended by inserting after chapter 63 the
4 following new chapter:

5 **“CHAPTER 64—DATA STANDARDS FOR**
6 **GRANT REPORTING**

“Sec.

“6401. Definitions.

“6402. Data standards for grant reporting.

“6403. Guidance applying data standards for grant reporting.

“6404. Agency requirements.

7 **“§ 6401. Definitions**

8 “In this chapter:

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

11 “(2) CORE DATA ELEMENTS.—The term ‘core
12 data elements’ means data elements that are not
13 program-specific in nature and are required by agen-
14 cies for all or the vast majority of Federal grant and
15 cooperative assistance recipients for purposes of re-
16 porting.

17 “(3) DIRECTOR.—The term ‘Director’ means
18 the Director of the Office of Management and Budg-
19 et.

20 “(4) FEDERAL AWARD.—The term ‘Federal
21 award’—

22 “(A) means the transfer of anything of
23 value for a public purpose of support or stimu-

1 lation authorized by a law of the United States,
2 including financial assistance and Government
3 facilities, services, and property;

4 “(B) includes grants, subgrants, awards,
5 and cooperative agreements; and

6 “(C) does not include—

7 “(i) conventional public information
8 services or procurement of property or
9 services for the direct benefit or use of the
10 Government; or

11 “(ii) an agreement that provides
12 only—

13 “(I) direct Government cash as-
14 sistance to an individual;

15 “(II) a subsidy;

16 “(III) a loan;

17 “(IV) a loan guarantee; or

18 “(V) insurance.

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

21 “(6) STANDARD-SETTING AGENCY.—The term
22 ‘standard-setting agency’ means the Executive de-
23 partment designated under section 6402(a)(1).

24 “(7) STATE.—The term ‘State’ means each
25 State of the United States, the District of Columbia,

1 each commonwealth, territory or possession of the
2 United States, and each federally recognized Indian
3 Tribe.

4 **“§ 6402. Data standards for grant reporting**

5 “(a) IN GENERAL.—

6 “(1) DESIGNATION OF STANDARD-SETTING
7 AGENCY.—The Director shall designate the Execu-
8 tive department (as defined in section 101 of title 5)
9 that issues the most Federal awards in a calendar
10 year as the standard-setting agency.

11 “(2) ESTABLISHMENT OF STANDARDS.—Not
12 later than 1 year after the date of the enactment of
13 this chapter, the Secretary and the Director shall es-
14 tablish Governmentwide data standards for informa-
15 tion reported by recipients of Federal awards.

16 “(3) DATA ELEMENTS.—The data standards
17 established under paragraph (2) shall include, at a
18 minimum—

19 “(A) standard definitions for data elements
20 required for managing Federal awards; and

21 “(B) unique identifiers for Federal awards
22 and entities receiving Federal awards that can
23 be consistently applied Governmentwide.

24 “(b) SCOPE.—The data standards established under
25 subsection (a) shall include core data elements and may

1 cover any information required to be reported to any agen-
2 cy by recipients of Federal awards, including audit-related
3 information reported under chapter 75 of this title.

4 “(c) REQUIREMENTS.—The data standards required
5 to be established under subsection (a) shall, to the extent
6 reasonable and practicable—

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

10 “(2) be nonproprietary;

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

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

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

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

21 “(1) the Secretary of the Treasury, to ensure
22 that the data standards incorporate the data stand-
23 ards created under the Federal Funding Account-
24 ability and Transparency Act of 2006 (31 U.S.C.
25 6101 note);

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

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

5 “(4) private sector experts;

6 “(5) members of the public, including privacy
7 experts, privacy advocates, and industry stake-
8 holders; and

9 “(6) State and local governments.

10 **“§ 6403. Guidance applying data standards for grant**
11 **reporting**

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

14 “(1) the Secretary and the Director shall issue
15 guidance to all agencies directing the agencies to
16 apply the data standards established under section
17 6402 to all applicable reporting by recipients of Fed-
18 eral grant and cooperative agreement awards; and

19 “(2) the Director shall prescribe guidance ap-
20 plying the data standards to audit-related informa-
21 tion reported under chapter 75.

22 “(b) GUIDANCE.—The guidance issued under this
23 section shall—

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

1 “(A) minimize the disruption to existing
2 reporting practices for agencies and for recipi-
3 ents of Federal grant and cooperative agree-
4 ment awards; and

5 “(B) explore opportunities to implement
6 modern technologies within Federal award re-
7 porting;

8 “(2) allow the Director to permit exceptions for
9 categories of grants if the Director publishes a list
10 of such exceptions, including exceptions for Indian
11 Tribes and Tribal organizations consistent with the
12 Indian Self-Determination and Education Assistance
13 Act; and

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

16 **“§ 6404. Agency requirements**

17 “Not later than 3 years after the date of the enact-
18 ment of this chapter, the head of each agency shall ensure
19 that all of the agency’s grants and cooperative agreements
20 use data standards for all future information collection re-
21 quests and amend existing information collection requests
22 covered by chapter 35 of title 44 (commonly referred to
23 as the Paperwork Reduction Act) to comply with the data
24 standards established under section 6402, consistent with

1 the guidance issued by the Secretary and the Director
2 under section 6403.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—

4 The table of chapters for subtitle V of title 31, United
5 States Code, is amended by inserting after the item relat-
6 ing to chapter 63 the following new item:

“64. Data Standards for Grant Reporting 6401”.

7 **SEC. 4. SINGLE AUDIT ACT.**

8 (a) AMENDMENTS.—

9 (1) Section 7502(h) of title 31, United States
10 Code, is amended by inserting before “to a Federal
11 clearinghouse” the following “in an electronic form
12 consistent with the data standards established under
13 chapter 64,”.

14 (2) Section 7505 of title 31, United States
15 Code, is amended by adding at the end the following
16 new subsection:

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

21 (b) GUIDANCE.—Not later than 2 years after the
22 date of the enactment of this Act, the Director shall issue
23 guidance requiring audit-related information reported
24 under chapter 75 of title 31, United States Code, to be
25 reported in an electronic form consistent with the data

1 standards established under chapter 64 of title 31, United
2 States Code, as added by section 3.

3 **SEC. 5. CONSOLIDATION OF ASSISTANCE-RELATED INFOR-**
4 **MATION; PUBLICATION OF PUBLIC INFORMA-**
5 **TION AS OPEN DATA.**

6 (a) COLLECTION OF INFORMATION.—Not later than
7 4 years after the date of the enactment of this Act, the
8 Secretary and the Director shall enable the collection, pub-
9 lic display, and maintenance of Federal award information
10 as a Governmentwide data set, using the data standards
11 established under chapter 64 of title 31, United States
12 Code, as added by section 3, subject to reasonable restric-
13 tions established by the Director to ensure protection of
14 personally identifiable and otherwise sensitive information.

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

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

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

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

6 (b) FACTORS TO BE CONSIDERED.—In making the
7 determination required pursuant to subsection (a), the Di-
8 rector and the Secretary shall consider factors such as ac-
9 cessibility and cost to recipients of Federal awards, agen-
10 cies that issue Federal awards, private-sector experts, and
11 members of the public, including privacy experts and pri-
12 vacy advocates.

13 (c) PUBLICATION AND REPORT ON DETERMINA-
14 TION.—Not later than the earlier of 1 year after the date
15 of the enactment of this Act or the date on which the Sec-
16 retary and Director establish data standards pursuant to
17 section 6402(a)(2) of title 31, United States Code, as
18 added by section 3(a), the Secretary and the Director shall
19 publish and submit to the Committees on Oversight and
20 Government Reform of the House of Representatives and
21 Homeland Security and Governmental Affairs of the Sen-
22 ate a report explaining the reasoning for the determination
23 made pursuant to subsection (a).

24 **SEC. 7. DEFINITIONS.**

25 In this Act, the terms “agency”, “Director”, “Fed-
26 eral award”, and “Secretary” have the meaning given

1 those terms in section 6401 of title 31, United States
2 Code, as added by section 3(a).

3 **SEC. 8. RULE OF CONSTRUCTION.**

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

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

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