

SEC. 6. The Director of the Office of Management and Budget is authorized to issue guidelines to Executive departments and agencies that govern which programs and activities are covered by this Order, prescribe government-wide criteria and government-wide minimum due process procedures, and set forth other related details for the effective administration of the guidelines.

SEC. 7. The Director of the Office of Management and Budget shall report to the President within three years of the date of this Order on Federal agency compliance with the Order, including the number of exceptions made under Section 2(c), and shall make such recommendations as are appropriate further to curb fraud, waste, and abuse.

RONALD REAGAN.

EX. ORD. NO. 12689. DEBARMENT AND SUSPENSION

Ex. Ord. No. 12689, Aug. 16, 1989, 54 F.R. 34131, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to protect the interest of the Federal Government, to deal only with responsible persons, and to insure proper management and integrity in Federal activities, it is hereby ordered as follows:

SECTION 1. *Definitions.* For purposes of this order:

(a) "Procurement activities" refers to all acquisition programs and activities of the Federal Government, as defined in the Federal Acquisition Regulation.

(b) "Nonprocurement activities" refers to all programs and activities involving Federal financial and nonfinancial assistance and benefits, as covered by Executive Order No. 12549 [set out above] and the Office of Management and Budget guidelines implementing that order.

(c) "Agency" refers to executive departments and agencies.

SEC. 2. *Governmentwide Effect.*

(a) To the extent permitted by law and upon resolution of differences and promulgation of final regulations pursuant to section 3 of this order, the debarment, suspension, or other exclusion of a participant in a procurement activity under the Federal Acquisition Regulation, or in a nonprocurement activity under regulations issued pursuant to Executive Order No. 12549, shall have governmentwide effect. No agency shall allow a party to participate in any procurement or nonprocurement activity if any agency has debarred, suspended, or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in a procurement or nonprocurement activity.

(b) An agency may grant an exception permitting a debarred, suspended, or otherwise excluded party to participate in procurement activities of that agency to the extent exceptions are authorized under the Federal Acquisition Regulation, or to participate in nonprocurement activities of that agency to the extent exceptions are authorized under regulations issued pursuant to Executive Order No. 12549.

SEC. 3. *Implementation.*

(a) The Office of Management and Budget may assist Federal agencies in resolving differences between the provisions contained in the Federal Acquisition Regulation and in regulations issued pursuant to Executive Order No. 12549. The Office of Management and Budget may determine the date of resolution of differences and then shall notify affected agencies of that date.

(b) To implement this order, proposed regulations amending the Federal Acquisition Regulation and the agency regulations issued pursuant to Executive Order No. 12549 shall be published simultaneously within 6 months of the resolution of differences.

(c) Final regulations shall be published simultaneously within 12 months of the publication of the proposed regulations, to be effective 30 days thereafter.

GEORGE BUSH.

§ 6102. Program information requirements

(a) The Director shall collect and review information on domestic assistance programs and

shall provide such information to the Administrator. The information on each domestic assistance program shall include the following:

- (1) identification of the program by—
 - (A) title;
 - (B) authorizing law;
 - (C) administering office; and
 - (D) an identifying number assigned by the Director.

- (2) a description of the—
 - (A) program;
 - (B) objectives of the program;
 - (C) types of activities financed under the program;
 - (D) eligibility requirements;
 - (E) types of assistance;
 - (F) uses, and restrictions on the use, of assistance;
 - (G) uses of core-based statistical area (as defined in section 4 of the MAPS Act of 2021) delineations (as chosen from standardized categories of uses determined by the Director), for purposes including prime recipient and subrecipient eligibility for, and distribution of, any Federal service, benefit, or funding; and
 - (H) duties of recipients under the program.
- (3) a specification of each formula governing eligibility for assistance or the distribution of assistance under the program, which shall be described through the use of—
 - (A) the language used to specify each such formula in the law authorizing the program;
 - (B) the language used to specify each such formula in any Federal rule promulgated pursuant to the law authorizing the program; or
 - (C) a mathematical statement which is derived from the language referred to in subparagraphs (A) and (B) of this paragraph;

(4) a description of all data and statistical estimates used to carry out each formula specified pursuant to paragraph (3), and an identification of the sources of such data and estimates;

- (5) financial information, including the—
 - (A) amounts appropriated for the current fiscal year or, if unavailable, the amounts requested by the President and the amounts obligated; and
 - (B) average amounts of awards made in past years.

(6) identification of information contacts, including the administering office and regional and local offices with their addresses and telephone numbers.

- (7) a general description of—
 - (A) the application requirements and procedures; and
 - (B) to the extent practical, an estimate of the time required to process the application.

(b) On request of the Director, an agency shall give to the Director current information on all domestic assistance programs administered by the agency. The Director shall be responsible for ensuring that the Administrator incorporates all relevant information received on a regular basis.

(c) The Administrator—

(1) shall ensure that information and catalogs under this chapter are made available to the public at reasonable prices;

(2) may develop information services to assist State and local governments in identifying and obtaining sources of assistance;

(3) shall ensure that the information in the computerized system is made current on a regular basis and that the printed catalog and supplements thereto contain the most current data available at the time of printing; and

(4) shall transmit annually the information compiled under paragraphs (3) and (4) of subsection (a) to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 1001; Pub. L. 98–169, §§1(2), 2, 3(b), (c), Nov. 29, 1983, 97 Stat. 1113, 1114; Pub. L. 117–219, §6(a), Dec. 5, 2022, 136 Stat. 2273.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6102(a).	31:1703(a)	Dec. 28, 1977, Pub. L. 95–220, §§4, 5(d), (e), 91 Stat. 1615, 1616.
6102(b)	31:1703(b).	
6102(c)	31:1704(d), (e).	

In subsection (a), before clause (1), the words in parentheses are omitted as unnecessary because of the restatement. The words “information on domestic assistance programs. The information on each domestic assistance program shall include the following” are substituted for “a Federal Assistance Information Data Base . . . For each Federal domestic assistance program the data base shall” for clarity and consistency. In clause (1)(A), the word “law” is substituted for “statute” for consistency. In clause (2)(H), the word “obligations” is omitted as surplus.

In subsection (c)(1), the word “catalogs” is added for clarity.

In subsection (c)(2), the words “further”, “officials”, and “Federal” are omitted as unnecessary.

Editorial Notes

REFERENCES IN TEXT

Section 4 of the MAPS Act of 2021, referred to in subsec. (a)(2)(G), is section 4 of Pub. L. 117–219, which is set out as a note under this section.

AMENDMENTS

2022—Subsec. (a)(2)(G), (H). Pub. L. 117–219 added subpar. (G) and redesignated former subpar. (G) as (H).

1983—Subsec. (a). Pub. L. 98–169, §2(1), substituted “collect and review information on domestic assistance programs and shall provide such information to the Administrator” for “prepare and maintain information on domestic assistance programs”.

Pub. L. 98–169, §1(2), substituted “Director” for “Director of the Office of Management and Budget”.

Subsec. (a)(2)(E) to (H). Pub. L. 98–169, §3(b)(1), struck out subpar. (E) relating to formulas governing distribution of amounts, and redesignated subpars. (F) to (H) as (E) to (G), respectively.

Subsec. (a)(3) to (7). Pub. L. 98–169, §3(b)(2), (3), added pars. (3) and (4) and redesignated former pars. (3) to (5) as (5) to (7), respectively.

Subsec. (b). Pub. L. 98–169, §2(2), substituted “The Director shall be responsible for ensuring that the Administrator incorporates all relevant information received on a regular basis” for “The Director shall incorporate on a regular basis all relevant information received”.

Subsec. (c). Pub. L. 98–169, §2(3), substituted “Administrator” for “Director”.

Subsec. (c)(3). Pub. L. 98–169, §2(4), added par. (3).

Subsec. (c)(4). Pub. L. 98–169, §3(c), added par. (4).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Operations of House of Representatives treated as referring to Committee on Government Reform and Oversight of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (c)(4) of this section relating to annually transmitting information to certain committees of Congress, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 113 of this title, and page 173 of House Document No. 103–7.

FINDINGS

Pub. L. 117–219, §2, Dec. 5, 2022, 136 Stat. 2271, provided that: “Congress finds the following:

“(1) Federal programs use core-based statistical area delineations to determine the delivery of Federal services, benefits, and funding to people in the United States, such as in criteria for eligibility or distribution.

“(2) Core-based statistical area delineations provide a nationally consistent set of standards for collecting, tabulating, and publishing Federal statistics for geographic areas, and they are not intended for any public or private sector non-statistical uses such as program administration or service delivery.

“(3) Updates to core-based statistical area delineations may cause widespread disruption to the delivery of Federal services, benefits, and funding to people in the United States based on the reliance of Federal programs on these delineations.

“(4) There does not exist any comprehensive list of Federal programs that rely on core-based statistical area delineations. Such a list is valuable for the study of how Federal services, benefits, and funding are distributed to people in the United States.

“(5) Increased transparency on the impacts of any update to core-based statistical area delineations may be overly burdensome due to the anticipated variety of Federal programs that rely on these delineations. Any requirement for complete disclosure of these impacts prior to implementation of new delineations may unintentionally cause the existing delineations to ossify.

“(6) In order to prevent any disruption to service delivery of Federal programs based on updates to

core-based statistical area delineations, and ensure the independence of Federal statistical policymaking. Congress must sever the link between future updates to core-based statistical area delineations and any automatic impact on Federal programs that rely on these delineations.”

[For definition of “core-based statistical area” as used in section 2 of Pub. L. 117–219, set out above, see section 4 of Pub. L. 117–219, set out below.]

PURPOSE OF PUB. L. 117–219

Pub. L. 117–219, § 3, Dec. 5, 2022, 136 Stat. 2272, provided that: “This [sic] purpose of this Act [see Short Title of 2022 Amendment note set out under section 6101 of this title] is to ensure—

“(1) transparency in how core-based statistical area delineations are used in domestic assistance programs; and

“(2) independence of the Office of Management and Budget in establishing and updating core-based statistical area delineations.”

[For definitions of “core-based statistical area” and “domestic assistance program” as used in section 3 of Pub. L. 117–219, set out above, see section 4 of Pub. L. 117–219, set out below.]

CONTENT REQUIREMENTS

Pub. L. 117–219, § 6(b), Dec. 5, 2022, 136 Stat. 2273, provided that: “In collecting and reviewing the information required under section 6102(a)(2)(G) of title 31, United States Code, as amended by subsection (a) of this section, the Director shall include as standardized categories—

“(1) whether the most current core-based statistical area delineation has been affirmatively adopted pursuant to section 6309 of title 31, United States Code [sic], as added by this Act;

“(2) which historical core-based statistical area delineation was maintained, in cases where an updated delineation has not been affirmatively adopted pursuant to section 6309 of title 31, United States Code [sic], as added by this Act;

“(3) what purpose the core-based statistical area delineation serves, including—

“(A) to determine eligibility for any Federal service, benefit, or funding;

“(B) to determine distribution of any Federal service, benefit, or funding; and

“(C) any other standardized category of purpose determined by the Director;

“(4) whether the use of core-based statistical area delineation directly concerns any—

“(A) prime recipient of any Federal service, benefit, or funding; and

“(B) subrecipient of any Federal service, benefit, or funding; and

“(5) the date when the information collected in this subsection was last updated.”

[For definitions of “core-based statistical area” and “Director” as used in section 6(b) of Pub. L. 117–219, set out above, see section 4 of Pub. L. 117–219, set out below.]

ACCESSIBILITY REQUIREMENTS

Pub. L. 117–219, § 6(c), Dec. 5, 2022, 136 Stat. 2273, provided that: “The Director shall ensure that the information collected and reviewed under section 6102(a)(2)(G) of title 31, United States Code, as amended by subsection (a) of this section, shall be—

“(1) publicly accessible as an open Government data asset;

“(2) presented in a user-friendly visual format with search and download capabilities;

“(3) easily discoverable by the public on relevant government websites; and

“(4) updated not less frequently than once every year.”

[For definitions of “Director” and “open Government data asset” as used in section 6(c) of Pub. L. 117–219, set

out above, see section 4 of Pub. L. 117–219, set out below.]

IMPLEMENTATION TIMELINE

Pub. L. 117–219, § 6(d), Dec. 5, 2022, 136 Stat. 2274, provided that: “The requirements of this section [amending this section and enacting provisions set out as notes under this section] shall be fully implemented not later than 2 years after the date of enactment of this Act [Dec. 5, 2022].”

CONSOLIDATED FEDERAL FUNDS REPORT

Pub. L. 97–326, Oct. 15, 1982, 96 Stat. 1607, as amended by Pub. L. 97–452, § 4(b), Jan. 12, 1983, 96 Stat. 2480, known as the “Consolidated Federal Funds Report Act of 1982”, which required the Director of the Office of Management and Budget to prepare Consolidated Federal Funds Reports for the fiscal years 1981 through 1985, was repealed by Pub. L. 99–547, § 2(d), Oct. 27, 1986, 100 Stat. 3060, effective May 1, 1986.

DEFINITIONS

Pub. L. 117–219, § 4, Dec. 5, 2022, 136 Stat. 2272, provided that: “In this Act [see Short Title of 2022 Amendment note set out under section 6101 of this title]:

“(1) AGENCY.—The term ‘agency’ has the meaning given the term in section 551 of title 5, United States Code.

“(2) COMPTROLLER GENERAL.—The term ‘Comptroller General’ means the Comptroller General of the United States.

“(3) CORE-BASED STATISTICAL AREA.—The term ‘core-based statistical area’ has the meaning given the term by the Office of Management and Budget in the Notice of Decision entitled ‘2020 Standards for Delineating Core-Based Statistical Areas’, published in the Federal Register on July 16, 2021 (86 Fed. Reg. 37770), or any successor to that Notice.

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

“(5) DOMESTIC ASSISTANCE PROGRAM.—The term ‘domestic assistance program’ has the meaning given the term in section 6101 of title 31, United States Code.

“(6) OPEN GOVERNMENT DATA ASSET.—The term ‘open Government data asset’ has the meaning given the term in section 3502 of title 44, United States Code.”

§ 6102a. Assistance awards information system

(a) The Director shall—

(1) maintain the United States Government assistance awards information system established as a result of the study conducted under section 9 of the Federal Program Information Act; and

(2) update the system on a quarterly basis.

(b) To carry out subsection (a) of this section, the Director—

(1) may delegate the responsibility for carrying out subsection (a) of this section to the head of another executive agency;

(2) shall review a report the head of an agency submits to the Director on the method of carrying out subsection (a) of this section; and

(3) may validate, by appropriate means, the method by which an agency prepares the report.

(c) The Director shall transmit promptly after the end of each calendar quarter, free of charge, the data in the system required by subsection (a) to the Committee on Rules and Administration of the Senate and to the Committee on House Oversight of the House of Representatives.