

(6) State and local governments.

(Added Pub. L. 116–103, §4(a), Dec. 30, 2019, 133 Stat. 3268.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of enactment of this chapter, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 116–103, which was approved Dec. 30, 2019.

The Federal Funding Accountability and Transparency Act of 2006, referred to in subsecs. (c)(5) and (d)(1), is Pub. L. 109–282, Sept. 26, 2006, 120 Stat. 1186, which is set out as a note under section 6101 of this title.

#### Statutory Notes and Related Subsidiaries

##### CONSOLIDATION OF ASSISTANCE-RELATED INFORMATION; PUBLICATION OF PUBLIC INFORMATION AS OPEN DATA

Pub. L. 116–103, §6, Dec. 30, 2019, 133 Stat. 3270, provided that:

“(a) **COLLECTION OF INFORMATION.**—Not later than 5 years after the date of enactment of this Act [Dec. 30, 2019], the Secretary and the Director shall, using the data standards established under chapter 64 of title 31, United States Code, as added by section 4(a) of this Act, enable the collection, public display, and maintenance of Federal award information as a Governmentwide data set, subject to reasonable restrictions established by the Director to ensure protection of personally identifiable information and otherwise sensitive information.

“(b) **PUBLICATION OF INFORMATION.**—The Secretary and the Director shall require the publication of data reported by recipients of Federal awards that is collected from all agencies on a single public portal, which may be an existing Governmentwide website, as determined appropriate by the Director.

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

[For definitions of terms used in section 6 of Pub. L. 116–103, set out above, see section 3 of Pub. L. 116–103, set out as a note under section 6401 of this title.]

##### EVALUATION OF NONPROPRIETARY IDENTIFIERS

Pub. L. 116–103, §7, Dec. 30, 2019, 133 Stat. 3270, provided that:

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

“(b) **FACTORS TO BE CONSIDERED.**—In making the determination under subsection (a), the Director and the Secretary shall consider factors such as accessibility and cost to recipients of Federal awards, agencies that issue Federal awards, private sector experts, and members of the public, including privacy experts, privacy advocates, transparency experts, and transparency advocates.

“(c) **PUBLICATION AND REPORT ON DETERMINATION.**—Not later than the earlier of 1 year after the date of enactment of this Act [Dec. 30, 2019] or the date on which the Director and the Secretary establish data standards under section 6402(a)(2) of title 31, United States Code, as added by section 4(a) of this Act, the Director and the Secretary shall publish and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform [now Committee on Oversight and Accountability] of the House of Representatives a report explaining the reasoning for the determination made under subsection (a).”

[For definitions of terms used in section 7 of Pub. L. 116–103, set out above, see section 3 of Pub. L. 116–103, set out as a note under section 6401 of this title.]

#### § 6403. Guidance applying data standards for grant reporting

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

(1) the Secretary and the Director shall jointly issue guidance to all agencies directing the agencies to apply the data standards established under section 6402(a) to all applicable reporting by recipients of Federal awards; and

(2) the Director shall prescribe guidance applying the data standards established under section 6402(a) to audit-related information reported under chapter 75 of this title.

(b) **GUIDANCE.**—The guidance issued under subsection (a) shall—

(1) to the extent reasonable and practicable—

(A) minimize the disruption of existing reporting practices of, and not increase the reporting burden on, agencies or recipients of Federal awards; and

(B) explore opportunities to implement modern technologies in reporting relating to Federal awards;

(2) allow the Director to permit exceptions for classes of Federal awards, including exceptions for Federal awards granted to Indian Tribes and Tribal organizations consistent with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), if the Director publishes a list of those exceptions and submits the list to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives; and

(3) take into consideration the consultation required under section 6402(d).

(c) **UPDATING GUIDANCE.**—

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

(2) **PROCEDURES.**—In updating guidance under paragraph (1), the Director shall, to the maximum extent practicable, follow the procedures for the development of the data standards and guidance prescribed under this section and section 6402.

(Added Pub. L. 116–103, §4(a), Dec. 30, 2019, 133 Stat. 3269.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of enactment of this chapter, referred to in subsec. (a), is the date of enactment of Pub. L. 116–103, which was approved Dec. 30, 2019.

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (b)(2), is Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to chapter 46 (§5301 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see section 1 of Pub. L. 93–638, set out as a Short Title note under section 5301 of Title 25 and Tables.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

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.

#### § 6404. Agency requirements

Not later than 1 year after the date on which guidance is issued or updated under subsection (b) or (c), respectively, of section 6403, the head of each agency shall—

- (1) ensure that all of the Federal awards that the agency issues use data standards for all future information collection requests; and
- (2) amend existing information collection requests under chapter 35 of title 44 (commonly known as the “Paperwork Reduction Act”) to comply with the data standards established under section 6402 of this chapter, in accordance with the guidance issued by the Secretary and the Director under section 6403 of this chapter.

(Added Pub. L. 116–103, §4(a), Dec. 30, 2019, 133 Stat. 3269.)

### CHAPTER 65—INTERGOVERNMENTAL COOPERATION

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#### Editorial Notes

##### AMENDMENTS

1990—Pub. L. 101–453, §5(c), Oct. 24, 1990, 104 Stat. 1061, substituted “Intergovernmental financing” for “Transfer and deposit requirements” in item 6503.

#### § 6501. Definitions

In this chapter—

(1) “assistance” means the transfer of anything of value for a public purpose of support or stimulation that is—

(A) authorized by a law of the United States;

(B) provided by the United States Government through grant or contractual arrangements (including technical assistance programs providing assistance by loan, loan guarantee, or insurance); and

(C) not an annual payment by the United States Government to the District of Columbia government under section 502 of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 813, D.C. Code, §47–3406).

(2) “comprehensive planning” includes, to the extent directly related to area needs or needs of a unit of general local government—

(A) preparation, as a guide for governmental policies and action, of general plans on—

- (i) the pattern and intensity of land use;
- (ii) providing public facilities (including transportation facilities) and other governmental services; and

(iii) the effective development and use of human and natural resources;

(B) long-range physical and fiscal plans for an action referred to in subparagraph (A);

(C) a program for capital improvements and other major expenditures based on their relative urgency, and definitive financing plans for the expenditures in the earlier years of the program;

(D) coordination of related plans and activities of States and local governments and agencies concerned; and

(E) preparation of regulatory and administrative measures to support the items referred to in subparagraphs (A), (B), (C), and (D).

(3) “executive agency” does not include a mixed-ownership Government corporation.

(4)(A) “grant” (except as provided in subparagraph (C)) means money, or property provided instead of money, that is paid or provided by the United States Government under a fixed annual or total authorization, to a State, to a local government, or to a beneficiary under a plan or program administered by a State or a local government that is subject to approval by an executive agency, if the authorization—

(i) requires the State or local government to expend non-Government money as a condition of receiving money or property from the United States Government; or

(ii) specifies directly, or establishes by means of a formula, the amount that may be provided to the State or local government, or the amount to be allotted for use in each State by the State, local government, and beneficiaries.

(B) “grant” (except as provided in subparagraph (C)) also means money, or property provided instead of money, that is paid or provided by the United States Government to a private, nonprofit community organization eligible to receive amounts under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

(C) “grant” does not include—

(i) shared revenue;

(ii) payment of taxes;

(iii) payment instead of taxes;

(iv) a loan or repayable advance;

(v) surplus property or surplus agricultural commodities provided as surplus property;

(vi) a payment under a research and development procurement contract or grant awarded directly and on similar terms to all qualifying organizations; or

(vii) a payment to a State or local government as complete reimbursement for costs incurred in paying benefits or providing services to persons entitled to them under a law of the United States.

(5) “head of a State agency” includes the designated delegate of the head of the agency.

(6) “local government” means a unit of general local government, a school district, or other special district established under State law.

(7) “Secretary” means the Secretary of the Treasury.