

Calendar No. 641

115TH CONGRESS
2D SESSION**S. 3484****[Report No. 115–354]**

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

NOVEMBER 13, 2018

Reported by Mr. JOHNSON, with amendments

[Omit the part struck through and insert the part printed in *italic*]**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”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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.

3 **SEC. 2. PURPOSES.**

4 The purposes of this Act are to—

- 5 (1) modernize reporting by recipients of Federal
 6 grants and cooperative agreements by creating and
 7 imposing data standards for the information that
 8 those recipients are required to report to the Federal
 9 Government;
- 10 (2) implement the recommendation by the Di-
 11 rector of the Office of Management and Budget con-
 12 tained in the report submitted under section 5(b)(6)
 13 of the Federal Funding Accountability and Trans-
 14 parency Act of 2006 (31 U.S.C. 6101 note) relating
 15 to the development of a “comprehensive taxonomy of
 16 standard definitions for core data elements required
 17 for managing Federal financial assistance awards”;
- 18 (3) reduce burden and compliance costs of re-
 19 cipients of Federal grants and cooperative agree-
 20 ments by enabling technology solutions, existing or

1 yet to be developed, for use in both the public and
 2 private sectors to better manage the data that re-
 3 cipients already provide to the Federal Government;
 4 and

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

11 **SEC. 3. DEFINITIONS.**

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

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

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

20 **“CHAPTER 64—DATA STANDARDS FOR** 21 **GRANT REPORTING**

“Sec.

“6401. Definitions.

“6402. Data standards for grant reporting.

“6403. Guidance applying data standards for grant reporting.

“6404. Agency requirements.

22 **“§ 6401. Definitions**

23 “In this chapter:

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

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

5 “(A) are not program-specific in nature;
6 and

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

10 “(3) DIRECTOR.—The term ‘Director’ means
11 the Director of the Office of Management and Budget.
12 et.

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

16 “(5) FEDERAL AWARD.—The term ‘Federal
17 award’—

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

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

25 “(C) does not include—

1 “(i) conventional public information
 2 services or procurement of property or
 3 services for the direct benefit or use of the
 4 Government; or

5 “(ii) an agreement that provides
 6 only—

7 “(I) direct Government cash as-
 8 sistance to an individual;

9 “(II) a subsidy;

10 “(III) a loan;

11 “(IV) a loan guarantee; or

12 “(V) insurance.

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

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

18 “(8) STATE.—The term ‘State’ means each
 19 State of the United States, the District of Columbia,
 20 each commonwealth, territory, or possession of the
 21 United States, and each federally recognized Indian
 22 Tribe.

23 **“§ 6402. Data standards for grant reporting**

24 “(a) IN GENERAL.—

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

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

10 “(3) DATA ELEMENTS.—The data standards
11 established under paragraph (2) shall include, at a
12 minimum—

13 “(A) standard definitions for data elements
14 required for managing Federal awards; and

15 “(B) unique identifiers for Federal awards
16 and recipients of Federal awards that can be
17 consistently applied Governmentwide.

18 “(b) SCOPE.—The data standards established under
19 subsection (a)—

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

21 “(2) may cover any information required to be
22 reported to any agency by recipients of Federal
23 awards, including audit-related information reported
24 under chapter 75 of this title.

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

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

7 “(2) be nonproprietary;

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

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

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

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

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

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

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

3 “(4) private sector experts;

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

7 “(6) State and local governments.

8 **“§ 6403. Guidance applying data standards for grant**
9 **reporting**

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

12 “(1) the Secretary and the Director shall issue
13 guidance to all agencies directing the agencies to
14 apply the data standards established under section
15 6402(a) to all applicable reporting by recipients of
16 Federal grants and cooperative agreement awards;
17 and

18 “(2) the Director shall prescribe guidance ap-
19 plying the data standards established under section
20 6402(a) to audit-related information reported under
21 chapter 75 of this title.

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 in Federal award report-
7 ing;

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

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

17 “(c) *UPDATING GUIDANCE.*—

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

21 “(2) *PROCEDURES.*—*In updating guidance*
22 *under paragraph (1), the Secretary and the Director*
23 *shall, to the maximum extent practicable, follow the*
24 *procedures for the development of the data standards*

1 *and guidance prescribed under this section and sec-*
 2 *tion 6402.*

3 **“§ 6404. Agency requirements**

4 ~~“Not later than 3 years after the date of enactment~~
 5 ~~of this chapter~~ *Not later than 1 year after the date on which*
 6 *guidance is issued or updated under subsection (b) or (c),*
 7 *respectively, of section 6403,* the head of each agency shall
 8 ensure that all of the grants and cooperative agreements
 9 of the agency use data standards for all future information
 10 collection requests, and amend existing information collec-
 11 tion requests covered by chapter 35 of title 44 (commonly
 12 known as the ‘Paperwork Reduction Act’), to comply with
 13 the data standards established under section 6402 of this
 14 chapter, consistent with the guidance issued by the Sec-
 15 retary and the Director under section 6403 of this chap-
 16 ter.”.

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

“64. Data standards for grant reporting 6401”.

21 **SEC. 5. SINGLE AUDIT ACT.**

22 (a) AMENDMENTS.—

23 (1) AUDIT REQUIREMENTS.—Section 7502(h)
 24 of title 31, United States Code, is amended, in the
 25 matter preceding paragraph (1), by inserting “in an

1 electronic form consistent with the data standards
 2 established under chapter 64 and” after “the report-
 3 ing package,”.

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

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

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

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

21 (a) COLLECTION OF INFORMATION.—Not later than
 22 4 years after the date of enactment of this Act, the Sec-
 23 retary and the Director shall, using the data standards
 24 established under chapter 64 of title 31, United States
 25 Code, as added by section 4(a) of this Act, enable the col-

1 lection, public display, and maintenance of Federal award
 2 information as a Governmentwide data set, subject to rea-
 3 sonable restrictions established by the Director to ensure
 4 protection of personally identifiable and otherwise sen-
 5 sitive information.

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

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

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

18 (a) DETERMINATION REQUIRED.—The Director and
 19 the Secretary shall determine whether to use nonpropri-
 20 etary identifiers described in section 6402(a)(3)(B) of title
 21 31, United States Code, as added by section 4(a) of this
 22 Act.

23 (b) FACTORS TO BE CONSIDERED.—In making the
 24 determination required under subsection (a), the Director
 25 and the Secretary shall consider factors such as accessi-

1 bility and cost to recipients of Federal awards, agencies
 2 that issue Federal awards, private sector experts, and
 3 members of the public, including privacy experts ~~and pri-~~
 4 ~~vacy advocates,~~ *privacy advocates, transparency experts,*
 5 *and transparency advocates.*

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

18 **SEC. 8. RULE OF CONSTRUCTION.**

19 Nothing in this Act, or the amendments made by this
 20 Act, shall be construed to require the collection of data
 21 that is not otherwise required under any Federal law, rule,
 22 or regulation.

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

24 No additional funds are authorized to carry out the
 25 requirements of this Act and the amendments made by

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

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