

ages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

(d) **LIMITATION ON INJUNCTIONS AGAINST REGULATED PERSONS.**—Notwithstanding any other provision of this section, and subject to section 5367, no provision of this subchapter shall be construed as authorizing the Attorney General of the United States, or the attorney general (or other appropriate State official) of any State to institute proceedings to prevent or restrain a restricted transaction against any financial transaction provider, to the extent that the person is acting as a financial transaction provider.

(Added Pub. L. 109–347, title VIII, § 802(a), Oct. 13, 2006, 120 Stat. 1959.)

#### Editorial Notes

##### REFERENCES IN TEXT

Rule 65 of the Federal Rules of Civil Procedure, referred to in subsec. (b)(1)(B), (2)(B), is set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

The Indian Gaming Regulatory Act, referred to in subsec. (b)(3), is Pub. L. 100–497, Oct. 17, 1988, 102 Stat. 2467, which is classified principally to chapter 29 (§ 2701 et seq.) of Title 25, Indians. Section 4 of the Act is classified to section 2703 of Title 25. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of Title 25 and Tables.

#### § 5366. Criminal penalties

(a) **IN GENERAL.**—Any person who violates section 5363 shall be fined under title 18, imprisoned for not more than 5 years, or both.

(b) **PERMANENT INJUNCTION.**—Upon conviction of a person under this section, the court may enter a permanent injunction enjoining such person from placing, receiving, or otherwise making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

(Added Pub. L. 109–347, title VIII, § 802(a), Oct. 13, 2006, 120 Stat. 1961.)

#### § 5367. Circumventions prohibited

Notwithstanding section 5362(2), a financial transaction provider, or any interactive computer service or telecommunications service, may be liable under this subchapter if such person has actual knowledge and control of bets and wagers, and—

(1) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

(2) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

(Added Pub. L. 109–347, title VIII, § 802(a), Oct. 13, 2006, 120 Stat. 1961.)

## SUBTITLE V—GENERAL ASSISTANCE ADMINISTRATION

Chap.		Sec.
<b>61.</b>	<b>Program Information .....</b>	<b>6101</b>
<b>62.</b>	<b>Consolidated Federal Funds Report .....</b>	<b>6201</b>
<b>63.</b>	<b>Using Procurement Contracts and Grant and Cooperative Agreements .....</b>	<b>6301</b>
<b>64.</b>	<b>Data standards for grant reporting<sup>1</sup> .....</b>	<b>6401</b>
<b>65.</b>	<b>Intergovernmental Cooperation .....</b>	<b>6501</b>
<b>67.</b>	<b>Federal payments<sup>1</sup> .....</b>	<b>6701</b>
<b>69.</b>	<b>Payment for Entitlement Land .....</b>	<b>6901</b>
<b>71.</b>	<b>Joint Funding Simplification .....</b>	<b>7101</b>
<b>73.</b>	<b>Administering Block Grants .....</b>	<b>7301</b>
<b>75.</b>	<b>Requirements for Single Audits .....</b>	<b>7501</b>
<b>77.</b>	<b>Access to information for debt collection<sup>1</sup> .....</b>	<b>7701</b>

#### Editorial Notes

##### AMENDMENTS

2019—Pub. L. 116–103, § 4(b), Dec. 30, 2019, 133 Stat. 3270, added item for chapter 64.

1996—Pub. L. 104–134, title III, § 31001(i)(3)(B), Apr. 26, 1996, 110 Stat. 1321–365, which directed that the table of chapters for subtitle VI of this title be amended by inserting a new item for chapter 77 “Access to information for debt collection” before the item for chapter 91, was executed to the table of chapters for subtitle V of this title by substituting “Access to information for debt collection” for “Loan Requirements” in item for chapter 77, to reflect the probable intent of Congress.

1994—Pub. L. 103–322, title III, § 31002, Sept. 13, 1994, 108 Stat. 1882, added item for chapter 67.

Pub. L. 103–272, § 4(f)(1)(Y)(ii), July 5, 1994, 108 Stat. 1363, added item for chapter 77.

1986—Pub. L. 99–547, § 2(c), Oct. 27, 1986, 100 Stat. 3060, added item for chapter 62.

Pub. L. 99–272, title XIV, § 14001(b)(1), Apr. 7, 1986, 100 Stat. 328, struck out item for chapter 67 “Revenue Sharing”.

1984—Pub. L. 98–502, § 2(c), Oct. 19, 1984, 98 Stat. 2334, added item for chapter 75.

## CHAPTER 61—PROGRAM INFORMATION

Sec.	
6101.	Definitions.
6102.	Program information requirements.
6102a.	Assistance awards information system.
6103.	Access to computer information system.
6104.	Catalog of Federal domestic assistance programs.
6105.	Oversight responsibility of Director.
6106.	Authorization of appropriations.

#### Editorial Notes

##### AMENDMENTS

1983—Pub. L. 98–169, § 6, Nov. 29, 1983, 97 Stat. 1115, added items 6105 and 6106, and struck out item 6105 “Authorization of appropriations”.

Pub. L. 97–452, § 1(23)(B), Jan. 12, 1983, 96 Stat. 2478, added item 6102a.

#### § 6101. Definitions

In this chapter—

(1) “administering office” means the lowest unit of an agency responsible for managing a domestic assistance program.

<sup>1</sup> So in original. Probably should be capitalized.

(2) “agency” has the same meaning given that term in section 551(1) of title 5.

(3) “assistance”—

(A) means the transfer of anything of value for a public purpose of support or stimulation authorized by a law of the United States, including—

- (i) financial assistance;
- (ii) United States Government facilities, services, and property; and
- (iii) expert and technical information; and

(B) does not include conventional public information services or procurement of property or services for the direct benefit or use of the Government.

(4) “domestic assistance program”—

(A) means assistance from an agency for—

- (i) a State;
- (ii) the District of Columbia;
- (iii) a territory or possession of the United States;
- (iv) a county;
- (v) a city;
- (vi) a political subdivision or instrumentality of a governmental authority listed in subclauses (i)–(v) of this clause (A);
- (vii) a domestic corporation;
- (viii) a domestic institution; and
- (ix) an individual of the United States; and

(B) does not include assistance from an agency for an agency.

(5) “Director” means the Director of the Office of Management and Budget.

(6) “Administrator” means the Administrator of General Services.

(7) “formula” means any prescribed method employing objective data or statistical estimates for making individual determinations among recipients of Federal funds, either in terms of eligibility or actual funding allocations, that can be written in the form of either—

(A) a closed mathematical statement; or

(B) an iterative procedure or algorithm which can be written as a computer program;

and from which the results can be objectively replicated, within reasonable limits due to rounding error, through independent application of such statement, procedures, or algorithm, by different qualified individuals.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 1000; Pub. L. 98–169, §§1(1), 3(a), Nov. 29, 1983, 97 Stat. 1113; Pub. L. 99–547, §2(b)(2), Oct. 27, 1986, 100 Stat. 3060; Pub. L. 103–272, §4(f)(1)(S), July 5, 1994, 108 Stat. 1362; Pub. L. 104–287, §6(a)(1), Oct. 11, 1996, 110 Stat. 3398.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6101(1) .....	31:1701(4).	Dec. 28, 1977, Pub. L. 95–220, §2, 91 Stat. 1615.
6101(2) .....	31:1701(2).	
6101(3) .....	31:1701(1).	
6101(4) .....	31:1701(3).	

In the section, the word “Federal” is omitted as unnecessary.

In clause (1), the word “unit” is substituted for “subdivision” for consistency in the revised title. The words “direct operational” are omitted as unnecessary.

In clause (3)(A), the words “money, property, services, or” are omitted as being included in “anything of value”. The word “for” is substituted for “the principal purpose of which is to accomplish” to eliminate unnecessary words. In subclause (i), the words “grants, loans, loan guarantees, scholarships, mortgage loans, insurance or other types of” are omitted as being included in “financial assistance”. In subclause (ii), the word “goods” is omitted as being included in “property”. The words “and service activities of regulatory agencies” are omitted as being included in “services”. In subclause (iii), the words “expert and technical information” are substituted for “technical assistance, and counseling, statistical and other expert information” to eliminate unnecessary words.

In clause (3)(B), the words “or procurement of property or services for the direct benefit or use of the Government” are added for consistency in subtitle V of the revised title.

In clause (4)(A), the words “or benefits” are omitted as being included in “assistance”. Subclause (ii) is included for consistency in the revised title because the District of Columbia is stated when a provision is meant to apply to the District. In subclause (vi), the word “grouping” is omitted as being included in “political subdivision or instrumentality”. In subclauses (vii)–(ix), the words “profit or nonprofit” are omitted as surplus. In subclause (ix), the words “individual of the United States” are substituted for “domestic . . . individual” for clarity.

#### Editorial Notes

##### AMENDMENTS

1996—Par. (4)(B). Pub. L. 104–287 made technical amendment to directory language of Pub. L. 103–272. See 1994 Amendment note below.

1994—Par. (4)(B). Pub. L. 103–272, as amended by Pub. L. 104–287, substituted “agency.” for “agency” at end.

1986—Par. (4)(B). Pub. L. 99–547 substituted “assistance from an agency for an agency” for “a department, agency, or instrumentality of the Government.”

1983—Pars. (5), (6). Pub. L. 98–169, §1(1), added pars. (5) and (6).

Par. (7). Pub. L. 98–169, §3(a), added par. (7).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–287, §6(a), Oct. 11, 1996, 110 Stat. 3398, provided that the amendment made by that section is effective July 5, 1994.

##### SHORT TITLE OF 2022 AMENDMENT

Pub. L. 117–219, §1, Dec. 5, 2022, 136 Stat. 2271, provided that: “This Act [enacting section 6309 of this title, amending section 6102 of this title and section 3504 of Title 44, Public Printing and Documents, and enacting provisions set out as notes under section 6102 of this title] may be cited as the ‘Metropolitan Areas Protection and Standardization Act of 2021’ or the ‘MAPS Act of 2021’.”

##### SHORT TITLE OF 2021 AMENDMENT

Pub. L. 117–40, §1, Sept. 24, 2021, 135 Stat. 337, provided that: “This Act [amending section 1105 of this title and provisions set out as a note under this section] may be cited as the ‘Congressional Budget Justification Transparency Act of 2021’.”

##### SHORT TITLE OF 2014 AMENDMENT

Pub. L. 113–101, §1, May 9, 2014, 128 Stat. 1146, provided that: “This Act [amending sections 3512 and 3716 of this title and enacting and amending provisions set out as notes under this section] may be cited as the ‘Digital

Accountability and Transparency Act of 2014' or the 'DATA Act'."

#### SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-252, title VI, §6201, June 30, 2008, 122 Stat. 2387, provided that: "This chapter [chapter 2 (§§6201, 6202) of title VI of Pub. L. 110-252, enacting and amending provisions set out as notes under this section] may be cited as the 'Government Funding Transparency Act of 2008'."

#### GRANT TRANSPARENCY

Pub. L. 118-140, Dec. 11, 2024, 138 Stat. 1657, provided that:

##### "SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Grant Transparency Act of 2023'.

##### "SEC. 2. NOTICES OF FUNDING OPPORTUNITY TRANSPARENCY.

"(a) DEFINITIONS.—In this section:

"(1) AGENCY.—The term 'agency'—

"(A) has the meaning given the term 'Executive agency' in section 105 of title 5, United States Code; and

"(B) does not include the Government Accountability Office.

"(2) COMPETITIVE GRANT.—The term 'competitive grant' means a discretionary award (as defined in section 200.1 of title 2, Code of Federal Regulations) awarded by an agency—

"(A) through a grant agreement or cooperative agreement under which the agency makes payment in cash or in kind to a recipient to carry out a public purpose authorized by law; and

"(B) the recipient of which is selected from a pool of applicants through the use of merit-based selection procedures for the purpose of allocating funds authorized under a grant program of the agency.

"(3) EVALUATION OR SELECTION CRITERIA.—The term 'evaluation or selection criteria' means standards or principles for judging, evaluating, or selecting an application for a competitive grant.

"(4) NOTICE OF FUNDING OPPORTUNITY.—The term 'notice of funding opportunity' has the meaning given the term in section 200.1 of title 2, Code of Federal Regulations.

"(5) RATING SYSTEM.—The term 'rating system'—

"(A) means a system of evaluation of competitive grant applications to determine how such applications advance through the selection process; and

"(B) includes—

"(i) a merit criteria rating rubric;

"(ii) an evaluation of merit criteria;

"(iii) a methodology to evaluate and rate based on a point scale; and

"(iv) an evaluation to determine whether a competitive grant application meets evaluation or selection criteria.

"(b) TRANSPARENCY REQUIREMENTS.—Each notice of funding opportunity issued by an agency for a competitive grant shall include—

"(1) a description of any rating system and evaluation and selection criteria the agency uses to assess applications for the competitive grant;

"(2) a statement of whether the agency uses a weighted scoring method and a description of any weighted scoring method the agency uses for the competitive grant, including the amount by which the agency weights each criterion; and

"(3) any other qualitative or quantitative merit-based approach the agency uses to evaluate an application for the competitive grant.

"(c) APPLICATIONS; DATA ELEMENTS.—

"(1) IN GENERAL.—The Director of the Office of Management and Budget, in coordination with the Executive department designated under section 6402(a)(1) of title 31, United States Code, shall develop data elements relating to grant applications to ensure com-

mon reporting by each agency with respect to applications received in response to each notice of funding opportunity of the agency.

"(2) CONTENTS.—The data elements developed under paragraph (1) shall include—

"(A) the number of applications received; and

"(B) the city and State of each organization that submitted an application.

"(d) RULE OF CONSTRUCTION.—With respect to a particular competitive grant, nothing in this Act shall be construed to supersede any requirement with respect to a notice of funding opportunity for the competitive grant in a law that authorizes the competitive grant.

"(e) NO ADDITIONAL FUNDS.—No additional funds are authorized to be appropriated for the purpose of carrying out this Act.

"(f) EFFECTIVE DATE.—

"(1) IN GENERAL.—This Act shall take effect on the date that is 120 days after the date of enactment of this Act [Dec. 11, 2024].

"(2) NO RETROACTIVE EFFECT.—This Act shall not apply to a notice of funding opportunity issued before the date of enactment of this Act [Dec. 11, 2024]."

#### REPORTING ON USE OF FUNDS

Pub. L. 116-136, div. B, title V, §15011, Mar. 27, 2020, 134 Stat. 540, provided that:

"(a) In this section—

"(1) the terms 'agency', 'appropriate congressional committees', 'Committee', 'covered funds', and 'Coronavirus response' have the meanings given those terms in section 15010 [set out as a note under section 424 of Title 5, Government Organization and Employees];

"(2) the term 'covered recipient'—

"(A) means any entity that receives large covered funds; and

"(B) includes any State, the District of Columbia, and any territory or possession of the United States; and

"(3) the term 'large covered funds' means covered funds that amount to more than \$150,000.

"(b)(1)(A) On a monthly basis until September 30, 2021, each agency shall report to the Director of the Office of Management and Budget, the Bureau of Fiscal Service in the Department of the Treasury, the Committee, and the appropriate congressional committees on any obligation or expenditure of large covered funds, including loans and awards.

"(B) Not later than 90 days after the date of enactment of this Act [Mar. 27, 2020], each agency shall submit to the Committee a plan describing how the agency will use covered funds.

"(2) Not later than 10 days after the end of each calendar quarter, each covered recipient shall submit to the agency and the Committee a report that contains—

"(A) the total amount of large covered funds received from the agency;

"(B) the amount of large covered funds received that were expended or obligated for each project or activity;

"(C) a detailed list of all projects or activities for which large covered funds were expended or obligated, including—

"(i) the name of the project or activity;

"(ii) a description of the project or activity; and

"(iii) the estimated number of jobs created or retained by the project or activity, where applicable; and

"(D) detailed information on any level of subcontracts or subgrants awarded by the covered recipient or its subcontractors or subgrantees, to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 [Pub. L. 109-282] (31 U.S.C. 6101 note) allowing aggregate reporting on awards below \$50,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

"(3) Not later than 30 days after the end of each calendar quarter, the Committee, in consultation with the

agency that made large covered funds available to any covered recipient shall make the information in reports submitted under paragraph (2) publicly available by posting the information on the website established under section 15010(g).

“(4)(A) Each agency, in coordination with the Committee and the Director of the Office of Management and Budget shall provide user-friendly means for covered recipients to meet requirements of this subsection.

“(B) Federal agencies may use existing mechanisms to ensure that information under this subsection is reported accurately.

“(c)(1) The Director of the Office of Management and Budget, in consultation with the Secretary of the Treasury, the Administrator of the Small Business Administration, and the Chairperson of the Council of Economic Advisors, shall submit to the appropriate congressional committees and publicly release on the website established under section 15010(g) quarterly reports that detail the impact of programs funded through large covered funds on employment, estimated economic growth, and other key economic indicators, including information about impacted industries.

“(2)(A) The first report submitted under paragraph (1) shall be submitted not later than 45 days after the end of the first full quarter following the date of enactment of this Act.

“(B) The last report required to be submitted under paragraph (1) shall apply to the quarter in which the Committee terminates.”

#### EXEMPTION FROM CERTAIN REPORTING REQUIREMENTS FOR CERTAIN AGRICULTURAL PRODUCERS

Pub. L. 115-334, title I, §1707, Dec. 20, 2018, 132 Stat. 4529, provided that:

“(a) DEFINITION OF EXEMPTED PRODUCER.—In this section, the term ‘exempted producer’ means an individual or entity that is eligible to participate in—

“(1) a conservation program under title II [see Tables for classification] or a law amended by title II;

“(2) an indemnity or disease control program under the Animal Health Protection Act (7 U.S.C. 8301 et seq.) or the Plant Protection Act (7 U.S.C. 7701 et seq.); or

“(3) a commodity program under title I of the Agricultural Act of 2014 (7 U.S.C. 9011 et seq.), excluding the assistance provided to users of cotton under sections 1207(c) and 1208 of that Act (7 U.S.C. 9037(c), 9038).

“(b) EXEMPTION.—Notwithstanding the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282; 31 U.S.C. 6101 note), the requirements of parts 25 and 170 of title 2, Code of Federal Regulations (or successor regulations), shall not apply with respect to assistance received by an exempted producer from the Secretary [of Agriculture], acting through the Chief of the Natural Resources Conservation Service, the Administrator of the Animal and Plant Health Inspection Service, or the Administrator of the Farm Service Agency.”

#### PURPOSES

Pub. L. 113-101, §2, May 9, 2014, 128 Stat. 1146, provided that: “The purposes of this Act [see Short Title of 2014 Amendment note above] are to—

“(1) expand the Federal Funding Accountability and Transparency Act of 2006 [Pub. L. 109-282] (31 U.S.C. 6101 note) by disclosing direct Federal agency expenditures and linking Federal contract, loan, and grant spending information to programs of Federal agencies to enable taxpayers and policy makers to track Federal spending more effectively;

“(2) establish Government-wide data standards for financial data and provide consistent, reliable, and searchable Government-wide spending data that is displayed accurately for taxpayers and policy makers on USASpending.gov (or a successor system that displays the data);

“(3) simplify reporting for entities receiving Federal funds by streamlining reporting requirements and reducing compliance costs while improving transparency;

“(4) improve the quality of data submitted to USASpending.gov by holding Federal agencies accountable for the completeness and accuracy of the data submitted; and

“(5) apply approaches developed by the Recovery Accountability and Transparency Board to spending across the Federal Government.”

#### REQUIREMENTS AND LIMITATIONS FOR SUSPENSION AND DEBARMENT OFFICIALS OF THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Pub. L. 112-239, div. A, title VIII, §861, Jan. 2, 2013, 126 Stat. 1857, provided that:

“(a) REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act [Jan. 2, 2013], the head of the covered agency concerned shall ensure the following:

“(1) There shall be not less than one suspension and debarment official—

“(A) in the case of the Department of Defense, for each of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency;

“(B) for the Department of State; and

“(C) for the United States Agency for International Development.

“(2) A suspension and debarment official under paragraph (1) may not report to or be subject to the supervision of the acquisition office or the Inspector General—

“(A) in the case of the Department of Defense, of either the Department of Defense or the military department or Defense Agency concerned; and

“(B) in the case of the Department of State and the United States Agency for International Development, of the covered agency concerned.

“(3) Each suspension and debarment official under paragraph (1) shall have a staff and resources adequate for the discharge of the suspension and debarment responsibilities of such official.

“(4) Each suspension and debarment official under paragraph (1) shall document the basis for any final decision taken pursuant to a formal referral in accordance with the policies established under paragraph (5).

“(5) Each suspension and debarment official under paragraph (1) shall, in consultation with the General Counsel of the covered agency, establish in writing policies for the consideration of the following:

“(A) Formal referrals of suspension and debarment matters.

“(B) Suspension and debarment matters that are not formally referred.

“(b) DUTIES OF INTERAGENCY COMMITTEE ON DEBARMENT AND SUSPENSION.—[Amended section 873 of Pub. L. 110-417, set out below.]

“(c) COVERED AGENCY.—In this section, the term ‘covered agency’ means the Department of Defense, the Department of State, and the United States Agency for International Development.”

#### ROLE OF INTERAGENCY COMMITTEE ON DEBARMENT AND SUSPENSION

Pub. L. 110-417, [div. A], title VIII, §873, Oct. 14, 2008, 122 Stat. 4557, as amended by Pub. L. 111-383, div. A, title X, §1075(e)(16), Jan. 7, 2011, 124 Stat. 4375; Pub. L. 112-239, div. A, title VIII, §861(b), Jan. 2, 2013, 126 Stat. 1858, provided that:

“(a) REQUIREMENT.—The Interagency Committee on Debarment and Suspension shall—

“(1) resolve issues regarding which of several Federal agencies is the lead agency having responsibility to initiate suspension or debarment proceedings, including with respect to contracts in connection with contingency operations;

“(2) coordinate actions among interested agencies with respect to such action;

“(3) encourage and assist Federal agencies in entering into cooperative efforts to pool resources and achieve operational efficiencies in the Governmentwide suspension and debarment system;

“(4) recommend to the Office of Management and Budget changes to the Government suspension and debarment system and its rules, if such recommendations are approved by a majority of the Interagency Committee;

“(5) authorize the Office of Management and Budget to issue guidelines that implement those recommendations;

“(6) authorize the chair of the Committee to establish subcommittees as appropriate to best enable the Interagency Committee to carry out its functions; and

“(7) submit to Congress an annual report on—

“(A) the progress and efforts to improve the suspension and debarment system;

“(B) member agencies’ active participation in the committee’s work;

“(C) a summary of each agency’s activities and accomplishments in the Governmentwide debarment system; and

“(D) a summary of suspensions, debarments, and administrative agreements during the previous year.

“(b) DATE OF SUBMITTAL OF ANNUAL REPORTS.—The annual report required by subsection (a)(7) shall be submitted not later than January 31 of each year, beginning with January 31, 2014.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code.

“(2) The term ‘Interagency Committee on Debarment and Suspension’ means the committee constituted under sections 4 and 5 of Executive Order No. 12549 [set out below].”

#### FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY

Pub. L. 110-252, title VI, §6202(b), June 30, 2008, 122 Stat. 2387, provided that: “The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter [amending Pub. L. 109-282, set out below]. Such regulations shall include a definition of ‘total compensation’ that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).”

Pub. L. 109-282, Sept. 26, 2006, 120 Stat. 1186, as amended by Pub. L. 110-252, title VI, §6202(a), June 30, 2008, 122 Stat. 2387; Pub. L. 113-101, §3, May 9, 2014, 128 Stat. 1146; Pub. L. 117-40, §2(a), Sept. 24, 2021, 135 Stat. 337, provided that:

#### “SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Federal Funding Accountability and Transparency Act of 2006’.

#### “SEC. 2. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

“(a) DEFINITIONS.—In this Act:

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

“(2) ENTITY.—The term ‘entity’—

“(A) includes, whether for profit or nonprofit—

“(i) a corporation;

“(ii) an association;

“(iii) a partnership;

“(iv) a limited liability company;

“(v) a limited liability partnership;

“(vi) a sole proprietorship;

“(vii) any other legal business entity;

“(viii) any other grantee or contractor that is not excluded by subparagraph (B) or (C); and

“(ix) any State or locality;

“(B) on and after January 1, 2009, includes any subcontractor or subgrantee; and

“(C) does not include—

“(i) an individual recipient of Federal assistance; or

“(ii) a Federal employee.

“(3) FEDERAL AGENCY.—The term ‘Federal agency’ has the meaning given the term ‘Executive agency’ under section 105 of title 5, United States Code.

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

“(A) means Federal financial assistance and expenditures that—

“(i) include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

“(ii) include contracts, subcontracts, purchase orders, task orders, and delivery orders;

“(B) does not include individual transactions below \$25,000; and

“(C) before October 1, 2008, does not include credit card transactions.

“(5) OBJECT CLASS.—The term ‘object class’ means the category assigned for purposes of the annual budget of the President submitted under section 1105(a) of title 31, United States Code, to the type of property or services purchased by the Federal Government.

“(6) PROGRAM ACTIVITY.—The term ‘program activity’ has the meaning given that term under section 1115(h) of title 31, United States Code.

“(7) SEARCHABLE WEBSITE.—The term ‘searchable website’ means a website that allows the public to—

“(A) search and aggregate Federal funding by any element required by subsection (b)(1);

“(B) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(i), by fiscal year;

“(C) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(ii), by fiscal year; and

“(D) download data included in subparagraph (A) included in the outcome from searches.

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(b) IN GENERAL.—

“(1) WEBSITE.—Not later than January 1, 2008, the Office of Management and Budget shall, in accordance with this section, section 204 of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note), and the Office of Federal Procurement Policy Act [former] 41 U.S.C. 403 [401] et seq. [now Division B (except sections 1123, 2303, 2304, and 2313) of subtitle I of title 41], ensure the existence and operation of a single searchable website, accessible by the public at no cost to access, that includes for each Federal award—

“(A) the name of the entity receiving the award;

“(B) the amount of the award;

“(C) information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action;

“(D) the location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country;

“(E) a unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity;

“(F) the names and total compensation of the five most highly compensated officers of the entity if—

“(i) the entity in the preceding fiscal year received—

“(I) 80 percent or more of its annual gross revenues in Federal awards; and

“(II) \$25,000,000 or more in annual gross revenues from Federal awards; and

“(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. [; and]

“(G) any other relevant information specified by the Office of Management and Budget.

“(2) SCOPE OF DATA.—The website shall include data for fiscal year 2007, and each fiscal year thereafter.

“(3) DESIGNATION OF AGENCIES.—The Director is authorized to designate one or more Federal agencies to participate in the development, establishment, operation, and support of the single website. In the initial designation, or in subsequent instructions and guidance, the Director may specify the scope of the responsibilities of each such agency.

“(4) AGENCY RESPONSIBILITIES.—Federal agencies shall comply with the instructions and guidance issued by the Director under paragraph (3), and shall provide appropriate assistance to the Director upon request, so as to assist the Director in ensuring the existence and operation of the single website.

“(c) WEBSITE.—The website established under this section—

“(1) may use as the source of its data the Federal Procurement Data System, Federal Assistance Award Data System, and Grants.gov, if all of these data sources are searchable through the website and can be accessed in a search on the website required by this Act, provided that the user may—

“(A) specify such search shall be confined to Federal contracts and subcontracts;

“(B) specify such search shall be confined to include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

“(2) shall not be considered in compliance if it hyperlinks to the Federal Procurement Data System website, Federal Assistance Award Data System website, Grants.gov website, or other existing websites, so that the information elements required by subsection (b)(1) cannot be searched electronically by field in a single search;

“(3) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements;

“(4) shall be updated not later than 30 days after the award of any Federal award requiring a posting;

“(5) shall provide for separate searches for Federal awards described in subsection (a) to distinguish between the Federal awards described in subsection (a)(2)(A)(i) and those described in subsection (a)(2)(A)(ii);

“(6) shall have the ability to aggregate data for the categories described in paragraphs (1) through (5) without double-counting data; and

“(7) shall ensure that all information published under this section is available—

“(A) in machine-readable and open formats;

“(B) to be downloaded in bulk; and

“(C) to the extent practicable, for automated processing.

“(d) SUBAWARD DATA.—

“(1) PILOT PROGRAM.—

“(A) IN GENERAL.—Not later than July 1, 2007, the Director shall commence a pilot program to—

“(i) test the collection and accession of data about subgrants and subcontracts; and

“(ii) determine how to implement a subaward reporting program across the Federal Government, including—

“(I) a reporting system under which the entity issuing a subgrant or subcontract is responsible for fulfilling the subaward reporting requirement; and

“(II) a mechanism for collecting and incorporating agency and public feedback on the design and utility of the website.

“(B) TERMINATION.—The pilot program under subparagraph (A) shall terminate not later than January 1, 2009.

“(2) REPORTING OF SUBAWARDS.—

“(A) IN GENERAL.—Based on the pilot program conducted under paragraph (1), and, except as provided in subparagraph (B), not later than January 1, 2009, the Director—

“(i) shall ensure that data regarding subawards are disclosed in the same manner as data regarding other Federal awards, as required by this Act; and

“(ii) shall ensure that the method for collecting and distributing data about subawards under clause (i)—

“(I) minimizes burdens imposed on Federal award recipients and subaward recipients;

“(II) allows Federal award recipients and subaward recipients to allocate reasonable costs for the collection and reporting of subaward data as indirect costs; and

“(III) establishes cost-effective requirements for collecting subaward data under block grants, formula grants, and other types of assistance to State and local governments.

“(B) EXTENSION OF DEADLINE.—For subaward recipients that receive Federal funds through State, local, or tribal governments, the Director may extend the deadline for ensuring that data regarding such subawards are disclosed in the same manner as data regarding other Federal awards for a period not to exceed 18 months, if the Director determines that compliance would impose an undue burden on the subaward recipient.

“(e) EXCEPTION.—Any entity that demonstrates to the Director that the gross income, from all sources, for such entity did not exceed \$300,000 in the previous tax year of such entity shall be exempt from the requirement to report subawards under subsection (d), until the Director determines that the imposition of such reporting requirements will not cause an undue burden on such entities.

“(f) CONSTRUCTION.—Nothing in this Act shall prohibit the Office of Management and Budget from including through the website established under this section access to data that is publicly available in any other Federal database.

“(g) REPORT.—

“(1) IN GENERAL.—The Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform [now Committee on Oversight and Accountability] of the House of Representatives an annual report regarding the implementation of the website established under this section.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

“(A) data regarding the usage and public feedback on the utility of the site (including recommendations for improving data quality and collection);

“(B) an assessment of the reporting burden placed on Federal award and subaward recipients; and

“(C) an explanation of any extension of the subaward reporting deadline under subsection (d)(2)(B), if applicable.

“(3) PUBLICATION.—The Director shall make each report submitted under paragraph (1) publicly available on the website established under this section.

“SEC. 3. FULL DISCLOSURE OF FEDERAL FUNDS.

“(a) IN GENERAL.—Not less frequently than monthly when practicable, and in any event not less frequently than quarterly, the Secretary (in consultation with the Director and, with respect to information described in subsection (b)(2), the head of the applicable Federal agency) shall ensure that updated information with respect to the information described in subsection (b) is posted on the website established under section 2.

“(b) INFORMATION TO BE POSTED.—

“(1) FUNDS.—For any funds made available to or expended by a Federal agency or component of a Fed-

eral agency, the information to be posted shall include—

“(A) for each appropriations account, including an expired or unexpired appropriations account, the amount—

“(i) of budget authority appropriated;

“(ii) that is obligated;

“(iii) of unobligated balances; and

“(iv) of any other budgetary resources;

“(B) from which accounts and in what amount—

“(i) appropriations are obligated for each program activity; and

“(ii) outlays are made for each program activity;

“(C) from which accounts and in what amount—

“(i) appropriations are obligated for each object class; and

“(ii) outlays are made for each object class; and

“(D) for each program activity, the amount—

“(i) obligated for each object class; and

“(ii) of outlays made for each object class.

“(2) BUDGET JUSTIFICATIONS.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘budget justification materials’ means the annual budget justification materials of a Federal agency, or a component of a Federal agency, that are submitted, in conjunction with the budget of the United States Government submitted under section 1105(a) of title 31, United States Code; and

“(ii) the term ‘open Government data asset’ has the meaning given that term in section 3502 of title 44, United States Code.

“(B) INFORMATION.—The information to be posted—

“(i) shall include any budget justification materials—

“(I) for the second fiscal year beginning after the date of enactment of this paragraph [Sept. 24, 2021], and each fiscal year thereafter; and

“(II) to the extent practicable, that were released for any fiscal year before the date of enactment of this paragraph; and

“(ii) shall not include budget justification materials the disclosure of which is prohibited by law, that are classified, or that are exempt from disclosure under section 552(b) of title 5, United States Code.

“(C) FORMAT.—Budget justification materials shall be posted under subparagraph (B)—

“(i) as an open Government data asset;

“(ii) in a manner that enables users to download individual reports, download all reports in bulk, and download in bulk the results of a search, to the extent practicable; and

“(iii) in a structured data format, to the extent practicable.

“(D) DEADLINE.—The budget justification materials required to be posted under subparagraph (B)(i) shall be posted not later than 2 weeks after the date on which the budget justification materials are first submitted to Congress.

“(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to authorize a Federal agency, or a component of a Federal agency, to destroy any budget justification materials relating to a fiscal year before the fiscal year described in subparagraph (B)(i).

#### “SEC. 4. DATA STANDARDS.

“(a) IN GENERAL.—

“(1) ESTABLISHMENT OF STANDARDS.—The Secretary and the Director, in consultation with the heads of Federal agencies, shall establish Government-wide financial data standards for any Federal funds made available to or expended by Federal agencies and entities receiving Federal funds.

“(2) DATA ELEMENTS.—The financial data standards established under paragraph (1) shall include common data elements for financial and payment information

required to be reported by Federal agencies and entities receiving Federal funds.

“(b) REQUIREMENTS.—The data standards established under subsection (a) shall, to the extent reasonable and practicable—

“(1) incorporate widely accepted common data elements, such as those developed and maintained by—

“(A) an international voluntary consensus standards body;

“(B) Federal agencies with authority over contracting and financial assistance; and

“(C) accounting standards organizations;

“(2) incorporate a widely accepted, nonproprietary, searchable, platform-independent computer-readable format;

“(3) include unique identifiers for Federal awards and entities receiving Federal awards that can be consistently applied Government-wide;

“(4) be consistent with and implement applicable accounting principles;

“(5) be capable of being continually upgraded as necessary;

“(6) produce consistent and comparable data, including across program activities; and

“(7) establish a standard method of conveying the reporting period, reporting entity, unit of measure, and other associated attributes.

“(c) DEADLINES.—

“(1) GUIDANCE.—Not later than 1 year after the date of enactment of the Digital Accountability and Transparency Act of 2014 [May 9, 2014], the Director and the Secretary shall issue guidance to Federal agencies on the data standards established under subsection (a).

“(2) AGENCIES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 2 years after the date on which the guidance under paragraph (1) is issued, each Federal agency shall report financial and payment information data in accordance with the data standards established under subsection (a).

“(B) NONINTERFERENCE WITH AUDITABILITY OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS.—

“(i) IN GENERAL.—Upon request by the Secretary of Defense, the Director may grant an extension of the deadline under subparagraph (A) to the Department of Defense for a period of not more than 6 months to report financial and payment information data in accordance with the data standards established under subsection (a).

“(ii) LIMITATION.—The Director may not grant more than 3 extensions to the Secretary of Defense under clause (i).

“(iii) NOTIFICATION.—The Director of the Office of Management and Budget shall notify the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform [now Committee on Oversight and Accountability] and the Committee on Armed Services of the House of Representatives of—

“(I) each grant of an extension under clause (i); and

“(II) the reasons for granting such an extension.

“(3) WEBSITE.—Not later than 3 years after the date on which the guidance under paragraph (1) is issued, the Director and the Secretary shall ensure that the data standards established under subsection (a) are applied to the data made available on the website established under section 2.

“(d) CONSULTATION.—The Director and the Secretary shall consult with public and private stakeholders in establishing data standards under this section.

#### “SEC. 5. SIMPLIFYING FEDERAL AWARD REPORTING.

“(a) IN GENERAL.—The Director, in consultation with relevant Federal agencies, recipients of Federal awards,

including State and local governments, and institutions of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), shall review the information required to be reported by recipients of Federal awards to identify—

“(1) common reporting elements across the Federal Government;

“(2) unnecessary duplication in financial reporting; and

“(3) unnecessarily burdensome reporting requirements for recipients of Federal awards.

“(b) PILOT PROGRAM.—

“(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Digital Accountability and Transparency Act of 2014 [May 9, 2014], the Director, or a Federal agency designated by the Director, shall establish a pilot program (in this section referred to as the ‘pilot program’) with the participation of appropriate Federal agencies to facilitate the development of recommendations for—

“(A) standardized reporting elements across the Federal Government;

“(B) the elimination of unnecessary duplication in financial reporting; and

“(C) the reduction of compliance costs for recipients of Federal awards.

“(2) REQUIREMENTS.—The pilot program shall—

“(A) include a combination of Federal contracts, grants, and subawards, the aggregate value of which is not less than \$1,000,000,000 and not more than \$2,000,000,000;

“(B) include a diverse group of recipients of Federal awards; and

“(C) to the extent practicable, include recipients who receive Federal awards from multiple programs across multiple agencies.

“(3) DATA COLLECTION.—The pilot program shall include data collected during a 12-month reporting cycle.

“(4) REPORTING AND EVALUATION REQUIREMENTS.—Each recipient of a Federal award participating in the pilot program shall submit to the Office of Management and Budget or the Federal agency designated under paragraph (1), as appropriate, any requested reports of the selected Federal awards.

“(5) TERMINATION.—The pilot program shall terminate on the date that is 2 years after the date on which the pilot program is established.

“(6) REPORT TO CONGRESS.—Not later than 90 days after the date on which the pilot program terminates under paragraph (5), the Director shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Budget of the Senate and the Committee on Oversight and Government Reform [now Committee on Oversight and Accountability] and the Committee on the Budget of the House of Representatives a report on the pilot program, which shall include—

“(A) a description of the data collected under the pilot program, the usefulness of the data provided, and the cost to collect the data from recipients; and

“(B) a discussion of any legislative action required and recommendations for—

“(i) consolidating aspects of Federal financial reporting to reduce the costs to recipients of Federal awards;

“(ii) automating aspects of Federal financial reporting to increase efficiency and reduce the costs to recipients of Federal awards;

“(iii) simplifying the reporting requirements for recipients of Federal awards; and

“(iv) improving financial transparency.

“(7) GOVERNMENT-WIDE IMPLEMENTATION.—Not later than 1 year after the date on which the Director submits the report under paragraph (6), the Director shall issue guidance to the heads of Federal agencies as to how the Government-wide financial data standards established under section 4(a) shall be applied to the information required to be reported by entities receiving Federal awards to—

“(A) reduce the burden of complying with reporting requirements; and

“(B) simplify the reporting process, including by reducing duplicative reports.

#### “SEC. 6. ACCOUNTABILITY FOR FEDERAL FUNDING.

“(a) INSPECTOR GENERAL REPORTS.—

“(1) IN GENERAL.—In accordance with paragraph (2), the Inspector General of each Federal agency, in consultation with the Comptroller General of the United States, shall—

“(A) review a statistically valid sampling of the spending data submitted under this Act by the Federal agency; and

“(B) submit to Congress and make publically available a report assessing the completeness, timeliness, quality, and accuracy of the data sampled and the implementation and use of data standards by the Federal agency.

“(2) DEADLINES.—

“(A) FIRST REPORT.—Not later than 18 months after the date on which the Director and the Secretary issue guidance to Federal agencies under section 4(c)(1), the Inspector General of each Federal agency shall submit and make publically available a report as described in paragraph (1).

“(B) SUBSEQUENT REPORTS.—On the same date as the Inspector General of each Federal agency submits the second and fourth reports under sections 3521(f) and 9105(a)(3) of title 31, United States Code, that are submitted after the report under subparagraph (A), the Inspector General shall submit and make publically available a report as described in paragraph (1). The report submitted under this subparagraph may be submitted as a part of the report submitted under section 3521(f) or 9105(a)(3) of title 31, United States Code.

“(b) COMPTROLLER GENERAL REPORTS.—

“(1) IN GENERAL.—In accordance with paragraph (2) and after a review of the reports submitted under subsection (a), the Comptroller General of the United States shall submit to Congress and make publically available a report assessing and comparing the data completeness, timeliness, quality, and accuracy of the data submitted under this Act by Federal agencies and the implementation and use of data standards by Federal agencies.

“(2) DEADLINES.—Not later than 30 months after the date on which the Director and the Secretary issue guidance to Federal agencies under section 4(c)(1), and every 2 years thereafter until the date that is 4 years after the date on which the first report is submitted under this subsection, the Comptroller General of the United States shall submit and make publically available a report as described in paragraph (1).

“(c) RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD DATA ANALYSIS CENTER.—

“(1) IN GENERAL.—The Secretary may establish a data analysis center or expand an existing service to provide data, analytic tools, and data management techniques to support—

“(A) the prevention and reduction of improper payments by Federal agencies; and

“(B) improving efficiency and transparency in Federal spending.

“(2) DATA AVAILABILITY.—The Secretary shall enter into memoranda of understanding with Federal agencies, including Inspectors General and Federal law enforcement agencies—

“(A) under which the Secretary may provide data from the data analysis center for—

“(i) the purposes set forth under paragraph (1);

“(ii) the identification, prevention, and reduction of waste, fraud, and abuse relating to Federal spending; and

“(iii) use in the conduct of criminal and other investigations; and

“(B) which may require the Federal agency, Inspector General, or Federal law enforcement agen-



cy to provide reimbursement to the Secretary for the reasonable cost of carrying out the agreement.

“(3) TRANSFER.—Upon the establishment of a data analysis center or the expansion of a service under paragraph (1), and on or before the date on which the Recovery Accountability and Transparency Board terminates, and in addition to any other transfer that the Director determines is necessary under section 1531 of title 31, United States Code, there are transferred to the Department of the Treasury all assets identified by the Secretary that support the operations and activities of the Recovery Operations Center of the Recovery Accountability and Transparency Board relating to the detection of waste, fraud, and abuse in the use of Federal funds that are in existence on the day before the transfer.

“SEC. 7. CLASSIFIED AND PROTECTED INFORMATION.

“Nothing in this Act shall require the disclosure to the public of—

“(1) information that would be exempt from disclosure under section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’); or

“(2) information protected under section 552a of title 5, United States Code (commonly known as the ‘Privacy Act of 1974’), or section 6103 of the Internal Revenue Code of 1986 [26 U.S.C. 6103].

“SEC. 8. NO PRIVATE RIGHT OF ACTION.

“Nothing in this Act shall be construed to create a private right of action for enforcement of any provision of this Act.”

FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT

Pub. L. 106–107, Nov. 20, 1999, 113 Stat. 1486, as amended by Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814, which required Federal agencies to streamline and simplify the application, administrative, and reporting procedures for Federal financial assistance programs, ceased to be effective on Nov. 20, 2007.

UNIFORM SUSPENSION, DEBARMENT OR EXCLUSION FROM PROCUREMENT OR NONPROCUREMENT ACTIVITY

Pub. L. 103–355, title II, §2455, Oct. 13, 1994, 108 Stat. 3327, as amended by Pub. L. 111–84, div. A, title VIII, §815, Oct. 28, 2009, 123 Stat. 2408; Pub. L. 115–232, div. A, title VIII, §836(g)(4), Aug. 13, 2018, 132 Stat. 1873, provided that:

“(a) REQUIREMENT FOR REGULATIONS.—Regulations shall be issued providing that provisions for 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 [set out below], shall have government-wide 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) AUTHORITY TO GRANT EXCEPTION.—The regulations issued pursuant to subsection (a) shall provide that 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.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘procurement activities’ means all acquisition programs and activities of the Federal Government, as defined in the Federal Acquisition Regulation. Such term includes subcontracts at any tier, other than subcontracts for commercially avail-

able off-the-shelf items (as defined in section 35(c) of the Office of Federal Procurement Policy Act ([former] 41 U.S.C. 431(c)) [now 41 U.S.C. 104]), except that in the case of a contract for commercial products, such term includes only first-tier subcontracts.

“(2) The term ‘nonprocurement activities’ means all programs and activities involving Federal financial and nonfinancial assistance and benefits, as covered by Executive Order No. 12549 and the Office of Management and Budget guidelines implementing that order.

“(3) The term ‘agency’ means an Executive agency as defined in section 103 of title 5, United States Code.”

TRANSFER OF PERSONNEL, PROPERTY, RECORDS, AND APPROPRIATIONS

Pub. L. 98–169, §7, Nov. 29, 1983, 97 Stat. 1115, provided that: “The Director of the Office of Management and Budget shall transfer to the Administrator of General Services such personnel, property, records, and unexpended balances of appropriations available in connection with any authorities and responsibilities so transferred, as the Director of the Office of Management and Budget determines are necessary to carry out the responsibilities transferred pursuant to this Act [enacting sections 6105 and 6106 of this title, amending sections 6101 to 6104 of this title and repealing section 6105 of this title].”

Executive Documents

EX. ORD. NO. 12549, DEBARMENT AND SUSPENSION OF PARTICIPANTS IN FEDERAL PROGRAMS

Ex. Ord. No. 12549, Feb. 18, 1986, 51 F.R. 6370, provided: By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to curb fraud, waste, and abuse in Federal programs, increase agency accountability, and ensure consistency among agency regulations concerning debarment and suspension of participants in Federal programs, it is hereby ordered that:

SECTION 1. (a) To the extent permitted by law and subject to the limitations in Section 1(c), Executive departments and agencies shall participate in a system for debarment and suspension from programs and activities involving Federal financial and nonfinancial assistance and benefits. Debarment or suspension of a participant in a program by one agency shall have government-wide effect.

(b) Activities covered by this Order include but are not limited to: grants, cooperative agreements, contracts of assistance, loans, and loan guarantees.

(c) This Order does not cover procurement programs and activities, direct Federal statutory entitlements or mandatory awards, direct awards to foreign governments or public international organizations, benefits to an individual as a personal entitlement, or Federal employment.

SEC. 2. To the extent permitted by law, Executive departments and agencies shall:

(a) Follow government-wide criteria and government-wide minimum due process procedures when they act to debar or suspend participants in affected programs.

(b) Send to the agency designated pursuant to Section 5 identifying information concerning debarred and suspended participants in affected programs, participants who have agreed to exclusion from participation, and participants declared ineligible under applicable law, including Executive Orders. This information shall be included in the list to be maintained pursuant to Section 5.

(c) Not allow a party to participate in any affected program if any Executive department or agency has debarred, suspended, or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in an affected program. An agency may grant an exception permitting a debarred, suspended, or excluded party to participate in a particular

transaction upon a written determination by the agency head or authorized designee stating the reason(s) for deviating from this Presidential policy. However, I intend that exceptions to this policy should be granted only infrequently.

SEC. 3. Executive departments and agencies shall issue regulations governing their implementation of this Order that shall be consistent with the guidelines issued under Section 6. Proposed regulations shall be submitted to the Office of Management and Budget for review within four months of the date of the guidelines issued under Section 6. The Director of the Office of Management and Budget may return for reconsideration proposed regulations that the Director believes are inconsistent with the guidelines. Final regulations shall be published within twelve months of the date of the guidelines.

SEC. 4. There is hereby constituted the Interagency Committee on Debarment and Suspension, which shall monitor implementation of this Order. The Committee shall consist of representatives of agencies designated by the Director of the Office of Management and Budget.

SEC. 5. The Director of the Office of Management and Budget shall designate a Federal agency to perform the following functions: maintain a current list of all individuals and organizations excluded from program participation under this Order, periodically distribute the list to Federal agencies, and study the feasibility of automating the list; coordinate with the lead agency responsible for government-wide debarment and suspension of contractors; chair the Interagency Committee established by Section 4; and report periodically to the Director on implementation of this Order, with the first report due within two years of the date of the Order.

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