

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.**

**H. R. 150**

To modernize Federal grant reporting, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. LANKFORD (for himself, Mr. PETERS, Ms. HASSAN, and Mr. ENZI)

Viz:

1 Strike all after the enacting clause and insert the following:  
2

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 Transparency Act of 2019” or the “GREAT Act”.  
6

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 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.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are to—

3 (1) modernize reporting by recipients of Federal  
4 grants and cooperative agreements by creating and  
5 imposing data standards for the information that  
6 those recipients are required by law to report to the  
7 Federal Government;

8 (2) implement the recommendation by the Di-  
9 rector of the Office of Management and Budget con-  
10 tained in the report submitted under section 5(b)(6)  
11 of the Federal Funding Accountability and Trans-  
12 parency Act of 2006 (31 U.S.C. 6101 note) relating  
13 to the development of a “comprehensive taxonomy of  
14 standard definitions for core data elements required  
15 for managing Federal financial assistance awards”;

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

23 (4) to strengthen oversight and management of  
24 Federal grants and cooperative agreements by agen-

1       cies by consolidating the collection and display of  
2       and access to open data that has been standardized  
3       and, where appropriate, increasing transparency to  
4       the public.

5       **SEC. 3. DEFINITIONS.**

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

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

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

14       **“CHAPTER 64—DATA STANDARDS FOR**  
15       **GRANT REPORTING**

“Sec.

“6401. Definitions.

“6402. Data standards for grant reporting.

“6403. Guidance applying data standards for grant reporting.

“6404. Agency requirements.

16       **“§ 6401. Definitions**

17       “In this chapter:

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

20               “(2) CORE DATA ELEMENTS.—The term ‘core  
21       data elements’ means data elements relating to fi-  
22       nancial management, administration, or manage-  
23       ment that—

1           “(A) are not program-specific in nature or  
2           program-specific outcome measures, as defined  
3           in section 1115(h) of this title; and

4           “(B) are required by agencies for all or the  
5           vast majority of recipients of Federal awards  
6           for purposes of reporting.

7           “(3) DIRECTOR.—The term ‘Director’ means  
8           the Director of the Office of Management and Budg-  
9           et.

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

13           “(5) FEDERAL AWARD.—The term ‘Federal  
14           award’—

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

20           “(B) includes a grant, a subgrant, a coop-  
21           erative agreement, or any other transaction;  
22           and

23           “(C) does not include a transaction or  
24           agreement—

1 “(i) that provides for conventional  
2 public information services or procurement  
3 of property or services for the direct ben-  
4 efit or use of the Government; or

5 “(ii) that provides only—

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

8 “(II) a subsidy;

9 “(III) a loan;

10 “(IV) a loan guarantee; or

11 “(V) insurance.

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

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

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

22 **“§ 6402. Data standards for grant reporting**

23 “(a) IN GENERAL.—

24 “(1) DESIGNATION OF STANDARD-SETTING  
25 AGENCY.—The Director shall designate the Execu-

1       tive department that administers the greatest num-  
2       ber of programs under which Federal awards are  
3       issued in a calendar year as the standard-setting  
4       agency.

5           “(2) ESTABLISHMENT OF STANDARDS.—Not  
6       later than 2 years after the date of enactment of  
7       this chapter, the Secretary and the Director shall es-  
8       tablish Governmentwide data standards for informa-  
9       tion 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;

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

1           “(3) may not be used by the Director or any  
2           agency to require the collection of any data not oth-  
3           erwise required under Federal law.

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

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

10           “(2) be nonproprietary;

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

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

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

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

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

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

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

5           “(4) private sector experts;

6           “(5) members of the public, including privacy  
7           experts, privacy advocates, auditors, and industry  
8           stakeholders; and

9           “(6) State and local governments.

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

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

14           “(1) the Secretary and the Director shall jointly  
15           issue guidance to all agencies directing the agencies  
16           to apply the data standards established under sec-  
17           tion 6402(a) to all applicable reporting by recipients  
18           of Federal awards; and

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

23           “(b) GUIDANCE.—The guidance issued under sub-  
24           section (a) shall—

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



1           “(A) minimize the disruption of existing  
2           reporting practices of, and not increase the re-  
3           porting burden on, agencies or recipients of  
4           Federal awards; and

5           “(B) explore opportunities to implement  
6           modern technologies in reporting relating to  
7           Federal awards;

8           “(2) allow the Director to permit exceptions for  
9           classes of Federal awards, including exceptions for  
10          Federal awards granted to Indian Tribes and Tribal  
11          organizations consistent with the Indian Self-Deter-  
12          mination and Education Assistance Act (25 U.S.C.  
13          5301 et seq.), if the Director publishes a list of  
14          those exceptions and submits the list to the Com-  
15          mittee on Homeland Security and Governmental Af-  
16          fairs of the Senate and the Committee on Oversight  
17          and Reform of the House of Representatives; and

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

20          “(c) UPDATING GUIDANCE.—

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

24                 “(2) PROCEDURES.—In updating guidance  
25                 under paragraph (1), the Director shall, to the max-

1       imum extent practicable, follow the procedures for  
 2       the development of the data standards and guidance  
 3       prescribed under this section and section 6402.

4       **“§ 6404. Agency requirements**

5       “Not later than 1 year after the date on which guid-  
 6       ance is issued or updated under subsection (b) or (c), re-  
 7       spectively, of section 6403, the head of each agency  
 8       shall—

9               “(1) ensure that all of the Federal awards that  
 10       the agency issues use data standards for all future  
 11       information collection requests; and

12               “(2) amend existing information collection re-  
 13       quests under chapter 35 of title 44 (commonly  
 14       known as the ‘Paperwork Reduction Act’) to comply  
 15       with the data standards established under section  
 16       6402 of this chapter, in accordance with the guid-  
 17       ance issued by the Director under section 6403 of  
 18       this chapter.”.

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

**“64. Data standards for grant reporting ..... 6401”.**

23       **SEC. 5. SINGLE AUDIT ACT.**

24       (a) AMENDMENTS.—

1           (1) AUDIT REQUIREMENTS.—Section 7502(h)  
2           of title 31, United States Code, is amended, in the  
3           matter preceding paragraph (1), by inserting “in an  
4           electronic form in accordance with the data stand-  
5           ards established under chapter 64 and” after “the  
6           reporting package,”.

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

10          “(d) Such guidance shall require audit-related infor-  
11          mation reported under this chapter to be reported in an  
12          electronic form in accordance with the data standards es-  
13          tablished under chapter 64.”.

14          (b) GUIDANCE.—Not later than 3 years after the  
15          date of enactment of this Act, the Director shall issue  
16          guidance requiring audit-related information reported  
17          under chapter 75 of title 31, United States Code, to be  
18          reported in an electronic form consistent with the data  
19          standards established under chapter 64 of that title, as  
20          added by section 4(a) of this Act.

21   **SEC. 6. CONSOLIDATION OF ASSISTANCE-RELATED INFOR-**  
22                           **MATION; PUBLICATION OF PUBLIC INFORMA-**  
23                           **TION AS OPEN DATA.**

24          (a) COLLECTION OF INFORMATION.—Not later than  
25          5 years after the date of enactment of this Act, the Sec-

1   retary and the Director shall, using the data standards  
2   established under chapter 64 of title 31, United States  
3   Code, as added by section 4(a) of this Act, enable the col-  
4   lection, public display, and maintenance of Federal award  
5   information as a Governmentwide data set, subject to rea-  
6   sonable restrictions established by the Director to ensure  
7   protection of personally identifiable information and other-  
8   wise sensitive information.

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

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

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

21       (a) DETERMINATION REQUIRED.—The Director and  
22   the Secretary shall determine whether to use nonpropri-  
23   etary identifiers described in section 6402(a)(3)(B) of title  
24   31, United States Code, as added by section 4(a) of this  
25   Act.

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

8 (c) PUBLICATION AND REPORT ON DETERMINA-  
9 TION.—Not later than the earlier of 1 year after the date  
10 of enactment of this Act or the date on which the Director  
11 and the Secretary establish data standards under section  
12 6402(a)(2) of title 31, United States Code, as added by  
13 section 4(a) of this Act, the Director and the Secretary  
14 shall publish and submit to the Committee on Homeland  
15 Security and Governmental Affairs of the Senate and the  
16 Committee on Oversight and Reform of the House of Rep-  
17 resentatives a report explaining the reasoning for the de-  
18 termination made under subsection (a).

19 **SEC. 8. RULE OF CONSTRUCTION.**

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

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

2 No additional funds are authorized to carry out the  
3 requirements of this Act and the amendments made by  
4 this Act. Such requirements shall be carried out using  
5 amounts otherwise authorized.