

115TH CONGRESS  
2D SESSION

# S. 3484

To modernize Federal grant reporting, and for other purposes.

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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

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## 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”.

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 to report to the Federal  
7 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

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

7 **SEC. 3. DEFINITIONS.**

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

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

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

16                   **“CHAPTER 64—DATA STANDARDS FOR**  
 17                                   **GRANT REPORTING**

“Sec.

“6401. Definitions.

“6402. Data standards for grant reporting.

“6403. Guidance applying data standards for grant reporting.

“6404. Agency requirements.

18 **“§ 6401. Definitions**

19          “In this chapter:

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

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

1           “(A) are not program-specific in nature;  
2           and

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

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

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

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

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

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

21                 “(C) does not include—

22                         “(i) conventional public information  
23                         services or procurement of property or  
24                         services for the direct benefit or use of the  
25                         Government; or

1                   “(ii) an agreement that provides  
2                   only—

3                               “(I) direct Government cash as-  
4                               sistance to an individual;

5                               “(II) a subsidy;

6                               “(III) a loan;

7                               “(IV) a loan guarantee; or

8                               “(V) insurance.

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

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

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

19   **“§ 6402. Data standards for grant reporting**

20                   “(a) IN GENERAL.—

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

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

6           “(3) DATA ELEMENTS.—The data standards  
7 established under paragraph (2) shall include, at a  
8 minimum—

9                   “(A) standard definitions for data elements  
10 required for managing Federal awards; and

11                   “(B) unique identifiers for Federal awards  
12 and recipients of Federal awards that can be  
13 consistently applied Governmentwide.

14           “(b) SCOPE.—The data standards established under  
15 subsection (a)—

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

17                   “(2) may cover any information required to be  
18 reported to any agency by recipients of Federal  
19 awards, including audit-related information reported  
20 under chapter 75 of this title.

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

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

4           “(2) be nonproprietary;

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

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

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

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

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

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

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

24           “(4) private sector experts;

1           “(5) members of the public, including privacy  
2           experts, privacy advocates, and industry stake-  
3           holders; and

4           “(6) State and local governments.

5   **“§ 6403. Guidance applying data standards for grant**  
6                           **reporting**

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

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

15          “(2) the Director shall prescribe guidance ap-  
16          plying the data standards established under section  
17          6402(a) to audit-related information reported under  
18          chapter 75 of this title.

19          “(b) GUIDANCE.—The guidance issued under this  
20          section shall—

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

22                         “(A) minimize the disruption to existing  
23                         reporting practices for agencies and for recipi-  
24                         ents of Federal grant and cooperative agree-  
25                         ment awards; and

1           “(B) explore opportunities to implement  
2           modern technologies in Federal award report-  
3           ing;

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

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

13          **“§ 6404. Agency requirements**

14          “Not later than 3 years after the date of enactment  
15          of this chapter, the head of each agency shall ensure that  
16          all of the grants and cooperative agreements of the agency  
17          use data standards for all future information collection re-  
18          quests, and amend existing information collection requests  
19          covered by chapter 35 of title 44 (commonly known as the  
20          ‘Paperwork Reduction Act’), to comply with the data  
21          standards established under section 6402 of this chapter,  
22          consistent with the guidance issued by the Secretary and  
23          the Director under section 6403 of this chapter.”.

24          (b) TECHNICAL AND CONFORMING AMENDMENT.—  
25          The table of chapters for subtitle V of title 31, United

1 States Code, is amended by inserting after the item relat-  
 2 ing to chapter 63 the following:

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

3 **SEC. 5. SINGLE AUDIT ACT.**

4 (a) AMENDMENTS.—

5 (1) AUDIT REQUIREMENTS.—Section 7502(h)  
 6 of title 31, United States Code, is amended, in the  
 7 matter preceding paragraph (1), by inserting “in an  
 8 electronic form consistent with the data standards  
 9 established under chapter 64 and” after “the report-  
 10 ing package,”.

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

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

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

1 **SEC. 6. CONSOLIDATION OF ASSISTANCE-RELATED INFOR-**  
2 **MATION; PUBLICATION OF PUBLIC INFORMA-**  
3 **TION AS OPEN DATA.**

4 (a) **COLLECTION OF INFORMATION.**—Not later than  
5 4 years after the date of enactment of this Act, the Sec-  
6 retary and the Director shall, using the data standards  
7 established under chapter 64 of title 31, United States  
8 Code, as added by section 4(a) of this Act, enable the col-  
9 lection, public display, and maintenance of Federal award  
10 information as a Governmentwide data set, subject to rea-  
11 sonable restrictions established by the Director to ensure  
12 protection of personally identifiable and otherwise sen-  
13 sitive information.

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

20 (c) **FOIA.**—Nothing in this section shall require the  
21 disclosure to the public of information that would be ex-  
22 empt from disclosure under section 552 of title 5, United  
23 States Code (commonly known as the “Freedom of Infor-  
24 mation Act”).

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

2 (a) DETERMINATION REQUIRED.—The Director and  
3 the Secretary shall determine whether to use nonpropri-  
4 etary identifiers described in section 6402(a)(3)(B) of title  
5 31, United States Code, as added by section 4(a) of this  
6 Act.

7 (b) FACTORS TO BE CONSIDERED.—In making the  
8 determination required under subsection (a), the Director  
9 and the Secretary shall consider factors such as accessi-  
10 bility and cost to recipients of Federal awards, agencies  
11 that issue Federal awards, private sector experts, and  
12 members of the public, including privacy experts and pri-  
13 vacy advocates.

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

1 **SEC. 8. RULE OF CONSTRUCTION.**

2       Nothing in this Act, or the amendments made by this  
3 Act, shall be construed to require the collection of data  
4 that is not otherwise required under any Federal law, rule,  
5 or regulation.

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

7       No additional funds are authorized to carry out the  
8 requirements of this Act and the amendments made by  
9 this Act. Such requirements shall be carried out using  
10 amounts otherwise authorized.

○