

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

(a) IN GENERAL.—

(1) DESIGNATION OF STANDARD-SETTING AGENCY.—The Director shall designate the Executive department that administers the greatest number of programs under which Federal awards are issued in a calendar year as the standard-setting agency.

(2) ESTABLISHMENT OF STANDARDS.—Not later than 2 years after the date of enactment of this chapter, the Secretary and the Director shall establish Governmentwide data standards for information reported by recipients of Federal awards.

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

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

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

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

(1) shall include core data elements;

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

(3) may not be used by the Director or any agency to require the collection of any data not otherwise required under Federal law.

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

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

(2) be nonproprietary;

(3) incorporate standards developed and maintained by voluntary consensus standards bodies;

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

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

(d) CONSULTATION.—In establishing the data standards under subsection (a), the Secretary and the Director shall consult with—

(1) the Secretary of the Treasury to ensure that the data standards established under subsection (a) incorporate the data standards established under the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note);

(2) the head of each agency that issues Federal awards;

(3) recipients of Federal awards and organizations representing recipients of Federal awards;

(4) private sector experts;

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

(6) State and local governments.

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

## REFERENCES IN TEXT

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

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

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

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

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

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

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

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

## EVALUATION OF NONPROPRIETARY IDENTIFIERS

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

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

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

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

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

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

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

(1) the Secretary and the Director shall jointly issue guidance to all agencies directing

the agencies to apply the data standards established under section 6402(a) to all applicable reporting by recipients of Federal awards; and

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

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

(1) to the extent reasonable and practicable—

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

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

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

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

(c) UPDATING GUIDANCE.—

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

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

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

REFERENCES IN TEXT

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

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

§ 6404. Agency requirements

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

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

(2) amend existing information collection requests under chapter 35 of title 44 (commonly known as the “Paperwork Reduction Act”) to comply with the data standards established

under section 6402 of this chapter, in accordance with the guidance issued by the Secretary and the Director under section 6403 of this chapter.

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

CHAPTER 65—INTERGOVERNMENTAL COOPERATION

<p>Sec. 6501. 6502. 6503. 6504. 6505. 6506. 6507. 6508.</p>	<p>Definitions. Information on grants received. Intergovernmental financing. Use of existing State or multitember agency to administer grant programs. Authority to provide specialized or technical services. Development assistance. Congressional review of grant programs. Studies and reports.</p>
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AMENDMENTS

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

§ 6501. Definitions

In this chapter—

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

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

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

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

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

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

- (i) the pattern and intensity of land use;
- (ii) providing public facilities (including transportation facilities) and other governmental services; and
- (iii) the effective development and use of human and natural resources;

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

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

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

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

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