

(B) includes a grant, a subgrant, a cooperative agreement, or any other transaction; and

(C) does not include a transaction or agreement—

(i) that provides for conventional public information services or procurement of property or services for the direct benefit or use of the Government; or

(ii) that provides only—

(I) direct Government cash assistance to an individual;

(II) a subsidy;

(III) a loan;

(IV) a loan guarantee; or

(V) insurance.

(6) SECRETARY.—The term “Secretary” means the head of the standard-setting agency.

(7) STANDARD-SETTING AGENCY.—The term “standard-setting agency” means the Executive department designated under section 6402(a)(1).

(8) STATE.—The term “State” means each State of the United States, the District of Columbia, each commonwealth, territory, or possession of the United States, and each federally recognized Indian Tribe.

(Added Pub. L. 116–103, §4(a), Dec. 30, 2019, 133 Stat. 3267.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 116–103, §1(a), Dec. 30, 2019, 133 Stat. 3266, provided that: “This Act [enacting this chapter, amending sections 7502 and 7505 of this title, and enacting provisions set out as notes under this section and sections 6402 and 7505 of this title] may be cited as the ‘Grant Reporting Efficiency and Agreements Transparency Act of 2019’ or the ‘GREAT Act.’”

RULE OF CONSTRUCTION

Pub. L. 116–103, §8, Dec. 30, 2019, 133 Stat. 3271, provided that: “Nothing in this Act [see Short Title note set out above], or the amendments made by this Act, shall be construed to require the collection of data that is not otherwise required under any Federal law, rule, or regulation.”

PURPOSES

Pub. L. 116–103, §2, Dec. 30, 2019, 133 Stat. 3266, provided that: “The purposes of this Act [see Short Title note set out above] are to—

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

“(2) implement the recommendation by the Director of the Office of Management and Budget contained in the report submitted under section 5(b)(6) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) relating to the development of a ‘comprehensive taxonomy of standard definitions for core data elements required for managing Federal financial assistance awards’;

“(3) reduce burden and compliance costs of recipients of Federal grants and cooperative agreements by enabling technology solutions, existing or yet to be developed, for use in both the public and private sectors to better manage the data that recipients already provide to the Federal Government; and

“(4) strengthen oversight and management of Federal grants and cooperative agreements by agencies

by consolidating the collection and display of and access to open data that has been standardized and, where appropriate, increasing transparency to the public.”

DEFINITIONS

Pub. L. 116–103, §3, Dec. 30, 2019, 133 Stat. 3267, provided that: “In this Act [see Short Title note set out above], the terms ‘agency’, ‘Director’, ‘Federal award’, and ‘Secretary’ have the meanings given those terms in section 6401 of title 31, United States Code, as added by section 4(a) of this Act.”

§ 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.)

Editorial Notes

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 subsecs. (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.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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.