

Suspend the Rules and Pass the Bill, S. 303, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

111TH CONGRESS
1ST SESSION

S. 303

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2009

Referred to the Committee on Oversight and Government Reform

AN ACT

To reauthorize and improve the Federal Financial Assistance
Management Improvement Act of 1999.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Federal Financial Assistance Management Improvement
4 Act of 2009”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Reauthorization.
- Sec. 3. Website relating to Federal grants.
- Sec. 4. Report on implementation.
- Sec. 5. Strategic plan.
- Sec. 6. Data standard requirements.

7 **SEC. 2. REAUTHORIZATION.**

8 Section 11 of the Federal Financial Assistance Man-
9 agement Improvement Act of 1999 (31 U.S.C. 6101 note)
10 is amended—

11 (1) in the section heading, by striking “**AND**
12 **SUNSET**”; and

13 (2) by striking “and shall cease to be effective
14 8 years after such date of enactment”.

15 **SEC. 3. WEBSITE RELATING TO FEDERAL GRANTS.**

16 Section 6 of the Federal Financial Assistance Man-
17 agement Improvement Act of 1999 (31 U.S.C. 6101 note)
18 is amended—

19 (1) by redesignating subsections (e) and (f) as
20 subsections (g) and (h), respectively;

21 (2) by inserting after subsection (d) the fol-
22 lowing new subsections:

1 “(e) WEBSITE RELATING TO FEDERAL GRANTS.—

2 “(1) IN GENERAL.—The Director shall establish
3 and maintain a public website that serves as a cen-
4 tral point of information and access for applicants
5 for Federal grants.

6 “(2) CONTENTS.—To the maximum extent pos-
7 sible, the website established under this subsection
8 shall include, at a minimum, for each Federal
9 grant—

10 “(A) the grant announcement;

11 “(B) the statement of eligibility relating to
12 the grant;

13 “(C) the application requirements for the
14 grant;

15 “(D) the purposes of the grant;

16 “(E) the Federal agency funding the
17 grant;

18 “(F) the deadlines for applying for and
19 awarding of the grant.

20 “(G) all applications received for the grant,
21 set forth in the single data standard adopted
22 under section 9(b); and

23 “(H) all reports relating to the use of the
24 grant, set forth in the single data standard
25 adopted under section 9(b).

1 “(3) USE BY APPLICANTS.—The website estab-
2 lished under this subsection shall, to the greatest ex-
3 tent practicable, allow grant applicants to—

4 “(A) use the website with any computer
5 platform;

6 “(B) search the website for all Federal
7 grants by type, purpose, funding agency, pro-
8 gram source, and other relevant criteria;

9 “(C) apply for a Federal grant using the
10 website;

11 “(D) manage, track, and report on the use
12 of Federal grants using the website; and

13 “(E) provide all required certifications and
14 assurances for a Federal grant using the
15 website.

16 “(4) USE BY THE PUBLIC.—The website estab-
17 lished under this subsection shall, to the greatest ex-
18 tent practicable, allow members of the public to—

19 “(A) view the items described in paragraph
20 (2);

21 “(B) navigate easily among and between
22 the items described in paragraph (2) and other
23 supporting materials;

24 “(C) download grant applications and re-
25 ports, in the single data standard adopted

1 under section 9, individually or as a single data
2 set; and

3 “(D) access individual grant applications
4 and reports at web addresses that are distinct,
5 permanent, unique, and searchable.

6 “(f) PUBLICATION OF INFORMATION.—Nothing in
7 this section shall be construed as requiring the publication
8 of information otherwise exempt under section 552 of title
9 5, United States Code (popularly referred to as the ‘Free-
10 dom of Information Act’).”; and

11 (3) in subsection (h), as so redesignated, by
12 striking “All actions” and inserting “Except for ac-
13 tions relating to establishing the website required
14 under subsection (e), all actions”.

15 **SEC. 4. REPORT ON IMPLEMENTATION.**

16 The Federal Financial Assistance Management Im-
17 provement Act of 1999 (31 U.S.C. 6101 note) is amended
18 by striking section 7 and inserting the following:

19 **“SEC. 7. EVALUATION OF IMPLEMENTATION.**

20 “(a) IN GENERAL.—Not later than 9 months after
21 the date of the enactment of the Federal Financial Assist-
22 ance Management Improvement Act of 2009, and every
23 2 years thereafter until the date that is 15 years after
24 the date of the enactment of the Federal Financial Assist-
25 ance Management Improvement Act of 2009, the Director

1 shall submit to Congress a report regarding the implemen-
2 tation of this Act.

3 “(b) CONTENTS.—

4 “(1) IN GENERAL.—Each report under sub-
5 section (a) shall include, for the applicable period—

6 “(A) a list of all grants for which an appli-
7 cant may submit an application using the
8 website established under section 6(e);

9 “(B) a list of all Federal agencies that pro-
10 vide Federal financial assistance to non-Federal
11 entities;

12 “(C) a list of each Federal agency that has
13 complied, in whole or in part, with the require-
14 ments of this Act;

15 “(D) for each Federal agency listed under
16 subparagraph (C), a description of the extent of
17 the compliance with this Act by the Federal
18 agency;

19 “(E) a list of all Federal agencies exempt-
20 ed under section 6(d);

21 “(F) for each Federal agency listed under
22 subparagraph (E)—

23 “(i) an explanation of why the Fed-
24 eral agency was exempted; and

1 “(ii) a certification that the basis for
2 the exemption of the Federal agency is still
3 applicable;

4 “(G) a list of all common application forms
5 that have been developed that allow non-Fed-
6 eral entities to apply, in whole or in part, for
7 multiple Federal financial assistance programs
8 (including Federal financial assistance pro-
9 grams administered by different Federal agen-
10 cies) through a single common application;

11 “(H) a list of all common forms and re-
12 quirements that have been developed that allow
13 non-Federal entities to report, in whole or in
14 part, on the use of funding from multiple Fed-
15 eral financial assistance programs (including
16 Federal financial assistance programs adminis-
17 tered by different Federal agencies);

18 “(I) a description of the efforts made by
19 the Director and Federal agencies to commu-
20 nicate and collaborate with representatives of
21 non-Federal entities during the implementation
22 of the requirements under this Act;

23 “(J) a description of the efforts made by
24 the Director to work with Federal agencies to
25 meet the goals of this Act, including a descrip-

1 tion of working groups or other structures used
2 to coordinate Federal efforts to meet the goals
3 of this Act; and

4 “(K) identification and description of all
5 systems being used to disburse Federal finan-
6 cial assistance to non-Federal entities.

7 “(2) SUBSEQUENT REPORTS.—The second re-
8 port submitted under subsection (a), and each sub-
9 sequent report submitted under subsection (a), shall
10 include—

11 “(A) a discussion of the progress made by
12 the Federal Government in meeting the goals of
13 this Act, including the amendments made by
14 the Federal Financial Assistance Management
15 Improvement Act of 2009, and in implementing
16 the strategic plan submitted under section 8,
17 including an evaluation of the progress of each
18 Federal agency that has not received an exemp-
19 tion under section 6(d) towards implementing
20 the strategic plan; and

21 “(B) a compilation of the reports sub-
22 mitted under section 8(c)(3) during the applica-
23 ble period.

24 “(c) DEFINITION OF APPLICABLE PERIOD.—In this
25 section, the term ‘applicable period’ means—

1 “(1) for the first report submitted under sub-
2 section (a), the most recent full fiscal year before
3 the date of the report; and

4 “(2) for the second report submitted under sub-
5 section (a), and each subsequent report submitted
6 under subsection (a), the period beginning on the
7 date on which the most recent report under sub-
8 section (a) was submitted and ending on the date of
9 the report.”.

10 **SEC. 5. STRATEGIC PLAN.**

11 (a) IN GENERAL.—The Federal Financial Assistance
12 Management Improvement Act of 1999 (31 U.S.C. 6101
13 note) is further amended—

14 (1) by redesignating sections 8, 9, 10, and 11
15 as sections 9, 10, 11, and 12, respectively; and

16 (2) by inserting after section 7, as amended by
17 this Act, the following new section:

18 **“SEC. 8. STRATEGIC PLAN.**

19 “(a) IN GENERAL.—Not later than 18 months after
20 the date of the enactment of the Federal Financial Assist-
21 ance Management Improvement Act of 2009, the Director
22 shall submit to Congress a strategic plan that—

23 “(1) identifies Federal financial assistance pro-
24 grams that are suitable for common applications

1 based on the common or similar purposes of the
2 Federal financial assistance;

3 “(2) identifies Federal financial assistance pro-
4 grams that are suitable for common reporting forms
5 or requirements based on the common or similar
6 purposes of the Federal financial assistance;

7 “(3) identifies common aspects of multiple Fed-
8 eral financial assistance programs that are suitable
9 for common application or reporting forms or re-
10 quirements;

11 “(4) identifies changes in law, if any, needed to
12 achieve the goals of this Act; and

13 “(5) provides plans, timelines, and cost esti-
14 mates for—

15 “(A) developing an entirely electronic, web-
16 based process for managing Federal financial
17 assistance, including the ability to—

18 “(i) apply for Federal financial assist-
19 ance;

20 “(ii) track the status of applications
21 for and payments of Federal financial as-
22 sistance;

23 “(iii) report on the use of Federal fi-
24 nancial assistance, including how such use
25 has been in furtherance of the objectives or

1 purposes of the Federal financial assist-
2 ance; and

3 “(iv) provide required certifications
4 and assurances;

5 “(B) ensuring full compliance by Federal
6 agencies with the requirements of this Act, in-
7 cluding the amendments made by the Federal
8 Financial Assistance Management Improvement
9 Act of 2009;

10 “(C) creating common applications for the
11 Federal financial assistance programs identified
12 under paragraph (1), regardless of whether the
13 Federal financial assistance programs are ad-
14 ministered by different Federal agencies;

15 “(D) establishing common financial and
16 performance reporting forms and requirements
17 for the Federal financial assistance programs
18 identified under paragraph (2), regardless of
19 whether the Federal financial assistance pro-
20 grams are administered by different Federal
21 agencies;

22 “(E) establishing common applications and
23 financial and performance reporting forms and
24 requirements for aspects of the Federal finan-
25 cial assistance programs identified under para-

1 graph (3), regardless of whether the Federal fi-
2 nancial assistance programs are administered
3 by different Federal agencies;

4 “(F) developing mechanisms to ensure
5 compatibility between Federal financial assist-
6 ance administration systems and State systems
7 to facilitate the importing and exporting of
8 data;

9 “(G) developing common certifications and
10 assurances, as appropriate, for all Federal fi-
11 nancial assistance programs that have common
12 or similar purposes, regardless of whether the
13 Federal financial assistance programs are ad-
14 ministered by different Federal agencies;

15 “(H) minimizing the number of different
16 systems used to disburse Federal financial as-
17 sistance; and

18 “(I) applying the single data standard
19 adopted under section 9 to Federal grants and
20 grant applications.

21 “(b) CONSULTATION.—In developing and imple-
22 menting the strategic plan under subsection (a), the Direc-
23 tor shall consult with representatives of non-Federal enti-
24 ties and Federal agencies that have not received an exemp-
25 tion under section 6(d).

1 “(c) FEDERAL AGENCIES.—

2 “(1) IN GENERAL.—Not later than 6 months
3 after the date on which the Director submits the
4 strategic plan under subsection (a), the head of each
5 Federal agency that has not received an exemption
6 under section 6(d) shall develop a plan that de-
7 scribes how the Federal agency will carry out the re-
8 sponsibilities of the Federal agency under the stra-
9 tegic plan, which shall include—

10 “(A) clear performance objectives and
11 timelines for action by the Federal agency in
12 furtherance of the strategic plan; and

13 “(B) the identification of measures to im-
14 prove communication and collaboration with
15 representatives of non-Federal entities on an
16 on-going basis during the implementation of
17 this Act.

18 “(2) CONSULTATION.—The head of each Fed-
19 eral agency that has not received an exemption
20 under section 6(d) shall consult with representatives
21 of non-Federal entities during the development and
22 implementation of the plan of the Federal agency
23 developed under paragraph (1).

24 “(3) REPORTING.—Not later than 2 years after
25 the date on which the head of a Federal agency that

1 has not received an exemption under section 6(d) de-
2 velops the plan under paragraph (1), and every 2
3 years thereafter until the date that is 15 years after
4 the date of the enactment of the Federal Financial
5 Assistance Management Improvement Act of 2009,
6 the head of the Federal agency shall submit to the
7 Director a report regarding the progress of the Fed-
8 eral agency in achieving the objectives of the plan of
9 the Federal agency developed under paragraph (1).”.

10 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
11 Section 5(d) of the Federal Financial Assistance Manage-
12 ment Improvement Act of 1999 (31 U.S.C. 6101 note)
13 is amended by inserting “, until the date on which the
14 Federal agency submits the first report by the Federal
15 agency required under section 8(c)(3)” after “subsection
16 (a)(7)”.

17 **SEC. 6. DATA STANDARD REQUIREMENTS.**

18 (a) **DATA STANDARD REQUIREMENTS.**—The Federal
19 Financial Assistance Management Improvement Act of
20 1999 (31 U.S.C. 6101 note) is further amended—

21 (1) by redesignating sections 9, 10, 11, and 12
22 as sections 10, 11, 12, and 13, respectively; and

23 (2) by inserting after section 8, as added by
24 this Act, the following new section:

1 **“SEC. 9. DATA STANDARD REQUIREMENTS.**

2 “(a) DATA STANDARD REQUIREMENTS.—

3 “(1) REQUIREMENT.—The Director of the Of-
4 fice of Management and Budget shall adopt a single
5 data standard for the collection, analysis, and dis-
6 semination of business and financial information for
7 use by private sector entities in accordance with sub-
8 section (b) for information required to be reported
9 to the Federal Government, and a single data stand-
10 ard for use by agencies within the Federal Govern-
11 ment in accordance with subsection (c) for Federal
12 financial information.

13 “(2) CHARACTERISTICS OF DATA STAND-
14 ARDS.—The single data standards required by para-
15 graph (1) shall—

16 “(A) be common across all agencies, to the
17 maximum extent practicable;

18 “(B) be a widely accepted, non-proprietary,
19 searchable, computer-readable format for busi-
20 ness and financial data;

21 “(C) be consistent with and implement—

22 “(i) United States generally accepted
23 accounting principles or Federal financial
24 accounting standards (as appropriate);

25 “(ii) industry best practices; and

26 “(iii) Federal regulatory requirements;

1 “(D) improve the transparency, consist-
2 ency, and usability of business and financial in-
3 formation; and

4 “(E) be capable of being continually up-
5 graded to be of maximum use as technologies
6 and content evolve over time.

7 “(b) IMPLEMENTATION OF SINGLE DATA STANDARD
8 FOR PRIVATE SECTOR.—

9 “(1) OMB GUIDANCE.—Not later than 180
10 days after the date of the enactment of the Federal
11 Financial Assistance Management Improvement Act
12 of 2009, the Director of the Office of Management
13 and Budget shall issue guidance to agencies on the
14 use and implementation of the single data standard
15 required by subsection (a) for information required
16 to be reported to agencies by the private sector.

17 “(2) AGENCY REQUIREMENTS.—

18 “(A) REQUIREMENT.—To the maximum
19 extent practicable and consistent with the guid-
20 ance provided by the Office of Management and
21 Budget under paragraph (1), the head of each
22 agency shall require the use of the single data
23 standard required by subsection (a) for business
24 and financial information reported to the agen-
25 cy by private sector companies.

1 “(B) IMPLEMENTATION.—The head of the
2 agency shall begin implementing the require-
3 ment of subparagraph (A) within one year after
4 the date of the enactment of the Federal Finan-
5 cial Assistance Management Improvement Act
6 of 2009.

7 “(c) IMPLEMENTATION OF SINGLE DATA STANDARD
8 FOR FEDERAL GOVERNMENT.—

9 “(1) OMB DEVELOPMENT.—Not later than 1
10 year after the date of the enactment of the Federal
11 Financial Assistance Management Improvement Act
12 of 2009, the Director of the Office of Management
13 and Budget shall develop the single data standard
14 required by subsection (a) for use by agencies within
15 the Federal Government for Federal financial infor-
16 mation.

17 “(2) OMB GUIDANCE.—Not later than 18
18 months after the date of the enactment of the Fed-
19 eral Financial Assistance Management Improvement
20 Act of 2009, the Director shall issue guidance to
21 agencies on the use and implementation of the single
22 data standard developed under paragraph (1).

23 “(d) PUBLIC ACCESS TO DATA.—The head of each
24 agency shall ensure that information collected using the
25 single data standards required under this section is acces-

1 sible to the general public in that format to the extent
2 permitted by law.

3 “(e) REPORT.—Within one year after the date of the
4 enactment of the Federal Financial Assistance Manage-
5 ment Improvement Act of 2009, the Director of the Office
6 of Management and Budget shall submit to the Committee
7 on Oversight and Government Reform of the House of
8 Representatives and the Committee on Homeland Security
9 and Governmental Affairs of the Senate a report on the
10 status of the implementation of this section.

11 “(f) DEFINITIONS.—In this section:

12 “(1) AGENCY.—The term ‘agency’ means any
13 executive department, military department, Govern-
14 ment corporation, Government controlled corpora-
15 tion, independent establishment, or other establish-
16 ment in the executive branch of the Government (in-
17 cluding the Executive Office of the President), or
18 any independent regulatory agency, but does not in-
19 clude—

20 “(A) the Government Accountability Of-
21 fice;

22 “(B) the Federal Election Commission;

23 “(C) the governments of the District of
24 Columbia and of the territories and possessions

1 of the United States, and their various subdivi-
2 sions; or

3 “(D) Government-owned contractor-oper-
4 ated facilities, including laboratories engaged in
5 national defense research and production activi-
6 ties.

7 “(2) EXECUTIVE DEPARTMENT, MILITARY DE-
8 PARTMENT, GOVERNMENT CORPORATION, GOVERN-
9 MENT CONTROLLED CORPORATION, INDEPENDENT
10 ESTABLISHMENT.—The terms ‘Executive depart-
11 ment’, ‘military department’, ‘Government corpora-
12 tion’, ‘Government controlled corporation’, and ‘inde-
13 pendent establishment’ have the meanings given
14 those terms by chapter 1 of title 5, United States
15 Code.

16 “(3) INDEPENDENT REGULATORY AGENCY.—
17 The term ‘independent regulatory agency’ has the
18 meaning given that term by section 3502(5) of title
19 44, United States Code.”.

20 (b) REQUIREMENT FOR USE OF SINGLE DATA
21 STANDARD BY FEDERAL AGENCIES.—Section 5 of the
22 Federal Financial Assistance Management Improvement
23 Act of 1999 (31 U.S.C. 6101 note) is amended by adding
24 at the end the following new subsection:

1 “(e) SINGLE DATA STANDARD REQUIREMENT.—To
2 the maximum extent practicable and consistent with the
3 guidance provided by the Director under section 9, each
4 Federal agency shall require the use of the single data
5 standard adopted under section 9(b) for—

6 “(1) all applications for Federal financial as-
7 sistance; and

8 “(2) all reports on the use of Federal financial
9 assistance that the agency requires non-Federal enti-
10 ties to submit.”.