

chapters for subtitle VI of this title be amended by inserting a new item for chapter 77 “Access to information for debt collection” before the item for chapter 91, was executed to the table of chapters for subtitle V of this title by substituting “Access to information for debt collection” for “Loan Requirements” in item for chapter 77, to reflect the probable intent of Congress.

1994—Pub. L. 103-322, title III, §31002, Sept. 13, 1994, 108 Stat. 1882, added item for chapter 67.

Pub. L. 103-272, §4(f)(1)(Y)(ii), July 5, 1994, 108 Stat. 1363, added item for chapter 77.

1986—Pub. L. 99-547, §2(c), Oct. 27, 1986, 100 Stat. 3060, added item for chapter 62.

Pub. L. 99-272, title XIV, §14001(b)(1), Apr. 7, 1986, 100 Stat. 328, struck out item for chapter 67 “Revenue Sharing”.

1984—Pub. L. 98-502, §2(c), Oct. 19, 1984, 98 Stat. 2334, added item for chapter 75.

CHAPTER 61—PROGRAM INFORMATION

Sec.	
6101.	Definitions.
6102.	Program information requirements.
6102a.	Assistance awards information system.
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6106.	Authorization of appropriations.

AMENDMENTS

1983—Pub. L. 98-169, §6, Nov. 29, 1983, 97 Stat. 1115, added items 6105 and 6106, and struck out item 6105 “Authorization of appropriations”.

Pub. L. 97-452, §1(23)(B), Jan. 12, 1983, 96 Stat. 2478, added item 6102a.

§ 6101. Definitions

In this chapter—

(1) “administering office” means the lowest unit of an agency responsible for managing a domestic assistance program.

(2) “agency” has the same meaning given that term in section 551(1) of title 5.

(3) “assistance”—

(A) means the transfer of anything of value for a public purpose of support or stimulation authorized by a law of the United States, including—

- (i) financial assistance;
- (ii) United States Government facilities, services, and property; and
- (iii) expert and technical information; and

(B) does not include conventional public information services or procurement of property or services for the direct benefit or use of the Government.

(4) “domestic assistance program”—

(A) means assistance from an agency for—

- (i) a State;
- (ii) the District of Columbia;
- (iii) a territory or possession of the United States;
- (iv) a county;
- (v) a city;
- (vi) a political subdivision or instrumentality of a governmental authority listed in subclauses (i)–(v) of this clause (A);
- (vii) a domestic corporation;
- (viii) a domestic institution; and
- (ix) an individual of the United States; and

(B) does not include assistance from an agency for an agency.

(5) “Director” means the Director of the Office of Management and Budget.

(6) “Administrator” means the Administrator of General Services.

(7) “formula” means any prescribed method employing objective data or statistical estimates for making individual determinations among recipients of Federal funds, either in terms of eligibility or actual funding allocations, that can be written in the form of either—

(A) a closed mathematical statement; or

(B) an iterative procedure or algorithm which can be written as a computer program;

and from which the results can be objectively replicated, within reasonable limits due to rounding error, through independent application of such statement, procedures, or algorithm, by different qualified individuals.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1000; Pub. L. 98-169, §§1(1), 3(a), Nov. 29, 1983, 97 Stat. 1113; Pub. L. 99-547, §2(b)(2), Oct. 27, 1986, 100 Stat. 3060; Pub. L. 103-272, §4(f)(1)(S), July 5, 1994, 108 Stat. 1362; Pub. L. 104-287, §6(a)(1), Oct. 11, 1996, 110 Stat. 3398.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6101(1)	31:1701(4).	Dec. 28, 1977, Pub. L. 95-220, §2, 91 Stat. 1615.
6101(2)	31:1701(2).	
6101(3)	31:1701(1).	
6101(4)	31:1701(3).	

In the section, the word “Federal” is omitted as unnecessary.

In clause (1), the word “unit” is substituted for “subdivision” for consistency in the revised title. The words “direct operational” are omitted as unnecessary.

In clause (3)(A), the words “money, property, services, or” are omitted as being included in “anything of value”. The word “for” is substituted for “the principal purpose of which is to accomplish” to eliminate unnecessary words. In subclause (i), the words “grants, loans, loan guarantees, scholarships, mortgage loans, insurance or other types of” are omitted as being included in “financial assistance”. In subclause (ii), the word “goods” is omitted as being included in “property”. The words “and service activities of regulatory agencies” are omitted as being included in “services”. In subclause (iii), the words “expert and technical information” are substituted for “technical assistance, and counseling, statistical and other expert information” to eliminate unnecessary words.

In clause (3)(B), the words “or procurement of property or services for the direct benefit or use of the Government” are added for consistency in subtitle V of the revised title.

In clause (4)(A), the words “or benefits” are omitted as being included in “assistance”. Subclause (ii) is included for consistency in the revised title because the District of Columbia is stated when a provision is meant to apply to the District. In subclause (vi), the word “grouping” is omitted as being included in “political subdivision or instrumentality”. In subclauses (vii)–(ix), the words “profit or nonprofit” are omitted as surplus. In subclause (ix), the words “individual of the United States” are substituted for “domestic . . . individual” for clarity.

AMENDMENTS

1996—Par. (4)(B). Pub. L. 104-287 made technical amendment to directory language of Pub. L. 103-272. See 1994 Amendment note below.

1994—Par. (4)(B). Pub. L. 103-272, as amended by Pub. L. 104-287, substituted “agency.” for “agency” at end.

1986—Par. (4)(B). Pub. L. 99-547 substituted “assistance from an agency for an agency” for “a department, agency, or instrumentality of the Government.”

1983—Pars. (5), (6). Pub. L. 98-169, §1(1), added pars. (5) and (6).

Par. (7). Pub. L. 98-169, §3(a), added par. (7).

EFFECTIVE DATE OF 1996 AMENDMENT

Section 6(a) of Pub. L. 104-287 provided that the amendment made by that section is effective July 5, 1994.

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-252, title VI, §6201, June 30, 2008, 122 Stat. 2387, provided that: “This chapter [chapter 2 (§§ 6201, 6202) of title VI of Pub. L. 110-252, enacting and amending provisions set out as notes under this section] may be cited as the ‘Government Funding Transparency Act of 2008’.”

ROLE OF INTERAGENCY COMMITTEE ON DEBARMENT AND SUSPENSION

Pub. L. 110-417, [div. A], title VIII, §873, Oct. 14, 2008, 122 Stat. 4557, as amended by Pub. L. 111-383, div. A, title X, §1075(e)(16), Jan. 7, 2011, 124 Stat. 4375, provided that:

“(a) REQUIREMENT.—The Interagency Committee on Debarment and Suspension shall—

“(1) resolve issues regarding which of several Federal agencies is the lead agency having responsibility to initiate suspension or debarment proceedings;

“(2) coordinate actions among interested agencies with respect to such action;

“(3) encourage and assist Federal agencies in entering into cooperative efforts to pool resources and achieve operational efficiencies in the Governmentwide suspension and debarment system;

“(4) recommend to the Office of Management and Budget changes to the Government suspension and debarment system and its rules, if such recommendations are approved by a majority of the Interagency Committee;

“(5) authorize the Office of Management and Budget to issue guidelines that implement those recommendations;

“(6) authorize the chair of the Committee to establish subcommittees as appropriate to best enable the Interagency Committee to carry out its functions; and

“(7) submit to Congress an annual report on—

“(A) the progress and efforts to improve the suspension and debarment system;

“(B) member agencies’ active participation in the committee’s work; and

“(C) a summary of each agency’s activities and accomplishments in the Governmentwide debarment system.

“(b) DEFINITION.—The term ‘Interagency Committee on Debarment and Suspension’ means such committee constituted under sections 4 and 5 and [sic] of Executive Order No. 12549 [set out below].”

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY

Pub. L. 110-252, title VI, §6202(b), June 30, 2008, 122 Stat. 2387, provided that: “The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter [amending Pub. L. 109-282, set out below]. Such regulations shall include a definition of ‘total compensation’ that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).”

Pub. L. 109-282, Sept. 26, 2006, 120 Stat. 1186, as amended by Pub. L. 110-252, title VI, §6202(a), June 30, 2008, 122 Stat. 2387, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Federal Funding Accountability and Transparency Act of 2006’.

“SEC. 2. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

“(a) DEFINITIONS.—In this section:

“(1) ENTITY.—The term ‘entity’—

“(A) includes, whether for profit or nonprofit—

“(i) a corporation;

“(ii) an association;

“(iii) a partnership;

“(iv) a limited liability company;

“(v) a limited liability partnership;

“(vi) a sole proprietorship;

“(vii) any other legal business entity;

“(viii) any other grantee or contractor that is not excluded by subparagraph (B) or (C); and

“(ix) any State or locality;

“(B) on and after January 1, 2009, includes any subcontractor or subgrantee; and

“(C) does not include—

“(i) an individual recipient of Federal assistance; or

“(ii) a Federal employee.

“(2) FEDERAL AWARD.—The term ‘Federal award’—

“(A) means Federal financial assistance and expenditures that—

“(i) include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

“(ii) include contracts, subcontracts, purchase orders, task orders, and delivery orders;

“(B) does not include individual transactions below \$25,000; and

“(C) before October 1, 2008, does not include credit card transactions.

“(3) SEARCHABLE WEBSITE.—The term ‘searchable website’ means a website that allows the public to—

“(A) search and aggregate Federal funding by any element required by subsection (b)(1);

“(B) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(i), by fiscal year;

“(C) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(ii), by fiscal year; and

“(D) download data included in subparagraph (A) included in the outcome from searches.

“(b) IN GENERAL.—

“(1) WEBSITE.—Not later than January 1, 2008, the Office of Management and Budget shall, in accordance with this section, section 204 of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note), and the Office of Federal Procurement Policy Act ([former] 41 U.S.C. 403 [401] et seq.) [now division B (except sections 1123, 2303, 2304, and 2313) of subtitle I of title 41], ensure the existence and operation of a single searchable website, accessible by the public at no cost to access, that includes for each Federal award—

“(A) the name of the entity receiving the award;

“(B) the amount of the award;

“(C) information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action;

“(D) the location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country;

“(E) a unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity;

“(F) the names and total compensation of the five most highly compensated officers of the entity if—
“(i) the entity in the preceding fiscal year received—

“(I) 80 percent or more of its annual gross revenues in Federal awards; and

“(II) \$25,000,000 or more in annual gross revenues from Federal awards; and

“(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. [; and]

“(G) any other relevant information specified by the Office of Management and Budget.

“(2) SCOPE OF DATA.—The website shall include data for fiscal year 2007, and each fiscal year thereafter.

“(3) DESIGNATION OF AGENCIES.—The Director of the Office of Management and Budget is authorized to designate one or more Federal agencies to participate in the development, establishment, operation, and support of the single website. In the initial designation, or in subsequent instructions and guidance, the Director may specify the scope of the responsibilities of each such agency.

“(4) AGENCY RESPONSIBILITIES.—Federal agencies shall comply with the instructions and guidance issued by the Director of the Office of Management and Budget under paragraph (3), and shall provide appropriate assistance to the Director upon request, so as to assist the Director in ensuring the existence and operation of the single website.

“(c) WEBSITE.—The website established under this section—

“(1) may use as the source of its data the Federal Procurement Data System, Federal Assistance Award Data System, and Grants.gov, if all of these data sources are searchable through the website and can be accessed in a search on the website required by this Act, provided that the user may—

“(A) specify such search shall be confined to Federal contracts and subcontracts;

“(B) specify such search shall be confined to include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

“(2) shall not be considered in compliance if it hyperlinks to the Federal Procurement Data System website, Federal Assistance Award Data System website, Grants.gov website, or other existing websites, so that the information elements required by subsection (b)(1) cannot be searched electronically by field in a single search;

“(3) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements;

“(4) shall be updated not later than 30 days after the award of any Federal award requiring a posting; and

“(5) shall provide for separate searches for Federal awards described in subsection (a) to distinguish between the Federal awards described in subsection (a)(2)(A)(i) and those described in subsection (a)(2)(A)(ii).

“(d) SUBAWARD DATA.—

“(1) PILOT PROGRAM.—

“(A) IN GENERAL.—Not later than July 1, 2007, the Director of the Office of Management and Budget shall commence a pilot program to—

“(i) test the collection and accession of data about subgrants and subcontracts; and

“(ii) determine how to implement a subaward reporting program across the Federal Government, including—

“(I) a reporting system under which the entity issuing a subgrant or subcontract is responsible for fulfilling the subaward reporting requirement; and

“(II) a mechanism for collecting and incorporating agency and public feedback on the design and utility of the website.

“(B) TERMINATION.—The pilot program under subparagraph (A) shall terminate not later than January 1, 2009.

“(2) REPORTING OF SUBAWARDS.—

“(A) IN GENERAL.—Based on the pilot program conducted under paragraph (1), and, except as provided in subparagraph (B), not later than January 1, 2009, the Director of the Office of Management and Budget—

“(i) shall ensure that data regarding subawards are disclosed in the same manner as data regarding other Federal awards, as required by this Act; and

“(ii) shall ensure that the method for collecting and distributing data about subawards under clause (i)—

“(I) minimizes burdens imposed on Federal award recipients and subaward recipients;

“(II) allows Federal award recipients and subaward recipients to allocate reasonable costs for the collection and reporting of subaward data as indirect costs; and

“(III) establishes cost-effective requirements for collecting subaward data under block grants, formula grants, and other types of assistance to State and local governments.

“(B) EXTENSION OF DEADLINE.—For subaward recipients that receive Federal funds through State, local, or tribal governments, the Director of the Office of Management and Budget may extend the deadline for ensuring that data regarding such subawards are disclosed in the same manner as data regarding other Federal awards for a period not to exceed 18 months, if the Director determines that compliance would impose an undue burden on the subaward recipient.

“(e) EXCEPTION.—Any entity that demonstrates to the Director of the Office of Management and Budget that the gross income, from all sources, for such entity did not exceed \$300,000 in the previous tax year of such entity shall be exempt from the requirement to report subawards under subsection (d), until the Director determines that the imposition of such reporting requirements will not cause an undue burden on such entities.

“(f) CONSTRUCTION.—Nothing in this Act shall prohibit the Office of Management and Budget from including through the website established under this section access to data that is publicly available in any other Federal database.

“(g) REPORT.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform [now Committee on Oversight and Government Reform] of the House of Representatives an annual report regarding the implementation of the website established under this section.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

“(A) data regarding the usage and public feedback on the utility of the site (including recommendations for improving data quality and collection);

“(B) an assessment of the reporting burden placed on Federal award and subaward recipients; and

“(C) an explanation of any extension of the subaward reporting deadline under subsection (d)(2)(B), if applicable.

“(3) PUBLICATION.—The Director of the Office of Management and Budget shall make each report submitted under paragraph (1) publicly available on the website established under this section.

“SEC. 3. CLASSIFIED INFORMATION.

“Nothing in this Act shall require the disclosure of classified information.

“SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORTING REQUIREMENT.

“Not later than January 1, 2010, the Comptroller General shall submit to Congress a report on compliance with this Act.”

FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT

Pub. L. 106-107, Nov. 20, 1999, 113 Stat. 1486, as amended by Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Federal Financial Assistance Management Improvement Act of 1999’.

“SEC. 2. FINDINGS.

“Congress finds that—

“(1) there are over 600 different Federal financial assistance programs to implement domestic policy;

“(2) while the assistance described in paragraph (1) has been directed at critical problems, some Federal administrative requirements may be duplicative, burdensome or conflicting, thus impeding cost-effective delivery of services at the local level;

“(3) the Nation’s State, local, and tribal governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery and coordination of many kinds of services; and

“(4) streamlining and simplification of Federal financial assistance administrative procedures and reporting requirements will improve the delivery of services to the public.

“SEC. 3. PURPOSES.

“The purposes of this Act are to—

“(1) improve the effectiveness and performance of Federal financial assistance programs;

“(2) simplify Federal financial assistance application and reporting requirements;

“(3) improve the delivery of services to the public; and

“(4) facilitate greater coordination among those responsible for delivering such services.

“SEC. 4. DEFINITIONS.

“In this Act:

“(1) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(2) FEDERAL AGENCY.—The term ‘Federal agency’ means any agency as defined under section 551(1) of title 5, United States Code.

“(3) FEDERAL FINANCIAL ASSISTANCE.—The term ‘Federal financial assistance’ has the same meaning as defined in section 7501(a)(5) of title 31, United States Code, under which Federal financial assistance is provided, directly or indirectly, to a non-Federal entity.

“(4) LOCAL GOVERNMENT.—The term ‘local government’ means a political subdivision of a State that is a unit of general local government (as defined under section 7501(a)(11) of title 31, United States Code).

“(5) NON-FEDERAL ENTITY.—The term ‘non-Federal entity’ means a State, local government, or nonprofit organization.

“(6) NONPROFIT ORGANIZATION.—The term ‘nonprofit organization’ means any corporation, trust, association, cooperative, or other organization that—

“(A) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

“(B) is not organized primarily for profit; and

“(C) uses net proceeds to maintain, improve, or expand the operations of the organization.

“(7) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, and any instrumentality thereof, any

multi-State, regional, or interstate entity which has governmental functions, and any Indian Tribal Government.

“(8) TRIBAL GOVERNMENT.—The term ‘tribal government’ means an Indian tribe, as that term is defined in section 7501(a)(9) of title 31, United States Code.

“(9) UNIFORM ADMINISTRATIVE RULE.—The term ‘uniform administrative rule’ means a Governmentwide uniform rule for any generally applicable requirement established to achieve national policy objectives that applies to multiple Federal financial assistance programs across Federal agencies.

“SEC. 5. DUTIES OF FEDERAL AGENCIES.

“(a) IN GENERAL.—Except as provided under subsection (b), not later than 18 months after the date of the enactment of this Act [Nov. 20, 1999], each Federal agency shall develop and implement a plan that—

“(1) streamlines and simplifies the application, administrative, and reporting procedures for Federal financial assistance programs administered by the agency;

“(2) demonstrates active participation in the inter-agency process under section 6(a)(2);

“(3) demonstrates appropriate agency use, or plans for use, of the common application and reporting system developed under section 6(a)(1);

“(4) designates a lead agency official for carrying out the responsibilities of the agency under this Act;

“(5) allows applicants to electronically apply for, and report on the use of, funds from the Federal financial assistance program administered by the agency;

“(6) ensures recipients of Federal financial assistance provide timely, complete, and high quality information in response to Federal reporting requirements; and

“(7) in cooperation with recipients of Federal financial assistance, establishes specific annual goals and objectives to further the purposes of this Act and measure annual performance in achieving those goals and objectives, which may be done as part of the agency’s annual planning responsibilities under the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285) [see Short Title of 1993 Amendment note set out under section 1101 of this title].

“(b) EXTENSION.—If a Federal agency is unable to comply with subsection (a), the Director may extend for up to 12 months the period for the agency to develop and implement a plan in accordance with subsection (a).

“(c) COMMENT AND CONSULTATION ON AGENCY PLANS.—

“(1) COMMENT.—Each agency shall publish the plan developed under subsection (a) in the Federal Register and shall receive public comment of the plan through the Federal Register and other means (including electronic means). To the maximum extent practicable, each Federal agency shall hold public forums on the plan.

“(2) CONSULTATION.—The lead official designated under subsection (a)(4) shall consult with representatives of non-Federal entities during development and implementation of the plan. Consultation with representatives of State, local, and tribal governments shall be in accordance with section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534).

“(d) SUBMISSION OF PLAN.—Each Federal agency shall submit the plan developed under subsection (a) to the Director and Congress and report annually thereafter on the implementation of the plan and performance of the agency in meeting the goals and objectives specified under subsection (a)(7). Such report may be included as part of any of the general management reports required under law.

“SEC. 6. DUTIES OF THE DIRECTOR.

“(a) IN GENERAL.—The Director, in consultation with agency heads and representatives of non-Federal entities, shall direct, coordinate, and assist Federal agencies in establishing—

“(1) a common application and reporting system, including—

“(A) a common application or set of common applications, wherein a non-Federal entity can apply for Federal financial assistance from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies;

“(B) a common system, including electronic processes, wherein a non-Federal entity can apply for, manage, and report on the use of funding from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies; and

“(C) uniform administrative rules for Federal financial assistance programs across different Federal agencies; and

“(2) an interagency process for addressing—

“(A) ways to streamline and simplify Federal financial assistance administrative procedures and reporting requirements for non-Federal entities;

“(B) improved interagency and intergovernmental coordination of information collection and sharing of data pertaining to Federal financial assistance programs, including appropriate information sharing consistent with section 552a of title 5, United States Code; and

“(C) improvements in the timeliness, completeness, and quality of information received by Federal agencies from recipients of Federal financial assistance.

“(b) **LEAD AGENCY AND WORKING GROUPS.**—The Director may designate a lead agency to assist the Director in carrying out the responsibilities under this section. The Director may use interagency working groups to assist in carrying out such responsibilities.

“(c) **REVIEW OF PLANS AND REPORTS.**—Upon the request of the Director, agencies shall submit to the Director, for the Director’s review, information and other reporting regarding agency implementation of this Act.

“(d) **EXEMPTIONS.**—The Director may exempt any Federal agency or Federal financial assistance program from the requirements of this Act if the Director determines that the Federal agency does not have a significant number of Federal financial assistance programs. The Director shall maintain a list of exempted agencies which shall be available to the public through the Office of Management and Budget’s Internet site.

“(e) **REPORT ON RECOMMENDED CHANGES IN LAW.**—Not later than 18 months after the date of the enactment of this Act [Nov. 20, 1999], the Director shall submit to Congress a report containing recommendations for changes in law to improve the effectiveness, performance, and coordination of Federal financial assistance programs.

“(f) **DEADLINE.**—All actions required under this section shall be carried out not later than 18 months after the date of the enactment of this Act [Nov. 20, 1999].

“SEC. 7. EVALUATION.

“(a) **IN GENERAL.**—The Government Accountability Office shall evaluate the effectiveness of this Act. Not later than 6 years after the date of the enactment of this Act [Nov. 20, 1999], the evaluation shall be submitted to the lead agency, the Director, and Congress. The evaluation shall be performed with input from State, local, and tribal governments, and nonprofit organizations.

“(b) **CONTENTS.**—The evaluation under subsection (a) shall—

“(1) assess the effectiveness of this Act in meeting the purposes of this Act and make specific recommendations to further the implementation of this Act;

“(2) evaluate actual performance of each agency in achieving the goals and objectives stated in agency plans; and

“(3) assess the level of coordination among the Director, Federal agencies, State, local, and tribal governments, and nonprofit organizations in implementing this Act.

“SEC. 8. COLLECTION OF INFORMATION.

“Nothing in this Act shall be construed to prevent the Director or any Federal agency from gathering, or to exempt any recipient of Federal financial assistance from providing, information that is required for review of the financial integrity or quality of services of an activity assisted by a Federal financial assistance program.

“SEC. 9. JUDICIAL REVIEW.

“There shall be no judicial review of compliance or noncompliance with any of the provisions of this Act. No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

“SEC. 10. STATUTORY REQUIREMENTS.

“Nothing in this Act shall be construed as a means to deviate from the statutory requirements relating to applicable Federal financial assistance programs.

“SEC. 11. EFFECTIVE DATE AND SUNSET.

“This Act shall take effect on the date of the enactment of this Act [Nov. 20, 1999] and shall cease to be effective 8 years after such date of enactment.”

UNIFORM SUSPENSION, DEBARMENT OR EXCLUSION FROM PROCUREMENT OR NONPROCUREMENT ACTIVITY

Pub. L. 103-355, title II, §2455, Oct. 13, 1994, 108 Stat. 3327, as amended by Pub. L. 111-84, div. A, title VIII, §815, Oct. 28, 2009, 123 Stat. 2408, provided that:

“(a) **REQUIREMENT FOR REGULATIONS.**—Regulations shall be issued providing that provisions for the debarment, suspension, or other exclusion of a participant in a procurement activity under the Federal Acquisition Regulation, or in a nonprocurement activity under regulations issued pursuant to Executive Order No. 12549 [set out below], shall have government-wide effect. No agency shall allow a party to participate in any procurement or nonprocurement activity if any agency has debarred, suspended, or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in a procurement or nonprocurement activity.

“(b) **AUTHORITY TO GRANT EXCEPTION.**—The regulations issued pursuant to subsection (a) shall provide that an agency may grant an exception permitting a debarred, suspended, or otherwise excluded party to participate in procurement activities of that agency to the extent exceptions are authorized under the Federal Acquisition Regulation, or to participate in nonprocurement activities of that agency to the extent exceptions are authorized under regulations issued pursuant to Executive Order No. 12549.

“(c) **DEFINITIONS.**—In this section:

“(1) The term ‘procurement activities’ means all acquisition programs and activities of the Federal Government, as defined in the Federal Acquisition Regulation. Such term includes subcontracts at any tier, other than subcontracts for commercially available off-the-shelf items (as defined in section 35(c) of the Office of Federal Procurement Policy Act ([former] 41 U.S.C. 431(c)) [now 41 U.S.C. 104]), except that in the case of a contract for commercial items, such term includes only first-tier subcontracts.

“(2) The term ‘nonprocurement activities’ means all programs and activities involving Federal financial and nonfinancial assistance and benefits, as covered by Executive Order No. 12549 and the Office of Management and Budget guidelines implementing that order.

“(3) The term ‘agency’ means an Executive agency as defined in section 103 of title 5, United States Code.”

TRANSFER OF PERSONNEL, PROPERTY, RECORDS, AND APPROPRIATIONS

Section 7 of Pub. L. 98-169 provided that: “The Director of the Office of Management and Budget shall transfer to the Administrator of General Services such

personnel, property, records, and unexpended balances of appropriations available in connection with any authorities and responsibilities so transferred, as the Director of the Office of Management and Budget determines are necessary to carry out the responsibilities transferred pursuant to this Act [enacting sections 6105 and 6106 of this title, amending sections 6101 to 6104 of this title and repealing section 6105 of this title]."

EX. ORD. NO. 12549. DEBARMENT AND SUSPENSION OF PARTICIPANTS IN FEDERAL PROGRAMS

Ex. Ord. No. 12549, Feb. 18, 1986, 51 F.R. 6370, provided: By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to curb fraud, waste, and abuse in Federal programs, increase agency accountability, and ensure consistency among agency regulations concerning debarment and suspension of participants in Federal programs, it is hereby ordered that:

SECTION 1. (a) To the extent permitted by law and subject to the limitations in Section 1(c), Executive departments and agencies shall participate in a system for debarment and suspension from programs and activities involving Federal financial and nonfinancial assistance and benefits. Debarment or suspension of a participant in a program by one agency shall have government-wide effect.

(b) Activities covered by this Order include but are not limited to: grants, cooperative agreements, contracts of assistance, loans, and loan guarantees.

(c) This Order does not cover procurement programs and activities, direct Federal statutory entitlements or mandatory awards, direct awards to foreign governments or public international organizations, benefits to an individual as a personal entitlement, or Federal employment.

SEC. 2. To the extent permitted by law, Executive departments and agencies shall:

(a) Follow government-wide criteria and government-wide minimum due process procedures when they act to debar or suspend participants in affected programs.

(b) Send to the agency designated pursuant to Section 5 identifying information concerning debarred and suspended participants in affected programs, participants who have agreed to exclusion from participation, and participants declared ineligible under applicable law, including Executive Orders. This information shall be included in the list to be maintained pursuant to Section 5.

(c) Not allow a party to participate in any affected program if any Executive department or agency has debarred, suspended, or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in an affected program. An agency may grant an exception permitting a debarred, suspended, or excluded party to participate in a particular transaction upon a written determination by the agency head or authorized designee stating the reason(s) for deviating from this Presidential policy. However, I intend that exceptions to this policy should be granted only infrequently.

SEC. 3. Executive departments and agencies shall issue regulations governing their implementation of this Order that shall be consistent with the guidelines issued under Section 6. Proposed regulations shall be submitted to the Office of Management and Budget for review within four months of the date of the guidelines issued under Section 6. The Director of the Office of Management and Budget may return for reconsideration proposed regulations that the Director believes are inconsistent with the guidelines. Final regulations shall be published within twelve months of the date of the guidelines.

SEC. 4. There is hereby constituted the Interagency Committee on Debarment and Suspension, which shall monitor implementation of this Order. The Committee shall consist of representatives of agencies designated by the Director of the Office of Management and Budget.

SEC. 5. The Director of the Office of Management and Budget shall designate a Federal agency to perform the

following functions: maintain a current list of all individuals and organizations excluded from program participation under this Order, periodically distribute the list to Federal agencies, and study the feasibility of automating the list; coordinate with the lead agency responsible for government-wide debarment and suspension of contractors; chair the Interagency Committee established by Section 4; and report periodically to the Director on implementation of this Order, with the first report due within two years of the date of the Order.

SEC. 6. The Director of the Office of Management and Budget is authorized to issue guidelines to Executive departments and agencies that govern which programs and activities are covered by this Order, prescribe government-wide criteria and government-wide minimum due process procedures, and set forth other related details for the effective administration of the guidelines.

SEC. 7. The Director of the Office of Management and Budget shall report to the President within three years of the date of this Order on Federal agency compliance with the Order, including the number of exceptions made under Section 2(c), and shall make such recommendations as are appropriate further to curb fraud, waste, and abuse.

RONALD REAGAN.

EX. ORD. NO. 12689. DEBARMENT AND SUSPENSION

Ex. Ord. No. 12689, Aug. 16, 1989, 54 F.R. 34131, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to protect the interest of the Federal Government, to deal only with responsible persons, and to insure proper management and integrity in Federal activities, it is hereby ordered as follows:

SECTION 1. *Definitions.* For purposes of this order:

(a) "Procurement activities" refers to all acquisition programs and activities of the Federal Government, as defined in the Federal Acquisition Regulation.

(b) "Nonprocurement activities" refers to all programs and activities involving Federal financial and nonfinancial assistance and benefits, as covered by Executive Order No. 12549 [set out above] and the Office of Management and Budget guidelines implementing that order.

(c) "Agency" refers to executive departments and agencies.

SEC. 2. *Governmentwide Effect.*

(a) To the extent permitted by law and upon resolution of differences and promulgation of final regulations pursuant to section 3 of this order, the debarment, suspension, or other exclusion of a participant in a procurement activity under the Federal Acquisition Regulation, or in a nonprocurement activity under regulations issued pursuant to Executive Order No. 12549, shall have governmentwide effect. No agency shall allow a party to participate in any procurement or nonprocurement activity if any agency has debarred, suspended, or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in a procurement or nonprocurement activity.

(b) An agency may grant an exception permitting a debarred, suspended, or otherwise excluded party to participate in procurement activities of that agency to the extent exceptions are authorized under the Federal Acquisition Regulation, or to participate in nonprocurement activities of that agency to the extent exceptions are authorized under regulations issued pursuant to Executive Order No. 12549.

SEC. 3. *Implementation.*

(a) The Office of Management and Budget may assist Federal agencies in resolving differences between the provisions contained in the Federal Acquisition Regulation and in regulations issued pursuant to Executive Order No. 12549. The Office of Management and Budget may determine the date of resolution of differences and then shall notify affected agencies of that date.

(b) To implement this order, proposed regulations amending the Federal Acquisition Regulation and the

agency regulations issued pursuant to Executive Order No. 12549 shall be published simultaneously within 6 months of the resolution of differences.

(c) Final regulations shall be published simultaneously within 12 months of the publication of the proposed regulations, to be effective 30 days thereafter.

GEORGE BUSH.

§ 6102. Program information requirements

(a) The Director shall collect and review information on domestic assistance programs and shall provide such information to the Administrator. The information on each domestic assistance program shall include the following:

(1) identification of the program by—

- (A) title;
- (B) authorizing law;
- (C) administering office; and
- (D) an identifying number assigned by the Director.

(2) a description of the—

- (A) program;
- (B) objectives of the program;
- (C) types of activities financed under the program;
- (D) eligibility requirements;
- (E) types of assistance;
- (F) uses, and restrictions on the use, of assistance; and
- (G) duties of recipients under the program.

(3) a specification of each formula governing eligibility for assistance or the distribution of assistance under the program, which shall be described through the use of—

- (A) the language used to specify each such formula in the law authorizing the program;
- (B) the language used to specify each such formula in any Federal rule promulgated pursuant to the law authorizing the program; or
- (C) a mathematical statement which is derived from the language referred to in subparagraphs (A) and (B) of this paragraph;

(4) a description of all data and statistical estimates used to carry out each formula specified pursuant to paragraph (3), and an identification of the sources of such data and estimates;

(5) financial information, including the—

- (A) amounts appropriated for the current fiscal year or, if unavailable, the amounts requested by the President and the amounts obligated; and
- (B) average amounts of awards made in past years.

(6) identification of information contacts, including the administering office and regional and local offices with their addresses and telephone numbers.

(7) a general description of—

- (A) the application requirements and procedures; and
- (B) to the extent practical, an estimate of the time required to process the application.

(b) On request of the Director, an agency shall give to the Director current information on all domestic assistance programs administered by the agency. The Director shall be responsible for ensuring that the Administrator incorporates

all relevant information received on a regular basis.

(c) The Administrator—

(1) shall ensure that information and catalogs under this chapter are made available to the public at reasonable prices;

(2) may develop information services to assist State and local governments in identifying and obtaining sources of assistance;

(3) shall ensure that the information in the computerized system is made current on a regular basis and that the printed catalog and supplements thereto contain the most current data available at the time of printing; and

(4) shall transmit annually the information compiled under paragraphs (3) and (4) of subsection (a) to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1001; Pub. L. 98-169, §§1(2), 2, 3(b), (c), Nov. 29, 1983, 97 Stat. 1113, 1114.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6102(a).	31:1703(a)	Dec. 28, 1977, Pub. L. 95-220, §§4, 5(d), (e), 91 Stat. 1615, 1616.
6102(b)	31:1703(b).	
6102(c)	31:1704(d), (e).	

In subsection (a), before clause (1), the words in parentheses are omitted as unnecessary because of the restatement. The words “information on domestic assistance programs. The information on each domestic assistance program shall include the following” are substituted for “a Federal Assistance Information Data Base . . . For each Federal domestic assistance program the data base shall” for clarity and consistency. In clause (1)(A), the word “law” is substituted for “statute” for consistency. In clause (2)(H), the word “obligations” is omitted as surplus.

In subsection (c)(1), the word “catalogs” is added for clarity.

In subsection (c)(2), the words “further”, “officials”, and “Federal” are omitted as unnecessary.

AMENDMENTS

1983—Subsec. (a). Pub. L. 98-169, §2(1), substituted “collect and review information on domestic assistance programs and shall provide such information to the Administrator” for “prepare and maintain information on domestic assistance programs”.

Pub. L. 98-169, §1(2), substituted “Director” for “Director of the Office of Management and Budget”.

Subsec. (a)(2)(E) to (H). Pub. L. 98-169, §3(b)(1), struck out subpar. (E) relating to formulas governing distribution of amounts, and redesignated subpars. (F) to (H) as (E) to (G), respectively.

Subsec. (a)(3) to (7). Pub. L. 98-169, §3(b)(2), (3), added pars. (3) and (4) and redesignated former pars. (3) to (5) as (5) to (7), respectively.

Subsec. (b). Pub. L. 98-169, §2(2), substituted “The Director shall be responsible for ensuring that the Administrator incorporates all relevant information received on a regular basis” for “The Director shall incorporate on a regular basis all relevant information received”.

Subsec. (c). Pub. L. 98-169, §2(3), substituted “Administrator” for “Director”.

Subsec. (c)(3). Pub. L. 98-169, §2(4), added par. (3).

Subsec. (c)(4). Pub. L. 98-169, §3(c), added par. (4).

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Gov-