

(B) more than a reasonably proportionate share of the cost of any such audit that is conducted in accordance with this chapter.

(2) The criteria prescribed pursuant to paragraph (1) shall not, in the absence of documentation demonstrating a higher actual cost, permit the percentage of the cost of audits performed pursuant to this chapter charged to Federal awards, to exceed the ratio of total Federal awards expended by such non-Federal entity during the applicable fiscal year or years, to such non-Federal entity's total expenditures during such fiscal year or years.

(c) Such guidance shall include such provisions as may be necessary to ensure that small business concerns, qualified HUBZone small business concerns, and business concerns owned and controlled by socially and economically disadvantaged individuals will have the opportunity to participate in the performance of contracts awarded to fulfill the audit requirements of this chapter.

(d) Such guidance shall require audit-related information reported under this chapter to be reported in an electronic form in accordance with the data standards established under chapter 64.

(Added Pub. L. 98-502, §2(a), Oct. 19, 1984, 98 Stat. 2333; amended Pub. L. 104-156, §2, July 5, 1996, 110 Stat. 1403; Pub. L. 105-135, title VI, §604(e)(3), Dec. 2, 1997, 111 Stat. 2634; Pub. L. 116-103, §5(a)(2), Dec. 30, 2019, 133 Stat. 3270.)

Editorial Notes

AMENDMENTS

2019—Subsec. (d). Pub. L. 116-103 added subsec. (d).
1997—Subsec. (c). Pub. L. 105-135 substituted “small business concerns, qualified HUBZone small business concerns, and” for “small business concerns and”.

1996—Pub. L. 104-156 reenacted section catchline without change and amended text generally, substituting present provisions for similar provisions relating to regulations, including implementation guidelines for regulations, criteria for determining appropriate charges to programs of Federal financial assistance for cost of audits, and guidelines to ensure that small business concerns and business concerns owned and controlled by socially and economically disadvantaged individuals have opportunity to participate in contracts awarded to fulfill audit requirements of this chapter.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-135 effective Oct. 1, 1997, see section 3 of Pub. L. 105-135, set out as a note under section 631 of Title 15, Commerce and Trade.

GUIDANCE

Pub. L. 116-103, §5(b), Dec. 30, 2019, 133 Stat. 3270, provided that: “Not later than 3 years after the date of enactment of this Act [Dec. 30, 2019], the Director [of the Office of Management and Budget] shall issue guidance requiring audit-related information reported under chapter 75 of title 31, United States Code, to be reported in an electronic form consistent with the data standards established under chapter 64 of that title, as added by section 4(a) of this Act.”

GUIDELINES FOR ACCEPTANCE OF AUDITS BY STATE AND LOCAL GOVERNMENTS RECEIVING FEDERAL ASSISTANCE

Pub. L. 104-201, div. A, title VIII, §808(c), Sept. 23, 1996, 110 Stat. 2607, provided that: “The Director of the

Office of Management and Budget shall issue guidelines to ensure that an audit of indirect costs performed by the Federal Government is accepted by State and local governments that receive Federal funds under contracts, grants, or other Federal assistance programs.”

§ 7506. Effective date

This chapter shall apply to any non-Federal entity with respect to any of its fiscal years which begin after June 30, 1996.

(Added Pub. L. 98-502, §2(a), Oct. 19, 1984, 98 Stat. 2334, §7507; amended Pub. L. 104-156, §2, July 5, 1996, 110 Stat. 1404; renumbered §7506, Pub. L. 114-301, §2(a)(1)(B), Dec. 16, 2016, 130 Stat. 1514.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7506, added Pub. L. 98-502, §2(a), Oct. 19, 1984, 98 Stat. 2333; amended Pub. L. 104-156, §2, July 5, 1996, 110 Stat. 1403, related to the monitoring responsibilities of the Comptroller General, prior to repeal by Pub. L. 114-301, §2(a)(1)(A), Dec. 16, 2016, 130 Stat. 1514.

AMENDMENTS

2016—Pub. L. 114-301 renumbered section 7507 of this title as this section.

1996—Pub. L. 104-156 struck out “; report” after “Effective date” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) This chapter shall apply to any State or local government with respect to any of its fiscal years which begin after December 31, 1984.

“(b) The Director, on or before May 1, 1987, and annually thereafter, shall submit to each House of Congress a report on operations under this chapter. Each such report shall specifically identify each Federal agency or State or local government which is failing to comply with this chapter.”

CHAPTER 77—ACCESS TO INFORMATION FOR DEBT COLLECTION

Sec.

7701. Taxpayer identifying number.

Editorial Notes

AMENDMENTS

1996—Pub. L. 104-134, title III, §31001(i)(3)(A), Apr. 26, 1996, 110 Stat. 1321-365, which directed that the chapter title to chapter 77 of subtitle VI of this title be amended by substituting “ACCESS TO INFORMATION FOR DEBT COLLECTION” for “LOAN REQUIREMENTS”, was executed by making the substitution in the chapter title of chapter 77 of subtitle V of this title, to reflect the probable intent of Congress.

§ 7701. Taxpayer identifying number

(a) In this section—

(1) “included Federal loan program” has the same meaning given that term in section 6103(l)(3)(C) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(3)(C)).

(2) “taxpayer identifying number” means the identifying number required under section 6109 of the Internal Revenue Code of 1986 (26 U.S.C. 6109).

(b) The head of an agency administering an included Federal loan program shall require a person applying for a loan under the program to provide that person's taxpayer identifying number.

(c)(1) The head of each Federal agency shall require each person doing business with that

agency to furnish to that agency such person's taxpayer identifying number.

(2) For purposes of this subsection, a person shall be considered to be doing business with a Federal agency if the person is—

(A) a lender or servicer in a Federal guaranteed or insured loan program administered by the agency;

(B) an applicant for, or recipient of, a Federal license, permit, right-of-way, grant, or benefit payment administered by the agency or insurance administered by the agency;

(C) a contractor of the agency;

(D) assessed a fine, fee, royalty or penalty by the agency; and

(E) in a relationship with the agency that may give rise to a receivable due to that agency, such as a partner of a borrower in or a guarantor of a Federal direct or insured loan administered by the agency.

(3) Each agency shall disclose to a person required to furnish a taxpayer identifying number under this subsection its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such person's relationship with the Government.

(4) For purposes of this subsection, a person shall not be treated as doing business with a Federal agency solely by reason of being a debtor under third party claims of the United States. The preceding sentence shall not apply to a debtor owing claims resulting from petroleum pricing violations or owing claims resulting from Federal loan or loan guarantee/insurance programs.

(d) Notwithstanding section 552a(b) of title 5, United States Code, creditor agencies to which a delinquent claim is owed, and their agents, may match their debtor records with Department of Health and Human Services, and Department of Labor records to obtain names (including names of employees), name controls, names of employers, taxpayer identifying numbers, addresses (including addresses of employers), and dates of birth. The preceding sentence shall apply to the disclosure of taxpayer identifying numbers only if such disclosure is not otherwise prohibited by section 6103 of the Internal Revenue Code of 1986. The Department of Health and Human Services, and the Department of Labor shall release that information to creditor agencies and may charge reasonable fees sufficient to pay the costs associated with that release.

(Added Pub. L. 103-272, §4(f)(1)(Y)(i), July 5, 1994, 108 Stat. 1363; amended Pub. L. 104-134, title III, §31001(i)(1), Apr. 26, 1996, 110 Stat. 1321-364.)

Editorial Notes

REFERENCES IN TEXT

Section 6103 of the Internal Revenue Code of 1986, referred to in subsecs. (a)(1) and (d), is classified to section 6103 of Title 26, Internal Revenue Code.

AMENDMENTS

1996—Subsecs. (c), (d). Pub. L. 104-134 added subsecs. (c) and (d).

SUBTITLE VI—MISCELLANEOUS

Chap. Sec.
91. Government Corporations 9101

Chap. Sec.
93. Sureties and Surety Bonds 9301
95. Government Pension Plan Protection 9501
97. Miscellaneous 9701

Editorial Notes

AMENDMENTS

1996—Pub. L. 104-134, title III, §31001(i)(3)(B), Apr. 26, 1996, 110 Stat. 1321-365, which directed that the table of 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.

CHAPTER 91—GOVERNMENT CORPORATIONS

Sec.
9101. Definitions.
9102. Establishing and acquiring corporations.
9103. Budgets of wholly owned Government corporations.
9104. Congressional action on budgets of wholly owned Government corporations.
9105. Audits.
9106. Management reports.
9107. Accounts.
9108. Obligations.
9109. Exclusion of a wholly owned Government corporation from this chapter.
9110. Standards for depository institutions holding securities of a Government-sponsored corporation for customers.

Editorial Notes

AMENDMENTS

1990—Pub. L. 101-576, title III, §306(b), Nov. 15, 1990, 104 Stat. 2854, substituted "Management" for "Audit".
1986—Pub. L. 99-571, title II, §201(b)(2), Oct. 28, 1986, 100 Stat. 3224, added item 9110.

§ 9101. Definitions

In this chapter—

- (1) "Government corporation" means a mixed-ownership Government corporation and a wholly owned Government corporation.
- (2) "mixed-ownership Government corporation" means—
 - (A) the Central Bank for Cooperatives.
 - (B) the Federal Deposit Insurance Corporation.
 - (C) the Federal Home Loan Banks.
 - (D) the Federal Intermediate Credit Banks.
 - (E) the Federal Land Banks.
 - (F) the National Credit Union Administration Central Liquidity Facility.
 - (G) the Regional Banks for Cooperatives.
 - (H) the Financing Corporation.
 - (I) the Resolution Trust Corporation.
 - (J) the Resolution Funding Corporation.
- (3) "wholly owned Government corporation" means—
 - (A) the Commodity Credit Corporation.
 - (B) the Community Development Financial Institutions Fund.
 - (C) the Export-Import Bank of the United States.
 - (D) the Federal Crop Insurance Corporation.

- (A) the Commodity Credit Corporation.
- (B) the Community Development Financial Institutions Fund.
- (C) the Export-Import Bank of the United States.
- (D) the Federal Crop Insurance Corporation.