

111TH CONGRESS
2^D SESSION

H. R. 5775

To require the establishment of a commission on earmark reform, to consolidate and streamline the grants management structure of the Federal Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2010

Mr. SESTAK introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on the Budget and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the establishment of a commission on earmark reform, to consolidate and streamline the grants management structure of the Federal Government, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Grant Accessibility and
5 Transparency Enhancement Act of 2010”.

1 **SEC. 2. NATIONAL COMMISSION ON EARMARK REFORM.**

2 (a) ESTABLISHMENT.—The President shall establish
3 a commission to be known as the “National Commission
4 on Earmark Reform” (in this section referred to as the
5 “Commission”).

6 (b) DUTIES OF COMMISSION.—The duties of the
7 Commission are—

8 (1) to study the laws and practices related to
9 replacing earmarks with a full grant-making process;
10 and

11 (2) to develop a proposed plan that includes ob-
12 jectives, priorities, policies, and long-term plans to
13 transition from congressional member-directed ear-
14 marks to a grant-making process.

15 (c) MEMBERSHIP.—The Commission shall be com-
16 posed of—

17 (1) the Director of the Office of Management
18 and Budget, who shall be the chairman of the Com-
19 mission; and

20 (2) such other members as the President may
21 appoint, after consultation with the majority and mi-
22 nority leadership of the Senate and the House of
23 Representatives.

24 (d) EXPERT GRANT AWARD PANELS.—In carrying
25 out its duties, the Commission shall propose legislative or
26 regulatory changes to implement a grant-making applica-

1 tion and review process modeled after the Assistance to
2 Firefighters Grant Program of the Federal Emergency
3 Management Agency, under which a panel of subject area
4 experts (including representatives of the Federal agency
5 with appropriate jurisdiction) receives, reviews, and
6 awards grant funding on a merit-based system. At a min-
7 imum, the Commission shall propose changes that estab-
8 lish rules for—

9 (1) the review and reporting of grant applica-
10 tions and awards;

11 (2) hardship exemptions from specific reporting
12 or application requirements; and

13 (3) recommended changes in law to support the
14 implementation of expert grant award panels.

15 (e) CONSOLIDATION AND STREAMLINING OF GRANTS
16 MANAGEMENT STRUCTURE.—In carrying out its duties,
17 the Commission shall propose legislative or regulatory
18 changes to implement a specific governance structure for
19 all grant functions, including grants management, within
20 the Federal Government. At a minimum, the Commission
21 shall propose changes for ensuring that the activities at
22 Grants.gov and the policy recommendations of the Grants
23 Policy Committee (of the Chief Financial Officers Council)
24 are connected, by proposing the establishment of an Office
25 of Grant Making within the Office of Management and

1 Budget to cover all grants activity of the Federal Govern-
2 ment, including the management of Grants.gov. The Com-
3 mission shall include, at a minimum, in its recommenda-
4 tions regarding the Office of Grant Making, the following:

5 (1) The Office should have an advisory com-
6 mittee that includes representation from elected
7 local, State, Federal and tribal governments, institu-
8 tions of higher education, vendors, and non-profits.

9 (2) The meetings of the advisory committee
10 should be conducted in an open and transparent
11 way.

12 (3) The Office should review all grant pro-
13 grams, including the implementation of the expert
14 grant award panels, and ensure the consistency of
15 audits of grant programs.

16 (f) INVOLVEMENT OF STAKEHOLDERS.—In carrying
17 out its duties, the Commission shall propose legislative or
18 regulatory changes to involve non-Federal participants in
19 the grant-making process, including involvement
20 through—

21 (1) consultation with representatives of elected
22 local, State, and tribal governments, institutions of
23 higher education, vendors, non-profits, and other
24 non-Federal participants as early as possible to get
25 their input on any effort by the Federal Government

1 to change or improve proposed grant products, in-
2 cluding new forms and formats, and or to change or
3 improve the tracking and reporting of Federal fund
4 data; and

5 (2) participation and collaboration in the devel-
6 opment of a training and certification program for
7 grants management professionals.

8 (g) OPERATIONS OF COMMISSION.—In carrying out
9 its duties, the Commission shall—

10 (1) operate a publicly accessible Web site and
11 make available information about the Commission,
12 including its membership and the report required
13 under subsection (h);

14 (2) hold 8 public hearings before publication of
15 the report required under subsection (h); and

16 (3) provide for a period of 45 days immediately
17 before publication of the report required under sub-
18 section (h) for submission of comments and rec-
19 ommendations from private and public groups and
20 individuals.

21 (h) REPORT.—Not later than 180 days after the date
22 of the enactment of this Act, the Commission shall—

23 (1) submit to Congress a report containing the
24 plan developed under subsection (b) and its findings
25 and recommendations; and

1 (2) publish the report on the Commission’s pub-
2 licly accessible Web site.

3 (i) APPROPRIATIONS.—There is authorized to be ap-
4 propriated \$1,000,000 for the Commission to carry out
5 this section.

6 **SEC. 3. OFFICE OF GRANT MAKING.**

7 (a) ESTABLISHMENT.—Not later than 30 days after
8 the publication of the Commission report under section
9 2(h), the Director of the Office of Management and Budg-
10 et shall establish an office within the Office of Manage-
11 ment and Budget to be known as the “Office of Grant
12 Making” (in this section referred to as the “Office”).

13 (b) DIRECTOR.—The Office shall be overseen by a
14 Director, who shall be designated from among Federal of-
15 ficers and employees by the Director of the Office of Man-
16 agement and Budget.

17 (c) FUNCTIONS.—

18 (1) IN GENERAL.—The Office and Director
19 shall—

20 (A) in consultation with agency heads, rep-
21 resentatives of local, State and Federal Govern-
22 ment, and other non-Federal entities, direct and
23 coordinate the development of the expert grant
24 award panels (referred to in section 2) and the

1 specific recommendations of the National Com-
2 mission on Earmark Reform; and

3 (B) be responsible for maintaining
4 Grants.gov, in accordance with section 5.

5 (2) ADDITIONAL RESPONSIBILITIES.—The Di-
6 rector shall also support Federal agencies in estab-
7 lishing—

8 (A) a common grant application and re-
9 porting system; and

10 (B) an interagency process for addressing
11 the following:

12 (i) Ways to streamline and simplify
13 Federal grant administrative procedures
14 and reporting requirements for non-Fed-
15 eral entities.

16 (ii) Improved interagency and inter-
17 governmental coordination of information
18 collection and sharing of data pertaining to
19 Federal grants.

20 (iii) Improvements in the timeliness,
21 completeness, and quality of information
22 received by Federal agencies from recipi-
23 ents of Federal grants.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated \$30,000,000 for fiscal years

1 2011 through 2013 for purposes of establishing and oper-
2 ating the Office.

3 **SEC. 4. STREAMLINING OF ROLE OF FEDERAL AGENCIES IN**
4 **GRANT MAKING PROCESS.**

5 (a) REQUIREMENT FOR PLAN.—Not later than 180
6 days after the date of the enactment of this Act, each Fed-
7 eral agency shall develop and implement a plan that—

8 (1) streamlines and simplifies the application,
9 administrative, and reporting procedures for Federal
10 grants administered by the agency;

11 (2) demonstrates a process to actively partici-
12 pate in the expert grants awards panels referred to
13 in section 2;

14 (3) demonstrates appropriate agency use, or
15 plans for use, of a common grant application and re-
16 porting system;

17 (4) designates a lead agency official for car-
18 rying out the responsibilities of the agency under
19 this Act;

20 (5) allows grant applicants to electronically
21 apply for, and report on the use of funds from, the
22 Federal grants administered by the agency;

23 (6) ensures recipients of Federal grants provide
24 timely, complete, and high-quality information in re-
25 sponse to Federal reporting requirements; and

1 (7) in cooperation with recipients of Federal
2 grants, establishes specific annual goals and objec-
3 tives to further the purposes of this Act and meas-
4 ures annual performance in achieving those goals
5 and objectives.

6 (b) EXTENSION.—If a Federal agency is unable to
7 comply with subsection (a), the Director of the Office of
8 Management and Budget may extend for up to 30 days
9 the period for the agency to develop and implement a plan.

10 (c) COMMENT AND CONSULTATION ON AGENCY
11 PLANS.—

12 (1) COMMENT.—Each agency shall publish the
13 plan developed under this section in the Federal
14 Register and receive public comment on the plan
15 through the Federal Register and other means (in-
16 cluding electronic means). To the maximum extent
17 practicable, each Federal agency shall hold public fo-
18 rums on the plan.

19 (2) CONSULTATION.—The lead official des-
20 ignated by each Agency shall consult with represent-
21 atives of State, local, and tribal governments, and
22 other non-Federal entities, during development and
23 implementation of the plan.

24 (d) SUBMISSION OF PLAN.—Each Federal agency
25 shall submit the plan developed under this section to the

1 Director of the Office of Grant Making and Congress and
2 report annually thereafter on the implementation of the
3 plan and performance of the agency in meeting the re-
4 quirements for the plan specified in subsection (a).

5 **SEC. 5. EXPANSION OF THE USE AND FUNCTIONALITY OF**
6 **GRANTS.GOV.**

7 (a) TRANSFER TO OFFICE OF GRANT MAKING.—The
8 Director of the Office of Grant Making shall be respon-
9 sible for maintaining Grants.gov.

10 (b) REQUIREMENT TO POST ALL GRANTS.—All Fed-
11 eral grants, both formula and discretionary, from all
12 grant-making agencies shall be posted on Grants.gov.

13 (c) DUPLICATIVE HARD COPY APPLICATIONS NOT
14 REQUIRED.—Grant applications in hard copy that are du-
15 plicative of applications submitted electronically shall not
16 be required from grant applicants.

17 (d) EXPANSION OF FUNCTIONALITY.—The Director
18 of the Office of Grant Making shall ensure that Grants.gov
19 is able to handle the following functions:

- 20 (1) Finding grants.
- 21 (2) Applying for grants.
- 22 (3) Submitting and receiving grant applications.
- 23 (4) Sending grant award notifications and other
24 documents.

1 (5) Submitting and receiving post-grant-award
2 management reports.

3 (6) Closeout tools related to grants.

4 (7) Grant award tracking.

5 (8) Training and technical assistance, as de-
6 scribed in subsection (f).

7 (e) AVOIDANCE OF DUPLICATION WITH
8 USASPENDING.GOV.—The Director of the Office of Grant
9 Making shall ensure that duplication of effort and dual
10 systems related to online Federal grant activity are no
11 longer in effect by merging USASpending.gov into
12 Grants.gov. Other Federal agencies shall cooperate to the
13 extent necessary to assist the Director in carrying out this
14 subsection.

15 (f) TRAINING AND OTHER TECHNICAL ASSIST-
16 ANCE.—The Director shall ensure that Grants.gov in-
17 cludes technical assistance information and resources, in-
18 cluding—

19 (1) online or recorded training sessions con-
20 ducted by other Federal agencies;

21 (2) online or recorded training sessions on how
22 to use Grants.gov; and

23 (3) such other technical assistance as the Direc-
24 tor considers appropriate.

1 **SEC. 6. ENDING CONGRESSIONAL EARMARKS, LIMITED TAX**
2 **BENEFITS, AND LIMITED TARIFF BENEFITS.**

3 (a) IN GENERAL.—Section 312 of the Congressional
4 Budget Act of 1974 is amended by adding at the end the
5 following new subsection:

6 “(g) PROHIBITION ON CONGRESSIONAL EARMARKS,
7 LIMITED TAX BENEFITS, AND LIMITED TARIFF BENE-
8 FITS.—(1) It shall not be in order in the House of Rep-
9 resentatives or the Senate to consider any bill or joint res-
10 olution, or amendment thereto or conference report there-
11 on, if it or any accompanying report contains any congres-
12 sional earmark, limited tax benefit, or limited tariff ben-
13 efit.

14 “(2) As used in this subsection, the terms ‘congres-
15 sional earmark’, ‘limited tax benefit’, and ‘limited tariff
16 benefit’ have the meanings given to such terms in clause
17 9 of rule XXI of the Rules of the House of Representa-
18 tives.”.

19 (b) SUPER MAJORITY IN THE SENATE.—Subsections
20 (c)(1) and (d)(2) of section 904 of the Congressional
21 Budget Act of 1974 are each amended by inserting
22 “312(g),” after “310(d)(2),”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 subsections (a) and (b) shall take effect 1 year after the
25 date of the enactment of this Act.

○