

Calendar No. 723

114TH CONGRESS
2D SESSION**S. 2972**

To amend title 31, United States Code, to provide transparency and require certain standards in the award of Federal grants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2016

Mr. LANKFORD introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 9, 2016

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend title 31, United States Code, to provide transparency and require certain standards in the award of Federal grants, 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 ~~(a) SHORT TITLE.—This Act may be cited as the~~
5 ~~“Grant Reform and New Transparency Act of 2016” or~~
6 ~~the “GRANT Act”.~~

1 **SEC. 2. GRANTS TRANSPARENCY REQUIREMENTS.**

2 (a) ~~IN GENERAL.~~—Subtitle V of title 31, United
3 States Code, is amended by inserting after chapter 73 the
4 following:

5 **~~“CHAPTER 74—GRANTS TRANSPARENCY~~**
6 **REQUIREMENTS**

 “Sec.

 “7401. Definitions:

 “7402. Advance notification of grant opportunity:

 “7403. Pre-award evaluation requirements:

 “7404. Website relating to Federal grants:

 “7405. Debriefing:

 “7406. Inspector General review of peer review process:

7 **~~“§ 7401. Definitions~~**

8 “~~In this chapter:~~

9 “(1) ~~APPLICANT.~~—The term ‘applicant’ means
10 an entity that submits a proposal or application for
11 a grant:

12 “(2) ~~COMPETITIVE GRANT.~~—The term ‘com-
13 petitive grant’ means a discretionary grant entered
14 into through the use of merit-based selection proce-
15 dures for the purpose of allocating funds authorized
16 under a grant program of an Executive agency:

17 “(3) ~~EXECUTIVE AGENCY.~~—The term ‘Execu-
18 tive agency’ has the meaning given the term in sec-
19 tion 105 of title 5, except the term does not include
20 the Government Accountability Office:

21 “(4) ~~GRANT.~~—The term ‘grant’ means an
22 award of Federal financial assistance through a

grant agreement or cooperative agreement making payment in cash or in kind to a recipient to carry out a public purpose authorized by law.

“(5) GRANT REVIEWER.—The term ‘grant reviewer’, with respect to a grant—

“(A) means any individual who reviews, evaluates, or participates in the decision to select a grant applicant for award of the grant; and

“(B) includes—

“(i) a peer reviewer;

“(ii) a merit reviewer; and

“(iii) a member of a technical evaluation panel or board or a special emphasis panel.

“(6) PROPOSAL ABSTRACT.—The term ‘proposal abstract’, with respect to a grant proposal, means a summary containing key elements of the grant proposal.

“§ 7402. Advance notification of grant opportunity

“Not later than 30 days before the date on which an Executive agency plans to award a grant opportunity, the Executive agency shall post on the grants website maintained under section 7404—

1 “(1) a clear statement of the purpose, duration
2 (including anticipated grant continuations), and eli-
3 gibility requirements of the grant; and

4 “(2) for merit-based grants, a description of the
5 manner in which applications or proposals for the
6 grant will be evaluated, ranked, and selected for
7 award, including the weighting of any evaluation fac-
8 tors or criteria that shall be considered.

9 **“§ 7403. Pre-award evaluation requirements**

10 “(a) EVALUATION REQUIRED.—Before awarding a
11 competitive grant, an Executive agency shall conduct an
12 evaluation of the ability of the applicant to successfully
13 carry out the grant.

14 “(b) MATTERS COVERED.—The evaluation required
15 under subsection (a) shall include a review of—

16 “(1) the ability of the applicant to successfully
17 carry out the purposes of the grant, as provided in
18 section 200.302 of title 2, Code of Federal Regula-
19 tions (or any successor thereto);

20 “(2) the capability of the financial management
21 system of the applicant to appropriately manage and
22 account for funds according to accepted cost ac-
23 counting principles determined by the Office of Man-
24 agement and Budget, as provided in section 200.302

1 of title 2, Code of Federal Regulations (or any suc-
2 cessor thereto);

3 “(3) the internal financial and administrative
4 control systems of the applicant, as provided in sec-
5 tion 200.303 of title 2, Code of Federal Regulations
6 (or any successor thereto);

7 “(4) the capability of the applicant to comply
8 with Federal reporting requirements for recipients of
9 Federal funds, as provided in section 200.302 of
10 title 2, Code of Federal Regulations (or any suc-
11 cessor thereto);

12 “(5) the past performance and record of integ-
13 rity of the applicant, as provided in section 200.205
14 of title 2, Code of Federal Regulations (or any suc-
15 cessor thereto);

16 “(6) whether the applicant has received other
17 Federal funds through a contract or other type of
18 assistance through a search of the Federal Assist-
19 ance Award Data System, as provided in section
20 200.302 of title 2, Code of Federal Regulations (or
21 any successor thereto); and

22 “(7) any interagency duplication of efforts for
23 research grants, which may be completed through a
24 text-similarity detection process.

1 **“§ 7404. Website relating to Federal grants**

2 “(a) REQUIREMENT.—The Director of the Office of
3 Management and Budget shall upgrade any existing or
4 proposed public website for finding Federal grant opportu-
5 nities and applying for such grants so that the website—

6 “(1) may serve as a central point of informa-
7 tion and provide full access for applicants for com-
8 petitive grants; and

9 “(2) shall capture in 1 site, or provide elec-
10 tronic links to, other relevant databases.

11 “(b) NOTICE OF COMPETITIVE GRANT FUNDS
12 AVAILABILITY.—At the time an Executive agency issues
13 a solicitation or otherwise announces the availability of
14 funds for a competitive grant, the Executive agency shall
15 post on the grants website maintained under this section,
16 in a searchable electronic format, relevant information
17 about the grant opportunity, including—

18 “(1) the grant announcement and purpose of
19 the grant;

20 “(2) the anticipated period of performance for
21 new awards and whether the Executive agency an-
22 ticipates that the grant will be continued;

23 “(3) the estimated amount of funds available
24 for the grant;

25 “(4) a statement of eligibility requirements of
26 the grant;

1 “(5) contact information for the Executive
2 agency, including the name, telephone number, and
3 electronic mail address of a specific person or per-
4 sons responsible for answering questions about the
5 grant and the application process for the grant;

6 “(6) a clear statement of the evaluation factors
7 or criteria that the Executive agency intends to use
8 to evaluate and rank grant applications or proposals
9 submitted, including the weight to be applied to each
10 factor or criterion;

11 “(7) a description of the process and standards
12 to be used by the Executive agency to determine
13 that each grant reviewer does not have a prohibited
14 conflict of interest, as defined by applicable statute
15 or regulation, with respect to the evaluation or re-
16 view of a grant application or proposal, or the deci-
17 sion to award a grant; and

18 “(8) the anticipated deadline for submission of
19 grant applications or proposals.

20 “(e) USE BY APPLICANTS.—The grants website
21 maintained under this section shall, to the greatest extent
22 practicable, allow grant applicants to—

23 “(1) use the website with any widely used com-
24 puter platform;

1 “(2) search the website for all competitive
2 grants by purpose, funding agency, program source,
3 and other relevant criteria;

4 “(3) apply for a competitive grant using the
5 website; and

6 “(4) manage, track, and report on the use of
7 competitive grants using the website.

8 “(d) GRANT AWARD INFORMATION.—

9 “(1) IN GENERAL.—For each competitive grant
10 awarded by an Executive agency, the Executive
11 agency shall—

12 “(A) except as provided in paragraphs
13 (2)(A), (2)(B), and (3), post on the grants
14 website maintained under this section—

15 “(i) the information described in para-
16 graph (2)(A) not later than 14 days after
17 the date on which the grant agreement is
18 finalized; and

19 “(ii) the information described in sub-
20 paragraphs (B) and (C) of paragraph (2)
21 not later than 30 days after the date on
22 which the Executive agency notifies an ap-
23 plicant that the applicant has been selected
24 to receive a grant award; and

1 “(B) update the information under sub-
2 paragraph (A) as necessary during performance
3 of the grant.

4 “(2) INFORMATION POSTED.—For purposes of
5 paragraph (1), the information described in this
6 paragraph with respect to each grant awarded by an
7 Executive agency is—

8 “(A) subject to paragraph (3)—

9 “(i) a copy of the final grant agree-
10 ment, including the terms and conditions
11 and the time period for performance of the
12 grant; and

13 “(ii) a copy of the proposal, applica-
14 tion, or plan that resulted in the grant
15 award, including any substantive amend-
16 ment to the proposal, application, or plan
17 (whether made before or after the award of
18 the grant);

19 “(B) documentation explaining the basis
20 for the selection decision for the grant, the
21 number of proposals received for the grant,
22 and, with respect to the proposal that resulted
23 in the grant award, whether the grant was
24 awarded consistent with a numerical ranking or
25 other recommendations by grant reviewers; and

1 “(C) in any case in which the award of the
 2 grant is not consistent with the numerical
 3 rankings or any other recommendations made
 4 by grant reviewers, a written justification ex-
 5 plaining the rationale for the decision not to fol-
 6 low the rankings or recommendations.

7 ~~“(3) EXCEPTIONS TO POSTING REQUIRE-~~
 8 ~~MENT.—~~

9 “(A) IN GENERAL.—Notwithstanding
 10 paragraphs (1), (2)(A), and (2)(B), an Execu-
 11 tive agency may post a proposal abstract or ex-
 12 ecutive summary if the head of the Executive
 13 agency determines, with respect to a particular
 14 grant award, that the proposal, application, or
 15 plan contains matters that are—

16 “(i) specifically authorized under cri-
 17 teria established by an Executive order to
 18 be kept secret in the interest of national
 19 defense or foreign policy and are in fact
 20 properly classified pursuant to such Execu-
 21 tive order;

22 “(ii) trade secrets or commercial or fi-
 23 nancial information obtained from a person
 24 and privileged or confidential; or

1 “(iii) personnel files, medical files,
2 and any similar files the disclosure of
3 which would constitute a clearly unwar-
4 ranted invasion of personal privacy.

5 “(B) RESEARCH AND DEVELOPMENT
6 GRANTS.—

7 “(i) DEFINITION.—In this subpara-
8 graph, the term ‘research and development
9 grant’ means a grant to conduct research
10 and development activities.

11 “(ii) EXCEPTION.—Notwithstanding
12 paragraphs (1) and (2)(A), an Executive
13 agency shall, with respect to a research
14 and development grant, post on the grants
15 website maintained under this section—

16 “(I) a proposal abstract or execu-
17 tive summary at the time described in
18 paragraph (1)(A)(i); and

19 “(II) the complete proposal for
20 the grant award not later than 1 year
21 after the date on which the grant ex-
22 pires.

23 “(iii) EXTENSION.—An Executive
24 agency may post the complete proposal for
25 a research and development grant award

1 after the expiration of the 1-year period
 2 described in clause (ii)(II) if the recipient
 3 of the research and development grant
 4 award—

5 “(I) petitions the Executive agen-
 6 cy to post the complete proposal for
 7 the grant award after the expiration
 8 of that period; and

9 “(II) demonstrates that posting
 10 the complete proposal during the 1-
 11 year period would adversely affect the
 12 recipient.

13 “(C) SENSITIVE INFORMATION.—

14 “(i) PERSONALLY IDENTIFIABLE IN-
 15 FORMATION.—A recipient of a grant
 16 awarded by an Executive agency may re-
 17 quest that the Executive agency redact any
 18 personally identifiable information from a
 19 post on the grants website maintained
 20 under this section.

21 “(ii) VULNERABILITIES IN CRITICAL
 22 INFRASTRUCTURE.—An Executive agency
 23 may not post on the grants website main-
 24 tained under this section any sensitive in-

1 formation related to vulnerabilities in crit-
2 ical infrastructure.

3 ~~“(e) SUBMISSION AND PUBLICATION OF GRANT SO-~~
4 ~~LICITATION FORECAST ON THE GRANTS WEBSITE.—~~

5 ~~“(1) REQUIREMENT.—Not later than November~~
6 ~~30 of each year or not later than 60 days after the~~
7 ~~date on which amounts are appropriated to an Exec-~~
8 ~~utive agency for a fiscal year, whichever is later, the~~
9 ~~head of the Executive agency shall post a forecast,~~
10 ~~in accordance with paragraph (2), of all non-emer-~~
11 ~~gency grant solicitations that the Executive agency~~
12 ~~expects to issue for the following calendar year,~~
13 ~~which—~~

14 ~~“(A) shall be based on the best informa-~~
15 ~~tion available; and~~

16 ~~“(B) shall not be binding on the Executive~~
17 ~~agency.~~

18 ~~“(2) MATTERS INCLUDED.—The forecast re-~~
19 ~~quired under paragraph (1) shall include, to the ex-~~
20 ~~tent practicable, for each expected grant solicitation~~
21 ~~in a machine-readable format—~~

22 ~~“(A) a brief description of the subject and~~
23 ~~purpose of the grant, organized by the organi-~~
24 ~~zational unit of the Executive agency;~~

1 ~~“(B) contact information for the organiza-~~
2 ~~tional unit or individual responsible for the~~
3 ~~grant, if known, including name, telephone~~
4 ~~number, and electronic mail address;~~

5 ~~“(C) the expected or actual dates for the~~
6 ~~issuance of the grant solicitation and applica-~~
7 ~~tion and the grant application submission dead-~~
8 ~~line;~~

9 ~~“(D) the estimated amount of the average~~
10 ~~grant award; the estimated maximum and min-~~
11 ~~imum amounts of the grant award, if applica-~~
12 ~~ble, and the estimated total number of grant~~
13 ~~awards to be made; and~~

14 ~~“(E) a description of the total amount~~
15 ~~available to be awarded.~~

16 ~~“(f) PUBLICATION OF INFORMATION.—Nothing in~~
17 ~~this section shall be construed to require the publication~~
18 ~~of information otherwise exempt from disclosure under~~
19 ~~section 552 of title 5 (commonly referred to as the ‘Free-~~
20 ~~dom of Information Act’), except for the application of~~
21 ~~subsection (b)(5) of such section to pre-decisional docu-~~
22 ~~ments that are posted pursuant to the requirements under~~
23 ~~subsection (d).~~

1 “(g) TRANSPARENCY OF INFORMATION.—To the ex-
2 tent practicable, the grants website maintained under this
3 section shall—

4 “(1) make the information described in this sec-
5 tion available in its original format;

6 “(2) make the information described in this sec-
7 tion available without charge, license, or registration
8 requirement;

9 “(3) permit the information described in this
10 section to be searched;

11 “(4) permit the information described in this
12 section to be downloaded in bulk;

13 “(5) permit the information described in this
14 section to be disseminated via automatic electronic
15 means;

16 “(6) permit the information described in this
17 section to be freely shared by the public, such as by
18 social media;

19 “(7) use permanent uniform resource locators
20 for the information described in this section; and

21 “(8) provide an opportunity for the public to
22 provide input about the usefulness of the site and
23 recommendations for improvements.

1 **“§ 7405. Debriefing**

2 “If requested by an applicant for a competitive grant,
3 for each grant award made in an amount in excess of
4 \$100,000 pursuant to a merit-based selection procedure,
5 an Executive agency shall provide the applicant with a
6 timely debriefing explaining the basis for the award deci-
7 sion of the Executive agency, including, if applicable, the
8 decision not to award a grant to the applicant.

9 **“§ 7406. Inspector General review of peer review**
10 **process**

11 “Not later than 18 months after the date of enact-
12 ment of the Grant Reform and New Transparency Act of
13 2016, the Inspector General of each Executive agency that
14 awards competitive grants shall conduct a review of the
15 effectiveness of the conflicts of interest policy of the Exec-
16 utive agency, including a review of a random selection of
17 peer review processes, with respect to the peer review proc-
18 ess for competitive grants in order to detect favoritism.”.

19 (b) CLERICAL AMENDMENT.—The table of chapters
20 at the beginning of subtitle V of title 31, United States
21 Code, is amended by inserting after the item relating to
22 chapter 73 the following:

“74. Grant Transparency Requirements 7401”.

23 **SEC. 3. GRANTS WORKFORCE REPORT.**

24 (a) DEFINITIONS.—In this section:

1 (1) EXECUTIVE AGENCY.—The term “Executive
2 agency” has the meaning given the term in section
3 105 of title 5, United States Code, except the term
4 does not include the Government Accountability Of-
5 fice.

6 (2) FEDERAL GRANTS WORKFORCE.—The term
7 “Federal grants workforce”, with respect to an Ex-
8 ecutive agency, means all employees of the Executive
9 agency who spend some or all of their time engaged
10 in—

11 (A) grant planning, including pro-
12 grammatic activities;

13 (B) preparing grant solicitations, Notices
14 of Funding Opportunity, or other requests for
15 grant proposals;

16 (C) evaluating or reviewing grant applica-
17 tions, including serving on a peer review board;

18 (D) monitoring or administering grant per-
19 formance by grantees;

20 (E) preparing the Notice of Award and ne-
21 gotiating terms and conditions; or

22 (F) post-award closeout activities, includ-
23 ing final technical and financial reports.

24 (b) REPORT.—Not later than 180 days after the date
25 of enactment of this Act, the Comptroller General of the

1 United States shall submit to the Committee on Homeland
2 Security and Governmental Affairs of the Senate and the
3 Committee on Oversight and Government Reform of the
4 House of Representatives a report on the Federal grants
5 workforce, which shall address—

6 (1) the size of the Federal grants workforce and
7 expected trends in Federal employment for the Fed-
8 eral grants workforce;

9 (2) the adequacy of training opportunities for
10 the Federal grants workforce;

11 (3) whether the Federal Acquisition Institute or
12 any other existing entity engaged in acquisition
13 workforce training should be made available for
14 grant training;

15 (4) whether a warrant system similar to that
16 used in the Federal acquisition system should be es-
17 tablished for Federal officials authorized to award
18 grants;

19 (5) the use by Executive agencies of suspension
20 and debarment actions taken against grantees dur-
21 ing the 3-year period preceding the date on which
22 the report is submitted; and the level of agency re-
23 sources assigned to the suspension and debarment
24 functions; and

1 (6) any recommendations for improving the
2 Federal grants workforce.

3 **SECTION 1. SHORT TITLE.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
5 *“Grant Reform and New Transparency Act of 2016” or the*
6 *“GRANT Act”.*

7 **SEC. 2. GRANTS TRANSPARENCY REQUIREMENTS.**

8 (a) *IN GENERAL.*—*Subtitle V of title 31, United States*
9 *Code, is amended by inserting after chapter 73 the fol-*
10 *lowing:*

11 **“CHAPTER 74—GRANTS TRANSPARENCY**
12 **REQUIREMENTS**

“Sec.

“7401. Definitions.

“7402. Pre-award evaluation requirements.

“7403. Website relating to Federal grants.

“7404. Postdecision explanation for failed applicants.

“7405. Inspector General review of peer review process.

13 **“§ 7401. Definitions**

14 *“In this chapter:*

15 *“(1) APPLICANT.—The term ‘applicant’ means*
16 *an entity that submits a proposal or application for*
17 *a grant.*

18 *“(2) COMPETITIVE GRANT.—The term ‘competi-*
19 *tive grant’ means a discretionary grant entered into*
20 *through the use of merit-based selection procedures for*
21 *the purpose of allocating funds authorized under a*
22 *grant program of an Executive agency.*

1 “(3) *EXECUTIVE AGENCY.*—*The term ‘Executive*
 2 *agency’ has the meaning given the term in section*
 3 *105 of title 5, except the term does not include the*
 4 *Government Accountability Office.*

5 “(4) *GRANT.*—*The term ‘grant’ means an award*
 6 *of Federal financial assistance through a grant agree-*
 7 *ment or cooperative agreement making payment in*
 8 *cash or in kind to a recipient to carry out a public*
 9 *purpose authorized by law.*

10 “(5) *GRANT REVIEWER.*—*The term ‘grant re-*
 11 *viewer’, with respect to a grant—*

12 “(A) *means any individual who reviews,*
 13 *evaluates, or participates in the decision to select*
 14 *an applicant for award of the grant; and*

15 “(B) *includes—*

16 “(i) *a peer reviewer;*

17 “(ii) *a merit reviewer; and*

18 “(iii) *a member of a technical evalua-*
 19 *tion panel or board or a special emphasis*
 20 *panel.*

21 **“§ 7402. Pre-award evaluation requirements**

22 “(a) *EVALUATION REQUIRED.*—

23 “(1) *IN GENERAL.*—*Before awarding a competi-*
 24 *tive grant and after determining eligibility and con-*
 25 *ducting a merit-based review, an Executive agency*

1 *shall conduct an evaluation of the risk posed by an*
 2 *applicant to successfully carry out the grant in ac-*
 3 *cordance with section 200.205 of title 2, Code of Fed-*
 4 *eral regulations (or any successor thereto).*

5 “(2) *REVIEW OF INTERAGENCY DUPLICATION.*—
 6 *To the extent practicable, each evaluation conducted*
 7 *under paragraph (1) shall include a review of any*
 8 *interagency duplication of efforts for research grants,*
 9 *which may be completed through a text-similarity de-*
 10 *tection process.*

11 “(b) *SIMPLIFIED EVALUATION PROCEDURE FOR CER-*
 12 *TAIN APPLICANTS.*—

13 “(1) *DEFINITION.*—*In this subsection, the term*
 14 *‘covered applicant’ means an applicant that, based on*
 15 *a risk assessment conducted by the Executive agency,*
 16 *is determined to pose a relatively low risk of failing*
 17 *to execute the grant successfully and properly.*

18 “(2) *PROCEDURE.*—*In conducting the evaluation*
 19 *required under subsection (a) with respect to a cov-*
 20 *ered applicant, an Executive agency shall—*

21 “(A) *minimize the burden on the covered*
 22 *applicant; and*

23 “(B) *consider any existing findings with re-*
 24 *spect to the covered applicant under the single*

1 *audit process under chapter 75 of this title re-*
 2 *lated to the matters described in subsection (b).*

3 **“§ 7403. Website relating to Federal grants**

4 “(a) *REQUIREMENT.*—*The Director of the Office of*
 5 *Management and Budget shall consult with Executive agen-*
 6 *cies to upgrade grants.gov or any proposed successor public*
 7 *website for finding Federal grant opportunities and apply-*
 8 *ing for those grants so that the website—*

9 “(1) *may serve as a central point of information*
 10 *and provide full access for applicants for competitive*
 11 *grants; and*

12 “(2) *shall capture in 1 site, or provide electronic*
 13 *links to, other relevant databases.*

14 “(b) *NOTICE OF COMPETITIVE GRANT FUNDS AVAIL-*
 15 *ABILITY.*—*At the time an Executive agency issues a solici-*
 16 *tation or otherwise announces the availability of funds for*
 17 *a competitive grant, the Executive agency shall post on the*
 18 *grants website maintained under this section, in a search-*
 19 *able electronic format, relevant information about the grant*
 20 *opportunity, including—*

21 “(1) *the grant announcement and purpose of the*
 22 *grant;*

23 “(2) *the anticipated period of performance for*
 24 *new awards and whether the Executive agency antici-*
 25 *pates that the grant will be continued;*

1 “(3) in the case of an announcement with respect
2 to which a specific sum is reserved, the amount of
3 funds available for the grant;

4 “(4) a statement of eligibility requirements for
5 the grant;

6 “(5) contact information for the Executive agen-
7 cy, including the name, telephone number, and elec-
8 tronic mail address of a specific person or persons re-
9 sponsible for answering questions about the grant and
10 the application process for the grant;

11 “(6) a clear statement of the evaluation factors
12 or criteria that the Executive agency intends to use
13 to evaluate and rank grant applications or proposals
14 submitted, including the weight to be applied to each
15 factor or criterion;

16 “(7) a description of the process and standards
17 to be used by the Executive agency to determine that
18 each grant reviewer does not have a prohibited con-
19 flict of interest, as defined by applicable statute or
20 regulation, with respect to the evaluation or review of
21 a grant application or proposal, or the decision to
22 award a grant;

23 “(8) the anticipated deadline for submission of
24 grant applications or proposals; and

1 “(9) a set of sample winning grant proposals
2 awarded under the same or similar program within
3 the last 3 years.

4 “(c) *USE BY APPLICANTS.*—The grants website main-
5 tained under this section shall, to the greatest extent prac-
6 ticable, allow applicants to—

7 “(1) use the website with any widely-used com-
8 puter platform;

9 “(2) search the website for all competitive grants
10 by purpose, funding agency, program source, and
11 other relevant criteria; and

12 “(3) apply for a competitive grant using the
13 website.

14 “(d) *TECHNICAL ASSISTANCE FOR GRANTEEES.*—

15 “(1) *IN GENERAL.*—Each Executive agency shall
16 make available on the grants website maintained
17 under this section detailed grant guidance and writ-
18 ten technical assistance for applicants.

19 “(2) *GRANT AWARD PROCESS INFORMATION*
20 *POSTED.*—With respect to each grant awarded by an
21 Executive agency, the Executive agency shall, not
22 later than 30 days after the date on which the grant
23 is awarded, post on the grants website maintained
24 under this section—

1 “(A) documentation explaining the basis for
 2 the selection decision for the grant, the number
 3 of proposals received for the grant, and, with re-
 4 spect to the proposal that resulted in the grant
 5 award, whether the grant was awarded con-
 6 sistent with a numerical ranking or other rec-
 7 ommendations by grant reviewers; and

8 “(B) in any case in which the award of the
 9 grant is not consistent with the numerical
 10 rankings or any other recommendations made by
 11 grant reviewers, a written justification explain-
 12 ing the rationale for the decision not to follow
 13 the rankings or recommendations.

14 “(3) SENSITIVE INFORMATION.—

15 “(A) PERSONALLY IDENTIFIABLE INFORMA-
 16 TION.—Each Executive agency may redact any
 17 personally identifiable information from a post
 18 on the grants website maintained under this sec-
 19 tion.

20 “(B) ADVERSE INFORMATION.—An Execu-
 21 tive agency may not post on the grants website
 22 maintained under this section any sensitive in-
 23 formation that the Executive agency determines
 24 would adversely affect an applicant.

1 “(e) *SUBMISSION AND PUBLICATION OF GRANT SOLIC-*
 2 *ITATION FORECAST ON THE GRANTS WEBSITE.*—

3 “(1) *REQUIREMENT.*—*Not later than November*
 4 *30 of each fiscal year or not later than 60 days after*
 5 *the date on which amounts are appropriated to an*
 6 *Executive agency for a fiscal year, whichever is later,*
 7 *the head of the Executive agency shall post a forecast,*
 8 *in accordance with paragraph (2), of all non-*
 9 *emergency grant solicitations that the Executive agen-*
 10 *cy expects to issue for the following calendar year,*
 11 *which—*

12 “(A) *shall be based on the best information*
 13 *available; and*

14 “(B) *shall not be binding on the Executive*
 15 *agency.*

16 “(2) *MATTERS INCLUDED.*—*The forecast required*
 17 *under paragraph (1) shall include, to the extent prac-*
 18 *ticable, for each expected grant solicitation in a ma-*
 19 *chine-readable format—*

20 “(A) *a brief description of the subject and*
 21 *purpose of the grant, organized by the organiza-*
 22 *tional unit of the Executive agency;*

23 “(B) *contact information for the organiza-*
 24 *tional unit or individual responsible for the*

1 *grant, if known, including name, telephone num-*
 2 *ber, and electronic mail address;*

3 *“(C) the expected or actual dates for the*
 4 *issuance of the grant solicitation and applica-*
 5 *tion and the grant application submission dead-*
 6 *line;*

7 *“(D) the estimated amount of the average*
 8 *grant award, the estimated maximum and min-*
 9 *imum amounts of the grant award, if applicable,*
 10 *and the estimated total number of grant awards*
 11 *to be made; and*

12 *“(E) a description of the total amount*
 13 *available to be awarded.*

14 *“(f) PUBLICATION OF INFORMATION.—*

15 *“(1) IN GENERAL.—Except as provided in para-*
 16 *graph (2), nothing in this section shall be construed*
 17 *to require the publication of information otherwise ex-*
 18 *empt from disclosure under section 552 of title 5*
 19 *(commonly referred to as the ‘Freedom of Information*
 20 *Act’).*

21 *“(2) LIMITATION.—The exemption under section*
 22 *552(b)(5) of title 5 shall not exempt from publication*
 23 *predecisional documents required to be posted pursu-*
 24 *ant to the requirements under subsection (d)(2).*

1 “(g) *TRANSPARENCY OF INFORMATION.—To the extent*
2 *practicable, the grants website maintained under this sec-*
3 *tion shall—*

4 “(1) *make the information described in this sec-*
5 *tion available in its original format;*

6 “(2) *make the information described in this sec-*
7 *tion available without charge, license, or registration*
8 *requirement;*

9 “(3) *permit the information described in this*
10 *section to be searched;*

11 “(4) *permit the information described in this*
12 *section to be downloaded in bulk;*

13 “(5) *permit the information described in this*
14 *section to be disseminated via automatic electronic*
15 *means;*

16 “(6) *permit the information described in this*
17 *section to be freely shared by the public, such as by*
18 *social media;*

19 “(7) *use permanent uniform resource locators for*
20 *the information described in this section; and*

21 “(8) *provide an opportunity for the public to*
22 *provide input about the usefulness of the site and rec-*
23 *ommendations for improvements.*

1 **“§ 7404. *Postdecision explanation for failed appli-***
 2 ***cants***

3 *“If requested by an applicant for a competitive grant,*
 4 *for each grant award made in an amount in excess of*
 5 *\$100,000 pursuant to a merit-based selection procedure, an*
 6 *Executive agency shall provide the applicant with a timely*
 7 *direct interaction describing the basis for the award deci-*
 8 *sion of the Executive agency, including, if applicable, the*
 9 *decision not to award a grant to the applicant.*

10 **“§ 7405. *Inspector General review of peer review proc-***
 11 ***ess***

12 *“Not later than 18 months after the date of enactment*
 13 *of the Grant Reform and New Transparency Act of 2016,*
 14 *the Inspector General of each Executive agency that awards*
 15 *competitive grants shall conduct a review of the effectiveness*
 16 *of the conflicts of interest policy of the Executive agency,*
 17 *including a review of a random selection of peer review*
 18 *processes, with respect to the peer review process for com-*
 19 *petitive grants in order to detect favoritism.”.*

20 *(b) CLERICAL AMENDMENT.—The table of chapters at*
 21 *the beginning of subtitle V of title 31, United States Code,*
 22 *is amended by inserting after the item relating to chapter*
 23 *73 the following:*

“74. *Grant transparency requirements* 7401”.

24 **SEC. 3. GRANTS WORKFORCE REPORT.**

25 *(a) DEFINITIONS.—In this section:*

1 (1) *EXECUTIVE AGENCY*.—The term “Executive
2 agency” has the meaning given the term in section
3 105 of title 5, United States Code, except the term
4 does not include the Government Accountability Of-
5 fice.

6 (2) *FEDERAL GRANTS WORKFORCE*.—The term
7 “Federal grants workforce”, with respect to an Execu-
8 tive agency, means all employees of the Executive
9 agency who spend some or all of their time engaged
10 in—

11 (A) grant planning, including pro-
12 grammatic activities;

13 (B) preparing grant solicitations, Notices of
14 Funding Opportunity, Notices Inviting Applica-
15 tions, or other requests for grant proposals;

16 (C) evaluating or reviewing grant applica-
17 tions, including serving on a peer review board;

18 (D) monitoring or administering grant per-
19 formance by grantees;

20 (E) preparing the Notice of Award and ne-
21 gotiating terms and conditions; or

22 (F) post-award closeout activities, including
23 final technical and financial reports.

24 (b) *REPORT*.—Not later than 180 days after the date
25 of enactment of this Act, the Comptroller General of the

1 *United States shall submit to the Committee on Homeland*
2 *Security and Governmental Affairs of the Senate and the*
3 *Committee on Oversight and Government Reform of the*
4 *House of Representatives a report on the Federal grants*
5 *workforce, which shall address—*

6 (1) *the size of the Federal grants workforce and*
7 *expected trends in Federal employment for the Fed-*
8 *eral grants workforce;*

9 (2) *the adequacy of training opportunities for*
10 *the Federal grants workforce;*

11 (3) *whether the Federal Acquisition Institute or*
12 *any other existing entity engaged in acquisition*
13 *workforce training should be made available for grant*
14 *training;*

15 (4) *whether a warrant system similar to that*
16 *used in the Federal acquisition system should be es-*
17 *tablished for Federal officials authorized to award*
18 *grants;*

19 (5) *the use by Executive agencies of suspension*
20 *and debarment actions taken against grantees during*
21 *the 3-year period preceding the date on which the re-*
22 *port is submitted, and the level of agency resources*
23 *assigned to the suspension and debarment functions;*
24 *and*

- 1 (6) *any recommendations for improving the Fed-*
- 2 *eral grants workforce.*

Calendar No. 723

114TH CONGRESS
2^D Session

S. 2972

A BILL

To amend title 31, United States Code, to provide transparency and require certain standards in the award of Federal grants, and for other purposes.

DECEMBER 9, 2016

Reported with an amendment