

Public Law 118–140
118th Congress

An Act

To require transparency in notices of funding opportunity, and for other purposes.

Dec. 11, 2024

[H.R. 5536]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Grant
Transparency Act
of 2023.
31 USC 6101
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Grant Transparency Act of 2023”.

SEC. 2. NOTICES OF FUNDING OPPORTUNITY TRANSPARENCY.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term “agency”—

(A) has the meaning given the term “Executive agency” in section 105 of title 5, United States Code; and

(B) does not include the Government Accountability Office.

(2) COMPETITIVE GRANT.—The term “competitive grant” means a discretionary award (as defined in section 200.1 of title 2, Code of Federal Regulations) awarded by an agency—

(A) through a grant agreement or cooperative agreement under which the agency makes payment in cash or in kind to a recipient to carry out a public purpose authorized by law; and

(B) the recipient of which is selected from a pool of applicants through the use of merit-based selection procedures for the purpose of allocating funds authorized under a grant program of the agency.

(3) EVALUATION OR SELECTION CRITERIA.—The term “evaluation or selection criteria” means standards or principles for judging, evaluating, or selecting an application for a competitive grant.

(4) NOTICE OF FUNDING OPPORTUNITY.—The term “notice of funding opportunity” has the meaning given the term in section 200.1 of title 2, Code of Federal Regulations.

(5) RATING SYSTEM.—The term “rating system”—

(A) means a system of evaluation of competitive grant applications to determine how such applications advance through the selection process; and

(B) includes—

(i) a merit criteria rating rubric;

(ii) an evaluation of merit criteria;

(iii) a methodology to evaluate and rate based on a point scale; and

(iv) an evaluation to determine whether a competitive grant application meets evaluation or selection criteria.

(b) TRANSPARENCY REQUIREMENTS.—Each notice of funding opportunity issued by an agency for a competitive grant shall include—

(1) a description of any rating system and evaluation and selection criteria the agency uses to assess applications for the competitive grant;

(2) a statement of whether the agency uses a weighted scoring method and a description of any weighted scoring method the agency uses for the competitive grant, including the amount by which the agency weights each criterion; and

(3) any other qualitative or quantitative merit-based approach the agency uses to evaluate an application for the competitive grant.

(c) APPLICATIONS; DATA ELEMENTS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget, in coordination with the Executive department designated under section 6402(a)(1) of title 31, United States Code, shall develop data elements relating to grant applications to ensure common reporting by each agency with respect to applications received in response to each notice of funding opportunity of the agency.

(2) CONTENTS.—The data elements developed under paragraph (1) shall include—

(A) the number of applications received; and

(B) the city and State of each organization that submitted an application.

(d) RULE OF CONSTRUCTION.—With respect to a particular competitive grant, nothing in this Act shall be construed to supersede any requirement with respect to a notice of funding opportunity for the competitive grant in a law that authorizes the competitive grant.

(e) NO ADDITIONAL FUNDS.—No additional funds are authorized to be appropriated for the purpose of carrying out this Act.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—This Act shall take effect on the date that is 120 days after the date of enactment of this Act.

(2) NO RETROACTIVE EFFECT.—This Act shall not apply to a notice of funding opportunity issued before the date of enactment of this Act.

Approved December 11, 2024.

LEGISLATIVE HISTORY—H.R. 5536 (S. 2260):

SENATE REPORTS: No. 118–125 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 2260.

CONGRESSIONAL RECORD, Vol. 170 (2024):

Nov. 18, considered and passed House.

Dec. 3, considered and passed Senate.

