

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. LANKFORD

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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”.

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

8 (a) IN GENERAL.—Subtitle V of title 31, United

9 States Code, is amended by inserting after chapter 73 the

10 following:

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

3 “(A) means any individual who reviews,
4 evaluates, or participates in the decision to se-
5 lect a grant applicant for award of the grant;
6 and

7 “(B) includes—

8 “(i) a peer reviewer;

9 “(ii) a merit reviewer; and

10 “(iii) a member of a technical evalua-
11 tion panel or board or a special emphasis
12 panel.

13 **“§ 7402. Pre-award evaluation requirements**

14 “(a) EVALUATION REQUIRED.—

15 “(1) IN GENERAL.—Before awarding a competi-
16 tive grant and after determining eligibility and con-
17 ducting a merit-based review, an Executive agency
18 shall conduct an evaluation of the risk posed by an
19 applicant to successfully carry out the grant in ac-
20 cordance with section 200.205 of title 2, Code of
21 Federal regulations (or any successor thereto).

22 “(2) REVIEW OF INTERAGENCY DUPLICA-
23 TION.—To the extent practicable, each evaluation
24 conducted under paragraph (1) shall include a re-
25 view of any interagency duplication of efforts for re-

1 search grants, which may be completed through a
2 text-similarity detection process.

3 “(b) SIMPLIFIED EVALUATION PROCEDURE FOR
4 CERTAIN APPLICANTS.—

5 “(1) DEFINITION.—In this subsection, the term
6 ‘covered applicant’ means an applicant that, based
7 on a risk assessment conducted by the Executive
8 agency, is determined to pose a relatively low risk of
9 failing to execute the grant successfully and prop-
10 erly.

11 “(2) PROCEDURE.—In conducting the evalua-
12 tion required under subsection (a) with respect to a
13 covered applicant, an Executive agency shall—

14 “(A) minimize the burden on the covered
15 applicant; and

16 “(B) consider any existing findings with
17 respect to the covered applicant under the sin-
18 gular audit process under chapter 75 of title 31
19 related to the matters described in subsection
20 (b).

21 **“§ 7403. Website relating to Federal grants**

22 “(a) REQUIREMENT.—The Director of the Office of
23 Management and Budget shall consult with Executive
24 agencies to upgrade grants.gov or any proposed successor

1 public website for finding Federal grant opportunities and
2 applying for such grants so that the website—

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

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

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

15 “(1) the grant announcement and purpose of
16 the grant;

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

20 “(3) in the case of an announcement with re-
21 spect to which a specific sum is reserved, the
22 amount of funds available for the grant;

23 “(4) a statement of eligibility requirements of
24 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;

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

20 “(9) a set of sample winning grant proposals
21 awarded by the same or similar program within the
22 last 3 years.

23 “(c) USE BY APPLICANTS.—The grants website
24 maintained under this section shall, to the greatest extent
25 practicable, allow grant applicants to—

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

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

6 “(3) apply for a competitive grant using the
7 website.

8 “(d) TECHNICAL ASSISTANCE FOR GRANTEES.—

9 “(1) IN GENERAL.—Each Executive agency
10 shall make available on the grants website main-
11 tained under this section detailed grant guidance
12 and written technical assistance for grant applicants.

13 “(2) GRANT AWARD PROCESS INFORMATION
14 POSTED.—With respect to each grant awarded by an
15 Executive agency, the Executive agency shall, not
16 later than 30 days after the date on which the grant
17 is awarded, post on the grants website maintained
18 under this section—

19 “(A) 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 “(B) 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) SENSITIVE INFORMATION.—

8 “(A) PERSONALLY IDENTIFIABLE INFOR-
9 MATION.—Each Executive agency may redact
10 any personally identifiable information from a
11 post on the grants website maintained under
12 this section.

13 “(B) ADVERSE INFORMATION.—An Execu-
14 tive agency may not post on the grants website
15 maintained under this section any sensitive in-
16 formation that the Executive agency determines
17 would adversely affect an applicant.

18 “(e) SUBMISSION AND PUBLICATION OF GRANT SO-
19 LICITATION FORECAST ON THE GRANTS WEBSITE.—

20 “(1) REQUIREMENT.—Not later than November
21 30 of each year or not later than 60 days after the
22 date on which amounts are appropriated to an Exec-
23 utive agency for a fiscal year, whichever is later, the
24 head of the Executive agency shall post a forecast,
25 in accordance with paragraph (2), of all non-emer-

1 agency grant solicitations that the Executive agency
2 expects to issue for the following calendar year,
3 which—

4 “(A) shall be based on the best informa-
5 tion available; and

6 “(B) shall not be binding on the Executive
7 agency.

8 “(2) MATTERS INCLUDED.—The forecast re-
9 quired under paragraph (1) shall include, to the ex-
10 tent practicable, for each expected grant solicitation
11 in a machine-readable format—

12 “(A) a brief description of the subject and
13 purpose of the grant, organized by the organi-
14 zational unit of the Executive agency;

15 “(B) contact information for the organiza-
16 tional unit or individual responsible for the
17 grant, if known, including name, telephone
18 number, and electronic mail address;

19 “(C) the expected or actual dates for the
20 issuance of the grant solicitation and applica-
21 tion and the grant application submission dead-
22 line;

23 “(D) the estimated amount of the average
24 grant award, the estimated maximum and min-
25 imum amounts of the grant award, if applica-

1 ble, and the estimated total number of grant
2 awards to be made; and

3 “(E) a description of the total amount
4 available to be awarded.

5 “(f) PUBLICATION OF INFORMATION.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), nothing in this section shall be construed
8 to require the publication of information otherwise
9 exempt from disclosure under section 552 of title 5
10 (commonly referred to as the ‘Freedom of Informa-
11 tion Act’).

12 “(2) LIMITATION.—The exemption under sec-
13 tion 552(b)(5) of title 5 shall not exempt from publi-
14 cation pre-decisional documents required to be post-
15 ed pursuant to the requirements under subsection
16 (d)(2).

17 “(g) TRANSPARENCY OF INFORMATION.—To the ex-
18 tent practicable, the grants website maintained under this
19 section shall—

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

22 “(2) make the information described in this sec-
23 tion available without charge, license, or registration
24 requirement;

1 “(3) permit the information described in this
2 section to be searched;

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

5 “(5) permit the information described in this
6 section to be disseminated via automatic electronic
7 means;

8 “(6) permit the information described in this
9 section to be freely shared by the public, such as by
10 social media;

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

13 “(8) provide an opportunity for the public to
14 provide input about the usefulness of the site and
15 recommendations for improvements.

16 **“§ 7404. Post-decision explanation for failed appli-**
17 **cants**

18 “If requested by an applicant for a competitive grant,
19 for each grant award made in an amount in excess of
20 \$100,000 pursuant to a merit-based selection procedure,
21 an Executive agency shall provide the applicant with a
22 timely direct interaction describing the basis for the award
23 decision of the Executive agency, including, if applicable,
24 the decision not to award a grant to the applicant.

1 **“§ 7405. Inspector General review of peer review**
 2 **process**

3 “Not later than 18 months after the date of enact-
 4 ment of the Grant Reform and New Transparency Act of
 5 2016, the Inspector General of each Executive agency that
 6 awards competitive grants shall conduct a review of the
 7 effectiveness of the conflicts of interest policy of the Exec-
 8 utive agency, including a review of a random selection of
 9 peer review processes, with respect to the peer review proc-
 10 ess for competitive grants in order to detect favoritism.”.

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

“74. Grant Transparency Requirements 7401”.

15 **SEC. 3. GRANTS WORKFORCE REPORT.**

16 (a) DEFINITIONS.—In this section:

17 (1) EXECUTIVE AGENCY.—The term “Executive
 18 agency” has the meaning given the term in section
 19 105 of title 5, United States Code, except the term
 20 does not include the Government Accountability Of-
 21 fice.

22 (2) FEDERAL GRANTS WORKFORCE.—The term
 23 “Federal grants workforce”, with respect to an Ex-
 24 ecutive agency, means all employees of the Executive

1 agency who spend some or all of their time engaged
2 in—

3 (A) grant planning, including pro-
4 grammatic activities;

5 (B) preparing grant solicitations, Notices
6 of Funding Opportunity, Notices Inviting Appli-
7 cations, or other requests for grant proposals;

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

10 (D) monitoring or administering grant per-
11 formance by grantees;

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

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

16 (b) REPORT.—Not later than 180 days after the date
17 of enactment of this Act, the Comptroller General of the
18 United States shall submit to the Committee on Homeland
19 Security and Governmental Affairs of the Senate and the
20 Committee on Oversight and Government Reform of the
21 House of Representatives a report on the Federal grants
22 workforce, which shall address—

23 (1) the size of the Federal grants workforce and
24 expected trends in Federal employment for the Fed-
25 eral grants workforce;

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

3 (3) whether the Federal Acquisition Institute or
4 any other existing entity engaged in acquisition
5 workforce training should be made available for
6 grant training;

7 (4) whether a warrant system similar to that
8 used in the Federal acquisition system should be es-
9 tablished for Federal officials authorized to award
10 grants;

11 (5) the use by Executive agencies of suspension
12 and debarment actions taken against grantees dur-
13 ing the 3-year period preceding the date on which
14 the report is submitted, and the level of agency re-
15 sources assigned to the suspension and debarment
16 functions; and

17 (6) any recommendations for improving the
18 Federal grants workforce.