

**Suspend the Rules and Pass the Bill, H.R. 5536, With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

118TH CONGRESS  
1ST SESSION

# H. R. 5536

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

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2023

Mr. FRY (for himself, Ms. CROCKETT, Mr. NORMAN, Mr. FINSTAD, Ms. HAGEMAN, Mr. DONALDS, Mrs. HOUCHIN, Mr. WOMACK, Mr. WILLIAMS of Texas, and Mr. TIMMONS) introduced the following bill; which was referred to the Committee on Oversight and Accountability

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## A BILL

To require transparency in notices of funding opportunity,  
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 Transparency  
5 Act of 2023”.

1 **SEC. 2. NOTICES OF FUNDING OPPORTUNITY TRANS-**  
2 **PARENCY.**

3 (a) DEFINITIONS.—In this section:

4 (1) AGENCY.—The term “agency”—

5 (A) has the meaning given the term “Exec-  
6 utive agency” in section 105 of title 5, United  
7 States Code; and

8 (B) does not include the Government Ac-  
9 countability Office.

10 (2) COMPETITIVE GRANT.—The term “competi-  
11 tive grant” means a discretionary award (as defined  
12 in section 200.1 of title 2, Code of Federal Regula-  
13 tions) awarded by an agency—

14 (A) through a grant agreement or coopera-  
15 tive agreement under which the agency makes  
16 payment in cash or in kind to a recipient to  
17 carry out a public purpose authorized by law;  
18 and

19 (B) the recipient of which is selected from  
20 a pool of applicants through the use of merit-  
21 based selection procedures for the purpose of al-  
22 locating funds authorized under a grant pro-  
23 gram of the agency.

24 (3) EVALUATION OR SELECTION CRITERIA.—  
25 The term “evaluation or selection criteria” means

1 standards or principles for judging, evaluating, or  
2 selecting an application for a competitive grant.

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

7 (5) RATING SYSTEM.—The term “rating sys-  
8 tem”—

9 (A) means a system of evaluation of com-  
10 petitive grant applications to determine how  
11 such applications advance through the selection  
12 process; and

13 (B) includes—

- 14 (i) a merit criteria rating rubric;  
15 (ii) an evaluation of merit criteria;  
16 (iii) a methodology to evaluate and  
17 rate based on a point scale; and  
18 (iv) an evaluation to determine wheth-  
19 er a competitive grant application meets  
20 evaluation or selection criteria.

21 (b) TRANSPARENCY REQUIREMENTS.—Each notice  
22 of funding opportunity issued by an agency for a competi-  
23 tive grant shall include—

1           (1) a description of any rating system and eval-  
2           uation and selection criteria the agency uses to as-  
3           sess applications for the competitive grant;

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

9           (3) any other qualitative or quantitative merit-  
10          based approach the agency uses to evaluate an appli-  
11          cation for the competitive grant.

12          (c) APPLICATIONS; DATA ELEMENTS.—

13           (1) IN GENERAL.—The Director of the Office of  
14          Management and Budget, in coordination with the  
15          Executive department designated under section  
16          6402(a)(1) of title 31, United States Code, shall de-  
17          velop data elements relating to grant applications to  
18          ensure common reporting by each agency with re-  
19          spect to applications received in response to each no-  
20          tice of funding opportunity of the agency.

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

23           (A) the number of applications received;  
24          and

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

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

8           (e) NO ADDITIONAL FUNDS.—No additional funds  
9 are authorized to be appropriated for the purpose of car-  
10 rying out this Act.

11          (f) EFFECTIVE DATE.—

12               (1) IN GENERAL.—This Act shall take effect on  
13 the date that is 120 days after the date of enact-  
14 ment of this Act.

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