

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 2286

To improve the effectiveness and performance of certain Federal financial assistance programs, 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. PETERS

Viz:

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

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Streamlining Federal

5 Grants Act of 2023”.

6 **SEC. 2. PURPOSE.**

7 The purposes of this Act are to—

8 (1) improve the effectiveness and performance

9 of Federal grant and cooperative agreement pro-

10 grams;

1 (2) simplify the application and reporting re-
2 quirements of Federal grant and cooperative agree-
3 ment programs;

4 (3) improve the delivery of services to the pub-
5 lic, particularly services to communities and organi-
6 zations that historically have not received Federal
7 grants or cooperative agreements; and

8 (4) facilitate greater coordination among agen-
9 cies that award Federal grants and non-Federal en-
10 tities responsible for delivering services to the public.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) AGENCY.—The term “agency” has the
14 meaning given the term in section 551 of title 5,
15 United States Code.

16 (2) AGENCY CO-CHAIR.—The term “agency co-
17 chair” means the agency designated by the Director
18 or the Council under section 5(e)(1).

19 (3) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term “appropriate congressional com-
21 mittees” means—

22 (A) the Committee on Homeland Security
23 and Governmental Affairs of the Senate; and

24 (B) the Committee on Oversight and Ac-
25 countability of the House of Representatives.

1 (4) CONSULTATION WITH NON-FEDERAL ENTI-
2 TIES.—The term “consultation with non-Federal en-
3 tities” means regular and ongoing engagement
4 with—

5 (A) recipients and potential recipients of
6 grants or cooperative agreements and entities
7 that represent those recipients and potential re-
8 cipients; and

9 (B) particular attention to the recipients
10 and potential recipients described in subpara-
11 graph (A) that have not historically received
12 grants or cooperative agreements.

13 (5) COOPERATIVE AGREEMENT.—The term “co-
14 operative agreement” has the meaning given the
15 term in section 6302 of title 31, United States Code.

16 (6) COUNCIL.—The term “Council” means the
17 Grants Council established under section 5(a).

18 (7) DIRECTOR.—The term “Director” means
19 the Director of the Office of Management and Budg-
20 et.

21 (8) FEDERAL FINANCIAL ASSISTANCE.—The
22 term “Federal financial assistance” has the meaning
23 given the term in section 7501 of title 31, United
24 States Code.

1 (9) GRANT.—The term “grant” has the mean-
2 ing given the term “grant agreement” in section
3 6302 of title 31, United States Code.

4 (10) INDIAN TRIBE.—The term “Indian Tribe”
5 has the meaning given the term in section 4 of the
6 Indian Self Determination and Education Assistance
7 Act (25 U.S.C. 5304).

8 (11) INSTITUTION OF HIGHER EDUCATION.—
9 The term “institution of higher education” has the
10 meaning given the term in section 101 of the Higher
11 Education Act of 1965 (20 U.S.C. 1001).

12 (12) LOCAL GOVERNMENT.—The term “local
13 government” means any unit of government within
14 a State, including—

15 (A) a county;

16 (B) a borough;

17 (C) a municipality;

18 (D) a city;

19 (E) a town;

20 (F) a township;

21 (G) a parish;

22 (H) a local public authority, including any
23 public housing agency (as defined in section
24 2(b) of the United States Housing Act of 1937
25 (42 U.S.C. 1437(b));

1 (I) a special district;

2 (J) a school district;

3 (K) an intrastate district;

4 (L) a council of governments, whether or
5 not incorporated as a nonprofit corporation
6 under State law; and

7 (M) any other agency or instrumentality of
8 a multi-State, regional, or intra-State or local
9 government

10 (13) NON-FEDERAL ENTITY.—The term “non-
11 Federal entity” means a State, local government, In-
12 dian Tribe, institution of higher education, or non-
13 profit organization.

14 (14) NONPROFIT ORGANIZATION.—The term
15 “nonprofit organization”—

16 (A) means any corporation, trust, associa-
17 tion, cooperative, or other organization that—

18 (i) is operated primarily for scientific,
19 educational, service, charitable, or similar
20 purposes in the public interest;

21 (ii) is not organized primarily for
22 profit;

23 (iii) uses net proceeds to maintain,
24 improve, or expand the operations of the
25 organization; and

1 (iv) is not an institution of higher
2 education; and

3 (B) includes faith-based and community-
4 based organizations.

5 (15) SENIOR AGENCY OFFICIAL FOR GRANTS.—
6 The term “senior agency official for grants” means
7 an agency official designated under section 4(a).

8 (16) STATE.—The term “State” means any
9 State of the United States, the District of Columbia,
10 the Commonwealth of Puerto Rico, the U.S. Virgin
11 Islands, Guam, American Samoa, the Common-
12 wealth of the Northern Mariana Islands, the Trust
13 Territory of the Pacific Islands, any instrumentality
14 thereof, and any multi-State, regional, or interstate
15 entity that has governmental functions.

16 **SEC. 4. SENIOR AGENCY OFFICIALS FOR GRANTS.**

17 (a) SENIOR AGENCY OFFICIAL FOR GRANTS.—Not
18 later than 60 days after the date of enactment of this Act,
19 the head of each agency shall—

20 (1) designate a senior official of the agency to
21 be responsible for—

22 (A) agency-wide grant and cooperative
23 agreement policy, management, strategic plan-
24 ning, and implementation; and

1 (B) the responsibilities of the agency under
2 this Act; and

3 (2) notify the Director of the designation under
4 paragraph (1).

5 (b) LIST.—The Director shall—

6 (1) maintain a list of senior agency officials for
7 grants; and

8 (2) not later than 90 days after the date of en-
9 actment of this Act, make the list maintained under
10 paragraph (1) available to the public on the website
11 of the Office of Management and Budget.

12 **SEC. 5. GRANTS COUNCIL.**

13 (a) IN GENERAL.—Not later than 80 days after the
14 date of enactment of this Act, the Director shall establish
15 a council to be known as the Grants Council.

16 (b) MEMBERSHIP.—The Council shall be composed
17 of—

18 (1) the Controller of the Office of Federal Fi-
19 nancial Management of the Office of Management
20 and Budget, who shall act as the Chair of the Coun-
21 cil;

22 (2) with respect to each agency that distributes
23 grants or enters into cooperative agreements, the
24 senior agency official for grants of the agency; and

1 (3) other relevant agency officials, as deter-
2 mined necessary by the Chair.

3 (c) ADMINISTRATIVE SUPPORT.—The Administrator
4 of General Services shall provide administrative support
5 for the Council.

6 (d) SOLICITATION OF FEEDBACK.—The Director
7 shall—

8 (1) consistently and regularly solicit input and
9 collect feedback and user experience information
10 with respect to the application, administration, and
11 reporting of grants and cooperative agreements, in-
12 cluding from non-Federal entities; and

13 (2) incorporate the information collected under
14 paragraph (1) into the work of the Council.

15 (e) IMPLEMENTATION ASSISTANCE.—

16 (1) AGENCY CO-CHAIR.—

17 (A) IN GENERAL.—The Director shall des-
18 ignate an agency with representation on the
19 Council to serve as the agency co-chair to assist
20 the Director in carrying out the responsibilities
21 under this section.

22 (B) TERM.—The term of service of the
23 agency co-chair shall be 2 years.

1 (C) RENEWAL.—At the discretion of the
2 Council, an agency may serve as the agency co-
3 chair for not more than 2 consecutive terms.

4 (D) SUCCESSOR.—Upon the expiration of
5 a term of service of an agency co-chair, the
6 members of the Council shall designate a suc-
7 cessor agency co-chair.

8 (2) INTERAGENCY WORKING GROUPS.—The Di-
9 rector may use interagency working groups to assist
10 in carrying out the responsibilities under this sec-
11 tion.

12 (f) INTERAGENCY DUTIES.—The Director, in con-
13 sultation with the Council, shall direct, coordinate, and as-
14 sist agencies in—

15 (1) designing and implementing common data
16 standards under chapter 64 of title 31, United
17 States Code;

18 (2) creating guidelines for simplified notice of
19 funding opportunities that improve the user experi-
20 ence for grants and cooperative agreements;

21 (3) improving interagency and intergovern-
22 mental coordination of information collection and
23 data sharing relating to grant and cooperative agree-
24 ment programs, including for the purpose of per-
25 formance management and program evaluation;

1 (4) improving the timeliness, completeness, and
2 quality of information received by agencies from re-
3 cipients of grants and cooperative agreements;

4 (5) improving the performance of grants and
5 cooperative agreements;

6 (6) ensuring the consistent application and in-
7 terpretation of Government-wide Federal financial
8 assistance policy, oversight, and management;

9 (7) supporting the development of the Federal
10 financial assistance workforce;

11 (8) establishing policies and guidelines to pro-
12 hibit conflicts of interest by officials involved in de-
13 termining grant awards and grant recipients; and

14 (9) identifying and improving other procedures
15 and policies relating to the application, administra-
16 tion, and reporting of grants and cooperative agree-
17 ments, as identified by the Council.

18 (g) REPORT ON IMPROVEMENTS.—Not later than 1
19 year after the date of enactment of this Act, and every
20 2 years thereafter until the date that is 15 years after
21 the date of enactment of this Act, the Director, in con-
22 sultation with the Council, shall submit to the appropriate
23 congressional committees a report relating to the imple-
24 mentation of this Act.

1 (h) REPORT ON RECOMMENDED CHANGES IN LAW
2 AND REGULATIONS.—Not later than 4 years after the
3 date of enactment of this Act, the Director, in consultation
4 with the Council, shall submit to the appropriate congress-
5 sional committees a report containing recommendations
6 for changes in law and regulations to improve the effec-
7 tiveness, performance, and coordination of grant and coop-
8 erative agreement programs.

9 **SEC. 6. AGENCY GRANT IMPROVEMENT PLANS.**

10 (a) AGENCY GUIDANCE.—Not later than 270 days
11 after the date of enactment of this Act, the Director, in
12 consultation with the Council, shall issue guidance for the
13 development of agency plans to—

14 (1) streamline and simplify the application, ad-
15 ministrative, and reporting procedures for each
16 grant and cooperative agreement program adminis-
17 tered by the agency;

18 (2) simplify and improve user experience with
19 respect to notices of funding opportunity, including
20 by implementing—

21 (A) the use of plain language;

22 (B) the listing of the availability of, and
23 contact information for, training and assistance
24 relating to applying for, administering, and re-

1 porting on grants and cooperative agreements;
2 and

3 (C) the inclusion of a summary of the
4 funding opportunity of not more than 500
5 words;

6 (3) demonstrate active participation by the
7 agency in the Council;

8 (4) demonstrate appropriate coordination with
9 the Grants Quality Service Management Office, or
10 any successor organization, with respect to the adop-
11 tion by the agency, or plans for adoption by the
12 agency, of grant management solutions or services
13 that meet usability and modernization standards es-
14 tablished by the Director;

15 (5) ensure potential applicants for grant and
16 cooperative agreement programs have opportunities
17 to receive training and assistance;

18 (6) improve the abilities of recipients of grants
19 and cooperative agreements to provide timely, com-
20 plete, and high-quality information in response to
21 Federal reporting requirements;

22 (7) ensure that individuals with limited English
23 proficiency can meaningfully access information re-
24 lating to grants and cooperative agreements con-

1 sistent with, and without unduly burdening, the mis-
2 sion of the agency;

3 (8) improve the abilities of recipients of grants
4 and cooperative agreements to provide meaningful
5 access to applicants and beneficiaries of the grants
6 and cooperative agreements who are individuals with
7 limited English proficiency; and

8 (9) establish specific annual goals and objec-
9 tives to further the purposes of this Act and meas-
10 ure annual performance in achieving those goals and
11 objectives.

12 (b) REVIEW OF PLANS AND REPORTS.—Upon re-
13 quest by the Director, the head of each agency shall sub-
14 mit to the Director information and reporting relating to
15 the implementation of this Act by the agency.

16 (c) EXEMPTIONS.—

17 (1) IN GENERAL.—The Director may exempt an
18 agency, a component of an agency, or a particular
19 grant or cooperative agreement program of an agen-
20 cy from the requirements of this Act if the Director
21 determines that the agency does not administer a
22 significant number of grant and cooperative agree-
23 ment programs.

24 (2) LIST OF EXEMPTED AGENCIES.—The Direc-
25 tor shall—

1 (A) maintain a list of agencies, components
2 of agencies, and grant and cooperative agree-
3 ment programs exempted under paragraph (1);
4 and

5 (B) make the list maintained under sub-
6 paragraph (A) available to the public on the
7 website of the Office of Management and Budg-
8 et.

9 (d) AGENCY PLANS.—Subject to subsection (e), not
10 later than the earlier of 1 year after the date on which
11 the Director issues guidance under subsection (a) and 635
12 days after the date of enactment of this Act, the head of
13 each agency shall develop, implement, and submit to the
14 Director and the appropriate congressional committees a
15 plan in response to the guidance.

16 (e) EXTENSION.—If the head of an agency is unable
17 to comply with the deadline established under subsection
18 (d) to develop and implement a plan, the Director may
19 extend the period during which the agency may develop
20 and implement the plan by not more than 1 year.

21 (f) COMMENT AND CONSULTATION ON AGENCY
22 PLANS.—

23 (1) COMMENT.—

24 (A) IN GENERAL.—The head of each agen-
25 cy shall publish the plan developed in accord-

1 ance with the guidance issued under subsection
2 (a) in the Federal Register.

3 (B) PUBLIC COMMENT.—With respect to a
4 plan published in the Federal Register by the
5 head of an agency in accordance with subpara-
6 graph (A)—

7 (i) the head of the agency shall review
8 public comments on the plan submitted
9 through the Federal Register and by other
10 means; and

11 (ii) to the maximum extent prac-
12 ticable, the head of the agency shall hold
13 a public forum on the plan.

14 (2) CONSULTATION.—The senior agency official
15 for grants of each agency shall participate in con-
16 sultation with non-Federal entities during the devel-
17 opment and implementation of the plan developed in
18 accordance with the guidance issued under sub-
19 section (a).

20 (g) ANNUAL REPORT.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of the submission of the plan of an agency
23 under subsection (d), and annually thereafter, the
24 senior agency official for grants of the agency or the
25 head of the agency, as applicable, shall submit to the

1 Director and the appropriate congressional commit-
2 tees a report on—

3 (A) the implementation of the plan; and

4 (B) the performance of the agency in
5 meeting the goals and objectives described in
6 subsection (a)(9).

7 (2) INCLUSION IN OTHER REPORTS.—Effective
8 on the date on which the head of an agency submits
9 a plan under subsection (d), the head of the agency
10 shall update and include the goals and objectives de-
11 scribed in subsection (a)(9) in each performance
12 plan of the agency required under section 1115 of
13 title 31, United States Code.

14 **SEC. 7. GRANTS.GOV.**

15 (a) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Director, in coordination
17 with the Secretary of Health and Human Services, shall
18 submit to the appropriate congressional committees a re-
19 port that—

20 (1) contains findings from a study on the acces-
21 sibility and user experience of Grants.gov, or any
22 successor website; and

23 (2) provides recommendations based on the
24 findings described in paragraph (1) to improve the

1 access to the function of Grants.gov, or any suc-
2 cessor website.

3 (b) IMPROVEMENTS.—Not later than 3 years after
4 the date of enactment of this Act, the Director, in coordi-
5 nation with the Secretary of Health and Human Services,
6 shall implement the recommendations described in sub-
7 section (a)(2).

8 **SEC. 8. ANALYSIS OF ACCESS TO FEDERAL GRANTS.**

9 Not later than 2 years after the date of enactment
10 of this Act, the Comptroller General of the United States
11 shall submit to the appropriate congressional committees
12 a report that—

13 (1) identifies challenges experienced by non-
14 Federal entities, including by faith-based and com-
15 munity-based organizations, rural communities, and
16 small communities, in applying for, accessing, ad-
17 ministering, and reporting on grants and cooperative
18 agreements;

19 (2) identifies the reasons that the entities de-
20 scribed in paragraph (1) elect not to participate in
21 grants and cooperative agreements;

22 (3) includes options to improve access to grants
23 and cooperative agreements for the entities described
24 in paragraph (1);

1 (4) analyzes the extent to which agencies that
2 award grants collect information on the number and
3 characteristics, including the geographic distribution,
4 of applicants for competitive grants and cooperative
5 agreements; and

6 (5) if the information described in paragraph
7 (4) is available, analyzes the information.

8 **SEC. 9. EVALUATION.**

9 (a) IN GENERAL.—Not later than 5 years after the
10 date of enactment of this Act, the Comptroller General
11 of the United States, in consultation with non-Federal en-
12 tities, shall submit to the appropriate congressional com-
13 mittees an evaluation of the effectiveness of this Act.

14 (b) CONTENTS.—The evaluation under subsection (a)
15 shall—

16 (1) assess the implementation of this Act and
17 the extent to which the implementation meets the
18 purposes of this Act;

19 (2) make specific recommendations to further
20 the implementation of this Act;

21 (3) evaluate the actual performance of each
22 agency in achieving the goals and objectives stated
23 in the plan of the agency developed in accordance
24 with the guidance issued under section 6(a); and

1 (4) assess the level of coordination among the
2 Director and non-Federal entities in implementing
3 this Act.