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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R.

To amend title 5, United States Code, to require the implementation of evidence-based practices with respect to certain Federal grants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. YAKYM introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 5, United States Code, to require the implementation of evidence-based practices with respect to certain 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 This Act may be cited as the “Evidence-Based
5 Grantmaking Act”.

1 **SEC. 2. REQUIREMENT TO IMPLEMENT EVIDENCE-BASED**
2 **PRACTICES WITH RESPECT TO CERTAIN FED-**
3 **ERAL GRANTS.**

4 (a) IN GENERAL.—Subchapter II of chapter 3 of title
5 5, United States Code, is amended by inserting after sec-
6 tion 315 the following:

7 **“§ 316. Requirement to implement evidence-based**
8 **practices with respect to certain Federal**
9 **grants**

10 “(a) REQUIREMENTS.—The head of a covered agency
11 shall, with respect to each covered grant of the agency—

12 “(1) include in any notice of funding oppor-
13 tunity, request for proposals, or announcement with
14 respect to the grant a clearly defined purpose for the
15 grant, including clearly defined intended outcomes
16 for the use of any funds provided under the grant;

17 “(2) prioritize awarding the covered grant—

18 “(A) to applicants that have—

19 “(i) implemented practices that are
20 evidence-based; and

21 “(ii) demonstrated in the application
22 for the grant that the applicant will use
23 the funding for such practices to achieve
24 results compatible with the purpose for the
25 grant (as defined in the notice of funding

1 opportunity, request for proposal, and or
2 announcement for the grant);

10 “(C) in accordance section 200.202 of title
11 2, Code of Federal Regulations (or successor
12 regulation);

13 “(3) require recipients of a covered grant to use
14 practices that are evidenced-based in providing any
15 services to the public or a specific community using
16 funds provided under such grant; and

17 “(4) acting through the Evaluation officer of
18 the agency—

19 “(A) in accordance with subsection (b),
20 conduct periodic evaluations that are evidence-
21 based during the term of the covered grant to
22 determine, with respect each activity carried out
23 using funds provided under the covered grant,
24 whether such funds are being used effectively to
25 achieve the intended outcomes for the use of

1 funds provided under the grant (as defined in
2 the notice of funding opportunity, requests for
3 proposal, or announcement for the grant);

4 “(B) establish a process by which such
5 evaluations are to be conducted;

6 “(C) make the results of such evaluations
7 available to the public; and

8 “(D) use such results to inform decision
9 making in the development of future notices of
10 funding opportunity, requests for proposal, or
11 announcements for the grant.

12 “(b) EVALUATION.—In carrying out each evaluation
13 required by subsection (a)(3), each Evaluation officer shall
14 adhere to Federal program evaluation standards, includ-
15 ing by using the different types of evaluation, such as im-
16 pact, outcome, process or implementation, and formative
17 evaluation, in carrying out such evaluation.

18 “(c) AGENCY REPORT TO CONGRESS.—The head of
19 each covered agency shall submit an annual report to Con-
20 gress on the activities carried out by the head of each cov-
21 ered agency under this section.

22 “(d) TECHNICAL ASSISTANCE.—The head of each
23 covered agency may provide technical assistance to recipi-
24 ents of grants of the agency in carrying out any require-
25 ment established pursuant to this section.

1 “(e) DEFINITIONS.—In this section:

2 “(1) COVERED AGENCY.—The term ‘covered
3 agency’ means the following:

4 “(A) Department of Agriculture.

5 “(B) Department of Commerce.

6 “(C) Department of Education.

7 “(D) Department of Energy.

8 “(E) Department of Health and Human
9 Services.

10 “(F) Department of Homeland Security.

11 “(G) Department of Housing and Urban
12 Development.

13 “(H) Department of the Interior.

14 “(I) Department of Justice.

15 “(J) Department of Labor.

16 “(K) Department of Transportation.

17 “(L) Department of the Treasury.

18 “(M) Department of Veterans Affairs.

19 “(N) The Environmental Protection Agen-
20 cy.

21 “(O) The Small Business Administration.

22 “(2) COVERED GRANT.—The term ‘covered
23 grant’ means a grant made by the head of the cov-
24 ered agency for the purpose of the recipient of such
25 grant providing a service to the public or specific

1 community using the funds provided under such
2 grant.

3 “(3) FEDERAL PROGRAM EVALUATION STAND-
4 ARDS.—The term ‘Federal program evaluation
5 standards’ means standards and practices described
6 in the Office of Management and Budget Memo-
7 randum M–20–12 (relating to the implementation of
8 the Foundations for Evidence-Based Policymaking
9 Act of 2018 and Program Evaluation Standards and
10 Practices).”.

11 (b) DEFINITION AND APPLICATION OF THE TERM
12 “EVIDENCE-BASED”.—

13 (1) OMB GUIDANCE.—

14 (A) IN GENERAL.—Not later than 1 year
15 after the date of the enactment of this Act, the
16 Director shall issue to the heads of covered
17 agencies guidance on how to define and apply
18 the term “evidence-based” for the purpose of
19 implementing section 316 of title 5, United
20 States Code (as added by subsection (a)).

21 (B) CONTENTS.—The guidance issued by
22 the Director under subparagraph (A) shall pro-
23 vide the head of each such agency the flexibility
24 to define or apply the term “evidence-based” in
25 a manner—

10 (A) define the term “evidence-based” for
11 the purposes of implementing section 316 of
12 title 5, United States Code, with respect to the
13 covered grants of the agency—

19 (I) a proposed definition of such
20 term; and

21 (II) a description of how the
22 community engagement practices, evi-
23 dence-based standards, and evaluation
24 requirements of such section will be

1 applied by the agency to such grants;
2 and

3 (iv) after providing an opportunity for
4 public comment regarding such proposed
5 definition, not later than the date that is
6 60 days after the publication of the notice
7 required by clause (iii);

8 (B) establish a framework for identifying
9 applicants proposing to implement practices
10 that are evidence-based, for the purpose of
11 prioritizing the award of covered grants to such
12 applicants in accordance with section
13 316(a)(2)(A) of title 5, United States Code;
14 and

15 (C) make such definition and framework
16 available to the public.

23 (c) APPLICATION.—Beginning on the date that is 180
24 days after the head of a covered agency makes the defini-
25 tion required by subsection (b)(2)(A) for that agency

1 available to the public in accordance with such subsection,
2 section 316 of title 5, United State Code, shall apply to
3 each covered grant of the agency, where practicable.

4 (d) REPORTS.—

5 (1) INITIAL IMPLEMENTATION REPORT TO
6 OMB.—Not later than 180 days after the head of a
7 covered agency makes the definition and framework
8 required by subsection (b)(2)(B) available to the
9 public in accordance with such subsection, the head
10 of the agency shall submit to the Director a report
11 on how the head will implement the requirements of
12 section 316 of title 5, United States Code, with re-
13 spect to the covered grants for the agency that in-
14 cludes an initial list of covered grants with respect
15 to which the head of the agency will be imple-
16 menting the framework.

17 (2) INITIAL IMPLEMENTATION REPORT TO CON-
18 GRESS.— Beginning on the date that is 1 year after
19 the date of the enactment of this Act, and each year
20 thereafter until the date that is 5 years after the
21 date of such enactment, the Director of OMB shall
22 submit an annual report to Congress on the progress
23 of implementing the provisions of this Act that in-
24 cludes, with respect to the year preceding the re-
25 port—

1 (A) progress on—

2 (i) defining the term “evidence-based”
3 for the purposes of implementing section
4 316 of title 5, United States Code, with re-
5 spect to the covered grants; and

6 (ii) implementing evidence-based prac-
7 tices with respect to the covered grants in-
8 cluded on the list required by paragraph
9 (1);

10 (B) comprehensive details on how the head
11 of each covered agency is defining, integrating,
12 and implementing the framework required by
13 subsection (b)(2)(B) for the covered grants of
14 the agency; and

15 (C) an assessment of whether the heads of
16 covered agencies are implementing the provi-
17 sions of this Act, and the amendments made by
18 this Act, in similar or divergent manners, and
19 any recommendations on where greater align-
20 ment in such implementation may improve or
21 streamline the application process for persons
22 seeking multiple grants.

23 (3) ANNUAL OMB REPORT.—Beginning on the
24 date that is one year after the framework required
25 by subsection (b)(2)(B) has begun to be imple-

1 mented by the heads of covered agencies, and each
2 year thereafter, the Director of OMB shall submit to
3 report to Congress on the extent to which the head
4 of covered agencies have used such framework in
5 awarding grants, including—

6 (A) the number of covered grants with re-
7 spect to which the head has used such frame-
8 work; and

9 (B) select examples of grants of the cov-
10 ered agency with respect to which the head of
11 the covered agency has successfully used such
12 framework to select the recipients of such
13 grant.

14 (4) FUTURE GRANTMAKING.—Not later than 1
15 year after the head of a covered agency has begun
16 to implement the framework established by the head
17 of the agency in accordance with subsection
18 (b)(2)(B), the head of such agency shall submit to
19 the Director a comprehensive report that—

20 (A) identifies best practices for future
21 grantmaking by the agency; and

22 (B) makes recommendations for future im-
23 provements to the strategies the agency uses to
24 evaluate grants under section 316(a)(3) of title

1 5, United States Code, to enhance the impact
2 of Federal grant investments.

3 (e) DEFINITIONS.—In this Act, the terms “covered
4 agency”, “covered grant”, and “Federal program evalua-
5 tion standards” have the meaning given such terms in sec-
6 tion 316 of title 5, United States Code, as added by sub-
7 section (a).