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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Public Health Service Act to require greater transparency and accountability within the grant-making process of the National Institutes of Health.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the Public Health Service Act to require greater transparency and accountability within the grant-making process of the National Institutes of Health.

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 Reform And
5 NIH Transparency Act of 2023” or the “GRANT Act of
6 2023”.

1 **SEC. 2. NIH DATABASE OF DENIALS.**

2 Section 402 of the Public Health Service Act (42
3 U.S.C. 282) is amended by adding at the end the fol-
4 lowing:

5 “(p) DATABASE OF DENIALS.—

6 “(1) IN GENERAL.—The Secretary, acting
7 through the Director of NIH, shall establish and
8 maintain a database of each research proposal that
9 is denied a grant or other award by the National In-
10 stitutes of Health.

11 “(2) UPDATES.—The Secretary shall update
12 the contents of the database under paragraph (1)
13 not less than quarterly.

14 “(3) CONTENTS.—The database under para-
15 graph (1) shall include, with respect to each denial
16 described in such paragraph, an explanation of the
17 basis for such denial.

18 “(4) TIMING.—

19 “(A) ESTABLISHMENT OF DATABASE.—
20 The Secretary shall establish the database
21 under paragraph (1) not later than 180 days
22 after the date of enactment of this subsection.

23 “(B) COVERED DENIALS.—The database
24 under paragraph (1) shall include all denials
25 described in such paragraph occurring on or
26 after the date of enactment of this subsection.”.

1 **SEC. 3. ACCESS BY INDEPENDENT, OUTSIDE RESEARCHERS**
2 **TO INFORMATION ON NIH'S INTERNAL OPER-**
3 **ATIONS FOR MAKING AWARDS.**

4 Section 402 of the Public Health Service Act (42
5 U.S.C. 282), as amended, is further amended by adding
6 at the end the following:

7 “(q) ACCESS TO NIH DATA BY INDEPENDENT, OUT-
8 SIDE RESEARCHER.—

9 “(1) SHARING.—The Secretary, acting through
10 the Director of NIH, shall share with researchers,
11 on request, information concerning the internal oper-
12 ations of the National Institutes of Health in mak-
13 ing awards.

14 “(2) RELATION TO OTHER LAW.—The obliga-
15 tion imposed by paragraph (1) to share information
16 applies notwithstanding any other law, including sec-
17 tions 552(b), 552a, and 552b of title 5, United
18 States Code.

19 “(3) INFORMATION TO BE SHARED.—Except as
20 provided in paragraph (4), the information required
21 to be shared by paragraph (1) includes the following:

22 “(A) Individual scores and written com-
23 ments on funded and unfunded proposals made
24 by study section members and program staff of
25 the National Institutes of Health (including the
26 Center for Scientific Review and any national

1 research institute, national center, advisory
2 council or board, or other office or agency of
3 the National Institutes of Health) in carrying
4 out applicable provisions of law, including sec-
5 tions 405(b)(2)(B)(ii), 405(b)(3)(B)(iii), 492,
6 and 492A.

7 “(B) The full text of funded proposals, un-
8 funded proposals, progress reports, and final re-
9 ports for research awards, including such
10 awards consisting of a grant, a cooperative
11 agreement, a contract, training, technical as-
12 sistance, or other transaction authority.

13 “(C) The information in the database
14 under subsection (p).

15 “(D) Information on the performance of
16 employees and agents of the National Institutes
17 of Health in conducting research.

18 “(E) The degree to which the National In-
19 stitutes of Health funds awards below the
20 payline and the rationale for doing so.

21 “(F) Any other information regarding
22 making awards that is maintained by the Office
23 of Portfolio Analysis, the Center for Scientific
24 Review, or the Office of Evaluation, Perform-
25 ance, and Reporting.

1 “(G) Any other information in the posses-
2 sion of the National Institutes of Health that is
3 requested in accordance with paragraph (1), in-
4 cluding any such—

5 “(i) evaluation of performance; or

6 “(ii) funding or peer-review model.

7 “(4) REDACTION.—Before sharing information
8 pursuant to paragraph (1) regarding an award, the
9 Secretary shall redact the names of—

10 “(A) the individuals serving as peer review-
11 ers for purposes of the research involved; and

12 “(B) in the case of a grant or other award
13 that was denied (as described in subsection
14 (p)(1)) the individuals or other persons apply-
15 ing for the award.

16 “(5) COVERED INFORMATION.—

17 “(A) MAINTENANCE OF INFORMATION.—

18 The Secretary shall maintain into perpetuity in-
19 formation that is—

20 “(i) described in paragraph (1); and

21 “(ii) in the possession of the National
22 Institutes of Health on or after the date of
23 enactment of this subsection.

1 “(B) EARLIER INFORMATION.—The Sec-
2 retary shall make a reasonable effort to recon-
3 struct information that—

4 “(i) is requested pursuant to para-
5 graph (1); and

6 “(ii) was in the possession of the Na-
7 tional Institutes of Health before the date
8 of enactment of this subsection but has not
9 been maintained in whole or in part.”.