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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To require the disclosure of foreign support provided to a recipient after the award of a research and development award, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To require the disclosure of foreign support provided to a recipient after the award of a research and development award, 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 Recipient Ac-
5 countability for Necessary Transparency Act of 2023” or
6 the “GRANT Act of 2023”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) The United States Department of Edu-
2 cation identified several universities receiving Fed-
3 eral research and development funding that did not
4 report foreign gifts as required by law.

5 (2) The United States Department of Edu-
6 cation found 6 universities of the 12 they inves-
7 tigated received gifts that amounted to more than
8 \$1,300,000,000 from foreign sources, including the
9 People’s Republic of China, Qatar, and the Russian
10 Federation.

11 (3) On April 13, 2023, the United States Envi-
12 ronmental Protection Agency’s Office of Inspector
13 General issued a memorandum concerning “Disclo-
14 sure of Foreign Support for EPA Research.”

15 (4) The EPA’s OIG “identified a concern re-
16 garding the lack of a requirement for EPA research
17 grant recipients to report foreign support after re-
18 ceiving a grant award.”

19 (5) According to the memorandum, “[a]s of
20 March 22, 2023, the EPA only required grant appli-
21 cants to disclose all active and pending research sup-
22 port before receiving a grant award.”

23 (6) The National Security Presidential Memo-
24 randum – 33 requires Federal research and develop-
25 ment recipients to disclose any involvement in pro-

1 grams sponsored by foreign governments, instrumen-
2 talities, entities, including foreign government spon-
3 sored talent recruitment programs.

4 (7) The memorandum also provides guidance to
5 require both pre-award and post-award disclosures.

6 **SEC. 3. DISCLOSURE OF SUPPORT FOR RESEARCH AND DE-**
7 **VELOPMENT AWARD RECIPIENTS REQUIRED.**

8 (a) **RECIPIENT REQUIREMENT TO DISCLOSE.**—The
9 head of a covered agency shall require in the terms and
10 conditions of any research and development award issued
11 by the covered agency that—

12 (1) the recipient of the award disclose within 30
13 days after the date on which the recipient receives
14 any support from a country of concern or an entity
15 of concern a description of such support; and

16 (2) any covered individual report to the recipi-
17 ent within 30 days after a commitment of any sup-
18 port or the receipt of any support from a country of
19 concern or entity of concern, which shall be disclosed
20 to the covered agency within 14 days after any such
21 report.

22 (b) **COOPERATION WITH INSPECTORS GENERAL.**—
23 The head of any covered agency shall cooperate with the
24 inspectors general in order to ensure compliance with the
25 requirements of this section.

1 (c) USE OF THE COLLECTED DISCLOSURE INFORMA-
2 TION.—Not later than 60 days after the date of the enact-
3 ment of this Act, the Director of the National Science
4 Foundation shall—

5 (1) establish and maintain a searchable data-
6 base on a website for any disclosure made to a cov-
7 ered agency pursuant to subsection (a);

8 (2) require covered agencies to transmit by elec-
9 tronic means an unredacted copy of the report re-
10 quired pursuant to subsection (a) to the Director;

11 (3) make the website publicly available (in elec-
12 tronic and downloadable format);

13 (4) ensure website and content is searchable
14 and sortable; and

15 (5) make each such report available on the
16 website not later than 30 days after receipt of the
17 report.

18 (d) STUDY ON RESEARCH SECURITY CONCERNS.—

19 (1) TRANSMISSION OF REPORTS TO NATIONAL
20 COUNTERINTELLIGENCE AND SECURITY CENTER.—

21 Not later than 7 days after the date on which a re-
22 port is submitted pursuant to subsection (c)(2), the
23 Director of the National Science Foundation shall
24 transmit by electronic means an unredacted copy of

1 such report to the Director of the National Counter-
2 intelligence and Security Center.

3 (2) ANALYSIS.—The Director of the National
4 Counterintelligence and Security Center shall—

5 (A) perform an analysis of each report
6 submitted pursuant to paragraph (1) to identify
7 broader research security concerns or patterns
8 of misconduct by each country of concern or en-
9 tity of concern; and

10 (B) share the analysis with Congress and
11 the intelligence and Federal law enforcement
12 agencies, including the inspector general office
13 of each covered agency.

14 (3) NSF ANALYSIS.—Not later than 60 days
15 after the date of the enactment of this Act, the Di-
16 rector of the National Science Foundation, through
17 the Research Security and Integrity Information
18 Sharing Analysis Organization, shall submit to Con-
19 gress and provide to the Director of the National
20 Counterintelligence and Security Center an analysis
21 and other information related to the information dis-
22 closed pursuant to subsection (a).

23 (e) REPORT TO CONGRESS.—Not later than January
24 15 of each year, the head of each covered agency shall

1 submit to Congress a report on compliance with the re-
2 quirements of this section for the previous fiscal year.

3 (f) APPLICABILITY.—This section applies to any re-
4 search and development award issued on or after the date
5 of the enactment of this Act.

6 (g) ENFORCEMENT.—

7 (1) ACTIONS FOR NONCOMPLIANCE.—The head
8 of a covered agency shall take one or more of the
9 following enforcement actions with respect to a re-
10 cipient of a research and development award made
11 by that agency that is not in compliance with sub-
12 section (a):

13 (A) Temporarily withhold cash payments
14 pending correction of the deficiency by the non-
15 Federal entity.

16 (B) Disallow (that is, deny both use of
17 funds and any applicable matching credit for)
18 all or part of the cost of the activity or action
19 not in compliance.

20 (C) Wholly or partly suspend or terminate
21 the Federal award.

22 (D) Initiate suspension or debarment pro-
23 ceedings as authorized under part 180 of title
24 2, Code of Federal Regulations (as in effect on
25 the date of enactment of this Act) and Federal

1 awarding agency regulations (or in the case of
2 a pass-through entity, recommend such a pro-
3 ceeding be initiated by a Federal awarding
4 agency).

5 (E) Withhold further Federal awards for
6 the project or program.

7 (F) Place the covered individual into the
8 integrity and performance system designated by
9 the Office of Management and Budget acces-
10 sible through the System of Award Manage-
11 ment (“SAM.gov”) (currently the Federal
12 Awardee Performance and Integrity Informa-
13 tion System (FAPIIS)).

14 (G) Refer the failure to disclose under sub-
15 section (a) to the Inspector General of the
16 agency concerned for further investigation or to
17 Federal law enforcement authorities to deter-
18 mine whether criminal or civil laws were vio-
19 lated.

20 (H) Take such other actions against the
21 recipient as are authorized under applicable law
22 or regulations.

23 (I) Recoup all funding up to and including
24 the full amount of the award.

1 (2) EVIDENTIARY STANDARDS.—A covered
2 agency seeking suspension or debarment under para-
3 graph (1) shall abide by the procedures and evi-
4 dentiary standards set forth in part 180 of title 2,
5 Code of Federal Regulations (as in effect on the
6 date of the enactment of this Act).

7 (h) DEFINITIONS.—In this section:

8 (1) AGENCY.—The term “agency” has the
9 meaning given that term in section 551 of title 5,
10 United States Code.

11 (2) COUNTRY OF CONCERN.—The term “coun-
12 try of concern” means the People’s Republic of
13 China (including the Special Administrative Regions
14 of China, including Hong Kong and Macau), the
15 Russian Federation, Iran, North Korea, Cuba, and
16 Venezuela, including any agency or instrumentality.

17 (3) COVERED AGENCY.—The term “covered
18 agency” means an agency that awards a research
19 and development award.

20 (4) COVERED INDIVIDUAL.—The term “covered
21 individual” means an individual who—

22 (A) contributes in a substantive, meaning-
23 ful way to the scientific development or execu-
24 tion of a research and development project pro-
25 posed to be carried out with a research and de-

1 development award from a Federal research agen-
2 cy (as such term is defined in section 10001 of
3 the Research and Development, Competition,
4 and Innovation Act (42 U.S.C. 18901)); or

5 (B) is designated as a covered individual
6 by the Federal research agency concerned.

7 (5) ENTITY OF CONCERN.—The term “entity of
8 concern” means an entity organized under the laws
9 of any country of concern, including any United
10 States subsidiary of such entity or any entity that
11 acts on behalf of any such entity.

12 (6) RESEARCH AND DEVELOPMENT AWARD.—
13 The term “research and development award”—

14 (A) means support provided to an indi-
15 vidual or entity by a covered agency to carry
16 out research and development activities, which
17 may include support in the form of a grant,
18 contract, other transaction, or cooperative
19 agreement; and

20 (B) does not include a transaction for the
21 procurement of goods or services to meet the
22 administrative needs of a covered agency.

23 (7) SUPPORT.—The term “support”—

24 (A) means a grant or other financial sup-
25 port made by an individual or entity;

1 (B) includes any in-kind contribution re-
2 quiring a commitment of time and directly sup-
3 porting the research and development efforts,
4 such as the provision of office or laboratory
5 space, equipment, supplies, employees, or stu-
6 dents; and

7 (C) includes any other award or benefit,
8 including any honorarium, prize, or paid travel
9 for a speaking engagement or meeting, provided
10 to any covered individual on a research and de-
11 velopment award or to an institution of higher
12 education (as such term is defined in section
13 101 of the Higher Education Act of 1965 (20
14 U.S.C. 1101)) on behalf of covered individual.