

118TH CONGRESS  
1ST SESSION

# H. R. 6642

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

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2023

Mr. POSEY introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Permanent Select Committee on Intelligence, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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.

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