

AMENDMENT TO H.R. 6395
OFFERED BY MR. WALTZ OF FLORIDA

At the appropriate place in title II, insert the following new section:

1 **SEC. 2 ____ . DISCLOSURE OF FOREIGN FUNDING SOURCES**
2 **IN APPLICATIONS FOR FEDERAL RESEARCH**
3 **AWARDS.**

4 (a) DISCLOSURE REQUIREMENT.—Each Federal re-
5 search agency shall require—

6 (1) any individual applying for funds from that
7 agency as a principal investigator or co-principal in-
8 vestigator under a grant or cooperative agreement to
9 disclose all current and pending support and the
10 sources of such support at the time of the applica-
11 tion for funds; and

12 (2) any institution of higher education applying
13 for funds from that agency to certify that every
14 principal investigator or co-principal investigator
15 who is employed by the institution of higher edu-
16 cation and is applying for such funds has been made
17 aware of the requirement under paragraph (1).

18 (b) CONSISTENCY.—The Director of the Office of
19 Science and Technology Policy, acting through the Na-

1 tional Science and Technology Council and in accordance
2 with the authority provided under section 1746 of the Na-
3 tional Defense Authorization Act for Fiscal Year 2020
4 (Public Law 116–92; 42 U.S.C. 6601 note) shall ensure
5 that the requirements issued by Federal research agencies
6 under subsection (a) are consistent.

7 (c) ENFORCEMENT.—

8 (1) IN GENERAL.—In the event that an indi-
9 vidual or entity violates the disclosure requirements
10 under subsection (a), a Federal research agency may
11 take one or more of the following actions against
12 such individual or entity:

13 (A) Reject an application for a grant or co-
14 operative agreement because the disclosed cur-
15 rent and pending support violates agency terms
16 and conditions.

17 (B) Reject an application for a grant or
18 cooperative agreement because current and
19 pending support have not been disclosed as re-
20 quired under subsection (a).

21 (C) Temporarily or permanently dis-
22 continue any or all funding from that agency
23 for any principal investigator or co-principal in-
24 vestigator who has failed to properly disclose

1 current and pending support pursuant to sub-
2 section (a).

3 (D) Temporarily or permanently suspend
4 or debar a researcher, in accordance with part
5 180 of title 2, Code of Federal Regulations,
6 from receiving funding from that agency when
7 failure to disclose current and pending support
8 pursuant to subsection (a) as done knowingly
9 and willfully.

10 (E) Refer a failure to disclose under sub-
11 section (a) to Federal law enforcement authori-
12 ties to determine whether any criminal statutes
13 have been violated.

14 (2) NOTICE.—A Federal research agency in-
15 tending to take action under any of subparagraphs
16 (A), (B), (C), or (D) of paragraph (1) shall notify
17 the institution of higher education, principal investi-
18 gator and any co-principal investigators subject to
19 such action about the specific reason for the action,
20 and shall provide the institution, principal investi-
21 gator, and co-principal investigator, as applicable,
22 with the opportunity and a process by which to con-
23 test the proposed action.

24 (3) EVIDENTIARY STANDARDS.—A Federal re-
25 search agency seeking suspension or debarment

1 under paragraph (1)(D) shall abide by the proce-
2 dures and evidentiary standards set forth in part
3 180 of title 2, Code of Federal Regulations.

4 (d) DEFINITIONS.—In this section:

5 (1) CURRENT AND PENDING SUPPORT.—The
6 term “current and pending support” means all re-
7 sources made available to an individual in direct
8 support of the individual’s research efforts, regard-
9 less of whether such resources have monetary value,
10 and includes in-kind contributions requiring a com-
11 mitment of time and directly supporting the individ-
12 ual’s research efforts, such as the provision of office
13 or laboratory space, equipment, supplies, employees,
14 and students.

15 (2) INSTITUTION OF HIGHER EDUCATION.—The
16 term “institution of higher education” has the
17 meaning given that term in section 101 of the High-
18 er Education Act of 1965 (20 U.S.C. 1001).

19 (3) FEDERAL RESEARCH AGENCY.—The term
20 “Federal research agency” includes the following
21 and any organizations and elements thereof:

- 22 (A) The Department of Agriculture.
- 23 (B) The Department of Commerce.
- 24 (C) The Department of Defense.
- 25 (D) The Department of Education.

- 1 (E) The Department of Energy.
- 2 (F) The Department of Health and
- 3 Human Services.
- 4 (G) The Department of Homeland Security
- 5 (H) The Department of Transportation.
- 6 (I) The Environmental Protection Agency.
- 7 (J) The National Aeronautics and Space
- 8 Administration.
- 9 (K) The National Science Foundation.

