

118TH CONGRESS
1ST SESSION

H. R. 3766

To amend the Federal Funding Accountability and Transparency Act of 2006 to require recipients of Federal awards to collect and report data relating to subawards granted to entities outside of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 31, 2023

Mr. GALLAGHER introduced the following bill; which was referred to the
Committee on Oversight and Accountability

A BILL

To amend the Federal Funding Accountability and Transparency Act of 2006 to require recipients of Federal awards to collect and report data relating to subawards granted to entities outside of the United States, 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 “Tracking Receipts to
5 Adversarial Countries for Knowledge of Spending Act” or
6 the “TRACKS Act”.

1 **SEC. 2. FOREIGN SUBAWARDS.**

2 Section 2 of the Federal Funding Accountability and
3 Transparency Act of 2006 (31 U.S.C. 6101 note; Public
4 Law 109–282) is amended—

5 (1) in subsection (a), by adding at the end the
6 following:

7 “(9) SUBAWARD.—The term ‘subaward’—

8 “(A) means an award provided by a pass-
9 through entity to a subrecipient for the sub-
10 recipient to carry out part of a Federal award
11 received by the pass-through entity;

12 “(B) includes an award described in sub-
13 paragraph (A) that is passed from a sub-
14 recipient to another subrecipient; and

15 “(C) does not include payments to a bene-
16 ficiary of a Federal program.”; and

17 (2) in subsection (d), by adding at the end the
18 following:

19 “(3) REPORTING OF FOREIGN SUBAWARDS.—

20 “(A) DEFINITIONS.—In this paragraph:

21 “(i) COVERED SUBAWARD.—The term
22 ‘covered subaward’—

23 “(I) means a subaward awarded
24 to an entity located in a foreign coun-
25 try of concern (as defined in section
26 9901 of the William M. (Mac) Thorn-

1 berry National Defense Authorization
2 Act for Fiscal Year 2021 (15 U.S.C.
3 4651)); and

4 “(II) includes a subaward de-
5 scribed in subclause (I) of any
6 amount.

7 “(ii) PRIME AWARD RECIPIENT.—The
8 term ‘prime award recipient’, with respect
9 to a covered subaward, means the entity
10 that directly receives the Federal award
11 from which the covered subaward origi-
12 nates.

13 “(B) REPORTING.—The recipient of a cov-
14 ered subaward shall disclose data with respect
15 to the covered subaward in the same manner as
16 subawards are disclosed in accordance with
17 paragraph (2).

18 “(C) GUIDANCE.—Not later than 90 days
19 after the date of enactment of the Tracking Re-
20 ceipts to Adversarial Countries for Knowledge
21 of Spending Act, the Director shall issue guid-
22 ance that establishes consistency for complying
23 with this paragraph for agencies, prime award
24 recipients, and covered subaward recipients, in-

1 cluding establishing standards for disclosed
2 data.”.

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