

118TH CONGRESS  
1ST SESSION

# S. 1775

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.

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## IN THE SENATE OF THE UNITED STATES

MAY 31 (legislative day, MAY 30), 2023

Ms. ERNST (for herself and Mr. MARSHALL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## 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 eluding establishing standards for disclosed  
2 data.”.

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