

118TH CONGRESS
2D SESSION

H. R. 8703

To amend the Public Health Service Act to ensure the primary recipient of a grant has access to all information related to the research funded by such grant, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2024

Mr. CARTER of Georgia introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to ensure the primary recipient of a grant has access to all information related to the research funded by such grant, 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 “Foreign Research
5 Transparency Act of 2024”.

1 **SEC. 2. ENSURING ACCESS OF PRIMARY RECIPIENT TO IN-**
 2 **FORMATION RELATED TO RESEARCH.**

3 Part H of title IV of the Public Health Service Act
 4 (42 U.S.C. 289 et seq.) is amended by inserting after sec-
 5 tion 493A (42 U.S.C. 289b–1) the following:

6 **“SEC. 493B. ENSURING ACCESS OF PRIMARY RECIPIENT TO**
 7 **INFORMATION RELATED TO RESEARCH.**

8 “(a) IN GENERAL.—The Secretary shall require, by
 9 regulation, that, as a condition of the receipt of a covered
 10 grant, a primary recipient shall ensure that each agree-
 11 ment entered into by such primary recipient with a foreign
 12 secondary recipient provides for such primary recipient to
 13 have access to all supporting information related to the
 14 research carried out by the foreign secondary recipient,
 15 including access to—

16 “(1) raw data;

17 “(2) databases;

18 “(3) notes;

19 “(4) progress reports; and

20 “(5) other information the Secretary determines
 21 to be relevant.

22 “(b) FAILURE TO COMPLY.—

23 “(1) DETERMINATION.—Each of the following
 24 actors may make a determination that a primary re-
 25 cipient has failed to comply with the regulations
 26 issued under subsection (a):

1 “(A) The Secretary.

2 “(B) The Inspector General of the Depart-
3 ment of Health and Human Services.

4 “(C) The Director of the Office of Man-
5 agement and Budget.

6 “(2) PENALTIES.—

7 “(A) INITIAL RESPONSE.—If a determina-
8 tion that a primary recipient has failed to com-
9 ply is made under paragraph (1), the Secretary
10 shall—

11 “(i) withhold undistributed grant
12 amounts from the relevant primary recipi-
13 ent until the date on which such recipient
14 comes into compliance, as determined by
15 an appropriate authority; and

16 “(ii) change the status of the relevant
17 primary recipient in the System for Award
18 Management (or successor system) admin-
19 istered by the General Services Adminis-
20 tration, and other relevant Federal data-
21 bases, to a status that prevents Federal
22 funds from being provided to such recipi-
23 ent until the date on which such recipient
24 comes into compliance, as determined by
25 an appropriate authority.

1 “(B) FAILURE TO COME INTO COMPLI-
2 ANCE.—A primary recipient determined to have
3 failed to comply under paragraph (1) and who
4 does not come into compliance, as determined
5 by an appropriate authority, during the 180-day
6 period beginning on the date of the initial de-
7 termination of a failure to comply, shall return
8 all grant amounts related to the relevant cov-
9 ered grant to the agency that provided such
10 amounts.

11 “(c) DEFINITIONS.—In this section, the following
12 definitions apply:

13 “(1) APPROPRIATE AUTHORITY.—The term ‘ap-
14 propriate authority’ means—

15 “(A) the Secretary; or

16 “(B) the Director of the Office of Manage-
17 ment and Budget.

18 “(2) COVERED GRANT.—The term ‘covered
19 grant’ means a grant awarded under a Department
20 of Health and Human Services program to fund an
21 activity that involves biomedical or behavioral re-
22 search.

23 “(3) FOREIGN SECONDARY RECIPIENT.—The
24 term ‘foreign secondary recipient’ means an entity
25 that—

1 “(A) conducts activities—

2 “(i) under an agreement with a pri-
3 mary recipient; and

4 “(ii) to facilitate an activity for which
5 the primary recipient received a covered
6 grant; and

7 “(B) is a foreign entity as that term is de-
8 fined in section 3 of the Lobbying Disclosure
9 Act of 1995 (2 U.S.C. 1602).

10 “(4) PRIMARY RECIPIENT.—The term ‘primary
11 recipient’ means an entity that receives a covered
12 grant.”.

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