

117TH CONGRESS
1ST SESSION

S. _____

To amend the Higher Education Act of 1965 to improve Federal oversight of foreign funding in education.

IN THE SENATE OF THE UNITED STATES

Mr. RUBIO (for himself and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Higher Education Act of 1965 to improve Federal oversight of foreign funding in education.

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 “Greater Insight into
5 Foreign Transactions in Higher Education Act of 2021”
6 or the “GIFTs in Higher Education Act”.

7 **SEC. 2. FEDERAL OVERSIGHT OF FOREIGN FUNDING IN**
8 **EDUCATION.**

9 Section 117 of the Higher Education Act of 1965 (20
10 U.S.C. 1011f) is amended—

1 (1) in subsection (a), by inserting “, including
2 a member of the faculty, professional staff, or other
3 staff engaged in research and development,” after
4 “Whenever any institution”;

5 (2) by redesignating subsections (b) through
6 (g), and subsection (h), as subsections (c) through
7 (h), and subsection (k), respectively;

8 (3) by inserting after subsection (a) the fol-
9 lowing:

10 “(b) DISCLOSURES OF GIFTS AND CONTRACTS FROM
11 DESIGNATED FOREIGN ADVERSARY SOURCES.—

12 “(1) IN GENERAL.—Notwithstanding subsection
13 (a), whenever any institution, including a member of
14 the faculty, professional staff, or other staff engaged
15 in research and development, receives a gift from or
16 enters into a contract with a designated foreign ad-
17 versary source, the value of which is \$50,000 or
18 more, considered alone or in combination with all
19 other gifts from or contracts with that designated
20 foreign adversary source within a calendar year, the
21 institution shall file a disclosure report with the Sec-
22 retary not later than 30 days after the date of the
23 receipt of the gift or entry into the contract.

24 “(2) LIST OF DESIGNATED FOREIGN ADVER-
25 SARY SOURCES.—In consultation with Congress, the

1 Secretary of State may add countries to the list of
2 adversarial foreign governments in subsection (k)
3 but may not remove countries from that list.”;

4 (4) in subsection (d) (as redesignated), by strik-
5 ing “subsection (b)” and inserting “subsection (e)”;

6 (5) in subsection (e) (as redesignated), by strik-
7 ing “subsection (a)” each place it appears and in-
8 serting “subsection (a) or (b)”;

9 (6) in subsection (k) (as redesignated)—

10 (A) by redesignating paragraph (1) and
11 paragraphs (2) through (5) as paragraph 2 and
12 paragraphs (4) through (7), respectively;

13 (B) by inserting before paragraph (2) (as
14 redesignated) the following:

15 “(1) the term ‘adversarial foreign government’
16 means—

17 “(A) the People’s Republic of China;

18 “(B) the Russian Federation;

19 “(C) the Democratic People’s Republic of
20 Korea;

21 “(D) the Islamic Republic of Iran;

22 “(E) the Republic of Cuba;

23 “(F) the Syrian Arab Republic;

24 “(G) the regime of Nicolás Maduro in Ven-
25 ezuela; and

1 “(H) the government of any other country
2 designated as an adversarial foreign govern-
3 ment for purposes of this section by the Sec-
4 retary of State, in accordance with subsection
5 (b)(2);”; and

6 (C) by inserting after paragraph (2) (as
7 redesignated) the following:

8 “(3) the term ‘designated foreign adversary
9 source’ means—

10 “(A) an adversarial foreign government,
11 including an agency of an adversarial foreign
12 government;

13 “(B) a legal entity, governmental or other-
14 wise, organized solely under the laws of a coun-
15 try described in paragraph (1);

16 “(C) an individual who is a citizen or na-
17 tional of such a country; and

18 “(D) an agent, including a subsidiary or
19 affiliate of a legal entity of an adversarial for-
20 eign government, acting on behalf of an adver-
21 sarial foreign government;”; and

22 (7) by inserting after subsection (h) (as redesign-
23 ated) the following:

24 “(i) PUBLICATION OF FOREIGN GIFT DISCLO-
25 SURES.—

1 “(1) DISCLOSURE OF GIFTS OR CONTRACTS
2 FROM FOREIGN SOURCES.—Not later than 30 days
3 after the deadline for submission of a disclosure re-
4 port under subsection (a), the Secretary shall make
5 the contents of the disclosure report available online.

6 “(2) DISCLOSURE OF GIFTS OR CONTRACTS
7 FROM DESIGNATED FOREIGN ADVERSARY
8 SOURCES.—Not later than 30 days after receipt of
9 a disclosure report submitted under subsection (b),
10 the Secretary shall make the contents of the disclo-
11 sure report available online.

12 “(j) AGENCY COORDINATION.—The Secretary shall
13 coordinate with other Federal agencies, as appropriate, to
14 ensure that other Federal agencies have access to disclo-
15 sure reports submitted under this section and any infor-
16 mation or documentation relating to disclosure reports
17 submitted under this section.”.

18 **SEC. 3. ENSURING COMPLIANCE WITH REPORTING RE-**
19 **QUIREMENTS.**

20 (a) IN GENERAL.—Each Federal agency shall ensure
21 that no Federal funds under the jurisdiction of that agen-
22 cy are distributed to an institution that is knowingly or
23 willfully in violation of section 117 of the Higher Edu-
24 cation Act of 1965 (20 U.S.C. 1011f), as determined by
25 the head of the relevant agency.

1 (b) DEPARTMENT OF EDUCATION.—An institution
2 that is knowingly or willfully in violation of section 117
3 of the Higher Education Act of 1965 (20 U.S.C. 1011f),
4 as determined by the Secretary of Education, shall not be
5 eligible to receive Federal funds distributed by the Depart-
6 ment of Education, except funds provided under title IV
7 of the Higher Education Act of 1965.

8 (c) DEFINITION OF INSTITUTION.—In this section,
9 the term “institution” has the meaning given that term
10 in section 117 of the Higher Education Act of 1965 (20
11 U.S.C. 1011f)).

12 **SEC. 4. EFFECTIVE DATE.**

13 This Act and the amendments made by this Act take
14 effect on June 30 of the year following the year of enact-
15 ment of this Act.