

117TH CONGRESS  
1ST SESSION

# S. 2593

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

---

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2021

Mr. RUBIO (for himself and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## 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 redesi-  
23           gnated) 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.

○