

116TH CONGRESS  
2D SESSION

# H. R. 7170

To require institutions of higher education to disclose gifts from foreign sources in the publications of certain professors and affiliates, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2020

Mr. KEVIN HERN of Oklahoma (for himself, Mr. GAETZ, Mr. SPANO, Mr. BROOKS of Alabama, Mr. POSEY, Mr. ROY, Mr. ROUZER, Mr. LAMALFA, Mr. BABIN, Mr. MULLIN, Mr. PERRY, Mrs. HARTZLER, Mr. BURCHETT, Mr. MURPHY of North Carolina, Mr. BISHOP of North Carolina, and Mr. GARCIA of California) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To require institutions of higher education to disclose gifts from foreign sources in the publications of certain professors and affiliates, 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 “America: Foreign In-  
5 fluence Resistance Starts with Transparency Act” or the  
6 “America FIRST Act”.

1 **SEC. 2. DISCLOSURE OF FOREIGN GIFTS.**

2 (a) DISCLOSURE FOR INSTITUTIONS.—Any institu-  
3 tion of higher education that receives a gift from, con-  
4 tracts with, or has financial assets in a foreign source shall  
5 disclose the total value of such gifts, contracts, and finan-  
6 cial assets received from such foreign source in the byline  
7 of each publication relating to such foreign source made  
8 by a professor employed by such institution of higher edu-  
9 cation.

10 (b) DISCLOSURE FOR DEPARTMENTS.—Any non-  
11 profit department within an institution of higher edu-  
12 cation that receives a gift from, contracts with, or has fi-  
13 nancial assets in a foreign source shall disclose the total  
14 value of such gifts, contracts, and financial assets received  
15 from such foreign source in the byline of each publication  
16 relating to such foreign source made by a professor em-  
17 ployed by such department.

18 (c) DISCLOSURE FOR AFFILIATES.—Any affiliate of  
19 an institution of higher education shall disclose the total  
20 value of gifts, contracts, or other financial assets from a  
21 foreign source in the byline of each publication relating  
22 to such foreign source made by such affiliate.

23 (d) FOREIGN SOURCES WITH SIMILAR LOCATIONS.—  
24 For purposes of the byline disclosures required under this  
25 section, funding from different foreign sources that are lo-

1 cated within the same nation shall be totaled and reported  
2 as funding from such foreign source.

3 **SEC. 3. ENFORCEMENT.**

4 (a) IN GENERAL.—The Secretary of Education shall  
5 take such steps as may be necessary to enforce the provi-  
6 sions of section 2.

7 (b) PENALTIES.—Upon determination that an insti-  
8 tution of higher education or a nonprofit department or  
9 affiliate of such an institution has failed to meet the re-  
10 quirements of section 2, the Secretary shall determine the  
11 appropriate enforcement action to take with respect to  
12 such institution, which may include any of the following:

13 (1) Imposing a probationary period on, or lim-  
14 iting eligibility for, the institution, department, affil-  
15 iate, or professors in violation of this Act to receive  
16 Federal funds.

17 (2) Loss of nonprofit status for a nonprofit in-  
18 stitution, department, or affiliate.

19 **SEC. 4. DISCLOSURES OF FOREIGN GIFTS.**

20 (a) IN GENERAL.—Section 117 of the Higher Edu-  
21 cation Act of 1965 (20 U.S.C. 1011f) is amended—

22 (1) by amending subsection (a) to read as fol-  
23 lows:

24 “(a) DISCLOSURE REPORT.—An institution shall file  
25 a disclosure report with the Secretary on January 31 or

1 July 31, whichever is sooner, whenever one or more of the  
2 following paragraphs applies to such institution:

3 “(1) The institution is owned or controlled by  
4 a foreign source.

5 “(2) The institution receives a gift from or en-  
6 ters into a contract with a foreign source, the value  
7 of which is \$50,000 or more, considered in combina-  
8 tion with all other gifts from or contracts with that  
9 foreign source within a calendar year.”;

10 (2) in subsection (b)—

11 (A) in paragraph (1), in the first sentence,  
12 by inserting before the period at the end the  
13 following: “, and the content of each such con-  
14 tract”; and

15 (B) in paragraph (2), by inserting before  
16 the period the following: “, and the content of  
17 each such contract”;

18 (3) in subsection (e), by inserting “, including  
19 the contents of any contracts,” after “reports”; and

20 (4) in subsection (h)(3), by inserting before the  
21 semicolon at the end the following: “, or the fair  
22 market value of an in-kind gift”.

23 (b) EFFECTIVE DATE.—The amendments made by  
24 subsection (a) shall apply with respect to gifts received

1 or contracts entered into, or other activities carried out,  
2 on or after the date of the enactment of this Act.

3 **SEC. 5. DEFINITIONS.**

4 In this Act:

5 (1) **AFFILIATE.**—The term “affiliate” refers to  
6 any entity that invokes the name of an institution of  
7 higher education in the byline of a publication, in-  
8 cluding professors, lecturers, researchers, graduate  
9 students, and non-employee alumni.

10 (2) **ASSET.**—The term “asset” includes stocks,  
11 bonds, retirement accounts, personal bank accounts,  
12 liabilities such as mortgages or real estate that  
13 produce income, and terms of agreement for future  
14 employment.

15 (3) **CONTRACT.**—The term “contract” has the  
16 meaning given the term in section 117(h) of the  
17 Higher Education Act of 1965 (20 U.S.C.  
18 1011f(h)).

19 (4) **FOREIGN SOURCE.**—The term “foreign  
20 source” has the meaning given the term in section  
21 117(h) of the Higher Education Act of 1965 (20  
22 U.S.C. 1011f(h)).

23 (5) **GIFT.**—The term “gift” has the meaning  
24 given the term in section 117(h) of the Higher Edu-  
25 cation Act of 1965 (20 U.S.C. 1002(h)).

1           (6) INSTITUTION OF HIGHER EDUCATION.—The  
2       term “institution of higher education” has the  
3       meaning given the term in section 102 of the Higher  
4       Education Act of 1965 (20 U.S.C. 1002).

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