

**AMENDMENT TO RULES COMMITTEE PRINT 119-**

**33**

**OFFERED BY MR. FINE OF FLORIDA**

At the end of subtitle D of title X, add the following new section:

1 **SEC. 10\_\_ . DISCLOSURE OF FOREIGN GIFTS MADE TO**  
2 **MILITARY COLLEGES.**

3 Chapter 101 of title 10, United States Code, is  
4 amended by adding at the end the following new section:

5 **“§ 2018. Military colleges: disclosures of foreign gifts**

6 “(a) DISCLOSURE REPORT REQUIRED.—(1) When-  
7 ever any military college receives a gift from a foreign  
8 source or enters into a covered contract, the value of which  
9 is \$50,000 or more, considered alone or in combination  
10 with all other gifts from or contracts with that foreign  
11 source in a calendar year, the military college shall submit  
12 a report to the Secretary of Defense.

13 “(2)(A) Each report to the Secretary required by this  
14 subsection shall include the following:

15 “(i) With respect to gifts received from, or con-  
16 tracts entered into with, a foreign source other than  
17 a foreign government, the aggregate dollar amount

1 of such gifts and contracts attributable to a par-  
2 ticular country.

3 “(ii) With respect to gifts received from, or con-  
4 tracts entered into with, a foreign government, the  
5 aggregate amount of such gifts and contracts re-  
6 ceived from such foreign government.

7 “(B) For purposes of subparagraph (A), the country  
8 to which a gift is attributable is—

9 “(i) with respect to a foreign source who is a  
10 natural person, the country of citizenship of the for-  
11 eign source or, if the country of citizenship is un-  
12 known, the country in which the principal residence  
13 of the foreign source is located; and

14 “(ii) with respect to a foreign source that is a  
15 legal entity, the country of incorporation of the for-  
16 eign source or, if the country of incorporation is un-  
17 known, the country in which the principal place of  
18 business of the foreign source is located.

19 “(3) Each report required under paragraph (1) shall  
20 be submitted to the Secretary not later than the earlier  
21 of the January 31 or July 31 immediately following the  
22 receipt of the gift or the entering into of the covered con-  
23 tract that causes a report to be required to be submitted  
24 under paragraph (1).

1           “(b) ADDITIONAL DISCLOSURES FOR RESTRICTED  
2 AND CONDITIONAL GIFTS.—Not later than 30 days after  
3 the date on which a military college receives a restricted  
4 or conditional gift or contract from a foreign source, the  
5 military college shall submit a report to the Secretary con-  
6 taining the following:

7           “(1) For a restricted or conditional gift or con-  
8 tract involving a foreign source other than a foreign  
9 government—

10                   “(A) the amount of the gift or contract,  
11 the date on which the gift was received or the  
12 contract was entered into, and a description of  
13 the conditions or restrictions on the gift or con-  
14 tract;

15                   “(B) with respect to a foreign source that  
16 is a natural person, the country of citizenship  
17 of the foreign source or, if the country of citi-  
18 zenship is unknown, the country in which the  
19 principal residence of the foreign source is lo-  
20 cated; and

21                   “(C) with respect to a foreign source that  
22 is a legal entity, the country of incorporation of  
23 the foreign source or, if the country of incorpo-  
24 ration is unknown, the country in which the

1 principal place of business of the foreign source  
2 is located.

3 “(2) For a restricted or conditional gift or con-  
4 tract involving a foreign source that is a foreign gov-  
5 ernment—

6 “(A) the amount of the gift or contract,  
7 the date on which the gift was received or the  
8 contract was entered into, a description of the  
9 conditions or restrictions on the gift or con-  
10 tract; and

11 “(B) the name of the foreign government.

12 “(c) PUBLIC AVAILABILITY.—The Secretary shall  
13 make publicly available on an Internet website of the De-  
14 partment of Defense each report required to be submitted  
15 under this section.

16 “(d) ENFORCEMENT.—(1) Whenever it appears that  
17 a military college has failed to comply with the require-  
18 ments of this section, including any rule or regulation pro-  
19 mulgated under this section, a civil action may be brought  
20 by the Attorney General, at the request of the Secretary,  
21 in an appropriate district court of the United States, or  
22 the appropriate United States court of any territory or  
23 other place subject to the jurisdiction of the United States,  
24 to request such court to compel compliance with the re-  
25 quirements of this section.

1       “(2) For knowing or willful failure to comply with  
2 the requirements of this section, including any rule or reg-  
3 ulation promulgated thereunder, a military college shall  
4 pay to the Treasury of the United States the full costs  
5 to the United States of obtaining compliance, including  
6 all associated costs of investigation and enforcement.

7       “(e) ANNUAL REPORT.—Not later than March 1 of  
8 each year, the Secretary shall submit to the Committees  
9 on Armed Services of the House of Representatives and  
10 the Senate a report on foreign gifts to military colleges  
11 during the preceding year. Each report shall include, for  
12 the year covered by the report, an identification of each  
13 foreign gift for which disclosure was required under sub-  
14 section (a) or subsection (b) and for each such gift—

15               “(1) the foreign government or foreign source  
16 that provided the gift;

17               “(2) the military college that received the gift;

18               “(3) the dollar value of the gift; and

19               “(4) the purpose of the gift.

20       “(f) DEFINITIONS.—In this section:

21               “(1) The term ‘covered contract’ means any  
22 agreement for the acquisition by purchase, lease, or  
23 barter of property or services by a foreign source for  
24 the direct benefit or use of any of the parties to the  
25 agreement.

1 “(2) The term ‘foreign source’ means—

2 “(A) a foreign government, including an  
3 agency of a foreign government;

4 “(B) a legal entity, governmental or other-  
5 wise, created solely under the laws of a foreign  
6 state or multiple foreign states;

7 “(C) an individual who is not a citizen or  
8 a national of the United States; and

9 “(D) an agent, including a subsidiary or  
10 affiliate of a foreign legal entity, acting on be-  
11 half of an individual or entity described in sub-  
12 paragraph (A), (B), or (C).

13 “(3) The term ‘gift’—

14 “(A) means any gift of money, property,  
15 travel, or lodging expenses; and

16 “(B) with respect to a military college, in-  
17 cludes gifts given to faculty, staff, and trustees  
18 of the military college.

19 “(4) The term ‘military college’ means—

20 “(A) a senior military college described in  
21 section 2111a(f) of this title; or

22 “(B) a military junior college as defined  
23 for purposes of section 2107a of this title.

24 “(5) The term ‘restricted or conditional gift or  
25 contract’ means an endowment, gift, grant, contract,

1       award, or property of any kind that includes provi-  
2       sions regarding—

3               “(A) the employment, assignment, or ter-  
4       mination of faculty;

5               “(B) the establishment of a department,  
6       center, research or lecture program, or new fac-  
7       ulty position;

8               “(C) the selection or admission of a stu-  
9       dent; or

10              “(D) the award of a grant, loan, scholar-  
11       ship, fellowship, or other form of financial aid  
12       restricted to students of a specified country, re-  
13       ligion, sex, ethnic origin, or political opinion.”.

