

AMENDMENT TO RULES COMMITTEE PRINT

117-31

OFFERED BY MR. WILSON OF SOUTH CAROLINA

Page 1965, beginning line 6, strike “except funds provided under title IV of such Act”.

Page 1967, strike line 9 and all that follows through line 10.

Page 1972, line 4, strike “(A)”.

Page 1972, line 6, strike “\$100,000” and insert “\$50,000”.

Page 1972, strike line 10 and all that follows through line 15.

Page 1975, line 4, insert “make publicly available on the website of the institution and will” after “the institution will”.

Page 1977, strike line 23 and all that follows through page 1980, line 2, and insert the following:

1 “(f) ENFORCEMENT; SYSTEM OF PENALTIES.—

2 “(1) FIRST INSTANCE OF FAILURE.—Whenever

3 it appears that an institution has failed to comply

4 with the requirements of this section for the first

1 time in a 3-year period, and except in a case in
2 which a civil action is brought against an institution
3 under paragraph (3)—

4 “(A) the Secretary shall issue a written
5 warning to such institution that sets forth each
6 failure of compliance, each corrective action
7 that the institution shall take to be in compli-
8 ance, and the requisite time period in which the
9 institution must take such corrective action;
10 and

11 “(B) the institution shall be provided the
12 opportunity to respond to the Secretary not
13 later than 60 days after the date on which the
14 warning is received by the institution.

15 “(2) SECOND INSTANCE OF FAILURE.—In a
16 case in which an institution received a written warn-
17 ing under subparagraph (A), and the institution ap-
18 pears to have failed to comply with the requirements
19 of this section for the second time during the 3-year
20 period beginning on the date on which such warning
21 was received by the institution under subparagraph
22 (A), upon a judicial finding that such institution has
23 failed to comply with the requirements of this sec-
24 tion, including any rule or regulation promulgated
25 under this section, the Court shall impose a civil

1 penalty in an amount that does not exceed amount
2 of funds provided by the foreign source to the insti-
3 tution and which is the subject of the institution's
4 failure under this subparagraph.

5 “(3) THIRD OR SUBSEQUENT INSTANCE OF
6 FAILURE.—

7 “(A) JUDICIAL FINDING.—In a case of an
8 institution on which a civil penalty was imposed
9 under subparagraph (B), and such institution
10 appears to have failed to comply with the re-
11 quirements of this section for a third time, or
12 any time thereafter, during the 3-year period
13 beginning on the date on which a warning was
14 received under subparagraph (A), upon a judi-
15 cial finding that an institution has failed to
16 comply with the requirements of this section,
17 including any rule or regulation promulgated
18 under this section, the Court shall impose a
19 civil penalty in an amount equal to the amount
20 of funds provided by the foreign source to the
21 institution and which is the subject of the insti-
22 tution's failure under this subparagraph.

23 “(B) INELIGIBILITY.—In a case in which
24 the court finds that an institution has failed to
25 comply with the requirements of this section for

1 a third time, or any time thereafter, during the
2 3-year period beginning on the date on which a
3 warning was received under subparagraph (A),
4 including any rule or regulation promulgated
5 under this section, the institution shall be ineli-
6 gible for new Federal research funding during
7 the fiscal year following such a finding.”.

Page 1985, line 7, strike “\$50,000” and insert
“\$10,000”.

Page 1985, line 8, insert “publicly available and”
after “maintain a”.

Page 1986, beginning line 6, strike “Federal science
and engineering funding” and insert “non-title IV Fed-
eral funding”.

Page 1986, line 14, strike “\$250” and insert
“\$1,000”.

Page 1986, line 15, strike “\$1,000” and insert
“\$25,000”.

Page 1986, line 22, strike “\$1,000” and insert
“\$25,000”.

Page 1986, line 22, strike “\$25,000” and insert
“\$50,000”.

Page 1987, line 5, strike “\$25,000” and insert “\$50,000”.

Page 1987, line 5, strike “\$50,000” and insert “\$100,000”.

Page 1987, line 10, strike “\$250” and insert “\$5,000”.

Page 1987, line 10, strike “\$25,000” and insert “\$50,000”.

