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:

“(f) ENFORCEMENT; SYSTEM OF PENALTIES.—

“(1) FIRST INSTANCE OF FAILURE.—Whenever it appears that an institution has failed to comply with the requirements of this section for the first
time in a 3-year period, and except in a case in
which a civil action is brought against an institution
under paragraph (3)—

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

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

“(2) SECOND INSTANCE OF FAILURE.—In a
case in which an institution received a written warn-
ing under subparagraph (A), and the institution ap-
pears to have failed to comply with the requirements
of this section for the second time during the 3-year
period beginning on the date on which such warning
was received by the institution under subparagraph
(A), upon a judicial finding that such institution has
failed to comply with the requirements of this sec-
tion, including any rule or regulation promulgated
under this section, the Court shall impose a civil
penalty in an amount that does not exceed amount
of funds provided by the foreign source to the insti-
tution and which is the subject of the institution’s
failure under this subparagraph.

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

“(A) JUDICIAL FINDING.—In a case of an
institution on which a civil penalty was imposed
under subparagraph (B), and such institution
appears to have failed to comply with the re-
quirements of this section for a third time, or
any time thereafter, during the 3-year period
beginning on the date on which a warning was
received under subparagraph (A), upon a judi-
cial finding that an institution has failed to
comply with the requirements of this section,
including any rule or regulation promulgated
under this section, the Court shall impose a
civil penalty in an amount equal to the amount
of funds provided by the foreign source to the
institution and which is the subject of the institu-
tion’s failure under this subparagraph.

“(B) INELIGIBILITY.—In a case in which
the court finds that an institution has failed to
comply with the requirements of this section for
a third time, or any time thereafter, during the
3-year period beginning on the date on which a
warning was received under subparagraph (A),
including any rule or regulation promulgated
under this section, the institution shall be ineli-
gible for new Federal research funding during
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”.
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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”.

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