

Senator Evan J. Vickers proposes the following substitute bill:

**FUNDING INDEPENDENCE IN FOREIGN LANGUAGE
EDUCATION**

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill amends provisions related to the funding of foreign language education.

Highlighted Provisions:

This bill:

- defines terms;
- prohibits an institution of higher education from seeking or accepting funding support from a restricted foreign entity;
- requires Southern Utah University to establish the Helen Foster Snow Cultural Center, subject to legislative appropriations; and
- makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2023:

- to Southern Utah University - Education and General, as a one-time appropriation:
 - from the Education Fund, One-time, \$300,000.

Other Special Clauses:

None

Utah Code Sections Affected:



AMENDS:

53B-1-201, as enacted by Laws of Utah 2010, Chapter 243

53B-1-202, as last amended by Laws of Utah 2016, Chapter 188

ENACTS:

53B-33-101, Utah Code Annotated 1953

53B-33-201, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53B-1-201** is amended to read:

53B-1-201. Definitions.

As used in this part:

(1) "Conditional gift" means a gift as defined in Subsection (4) that is subject to conditions:

(a) imposed, requested, or provided by a foreign government or foreign person; and

(b) that relate to:

(i) what kinds of teachers or students may benefit from the gift; or

(ii) a description of the subject matter to be taught with the support of the gift.

(2) "Foreign government" means a government other than the government of:

(a) the United States;

(b) a state within the United States;

(c) a territory or possession of the United States; or

(d) a political subdivision of the United States.

(3) "Foreign person" means:

(a) a foreign government defined in Subsection (2);

(b) an individual who is not a citizen or national of the United States or of a territory or protectorate of the United States;

(c) a corporation, partnership, joint venture, proprietorship, trust, association, or other entity that is created or organized under the laws of a foreign government or that has its principal place of business located outside the United States;

(d) if known by the higher education institution, a corporation, partnership, joint venture, proprietorship, trust, association, or other entity that is created or organized pursuant

to the laws of the United States or a state within the United States, if a majority of the stock or other equity interest is directly or indirectly owned by, or which derives a majority of its funding from:

- (i) a foreign government;
- (ii) an individual described in Subsection (3)(b); or
- (iii) an entity described in Subsection (3)(c) or (d); or
- (e) if known by the higher education institution, a committee or other group in which a majority of the membership is composed of:

- (i) a foreign government;
- (ii) an individual described in Subsection (3)(b); or
- (iii) an entity described in Subsection (3)(c) or (d).
- (4) "Gift" means an endowment, scholarship, gift, donation, or grant of money or property of any kind.

(5) "Higher education institution" means an institution in the state system of higher education as defined in Section [53B-1-102](#).

(6) "Restricted foreign entity means:

(a) a company that the United States Secretary of Defense is required to list as a military company under the requirements of federal national defense authorization acts;

(b) any affiliate of a company described in Subsection (6)(a);

(c) the country with a commercial or defense industrial base of which a company described in Subsection (6)(a) is a part; or

(d) any subsidiary of a company described in Subsection (6)(a) or a country described in Subsection (6)(c).

Section 2. Section **53B-1-202** is amended to read:

**53B-1-202. Disclosure of foreign gifts to higher education institutions --
Prohibition on restricted foreign entity funds.**

(1) (a) Except as provided in Subsection (1)(c), on or before July 31 of each year, a higher education institution shall disclose to the board, by filing a disclosure report described in Subsection (2), a gift received by the higher education institution of \$50,000 or more from a foreign person, considered alone or in combination with all other gifts from the foreign person, during the period beginning July 1 and ending on June 30 immediately preceding the July 31

88 deadline.

89 (b) A higher education institution may rely on the following address of a foreign person
90 to determine the citizenship or nationality of the foreign person if the citizenship or nationality
91 is unknown:

92 (i) for a foreign person that is an individual, the principal residence; and

93 (ii) for a foreign person that is not an individual, the principal place of business.

94 (c) The \$50,000 amount described in Subsection (1)(a) is increased to \$250,000 if the
95 gift, considered alone or in combination with all other gifts, described in Subsection (1)(a) is
96 from a foreign person:

97 (i) with a principal residence or principal place of business located in the United States;
98 and

99 (ii) with a permanent resident status:

100 (A) under Section 245 of the Immigration and Nationality Act; and

101 (B) for 10 years or more.

102 (2) A disclosure report regarding all gifts described in Subsection (1) shall include:

103 (a) the amount of each gift described in Subsection (1);

104 (b) the date on which each gift described in Subsection (1) was received by the higher
105 education institution;

106 (c) the name of the foreign person making each gift described in Subsection (1);

107 (d) the aggregate amount of all gifts described in Subsection (1) from a foreign person
108 during the prior fiscal year of the higher education institution;

109 (e) for a conditional gift, a description of the conditions or restrictions related to the
110 conditional gift;

111 (f) for a conditional gift:

112 (i) for a foreign person that is an individual, if known, the country of citizenship or
113 principal residence of the individual; or

114 (ii) for a foreign person that is not an individual, if known, the country of incorporation
115 or place of business of the foreign person; and

116 (g) for a conditional gift that is a contract entered into between a higher education
117 institution and a foreign person:

118 (i) the amount;

- (ii) the date;
- (iii) a description of all conditions or restrictions; and
- (iv) the name of the foreign person.

(3) A disclosure report required by this section is a public record open to inspection and review during the higher education institution's business hours.

(4) At the request of the board, the attorney general may file a civil action to compel a higher education institution to comply with the requirements of this section.

(5) The board shall make rules for the administration of this section in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(6) Beginning July 1, 2023, a higher education institution may not seek or accept funding support from a restricted foreign entity or an entity that passes on funding support from a restricted foreign entity.

Section 3. Section **53B-33-101** is enacted to read:

CHAPTER 33. SOUTHERN UTAH UNIVERSITY

Part 1. General Provisions

53B-33-101. Definitions.

Reserved

Section 4. Section **53B-33-201** is enacted to read:

Part 2. Helen Foster Snow Cultural Center

53B-33-201. Helen Foster Snow Cultural Center.

Subject to legislative appropriations, Southern Utah University shall establish the Helen Foster Snow Cultural Center to provide language support and cultural opportunities to students studying the Mandarin Chinese language.

Section 5. Appropriation.

The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Southern Utah University - Education and General

150 From Education Fund, One-time 300,000

151 Schedule of Programs:

152 Education and General 300,000

153 The Legislature intends that:

154 (1) appropriations provided under this Item 3 be used for the establishment of the
155 Helen Foster Snow Cultural Center in accordance with Section [53B-33-201](#); and

156 (2) under Section [63J-1-603](#), appropriations provided under this Item 3 not lapse at the
157 close of fiscal year 2023, and the use of any nonlapsing funds is limited to the establishment of
158 the Helen Foster Snow Cultural center in accordance with Section [53B-33-201](#).