To amend the Higher Education Act of 1965 to require additional disclosures relating to gifts and contracts from foreign sources.

IN THE SENATE OF THE UNITED STATES

Mr. VANCE introduced the following bill; which was read twice and referred to the Committee on __________________

A BILL

To amend the Higher Education Act of 1965 to require additional disclosures relating to gifts and contracts from foreign sources.

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.          This Act may be cited as the “Safeguarding Amer-
4          ican Education From Foreign Control Act”.
5          SEC. 2. DISCLOSURES OF FOREIGN GIFTS.
6          (a) ADDITIONAL DISCLOSURES REQUIRED.—Section
8          1011f) is amended—
(1) by amending subsection (a) to read as follows:

“(a) Disclosure Report.—

“(1) In general.—Whenever any institution is owned or controlled by a foreign source, or receives a gift from or enters into a contract with a foreign source that equals or exceeds the threshold value described in paragraph (2), the institution shall file a disclosure report with the Secretary on January 31 or July 31, whichever is sooner.

“(2) Threshold value.—For purposes of this subsection, the threshold value of a gift from or contract with a foreign source is—

“(A) in the case of a foreign source that is not associated with a covered nation, $250,000 or more, considered alone or in combination with all other gifts from or contracts with that foreign source within a calendar year; and

“(B) in the case of a foreign source that is associated with a covered nation, a gift or contract of any value.”;

(2) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;
(3) by inserting after subsection (e) the follow-
(3) by inserting after subsection (e) the fol-
lowing:
lowing:
“(d) ADDITIONAL SUBMISSIONS; REPORTING.—
“(d) ADDITIONAL SUBMISSIONS; REPORTING.—
“(1) TRANSMISSION OF REPORTS, DOCUMENTS, 
“(1) TRANSMISSION OF REPORTS, DOCUMENTS, 
AND RECORDS.—Not later than 10 days after receiv-
AND RECORDS.—Not later than 10 days after receiv-
ing a disclosure report, document, or other record 
ing a disclosure report, document, or other record 
from an institution under this section, the Secretary 
from an institution under this section, the Secretary 
shall transmit a copy of such report, document, or 
shall transmit a copy of such report, document, or 
record to the Director of the Federal Bureau of In-
record to the Director of the Federal Bureau of In-
vestigation and the Director of National Intelligence. 
vestigation and the Director of National Intelligence. 
“(2) REPORT TO THE SECRETARY OF STATE.—
“(2) REPORT TO THE SECRETARY OF STATE.—
The Secretary of Education shall transmit periodic 
The Secretary of Education shall transmit periodic 
reports to the Secretary of State regarding disclo-
reports to the Secretary of State regarding disclo-
sures made under this section.”; and 
sures made under this section.”; and 
(4) in subsection (g), as redesignated by para-
(4) in subsection (g), as redesignated by para-
graph (2), by adding at the end the following: 
graph (2), by adding at the end the following: 
“(3) INVESTIGATION.—Whenever the Secretary 
“(3) INVESTIGATION.—Whenever the Secretary 
receives credible information about potential non-
receives credible information about potential non-
compliance under this section regarding a covered 
compliance under this section regarding a covered 
nation, the Secretary shall initiate an investigation 
nation, the Secretary shall initiate an investigation 
under this section.
under this section.
“(4) REQUESTS BY OTHER AGENCIES.—The Di-
“(4) REQUESTS BY OTHER AGENCIES.—The Di-
rector of the Federal Bureau of Investigation and 
rector of the Federal Bureau of Investigation and 
the Director of National Intelligence may request 
the Director of National Intelligence may request 
that the Attorney General bring a civil action to
compel compliance with this section, as described in paragraph (1).”.

(5) in subsection (i), as redesignated by paragraph (2)—

(A) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6); and

(B) by inserting after paragraph (1) the following new paragraph:

“(2) the term ‘covered nation’ has the meaning given that term in section 4872(d)(2) of title 10, United States Code;”.

(b) Transmittal of Records to FBI and DNI.—

(1) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Education shall transmit to the Director of the Federal Bureau of Investigation and the Director of National Intelligence—

(A) a copy of any report, document, or other record received by the Department of Education under section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f), regardless of the date on which the record was received or the status of the case to which the record pertains (while the Department of Education shall retain the original); and
(B) a copy of the entire record generated by the Department of Education in the course of an investigation into the compliance of an institution with such section (including any past investigation since the enactment of such section), including any email, report, document, or other record (while the Department of Education shall retain the original).

(2) NEW INVESTIGATIONS.—In the case of a new investigation under section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) after the date of enactment of this Act, the Secretary of Education shall—

(A) notify the Director of the Federal Bureau of Investigation and the Director of National Intelligence when such an investigation is opened;

(B) submit the entire record of such investigation (as described in paragraph (1)) not more than 90 days after the completion of such investigation; and

(C) retain original records as described in paragraph (1).