

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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**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.**

4 This Act may be cited as the “Safeguarding Amer-  
5 ican Education From Foreign Control Act”.

6 **SEC. 2. DISCLOSURES OF FOREIGN GIFTS.**

7 (a) **ADDITIONAL DISCLOSURES REQUIRED.**—Section  
8 117 of the Higher Education Act of 1965 (20 U.S.C.  
9 1011f) is amended—

1           (1) by amending subsection (a) to read as fol-  
2           lows:

3           “(a) DISCLOSURE REPORT.—

4           “(1) IN GENERAL.—Whenever any institution is  
5           owned or controlled by a foreign source, or receives  
6           a gift from or enters into a contract with a foreign  
7           source that equals or exceeds the threshold value de-  
8           scribed in paragraph (2), the institution shall file a  
9           disclosure report with the Secretary on January 31  
10          or July 31, whichever is sooner.

11          “(2) THRESHOLD VALUE.—For purposes of this  
12          subsection, the threshold value of a gift from or con-  
13          tract with a foreign source is—

14                 “(A) in the case of a foreign source that  
15                 is not associated with a covered nation,  
16                 \$250,000 or more, considered alone or in com-  
17                 bination with all other gifts from or contracts  
18                 with that foreign source within a calendar year;  
19                 and

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

23          (2) by redesignating subsections (d) through (h)  
24          as subsections (e) through (i), respectively;

1           (3) by inserting after subsection (c) the fol-  
2           lowing:

3           “(d) ADDITIONAL SUBMISSIONS; REPORTING.—

4           “(1) TRANSMISSION OF REPORTS, DOCUMENTS,  
5           AND RECORDS.—Not later than 10 days after receiv-  
6           ing a disclosure report, document, or other record  
7           from an institution under this section, the Secretary  
8           shall transmit a copy of such report, document, or  
9           record to the Director of the Federal Bureau of In-  
10          vestigation and the Director of National Intelligence.

11          “(2) REPORT TO THE SECRETARY OF STATE.—

12          The Secretary of Education shall transmit periodic  
13          reports to the Secretary of State regarding disclo-  
14          sures made under this section.”; and

15          (4) in subsection (g), as redesignated by para-  
16          graph (2), by adding at the end the following:

17          “(3) INVESTIGATION.—Whenever the Secretary  
18          receives credible information about potential non-  
19          compliance under this section regarding a covered  
20          nation, the Secretary shall initiate an investigation  
21          under this section.

22          “(4) REQUESTS BY OTHER AGENCIES.—The Di-  
23          rector of the Federal Bureau of Investigation and  
24          the Director of National Intelligence may request  
25          that the Attorney General bring a civil action to

1       compel compliance with this section, as described in  
2       paragraph (1).”.

3               (5) in subsection (i), as redesignated by para-  
4       graph (2)—

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

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

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

12       (b) TRANSMITTAL OF RECORDS TO FBI AND DNI.—

13               (1) IN GENERAL.—Not later than 90 days after  
14       the date of the enactment of this Act, the Secretary  
15       of Education shall transmit to the Director of the  
16       Federal Bureau of Investigation and the Director of  
17       National Intelligence—

18                       (A) a copy of any report, document, or  
19       other record received by the Department of  
20       Education under section 117 of the Higher  
21       Education Act of 1965 (20 U.S.C. 1011f), re-  
22       gardless of the date on which the record was re-  
23       ceived or the status of the case to which the  
24       record pertains (while the Department of Edu-  
25       cation shall retain the original); and

1           (B) a copy of the entire record generated  
2           by the Department of Education in the course  
3           of an investigation into the compliance of an in-  
4           stitution with such section (including any past  
5           investigation since the enactment of such sec-  
6           tion), including any email, report, document, or  
7           other record (while the Department of Edu-  
8           cation shall retain the original).

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

14                 (A) notify the Director of the Federal Bu-  
15                 reau of Investigation and the Director of Na-  
16                 tional Intelligence when such an investigation is  
17                 opened;

18                 (B) submit the entire record of such inves-  
19                 tigation (as described in paragraph (1)) not  
20                 more than 90 days after the completion of such  
21                 investigation; and

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