

118TH CONGRESS
1ST SESSION

H. R. 4145

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2023

Mr. BANKS (for himself, Mr. ARRINGTON, Mr. MOOLENAAR, Mr. WILLIAMS of New York, Mr. NEHLS, and Mr. GROTHMAN) introduced the following bill; which was referred to the Committee on Education and the Workforce

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
12 subsection (a), the threshold value of a gift from or
13 contract from 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.—Not later than 10
4 days after receiving a disclosure report, document, or
5 other record from an institution under this section, the
6 Secretary shall transmit a copy of such report, document,
7 or record to the Director of the Federal Bureau of Inves-
8 tigation and the Director of National Intelligence.”; and

9 (4) in subsection (i), as so redesignated—

10 (A) by redesignating paragraphs (1)
11 through (5) as paragraphs (2) through (6); and

12 (B) by inserting before paragraph (2), as
13 so redesignated, the following new paragraph:

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

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

18 Not later than 90 days after the date of the enactment
19 of this Act, the Secretary of Education shall transmit to
20 the Director of the Federal Bureau of Investigation and
21 the Director of National Intelligence—

22 (1) any report, document, or other record re-
23 ceived by the Department of Education under sec-
24 tion 117 of the Higher Education Act of 1965 (20
25 U.S.C. 1011f), regardless of the date on which the

1 record was received or the status of the case to
2 which the record pertains; and

3 (2) any report, document, or other record gen-
4 erated by the Department of Education in the
5 course of an investigation into the compliance of an
6 institution with such section.

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