

118TH CONGRESS
1ST SESSION

S. 2856

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

SEPTEMBER 20, 2023

Mr. VANCE (for himself, Mr. BRAUN, Mr. HAWLEY, Mr. BUDD, and Mr. TUBERVILLE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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.”;

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).”; and

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).

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