

118TH CONGRESS  
1ST SESSION

# H. R. 1146

To address foreign threats to higher education in the United States.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 2023

Mrs. STEEL (for herself, Ms. STEFANIK, and Mr. CRENSHAW) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To address foreign threats to higher education in the United States.

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 “Stop Higher Education  
5 Espionage and Theft Act of 2023”.

1 **SEC. 2. DESIGNATION OF FOREIGN INTELLIGENCE**  
2 **THREATS TO HIGHER EDUCATION.**

3 (a) IN GENERAL.—Chapter 33 of title 28, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 540D. Designation of foreign intelligence threats to**  
7 **higher education**

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘classified information’ has the  
10 meaning given that term in section 1(a) of the Clas-  
11 sified Information Procedures Act (18 U.S.C. App.);

12 “(2) the term ‘Director’ means the Director of  
13 the Federal Bureau of Investigation, acting in con-  
14 sultation with the Attorney General, the Secretary of  
15 Education, and the Director of National Intelligence;

16 “(3) the term ‘foreign actor’ means—

17 “(A) a foreign government or its auxiliary  
18 territories, or any component thereof, whether  
19 or not recognized by the United States;

20 “(B) a foreign-based political organization,  
21 not substantially composed of United States  
22 persons;

23 “(C) a faction of a foreign nation or na-  
24 tions, not substantially composed of United  
25 States persons;

1           “(D) an entity that is openly acknowledged  
2 by a foreign government or governments to be  
3 directed and controlled by such foreign govern-  
4 ment or governments;

5           “(E) any partnership, association, corpora-  
6 tion, organization, or other combination of per-  
7 sons who acts as an agent, representative, em-  
8 ployee, or servant of, or whose activities are di-  
9 rectly or indirectly supervised, directed, con-  
10 trolled, financed, or subsidized in whole or in  
11 major part by a government, organization, fac-  
12 tion, or entity described in subparagraph (A)  
13 (B), (C), or (D); or

14           “(F) any individual who acts as an agent,  
15 representative, employee, or servant of, or  
16 whose activities are directly or indirectly super-  
17 vised, directed, controlled, financed, or sub-  
18 sidized in whole or in major part by a govern-  
19 ment, organization, faction, or entity described  
20 in subparagraph (A), (B), (C), or (D), unless  
21 such individual is a citizen of and domiciled  
22 within the United States;

23           “(4) the term ‘institution’ means any institu-  
24 tion of higher education, as defined under section  
25 101 of the Higher Education Act (20 U.S.C. 1001);

1           “(5) the term ‘national security’ means the na-  
2           tional defense, foreign relations, or economic inter-  
3           ests of the United States;

4           “(6) the term ‘relevant committees of Congress’  
5           means—

6                   “(A) the Committee on the Judiciary, the  
7                   Select Committee on Intelligence, the Com-  
8                   mittee on Homeland Security and Government  
9                   Affairs, and the Committee on Health, Edu-  
10                  cation, Labor, and Pensions of the Senate; and

11                  “(B) the Committee on the Judiciary, the  
12                  Permanent Select Committee on Intelligence,  
13                  the Committee on Homeland Security, and the  
14                  Committee on Education and the Workforce of  
15                  the House of Representatives; and

16           “(7) the term ‘United States person’ has the  
17           meaning given that term in section 101 of the For-  
18           eign Intelligence Surveillance Act of 1978 (50  
19           U.S.C. 1801).

20           “(b) DESIGNATION.—

21                   “(1) IN GENERAL.—The Director shall des-  
22                   ignate a foreign actor as a foreign intelligence threat  
23                   to higher education, in accordance with this sub-  
24                   section, if the Director finds that the foreign actor  
25                   has committed, attempted to commit, or conspired to

1       commit, in connection with an institution, one or  
2       more of the following:

3               “(A) Smuggling goods from the United  
4       States, in violation of section 554 of title 18.

5               “(B) Espionage, in violation of sections  
6       791 through 799 of title 18.

7               “(C) Kidnapping, in violation of section  
8       1201 of title 18.

9               “(D) Fraud or misuse of visas, permits, or  
10       other documents, in violation of section 1546 of  
11       title 18.

12               “(E) Aggravated identity theft, in violation  
13       of section 1028A of title 18.

14               “(F) Fraud or related activity in connec-  
15       tion with access devices, in violation of section  
16       1029 of title 18.

17               “(G) Fraud or related activity in connec-  
18       tion with computers, in violation of section  
19       1030 of title 18.

20               “(H) Economic espionage, in violation of  
21       section 1831 of title 18.

22               “(I) Theft of trade secrets, in violation of  
23       section 1832 of title 18.

24               “(J) Terrorism, in violation of sections  
25       2331 through 2339D of title 18.

1           “(K) Interception or disclosure of wire,  
2 oral, or electronic communications, in violation  
3 of section 2511 of title 18.

4           “(L) A violation of any control on the im-  
5 port or export of defense articles or defense  
6 services imposed under section 38 of the Arms  
7 Export Control Act (22 U.S.C. 2778).

8           “(M) A violation of any control on the ex-  
9 port, reexport, and in-country transfer of an  
10 item imposed under section 1753 of the Export  
11 Control Reform Act of 2018 (50 U.S.C. 4812).

12           “(N) An unlawful act described in section  
13 206(a) of the International Emergency Eco-  
14 nomic Powers Act (50 U.S.C. 1705(a)).

15           “(2) PROCEDURE.—

16           “(A) NOTICE BEFORE DESIGNATION.—

17           “(i) TO CONGRESSIONAL LEADERS.—

18           Not later than 7 days before making a des-  
19 ignation under paragraph (1), the Director  
20 shall submit to the Speaker and minority  
21 leader of the House of Representatives, the  
22 President pro tempore, majority leader,  
23 and minority leader of the Senate, and the  
24 members of the relevant committees of  
25 Congress—

1                   “(I) written notice of the intent  
2                   of the Director to designate a foreign  
3                   actor under paragraph (1); and

4                   “(II) the findings made under  
5                   paragraph (1) with respect to foreign  
6                   actor and the factual basis therefor.

7                   “(ii) TO THE ATTORNEY GENERAL.—  
8                   Not later than 7 days before making a des-  
9                   ignation under paragraph (1), the Director  
10                  shall submit to the Attorney General, for  
11                  the Attorney General to determine whether  
12                  further investigation or prosecution is war-  
13                  ranted—

14                  “(I) written notice of the intent  
15                  of the Director to designate a foreign  
16                  actor under paragraph (1); and

17                  “(II) the findings made under  
18                  paragraph (1) with respect to the for-  
19                  eign actor and the factual basis there-  
20                  for.

21                  “(iii) PROTECTION OF CLASSIFIED IN-  
22                  FORMATION.—The notice and findings sub-  
23                  mitted under clauses (i) and (ii) may be in  
24                  classified form.

1           “(B) PUBLICATION IN FEDERAL REG-  
2           ISTER.—If the Director makes a designation  
3           under paragraph (1), the Director shall publish  
4           the designation in the Federal Register on the  
5           date of the designation.

6           “(C) EFFECT OF DESIGNATION.—For pur-  
7           poses of section 117 of the Higher Education  
8           Act of 1965 (20 U.S.C. 1011f), a designation  
9           under paragraph (1) shall take effect upon pub-  
10          lication under subparagraph (B) of this para-  
11          graph.

12          “(D) EFFECT OF DESIGNATION ON LAW-  
13          FUL STATUS.—

14               “(i) REVOCATION OF NONIMMIGRANT  
15               VISA.—The Secretary of State shall revoke  
16               the nonimmigrant visa issued to any for-  
17               eign actor present in the United States im-  
18               mediately after such foreign actor has been  
19               designated under paragraph (1).

20               “(ii) REMOVAL.—The Secretary of  
21               Homeland Security shall initiate removal  
22               proceedings against any foreign actor de-  
23               scribed in clause (i) and expeditiously re-  
24               move such foreign actor from the United  
25               States.



1           “(iii) INELIGIBILITY.—Any foreign  
2 actor who has been designated under para-  
3 graph (1) shall be inadmissible to the  
4 United States and ineligible to receive a  
5 United States visa or be admitted to the  
6 United States.

7           “(iv) APPEAL.—If a foreign actor ap-  
8 peals a designation under paragraph (1),  
9 the consequences described in clauses (i)  
10 through (iii) shall be stayed until such ap-  
11 peal has been fully adjudicated.

12           “(3) RECORD.—

13           “(A) IN GENERAL.—In making a designa-  
14 tion under paragraph (1), the Director shall  
15 create an administrative record.

16           “(B) CLASSIFIED INFORMATION.—The Di-  
17 rector may consider classified information in  
18 making a designation under paragraph (1).  
19 Classified information shall not be subject to  
20 disclosure for such time as it remains classified,  
21 except that such information may be disclosed  
22 to a court ex parte and in camera for purposes  
23 of judicial review under subsection (d).

24           “(4) PERIOD OF DESIGNATION.—

1           “(A) IN GENERAL.—A designation under  
2 paragraph (1) shall be effective for all purposes  
3 until revoked under paragraph (5) or (6) or set  
4 aside under subsection (d).

5           “(B) REVIEW OF DESIGNATION UPON PE-  
6 TITION.—

7           “(i) IN GENERAL.—The Director shall  
8 review the designation of a foreign actor as  
9 a foreign intelligence threat to higher edu-  
10 cation under the procedures set forth in  
11 clauses (iii) and (iv) if the designated for-  
12 eign actor files a petition for revocation  
13 within the petition period described in  
14 clause (ii).

15           “(ii) PETITION PERIOD.—For pur-  
16 poses of clause (i)—

17           “(I) if the designated foreign  
18 actor has not previously filed a peti-  
19 tion for revocation under this sub-  
20 paragraph, the petition period begins  
21 2 years after the date on which the  
22 designation was made; or

23           “(II) if the designated foreign  
24 actor has previously filed a petition  
25 for revocation under this subpara-

1 graph, the petition period begins 2  
2 years after the date of the determina-  
3 tion made under clause (iv) with re-  
4 spect to that petition.

5 “(iii) PROCEDURES.—Any foreign  
6 actor designated as a foreign intelligence  
7 threat to higher education that submits a  
8 petition for revocation under this subpara-  
9 graph shall provide evidence in the petition  
10 that the relevant circumstances described  
11 in paragraph (1) are sufficiently different  
12 from the circumstances that were the basis  
13 for the designation such that a revocation  
14 with respect to the foreign actor is war-  
15 ranted.

16 “(iv) DETERMINATION.—

17 “(I) IN GENERAL.—Not later  
18 than 180 days after receiving a peti-  
19 tion for revocation submitted under  
20 this subparagraph, the Director shall  
21 make a determination as to such rev-  
22 ocation.

23 “(II) CLASSIFIED INFORMA-  
24 TION.—The Director may consider  
25 classified information in making a de-

1 termination in response to a petition  
2 for revocation. Classified information  
3 shall not be subject to disclosure for  
4 such time as it remains classified, ex-  
5 cept that such information may be  
6 disclosed to a court ex parte and in  
7 camera for purposes of judicial review  
8 under subsection (d).

9 “(III) PUBLICATION OF DETER-  
10 MINATION.—A determination made by  
11 the Director under this clause shall be  
12 published in the Federal Register.

13 “(IV) PROCEDURES.—Any rev-  
14 ocation of a designation by the Direc-  
15 tor shall be made in accordance with  
16 paragraph (6).

17 “(C) OTHER REVIEW OF DESIGNATION.—

18 “(i) IN GENERAL.—If no review has  
19 taken place under subparagraph (B) dur-  
20 ing any 5-year period, the Director shall  
21 review the designation of a foreign actor as  
22 a foreign intelligence threat to higher edu-  
23 cation under paragraph (1) in order to de-  
24 termine whether such designation should  
25 be revoked pursuant to paragraph (6).

1           “(ii) PROCEDURES.—If a review does  
2           not take place pursuant to subparagraph  
3           (B) in response to a petition for revocation  
4           that is filed in accordance with that sub-  
5           paragraph, the review shall be conducted  
6           pursuant to procedures established by the  
7           Director. The results of such review and  
8           the applicable procedures shall not be re-  
9           viewable in any court.

10           “(iii) PUBLICATION OF RESULTS OF  
11           REVIEW.—The Director shall publish any  
12           determination made under this subpara-  
13           graph in the Federal Register.

14           “(5) REVOCATION BY ACT OF CONGRESS.—Con-  
15           gress, by an Act of Congress, may block or revoke  
16           a designation made under paragraph (1).

17           “(6) REVOCATION BASED ON CHANGE IN CIR-  
18           CUMSTANCES.—

19           “(A) IN GENERAL.—The Director may re-  
20           voke a designation made under paragraph (1)  
21           at any time, and shall revoke a designation  
22           upon completion of a review conducted pursu-  
23           ant to subparagraphs (B) and (C) of paragraph  
24           (4) if the Director finds that—

1           “(i) the circumstances that were the  
2           basis for the designation have changed in  
3           such a manner as to warrant revocation; or

4           “(ii) the national security of the  
5           United States warrants a revocation.

6           “(B) PROCEDURE.—The procedural re-  
7           quirements of paragraphs (2) and (3) shall  
8           apply to a revocation under this paragraph. Any  
9           revocation shall take effect on the date specified  
10          in the revocation or upon publication in the  
11          Federal Register if no effective date is specified.

12          “(7) EFFECT OF REVOCATION.—The revocation  
13          of a designation under paragraph (5) or (6) shall  
14          not affect any action or proceeding based on conduct  
15          committed prior to the effective date of such revoca-  
16          tion.

17          “(c) AMENDMENTS TO A DESIGNATION.—

18                 “(1) IN GENERAL.—The Director may amend a  
19                 designation under subsection (b)(1) if the Director  
20                 finds that the foreign actor has changed its name,  
21                 adopted a new alias, dissolved and then reconsti-  
22                 tuted itself under a different name or names, or  
23                 merged with another foreign actor.

24                 “(2) PROCEDURE.—Amendments made to a  
25                 designation in accordance with paragraph (1) shall

1 be effective upon publication in the Federal Register.  
2 Subparagraphs (B) and (C) of subsection (b)(2)  
3 shall apply to an amended designation upon such  
4 publication. Paragraphs (2)(A)(i), (4), (5), (6), (7),  
5 and (8) of subsection (b) shall also apply to an  
6 amended designation.

7 “(3) ADMINISTRATIVE RECORD.—The adminis-  
8 trative record shall be corrected to include the  
9 amendments as well as any additional relevant infor-  
10 mation that supports those amendments.

11 “(4) CLASSIFIED INFORMATION.—The Director  
12 may consider classified information in amending a  
13 designation in accordance with this subsection. Clas-  
14 sified information shall not be subject to disclosure  
15 for such time as it remains classified, except that  
16 such information may be disclosed to a court ex  
17 parte and in camera for purposes of judicial review  
18 under subsection (d).

19 “(d) JUDICIAL REVIEW OF DESIGNATION.—

20 “(1) IN GENERAL.—Not later than 30 days  
21 after publication in the Federal Register of a des-  
22 ignation, an amended designation, or a determina-  
23 tion in response to a petition for revocation, the for-  
24 eign actor designated as a foreign intelligence threat  
25 to higher education may seek judicial review in the

1 United States Court of Appeals for the District of  
2 Columbia Circuit.

3 “(2) BASIS OF REVIEW.—Review under this  
4 subsection shall be based solely upon the administra-  
5 tive record, except that the Government may submit,  
6 for ex parte and in camera review, classified infor-  
7 mation used in making the designation, amended  
8 designation, or determination in response to a peti-  
9 tion for revocation, in a manner consistent with the  
10 Classified Information Procedures Act (18 U.S.C.  
11 App.).

12 “(3) SCOPE OF REVIEW.—The Court shall hold  
13 unlawful and set aside a designation, amended des-  
14 ignation, or determination in response to a petition  
15 for revocation the court finds to be—

16 “(A) arbitrary, capricious, an abuse of dis-  
17 cretion, or otherwise not in accordance with  
18 law;

19 “(B) contrary to constitutional right,  
20 power, privilege, or immunity;

21 “(C) in excess of statutory jurisdiction, au-  
22 thority, or limitation, or short of statutory  
23 right;

24 “(D) lacking substantial support in the ad-  
25 ministrative record taken as a whole or in clas-



1           sified information submitted to the court under  
2           paragraph (2); or

3           “(E) not in accord with the procedures re-  
4           quired by law.

5           “(4) JUDICIAL REVIEW INVOKED.—The pend-  
6           ency of an action for judicial review of a designation,  
7           amended designation, or determination in response  
8           to a petition for revocation shall not affect the appli-  
9           cation of this section, unless the court issues a final  
10          order setting aside the designation, amended des-  
11          ignation, or determination in response to a petition  
12          for revocation.

13          “(e) IMPOSITION OF SANCTIONS UNDER INTER-  
14          NATIONAL EMERGENCY ECONOMIC POWERS ACT.—

15                 “(1) IN GENERAL.—The President may, pursu-  
16                 ant to the International Emergency Economic Pow-  
17                 ers Act (50 U.S.C. 1701 et seq.)—

18                         “(A) block and prohibit all transactions in  
19                         all property and interests in property of a for-  
20                         eign actor designated as a foreign intelligence  
21                         threat to higher education under subsection  
22                         (b)(1), if such property and interests in prop-  
23                         erty are in the United States, come within the  
24                         United States, or are or come within the pos-  
25                         session or control of a United States person; or

1           “(B)(i) prohibit any institution, and all  
2 employees of an institution, from—

3                   “(I) negotiating or entering into a  
4 contract with such a foreign actor; or

5                   “(II) transferring information devel-  
6 oped through research to such a foreign  
7 actor; and

8           “(ii) require any institution that has a con-  
9 tract with such a foreign actor in effect as of  
10 the date on which the foreign actor is des-  
11 ignated as a foreign intelligence threat to high-  
12 er education under subsection (b)(1) to termi-  
13 nate that contract.

14           “(2) TRANSFER DEFINED.—For purposes of  
15 paragraph (1)(B)(i)(II), the term ‘transfer’, with re-  
16 spect to information, means—

17                   “(A) an actual shipment or transmission of  
18 the information out of the United States, in-  
19 cluding the sending or taking of information  
20 out of the United States, in any manner;

21                   “(B) releasing or otherwise transferring  
22 the information, including technical data, to a  
23 foreign person in the United States (commonly  
24 referred to as a ‘deemed export’);

1           “(C) visual or other inspection by a foreign  
2           person of the information that reveals informa-  
3           tion directly or indirectly related to critical  
4           technologies; and

5           “(D) oral or written exchanges with a for-  
6           eign person of information, whether or not in  
7           the United States.

8           “(3) INAPPLICABILITY OF NATIONAL EMER-  
9           GENCY REQUIREMENT.—The requirements of section  
10          202 of the International Emergency Economic Pow-  
11          ers Act (50 U.S.C. 1701) shall not apply for pur-  
12          poses of this subsection.

13          “(4) IMPLEMENTATION.—The President may  
14          exercise all authorities provided under sections 203  
15          and 205 of the International Emergency Economic  
16          Powers Act (50 U.S.C. 1702 and 1704) to carry out  
17          this subsection.

18          “(5) PENALTIES.—A person that violates, at-  
19          tempts to violate, conspires to violate, or causes a  
20          violation of paragraph (1) or any regulation, license,  
21          or order issued to carry out that paragraph shall be  
22          subject to the penalties set forth in subsections (b)  
23          and (c) of section 206 of the International Emer-  
24          gency Economic Powers Act (50 U.S.C. 1705) to the

1 same extent as a person that commits an unlawful  
2 act described in subsection (a) of that section.

3 “(f) ACTIVITIES WITH NATIONAL SECURITY IMPLI-  
4 CATIONS.—

5 “(1) IN GENERAL.—The Director shall provide  
6 the Secretary of Homeland Security with informa-  
7 tion about any foreign actor who has not been des-  
8 ignated under subsection (b) if the foreign actor has  
9 engaged in any practice with national security impli-  
10 cations, including—

11 “(A) transferring uncontrolled, but sen-  
12 sitive technology acquired during the foreign ac-  
13 tor’s interactions with academic institutions;

14 “(B) significantly changing the nature or  
15 type of academic study initially reported by the  
16 foreign actor, such as changing his or her  
17 major from a nonsensitive field of study to a  
18 sensitive field of study;

19 “(C) significantly deviating from the terms  
20 of a nonimmigrant visa related to the study of  
21 technology deemed sensitive in nature; and

22 “(D) misrepresenting, omitting, or fal-  
23 sifying any information provided to the Depart-  
24 ment of State or the Department of Homeland

1 Security regarding the purpose of the foreign  
2 actor's presence in the United States.

3 “(2) EFFECT OF REVOCATION OF VISA.—If the  
4 Secretary of Homeland Security orders the revoca-  
5 tion of a visa issued to a foreign actor described in  
6 paragraph (1), the foreign actor—

7 “(A) shall be permitted to voluntarily de-  
8 part the United States within 10 days; and

9 “(B) may be given the opportunity to re-  
10 apply for a visa outside of the United States.

11 “(3) EFFECT OF FAILURE TO VOLUNTARILY  
12 DEPART.—If a foreign actor described in paragraph  
13 (2) chooses not to voluntarily depart the United  
14 States, the Secretary of Homeland Security shall  
15 provide for the expedited removal of the foreign  
16 actor from the United States in accordance with sec-  
17 tion 238(a)(3)(B) of the Immigration and Nation-  
18 ality Act (8 U.S.C. 1228(a)(3)(B)).

19 “(g) REPORTS.—

20 “(1) IN GENERAL.—Not later than 180 days  
21 after the date of enactment of this section, and every  
22 year thereafter, the Director shall submit to the rel-  
23 evant committees of Congress a detailed report con-  
24 taining the following:

1           “(A) A description and assessment of for-  
2           foreign actors who engage in activities listed in  
3           subsection (b)(1).

4           “(B) An assessment of the impact of for-  
5           foreign actors who engage in activities listed in  
6           subsection (b)(1) on scholarship and research  
7           and development in connection with institu-  
8           tions.

9           “(C) An assessment of the implementation  
10          and operation of the designation process for  
11          foreign intelligence threats to higher education  
12          established under this section.

13          “(D) An assessment of the likely effects of  
14          the designation of foreign intelligence threats to  
15          higher education on activities listed in sub-  
16          section (b)(1) in connection with institutions.

17          “(2) FORM OF REPORTS.—The reports required  
18          under paragraph (1) shall be submitted in an un-  
19          classified form, but may contain a classified annex.”.

20          (b) DEPORTABILITY; EXPEDITED REMOVAL.—

21                 (1) DEPORTABILITY.—Section 237(a)(2)(A) of  
22          the Immigration and Nationality Act (8 U.S.C.  
23          1227(a)(2)(A)) is amended—

24                         (A) by redesignating clause (vi) as clause  
25                         (vii); and

1 (B) by inserting after clause (v) the fol-  
2 lowing:

3 “(vi) FOREIGN INTELLIGENCE  
4 THREAT TO HIGHER EDUCATION.—Any  
5 alien who has been designated as a foreign  
6 intelligence threat to higher education  
7 under section 540D(b) of title 28, United  
8 States Code, is deportable.”.

9 (2) EXPEDITED REMOVAL.—Section 238(a)(3)  
10 of the Immigration and Nationality Act (8 U.S.C.  
11 1228(a)(3)) is amended—

12 (A) by redesignating subparagraph (B) as  
13 subparagraph (C); and

14 (B) by inserting after subparagraph (A)  
15 the following:

16 “(B) The Secretary of Homeland Security  
17 shall provide for the expedited removal of aliens  
18 who have been designated as a foreign intel-  
19 ligence threat to higher education under section  
20 540D(b) of title 28, United States Code, in the  
21 interest of national security.”.

22 (c) TECHNICAL AND CONFORMING AMENDMENT.—  
23 The table of sections for chapter 33 of title 28, United  
24 States Code, is amended by adding at the end the fol-  
25 lowing:

“540D. Designation of foreign intelligence threats to higher education.”.

1 **SEC. 3. DISCLOSURE OF FOREIGN GIFTS OR CONTRACTS.**

2 Section 117 of the Higher Education Act of 1965 (20  
3 U.S.C. 1011f) is amended—

4 (1) by striking subsection (a) and inserting the  
5 following:

6 “(a) DISCLOSURE REPORT.—

7 “(1) IN GENERAL.—An institution described in  
8 paragraph (2) for a calendar year shall file a disclo-  
9 sure report under subsection (b) with the Secretary  
10 by January 31 or July 31, whichever is sooner.

11 “(2) TYPES OF INSTITUTIONS.—An institution  
12 described in this paragraph is an institution that—

13 “(A) is owned or controlled by a foreign  
14 source;

15 “(B) receives a gift from or enters into a  
16 contract with a foreign source, the value of  
17 which is \$5,000 or lower, considered alone or in  
18 combination with all other gifts from or con-  
19 tracts with that foreign source within a cal-  
20 endar year; or

21 “(C) receives a gift from or enters into a  
22 contract with a foreign intelligence threat to  
23 higher education, or any agent thereof.”;

24 (2) in subsection (b)—

25 (A) by redesignating paragraphs (1)  
26 through (3) as subparagraphs (A) through (C),



1           respectively, and adjusting the margins appro-  
2           priately;

3           (B) by striking “REPORT.—Each” and in-  
4           serting the following: “REPORT.—  
5           “(1) IN GENERAL.—Each”;

6           (C) in subparagraph (A) (as so redesign-  
7           ated), by inserting “, as measured by the fair  
8           market value of such gifts and contracts” after  
9           “particular country”;

10          (D) in subparagraph (B), as so redesign-  
11          ated—

12                 (i) by inserting “the identity of the  
13                 foreign government and, if applicable, the  
14                 foreign government agency, and” after  
15                 “with a foreign government,”; and

16                 (ii) by inserting “, as measured by the  
17                 fair market value of such gifts and con-  
18                 tracts” before the period at the end; and

19          (E) by adding at the end the following:

20                 “(2) REQUIREMENTS RELATING TO FOREIGN  
21                 INTELLIGENCE THREATS.—For any institution de-  
22                 scribed in subsection (a)(2)(C), the report required  
23                 under this section shall contain, in addition to any  
24                 applicable information required under paragraph  
25                 (1)—

1           “(A) the identity of the foreign intelligence  
2           threat to higher education involved; and

3           “(B) the aggregate dollar amount of such  
4           gifts and contracts attributable to the foreign  
5           intelligence threat to higher education, as meas-  
6           ured by the fair market value of such gifts and  
7           contracts.”;

8           (3) in subsection (c), by adding at the end the  
9           following:

10           “(3) For any such gift received from, or con-  
11           tract entered into with, a foreign intelligence threat  
12           to higher education, the fair market value of the gift  
13           or contract, the date of the gift or contract, and a  
14           description of any such conditions or restrictions on  
15           the gift or contract.”;

16           (4) in subsection (e), by inserting “, and shall  
17           also be accessible to the public through electronic  
18           means” before the period at the end; and

19           (5) in subsection (h)—

20           (A) by redesignating paragraphs (2)  
21           through (5) as paragraphs (3) through (6), re-  
22           spectively;

23           (B) by inserting after paragraph (1) the  
24           following:

1           “(2) the term ‘foreign intelligence threat to  
2 higher education’ means any foreign source that is  
3 designated as a foreign intelligence threat to higher  
4 education in accordance with section 540D of title  
5 28, United States Code;”;

6           (C) in paragraph (4) (as so redesignated),  
7 by striking “or property” and inserting “, prop-  
8 erty, services, or payment to the staff of an in-  
9 stitution”;

10           (D) by striking paragraph (5) (as so redesi-  
11 gnated) and inserting the following:

12           “(5) the term ‘institution’ means an institution  
13 of higher education—

14           “(A) to which Federal financial assistance  
15 is extended (directly or indirectly through an-  
16 other entity or person); or

17           “(B) that receives support from the exten-  
18 sion of Federal financial assistance to any of  
19 the institution’s subunits”; and

20           (E) in paragraph (6)(B) (as so redesign-  
21 ated), by inserting “institutes, instructional  
22 programs,” before “research or lecture”.

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