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Golden (ME)
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Gomez
Gonzalez, V.
Goodlander
Gray
Green, Al (TX)
Harder (CA)
Hayes
Himes
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Hoyle (OR)
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Smith (WA)
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Velázquez
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Wasserman Schultz
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Watson Coleman
Whitesides
Williams (GA)
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NOT VOTING—10

Boebert
Fong
Gottheimer
Hunt
McCaul
McClain Delaney
Neal
Pettersen
Schneider
Vasquez

□ 1426

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GOTTHEIMER. Mr. Speaker, I missed the following votes, but had I been present, I would have voted: YEA on Roll Call No. 74, NAY on Roll Call No. 75, and NO on Roll Call No. 76.

□ 1430

DEFENDING EDUCATION TRANSPARENCY AND ENDING ROGUE REGIMES ENGAGING IN NEFARIOUS TRANSACTIONS ACT

GENERAL LEAVE

Mr. WALBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1048.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 242 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for consideration of the bill, H.R. 1048.

The Chair appoints the gentleman from North Carolina (Mr. HARRIGAN) to preside over the Committee of the Whole.

□ 1430

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1048) to amend the Higher Education Act of 1965 to strengthen disclosure requirements relating to foreign gifts and contracts, to prohibit contracts between institutions of higher education and certain foreign entities and countries of concern, and for other purposes, with Mr. HARRIGAN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Workforce or their respective designees.

The gentleman from Michigan (Mr. WALBERG) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I rise today in support of H.R. 1048.

Foreign nations, including our biggest adversaries like the Chinese Communist Party, contribute billions of dollars to American universities. The lack of transparency around foreign relationships should concern every American as we see stolen research, anti-Semitic propaganda, and academic censorship. None of these things belong inside our borders let alone on our college campuses.

By establishing footholds in American schools, bad actors gain access to valuable research and intellectual property that can be used to bolster their own military and undermine our Nation's best interests.

Under the Higher Education Act, schools are required to report foreign gifts and funding. Unfortunately, loose legislative language, the Biden-Harris administration's inaction, and colleges' refusal to adhere to the law have resulted in billions of foreign funds infiltrating our country undetected. Last year, a congressional investigation of two research universities uncovered nearly $40 million in unreported research contracts with the Chinese Communist Party. That is $40 million in unreported funds at just two universities.

Of course, this is just the tip of the iceberg. Without transparency, we have no idea the true amount or impact of foreign funds at our institutions.

This is why we need the DETERRENT Act. It closes these loopholes and has more strict reporting requirements for foreign funding and contracts. It also will hold institutions accountable by imposing fines, such as the loss of student aid funding for schools that continually fail to comply.

This bipartisan bill is a commonsense solution to an irrefutable problem, which is why it passed last Congress with bipartisan support. We should be loud and clear: No American university should be helping the hidden agendas of the Chinese Communist Party or other nations continue to threaten U.S. national security.

I thank Mr. BAUMGARTNER for introducing this vital piece of legislation. I would also like to highlight that the DETERRENT Act includes bills from my committee colleagues Representative HARRIS, Representative OWENS, and Representative MESSMER.

Mr. Chair, I urge my colleagues to support the DETERRENT Act. Doing so will help defend against our adversaries while also holding our institutions to a higher standard. Take foreign money first, ask questions later is not the way to go.

Mr. Chair, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chair, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 1048, the DETERRENT Act.

Let's acknowledge, first of all, the elephant in the room. Just this month, the Secretary of Education fired one-half of the Department's staff, and last week, President Trump signed an executive order aimed at dismantling the entire Department. This administration is actively working to eliminate an agency that has long been the cornerstone of ensuring that every child in America has access to a quality education.

Today, we are discussing a bill that would add even more responsibility to the very Department that they are trying to destroy. It is almost as if they are trying to dismantle the agency, but at the same time, they recognize how critical its role is and are piling on additional duties. This is not only nonsensical but also reckless. Republicans can't argue that the Department of Education is unnecessary and then hand it more work, expecting it to function without the staff, resources, or the leadership that it needs.

This Congress has a responsibility to address the many pressing issues that students face such as closing the achievement gaps, improving college

affordability, and ending gun violence in schools. Instead, we find ourselves considering bills that target vulnerable groups, and now this bill, which risks isolating America from global partnerships in research and education.

Instead of requiring institutions to report foreign gifts or contracts large enough to exert any influence, the bill before us would require institutions to report gifts of any value from people who are not U.S. citizens if they are from a list of countries of concern, a list that is difficult to find and will be very difficult to keep track of because it is subject to change.

The Department of Education has already lost one-half of its staff, and if this bill passes, it will have to process an exponentially larger number of reports than it has to process already.

Now, how can we place these new responsibilities on an agency that is being hollowed out, and how can we expect it to manage these complex issues when the institution is being dismantled?

H.R. 1048 will also impose burdensome and unnecessary penalties on institutions for working with international scholars and organizations. Since faculty really don't know their colleagues' citizenship status, it is reasonable to believe that discrimination will follow and institutions will be disincentivized from hiring talented international faculty.

Mr. Chair, present law already requires reporting of any gift large enough to exert any influence over a university. This bill requires the reporting of gifts of any value, whether it be a cup of coffee or a doughnut, from people who are from so-called countries of concern and requires the Department of Education to process all of those reports, the same Department of Education that just lost one-half of its staff.

If the problem is millions of dollars in unreported gifts, then requiring the reporting of free doughnuts cannot be the answer.

Mr. Chair, I reserve the balance of my time.

Mr. WALBERG. Mr. Chair, I yield 3 minutes to the gentleman from Washington (Mr. BAUMGARTNER), who is the sponsor of this legislation.

Mr. BAUMGARTNER. Mr. Chair, it is an honor to be a Member of this august body, and as the son of a university professor who cares deeply about higher education and a former State Department officer who cares deeply about American national security, I am excited and proud to sponsor this bill.

Indeed, there are many wonderful things that happen on American university campuses, but there are also some nefarious and concerning issues on American campuses that deal with foreign adversaries.

Indeed, Mr. Chairman, the numbers do not lie. Foreign adversaries have poured billions into American universities, and much of it remains hidden from public view. In just two universities alone, congressional investigators have uncovered nearly $40 million in unreported research contracts tied to the Chinese Communist Party.

Nearly 30 percent of disclosed foreign funding lack even basic details like contract dates or intended purpose. Current regulations permit anonymous giving. These are not clerical errors. This is a systemic failure, one that has left our institutions wide open to foreign influence with real consequences for American society.

Let's be clear. Every dollar from an adversarial nation comes with strings attached, expectations about what gets taught, which research gets funded, and who gets hired or silenced.

We are already seeing the consequences. The committee report accompanying the DETERRENT Act highlighted research from the Network Contagion Research Institute, which analyzed foreign funding data between 2024 and 2019 and found that universities receiving undisclosed donations from Middle Eastern sources saw, on average, 300 percent more anti-Semitic incidents than other institutions.

Correlation is not causation, but one thing is certain: Secrecy allows these influences to operate unchecked and unexamined. The less we know about where this money is coming from and what it is funding, the easier it is for malign actors to push their agendas without scrutiny.

The problem is far bigger than any one country. Sixty percent of all foreign money in U.S. universities comes from just four sources, including China and Qatar, nations that oftentimes have strategic and ideological conflicts with U.S. interests. Despite this, 70 percent of universities fail to comply with foreign funding reporting requirements. Worse, universities can simply list foreign donors as anonymous, further obscuring the source of gifts.

How can we claim to protect academic integrity when billions in foreign influence remain hidden in the shadows?

This is why the DETERRENT Act is necessary. It closes reporting loopholes; it requires universities to fully disclose the source, purpose, and terms of all foreign gifts; and it imposes real consequences for noncompliance, including fines and loss of Federal funding. It also ensures transparency in private university endowments, preventing foreign adversaries from quietly shaping campuses' culture and academic research behind closed doors.

The American people want to know when foreign countries, including our adversaries, are active on our college campuses. That is what this bill is about. Universities have a choice to lead now with accountability.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. CHU).

Ms. CHU. Mr. Chairman, as chair emerita of the Congressional Asian Pacific American Caucus, I rise in strong opposition to the DETERRENT Act.

For now, the American university research system is the envy of the world, but the DETERRENT Act would burden our higher education institutions and Federal agencies with massive amounts of reporting of a gift of any value from foreign countries and will cast a chilling effect disproportionately on the Asian-American academic community.

From the incarceration of Japanese Americans in World War II to the racial profiling of Chinese-American scientists under Trump's failed first term China Initiative, countless Asian Americans have had their lives destroyed because our government falsely accused them of being spies.

Already, 72 percent of Asian-American academic researchers report feeling unsafe. By publicizing the private, personal information of certain faculty and staff on databases, this bill would make the problem worse, making them much easier targets for xenophobic attacks.

Safeguarding national security can be done through commonsense reforms Democrats have offered that don't come at the expense of U.S. scientific innovation, global collaboration, and the Asian-American community. As if we needed another reason to oppose this bill, it would create enormous new responsibilities for the Department of Education at the same time that Trump is attempting to illegally dismantle that very Department.

Mr. Chair, I urge my colleagues to vote ''no.''

□ 1445

Mr. WALBERG. Mr. Chair, I appreciate the concerns of my colleague, but my committee has worked very closely with the Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party to combat malign influence at our universities.

One type of malign influence is very different than what we are talking about here. The influence is known as transnational repression, which is efforts by the CCP to exert influence over dissidents, dissidents that could be coming here to gain a great education at our universities but are discouraged by the CCP. This legislation would encourage students seeking an education here and be able to push back against the malign influence of the CCP.

Mr. Chair, I yield 2 minutes to the gentleman from North Carolina (Mr. HARRIS), a cosponsor of this bill with portions of his bill in this bill, as well.

Mr. HARRIS of North Carolina. Mr. Chair, I thank Congressman BAUMGARTNER for his work on this bill.

Mr. Chair, each year adversarial nations like China, North Korea, Iran, and Russia attempt to buy the ability to influence our next generation through donations and contracts with American colleges and universities.

The DETERRENT Act will shine light on these shady backroom deals

and get malign foreign influence out of our schools. The legislation will strengthen the thresholds of reporting foreign gifts and contracts.

According to The Wall Street Journal, in the last 12 years, U.S. schools had nearly 3,000 contracts with China valued at no less than $2.32 billion. That raises an important question: Why would a country that certainly doesn't have the best interests of American students in mind pay such enormous sums to American universities?

This bill will get to the bottom of it.

The DETERRENT Act includes language from my own legislation, the No Contracts With Foreign Adversaries Act, which requires a college or university to be transparent about the reason they might want to contract with one of the four countries currently designated by our government as a ''country of concern.''

It is true that there could be an academic purpose for a partnership with a country like China, North Korea, Iran, or Russia, but these partnerships cannot come at the expense of our national security, research integrity, or our future generations.

Students, parents, and taxpayers have a right to know the financial ties of these universities.

The DETERRENT Act strengthens current law by raising the reporting standards and providing a real enforcement mechanism if schools try to hide their dealings with foreign countries.

I urge all of my colleagues to stand and support the DETERRENT Act.

Mr. SCOTT of Virginia. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I include in the RECORD a letter from the American Council on Education on behalf of the American Association of Community Colleges, American Association of State Colleges and Universities, American Council on Education, Association of American Universities, Association of Public and Land-Grant Universities, and the National Association of Independent Colleges and Universities, which says in part: '' . . . as currently proposed, the DETERRENT Act would significantly impede critical research activities; duplicate existing interagency efforts; and put in place a problematic expansion of data collection by the Department of Education without ensuring that actual national security or foreign malign influence threats, including those which espouse support for actions that run counter to American foreign policy, are addressed.''

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, March 25, 2025.

Hon. MIKE JOHNSON,
House of Representatives,
Washington, DC.

Hon. HAKEEM JEFFRIES,
House of Representatives,
Washington, DC.

DEAR SPEAKER JOHNSON AND MINORITY LEADER JEFFRIES: On behalf of the American Council on Education and the undersigned higher education associations, I write in opposition to H.R. 1048, the ''Defending Education Transparency and Ending Rogue Regimes Engaging in Nefarious Transactions (DETERRENT)'' Act. We appreciate and take very seriously the concerns raised around research security and foreign malign influence, at institutions of higher education. *However*, as currently proposed, the DETERRENT Act would significantly impede critical research activities; duplicate existing interagency efforts; and put in place a problematic expansion of data collection by the Department of Education without ensuring that actual national security or foreign malign influence threats, including those which espouse support for actions that run counter to American foreign policy, are addressed.

Over the past several years, we have worked with our members to encourage full compliance with reporting obligations in Section 117 of the Higher Education Act, as well as working with the national security agencies, research agencies, and the Department of Education to clarify and improve foreign gift and contract reporting. As a result, since issues with foreign gift reporting were raised by Congress and policymakers in 2018, there has been a substantial increase in Section 117 reporting. Our associations and member institutions have continued to work with the federal research agencies to implement a range of new reporting requirements under NSPM–33, the CHIPS and Science Act, and numerous National Defense Authorization Act provisions. Since 2023, when the DETERRENT Act was first marked up, federal research agencies have now fully implemented common disclosure forms that require more details on foreign affiliations, relationships, and financial interests; started implementing requirements for institutions to maintain research security programs; and created new processes for assessing and mitigating risks prior to award.

Proponents of this bill have also asserted that it may be helpful in deterring antisemitic activity linked to foreign actors on colleges campuses. To be very clear, our institutions take seriously the rise of antisemitic activity across the country, and there is no question that more needs to be done to address it. We continue to work with major Jewish organizations and institutions with a shared conviction that Jewish students, staff, and faculty deserve to study and work without threat of harassment or discrimination. However, the DETERRENT Act is unlikely to solve the societal problem of antisemitism. Instead, it will result in more duplicative reporting, confusion on campuses and among faculty, and an increase in the overall costs of compliance.

We appreciate that the DETERRENT Act would make Section 117 an annual report, rather than the current biannual requirements, which would better align it with the National Science Foundation (NSF) foreign gift reporting requirement. We also appreciate that the legislation exempts tuition payments and certain outgoing contracts from institutions used to purchase goods from foreign companies. Exempting tuition is especially important since the DETERRENT Act would lower the reporting threshold from $250,000 to $50,000 for some gifts and contracts and to $0 for certain countries of concern and foreign entities of concern.

Additionally, we appreciate the alignment of definitions (i.e. ''countries of concern'' and ''foreign entities of concern'') with definitions already in use at Department of Defense and NSF to help guide our institutions efforts to address research security concerns. We also support the language clarifying record retention and translations of gift and contract agreements, which provides important guidance to our institutions regarding retention of records.

However, we are concerned that the version of the bill being considered on the floor includes significant changes whose impact on institutions we have not had time to fully understand. This includes the addition of ''intellectual property'' to the definition of foreign gifts and contracts, as well as adding organizations such as the United Nations, to the definition of foreign sources. We remain concerned regarding the expansion of Section 117 into areas where it is unclear how additional and often burdensome reporting will help to address national security concerns, beyond the new requirements created and implemented over the past few years. Additionally, the proposed expansion and creation of new reports under Section 117 could increase national security concerns by exposing information to malign foreign efforts.

The proposed bill includes several sections with detrimental impacts, and we urge you to strike these sections:

The new Section 117a, ''Prohibition on Contracts with Certain Foreign Entities and Countries,'' would require institutions to receive a waiver from the Department of Education before beginning or continuing a contract with a country of concern or a foreign entity of concern. This provision is particularly concerning because the definition of a ''contract'' is incredibly broad and therefore will likely capture not only *all* research agreements, but *also* student exchange programs and other joint cultural and education programs. This is especially concerning, given the fact that the U.S. Department of State has paused federal efforts around exchange programs, such as Fulbright and Gilman Scholars, at a time when the United States needs more students to study the Chinese language.

In addition, the Department of Education does not currently have the expertise to carry out the review of contracts, many of which will likely focus on scientific research not under the jurisdiction of the Department. And given the recent reduction in force actions, which greatly reduced staff including at Federal Student Aid, it is unclear how this additional work would be carried out in a timely manner by the Department. Our institutions abide by the regulations and requirements maintained by the U.S. Department of Commerce, the U.S. Department of the Treasury, and the U.S. Department of State regarding U.S. partnerships, export controls, and purchases from foreign entities. There are no indications that expanded Department of Education reviews are necessary; no other industry or government entity, including states, localities, and other nonprofit organizations, must undertake this type of review of an agreement before they can enter into a contract with a country or foreign entity.

Section 117b, ''Institutional Policy Regarding Foreign Gifts and Contracts to Faculty and Staff,'' would require institutions of higher education that receive more than $50 million in federal research and development funding or any Title VI funding to develop a policy to compel research faculty and staff, including those at ''affiliated entities'' to report any foreign gifts valued over $480 and contracts over $5,000, as well as creating and maintaining a searchable, public database with that information. This requirement is unnecessary given other existing federal statutory mandates that require researchers to disclose all sources of foreign, domestic, current, and pending support for their research to federal research agencies as they apply for research awards and contracts.

While the bill attempts to make the names of the reporting faculty and staff private, this provision raises both privacy and security concerns regarding personal financial

transactions of relatively small amounts, including for example an inheritance from a foreign family member. This could also provide our foreign adversaries with a roadmap for targeting our top-notch U.S. researchers. Section 117b will likely result in the collection of an ocean of data, much of it trivial and inconsequential, and do little to address the fundamental concerns regarding research security and foreign influence.

Section 117c, ''Investment Disclosure Report,'' would create new reports for certain institutions of higher education (private institutions with endowments over $6 billion or with ''investments of concern'' above $250 million). These institutions would need to report those investments with a country of concern or a foreign entity of concern on an annual basis to the Department of Education, which would then be made public on a searchable database. Similar to our concerns with 117a and 117b, it is unclear what national security or foreign malign influence threat this provision is trying to address. Our institutions are in compliance with Treasury rules regulating our investments, regarding outbound investments in certain sensitive technologies in countries of concern. It is unclear how this will address additional issues of national security, beyond existing federal requirements. It is also unclear why endowments at certain private institutions of higher education would be specifically called out as a national security concern when investments made by other entities that are not institutions of higher education, such as other nonprofits, government grantees and private government contractors are not made public.

Section 117d, ''Enforcement; Single Point of Contract; Institutional Requirements,'' establishes new fines regarding compliance with Section 117 reporting and the new subsections of Section 117. The legislation would put into statute the tie between Section 117 and an institution's program participation agreement. By tying the new proposed fines to Title IV, this would punish students for compliance issues at institutions, specifically compliance with foreign gift reporting, which is not likely impacting individual students.

In addition to these recommendations, we strongly encourage the final bill to also include language that requires the Department of Education to carry out negotiated rulemaking on Section 117, in order to ensure that the Department engages fully with the stakeholder community and clarifies important questions around definitions to ensure the reports are completed in the most useful way possible for policymakers, interested public parties, and the national security agencies.

We appreciate the efforts in the DETERRENT Act to clarify Section 117 and codify compliance rules the Department of Education has previously used sub-regulatory guidance to explain. However, we urge you to consider the potentially detrimental impacts of Sections 117a, 117b, 117c, and 117d, and strike those sections. This significant expansion of Department authority and responsibility is especially problematic given the recent reduction in force implemented at the Department of Education, as well as the Administration's efforts to dismantle the Department. We look forward to working with you on this important legislation as it moves forward in Congress. However, if the bill includes those problematic provisions as it moves forward, we will continue to oppose the legislation as drafted. There are better approaches to address the concerns of policymakers and we welcome the opportunity to work with lawmakers on the right solutions.

Sincerely,

TED MITCHELL,
President.

Mr. WALBERG. Mr. Chair, I yield 2 minutes to the gentleman from Indiana (Mr. MESSMER), an upstanding, proud member of this committee.

Mr. MESSMER. Mr. Chair, I rise today in support of the DETERRENT Act.

This important legislation will bring vital transparency and accountability to gift reporting requirements for colleges and universities.

For decades, the Chinese Communist Party, Iran, and Russia have targeted America's college systems by pushing dangerous propaganda aimed at influencing impressionable students.

As my colleagues have pointed out, many American universities have been far too cozy with our international adversaries. They accept generous investments masked as research projects and infrastructure opportunities, which turn out to be funded by regimes that wish to do us harm.

Not only did those corrupt arrangements create dangerous environments for our students and faculty, they also put America's national security at risk.

I am pleased that my bill, the INSTRUCT Act, is included as one of the DETERRENT Act's main provisions. My legislation requires that colleges and universities disclose to American intelligence agencies any and all financial investment data so we can ensure they remain free of the exploitation of hostile foreign influences.

I urge my colleagues to pass this bill, not just because it makes sense, but because it will put our adversaries on notice that we are watching them. Most importantly, it will protect our Nation's students from foreign manipulation and provide them with the transparent and safe learning environment that they deserve.

Again, I wish to thank Chairman WALBERG for his leadership on this issue.

Mr. SCOTT of Virginia. Mr. Chair, I reserve the balance of my time.

Mr. WALBERG. Mr. Chair, I yield 4 minutes to the gentleman from Utah (Mr. OWENS), the vice chairman of the House Education and the Workforce Committee as well as the chairman of the Higher Education and Workforce Development Subcommittee.

Mr. OWENS. Mr. Chair, imagine our esteemed universities, pillars of free thought and innovation, quietly channeling millions into investments linked to the Chinese Communist Party, Russian oligarchs, or the Iranian regime. While our students learn about democracy and liberty, their tuition dollars may be funding governments that stand against these very ideals.

This isn't hypothetical. This is happening. Since 2013, U.S. colleges and universities have received over $1 billion from Chinese Communist Party-affiliated sources. In return, we have seen professors silenced, student groups threatened, and our intellectual property stolen.

At the same time, these institutions, many of which proudly divest from fossil fuels and boycott Israel, are more than willing to accept foreign funding from adversaries who seek to undermine our Nation.

The DETERRENT Act is our line in the sand. It demands transparency and accountability from higher education. If universities are entangled with foreign adversaries, the American people deserve to know. I am proud that my Reporting on Investments in Foreign Adversaries, or RIFA, Act is included in this legislation. The RIFA Act ensures private colleges and universities disclose whether they are investing their endowments in hostile nations like China, Russia, Iran, and North Korea. These financial partnerships should not be hidden from the public.

For far too long, we have allowed educational institutions to become conduits for foreign influence. Administrators on the taxpayers' dime have given repressive regimes easy access to our students, turning their backs on the very freedoms they claim to uphold. This betrayal must stop, and I must make it clear that profit over patriotism, profit over American values, and profit over American culture is traitorous betrayal.

The DETERRENT Act takes critical steps to safeguard our institutions, protect our students, and preserve American values. We must not allow profit to overshadow patriotism. It is time to reclaim our universities and secure our future. I urge my colleagues to vote ''yes'' on this legislation.

Mr. SCOTT of Virginia. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, we received a letter from the Association of Public and Land-Grant Universities which says in part that Federal agencies since 2023 ''have significantly expanded research security efforts'' and outlines those efforts and then says: ''Rather than advance transparency and meaningfully contribute to the plethora of actions taken by Congress and the Trump and Biden administrations over the last 10 years, the DETERRENT Act will impede important international collaborations and be duplicative of other Federal research agencies' efforts to appropriately strengthen research security and foreign partnership reporting requirements.''

Then they outline some specific concerns by saying: ''The bill would inappropriately create a new and highly unusual role for the U.S. Department of Education in making determinations about the suitability of international research, education, and cultural partnerships, despite its lack of expertise in scientific research.''

It also says: ''The bill would require institutions to create new public databases for the disclosure of international gifts to faculty and staff members. This reporting would include the disclosure of non-work-related gifts from any country that grantees receive

from family, for example, even when there are no connections to their work. Records of such gifts would be required to be in a searchable database maintained by institutions, and for public universities, such reporting would potentially be subject to open records requests that could allow foreign actors to identify leading researchers to target for influence operations.''

Finally, it says: ''The bill would create duplicative disclosure requirements for foreign gift disclosures as Federal research grant applicants already must disclose all sources of support—whether foreign or domestic—for the research activities.''

Mr. Chair, I include this letter in the RECORD.

ASSOCIATION OF PUBLIC AND LAND-GRANT UNIVERSITIES,
Washington, DC, March 24, 2025.

Hon. MIKE JOHNSON,
House of Representatives,
Washington DC.
Hon. HAKEEM JEFFRIES,
House of Representatives,
Washington DC.

DEAR SPEAKER JOHNSON AND MINORITY LEADER JEFFRIES: As president of the Association of Public and Land-grant Universities (APLU), a membership association of more than 230 public research universities and systems in all 50 states, I write to share concerns on the DETERRENT Act, H.R. 1048. Regrettably, APLU must oppose this bill as currently constructed as it would ultimately impede innovation that is essential to U.S. competitiveness and add substantial costs to institutions that drive growth in administrative compliance and bureaucracy rather than support for students and science. APLU strongly believes a better approach to address policymaker concerns is possible and welcomes the opportunity to work together to achieve common goals.

In recent years, the public university community has worked with Congress and the intelligence and law enforcement community to bolster research security to prevent undue foreign influence. Congress has already passed numerous bills that have significantly altered U.S. universities treatment of international partnerships. In fact, since the DETERRENT Act was last considered in 2023, federal agencies have significantly expanded research security efforts including:

the Department of Defense issued a policy for risk-based security reviews of fundamental research to prevent partnerships with entities and countries of concern;

the Department of Energy established a new framework for risk-based decisions and ensure transparency;

the National Science Foundation (NSF) launched a new reporting system for institutions receiving funding, requiring grantees to report all foreign gifts and contracts over $50,000;

NSF launched a risk mitigation process to prevent potential national security risks;

NSF launched a new center to share information and reports on research security;

the National Institutes of Health created a decision matrix to assess the potential for foreign interference; and

the White House Office of Science and Technology Policy launched uniform guidelines about foreign talent programs.

While expansive, this is not even a comprehensive list of new federal actions advancing research security just since 2023.

Rather than enhance transparency and meaningfully contribute to the plethora of actions taken by Congress and the Trump and Biden administrations over the last ten years, the DETERRENT Act will impede important international collaborations and be duplicative of other federal research agencies' efforts to appropriately strengthen research security and foreign partnership reporting requirements. Below, I outline public research universities' most significant concerns with the legislation as currently formulated:

The bill would inappropriately create a new and highly unusual role for the U.S. Department of Education in making determinations about the suitability of international research, education, and cultural partnerships, despite its lack of expertise in scientific research. The Department is ill-equipped to take on such work as it is well outside its responsibility and expertise. Additionally, U.S. universities' partnerships with foreign entities are already regulated by the Departments of Commerce, State, and Treasury, among others.

The bill would require institutions to create new public databases for the disclosure of international gifts to faculty and staff members. This reporting would include the disclosure of non-work related gifts from any country that grantees receive from family, for example, even when there are no connections to their work. Records of such gifts would be required to be in a searchable database maintained by institutions, and for public universities, such reporting would potentially be subject to open records requests that could allow foreign actors to identify leading researchers to target for influence operations.

The bill would create duplicative disclosure requirements for foreign gift disclosures as federal research grant applicants already must disclose all sources of support—whether foreign or domestic—for the research activities. Additionally, NSF established a new reporting portal in 2024 for all gifts or contracts from countries of concern. NSF's newly-created reporting portal is more user friendly and does not have the technical challenges of the Department of Education's currently outdated reporting system. An alternative approach to the DETERRENT Act could build upon rather than duplicate the NSF system.

The bill contains several provisions that APLU supports including unifying definitions across federal agencies, codifying compliance rules the Department of Education has previously used sub-regulatory guidance to explain, providing clarity on the treatment of tuition payments, and requiring the Department of Education to maintain a single point of contact to respond to inquiries and provide technical assistance to institutions. However, concerns about the role and capacities of the Department of Education, which were already significant, are further exacerbated given recent administration announcements on the future mission and staffing of the Department.

Public research universities remain committed to working with policymakers to appropriately enhance research security. APLU strongly believes this can be done without unnecessarily burdening institutions with additional regulations that are overly broad, misdirected, and would further bureaucracy both of schools and the federal government. We welcome the opportunity to work with lawmakers on better balanced solutions.

Sincerely,

MARK BECKER,
President, APLU.

Mr. WALBERG. Mr. Chair, I yield 3 minutes to the gentleman from California (Mr. KILEY), the subcommittee chair of the Early Childhood, Elementary, and Secondary Education Subcommittee.

Mr. KILEY. Mr. Chair, America's universities have long been the place where for better or for worse cultural trends tend to begin and then spread throughout the rest of the country. Unfortunately, in recent years, it has been for worse.

An ethos of censorship took hold first in American universities before spreading to tech companies throughout our broader culture and into the government itself.

Of course we saw most vividly on university campuses the absolutely appalling scenes of anti-Semitism that sadly also became part of our broader problem for the rest of the country over the last few years and even before that.

America's adversaries, noticing this phenomenon, have decided that targeting our universities is a way to weaken the United States. Infiltrating our universities is a way to influence our broader institutions and to influence public opinion.

You see, for example, a congressional investigation found that there were nearly $40 million in contracts with the CCP or CCP-linked organizations. This is just what we know about.

Institutions have accepted billions in anonymous foreign funds without any transparency or accountability. There was even a recent study from the Institute for the Global Study of Anti-Semitism and Policy showing how this has infiltrated K–12 classrooms as well as funding from Qatar ended up at Brown University which developed anti-Israel curricula that then went to 8,000 K–12 schools throughout the entire country.

The DETERRENT Act is a much-needed, commonsense piece of legislation that simply says if you are going to accept funding from foreign countries, you need to disclose that. After all, universities are massively funded in various forms by the Federal Government, so if taxpayer dollars are going to support institutions that are taking foreign money, we should know about that.

The requirements put in place by this bill simply say that if you accept a gift of $50,000 or more, a foreign gift, then you need to report that, and it is anything of any value if it is from an adversarial nation.

The bill also closes reporting gaps, including faculty-level disclosures and imposes real penalties for noncompliance, including loss of title IV funds.

The good news, Mr. Chair, is that over the last year or so we have seen a reckoning begin in higher education in this country, and we are starting to see very positive changes. A number of university presidents have lost their jobs, and universities are increasingly committing themselves anew to protecting civil rights and promoting academic freedom.

The DETERRENT Act will be an important part of that trend. I am proud to be a cosponsor.

□ 1500

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we received a letter from the Association of American Universities, which says, in part: '' . . . as currently proposed, sections 117a, 117b, 117c, and 117d in the bill are unhelpful to advancing the national and research security interests of the United States. Indeed, the new faculty and staff gift reporting requirement for any and all countries is excessive, will prove counterproductive, and divert important university resources away from more valuable and focused efforts to address legitimate research security risks. Additionally, the bill's contract waiver requirement will prevent U.S. researchers and students from participating in important international scientific collaborations and exchange programs, ultimately harming—not helping—the U.S. maintain its global leadership position in critical areas of scientific research.''

Mr. Chair, I include this letter in the RECORD, and I reserve the balance of my time.

ASSOCIATION OF
AMERICAN UNIVERSITIES,
Washington, DC, March 24, 2025.

Hon. MIKE JOHNSON,
House of Representatives,
Washington, DC.
Hon. HAKEEM JEFFRIES,
House of Representatives,
Washington, DC.

DEAR SPEAKER JOHNSON AND MINORITY LEADER JEFFRIES: I write on behalf of the Association of American Universities (AAU) representing 69 leading U.S. research universities to urge your opposition to H.R. 1048, the ''Defending Education Transparency and Ending Rogue Regimes Engaging in Nefarious Transactions (DETERRENT)'' Act.

AAU supports some aspects of the bill to improve foreign gift reporting by institutions of higher education as required by Section 117 of the Higher Education Act, including establishing a single (point of contact at the department, exempting reporting for certain tuition payments, aligning some definitions, and establishing annual reporting. However, as currently proposed, section 117a, 117b, 117c, and 117d in the bill are unhelpful to advancing the national and research security interests of the United States. Indeed, the new faculty and staff gift reporting requirement for any and all countries is excessive, will prove counterproductive, and divert important university resources away from more valuable and focused efforts to address legitimate research security risks. Additionally, the bill's contract waiver requirement will prevent U.S. researchers and students from participating in important international scientific collaborations and exchange programs, ultimately harming—not helping—the U.S. maintain its global leadership position in critical areas of scientific research.

We are also concerned: (1) the version of the bill now being considered on the floor contains new language not included in the bill marked up by the House Education and Workforce Committee that raises additional concerns for which the impacts are not yet fully understood; and (2) given recent actions taken by the Trump administration to significantly reduce the staff of and dismantle the U.S. Department of Education, we do not believe it is sensible for Congress to now assign that department with new U.S. national and research security responsibilities. We also endorse separate comments opposing the Act made by the American Council on Education (ACE).

AAU's specific concerns are outlined in greater detail below:

(1) BROAD USAGE OF WAIVERS WILL RESTRICT IMPORTANT INTERNATIONAL RESEARCH COLLABORATIONS AND EXCHANGE PROGRAMS

Section 117a of the DETERRENT Act requires academic institutions to apply for and obtain a waiver from the Department of Education before entering a contract with a country of concern or a foreign entity of concern. The waiver requirement would slow down and require unprecedented approval by the Department of Education for all contracted academic research collaborations and all student academic exchanges or joint cultural and education programs with countries such as China, including collaborations, exchanges, and programs that have minimal national security concern or connection to critical technologies.

Additionally, we are concerned that the Department of Education lacks the expertise necessary to assess national security risks associated with scientific research and related partnerships. These concerns are further heightened by the recent reductions to the department's workforce which raise questions about the department's ability to ever fully implement this new oversight requirement. With new and ongoing staffing constraints, we would expect waivers to go unanswered—effectively halting all activities requiring departmental approval and preventing any collaborations or academic exchanges from occurring.

A waiver requirement at the Department of Education is also unnecessary when universities are already working to ensure appropriate risk evaluation processes are in place. Since 2018, universities have stepped up their efforts to recognize, address, and mitigate research security concerns. Institutions have developed risk criteria, established risk management committees to review international engagements and collaborations, and have started to utilize the new NSF-funded SECURE Center to collaborate and inform their risk mitigation efforts. At a time of intense global competition for talent and knowledge, it would be unwise for the U.S. to slow down or halt productive research activities and other programs and therefore isolate and disadvantage U.S. faculty and students.

(2) REQUIRING INDIVIDUAL FACULTY AND STAFF GIFT AND CONTRACT DISCLOSURES FROM ANY COUNTRY IS EXCESSIVE AND WILL NOT PROTECT OR SECURE SCIENTIFIC RESEARCH

Section 117b compels institutions of higher education receiving more than $50 million in federal research and development funding or any Title VI funding, to implement a policy requiring all research faculty and staff to individually report any foreign gift valued at over $480 and contracts over $5,000 and post that information to a publicly available and searchable database.

This provision represents extensive overreach by the U.S. government and would be an unprecedented expansion of oversight by the Department of Education under Section 117. Of particular concern, Section 117b provides unlimited scope and no exceptions so gifts from and contracts with all foreign countries would need to be reported, including even friendly and neighboring countries such as Canada, Mexico, and the UK. For research faculty and staff, this would mean that even personal gifts they receive from family members or family inheritance in excess of $480 dollars would need to be reported.

While Section 117b now includes language to protect some private information, it still raises privacy concerns for researchers who may be required to report personal, private financial transactions that could be made public through the Freedom of Information Act or other efforts. As a result of this requirement, university researchers and staff would have to report and university administrators would have to collect, record, and publicly post inconsequential data that does nothing to address legitimate research security risks or foreign influence concerns. Some researchers may ultimately decide participating in federal research programs carries too much burden and familial scrutiny, which will only stand to further weaken the talent pool for U.S. research.

AAU supports ironclad enforcement of university and agency disclosure requirements which Congress provided in Section 223 of the FY21 National Defense Authorization Act (NDAA). Both the previous Trump and Biden administrations have also updated agency disclosure requirements as required by National Security Presidential Memorandum 33 (NSPM–33). Common disclosure forms were finalized at the end of 2023 and federal research agencies have now adopted or are in the process of final adoption of the harmonized common disclosure form, which requests more details on foreign affiliations, relationships, and financial interests from researchers applying for federal research funding.

(3) NEW REQUIREMENTS THAT DUPLICATE EXISTING REQUIREMENTS WILL BE COUNTERPRODUCTIVE

AAU sees no need for Congress to impose additional excessive and unnecessary disclosure requirements on university faculty and staff included in the DETERRENT Act. Since December 2023, when the Act was last considered on the House floor, Congress and the federal agencies have taken multiple actions to address research security concerns and help mitigate risks. This includes Section 226 and Section 238 of the FY 2025 NDAA which require DOD to conduct periodic examinations of research awards to ensure compliance with current DOD research security policy and prohibits DOD funding to institutions of higher education that conduct fundamental research in collaboration with covered entities on the Section 1286 list. Additionally, the National Science Foundation, the National Institutes of Health, the Department of Energy, and the Department of Defense all have announced or already begun implementing new processes to consider risk factors prior to awarding a grant. If a risk is identified, mitigation measures are added to the conditions of the award. The DETERRENT Act piles on additional requirements that are likely to conflict, duplicate, and create confusion with existing requirements.

In conclusion, AAU opposes the DETERRENT Act, as many of the bill provisions will not effectively address U.S. national and research security concerns. They will instead needlessly divert important university resources away from more effective methods of safeguarding and securing research conducted on behalf of American taxpayers, protecting it from undue foreign influence and other international threats.

We urge the House to vote ''no'' on the legislation unless section 117a, 117b, 117c, and 117d are all removed from the bill. Thank you for your consideration.

Sincerely,

BARBARA R. SNYDER,
President.

Mr. WALBERG. Mr. Chair, I yield myself such time as I may consume. I know my good friend and colleague's concern is sincere about faculty involvement in reporting in institutions,

of course, that know how to keep records of sports donors, boosters, and alumni who are contributing various things. I think this is even more important.

My colleague argued that requiring researchers to disclose foreign gifts and contracts would be invasive and unnecessary. I first remind my colleague that this requirement applies to specific researchers involved in government contracts who are at specific high research institutions. These are faculty working in crucial and sensitive research, areas our adversaries have targeted time and time again.

This is not just an abstract problem. Just in the last 2 years, prominent research faculty at Harvard, Stanford, the University of Maryland, and the University of Delaware were found to not have disclosed foreign funding from Chinese sources, just to name a few examples. Reporting in-kind support specifically for a researcher's grant is critical, but deterrent provisions also cover other ways our adversaries can influence faculty.

Democrats also continue to falsely claim that the DETERRENT Act would require reporting for everyday activities like doughnuts or coffee. The DETERRENT Act holds faculty to the same standard for monetary gifts as Members of Congress. A gift of a $5,000 purse from a foreign source rightfully needs to be scrutinized and publicized.

Regarding privacy concerns, I do want to point out that these individuals are often happy to voluntarily publish their own names, their email addresses, and their donors when it comes to their own published works. Many universities have open directories on their websites. However, the DETERRENT Act does have a commonsense privacy protection included.

The American public deserves transparency, and I urge critics of the bill to ask why relationships, including those with our worst enemies and our adversaries, should continue to lie in the shadows.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge my colleagues to oppose H.R. 1048 as currently drafted. The bill not only targets our Nation's educational institutions but also undermines the very Department we rely on to enforce these very complex policies.

Mr. Chair, you can't effectively dismantle an agency and then demand more from it. You can't ignore the fact that half of the Department's employees have been fired, and these cuts will make it even more difficult for the Department to carry out these increased responsibilities effectively. The contradiction is clear: How can you demand more reporting and enforcement from an agency that has half of its staff?

Furthermore, the bill does not really address any alleged problem. Present law already requires reporting of gifts large enough to exert any influence, and requiring the reporting of free doughnuts will not do anything to add to national security.

What it will do is add to a feeling of problems with researchers from other countries. The National Academy of Science did a survey of 1,300 Asian-American faculty and found that, although a majority, 89 percent, of these faculty desired to contribute to the United States' advancements in science and technology, many, 72 percent, feel unsafe in conducting research in the United States.

Instead of adding unnecessary burdens and penalties to our educational institutions and adding the feeling of ''unsafe'' and discrimination against minorities, we need to focus on meaningful reforms to protect the integrity of the education system and promote collaboration around the world.

We also need to use the limited resources left to the Department of Education to focus on things like academic achievement and achievement gaps; violence in schools, especially gun violence; access to college; and things like that. We need to safeguard the Department of Education, not destroy it.

Mr. Chair, I ask my colleagues to reject this bill and support the policies that strengthen, rather than dismantle, the systems that serve our students and workforce.

Mr. Chair, I reserve the balance of my time.

Mr. WALBERG. Mr. Chair, I yield 2 minutes to the gentleman from Missouri (Mr. ONDER), a member of the Committee on Education and Workforce.

Mr. ONDER. Mr. Chairman, I rise today in strong support of H.R. 1048, the DETERRENT Act.

Mr. Chair, this bill will end the influence and downright espionage of the Chinese Communist Party on our American College campuses.

Last Congress, the Select Committee on the CCP issued a remarkable report highlighting how UC Berkeley partnered with Tsinghua University and the city of Shenzen to create the Tsinghua-Berkeley-Shenzen Institute, which actively partnered with a Chinese research lab in April 2023 to improve advanced chip technology.

Why in the world should the Chinese Communist Party, which controls the city of Shenzen and Tsinghua University, have access to American research on sensitive technology with military applications?

Likewise, Alfred University recently received a grant from the Department of Defense to research hypersonic weapons. Unbelievably, the China University of Geosciences in Wuhan then partnered with Alfred University with this research.

China University of Geosciences also happened to be doing very similar weapons research for the CCP. How do we know that our research and development in our hypersonic weapons isn't going straight to the CCP? The answer is: It probably is.

Additionally, according to the FBI, the CCP is the world's principal infringer of intellectual property. We need to stop the Chinese Communist Party, the number one threat to our security and the security of the world, from taking advantage of American innovation and the openness of our university campuses.

Mr. Chair, I proudly support the DETERRENT Act.

Mr. SCOTT of Virginia. Mr. Chair, I yield back the balance of my time.

Mr. WALBERG. Mr. Chair, I thank the gentleman for his comments.

Mr. Chair, I thank my colleagues who have come to speak today on such an important matter regarding not just higher education but national security.

International collaboration is not inherently bad, but foreign nations have been able to operate in the dark for far too long. When foreign adversaries give to universities, it is not out of the goodness of their hearts. It is because they want something in return. Sometimes that is extremely negative.

Each dollar that is accepted comes with strings attached, and that can influence student behavior or gain access to research. The DETERRENT Act is a crucial step toward transparency and protecting American education and students from malicious foreign influence. The current system has allowed our Nation's students to become targets for our adversaries, and that is unacceptable.

We must pass this bill.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR (Mr. CRAWFORD). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and Workforce, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 119–1 shall be considered as adopted and the bill, as amended, shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 1048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Defending Education Transparency and Ending Rogue Regimes Engaging in Nefarious Transactions Act'' or the ''DETERRENT Act''.

SEC. 2. DISCLOSURES OF FOREIGN GIFTS.

(a) IN GENERAL.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended to read as follows:

''SEC. 117. DISCLOSURES OF FOREIGN GIFTS.

''(a) DISCLOSURE REPORTS.—

''(1) AGGREGATE GIFTS AND CONTRACT DISCLOSURES.—An institution shall file with the Secretary, in accordance with subsection (b)(1), a disclosure report on July 31 of the calendar year immediately following any calendar year in which—

''(A) the institution receives a gift from, or enters into a contract with, a foreign source (other than a foreign country of concern or foreign entity of concern)—

''(i) the value of which is $50,000 or more, considered alone or in combination with all other gifts from, or contracts with, that foreign source within the calendar year; or

''(ii) the value of which is indeterminate; or

''(B) the institution—

''(i) receives a gift from a foreign country of concern or foreign entity of concern, without regard to the value of such gift; or

''(ii) upon receiving a waiver under section 117A to enter into a contract with such a country or entity, enters into such contract, without regard to the value of such contract.

''(2) FOREIGN SOURCE OWNERSHIP OR CONTROL DISCLOSURES.—Notwithstanding paragraph (1), in the case of an institution that is substantially controlled (as described in section 668.174(c)(3) of title 34, Code of Federal Regulations) (or successor regulations)) by a foreign source, the institution shall file with the Secretary, in accordance with subsection (b)(2), a disclosure report on July 31 of each year.

''(3) TREATMENT OF AFFILIATED ENTITIES.—For purposes of this section, any gift to, or contract with, an affiliated entity of an institution shall be considered a gift to, or contract with, respectively, such institution.

''(b) CONTENTS OF REPORT.—

''(1) GIFTS AND CONTRACTS.—Each report to the Secretary required under subsection (a)(1) shall include the following:

''(A) With respect to a gift received from, or a contract entered into with, any foreign source—

''(i) the name of the individual, department, or other entity at the institution receiving the gift or carrying out the contract on behalf of the institution;

''(ii) any intended purpose of the gift or contract communicated to the institution by the foreign source, and, as of the date of filing such report, the manner in which the institution intends to use such gift or contract;

''(iii) in the case of a restricted or conditional gift or contract, a description of each restriction or condition that meets the definition of the term 'restricted or conditional gift or contract' in subsection (f);

''(iv) with respect to such a gift—

''(I) the total fair market dollar amount or dollar value of the gift, as of the date of submission of such report; and

''(II) the date on which the institution received such gift;

''(v) with respect to such a contract—

''(I) the total fair market dollar amount or dollar value of the contract, as of the date of submission of such report;

''(II) the date on which the institution enters into such contract;

''(III) the date on which such contract first takes effect;

''(IV) if the contract has a termination date, such termination date; and

''(V) an assurance that the institution will—

''(aa) maintain an unredacted copy of the contract until the latest of—

''(AA) the date that is 5 years after the date on which such contract first takes effect;

''(BB) the date on which the contract terminates; or

''(CC) the last day of any period that applicable State law requires a copy of such contract to be maintained; and

''(bb) upon request of the Secretary during an investigation under section 117D(a)(1), produce such an unredacted copy of the contract.

''(B) With respect to a gift received from, or a contract entered into with, a foreign source that is a foreign government (other than the government of a foreign country of concern)—

''(i) the name of such foreign government;

''(ii) the department, agency, office, or division of such foreign government that approved such gift or contract, as applicable; and

''(iii) the physical mailing address of such department, agency, office, or division.

''(C) With respect to a gift received from, or contract entered into with, a foreign source other than a foreign government subject to the requirements of subparagraph (B)—

''(i)(I) the legal name of the foreign source; or

''(II) in the case of a gift received from a foreign source that awarded such gift to the institution as an agent described in subsection (f)(4)(G) on behalf of another foreign source—

''(aa) the legal name of the foreign source that awarded such gift; and

''(bb) the legal name of the foreign source on whose behalf the gift was awarded, or a statement certified by a compliance officer in accordance with section 117D(c) that the institution has reasonably attempted to obtain such name;

''(ii) in the case of a foreign source that is a natural person, each country of citizenship of such person, or, if no such country is known, the principal country of residence of such person;

''(iii) in the case of a foreign source that is a legal entity, the country in which such entity is incorporated, or, if such information is not available, the principal place of business of such entity;

''(iv) the physical mailing address of such foreign source, or, if such address is not available, a statement certified by a compliance officer in accordance with section 117D(c) that the institution has reasonably attempted to obtain such address; and

''(v) any affiliation of the foreign source to an organization that is designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

''(D) With respect to a contract entered into with a foreign source that is a foreign country of concern or a foreign entity of concern—

''(i) a complete and unredacted copy of the original contract, and if such original contract is not in English, a translated copy in accordance with subsection (c);

''(ii) a copy of the waiver received under section 117A for such contract; and

''(iii) the statement submitted by the institution for purposes of receiving such a waiver under section 117A(b)(2).

''(E) With respect to a gift received from a foreign source that is a foreign country of concern or a foreign entity of concern, an assurance that the institution will—

''(i) in a case in which the institution received documentation relating to such gift, maintain such documentation until the latest of—

''(I) the date that is 5 years after the date such gift was received by the institution; or

''(II) the last day of any period that applicable State law requires a copy of such documentation to be maintained; and

''(ii) upon request of the Secretary during an investigation under section 117D(a)(1), produce such documentation;

''(2) FOREIGN SOURCE OWNERSHIP OR CONTROL.—Each report to the Secretary required under subsection (a)(2) shall contain—

''(A) the information required under paragraph (1) of this subsection;

''(B) the legal name and the mailing address of the foreign source that substantially controls the institution as described in such subsection;

''(C) the date on which the foreign source assumed such substantial control; and

''(D) any changes in program or structure of the institution of higher education resulting from such substantial control.

''(c) TRANSLATION REQUIREMENTS.—Any information required to be disclosed under this section, or requested by the Secretary pursuant to an investigation under section 117D(a)(1), with respect to a gift or contract that is not in English shall be translated into English, for purposes of such disclosure or such investigation, by a person that is not—

''(1) a foreign source that awarded such gift or entered into such contract; or

''(2) any other foreign source from an attributable country of a foreign source referred to in paragraph (1).

''(d) PUBLIC INSPECTION.—

''(1) DATABASE REQUIREMENT.—Beginning not later than May 31 of the calendar year following the date of enactment of the DETERRENT Act, the Secretary shall—

''(A) establish and maintain a searchable database on a website of the Department, under which all reports submitted under this section (including, to the extent practicable, any report submitted under this section before the date of enactment of the DETERRENT Act)—

''(i) are made publicly available (in electronic and downloadable format), including any information provided in such reports (other than the information prohibited from being publicly disclosed pursuant to paragraph (2));

''(ii) can be individually identified and compared; and

''(iii) to the extent practicable, are searchable and sortable—

''(I) by the institution that filed such report;

''(II) by the date on which the institution filed such report;

''(III) by the date on which the institution received the gift which is the subject of the report;

''(IV) by the date on which the institution enters into the contract which is the subject of the report;

''(V) by the date on which such contract first takes effect;

''(VI) by the attributable country of such gift or contract;

''(VII) by the name of the foreign source;

''(VIII) by the information described in subparagraph (C)(i); and

''(IX) by the information described in subparagraph (C)(ii);

''(B) not later than 30 days after receipt of a disclosure report under this section, include such report in such database;

''(C) indicate, as part of the public record of a report included in such database, whether the report is with respect to a gift received from, or a contract entered into with—

''(i) a foreign source that is a foreign government; or

''(ii) a foreign source that is not a foreign government; and

''(D) with respect to a disclosure report that does not include the name or address of a foreign source, indicate, as part of the public record of such report included in such database, that such report did not include such information.

''(2) APPLICATION OF FEDERAL PRIVACY LAW; PROTECTIONS FOR NATURAL PERSONS.—

''(A) APPLICATION OF FEDERAL PRIVACY LAW.—Except as provided in subparagraph (B), a disclosure report filed pursuant to this section is not subject to Federal privacy law (including any exemption from disclosure described in section 552(b) of title 5, United States Code)).

''(B) PROTECTIONS FOR NATURAL PERSONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), with respect to a disclosure report filed under this section, the name or address (other than the attributable country) of a foreign source that is a natural person—

''(I) may not be publicly disclosed; and

''(II) is exempt from disclosure under subsection (b)(3) of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

''(ii) EXCEPTIONS FOR CONTRACTS WITH A FOREIGN COUNTRY OF CONCERN OR FOREIGN ENTITY OF CONCERN.—Clause (i) shall not apply to a disclosure report filed pursuant to this section that contains information with respect to a contract described in subsection (a)(1)(B)(ii) entered into with a foreign country of concern or foreign entity of concern.

''(e) INTERAGENCY INFORMATION SHARING.—Notwithstanding any other provision of law, not later than 30 days after receiving a disclosure report from an institution in compliance with

this section, the Secretary shall transmit an unredacted copy of such report (including the name and address of a foreign source disclosed in such report) to the Director of the Federal Bureau of Investigation, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Commerce, the Secretary of Homeland Security, the Secretary of Energy, the Director of the National Science Foundation, and the Director of the National Institutes of Health.

''(f) DEFINITIONS.—In this section:

''(1) AFFILIATED ENTITY.—The term 'affiliated entity', when used with respect to an institution, means an entity or organization that operates primarily for the benefit of, or under the auspices of, such institution, such as a foundation of the institution, or an educational, cultural, or language entity.

''(2) ATTRIBUTABLE COUNTRY.—The term 'attributable country' means—

''(A) the country of citizenship of a foreign source who is a natural person, or, if such country is unknown, the principal residence of such foreign source; or

''(B) the country of incorporation of a foreign source that is a legal entity, or, if such country is unknown, the principal place of business (as applicable) of such foreign source.

''(3) CONTRACT.—The term 'contract'—

''(A) means—

''(i) any agreement for the acquisition by purchase, lease, or barter of property (including intellectual property) or services by the foreign source;

''(ii) except as provided in subparagraph (B)(ii), any agreement for the acquisition by purchase, lease, or barter of property (including intellectual property) or services from a foreign source; and

''(iii) any affiliation, agreement, or similar transaction with a foreign source that involves the use or exchange of an institution's name, likeness, time, services, or resources; and

''(B) does not include—

''(i) an agreement made between an institution and a foreign source regarding any payment of one or more elements of a student's cost of attendance (as such term is defined in section 472), unless such an agreement is made for more than 15 students or is made under a restricted or conditional contract;

''(ii) an arms-length agreement for the acquisition by purchase, lease, or barter of property (including intellectual property) or services from a foreign source that is not a foreign country of concern or a foreign entity of concern; or

''(iii) any assignment or license of a granted intellectual property right (including a patent, trademark, or copyright) that is not associated with a category listed in the Commerce Control List maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 1 to part 774 of title 15, Code of Federal Regulations (or successor regulations).

''(4) FOREIGN SOURCE.—The term 'foreign source' means—

''(A) a foreign government, including an agency of a foreign government;

''(B) a legal entity, governmental or otherwise, created under the laws of a foreign state or states;

''(C) a legal entity, governmental or otherwise, substantially controlled (as described in section 668.174(c)(3) of title 34, Code of Federal Regulations) (or successor regulations)) by a foreign source;

''(D) a natural person who is not a citizen or a national of the United States or a trust territory or protectorate thereof;

''(E) an international organization (as such term is defined in the International Organizations Immunities Act (22 U.S.C. 288));

''(F) a person who is an agent of a foreign principal (as such term is defined in section 1 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611)); and

''(G) an agent of any of the entities described in subparagraphs (A) through (F), including—

''(i) a subsidiary or affiliate of a foreign legal entity, acting on behalf of such an entity; and

''(ii) a person that operates primarily for the benefit of, or under the auspices of, such an entity, such as a foundation of such entity, or an educational, cultural, or language entity.

''(5) GIFT.—The term 'gift'—

''(A) means any gift of money, property (including intellectual property), resources, staff, or services; and

''(B) does not include—

''(i) any payment of one or more elements of a student's cost of attendance (as such term is defined in section 472) to an institution by, or scholarship from, a foreign source who is a natural person, acting in their individual capacity and not as an agent for, at the request or direction of, or on behalf of, any person or entity (except the student), made for not more than 15 students, and that is not made under a restricted or conditional contract with such foreign source;

''(ii) any assignment or license of a granted intellectual property right (including a patent, trademark, or copyright) that is not associated with a category listed in the Commerce Control List maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 1 to part 774 of title 15, Code of Federal Regulations (or successor regulations); or

''(iii) decorations (as such term is defined in section 7342(a) of title 5, United States Code).

''(6) RESTRICTED OR CONDITIONAL GIFT OR CONTRACT.—The term 'restricted or conditional gift or contract' means any endowment, gift, grant, contract, award, present, or property (including intellectual property) of any kind which includes provisions regarding—

''(A) the employment, assignment, or termination of faculty;

''(B) the establishment of, or the provision of funding for, departments, centers, institutes, instructional programs, research or lecture programs, or new faculty positions;

''(C) the selection, admission, or education of students; or

''(D) the award of grants, loans, scholarships, fellowships, or other forms of financial aid restricted to students of a specified country, religion, sex, ethnic origin, or political opinion.''.

(b) PROHIBITION ON CONTRACTS WITH CERTAIN FOREIGN ENTITIES AND COUNTRIES.—Part B of title I of the Higher Education Act of 1965 (20 U.S.C. 1011 et seq.) is amended by inserting after section 117 the following:

''SEC. 117A. PROHIBITION ON CONTRACTS WITH CERTAIN FOREIGN ENTITIES AND COUNTRIES.

''(a) IN GENERAL.—An institution shall not enter into a contract with a foreign country of concern or a foreign entity of concern.

''(b) WAIVERS.—

''(1) IN GENERAL.—A waiver issued under this section to an institution with respect to a contract shall only—

''(A) waive the prohibition under subsection (a) for a 1-year period; and

''(B) apply to the terms and conditions of the proposed contract submitted as part of the request for such waiver.

''(2) SUBMISSION.—

''(A) FIRST WAIVER REQUESTS.—

''(i) IN GENERAL.—An institution that desires to enter into a contract with a foreign entity of concern or a foreign country of concern may submit to the Secretary, not later than 120 days before the institution enters into such a contract, a request to waive the prohibition under subsection (a) with respect to such contract.

''(ii) CONTENTS OF WAIVER REQUEST.—A waiver request submitted by an institution under clause (i) shall include—

''(I) the complete and unredacted text of the proposed contract for which the waiver is being requested, and if such original contract is not in English, a translated copy of the text into English (in a manner that complies with section 117(c)); and

''(II) a statement that—

''(aa) is certified by a compliance officer of the institution designated in accordance with section 117D(c); and

''(bb) includes information that demonstrates that such contract—

''(AA) is for the benefit of the institution's mission and students; and

''(BB) will promote the security, stability, and economic vitality of the United States.

''(B) RENEWAL WAIVER REQUESTS.—

''(i) IN GENERAL.—An institution that, pursuant to a waiver issued under this section, has entered into a contract, the term of which is longer than the 1-year waiver period and the terms and conditions of which remain the same as the proposed contract submitted as part of the request for such waiver may submit, not later than 120 days before the expiration of such waiver period, a request for a renewal of such waiver for an additional 1-year period (which shall include any information requested by the Secretary).

''(ii) TERMINATION.—If the institution fails to submit a request under clause (i) or is not granted a renewal under such clause, such institution shall terminate such contract on the last day of the original 1-year waiver period.

''(3) WAIVER ISSUANCE.—The Secretary—

''(A) not later than 60 days before an institution enters into a contract pursuant to a waiver request under paragraph (2)(A), or before a contract described in paragraph (2)(B)(i) is renewed pursuant to a renewal request under such paragraph, shall notify the institution—

''(i) if the waiver or renewal will be issued by the Secretary; and

''(ii) in a case in which the waiver or renewal will be issued, the date on which the 1-year waiver period starts; and

''(B) may only issue a waiver under this section to an institution if the Secretary determines, in consultation with each individual listed in section 117(e), that the contract for which the waiver is being requested—

''(i) is for the benefit of the institution's mission and students; and

''(ii) will promote the security, stability, and economic vitality of the United States.

''(4) DISCLOSURE.—Not less than 2 weeks prior to issuing a waiver under paragraph (2), the Secretary shall notify the authorizing committees of the intent to issue the waiver, including a justification for the waiver.

''(c) DESIGNATION DURING CONTRACT TERM.—In the case of an institution that enters into a contract with a foreign source that is not a foreign country of concern or a foreign entity of concern but which, during the term of such contract, is designated as a foreign country of concern or foreign entity of concern, such institution shall terminate such contract not later than 60 days after the Secretary notifies the institution of such designation.

''(d) CONTRACTS PRIOR TO DATE OF ENACTMENT.—

''(1) IN GENERAL.—In the case of an institution that has entered into a contract with a foreign country of concern or foreign entity of concern prior to the date of enactment of the DETERRENT Act—

''(A) the institution shall as soon as practicable, but not later than 30 days after such date of enactment, submit to the Secretary a waiver request in accordance with clause (ii) of subsection (b)(2)(A); and

''(B) the Secretary shall, upon receipt of the request submitted under such clause, issue a waiver to the institution for a period beginning on the date on which the waiver is issued and ending on the sooner of—

''(i) the date that is 1 year after the date of enactment of the DETERRENT Act; or

''(ii) the date on which the contract terminates.

''(2) RENEWAL.—An institution that has entered into a contract described in paragraph (1), the term of which is longer than the waiver period described in subparagraph (B) of such paragraph and the terms and conditions of which remain the same as the contract submitted as part of the request required under subparagraph (A) of such paragraph, may submit a request for renewal of the waiver issued under such paragraph in accordance with subsection (b)(2)(B).

''(e) CONTRACT DEFINED.—The term 'contract' has the meaning given such term in section 117(f).''.

(c) INTERAGENCY INFORMATION SHARING.—Notwithstanding any other provision of law, not later than 90 days after the date of enactment of this Act, the Secretary of Education shall transmit to each individual listed in section 117(e) of the Higher Education Act of 1965, as amended by this Act—

(1) an unredacted copy of each report (including the name and address of a foreign source disclosed in such report) received by the Department of Education under section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) prior to the date of enactment of this Act); and

(2) any report, document, or other record generated by the Department of Education in the course of an investigation—

(A) of an institution with respect to the compliance of such institution with such section; and

(B) initiated prior to the date of enactment of this Act.

SEC. 3. POLICY REGARDING CONFLICTS OF INTEREST FROM FOREIGN GIFTS AND CONTRACTS.

The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), as amended by the preceding section, is further amended by inserting after section 117A the following:

''SEC. 117B. INSTITUTIONAL POLICY REGARDING FOREIGN GIFTS AND CONTRACTS TO FACULTY AND STAFF.

''(a) REQUIREMENT TO MAINTAIN POLICY AND DATABASE.—Beginning not later than 90 days after the date of enactment of the DETERRENT Act, each institution described in subsection (b) shall maintain—

''(1) a policy requiring covered individuals at the institution and covered individuals at affiliated entities of the institution to disclose in a report to such institution by July 31 of each calendar year that begins after the year in which such enactment date occurs—

''(A) any gift received from a foreign source in the previous calendar year, the value of which is greater than the minimal value (as such term is defined in section 7342(a) of title 5, United States Code) or is of indeterminate value, and including the date on which the gift was received;

''(B) any contract with a foreign source (other than a foreign country of concern or foreign entity of concern) entered into or in effect during the previous calendar year, the value of which is $5,000 or more, considered alone or in combination with all other contracts with that foreign source within the calendar year, and including the date on which such contract is entered into, the date on which the contract first takes effect, and, as applicable, the date on which such contract terminates;

''(C) any contract with a foreign source (other than a foreign country of concern or foreign entity of concern) entered into or in effect during the previous calendar year that has an indeterminate monetary value, and including the date on which such contract is entered into, the date on which the contract first takes effect, and, as applicable, the date on which such contract terminates; and

''(D) any contract entered into or in effect with a foreign country of concern or foreign entity of concern during the previous calendar year, the value of which is $0 or more or which has an indeterminate monetary value, and including—

''(i) the date on which such contract is entered into;

''(ii) the date on which the contract first takes effect;

''(iii) if the contract has a termination date, such termination date; and

''(iv) the full text of such contract and any addenda;

''(2) a publicly available and searchable database (in electronic and downloadable format), on a website of the institution, of the information required to be disclosed under paragraph (1) (other than the information prohibited from public disclosure pursuant to subsection (c)) that—

''(A) makes available the information disclosed under paragraph (1) (other than the information prohibited from public disclosure pursuant to subsection (c)) beginning on the date that is 30 days after receipt of the report under such paragraph containing such information and until the latest of—

''(i) the date that is 5 years after the date on which—

''(I) a gift referred to in paragraph (1)(A) is received; or

''(II) a contract referred to in subparagraph (B), (C) or (D) of paragraph (1) first takes effect;

''(ii) the date on which a contract referred to in subparagraph (B), (C) or (D) of paragraph (1) terminates; or

''(iii) the last day of any period that applicable State law requires a copy of such contract to be maintained; and

''(B) is searchable and sortable—

''(i) if the subject of the disclosure is a gift, by the date on which the gift is received;

''(ii) if the subject of the disclosure is a contract—

''(I) by the date on which such contract is entered into; and

''(II) by the date on which such contract first takes effect;

''(iii) by the attributable country with respect to which information is being disclosed;

''(iv)(I) if the covered individual at an institution is making the disclosure, by the most specific division of the institution (such as the department, school, or college) that the covered individual is at; and

''(II) if the covered individual at the affiliated entity of the institution is making the disclosure, by the name of such affiliated entity;

''(v) by the name of the foreign source; and

''(3) an effective plan to identify and manage potential information gathering by foreign sources through espionage targeting covered individuals that may arise from gifts received from, or contracts entered into with, a foreign source, including through the use of—

''(A) periodic communications;

''(B) accurate reporting under paragraph (2) of the information required to be disclosed under paragraph (1); and

''(C) enforcement of the policy described in paragraph (1); and

''(4) for purposes of investigations under section 117D(a)(1), a record of the name of each individual who makes a disclosure under paragraph (1) and each report disclosed under such paragraph.

''(b) INSTITUTIONS.—An institution shall be subject to the requirements of this section if such institution—

''(1) received more than $50,000,000 in Federal funds in any of the previous five calendar years to support (in whole or in part) research and development (as determined by the institution and measured by the Higher Education Research and Development Survey of the National Center for Science and Engineering Statistics); or

''(2) receives funds under title VI.

''(c) APPLICATION OF FEDERAL PRIVACY LAW; PROTECTIONS FOR NATURAL PERSONS.—

''(1) APPLICATION OF FEDERAL PRIVACY LAW.—Except as provided in paragraph (2), a disclosure made pursuant to this section is not subject to Federal privacy law.

''(2) PROTECTIONS FOR NATURAL PERSONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), with respect to a disclosure made pursuant to this section, the following may not be publicly disclosed:

''(i) The name or address (other than the attributable country) of a foreign source that is a natural person.

''(ii) The name or any other personally identifiable information of a covered individual making such disclosure.

''(B) EXCEPTIONS FOR CONTRACTS WITH A FOREIGN COUNTRY OF CONCERN OR FOREIGN ENTITY OF CONCERN.—Subparagraph (A) shall not apply to a disclosure made pursuant to this section that contains information with respect to a contract entered into with a foreign country of concern or foreign entity of concern.

''(d) DEFINITIONS.—In this section—

''(1) the terms 'affiliated entity', 'attributable country', 'foreign source', and 'gift' have the meanings given such terms in section 117(f);

''(2) the term 'contract'—

''(A) means—

''(i) any agreement for the acquisition by purchase, lease, or barter of property (including intellectual property) or services by the foreign source;

''(ii) except as provided in subparagraph (B), any agreement for the acquisition by purchase, lease, or barter of property (including intellectual property) or services from a foreign source; and

''(iii) any affiliation, agreement, or similar transaction with a foreign source that involves the use or exchange of a covered individual's name, likeness, time, services, or resources; and

''(B) does not include—

''(i) an arms-length agreement for the acquisition by purchase, lease, or barter of property (including intellectual property) or services from a foreign source that is not a foreign country of concern or a foreign entity of concern; and

''(ii) any assignment or license of a granted intellectual property right (including a patent, trademark, or copyright) that is not associated with a category listed in the Commerce Control List maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 1 to part 774 of title 15, Code of Federal Regulations (or successor regulations); and

''(3) the term 'covered individual'—

''(A) has the meaning given such term in section 223(d) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (42 U.S.C. 6605); and

''(B) shall be interpreted in accordance with the Guidance for Implementing National Security Presidential Memorandum 33 (NSPM–33) on National Security Strategy for United States Government-Supported Research and Development published by the Subcommittee on Research Security and the Joint Committee on the Research Environment in January 2022 (or any successor guidance).''.

SEC. 4. INVESTMENT DISCLOSURE REPORT.

The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), as amended by this Act, is further amended by inserting after section 117B the following:

''SEC. 117C. INVESTMENT DISCLOSURE REPORT.

''(a) INVESTMENT DISCLOSURE REPORT.—A specified institution shall file a disclosure report in accordance with subsection (b) with the Secretary on each July 31 immediately following any calendar year in which the specified institution purchases, sells, or holds (directly or indirectly through any chain of ownership) one or more investments of concern.

''(b) CONTENTS OF REPORT.—Each report to the Secretary required by subsection (a) shall contain, with respect to the calendar year preceding the calendar year in which such report is filed, the following information:

''(1) A list of the investments of concern purchased, sold, or held during such calendar year.

''(2) The aggregate fair market value of all investments of concern held as of the close of such calendar year.

''(3) The combined value of all investments of concern sold over the course of such calendar year, as measured by the fair market value of such investments at the time of the sale.

''(4) The combined value of all capital gains from such sales of investments of concern.

''(c) TREATMENT OF CERTAIN POOLED INVESTMENTS.—

''(1) POOLED INVESTMENT CLASSIFICATION.—

''(A) IN GENERAL.—For purposes of this section, except as provided in subparagraph (B), a specified interest acquired by a specified institution in a regulated investment company, exchange traded fund, or any other pooled investment that holds an investment of concern shall be treated as an investment of concern and shall be reported pursuant to paragraph (2)(A).

''(B) CERTIFICATION OF POOLED INVESTMENT.—Notwithstanding subparagraph (A), such specified interest shall not be subject to subparagraph (A) if the Secretary certifies, pursuant to paragraph (2)(B), that such pooled investment is not holding an investment of concern.

''(2) PROCEDURES.—The Secretary, after consultation with the Secretary of the Treasury and the Securities and Exchange Commission, shall establish procedures under which a pooled investment described in paragraph (1)—

''(A) shall be reported in accordance with the requirements of subsection (b); and

''(B) may be certified under paragraph (1)(B) as not holding an investment of concern.

''(d) TREATMENT OF RELATED ORGANIZATIONS.—For purposes of this section, assets held by any related organization (as defined in section 4968(d)(2) of the Internal Revenue Code of 1986) with respect to a specified institution shall be treated as held by such specified institution, except that—

''(1) such assets shall not be taken into account with respect to more than 1 specified institution; and

''(2) unless such organization is controlled by such institution or is described in section 509(a)(3) of the Internal Revenue Code of 1986 with respect to such institution, assets which are not intended or available for the use or benefit of such specified institution shall not be taken into account.

''(e) VALUATION OF DEBT.—For purposes of this section, the fair market value of any debt shall be the outstanding principal amount of such debt.

''(f) REGULATIONS.—The Secretary, after consultation with the Secretary of the Treasury and the Securities and Exchange Commission, may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance providing for the proper application of this section with respect to certain regulated investment companies, exchange traded funds, and pooled investments.

''(g) DATABASE REQUIREMENT.—Beginning not later than May 31 of the calendar year following the date of enactment of the DETERRENT Act, the Secretary shall—

''(1) establish and maintain a searchable database on a website of the Department, under which all reports submitted under this section—

''(A) are made publicly available (in electronic and downloadable format), including any information provided in such reports;

''(B) can be individually identified and compared; and

''(C) are searchable and sortable; and

''(2) not later than 30 days after receipt of a disclosure report under this section, include such report in such database.

''(h) DEFINITIONS.—In this section:

''(1) INVESTMENT OF CONCERN.—

''(A) IN GENERAL.—The term 'investment of concern' means any specified interest with respect to any of the following:

''(i) A foreign country of concern.

''(ii) A foreign entity of concern.

''(B) SPECIFIED INTEREST.—The term 'specified interest' means, with respect to any entity—

''(i) stock or any other equity or profits interest of such entity;

''(ii) debt issued by such entity; and

''(iii) any contract or derivative with respect to any property described in clause (i) or (ii).

''(2) SPECIFIED INSTITUTION.—

''(A) IN GENERAL.—The term 'specified institution', as determined with respect to any calendar year, means an institution that—

''(i) is not a public institution; and

''(ii) at the close of such calendar year, holds—

''(I) assets (other than those assets which are used directly in carrying out the institution's exempt purpose) the aggregate fair market value of which is in excess of $6,000,000,000; and

''(II) investments of concern the aggregate fair market value of which is in excess of $250,000,000.

''(B) REFERENCES TO CERTAIN TERMS.—For the purpose of applying the definition under subparagraph (A), the terms 'aggregate fair market value' and 'assets which are used directly in carrying out the institution's exempt purpose' shall be applied in the same manner as such terms are applied for the purposes of section 4968(b)(1)(D) of the Internal Revenue Code of 1986.''.

SEC. 5. ENFORCEMENT AND OTHER GENERAL PROVISIONS.

(a) ENFORCEMENT AND OTHER GENERAL PROVISIONS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), as amended by this Act, is further amended by inserting after section 117C the following:

''SEC. 117D. ENFORCEMENT; SINGLE POINT-OF-CONTACT; INSTITUTIONAL REQUIREMENTS.

''(a) ENFORCEMENT.—

''(1) INVESTIGATION.—The Secretary (acting through the General Counsel of the Department) shall conduct investigations of possible violations of sections 117, 117A, 117B, 117C, and subsection (c) of this section by institutions and, whenever it appears that an institution has knowingly or willfully failed to comply with a requirement of any of such provisions (including any rule or regulation promulgated under any such provision), shall request that the Attorney General bring a civil action in accordance with paragraph (2).

''(2) CIVIL ACTION.—Whenever it appears that an institution has knowingly or willfully failed to comply with a requirement of any of the provisions listed in paragraph (1) (including any rule or regulation promulgated under any such provision) based on an investigation under such paragraph, a civil action shall be brought by the Attorney General, at the request of the Secretary, in an appropriate district court of the United States, or the appropriate United States court of any territory or other place subject to the jurisdiction of the United States, to request such court to compel compliance with the requirement of the provision that has been violated.

''(3) COSTS AND OTHER FINES.—An institution that is compelled to comply with a requirement of a provision listed in paragraph (1) pursuant to paragraph (2) shall—

''(A) pay to the Treasury of the United States the full costs to the United States of obtaining compliance with the requirement of such provision, including all associated costs of investigation and enforcement; and

''(B) if applicable, be subject to the applicable fines described in paragraph (4).

''(4) FINES FOR VIOLATIONS.—The Secretary shall impose a fine on an institution that is compelled to comply with a requirement of a section listed in paragraph (1) pursuant to paragraph (2) as follows:

''(A) SECTION 117.—

''(i) FIRST-TIME VIOLATIONS.—In the case of an institution that is compelled to comply with a requirement of section 117 pursuant to a civil action described in paragraph (2), and that has not previously been compelled to comply with any such requirement pursuant to such a civil action, the Secretary shall impose a fine on the institution for such violation as follows:

''(I) In the case of an institution that knowingly or willfully fails to comply with a reporting requirement under subsection (a)(1) of section 117, such fine shall be in an amount that is—

''(aa) for each gift or contract with determinable value that is the subject of such a failure to comply, the greater of—

''(AA) $50,000; or

''(BB) the monetary value of such gift or contract; or

''(bb) for each gift or contract of no value or of indeterminable value, not less than 1 percent and not more than 10 percent of the total amount of Federal funds received by the institution under this Act for the most recent fiscal year.

''(II) In the case of an institution that knowingly or willfully fails to comply with the reporting requirement under subsection (a)(2) of section 117, such fine shall be in an amount that is not less than 10 percent of the total amount of Federal funds received by the institution under this Act for the most recent fiscal year.

''(ii) SUBSEQUENT VIOLATIONS.—In the case of an institution that has previously been compelled to comply with a requirement of section 117 pursuant to a civil action described in paragraph (2), and is subsequently compelled to comply with such a requirement pursuant to a subsequent civil action described in paragraph (2), the Secretary shall impose a fine on the institution as follows:

''(I) In the case of an institution that knowingly or willfully fails to comply with a reporting requirement under subsection (a)(1) of section 117, such fine shall be in an amount that is—

''(aa) for each gift or contract with determinable value that is the subject of such a failure to comply, the greater of—

''(AA) $100,000; or

''(BB) twice the monetary value of such gift or contract; or

''(bb) for each gift or contract of no value or of indeterminable value, not less than 5 percent and not more than 10 percent of the total amount of Federal funds received by the institution under this Act for the most recent fiscal year.

''(II) In the case of an institution that knowingly or willfully fails to comply with a reporting requirement under subsection (a)(2) of section 117, such fine shall be in an amount that is not less than 20 percent of the total amount of Federal funds received by the institution under this Act for the most recent fiscal year.

''(B) SECTION 117A.—

''(i) FIRST-TIME VIOLATIONS.—In the case of an institution that is compelled to comply with a requirement of section 117A pursuant to a civil action described in paragraph (2), and that has not previously been compelled to comply with any such requirement pursuant to such a civil action, the Secretary shall impose a fine on the institution in an amount that is not less than 5 percent and not more than 10 percent of the total amount of Federal funds received by the institution under this Act for the most recent fiscal year.

''(ii) SUBSEQUENT VIOLATIONS.—In the case of an institution that has previously been compelled to comply with a requirement of section 117A pursuant to a civil action described in paragraph (2), and is subsequently compelled to comply with such a requirement pursuant to a subsequent civil action described in paragraph (2), the Secretary shall impose a fine on the institution in an amount that is not less than 20 percent of the total amount of Federal funds received by the institution under this Act for the most recent fiscal year.

''(C) SECTION 117B.—

''(i) FIRST-TIME VIOLATIONS.—In the case of an institution that is compelled to comply with a requirement of section 117B pursuant to a civil action described in paragraph (2), and that has not previously been compelled to comply with any such requirement pursuant to such a civil action, the Secretary shall impose a fine on the institution for such violation in an amount that is the greater of—

''(I) $250,000; or

''(II) the total amount of gifts or contracts that the institution is compelled to report pursuant to such civil action.

''(ii) SUBSEQUENT VIOLATIONS.—In the case of an institution that has previously been compelled to comply with a requirement of section 117B pursuant to a civil action described in paragraph (2), and is subsequently compelled to comply with such a requirement pursuant to a subsequent civil action described in paragraph (2), the Secretary shall impose a fine on the institution in an amount that is the greater of—

''(I) $500,000; or

''(II) twice the total amount of gifts or contracts that the institution is compelled to report pursuant to such civil action.

''(D) SECTION 117C.—

''(i) FIRST-TIME VIOLATIONS.—In the case of an institution that is compelled to comply with a requirement of section 117C pursuant to a civil action described in paragraph (2), and that has not previously been compelled to comply with any such requirement pursuant to such a civil action, the Secretary shall impose a fine on the institution in an amount that is not less than 50 percent and not more than 100 percent of the sum of—

''(I) the aggregate fair market value of all investments of concern held by such institution as of the close of the final calendar year for which the institution is compelled to comply with such requirement pursuant to such civil action; and

''(II) the combined value of all investments of concern sold over the course of all the calendar years for which the institution is compelled to comply with such requirement pursuant to such civil action, as measured by the fair market value of such investments at the time of the sale.

''(ii) SUBSEQUENT VIOLATIONS.—In the case of an institution that has previously been compelled to comply with a requirement of section 117C pursuant to a civil action described in paragraph (2), and is subsequently compelled to comply with such a requirement pursuant to a subsequent civil action described in paragraph (2), the Secretary shall impose a fine on the institution in an amount that is not less than 100 percent and not more than 200 percent of the sum of—

''(I) the aggregate fair market value of all investments of concern held by such institution as of the close of the final calendar year for which the institution is compelled to comply with such requirement pursuant to such subsequent civil action; and

''(II) the combined value of all investments of concern over the course of all the calendar years for which the institution is compelled to comply with such requirement pursuant to such subsequent civil action, as measured by the fair market value of such investments at the time of the sale.

''(E) INELIGIBILITY FOR WAIVER.—In the case of an institution that is fined pursuant to subparagraph (A)(ii), (B)(ii), (C)(ii), or (D)(ii), the Secretary shall prohibit the institution from obtaining a waiver, or a renewal of a waiver, under section 117A.

''(b) SINGLE POINT-OF-CONTACT AT THE DEPARTMENT.—The Secretary shall maintain a single point-of-contact at the Department to—

''(1) receive and respond to inquiries and requests for technical assistance from institutions regarding compliance with the requirements of sections 117, 117A, 117B, 117C, and subsection (c) of this section;

''(2) coordinate and implement technical improvements to the database described in section 117(d)(1), including—

''(A) improving upload functionality by allowing for batch reporting, including by allowing institutions to upload one file with all required information into the database;

''(B) publishing and maintaining a database users guide, which shall be reviewed and updated as practicable but not less than annually, including information on how to edit an entry and how to report errors;

''(C) creating a standing user group (to which chapter 10 of title 5, United States Code, shall not apply) to discuss possible database improvements, which group shall—

''(i) include at least—

''(I) 3 members representing public institutions with high or very high levels of research activity (as defined by the National Center for Education Statistics);

''(II) 2 members representing private, nonprofit institutions with high or very high levels of research activity (as so defined);

''(III) 2 members representing proprietary institutions of higher education (as defined in section 102(b)); and

''(IV) 2 members representing area career and technical education schools (as defined in subparagraph (C) or (D) of section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(3))); and

''(ii) meet at least twice a year with officials from the Department to discuss possible database improvements;

''(D) publishing, on a publicly available website, recommended database improvements following each meeting described in subparagraph (C)(ii); and

''(E) responding, on a publicly available website, to each recommendation published under subparagraph (D) as to whether or not the Department will implement the recommendation, including the rationale for either approving or rejecting the recommendation;

''(3) provide, every 90 days after the date of enactment of the DETERRENT Act, status updates on any pending or completed investigations and civil actions under subsection (a)(1) to—

''(A) the authorizing committees; and

''(B) any institution that is the subject of such investigation or action;

''(4) maintain, on a publicly accessible website—

''(A) a full comprehensive list of all foreign countries of concern and foreign entities of concern; and

''(B) the date on which the last update was made to such list; and

''(5) not later than 7 days after making an update to the list maintained under paragraph (4)(A), notify each institution required to comply with the sections listed in paragraph (1) of such update.

''(c) INSTITUTIONAL REQUIREMENTS FOR COMPLIANCE OFFICERS AND INSTITUTIONAL POLICY REQUIREMENTS.—

''(1) IN GENERAL.—An institution that is required to file a report under section 117 or 117C, that is seeking a waiver under section 117A, or that is subject to the requirements of section 117B, shall, not later than the earlier of the date on which the institution files the first report under section 117 or 117C, requests the institution's first waiver under section 117A, or first fulfills the requirements of section 117B—

''(A) establish an institutional policy that the institution shall follow in meeting the requirements of sections 117, 117A, 117B, and 117C; and

''(B) designate and maintain at least one, but not more than three, current employees or legally authorized agents of such institution to serve as compliance officers to carry out the requirements listed in paragraph (2).

''(2) DUTIES OF COMPLIANCE OFFICERS.—A compliance officer designated by an institution under paragraph (1)(B) shall certify—

''(A) whenever the institution is required to file a report under section 117 or 117C—

''(i) the institution's accurate compliance with the reporting requirements under such section;

''(ii) that the institution, in filing such report under section 117 or 117C—

''(I) followed the institutional policy established under paragraph (1)(A) applicable to such section; and

''(II) conducted good faith efforts and reasonable due diligence to ensure that accurate information is provided in such report, including with respect to the valuations of any assets that are disclosed in a report submitted under section 117C; and

''(iii) in the case of a report under section 117, any statements by the institution required to be certified by such an officer under clause (i) or (iv) of section 117(b)(1)(C); and

''(B) whenever the institution requests a waiver under section 117A—

''(i) that the institution—

''(I) is in compliance with the requirements of such section; and

''(II) followed the institutional policy established under paragraph (1)(A) applicable to such section; and

''(ii) the statement by the institution required to be certified by such an officer under section 117A(b)(2)(A)(ii)(II); and

''(C) whenever the institution is subject to the requirements of section 117B, that the institution—

''(i) is in compliance with the requirements of such section; and

''(ii) followed the institutional policy established under paragraph (1)(A) applicable to such section.

''(d) DEFINITIONS.—For purposes of sections 117, 117A, 117B, 117C, and this section:

''(1) FOREIGN COUNTRY OF CONCERN.—The term 'foreign country of concern' means the following:

''(A) Any covered nation defined in section 4872 of title 10, United States Code.

''(B) Any country the Secretary, in consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, determines, for purposes of sections 117, 117A, 117B, 117C, or this section, to be engaged in conduct that is detrimental to the national security or foreign policy of the United States.

''(2) FOREIGN ENTITY OF CONCERN.—The term 'foreign entity of concern' has the meaning given such term in section 10612(a) of the Research and Development, Competition, and Innovation Act (42 U.S.C. 19221(a)) and includes a foreign entity that is identified on the list published under section 1286(c)(8)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 22 4001 note; Public Law 115–232).

''(3) INSTITUTION.—The term 'institution' means an institution of higher education (as such term is defined in section 102, other than an institution described in subsection (a)(1)(C) of such section) with a program participation agreement under section 487.''.

(b) PROGRAM PARTICIPATION AGREEMENT.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended by adding at the end the following:

''(30)(A) An institution will comply with the requirements of sections 117, 117A, 117B, 117C, and 117D(c).

''(B) In the case of an institution described in subparagraph (C), the institution will—

''(i) be ineligible to participate in the programs authorized by this title for a period of not less than 2 institutional fiscal years; and

''(ii) in order to regain eligibility to participate in such programs, demonstrate compliance with all requirements of each such section for not less than 2 institutional fiscal years after the institutional fiscal year in which such institution became ineligible.

''(C) An institution described in this subparagraph is an institution—

''(i) against which judgment has been granted in 3 separate civil actions described in section 117D(a)(2) that have each resulted in the institution being compelled to comply with one or more requirements of section 117, 117A, 117B, 117C, or 117D(c); and

''(ii) that pursuant to section 117D(a)(4)(E), is prohibited from obtaining a waiver, or a renewal of a waiver, under section 117A.''.

(c) GAO STUDY AND REPORT.—

(1) STUDY.—Not later than January 31 of the second calendar year that begins after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study to identify ways to improve intergovernmental agency coordination regarding implementation and enforcement of sections 117, 117A, 117B, 117C, and 117D(c) of the Higher Education Act of 1965 (20 U.S.C. 1011f), as amended or added by this Act, including increasing information sharing, increasing compliance rates, and establishing processes for enforcement.

(2) REPORT.—Not later than 3 years after the date of the initiation of the study under paragraph (1), the Comptroller General of the United States shall submit to Congress, and make public, a report containing the results of the study described in paragraph (1).

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in House Report 119–38.

Each such further amendment may be offered only in the order printed in the report, by the Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OGLES

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 119–38.

Mr. OGLES. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 57, line 10, insert the following before the period: '', including any special administrative region within such a covered nation or any other territory that the United States recognizes as being under the control of such a covered nation on or after the date of the enactment of this subsection''.

The Acting CHAIR. Pursuant to House Resolution 242, the gentleman from Tennessee (Mr. OGLES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. OGLES. Mr. Chair, America's enemies will stop at nothing to destroy us, and they don't care how they do it. These enemies would stoop so low as to target our young people. For years, countries like the People's Republic of China have used our own universities to advance agendas that hurt American security.

Aside from the state of Qatar, there is probably no other country in the world that finances U.S. colleges and universities more than the People's Republic of China. They use this all-access pass to steal our intellectual property, abuse our student visa programs, and prop up Communist-inspired Confucius Institutes.

This places the Chinese authorities in a real position of influence among our young people, all the more so because our own government doesn't try to hold our colleges and universities accountable to the basic disclosure standards.

A 2019 Senate report found that up to 70 percent of all institutions failed to comply with what are called section 117 disclosure requirements. Those that do not comply with section 117 substantially underreport their foreign donations and contracts.

Under current law, if gifts and contracts, either individual or combined, from an originating country meet or exceed $250,000, these donations must be reported to the Department of Education twice a year.

By failing to enforce our laws, we are signaling to our enemies, especially China, that we don't care if they use and abuse the American higher education system. As a result, we really don't have a clear idea of the extent of China's influence campaign against the youth of America.

Mr. Chair, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. SCOTT of Virginia. Mr. Chair, parliamentary inquiry.

The Acting CHAIR. The gentleman from Virginia will state his inquiry.

Mr. SCOTT of Virginia. Mr. Chair, what is the amendment that we are considering? Could the Chair give the page and line number?

The Acting CHAIR. It is amendment No. 1 and printed in House Report 119–38, page 57, line 10.

Mr. SCOTT of Virginia. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, the intent of this amendment, as I understand it, is to ensure that special administrative regions, such as Hong Kong, are listed as a foreign country of concern if they are within a country of concern.

As I have discussed already, we don't need to fuel xenophobia by targeting citizens in foreign countries. This amendment goes further by singling out residents of certain special administrative regions and requires people to know what that means so they will know who they can accept doughnuts from.

This amendment does nothing to thoughtfully protect our national security, and, therefore, I urge my colleagues to vote ''no.''

Mr. Chair, I reserve the balance of my time.

Mr. OGLES. Mr. Chairman, when mom and dad send their kids to college, they expect them to get a good education and a return on investment, not to be indoctrinated by our enemies.

The DETERRENT Act does a very valuable service by requiring proper reporting and ensuring that four countries, Iran, Russia, North Korea, and China, who actively seek to undermine our sovereignty, are designated as ''foreign countries of concern.'' Think about that list. This designation means that, for these countries, the foreign gift reporting threshold is zero.

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Again, Mr. Chairman, I urge that if we know we have an adversary, we should have access to all of their influence peddling in our country that is targeting our youth so we have the full scale and scope of what they are doing.

There is no country better than China at money laundering. If we ensure that their reporting threshold is zero for the People's Republic of China, that only solves one part of the equation. What happens when the leaders of the PRC attempt to continue their malign influence through Hong Kong or Macau? It could really marginalize the admirable intent of this legislation and could only temporarily, potentially, derail the PRC when we know they are going to try to get around it. We know they are going to launder money through other means.

We have to clear this up, shore this up, and further clarify.

Mr. Chair, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chair, I yield myself such time as I may consume.

Mr. Chairman, as I read the amendment, it says: ''insert the following before the period: '[comma] including any special administrative region within such a covered nation or any other territory that the United States recognizes as being under the control of such a covered nation on or after the date of the enactment of this subsection,' '' as to who is going to be a nation of concern.

Like I said, this is a question of whether or not you have to figure out what that means so you will know whether or not you can accept a doughnut from somebody from whatever that language means they come from. I don't know how that has anything to do with national security.

Mr. Chair, I reserve the balance of my time.

Mr. OGLES. Mr. Chair, I yield myself the balance of my time.

Mr. Chair, I emphasize that we are talking about countries like Iran, Russia, North Korea, and China. Whether it is a bag of doughnuts or a bag of money, we know they are over here. We know they are doing it. It is not being fully reported. Mistakes are being made. They are trying to influence and brainwash our future leaders of this country.

We need to be proactive. We need to send a message that enough is enough. The reference to doughnuts, so be it. Whether it is a bag of doughnuts or a bag of money, if they are over here with malign intent, the American people have the right to know about it.

Those universities should be put on notice. If you are in bed with the enemy, you should be put on notice. If you are allowing subversion of our country on your campus, the American people should know it.

I don't see why anybody would have a problem with this. It is clear. We are talking about national security at a time when our adversaries are on the move.

I will note my sincere gratitude to both the chairman of the Education and Workforce Committee as well as the committee staff for working with my team on these amendments. This amendment ensures that special administrative regions of China, including Hong Kong and Macau, are covered under the definition of a ''foreign country of concern'' in this bill. Again, we know they are going to launder money through those areas.

It is a commonsense edit that secures American colleges and universities against the number one existential threat to our way of life: the Communist Party of China.

Mr. Chair, again, this is a no-nonsense amendment. This makes sure that we cover our flank, that we identify those areas where we know that other countries can launder money through to influence our campuses. We saw it in the spring. We saw it over this past year, the bad behavior on college campuses. We have to make sure that this money isn't getting through dark channels, back channels, and influencing our universities and our youth.

Mr. Chair, I urge adoption of my amendment, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chair, I yield myself the balance of my time.

Mr. Chair, just to say that everyone from a foreign country, even a foreign country of concern, is not here for malign purposes. Some are here to do research. The idea that people are here with malign purposes that are going to use coffee and doughnuts to advance that agenda I think is not necessary for our national defense.

Mr. Chair, I hope we defeat the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. OGLES).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. OGLES

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 119–38.

Mr. OGLES. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike page 57, line 19 and all that follows through page 58, line 2, and insert the following:

''(2) FOREIGN ENTITY OF CONCERN.—The term 'foreign entity of concern' has the meaning given such term in section 10612(a) of the Research and Development, Competition, and Innovation Act (42 U.S.C. 19221(a)) and includes—

''(A) a foreign entity that is identified on the list published under section 1286(c)(9)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115–232); and

''(B) a Chinese military company that is identified on the list required by section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note; Public Law 116–283).

The Acting CHAIR. Pursuant to House Resolution 242, the gentleman from Tennessee (Mr. OGLES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. OGLES. Mr. Chair, this amendment ensures that Chinese military companies are included as foreign entities of concern for the purposes of this bill, which would subject such companies to a strict zero-dollar threshold for gifts and contracts.

The section 1260H list was established in the FY 2021 National Defense Authorization Act and has since been used as a blacklist for Chinese military companies that are directly or indirectly owned, controlled, or beneficially owned by the People's Liberation Army or the Central Military Commission of the Chinese Communist Party.

Needless to say, these companies aren't here to be our friends. They hate us, and they want to harm us. They are here to steal our technology and advance China's military modernization efforts. Even so, there are going to be colleges in this country that get so captivated by a dollar figure that they would salivate at the chance to work with our enemies.

Some of America's most sensitive property is housed or developed at our universities, and if there is a whiff of partnership between the institution of higher education and a Chinese military company, the American people deserve to know the details of every last gift and contract.

Mr. Chair, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chair, I reserve the balance of my time.

Mr. OGLES. Mr. Chair, the definition of a ''foreign entity of concern'' in this bill would include any company subject to the jurisdiction or direction of a government like China's. While constructive, there is still nothing in the underlying text of this bill and nothing within the definition of a ''foreign entity of concern'' that would automatically refer to the section 1260H list of Chinese military companies.

Since the section 1260H list is something that the Secretary of Defense is instructed to update, it is possible that there is a natural delay as to when Chinese military companies are designated as foreign entities of concern for the purposes of this act.

This amendment provides clarity and ensures that any U.S. college or university entering into a contract with or receiving a donation from a section 1260H list company is required to first receive a section 117A waiver from the Department of Education.

Again, the reporting threshold for foreign entities of concern is zero, meaning that a gift or contract of any size or scope has to be reported.

Mr. Chair, this is about accountability. We know that they are here to steal our secrets. We know that they want to undermine us. As we go into the next phase of warfare that is not just on the battlefield but is cyber war and its capabilities therein, we know that China is aggressive in these spaces. They are in our universities. They are on our campuses. They want to steal this information. We have to have a mechanism of accountability and reporting so that we know who is doing what and where.

It is that simple. It will require universities to pick their partners carefully and make sure they are safeguarding the very technologies that they are being entrusted to house on behalf of the U.S. Government and the U.S. people.

We don't need to enable the Chinese military through modernization, weaponization, or their attack on us, our Constitution, or our way of life. All this does is require reporting. This isn't calling every Chinese individual a bad actor but is acknowledging the fact that they are our enemy and not our friend, and they want to supplant us as the sole world power.

Mr. Chair, I urge adoption of my amendment, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chair, I yield myself the balance of my time.

Mr. Chairman, this amendment would add Chinese military companies to the definition of ''foreign entity of concern.'' It seems to me that if it is a Chinese military company, it would already be considered under the definition of an ''entity of concern'' because they are subject to the jurisdiction or direction of China, which is a foreign country of concern.

I don't know if this adds anything. I think it would be duplicative language. Therefore, I would recommend a ''no'' vote.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. OGLES).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 119–38.

Mr. SCOTT of Virginia. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, strike line 1 and all that follows through page 60, line 6 and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''DETERRENT Act of 2025''.

SEC. 2. DISCLOSURES OF FOREIGN GIFTS AND CONTRACTS.

Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended to read as follows:

''SEC. 117. DISCLOSURES OF FOREIGN GIFTS AND CONTRACTS.

''(a) DISCLOSURE REPORTS.—

''(1) AGGREGATE GIFT AND CONTRACT DISCLOSURES.—An institution shall file a disclosure report described in subsection (b) with the Secretary not later than July 31 of the calendar year immediately following any calendar year in which—

''(A) the institution receives a gift from, or enters into a contract with, a foreign source, the value of which is $100,000 or more, considered alone or in combination with all other gifts from, or contracts with, that foreign source within the calendar year; or

''(B) the institution receives a gift from, or enters into a contract with, a foreign source, the value of which totals $250,000 or more, considered alone or in combination with all other gifts from, or contracts with, that foreign source over the previous 3 calendar years.

''(2) FOREIGN SOURCE OWNERSHIP OR CONTROL DISCLOSURES.—In the case of an institution that is substantially owned or controlled (as described in section 668.174(c)(3) of title 34, Code of Federal Regulations (or successor regulations)) by a foreign source, the institution shall file a disclosure report described in subsection (b) with the Secretary not later than July 31 of every year.

''(b) CONTENTS OF REPORT.—Each report to the Secretary required under subsection (a) shall contain the following:

''(1)(A) In the case of gifts or contracts described in subsection (a)(1)—

''(i) for gifts received from, or contracts entered into with, a foreign government, the aggregate amount of such gifts and contracts received from or entered into with such foreign government;

''(ii) for gifts received from, or contracts entered into with, a foreign source other than a foreign government, the aggregate dollar amount of such gifts and contracts attributable to a particular country and the legal or formal name of the foreign source; and

''(iii) the intended purpose of such gift or contract, as provided to the institution by such foreign source, or if no such purpose is provided by such purpose is provided by such source, the intended use of such gift or contract, as provided by the institution.

''(B) For purposes of this paragraph, the country to which a gift is attributable is—

''(i) the country of citizenship or, if unknown, the principal residence, for a foreign source who is a natural person; or

''(ii) the country of incorporation or, if unknown, the principal place of business, for a foreign source that is a legal entity.

''(2) In the case of an institution required to file a report under subsection (a)(2)—

''(A) for gifts received from, or contracts entered into with, a foreign source, without regard to the value of such gift or contract, the information described in paragraph (1)(A);

''(B) the identity of the foreign source that owns or controls the institution;

''(C) the date on which the foreign source assumed ownership or control; and

''(D) any changes in program or structure resulting from such ownership or control.

''(3) An assurance that the institution will maintain a true copy of each gift or contract agreement subject to the disclosure requirements under this section, until the latest of—

''(A) the date that is 4 years after the date of the agreement;

''(B) the date on which the agreement terminates; or

''(C) the last day of any period of which applicable State public record law requires a true copy of such agreement to be maintained.

''(4) An assurance that the institution will—

''(A) produce true copies of gift and contract agreements subject to the disclosure requirements under this section upon request of the Secretary during a compliance audit or other institutional investigation; and

''(B) ensure that all contracts from the foreign source are translated into English, as applicable.

''(c) ADDITIONAL DISCLOSURES FOR RESTRICTED AND CONDITIONAL GIFTS AND CONTRACTS.—Notwithstanding subsection (b), whenever any institution receives a restricted or conditional gift or contract from a foreign source, the institution shall disclose the following to the Secretary, translated into English:

''(1) For such gifts received from, or contracts entered into with, a foreign source other than a foreign government, the amount, the date, and a description of such conditions or restrictions. The report shall also disclose the country of citizenship, or if unknown, the principal residence for a foreign source which is a natural person, and the country of incorporation, or if unknown, the principal place of business for a foreign source which is a legal entity.

''(2) For gifts received from, or contracts entered into with, a foreign government, the amount, the date, a description of such conditions or restrictions, and the name of the foreign government.

''(d) DATABASE REQUIREMENT.—Beginning not later than 30 days before the July 31 immediately following the date of enactment of the DETERRENT Act of 2025, the Secretary shall—

''(1) establish and maintain a searchable database on a website of the Department, under which each report submitted under this section—

''(A) is, not later than 60 days after the date of the submission of such report, made publicly available (in electronic and downloadable format);

''(B) can be identified and compared to other such reports; and

''(C) is searchable and sortable by—

''(i) the date the institution filed such report;

''(ii) the date on which the institution received the gift, or entered into the contract, which is the subject of the report; and

''(iii) the attributable country of such gift or contract as described in subsection (b)(1)(B); and

''(2) indicate, as part of the public record of a report included in such database, whether the report was submitted by the institution with respect to a gift received from, or a contract entered into with—

''(A) a foreign source that is a foreign government; or

''(B) a foreign source that is not a foreign government.

''(e) RELATION TO OTHER REPORTING REQUIREMENTS.—

''(1) STATE REQUIREMENTS.—If an institution that is required to file a disclosure report under subsection (a) is in a State that has enacted requirements for public disclosure of gifts from. or contracts with, a foreign source that includes all information required under this section for the same or an equivalent time period, the institution may file with the Secretary a copy of the disclosure report filed with the State in lieu of the report required under such subsection. The State in which the institution is located shall provide the Secretary such assurances as the Secretary may require to establish that the institution has met the requirements for public disclosure under State law if the State report is filed.

''(2) USE OF OTHER FEDERAL REPORTS.—If an institution receives a gift from, or enters into a contract with, a foreign source, where any other department, agency, or bureau of the executive branch requires a report containing all the information required under this section for the same or an equivalent time period, a copy of the report may be filed with the Secretary in lieu of a report required under subsection (a).

''(f) MODIFICATION OF REPORTS.—The Secretary shall incorporate a process permitting institutions to revise and update previously filed disclosure reports under this section to ensure accuracy, compliance, and ability to cure.

''(g) SANCTIONS FOR NONCOMPLIANCE.—

''(1) IN GENERAL.—As a sanction for noncompliance with the requirements under this section, the Secretary may impose a fine on an institution that in any year knowingly or willfully violates this section, that is—

''(A) in the case of a failure to disclose a gift or contract with a foreign source as required under this section, or to comply with the requirements of subparagraphs (A) and (B) of subsection (b)(4) pursuant to the assurances made under such subsection, in an amount that is not less than $250 but not more than 50 percent of the amount of the gift or contract with the foreign source; or

''(B) in the case of any violation of the requirements of subsection (a)(2), in an amount that is not more than 25 percent of the total amount of funding received by the institution under this Act (other than funds received under title IV of this Act).

''(2) REPEATED FAILURES.—

''(A) KNOWING AND WILLFUL FAILURES.—In addition to a fine for a violation in any year under paragraph (1), the Secretary may impose a fine on an institution that knowingly or willfully violates this section for 3 consecutive years, that is—

''(i) in the case of a failure to disclose a gift or contract with a foreign source as required under this section or to comply with the requirements of subparagraphs (A) and (B) of subsection (b)(4) pursuant to the assurances made under such subsection, in an amount that is not less than $100,000 but not more than the amount of the gift or contract with the foreign source; or

''(ii) in the case of any violation of the requirements of subsection (a)(2), in an amount that is not more than 25 percent of the total amount of funding received by the institution under this Act (other than funds received under title IV of this Act).

''(B) ADMINISTRATIVE FAILURES.—The Secretary may impose a fine on an institution that fails to comply with the requirements of this section due to administrative errors for 3 consecutive years, in an amount that is not less than $250 but not more than 50 percent of the amount of the gift or contract with the foreign source.

''(C) COMPLIANCE PLAN REQUIREMENT.—If an institution fails to file a disclosure report for a receipt of a gift from or contract with a foreign source for 2 consecutive years, the Secretary may require the institution to submit a compliance plan.

''(h) COMPLIANCE OFFICER.—Any institution that is required to report a gift or contract

under this section shall designate and maintain a compliance officer who—

''(1) shall be a current employee (including such an employee with another job title or duties other than the duties described in paragraph (2)) or legally authorized agent of such institution; and

''(2) shall be responsible, on behalf of the institution, for compliance with the foreign gift reporting requirement under this section.

''(i) SINGLE POINT OF CONTACT.—

''(1) IN GENERAL.—The Secretary shall appoint and maintain a single point of contact to—

''(A) receive and respond to inquiries and requests for technical assistance from institutions of higher education regarding compliance with the requirements of this section; and

''(B) coordinate and implement technical improvements to the database described in subsection (d), including—

''(i) improving upload functionality by allowing for batch reporting, including by allowing institutions to upload to the database one file with all required information;

''(ii) publishing and maintaining, on an annual basis, a database user guide that includes information on how to edit an entry and how to report errors;

''(iii) creating a user group (to which chapter 10 of title 5, United States Code, shall not apply) to discuss possible database improvements, which shall—

''(I) include at least—

''(aa) 3 members representing public institutions with high or very high levels of research activity (as defined by the National Center for Education Statistics);

''(bb) 2 members representing private, nonprofit institutions with high or very high levels of research activity (as so defined);

''(cc) 2 members representing proprietary institutions of higher education (as defined in section 102(b)); and

''(dd) 2 members representing area career and technical education schools (as defined in subparagraph (C) or (D) of section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(3)); and

''(II) meet at least twice a year with officials from the Department to discuss possible database improvements; and

''(iv) publishing, on a publicly available website—

''(I) following each meeting described in clause (iii)(II), recommended database improvements; and

''(II) with respect to each recommended improvement described in subclause (I)—

''(aa) the decision of the Department as to whether such recommended improvement will be implemented; and

''(bb) the rationale for such decision.

''(2) PROHIBITION.—An outside person may not serve as the single point-of-contact required under paragraph (1).

''(3) CONFLICTS OF INTEREST.—The Secretary shall establish a policy to ensure that any person serving as the single point-of-contact under paragraph (1) is free from conflicts of interest.

''(j) TREATMENT OF CERTAIN PAYMENTS AND GIFTS.—

''(1) EXCLUSIONS.—The following shall not be considered a gift from, or contract with, a foreign source under this section:

''(A) Any payment of one or more elements of a student's cost of attendance (as defined in section 472) to an institution by, or scholarship from, a foreign source who is a natural person, acting in their individual capacity and not as an agent for, at the request or direction of, or on behalf of, any person or entity (except the student), made on behalf of students that is not made under contract with such foreign source, except for the agreement between the institution and such student covering one or more elements of such student's cost of attendance.

''(B) Assignment or license of registered industrial and intellectual property rights, such as patents, utility models, trademarks, or copy-rights, or technical assistance, that are not identified as being associated with a national security risk or concern.

''(C) Any payment from a foreign source that is solely for the purpose of conducting one or more clinical trials.

''(2) INCLUSIONS.—Any gift to, or contract with, an entity or organization, such as a research foundation, that operates substantially for the benefit or under the auspices of an institution shall be considered a gift to, or contract with, such institution.

''(k) RESTRICTIONS ON DATA ACCESS.—None of the information submitted to or maintained by the Department of Education pursuant to this section may be made available to an outside person unless—

''(1) the sharing of such information with such person is specifically authorized or required by this section; or

''(2) such information is required to be made publicly available under this section.

''(l) DEFINITIONS.—In this section—

''(1) the term 'clinical trial' means a research study in which one or more human subjects are prospectively assigned to one or more interventions to evaluate the effects of those interventions on health-related biomedical or behavioral outcomes;

''(2) the term 'contract'—

''(A) means any—

''(i) agreement for the acquisition by purchase, lease, or barter of property or services by the foreign source, for the direct benefit or use of either of the parties, except as provided in subparagraph (B); or

''(ii) affiliation, agreement, or similar transaction with a foreign source that is based on the use or exchange of an institution's name, likeness, time, services, or resources, except as provided in subparagraph (B); and

''(B) does not include any agreement made by an institution located in the United States for the acquisition, by purchase, lease, or barter, of property or services from a foreign source;

''(3) the term 'foreign source' means—

''(A) a foreign government, including an agency of a foreign government;

''(B) a legal entity, governmental or otherwise, created under the laws of a foreign state or states;

''(C) an individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof; and

''(D) an agent, including a subsidiary or affiliate of a foreign legal entity, acting on behalf of a foreign source;

''(4) the term 'gift'—

''(A) means any gift of money, property, resources, staff, or services; and

''(B) does not include anything described in section 487(e)(2)(B)(ii);

''(5) the term 'institution' means an institution of higher education, as defined in section 102, or, if a multicampus institution, any single campus of such institution, in any State;

''(6) the term 'outside person'—

''(A) means any person who is not a direct employee of the Department of Education; and

''(B) includes any person who is a political appointee, special government employee, or employee detailed from any agency outside the Department of Education; and

''(7) the term 'restricted or conditional gift or contract' means any endowment, gift, grant, contract, award, present, or property of any kind that includes provisions regarding—

''(A) the employment, assignment, or termination of faculty;

''(B) the establishment of departments, centers, institutes, instructional programs, research or lecture programs, or faculty positions;

''(C) the selection or admission of students; or

''(D) the award of grants, loans, scholarships, fellowships, or other forms of financial aid restricted to students of a specified country, religion, sex, ethnic origin, or political opinion.''.

SEC. 3. REGULATIONS.

(a) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall begin the negotiated rulemaking process under section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a) to carry out the amendment made by section 2.

(b) ISSUES.—Regulations issued pursuant to subsection (a) to carry out the amendment made by section 2 shall, at a minimum, address the following issues:

(1) Instructions on reporting structured gifts and contracts.

(2) The inclusion in institutional reports of gifts received from, and contracts entered into with, foreign sources by entities and organizations, such as research foundations, that operate substantially for the benefit or under the auspices of the institution.

(3) Procedures to protect confidential or proprietary information included in gifts and contracts.

(4) The alignment of such regulations with the reporting and disclosure of foreign gifts or contracts required by Federal agencies other than the Department of Education, including with respect to—

(A) the CHIPS Act of 2022 (Division A of Public Law 117–167; 15 U.S.C. 4651 note);

(B) the Research and Development, Competition, and Innovation Act (Division B of Public Law 117–167; 42 U.S.C. 18901 note); and

(C) any guidance released by the White House Office of Science and Technology Policy, including the Guidance for Implementing National Security Presidential Memorandum 33 (NSPM–33) on National Security Strategy for United States Government-supported Research and Development published by the Subcommittee on Research Security and the Joint Committee on the Research Environment in January 2022.

(5) The treatment of foreign gifts or contracts involving research or technologies identified as being associated with a national security risk or concern.

(c) EFFECTIVE DATE.—The amendment made by section 2 shall take effect on the date on which the regulations issued under subsection (a) take effect.

The Acting CHAIR. Pursuant to House Resolution 242, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chair, I am pleased to offer the Democrat amendment in the nature of a substitute to H.R. 1048.

As I have mentioned, universities collaborate with various international entities to advance complex research inquiries that contribute to the advancement of our knowledge of many issues. These international partnerships allow for a diverse range of perspectives and resources that help our Nation make significant strides in health, science, and technology.

As I have mentioned before, my Democratic colleagues and I remain committed to ensuring that universities and colleges have the resources to safeguard their work from undue foreign influence. However, I appreciate the majority's interest in addressing this important issue, but I will emphasize, again, that their proposal is far too extreme and would not promote compliance but rather deter universities from conducting collaborative research.

Specifically, with such harsh fines and limited opportunities for universities to receive guidance from the Department of Education, I am concerned that these changes to section 117 of the Higher Education Act would discourage universities from collaborating with international entities, including our strong allies, that are essential in solving important global issues.

At a time when President Trump is already illegally halting vital research across the country through disruptions to USAID and NIH funding, this international collaboration is now more essential than ever.

I am concerned that we still see language that targets individual faculty members for their collaborations with foreign entities, including their own colleagues on campus. This kind of targeting easily leads to hurtful consequences rooted in xenophobia for innocent scholars and students. We have a responsibility to strike a balance between enforcing the law and fostering safe campuses for students, scholars, and faculty.

Unlike the DETERRENT Act, our Democratic substitute takes a thoughtful approach to section 117 compliance to support universities as they evaluate and implement their research integrity and foreign influence policies.

In addition to requiring the filing of annual reports for gifts and contracts from foreign entities, our amendment would create a robust database at the Department of Education to hold these reports. It establishes commonsense sanctions for noncompliance and allows for room to help universities that need support scaling up their compliance efforts rather than punishing them by pursuing civil penalties. It establishes a single point of contact at the Department, who can't be some unverified DOGE staffer, to coordinate section 117 compliance.

The substitute also builds on the robust work done through implementation of the CHIPS and Science Act and the subsequent interagency work of the Biden administration to protect federally funded research and development from foreign influence. Our amendment would align reporting requirements to those of other Federal agencies and require the Secretary of Education to go through negotiated rulemaking to address key implementation aspects of section 117 with relevant higher education and national security stakeholders.

Mr. Chair, I urge my colleagues to support the Democratic substitute, rather than the underlying bill, to enhance the ability of our Nation's universities to protect against undue foreign influence while supporting international partnerships that enhance groundbreaking scientific research, build relationships across cultures, and increase our national competitiveness.

Mr. Chair, I reserve the balance of my time.

□ 1530

The Acting CHAIR. Members are reminded to refrain from engaging in personalities toward the President.

Mr. WALBERG. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. WALBERG. Mr. Chairman, this is essentially the same amendment that my friend and colleague, Ranking Member SCOTT, offered last Congress on the floor as well as this Congress during committee markup.

Sadly, the same serious problems remain, I believe. Instead of taking the threats of foreign influence seriously, this amendment is insufficient to protect our students and institutions from our worst adversaries.

The amendment, first, makes it easier for foreign sources to be undetected, doubling the threshold for contracts to $100,000 and allowing gifts under $250,000 over a 3-year span to be unreported. Bad actors will seek any possible way to avoid transparency about their attempts to harm America through their influence over American postsecondary education. A strict threshold is essential to stop that from happening.

The annual thresholds in the DETERRENT Act are simple and align with other requirements in existing law such as in the CHIPS Act and the Presidential Memorandum on United States Government-Supported Research and Development National Security Policy.

Shockingly, this amendment includes no differences for America's biggest enemies, countries of concern and entities of concern. In my Democratic colleagues' minds, it appears that gifts from Russia, China, and Iran are the exact same gifts as those from England.

I remind everyone here that the DETERRENT Act uses a tailored list of countries and individuals pulled from existing law that have a proven track record of being security threats and actively working against the United States.

The Democratic ANS also has terrible carve-outs that provide gaping loopholes for cunning adversaries. The amendment allows gifts and contracts to be rendered anonymous, with no foreign source identification, and also exempts all clinical trials. These loopholes will make it easier for foreign sources to conceal their relationships, rendering disclosures all but useless. Simple transparency is the best way to ensure partnerships are as good as institutions claim.

Finally, the Democratic proposal ensures schools have no financial risk for failing to disclose foreign funds. Under this proposal, years of flouting section 117 simply allow schools to go right back to their same financial state before accepting the gift in the first place.

It is time to take foreign influence seriously. I stand against this amendment. It is time we hold institutions accountable for accepting foreign donations and keeping them from the public. The bipartisan support we have for this bill shows the seriousness of this problem. This amendment shows that some Democrats are still willing to turn a blind eye to attempts by hostile regimes to influence students and faculty on our college campuses.

I urge my colleagues to oppose this amendment and support the underlying bill. Mr. Chair, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chair, I think the gentleman from Michigan had the right to close, so I yield back the balance of my time.

Mr. WALBERG. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR (Mr. AMODEI). The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SCOTT of Virginia. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. SELF

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 119–38.

Mr. SELF. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 5, strike ''$50,000'' and insert ''$1''.

The Acting CHAIR. Pursuant to House Resolution 242, the gentleman from Texas (Mr. SELF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SELF. Mr. Chair, I rise to support my amendment. I am outraged that our universities and institutions are receiving gifts or entering into contracts with foreign countries that seek to destroy or harm the United States.

H.R. 1048, the DETERRENT Act, would strengthen disclosure requirements by reducing the threshold from $250,000 to $50,000, but those provisions are not strong enough. The American people deserve to know about every

single dollar coming from adversary foreign sources, no matter how small.

That is why I am introducing an amendment to slash the reporting threshold from $50,000 all the way down to $1; total transparency of every cent. Any foreign gift, no matter how small, can influence our democracy, and we must close any loophole that lets foreign actors purchase access or sway our institutions.

This is not about research. This is about human intelligence collection and business espionage. Having spent time in the intelligence community while I was in the military, this is a serious matter.

I urge my colleagues to support this amendment and ensure full transparency. Our constituents demand transparency today, and I say let's give them transparency. I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chair, I rise in opposition to the amendment and yield myself such time as I may consume.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, I understand the gentleman has yielded back?

The Acting CHAIR. That is correct.

Mr. SCOTT of Virginia. Mr. Chairman, by lowering the reporting threshold to $1, universities would be required to report every single gift from any country if the person is not a citizen of the United States. That would mean every cup of coffee, every doughnut, every ride home would have to be reported. This would create an unworkable increase in reporting requirements for universities and individual faculty members, which would undoubtedly lead to a significant backlog at the Department of Education when trying to review the reports and adhering to tight disclosure guidelines and timetables.

This doesn't have anything to do with national security. I think it is just an administrative nightmare, and therefore I would ask for a ''no'' vote.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SELF).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SCOTT of Virginia. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. TLAIB

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 119–38.

Ms. TLAIB. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 57, after line 18, insert the following:

''(C) Any country that is defending against a case before the International Court of Justice relating to an alleged violation by such country of—

''(i) any of the Geneva Conventions of 1949 or their Additional Protocols; or

''(ii) the Convention on the Prevention and Punishment of the Crime of Genocide.

''(D) Any country the government of which includes officials that have outstanding arrest warrants issued by the International Criminal Court.''

The Acting CHAIR. Pursuant to House Resolution 242, the gentlewoman from Michigan (Ms. TLAIB) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Ms. TLAIB. Mr. Chair, this bill is yet another Republican attack aimed at dismantling higher education in our Nation.

Last week, we know that President Trump ordered the illegal elimination of the Department of Education, threatening the future of millions of children across every district in our country. He is using the threat of cutting off Federal funding as a negative approach, very much taking a tool right here to pressure the universities and administrations to submit to his will in violation of freedom of speech for their students.

Mr. Chair, instead of addressing any of these crises threatening our students in our education system, we are here voting today on a bill that goes after foreign scapegoats instead.

We know that President Trump is the biggest threat to our education system in America right now, not someone in North Korea or China. Please, give me a break.

I fully support financial transparency in our universities. No one is against that. No one. That is why I am introducing amendments to this bill to ensure that transparency around our universities and the relationships with so-called countries of concern include countries whose leaders have active arrest warrants issued against them by the International Criminal Court, to include countries actively on trial with the International Court of Justice for violating the Genocide Convention and the Geneva Conventions.

I am calling for transparency, Mr. Chair, around university investments in companies profiting from violations of international law, but my colleagues are not interested, of course, when it comes to that sort of transparency. My colleagues are not interested in holding countries with human rights abuses accountable. They are not interested in voting to uphold international law, Mr. Chair. They are only interested in voting to protect governments like the Israeli Government's apartheid regime.

In fact, many of my colleagues have cheered on expulsion, arrest, and deportation of university students calling for the exact type of transparency and exercising their First Amendment right, Mr. Chair, their constitutional right. You don't have to agree with them, Mr. Chair, no one does, but it is their right. It is their right to again express their disagreement with policy and decisions by a foreign government.

In fact, many of my colleagues again continue to say there is transparency for some countries in relationships with universities but not certain other countries, even if they have an investigation actively with the international court system.

This is not about transparency, as is claimed. It is truly about destroying freedom of speech and the most important American value in our country, the right to dissent.

Mr. Chair, I reserve the balance of my time.

Mr. WALBERG. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. WALBERG. Mr. Chairman, I rise in opposition to the amendment.

The DETERRENT Act conforms section 117 with other existing regulations, which is why the bill's definitions of countries of concern come from existing law. The four countries on the countries of concern list are rightfully in statute as unique threats to the United States. China, Russia, North Korea, and Iran represent countries that are actively hostile to the U.S. and are serious security threats. The DETERRENT Act ensures that any relationship with these countries is extremely cautious and proactively transparent.

In contrast, this amendment attempts to use the illegitimate International Criminal Court to determine what countries are threats to the United States. The people of the United States in majority do not support that. As President Trump has stated, the ICC has baselessly asserted jurisdiction over the United States—and our citizens agree—and its allies like Israel and further abused its power by issuing frivolous arrest warrants.

There is no reason to use the ICC to define what countries are actively seeking to harm the United States. We can do that. I oppose this amendment that targets Israel and hurts American interests, and I reserve the balance of my time.

□ 1545

Ms. TLAIB. Mr. Chair, I think ''countries of concern'' is perfectly explained in my amendment. That is to say, again, I know for a fact that some of these countries killed American citizens. Some of them are literally openly killing American citizens, and the countries of concern, to explain—this is so important—that the International Court of Justice, if there is any violation, these are violations to the Geneva Convention and the Genocide Convention.

If we are specifically talking about making sure that universities are not engaging in whatever they are calling

so-called threats our country, why is it that certain countries, again, who are under investigation for violating international law, many of which are under investigation for war crimes like bombing hospitals and schools and everything, are using it in the way that is also violating people's freedom of speech? They are using some of the resources they have in silencing many university students, especially those speaking out against genocide that is happening in Gaza.

I think it is important that if we are for transparency, let's talk about all violations of international law and human rights in all countries, again, countries of interest to include all of those folks that have active cases and arrest warrants for the people running their country.

We can go back and forth about whether or not we think the ICC is legitimate, but it exists. It exists to prevent what is actually happening right now. I think it is important that if we are going to be consistent about whether or not we are protecting American interests, what about Americans that are being killed by countries of interest that I am trying to include here? What about them? What about the folks whose rights continue to be violated when they travel to those countries?

I think it is really important and critical that if we are going to say this to universities and that we are targeting higher education, that we are consistent in what we say is a violation of international law and human rights.

I think, Mr. Chair, it is so important that we continue to protect the American interests. Right now it is very clear that this is an attack. The opposition to this is because it is an attack on the fact that many folks want the right to speak out against certain countries that are violating international law.

It is critical that we protect the right to dissent in our country. So many of my colleagues, even when I don't agree with them, I protect their right to speak up and say whatever they want, even if I disagree.

I know what this is about. This is about silencing people. If my colleagues are going to do it, they better include the folks committing genocide. I yield back the balance of my time.

Mr. WALBERG. Mr. Chair, again, this amendment is designed, I believe, to target Israel at a time when it is desperately seeking to defend its citizens against terrorists.

Mr. Chair, I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Ms. TLAIB).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. TLAIB. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. TLAIB

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 119–38.

Ms. TLAIB. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 39, after line 21, insert the following new clause:

(iii) any entity the Secretary of State determines consistently, knowingly, and directly facilitates and enables state violence and repression, war and occupation, or severe violations of international law and human rights, including as a result of doing business with or providing services to any country—

(I) that is defending against a case before the International Court of Justice relating to an alleged violation by such country of any of the Geneva Conventions of 1949 or their Additional Protocols or the Convention on the Prevention and Punishment of the Crime of Genocide; or

(II) the current government of which includes officials that have outstanding arrest warrants issued by the International Criminal Court.

The Acting CHAIR. Pursuant to House Resolution 242, the gentlewoman from Michigan (Ms. TLAIB) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Ms. TLAIB. Mr. Chair, this amendment is to discuss whether or not, again, our body, the United States House of Representatives, is standing and making sure that we don't undermine international law and the institutions that work to uphold it, especially the International Court of Justice and the International Criminal Court.

I think it is incredibly harmful to allow many of my colleagues to take great lengths right here to protect war criminals, apartheid regimes, folks that continue to commit war crimes in targeting civilians including tent communities, schools, and hospitals. This bill undermines the international legal system for seeking to hold various officials, again, countries that are violating crimes against humanity.

Again, it is really important. My amendment basically allows us to include countries that are currently under investigation or their leaders have been convicted or have an arrest warrant out for the fact that they have committed violation of international human rights laws.

I know when it comes to Russia or China, my colleagues like to talk about rule-based international order. When it comes to governments like the government of Israel, my colleagues are willing to throw international law in the shredder. Their actions consistently undermine the principle of equal justice under law when they protect perpetrators of the most horrific crimes against humanity.

I wish my colleagues would see what is happening. I wish they would see that, no matter their ethnicity, we should be saving the lives of the children. We shouldn't allow it to be enabled or emboldened. Their actions consistently undermine the principle of equal justice.

Of course, it is up to world leaders everywhere to affirm our commitment to international law, but let's be consistent about it. No matter who is committing it, it still is a violation of international human rights laws.

It is important to support the International Court of Justice and International Criminal Court. They were created so we can prevent genocide and so we can stop what is happening in Gaza.

Mr. WALBERG. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. WALBERG. Mr. Chair, the DETERRENT Act ensures section 117 is aligned with existing statute. The four countries on the countries of concern list are rightfully in statute as unique threats to the United States. That is our concern. China, Russia, North Korea, and Iran represent countries that are actively hostile to the U.S. and are serious security threats.

Endowment investments in companies controlled by our adversaries could result in dangerous support for our enemies. This is why the DETERRENT Act requires institutions to disclose any such investments of concern. It is important for our wealthiest institutions to be transparent with the public about this danger.

In contrast, this amendment attempts to use the illegitimate International Criminal Court to determine what countries are threats to the United States and targets endowment investments into those threats.

The ICC has baselessly asserted jurisdiction over the United States and its allies like Israel and further abused its power by issuing frivolous arrest warrants. There is no reason to use the ICC to define what countries are actively seeking to harm the United States and what endowment investments should be transparent.

Mr. Chair, I oppose this amendment that targets Israel and hurts American interests.

Ms. TLAIB. Mr. Chair, I think it is really important to understand the International Criminal Court right now is investigating right now an active case against what is happening in Sudan. Are we saying we are not caring?

I completely agree. Any country—Iran, China, Russia—any country that has an active investigation or has arrest warrants for their leadership in the International Criminal Court system and these international systems that are in place was to prevent and, again, protect the interests of the American people.

All of us support upholding international law because it protects our country, but it protects the rule of law in making sure that war crimes are not being committed.

Mr. Chair, I really urge my colleagues to understand we need to be consistent here. If you are going to say we are going to go after universities—because I know what this is really about. Is this really about China and Russia and protecting our interests, or is this really about trying to not protect certain people for speaking up in regard to what is happening in Gaza?

The attack on higher education right now and freedom of speech is incredibly dangerous. The right to dissent in our country, the freedom of speech, First Amendment—you do not have to agree. I was on my campus when I didn't agree with what people said about immigrants and what people said about other countries. I understood the American value of people having their rights and their First Amendment right to speak up.

What we are doing here is attacking and targeting universities because we don't like that their student body read about the atrocities that the Government of Israel is doing. That is what this is about. I think people need to be honest what this is about and not shy around about it.

I will say the international court system that is in place was created because of some horrific history that has happened in our world, and we are trying to prevent it. For us to now say it is illegitimate is wrong, and it is not the direction we should be going in. This is literally the place, again, that is investigating a number of other countries for egregious war crimes and egregious violence on women and children.

Now, because we don't agree that they went after one country—again, many of my colleagues disagree with me—I can tell you it takes a lot of investigation, talking to doctors, nurses, so many people on the ground, NGOs and other international organizations that led to, again, the investigation that has led into International Criminal Court.

Mr. Chair, may I inquire as to how much time is remaining.

The Acting CHAIR. The gentlewoman from Michigan has 30 seconds remaining.

Ms. TLAIB. Mr. Chair, in closing, I think it is important to know right now the International Court of Justice is investigating Congo, Uganda, Philippines, Venezuela, and Sudan. These are countries that have been under investigation by the International Criminal Court.

I don't have all the details, but it I think it is important to understand we can't delegitimize when it is a country that we disagree is committing these crimes. The process is there for a reason, Mr. Chair. Again, it is to make sure we uphold international human rights laws, no matter who is committing those egregious crimes.

Mr. Chair, I yield back the balance of my time.

Mr. WALBERG. Mr. Chair, I appreciate the concern and the passion of my colleague from Michigan. I concur that I and sponsors and cosponsors of this bill believe in First Amendment liberties and freedom of expression.

This bill is about specific concerns, not all of the countries of the world. I am not sure if my colleague was here during the debate to hear the actual statistics of the dollars that have been invested by malign actors, countries of concern, in this country that don't compare with any other that was in the list that my colleague read.

Again, this amendment on this bill, outside of the specifics of the bill, is designed to attack Israel for daring to defend itself from terrorists, which they did. This amendment has no place in the bill.

Mr. Chair, I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Ms. TLAIB).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. TLAIB. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Michigan will be postponed.

The Acting CHAIR. The Chair understands that amendment No. 7 will not be offered.

□ 1600

Mr. WALBERG. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THOMPSON of Pennsylvania) having assumed the chair, Mr. AMODEI, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1048) to amend the Higher Education Act of 1965 to strengthen disclosure requirements relating to foreign gifts and contracts, to prohibit contracts between institutions of higher education and certain foreign entities and countries of concern, and for other purposes, had come to no resolution thereon.

FROZEN FOOD

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to celebrate Frozen Food Month and recognize the vital role that frozen foods play in American households. Frozen food is more than just a convenient option. It is a solution to food waste and a way to save families hundreds of dollars.

Studies show that frozen produce is less likely to be wasted compared to fresh produce that spoils over time, giving consumers access to affordable, nutritious food year-around.

By freezing food at its peak, we preserve both the flavor and nutrients, making it a smart choice for families looking to eat well while managing their budgets.

For millions of Americans, especially those facing time constraints, frozen food offers an affordable, easy way to enjoy balanced meals. Nearly every American household relies on frozen foods, whether it is vegetables, fruits, breakfast items, or even complete meals.

This March, let's take a moment to recognize the hard work of our Nation's frozen food producers and the critical role that frozen foods play in keeping America nourished.

FEEDING OUR CHILDREN

(Mr. LATIMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATIMER. Mr. Speaker, at a time when food prices are rising and it is harder for families to make ends meet, we should not be cutting food assistance programs, but that is exactly what is happening. Earlier this month the administration announced a billion-dollar cut to local purchasing for schools and food banks.

Local farms who rely on these programs for consistent purchases of their food no longer have an important market, and it means that locally grown, more nutritious food is no longer available for food banks and schools.

Just yesterday, USDA announced that it was ending part of the Farm to School Program. This program for years incentivized local food procurement for school meals. Dozens of schools in Westchester and the Bronx rely on these programs as a way to provide healthy food to students. Similarly, Feeding Westchester and City Harvest do yeoman's work to provide food for families and kids in need at the best value. If fresh food is no longer available, our community will suffer.

These cuts must be reversed and quickly. Time is of the essence when it comes to our children having enough to eat.

ECONOMIC POPULISM

(Under the Speaker's announced policy of January 3, 2025, Mr. DELUZIO of Pennsylvania was recognized for 60 minutes as the designee of the minority leader.)

GENERAL LEAVE

Mr. DELUZIO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DELUZIO. Mr. Speaker, I am honored and proud to represent the people of Pennsylvania, good, hard-working, patriotic people who are pretty frustrated. We are not living in normal times.

This should not be a normal run-of-the-mill Special Order hour. What I