To amend the disclosures of foreign gifts under the Higher Education Act of 1965 to provide special rules relating to China-affiliated organizations.

IN THE SENATE OF THE UNITED STATES

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on ________________

A BILL

To amend the disclosures of foreign gifts under the Higher Education Act of 1965 to provide special rules relating to China-affiliated organizations.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preventing Malign Chi-
nese Influence on Academic Institutions”.

SEC. 2. DISCLOSURES OF FOREIGN GIFTS.

Section 117 of the Higher Education Act of 1965 (20

U.S.C. 1011f) is amended—
(1) in subsection (a), by striking “Whenever” and inserting “Except as provided in subsection (d), whenever”;
(2) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;
(3) by inserting after subsection (c) the following:
“(d) Special Rules Relating to China-Affiliated Organizations.—
“(1) Enhanced disclosures of gifts and contracts.—
“(A) In general.—Whenever any institution receives a gift from or enters into a contract with a China-affiliated organization, the value of which is $5,000 or more, considered alone or in combination with all other gifts from or contracts with that organization within a calendar year, the institution shall file a disclosure report with the Secretary on January 31 or July 31, whichever is sooner.
“(B) Contents of report.—Each report under subparagraph (A) shall include—
“(i) the information described in subsections (b) and (c) (as applicable);
“(ii) the full legal name of the individual or organization that made the gift or entered into the contract to which the disclosure pertains; and

“(iii) instructions for accessing the information made available under paragraph (3).

“(2) Disclosure of Joint Activities.—On an annual basis, any institution that receives funds under a Federal grant program shall file a disclosure report with the Secretary that identifies any activities conducted pursuant to a contract or other agreement between the institution and a China-affiliated organization, including any joint research or academic exchanges.

“(3) Public Availability of Agreements.—Each institution shall make available, on a publicly accessible website of the institution, the full text of any contract, agreement, or memorandum of understanding between the institution and a China-affiliated organization (regardless of whether the contract, agreement, or memorandum remains in effect).”; and

(4) in subsection (i), as so redesignated—
(A) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and
(B) by inserting before paragraph (2) the following:

“(1) the term ‘China-affiliated organization’ means any entity that receives support directly or indirectly from the Government of the People’s Republic of China, including—

“(A) a cultural, language, or educational institute or program;

“(B) a think tank that has received more than $100,000 in one calendar year or more than 10 percent of the total funding for such think tank for that year, whichever is less, from the Chinese Communist Party or individuals affiliated with the Chinese Communist Party;

“(C) a person who is a current member of the Chinese Communist Party or otherwise active in collaborating with the Chinese Government as an employee or advisor;

“(D) a Chinese state-owned enterprise or partially or wholly owned subsidiary of a Chinese state-owned enterprise; and
“(E) a company, think tank, nonprofit, or other similar entity, which has on its board of directors or with equity ownership or voting control in excess of 5 percent any members of the Chinese Communist Party or executives of a Chinese state-owned enterprise, including the president, vice president, or any other officer who performs a policy making function or any other person who performs similar policy making functions for such enterprise, including an executive officer of a subsidiary of such enterprise who performs such policy making functions.”.