AMENDMENT TO RULES COMMITTEE PRINT 118–10

OFFERED BY MR. PFLUGER OF TEXAS

At the end of subtitle C of title XVIII, add the following:

SEC. 111. 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 PRC-, CCP-, AND PLA-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 PRC-, CCP-, or PLA-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 (e) (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 PRC-, CCP-, or PLA-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 PRC-, CCP-, or PLA-affiliated organization (regardless of whether the contract, agreement, or memorandum remains in effect).”;

and

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

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following:

“(5) The term ‘PRC-, CCP-, or PLA-affiliated organization’ means any entity that receives support directly or indirectly from the Government of the People’s Republic of China, the Chinese Communist Party, or the People’s Liberation Army, 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 Government of the People’s Republic of
China, the Chinese Communist Party, or the
People’s Liberation Army, or individuals affili-
ated with such organizations;

“(C) a person who is a current member of
the Government of the People’s Republic of
China, the Chinese Communist Party, or the
People’s Liberation Army, or is otherwise active
in collaborating with such organizations as an
employee or advisor;

“(D) a Chinese state-owned enterprise or
partially or wholly owned subsidiary of a Chi-
inese 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 Government of the People’s Republic of
China, the Chinese Communist Party, or the
People’s Liberation Army, 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 mak-
ing functions for such enterprise, including an
executive officer of a subsidiary of such enter-
prise who performs such policy making functions.”