AMENDMENT TO RULES COMMITTEE PRINT 117–54

OFFERED BY MR. PFLUGER OF TEXAS

At the end of title LVIII, add the following new section:

SEC. 58. 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 dis-
closure 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 sub-
sections (b) and (e) (as applicable);

“(ii) the full legal name of the indi-
vidual or organization that made the gift
or entered into the contract to which the
disclosure pertains; and

“(iii) instructions for accessing the in-
formation 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 activi-
ties conducted pursuant to a contract or other agree-
ment between the institution and a China-affiliated
organization, including any joint research or aca-
demic 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.”.