



SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1179 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 21-30-7 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2024]:
6 **Chapter 7. Disclosure of Foreign Gifts and Contracts**
7 **Sec. 1. As used in this chapter, "affiliate organization" means**
8 **any entity under the control of, or established for the benefit of, a**
9 **state educational institution, including a direct-support**
10 **organization.**
11 **Sec. 2. As used in this chapter, "contract" means an agreement**
12 **for the acquisition of property or services by purchase, lease, or**
13 **barter for the direct benefit or use of either of the parties.**
14 **Sec. 3. As used in this chapter, "direct-support organization"**
15 **means an organization that is organized and operated to receive,**
16 **hold, invest, and administer property and to make expenditures to**
17 **or for the benefit of a state educational institution or for the benefit**
18 **of a research and development park or a research and development**
19 **entity affiliated with a state educational institution.**
20 **Sec. 4. As used in this chapter, "foreign adversary" includes the**
21 **following:**
22 **(1) A foreign government listed in 15 CFR 7.4.**
23 **(2) A country designated as a threat to critical infrastructure**
24 **by the governor under IC 1-1-16-8.**
25 **Sec. 5. As used in this chapter, "foreign government" means the**
26 **government, including an agent of the government, of any country,**
27 **nation, or group of nations, or any province or other political**
28 **subdivision of any country or nation, other than the government of**

1 the United States or a state, territory, or protectorate of the United
2 States.

3 **Sec. 6. As used in this chapter, "foreign source" means any of**
4 **the following:**

5 (1) A foreign government or an agency of a foreign
6 government.

7 (2) A legal entity, governmental or otherwise, created solely
8 under the laws of a foreign nation or group of nations.

9 (3) An individual who is not a citizen or a national of the
10 United States or a territory or protectorate of the United
11 States.

12 (4) A partnership, an association, a corporation, an
13 organization, or any other combination of persons, including
14 a subsidiary of an entity described in this subdivision,
15 organized under the laws of, or having its principal place of
16 business in, a foreign adversary.

17 (5) An agent, including a subsidiary or an affiliate of a foreign
18 legal entity, acting on behalf of a foreign source.

19 (6) A political party of a foreign adversary or an individual
20 who is a member of a political party of a foreign adversary.

21 **Sec. 7. As used in this chapter, "gift" means any gift, grant,**
22 **endowment, award, or donation of money or property of any kind,**
23 **or any combination thereof, including a conditional or**
24 **unconditional promise, pledge, or agreement to make a gift,**
25 **endowment, award, or donation.**

26 **Sec. 8. As used in this chapter, "grant" means a transfer of**
27 **money for a specified purpose, including a conditional gift.**

28 **Sec. 9. As used in this chapter, "political party of a foreign**
29 **adversary" means an organization or combination of individuals**
30 **organized for the purpose of, or engaged in any activity devoted in**
31 **whole or in part to, either of the following:**

32 (1) The establishment, administration, control, or the
33 acquisition of the administration or control, of the
34 government of a foreign adversary.

35 (2) The furtherance or influencing of the political or public
36 interest, policies, or relations of the government of a foreign
37 adversary.

38 **Sec. 10. (a) A state educational institution shall disclose to the**
39 **commission any gift of any value received directly or indirectly**
40 **from any foreign source located in a foreign adversary as follows:**

41 (1) For a disclosable gift received after December 31, 2020,
42 and before July 1, 2024, not later than September 1, 2024.

43 (2) For a disclosable gift received after June 30, 2024,
44 biannually on January 1 and July 1 of each subsequent year.

45 (b) A gift received from a foreign source through an
46 intermediary or affiliate organization is considered an indirect gift
47 to a state educational institution and is subject to the disclosure

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required by subsection (a).

Sec. 11. Unless otherwise prohibited or deemed confidential under state or federal law, a disclosure under section 10 of this chapter must include the following information:

- (1) The date of the gift.**
- (2) The amount of the gift.**
- (3) The purpose of the gift.**
- (4) The identification of the persons for whom the gift is explicitly intended to benefit.**
- (5) Any applicable conditions, requirements, restrictions, or terms made part of the gift.**
- (6) The name and country of residence or domicile of the foreign source.**
- (7) The name and mailing address of the state educational institution receiving the gift.**
- (8) If applicable, the date of termination of the gift.**

Sec. 12. The commission shall establish and maintain a website to enable the public to access information concerning gifts disclosed by state educational institutions under section 10 of this chapter.

Sec. 13. (a) A state educational institution shall disclose to the commission any contract of any value entered into directly or indirectly with any foreign source located in a foreign adversary as follows:

- (1) For a disclosable contract entered into after December 31, 2020, and before July 1, 2024, not later than September 1, 2024.**
- (2) For a disclosable contract entered into after June 30, 2024, biannually on January 1 and July 1 of each subsequent year.**

(b) A contract entered into with a foreign source through an intermediary or affiliate organization is considered an indirect contract with a state educational institution and is subject to the disclosure required by subsection (a).

Sec. 14. Unless otherwise prohibited or deemed confidential under state or federal law, a disclosure under section 13 of this chapter must include the following information:

- (1) The date of the contract.**
- (2) The amount of the contract.**
- (3) The purpose of the contract.**
- (4) The identification of the persons for whom the contract is explicitly intended to benefit.**
- (5) Any applicable conditions, requirements, restrictions, or terms made part of the contract.**
- (6) A copy of the contract.**
- (7) The name and country of residence or domicile of the foreign source.**
- (8) The name and mailing address of the state educational**

1 institution entering into the contract.
2 (9) If applicable, the date of termination of the contract.
3 **Sec. 15. The commission shall establish and maintain a website**
4 **to enable the public to access information concerning contracts**
5 **disclosed by state educational institutions under section 13 of this**
6 **chapter.**
7 **Sec. 16. (a) The commission may:**
8 (1) audit; or
9 (2) contract with a qualified person to audit;
10 a state educational institution's use of a gift disclosed under section
11 10 of this chapter that the state educational institution received
12 after June 30, 2021, and before July 1, 2024.
13 **(b) The commission may:**
14 (1) audit; or
15 (2) contract with a qualified person to audit;
16 a state educational institution's use of the proceeds of a contract
17 disclosed under section 13 of this chapter that the state educational
18 institution entered into after June 30, 2021, and before July 1,
19 2024.
20 **Sec. 17. The commission shall send copies of all disclosures**
21 **described in sections 10 and 13 of this chapter to the attorney**
22 **general, in a manner prescribed by the attorney general.**
23 **Sec. 18. (a) The attorney general may bring a civil action against**
24 **a state educational institution that has failed to comply with this**
25 **chapter:**
26 (1) based upon information known to the attorney general; or
27 (2) at the request of:
28 (A) a member of the general assembly;
29 (B) the governor;
30 (C) a member of the commission;
31 (D) a member of the Indiana state board of education; or
32 (E) an Indiana taxpayer;
33 if the person described in this subdivision submits a signed
34 affidavit affirming that a state educational institution is not in
35 compliance with the requirements of this chapter.
36 **(b) If the attorney general prevails in an action brought under**
37 **this section, the attorney general is entitled to injunctive relief to**
38 **require the state educational institution to comply with the**
39 **requirements of this chapter. In addition, a state educational**
40 **institution that is found to have knowingly or willingly failed to**
41 **comply with the requirements of this chapter must pay to the**
42 **attorney general:**
43 (1) the costs incurred in bringing the civil action under this
44 section; and
45 (2) any associated costs of investigation and enforcement."
46 Page 1, delete lines 4 through 7.
47 Page 1, line 8, delete "(5)" and insert "(1)".

- 1 Page 1, line 9, delete "(6)" and insert "(2)".
- 2 Page 2, line 36, after "employee" insert "**or contractor**".
- 3 Page 2, line 39, after "employee" insert "**or contractor**".
- 4 Page 3, line 4, after "employee's" insert "**or contractor's**".
- 5 Page 3, between lines 5 and 6, begin a new paragraph and insert:
- 6 "SECTION 6. IC 21-49-1 IS REPEALED [EFFECTIVE JULY 1,
- 7 2024]. (Disclosures by Postsecondary Educational Institutions of
- 8 Foreign Gifts and Contracts).".
- 9 Renumber all SECTIONS consecutively.
(Reference is to EHB 1179 as printed February 23, 2024.)

Senator RAATZ