

PROPOSED AMENDMENT

SB 8 # 12

DIGEST

Disclosure of foreign gifts and contracts. Requires a state educational institution to disclose certain foreign gifts and contracts received or entered into after December 31, 2013. Requires the commission for higher education (CHE) to establish and maintain a website for accessing information about disclosed gifts and contracts. Authorizes CHE to provide for an audit of a state educational institution's use of a disclosed gift, or the proceeds of a disclosed contract, received or entered into after June 30, 2019, and before July 1, 2024.

- 1 Page 2, between lines 9 and 10, begin a new paragraph and insert:
2 "SECTION 3. IC 21-30-7 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2024]:
- 5 **Chapter 7. Disclosure of Foreign Gifts and Contracts**
- 6 **Sec. 1. As used in this chapter, "affiliate organization" means**
7 **any entity under the control of, or established for the benefit of, a**
8 **state educational institution, including a direct-support**
9 **organization.**
- 10 **Sec. 2. As used in this chapter, "contract" means an agreement**
11 **for the acquisition of property or services by purchase, lease, or**
12 **barter for the direct benefit or use of either of the parties.**
- 13 **Sec. 3. As used in this chapter, "direct-support organization"**
14 **means an organization that is organized and operated to receive,**
15 **hold, invest, and administer property and to make expenditures to**
16 **or for the benefit of a state educational institution or for the benefit**
17 **of a research and development park or a research and development**
18 **entity affiliated with a state educational institution.**
- 19 **Sec. 4. As used in this chapter, "foreign adversary" includes the**
20 **following:**
- 21 (1) **China.**
22 (2) **Iran.**
23 (3) **North Korea.**
24 (4) **Russia.**

1 **(5) A foreign government listed in 15 CFR 7.4.**

2 **(6) A country designated as a threat to critical infrastructure**
3 **by the governor under IC 1-1-16-8.**

4 **Sec. 5. As used in this chapter, "foreign government" means the**
5 **government, including an agent of the government, of any country,**
6 **nation, or group of nations, or any province or other political**
7 **subdivision of any country or nation, other than the government of**
8 **the United States or a state, territory, or protectorate of the United**
9 **States.**

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

12 **(1) A foreign government or an agency of a foreign**
13 **government.**

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

16 **(3) An individual who is not a citizen or a national of the**
17 **United States or a territory or protectorate of the United**
18 **States.**

19 **(4) A partnership, an association, a corporation, an**
20 **organization, or any other combination of persons, including**
21 **a subsidiary of an entity described in this subdivision,**
22 **organized under the laws of, or having its principal place of**
23 **business in, a foreign adversary.**

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

26 **(6) A political party of a foreign adversary or an individual**
27 **who is a member of a political party of a foreign adversary.**

28 **Sec. 7. As used in this chapter, "gift" means any gift, grant,**
29 **endowment, award, or donation of money or property of any kind,**
30 **or any combination thereof, including a conditional or**
31 **unconditional promise, pledge, or agreement to make a gift,**
32 **endowment, award, or donation.**

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

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

39 **(1) The establishment, administration, control, or the**
40 **acquisition of the administration or control, of the**

1 government of a foreign adversary.

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

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

8 (1) For a disclosable gift received after December 31, 2013,
9 and before July 1, 2024, not later than September 1, 2024.

10 (2) For a disclosable gift received after June 30, 2024, not
11 later than sixty (60) days after the state educational institution
12 receives the disclosable gift.

13 (b) A gift received from a foreign source through an
14 intermediary or affiliate organization is considered an indirect gift
15 to a state educational institution and is subject to the disclosure
16 required by subsection (a).

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

20 (1) The date of the gift.

21 (2) The amount of the gift.

22 (3) The purpose of the gift.

23 (4) The identification of the persons for whom the gift is
24 explicitly intended to benefit.

25 (5) Any applicable conditions, requirements, restrictions, or
26 terms made part of the gift.

27 (6) The name and country of residence or domicile of the
28 foreign source.

29 (7) The name and mailing address of the state educational
30 institution receiving the gift.

31 (8) If applicable, the date of termination of the gift.

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

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

40 (1) For a disclosable contract entered into after December 31,

1 **2013, and before July 1, 2024, not later than September 1,**
2 **2024.**

3 **(2) For a disclosable contract entered into after June 30, 2024,**
4 **not later than sixty (60) days after the state educational**
5 **institution enters into the disclosable contract.**

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

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

13 **(1) The date of the contract.**

14 **(2) The amount of the contract.**

15 **(3) The purpose of the contract.**

16 **(4) The identification of the persons for whom the contract is**
17 **explicitly intended to benefit.**

18 **(5) Any applicable conditions, requirements, restrictions, or**
19 **terms made part of the contract.**

20 **(6) A copy of the contract.**

21 **(7) The name and country of residence or domicile of the**
22 **foreign source.**

23 **(8) The name and mailing address of the state educational**
24 **institution entering into the contract.**

25 **(9) If applicable, the date of termination of the contract.**

26 **Sec. 15. The commission shall establish and maintain a website**
27 **to enable the public to access information concerning contracts**
28 **disclosed by state educational institutions under section 13 of this**
29 **chapter.**

30 **Sec. 16. (a) The commission may:**

31 **(1) audit; or**

32 **(2) contract with a qualified person to audit;**

33 **a state educational institution's use of a gift disclosed under section**
34 **10 of this chapter that the state educational institution received**
35 **after June 30, 2019, and before July 1, 2024.**

36 **(b) The commission may:**

37 **(1) audit; or**

38 **(2) contract with a qualified person to audit;**

39 **a state educational institution's use of the proceeds of a contract**
40 **disclosed under section 13 of this chapter that the state educational**

1 **institution entered into after June 30, 2019, and before July 1,**
2 **2024."**

3 Renumber all SECTIONS consecutively.
 (Reference is to SB 8 as reprinted February 6, 2024.)