



Reprinted
March 5, 2024

ENGROSSED HOUSE BILL No. 1179

DIGEST OF HB 1179 (Updated March 4, 2024 3:56 pm - DI 143)

Citations Affected: IC 21-30; IC 21-36; IC 21-39; IC 21-49.

Synopsis: State educational institutions. Requires a state educational institution (institution) to disclose certain foreign gifts and contracts received or entered into after December 31, 2020. Requires the commission to establish and maintain a website for accessing
(Continued next page)

Effective: July 1, 2024.

King, Heaton, Teshka, Goodrich

(SENATE SPONSORS — RAATZ, CRANE, RANDOLPH LONNIE M)

January 9, 2024, read first time and referred to Committee on Education.

January 23, 2024, amended, reported — Do Pass.

January 29, 2024, read second time, ordered engrossed. Engrossed.

January 30, 2024, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 12, 2024, read first time and referred to Committee on Education and Career Development.

February 22, 2024, amended, reported favorably — Do Pass.

March 4, 2024, read second time, amended, ordered engrossed.

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Digest Continued

information about disclosed gifts and contracts. Authorizes the commission to provide for an audit of an institution's use of a disclosed gift, or the proceeds of a disclosed contract, received or entered into after June 30, 2021, and before July 1, 2024. Authorizes the attorney general to bring a cause of action to enforce the disclosure statute. Requires the board of trustees of an institution to adopt a policy prohibiting the transfer, licensing, or sublicensing of intellectual property developed using the institution's resources to: (1) a business entity organized under the laws of a foreign adversary; (2) a business entity headquartered in a foreign adversary; or (3) a business entity or other entity, including a governmental entity, that is owned or controlled by citizens of, or is directly controlled by the government of, a foreign adversary. Requires the board of trustees of each institution to adopt a policy prohibiting an employee or contractor of the institution from making a public statement in the employee's or contractor's official capacity unless the statement: (1) relates to the operation of the institution, or to an institution sponsored event; or (2) has been approved by the board of trustees. Prohibits an institution from using state funds or resources to: (1) engage or contract with an individual associated with a foreign terrorist organization or a state sponsor of terror; or (2) support the activities of a foreign terrorist organization or a state sponsor of terror.

EH 1179—LS 6805/DI 143



Reprinted
March 5, 2024

Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1179

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 21-30-7 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]:

4 **Chapter 7. Disclosure of Foreign Gifts and Contracts**
5 **Sec. 1. As used in this chapter, "affiliate organization" means**
6 **any entity under the control of, or established for the benefit of, a**
7 **state educational institution, including a direct-support**
8 **organization.**

9 **Sec. 2. As used in this chapter, "contract" means an agreement**
10 **for the acquisition of property or services by purchase, lease, or**
11 **barter for the direct benefit or use of either of the parties.**

12 **Sec. 3. As used in this chapter, "direct-support organization"**
13 **means an organization that is organized and operated to receive,**
14 **hold, invest, and administer property and to make expenditures to**
15 **or for the benefit of a state educational institution or for the benefit**
16 **of a research and development park or a research and development**
17 **entity affiliated with a state educational institution.**

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1 **Sec. 4. As used in this chapter, "foreign adversary" includes the**
2 **following:**

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

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

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

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

14 **(1) A foreign government or an agency of a foreign**
15 **government.**

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

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

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

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

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

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

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

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

41 **(1) The establishment, administration, control, or the**
42 **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, 2020,
9 and before July 1, 2024, not later than September 1, 2024.

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

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

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

19 (1) The date of the gift.

20 (2) The amount of the gift.

21 (3) The purpose of the gift.

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

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

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

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

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

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

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

39 (1) For a disclosable contract entered into after December 31,
40 2020, and before July 1, 2024, not later than September 1,
41 2024.

42 (2) For a disclosable contract entered into after June 30, 2024,



1 biannually on January 1 and July 1 of each subsequent year.
 2 (b) A contract entered into with a foreign source through an
 3 intermediary or affiliate organization is considered an indirect
 4 contract with a state educational institution and is subject to the
 5 disclosure required by subsection (a).

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

- 9 (1) The date of the contract.
 10 (2) The amount of the contract.
 11 (3) The purpose of the contract.
 12 (4) The identification of the persons for whom the contract is
 13 explicitly intended to benefit.
 14 (5) Any applicable conditions, requirements, restrictions, or
 15 terms made part of the contract.
 16 (6) A copy of the contract.
 17 (7) The name and country of residence or domicile of the
 18 foreign source.
 19 (8) The name and mailing address of the state educational
 20 institution entering into the contract.
 21 (9) If applicable, the date of termination of the contract.

22 Sec. 15. The commission shall establish and maintain a website
 23 to enable the public to access information concerning contracts
 24 disclosed by state educational institutions under section 13 of this
 25 chapter.

26 Sec. 16. (a) The commission may:
 27 (1) audit; or
 28 (2) contract with a qualified person to audit;
 29 a state educational institution's use of a gift disclosed under section
 30 10 of this chapter that the state educational institution received
 31 after June 30, 2021, and before July 1, 2024.

32 (b) The commission may:
 33 (1) audit; or
 34 (2) contract with a qualified person to audit;
 35 a state educational institution's use of the proceeds of a contract
 36 disclosed under section 13 of this chapter that the state educational
 37 institution entered into after June 30, 2021, and before July 1,
 38 2024.

39 Sec. 17. The commission shall send copies of all disclosures
 40 described in sections 10 and 13 of this chapter to the attorney
 41 general, in a manner prescribed by the attorney general.

42 Sec. 18. (a) The attorney general may bring a civil action against



1 a state educational institution that has failed to comply with this
2 chapter:

- 3 (1) based upon information known to the attorney general; or
4 (2) at the request of:
5 (A) a member of the general assembly;
6 (B) the governor;
7 (C) a member of the commission;
8 (D) a member of the Indiana state board of education; or
9 (E) an Indiana taxpayer;

10 if the person described in this subdivision submits a signed
11 affidavit affirming that a state educational institution is not in
12 compliance with the requirements of this chapter.

13 (b) If the attorney general prevails in an action brought under
14 this section, the attorney general is entitled to injunctive relief to
15 require the state educational institution to comply with the
16 requirements of this chapter. In addition, a state educational
17 institution that is found to have knowingly or willingly failed to
18 comply with the requirements of this chapter must pay to the
19 attorney general:

- 20 (1) the costs incurred in bringing the civil action under this
21 section; and
22 (2) any associated costs of investigation and enforcement.

23 SECTION 2. IC 21-36-1-1.3 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2024]: **Sec. 1.3. "Foreign adversary" includes the following:**

- 26 (1) A foreign government listed in 15 CFR 7.4.
27 (2) A country designated as a threat to critical infrastructure
28 by the governor under IC 1-1-16-8.

29 SECTION 3. IC 21-36-1-1.5 IS ADDED TO THE INDIANA CODE
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
31 1, 2024]: **Sec. 1.5. "Intellectual property" means all original data,
32 findings, or other products of the mind or intellect commonly
33 associated with claims, interests, and rights that are protected
34 under trade secret, patent, trademark, copyright, or unfair
35 competition law.**

36 SECTION 4. IC 21-36-1-2.3 IS ADDED TO THE INDIANA CODE
37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
38 1, 2024]: **Sec. 2.3. "Prohibited person" means the following:**

- 39 (1) A business entity organized under the laws of a foreign
40 adversary.
41 (2) A business entity headquartered in a foreign adversary.
42 (3) A business entity or other entity, including a governmental



1 entity, that is owned or controlled by citizens of, or is directly
 2 controlled by the government of, a foreign adversary.
 3 **The term includes an agent, trustee, or fiduciary of a prohibited**
 4 **person.**

5 SECTION 5. IC 21-36-5 IS ADDED TO THE INDIANA CODE AS
 6 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2024]:

8 **Chapter 5. Transfer of Intellectual Property**

9 **Sec. 1. This chapter applies to the following state educational**
 10 **institutions:**

- 11 (1) Indiana University.
- 12 (2) Purdue University.
- 13 (3) Indiana State University.
- 14 (4) Ball State University.
- 15 (5) Ivy Tech Community College.
- 16 (6) University of Southern Indiana.
- 17 (7) Vincennes University.

18 **Sec. 2. The board of trustees of a state educational institution**
 19 **shall adopt a policy that prohibits the transfer, licensing, or**
 20 **sublicensing of intellectual property created or developed using the**
 21 **state educational institution's resources to a prohibited person.**

22 SECTION 6. IC 21-39-8.5 IS ADDED TO THE INDIANA CODE
 23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2024]:

25 **Chapter 8.5. Official Public Statements**

26 **Sec. 1. As used in this chapter, "protected expressive activity"**
 27 **has the meaning set forth in IC 21-39-8-5.**

28 **Sec. 2. The board of trustees of each state educational institution**
 29 **shall adopt a policy prohibiting an employee or contractor of the**
 30 **state educational institution from making a public statement in the**
 31 **person's official capacity as a state educational institution**
 32 **employee or contractor unless the statement:**

- 33 (1) relates to the business or operation of the state educational
 34 institution, or to a state educational institution sponsored
 35 event; or
- 36 (2) has been approved by the board of trustees of the state
 37 educational institution.

38 **The policy may not prohibit the exercise of any protected**
 39 **expressive activity that is not made in the employee's or**
 40 **contractor's official capacity.**

41 SECTION 7. IC 21-49-1 IS REPEALED [EFFECTIVE JULY 1,
 42 2024]. (Disclosures by Postsecondary Educational Institutions of



1 Foreign Gifts and Contracts).

2 SECTION 8. IC 21-49-2.7 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2024]:

5 **Chapter 2.7. Prohibition on the Use of State Funds and**
6 **Resources**

7 **Sec. 1. As used in this chapter, "foreign terrorist organization"**
8 **refers to an organization designated by the Secretary of State of**
9 **the United States as a foreign terrorist organization under 8 U.S.C.**
10 **1189.**

11 **Sec. 2. As used in this chapter, "state sponsor of terror" means**
12 **a country determined by the Secretary of State of the United States**
13 **to have repeatedly provided support for acts of international**
14 **terrorism.**

15 **Sec. 3. The board of trustees of each state educational institution**
16 **shall adopt a policy that prohibits the use of any state funds or**
17 **resources to:**

- 18 (1) **engage or contract with an individual associated with a**
19 **foreign terrorist organization or a state sponsor of terror; or**
20 (2) **support the activities of a foreign terrorist organization or**
21 **a state sponsor of terror.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1179, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 21-36-1-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 1.3. "Foreign adversary" includes the following:**

- (1) **China.**
- (2) **Iran.**
- (3) **North Korea.**
- (4) **Russia.**
- (5) **A foreign government listed in 15 CFR 7.4.**
- (6) **A country designated as a threat to critical infrastructure by the governor under IC 1-1-16-8."**

Page 1, line 11, delete "China." and insert "**a foreign adversary.**".

Page 1, line 12, delete "China." and insert "**a foreign adversary.**".

Page 1, line 15, delete "China." and insert "**a foreign adversary.**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1179 as introduced.)

BEHNING

Committee Vote: yeas 13, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be **AMENDED** as follows:

Page 2, line 36, delete "or contractor".

Page 2, line 39, delete "or contractor".

Page 3, line 4, delete "or".

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Page 3, line 5, delete "contractor's".
and when so amended that said bill do pass.

(Reference is to HB 1179 as printed January 25, 2024.)

RAATZ, Chairperson

Committee Vote: Yeas 13, Nays 0.

SENATE MOTION

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

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 21-30-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

Chapter 7. Disclosure of Foreign Gifts and Contracts

Sec. 1. As used in this chapter, "affiliate organization" means any entity under the control of, or established for the benefit of, a state educational institution, including a direct-support organization.

Sec. 2. As used in this chapter, "contract" means an agreement for the acquisition of property or services by purchase, lease, or barter for the direct benefit or use of either of the parties.

Sec. 3. As used in this chapter, "direct-support organization" means an organization that is organized and operated to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a state educational institution or for the benefit of a research and development park or a research and development entity affiliated with a state educational institution.

Sec. 4. As used in this chapter, "foreign adversary" includes the following:

- (1) A foreign government listed in 15 CFR 7.4.**
- (2) A country designated as a threat to critical infrastructure by the governor under IC 1-1-16-8.**

Sec. 5. As used in this chapter, "foreign government" means the government, including an agent of the government, of any country, nation, or group of nations, or any province or other political subdivision of any country or nation, other than the government of



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

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

- (1) A foreign government or an agency of a foreign government.
- (2) A legal entity, governmental or otherwise, created solely under the laws of a foreign nation or group of nations.
- (3) An individual who is not a citizen or a national of the United States or a territory or protectorate of the United States.
- (4) A partnership, an association, a corporation, an organization, or any other combination of persons, including a subsidiary of an entity described in this subdivision, organized under the laws of, or having its principal place of business in, a foreign adversary.
- (5) An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source.
- (6) A political party of a foreign adversary or an individual who is a member of a political party of a foreign adversary.

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

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

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

- (1) The establishment, administration, control, or the acquisition of the administration or control, of the government of a foreign adversary.
- (2) The furtherance or influencing of the political or public interest, policies, or relations of the government of a foreign adversary.

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

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



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

(b) A gift received from a foreign source through an intermediary or affiliate organization is considered an indirect gift to a state educational institution and is subject to the disclosure 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 institution entering into the contract.
- (9) If applicable, the date of termination of the contract.

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

Sec. 16. (a) The commission may:

- (1) audit; or
- (2) contract with a qualified person to audit;

a state educational institution's use of a gift disclosed under section 10 of this chapter that the state educational institution received after June 30, 2021, and before July 1, 2024.

(b) The commission may:

- (1) audit; or
- (2) contract with a qualified person to audit;

a state educational institution's use of the proceeds of a contract disclosed under section 13 of this chapter that the state educational institution entered into after June 30, 2021, and before July 1, 2024.

Sec. 17. The commission shall send copies of all disclosures described in sections 10 and 13 of this chapter to the attorney general, in a manner prescribed by the attorney general.

Sec. 18. (a) The attorney general may bring a civil action against a state educational institution that has failed to comply with this chapter:

- (1) based upon information known to the attorney general; or
- (2) at the request of:
 - (A) a member of the general assembly;
 - (B) the governor;
 - (C) a member of the commission;
 - (D) a member of the Indiana state board of education; or
 - (E) an Indiana taxpayer;



if the person described in this subdivision submits a signed affidavit affirming that a state educational institution is not in compliance with the requirements of this chapter.

(b) If the attorney general prevails in an action brought under this section, the attorney general is entitled to injunctive relief to require the state educational institution to comply with the requirements of this chapter. In addition, a state educational institution that is found to have knowingly or willingly failed to comply with the requirements of this chapter must pay to the attorney general:

(1) the costs incurred in bringing the civil action under this section; and

(2) any associated costs of investigation and enforcement."

Page 1, delete lines 4 through 7.

Page 1, line 8, delete "(5)" and insert "(1)".

Page 1, line 9, delete "(6)" and insert "(2)".

Page 2, line 36, after "employee" insert "**or contractor**".

Page 2, line 39, after "employee" insert "**or contractor**".

Page 3, line 4, after "employee's" insert "**or contractor's**".

Page 3, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 6. IC 21-49-1 IS REPEALED [EFFECTIVE JULY 1, 2024]. (Disclosures by Postsecondary Educational Institutions of Foreign Gifts and Contracts)."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1179 as printed February 23, 2024.)

RAATZ

