

Union Calendar No. 351

117TH CONGRESS
2^D SESSION

H. R. 7779

[Report No. 117-454]

To establish Department of Homeland Security funding restrictions on institutions of higher education that have a relationship with Confucius Institutes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2022

Mr. PFLUGER introduced the following bill; which was referred to the Committee on Homeland Security

AUGUST 19, 2022

Additional sponsors: Mr. GIMENEZ, Mr. MCKINLEY, Ms. STEFANIK, Mr. GUEST, Mr. GARBARINO, Mr. BUCK, Mrs. STEEL, Mrs. MILLER-MEEKS, Ms. TENNEY, Mr. BROOKS, Mr. VAN DREW, Mr. BABIN, Mr. DIAZ-BALART, Mr. GRAVES of Louisiana, Mr. CRENSHAW, and Mr. GOOD of Virginia

AUGUST 19, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on May 16, 2022]

A BILL

To establish Department of Homeland Security funding restrictions on institutions of higher education that have a relationship with Confucius Institutes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “DHS Restrictions on*
5 *Confucius Institutes and Chinese Entities of Concern Act”.*

6 **SEC. 2. LIMITATIONS ON CONFUCIUS INSTITUTES’ HOST**
7 **SCHOOLS.**

8 (a) *DEFINITIONS.—In this section:*

9 (1) *CHINESE ENTITY OF CONCERN.—The term*
10 *“Chinese entity of concern” means any university or*
11 *college in the People’s Republic of China that—*

12 (A) *is involved in the implementation of*
13 *military-civil fusion;*

14 (B) *participates in the Chinese defense in-*
15 *dustrial base;*

16 (C) *is affiliated with the Chinese State Ad-*
17 *ministration for Science, Technology and Indus-*
18 *try for the National Defense;*

19 (D) *receives funding from any organization*
20 *subordinate to the Central Military Commission*
21 *of the Chinese Communist Party; or*

22 (E) *provides support to any security, de-*
23 *fense, police, or intelligence organization of the*
24 *Government of the People’s Republic of China or*
25 *the Chinese Communist Party.*

1 (2) *CONFUCIUS INSTITUTE*.—The term “*Confu-*
2 *cius Institute*” means a cultural institute funded by
3 the Government of the People’s Republic of China.

4 (3) *INSTITUTION OF HIGHER EDUCATION*.—The
5 term “*institution of higher education*” has the mean-
6 ing given such term in section 102 of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1002).

8 (4) *RELATIONSHIP*.—The term “*relationship*”
9 means, with respect to an institution of higher edu-
10 cation, any contract awarded, or agreement entered
11 into, as well as any in-kind donation or gift, received
12 from a Confucius Institute or Chinese entity of con-
13 cern.

14 (b) *RESTRICTIONS ON INSTITUTIONS OF HIGHER EDU-*
15 *CATION*.—Beginning with the first fiscal year that begins
16 after the date that is 12 months after the date of the enact-
17 ment of this Act, the Secretary of Homeland Security shall
18 ensure that an institution of higher education (referred to
19 in this section as an “*institution*”) which has a relationship
20 with a Confucius Institute is ineligible to receive any
21 Science and Technology or Research and Development funds
22 from the Department of Homeland Security, unless the in-
23 stitution terminates the relationship between the institution
24 and such Confucius Institute. Upon the termination of such
25 a relationship, the institution at issue shall be eligible to

1 *receive Science and Technology or Research and Develop-*
2 *ment funds from the Department of Homeland Security.*

3 (c) *CHINESE ENTITIES OF CONCERN RELATIONSHIP*
4 *DISCLOSURES.—Beginning on the date that is 12 months*
5 *after the date of the enactment of this Act, the Secretary*
6 *of Homeland Security shall require each institution of high-*
7 *er education which has a relationship with a Chinese entity*
8 *of concern that is seeking or receives Science and Tech-*
9 *nology or Research and Development funds from the De-*
10 *partment of Homeland Security to notify the Secretary of*
11 *such relationship. Such notification shall include the fol-*
12 *lowing with respect to such relationship:*

13 (1) *An identification of the Chinese entity of*
14 *concern.*

15 (2) *Information relating to the length of such re-*
16 *lationship.*

17 (3) *A description of the nature of such institu-*
18 *tion’s relationship with such Chinese entity of con-*
19 *cern, including the monetary value of any contract*
20 *awarded, or agreement entered into, as well as any*
21 *in-kind donation or gift, from such Chinese entity of*
22 *concern.*

23 (d) *ASSISTANCE.—The Secretary of Homeland Secu-*
24 *rity shall provide outreach and, upon request, technical as-*
25 *sistance to institutions of higher education relating to com-*

1 *pliance with this Act. In carrying out this subsection, the*
2 *Secretary shall provide particular attention to institutions*
3 *assisting historically Black colleges and universities (as*
4 *such term is defined in part B of section 322(2) of the High-*
5 *er Education Act of 1965 (22 U.S.C. 1061(2)), Hispanic*
6 *serving institutions (as such term is defined in section 502*
7 *of the Higher Education Act of 1965 (20 U.S.C. 1101a)),*
8 *Tribal colleges and universities (as such term is defined in*
9 *section 316(b) of the Higher Education Act of 1965 (20*
10 *U.S.C. 1059c(b)), and other minority serving institutions*
11 *(as such defined in section 371(a) of the Higher Education*
12 *Act of 1965 (20 U.S.C. 1067q(a))).*

13 *(e) WAIVER.—*

14 *(1) IN GENERAL.—The Secretary of Homeland*
15 *Security may waive, on a case-by-case basis, and for*
16 *a period of not more than one year, the application*
17 *of subsection (b) to an institution of higher education*
18 *if the Secretary determines such is in the national se-*
19 *curity interests of the United States.*

20 *(2) RENEWAL.—The Secretary of Homeland Se-*
21 *curity may annually renew a waiver issued pursuant*
22 *to paragraph (1) if the Secretary determines such is*
23 *in the national security interests of the United States.*

24 *(3) NOTIFICATION.—If the Secretary of Home-*
25 *land Security issues or renews a waiver pursuant to*

1 paragraph (1) or (2), respectively, not later than 30
2 days after such issuance or renewal, as the case may
3 be, the Secretary shall provide written notification to
4 the Committee on Homeland Security of the House of
5 Representatives and the Committee on Homeland Se-
6 curity and Governmental Affairs of the Senate re-
7 garding such issuance or renewal, including a jus-
8 tification relating thereto.

9 (f) *REPORTS.*—Not later than 18 months after the date
10 of the enactment of this Act and annually thereafter, the
11 Secretary of Homeland Security shall report to the Com-
12 mittee on Homeland Security of the House of Representa-
13 tives and the Committee on Homeland Security and Gov-
14 ernmental Affairs of the Senate regarding implementation
15 of this Act during the immediately preceding 12 month pe-
16 riod. Each such report shall include information relating
17 to—

18 (1) the implementation of subsections (b) and
19 (c), including the information disclosed pursuant to
20 such subsection (c); and

21 (2) outreach and the provision of technical as-
22 sistance pursuant to subsection (d).

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