

117TH CONGRESS
2D SESSION

H. R. 7851

To amend the Higher Education Act of 1965 to require institutions of higher education to disclose certain ties to China-affiliated organizations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2022

Mr. PFLUGER (for himself, Mrs. MILLER-MEEKS, Mr. GIMENEZ, Mr. MCKINLEY, and Mr. GUEST) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Higher Education Act of 1965 to require institutions of higher education to disclose certain ties to China-affiliated organizations, 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. DISCLOSURES OF FOREIGN GIFTS.**

4 Section 117 of the Higher Education Act of 1965 (20
5 U.S.C. 1011f) is amended—

6 (1) in subsection (a), by striking “Whenever”
7 and inserting “Except as provided in subsection (d),
8 whenever”;

1 (2) by redesignating subsections (d) through (h)
2 as subsections (e) through (i), respectively;

3 (3) by inserting after subsection (c) the fol-
4 lowing:

5 “(d) SPECIAL RULES RELATING TO CHINA-AFFILI-
6 ATED ORGANIZATIONS.—

7 “(1) ENHANCED DISCLOSURES OF GIFTS AND
8 CONTRACTS.—

9 “(A) IN GENERAL.—Whenever any institu-
10 tion receives a gift from or enters into a con-
11 tract with a China-affiliated organization, the
12 value of which is \$5,000 or more, considered
13 alone or in combination with all other gifts
14 from or contracts with that organization within
15 a calendar year, the institution shall file a dis-
16 closure report with the Secretary on January
17 31 or July 31, whichever is sooner.

18 “(B) CONTENTS OF REPORT.—Each report
19 under subparagraph (A) shall include—

20 “(i) the information described in sub-
21 sections (b) and (c) (as applicable);

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

1 “(iii) instructions for accessing the in-
2 formation made available under paragraph
3 (3).

4 “(2) DISCLOSURE OF JOINT ACTIVITIES.—On
5 an annual basis, any institution that receives funds
6 under a Federal grant program shall file a disclosure
7 report with the Secretary that identifies any activi-
8 ties conducted pursuant to a contract or other agree-
9 ment between the institution and a China-affiliated
10 organization, including any joint research or aca-
11 demic exchanges.

12 “(3) PUBLIC AVAILABILITY OF AGREEMENTS.—
13 Each institution shall make available, on a publicly
14 accessible website of the institution, the full text of
15 any contract, agreement, or memorandum of under-
16 standing between the institution and a China-affili-
17 ated organization (regardless of whether the con-
18 tract, agreement, or memorandum remains in ef-
19 fect).”;

20 (4) in subsection (i), as so redesignated—

21 (A) by redesignating paragraphs (1)
22 through (5) as paragraphs (2) through (6), re-
23 spectively; and

24 (B) by inserting before paragraph (2) the
25 following:

1 “(1) the term ‘China-affiliated organization’
2 means any entity that receives support directly or
3 indirectly from the Government of the People’s Re-
4 public of China, including—

5 “(A) a cultural, language, or educational
6 institute or program;

7 “(B) a think tank that has received more
8 than \$100,000 in one calendar year or more
9 than 10 percent of the total funding for such
10 think tank for that year, whichever is less, from
11 the Chinese Communist Party or individuals af-
12 filiated with the Chinese Communist Party;

13 “(C) a person who is a current member of
14 the Chinese Communist Party or otherwise ac-
15 tive in collaborating with the Chinese Govern-
16 ment as an employee or advisor;

17 “(D) a Chinese state-owned enterprise or
18 partially or wholly owned subsidiary of a Chi-
19 nese state-owned enterprise; and

20 “(E) a company, think tank, nonprofit, or
21 other similar entity, which has on its board of
22 directors or with equity ownership or voting
23 control in excess of 5 percent any members of
24 the Chinese Communist Party or executives of
25 a Chinese state-owned enterprise, including the

1 president, vice president, or any other officer
2 who performs a policy making function or any
3 other person who performs similar policy mak-
4 ing functions for such enterprise, including an
5 executive officer of a subsidiary of such enter-
6 prise who performs such policy making func-
7 tions.”.

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