

118TH CONGRESS
1ST SESSION

S. 768

To amend the Higher Education Act of 1965 to require institutions of higher education to disclose certain ties to organizations affiliated with the Government of the People’s Republic of China, the Chinese Communist Party, and the People’s Liberation Army, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2023

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Higher Education Act of 1965 to require institutions of higher education to disclose certain ties to organizations affiliated with the Government of the People’s Republic of China, the Chinese Communist Party, and the People’s Liberation Army, 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 “Preventing Malign
5 CCP Influence on Academic Institutions Act”.

1 **SEC. 2. DISCLOSURES OF FOREIGN GIFTS.**

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

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

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

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

11 “(d) SPECIAL RULES RELATING TO PRC-, CCP-,
12 AND PLA-AFFILIATED ORGANIZATIONS.—

13 “(1) ENHANCED DISCLOSURES OF GIFTS AND
14 CONTRACTS.—

15 “(A) IN GENERAL.—Whenever any institu-
16 tion receives a gift from or enters into a con-
17 tract with a PRC-, CCP-, or PLA-affiliated or-
18 ganization, the value of which is \$5,000 or
19 more, considered alone or in combination with
20 all other gifts from or contracts with that orga-
21 nization within a calendar year, the institution
22 shall file a disclosure report with the Secretary
23 on January 31 or July 31, whichever is sooner.

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

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

3 “(ii) the full legal name of the indi-
4 vidual or organization that made the gift
5 or entered into the contract to which the
6 disclosure pertains; and

7 “(iii) instructions for accessing the in-
8 formation made available under paragraph
9 (3).

10 “(2) DISCLOSURE OF JOINT ACTIVITIES.—On
11 an annual basis, any institution that receives funds
12 under a Federal grant program shall file a disclosure
13 report with the Secretary that identifies any activi-
14 ties conducted pursuant to a contract or other agree-
15 ment between the institution and a PRC-, CCP-, or
16 PLA-affiliated organization, including any joint re-
17 search or academic exchanges.

18 “(3) PUBLIC AVAILABILITY OF AGREEMENTS.—
19 Each institution shall make available, on a publicly
20 accessible website of the institution, the full text of
21 any contract, agreement, or memorandum of under-
22 standing between the institution and a PRC-, CCP-
23 , or PLA-affiliated organization (regardless of
24 whether the contract, agreement, or memorandum
25 remains in effect).”; and

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

2 (A) by redesignating paragraph (5) as
3 paragraph (6); and

4 (B) by inserting after paragraph (4) the
5 following:

6 “(5) The term ‘PRC-, CCP-, or PLA-affiliated
7 organization’ means any entity that receives support
8 directly or indirectly from the Government of the
9 People’s Republic of China, the Chinese Communist
10 Party, or the People’s Liberation Army, including—

11 “(A) a cultural, language, or educational
12 institute or program;

13 “(B) a think tank that has received more
14 than \$100,000 in one calendar year or more
15 than 10 percent of the total funding for such
16 think tank for that year, whichever is less, from
17 the Government of the People’s Republic of
18 China, the Chinese Communist Party, or the
19 People’s Liberation Army, or individuals affili-
20 ated with such organizations;

21 “(C) a person who is a current member of
22 the Government of the People’s Republic of
23 China, the Chinese Communist Party, or the
24 People’s Liberation Army, or is otherwise active

1 in collaborating with such organizations as an
2 employee or advisor;

3 “(D) a Chinese State-owned enterprise or
4 partially or wholly owned subsidiary of a Chi-
5 nese State-owned enterprise; and

6 “(E) a company, think tank, nonprofit, or
7 other similar entity, which has on its board of
8 directors or with equity ownership or voting
9 control in excess of 5 percent any members of
10 the Government of the People’s Republic of
11 China, the Chinese Communist Party, or the
12 People’s Liberation Army, or executives of a
13 Chinese State-owned enterprise, including the
14 president, vice president, or any other officer
15 who performs a policy making function or any
16 other person who performs similar policy mak-
17 ing functions for such enterprise, including an
18 executive officer of a subsidiary of such enter-
19 prise who performs such policy making func-
20 tions.”.

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