

HOUSE BILL NO. 686

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHIPMAN.

1641H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 173.275, RSMo, and to enact in lieu thereof one new section relating to foreign gifts to educational institutions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 173.275, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 173.275, to read as follows:

173.275. 1. As used in this section, the following terms shall mean:

(1) "Foreign government", any government other than the government of the United States or any state or political subdivision of the United States;

(2) "Foreign legal entity" [;] :

(a) Any legal entity created under the laws of:

[(a)] a. A foreign government; or

[(b)] b. The United States, or any state of the United States, if a majority of the ownership of the stock of such legal entity is directly or indirectly owned, legally or beneficially, by one or more foreign governments, foreign persons, or legal entities created under the laws of a foreign government, or if a majority of the membership of any such entity is composed of foreign persons or legal entities created under the laws of a foreign government.

(b) The term "foreign legal entity" shall include agents of such entities **described in paragraph (a) of this subdivision;**

(3) "Foreign person", any individual who is not a citizen or national of the United States, or any trust territory or protectorate of the United States. The term "foreign person" shall include agents of such persons;

(4) "Gift", any endowment, gift, grant, contract, award, or property of any kind;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (5) "Institution of higher education" or "institution", the University of Missouri, Lincoln
19 University, the state colleges, community colleges and teachers' colleges.

20 2. Every institution of higher education shall disclose to the department of higher
21 education and workforce development the amount, terms, restrictions, conditions, and
22 requirements attached to or made a part of any gift from any foreign government, foreign legal
23 entity, or foreign person which has a value of one hundred thousand dollars or more, made to
24 such institution of higher education in any fiscal year if any term, restriction, condition or
25 requirement attached to or made a part of any such gift is a violation of, or would cause the
26 institution of higher education to be in violation of, any federal or state law relating to
27 discrimination on the basis of race, creed, color, sex, age, marital status, ethnic background, or
28 religion. If any foreign government, foreign entity, or foreign person makes more than one gift
29 to any institution of higher education in any fiscal year of such institution, such institution shall
30 make the report required by this subsection if the aggregate value of all gifts from any one
31 foreign government, foreign legal entity, or foreign person is one hundred thousand dollars or
32 more in such fiscal year.

33 3. The information to be furnished to the department of higher education and workforce
34 development shall be forwarded to the department no later than thirty days after the final day of
35 the fiscal year of each institution of higher education, and shall include:

36 (1) The amount of each gift and the date on which it was received by the institution;

37 (2) When a gift is conditional, a matching gift, or designated for a particular purpose, the
38 full details of the conditions, matching provisions or designation;

39 (3) In the case of a gift by a foreign government, the name of such government;

40 (4) In the case of a gift by a foreign legal entity or foreign person, the name of the foreign
41 country in which such foreign legal entity or foreign person is principally located or has his
42 principal residence;

43 (5) The purpose for which the gift will be used; and

44 (6) The name of the foreign legal entity which made the gift if the gift:

45 (a) Contains conditions or restrictions regarding the control of curricula, employment
46 or termination of faculty members, admission of students, or student fees and tuition; or

47 (b) Is contingent upon the agreement of the institution to take specific public positions
48 or actions, or to award honorary degrees.

49 4. All information disclosed and furnished to the department of higher education and
50 workforce development under this section shall be deemed a public record under sections
51 610.010 to 610.030 and shall be made available by the department to the general public for
52 inspection, review and copying during the department's normal business hours.

53 **5. (1) No institution of higher education shall accept any gift, donation, research**
54 **funding, or any other item, service, or thing of value from the People's Republic of China**
55 **or its agents, any citizen of the People's Republic of China, or any business based in or**
56 **partially or wholly controlled by the People's Republic of China, its agents, or any citizen**
57 **of the People's Republic of China.**

58 **(2) Each institution of higher education shall include in each disclosure and report**
59 **required in subsections 2 and 3 of this section a statement indicating whether the**
60 **institution is in compliance with subdivision (1) of this subsection.**

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