WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3049

By Delegates Holstein, Keaton, Mazzocchi, Forsht and Dillon

[Introduced January 25, 2023; Referred to the Committee on Education]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-2D-1, relating to establishing the American Campuses Act; prohibiting foreign missions of China to state higher education institutions; prohibiting involvement with Communist Chinese recruitment and propaganda programs; and setting forth reporting requirements for state institutions of higher education.

Be it enacted by the Legislature of West Virginia:

Article 2D. The American Campuses Act.

§18B-2D-1. Prohibiting foreign missions of China at state higher education institutions; prohibiting involvement with Communist Chinese recruitment and propaganda programs; required reporting.

(a) Definitions. As used in this article:

(1) "Communist Chinese recruitment program" means a program established by the government of China, including Thousand Talents Program, the Overseas High-Level Talent Recruitment Program, and the National High-End Foreign Experts Recruitment Plan, to recruit or partner with scientists, scholars, and other experts by offering them benefits or privileges, such as concurrent or short-term appointments at Chinese institutions or Chinese research laboratories.

(2) "Designated foreign mission of China" means any entity or operated designated by the office of foreign missions in the federal department of state as a foreign mission, as defined in 22 U.S.C. §4302(a), of the People's Republic of China within the United States, including the Confucius Institute U.S. Center, the Asia Society Chinese Language Partner Network, and the Center for Language Exchange and Cooperation.

(3) "Government of China" means any of the following:

(A) The Communist Party of China.

(B) The People's Republic of China or any governmental unit of the People's Republic of China or of a province, region, or other political subdivision of the People's Republic of China.

(C) Any instrumentality of the People's Republic of China or of the Communist Party of China.

(4) "Participate" means a person's entering into a written agreement with a Chinese institution, Chinese research laboratory, or the government of China that confers upon the person benefits or privileges associated with, or membership in, a Communist Chinese recruitment program.

(b) No state institution of higher education shall establish or recognize a designated foreign mission of China after July 1, 2023. If any designated foreign mission of China has been and continues to be established at or recognized by any state institution of higher education, that institution shall develop and implement a plan to ensure that the designated foreign mission of China does not remain established at or recognized by the college or university after September 15, 2023.

(c) Each state institution of higher education shall identify, report to the Higher Education Policy Commission or the Council for Community and Technical College Education, and immediately end any cultural exchange programs consistent with those identified by the federal department of state as Chinese Communist Party propaganda tools. Such report to the Higher Education Policy Commission or the Council for Community and Technical College Education shall be made no later than July 1, 2023.

(d) Each state institution of higher education shall identify and report to the Higher Education Policy Commission or the Council for Community and Technical College Education the amount and source of funding received from any designated foreign mission of China by no later than July 1, 2023.

(e) No state institution of higher education, nor any employee, contractor or student thereof, shall participate in a Communist Chinese recruitment program. Any state institution of higher education with an employee, contractor or student participating in a Communist Chinese recruitment program shall terminate the employee's, contractor's or student's participation in the Communist Chinese recruitment program. If the participation is not terminated, the state institution of higher education shall terminate its affiliation with the employee, contractor or student.

(f) A state institution of higher education may provide a six month extension of the deadline by which to terminate participation in the Communist Chinese recruitment program if the institution believes that an employee, contractor or student is attempting to comply with the termination requirement under §18B-2D-1(e) of this code, and the institution is confident that participation in the Communist Chinese recruitment program for the period of the extension will not pose a risk to research or reputational interests of the system.

(g) Not later than August 1, 2023, a state institution of higher education shall inform all employees and contractors affiliated with the institution and students enrolled in the institution of the prohibition set forth in this article, and shall require that employees, contractors and students disclose to the state institution of higher education, if applicable, the individual or entity's participation in any Communist Chinese recruitment program and provide a complete copy of any related contract.

(h) Not later than September 15, 2023, the Higher Education Policy Commission and Council for Community and Technical College Education shall submit reports to the Legislative Oversight Commission on Education Accountability identifying any state institutions of higher education with programs consistent with those identified by the United States state department as Chinese Communist Party propaganda tools and the methods institutions have used to comply with this article. If the commission and council conclude that no institution has, or has had, a program consistent with one described in this article, the reports shall state this.

NOTE: The purpose of this bill is to establish the American Campuses Act. The bill prohibits foreign missions of China to state higher education institutions; prohibits involvement with Communist Chinese recruitment and propaganda programs; and sets forth reporting requirements for state institutions of higher education.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.