

# **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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §18B-2D-1, relating to establishing the American Campuses Act; prohibiting  
 3 foreign missions of China to state higher education institutions; prohibiting involvement  
 4 with Communist Chinese recruitment and propaganda programs; and setting forth  
 5 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.**

1 (a) Definitions. As used in this article:

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

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

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

13 (A) The Communist Party of China.

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

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

17 China.

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

22 (b) No state institution of higher education shall establish or recognize a designated foreign  
23 mission of China after July 1, 2023. If any designated foreign mission of China has been and  
24 continues to be established at or recognized by any state institution of higher education, that  
25 institution shall develop and implement a plan to ensure that the designated foreign mission of  
26 China does not remain established at or recognized by the college or university after September  
27 15, 2023.

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

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

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

43 institution of higher education shall terminate its affiliation with the employee, contractor or  
44 student.

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

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

57 (h) Not later than September 15, 2023, the Higher Education Policy Commission and  
58 Council for Community and Technical College Education shall submit reports to the Legislative  
59 Oversight Commission on Education Accountability identifying any state institutions of higher  
60 education with programs consistent with those identified by the United States state department as  
61 Chinese Communist Party propaganda tools and the methods institutions have used to comply  
62 with this article. If the commission and council conclude that no institution has, or has had, a  
63 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.