

117TH CONGRESS
2D SESSION

S. 4987

To require certain nonprofit and not-for-profit social welfare organizations to submit disclosure reports on foreign funding to the Attorney General, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2022

Mr. GRASSLEY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require certain nonprofit and not-for-profit social welfare organizations to submit disclosure reports on foreign funding to the Attorney General, 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 “Think Tank Trans-
5 parency Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Think tanks have provided Congress and
9 the executive branch with a wealth of research and

1 scholarship that largely has benefitted the public in
2 the United States by improving the drafting, enact-
3 ment, and enforcement of policy in the United
4 States.

5 (2) There is broad bipartisan agreement that
6 think tanks possess enormous influence on the pas-
7 sage and enforcement of policies, particularly those
8 that relate to foreign policy.

9 (3) In recent years, foreign funding of think
10 tanks has increased substantially.

11 (4) Congress, the executive branch, and espe-
12 cially the people of the United States have a right
13 to—

14 (A) know which think tanks receive foreign
15 funds; and

16 (B) assess for themselves the extent that
17 foreign influence should be considered when
18 analyzing the credibility and value of research
19 and scholarship produced by such think tanks
20 that receive foreign funds.

21 (5) The United States House of Representa-
22 tives has already recognized the national security
23 issues inherent in undue foreign influence of entities
24 with covert sources of foreign funding that testify
25 before Congress. Since 2015, representatives of enti-

1 ties who testify before the United States House of
2 Representatives have been required to disclose rel-
3 evant foreign funding sources directed to them or
4 their employers in Truth-in-Testimony disclosure
5 forms required under clause 2(g)(5) of rule XI of
6 the United States House of Representatives.

7 (6) Almost 30 years ago, Congress enacted sec-
8 tion 117 of the Higher Education Act of 1965 (20
9 U.S.C. 1011f) (hereinafter referred to as “section
10 117”) in light of concerns about the growing finan-
11 cial relationship between universities in the United
12 States and foreign sources. In enacting that legisla-
13 tion, Congress balanced academic freedom and na-
14 tional security by mandating financial transparency
15 through required reporting of contracts with, and
16 gifts from, any foreign source.

17 (7) Section 117 does not prohibit institutions of
18 higher education from taking foreign money, but
19 rather mandates accurate and transparent disclo-
20 sures of sources and amounts received by those in-
21 stitutions to the Department of Education. In 2019,
22 the Department of Education took concrete steps to
23 enforce section 117 by ensuring the integrity of re-
24 porting requirements, confirming the correct report-
25 ing and categorization of donations, and prohibiting

1 the use of domestic conduits and intermediaries to
2 avoid the disclosures of foreign gifts.

3 (8) Between 2011 and 2021, the Russian Fed-
4 eration (hereinafter referred to as “Russia”) has
5 given not less than \$160,000,000 to universities in
6 the United States. The People’s Republic of China
7 (hereinafter referred to as “China”) alone has given
8 not less than \$2,700,000,000 to universities in the
9 United States during the same time frame. Further,
10 during that span, the State of Qatar (hereinafter re-
11 ferred to as “Qatar”) has given not less than
12 \$5,000,000,000 to universities in the United States.

13 (9) Russia, China, and Qatar each have repres-
14 sive and deeply troubling records relating to human
15 rights, and all 3 have engaged in cyber espionage
16 targeting individuals in the United States.

17 (10) Russia, China, and Qatar all pose grave
18 threats to the national security interests of the
19 United States, yet those countries have successfully
20 lavished billions of dollars to cultivate strong ties
21 with institutions of higher education and research
22 across the United States.

23 (11) There is also evidence suggesting that
24 Qatar encouraged, and potentially facilitated, univer-
25 sities in the United States receiving the largess of

1 Qatar to flout disclosure requirements of the United
2 States under section 117.

3 (12) Although the Center for International Pol-
4 icy conducted a study in 2020 that concluded that
5 think tanks focused on Federal policy received not
6 less than \$174,000,000 in funding from foreign gov-
7 ernmental entities between 2014 and 2018, there is
8 currently no means to determine the actual level or
9 extent of foreign influence on those think tanks.

10 (13) What is clear is the vast amount of foreign
11 funding that United States-based think tanks re-
12 ceive, and that such foreign funding affects the di-
13 rection of their policy recommendations.

14 (14) One prominent think tank, the EastWest
15 Institute, received substantial funding from the Peo-
16 ple’s Liberation Army of China, which conducts
17 cyber espionage attacks, including against individ-
18 uals in the United States.

19 (15) The Stimson Center worked to signifi-
20 cantly alter the Homeland and Cyber Threat Act
21 (H.R. 1607, 117th Congress, as introduced on
22 March 8, 2021) (hereinafter referred to as the
23 “HACT Act”). The HACT Act, which would provide
24 an exception to chapter 97 of title 28, United States
25 Code (commonly known as the “Foreign Sovereign

1 Immunities Act of 1976”), to allow United States
2 persons harmed by foreign-government sponsored
3 cyberattacks to bring civil claims for damages. The
4 changes advocated by the Stimson Center would gut
5 the bill and render it completely ineffective in hold-
6 ing foreign nations and their agents responsible for
7 cyberattacks on and in the United States.

8 (16) One of the main sources of the funding of
9 the Stimson Center is Qatar, a major sponsor of ter-
10 rorism worldwide and one of the most notorious
11 sponsors of cyberattacks against entities in the
12 United States. In 2019 alone (the last year for
13 which public figures are available) the Stimson Cen-
14 ter received over \$600,000 in contributions from the
15 government of Qatar.

16 (17) The Brookings Institution has received at
17 least \$22,000,000 from Qatar from 2013 through
18 2021, but the exact amount has not been disclosed
19 publicly.

20 (18) There is also significant concern in Con-
21 gress about potential contractual stipulations tied to
22 foreign funding that could be leveraged by foreign
23 powers to exert even greater influence over the re-
24 search and policy recommendations of think tanks
25 that the Federal Government and the public in the

1 United States would otherwise believe to be inde-
2 pendent.

3 (19) In a 2007 “Establishment Agreement” be-
4 tween the Brookings Institution and the Ministry of
5 Foreign Affairs of Qatar—which appears to have
6 been in place in its original form through the end of
7 2021—the Doha “branch” of the Brookings Institu-
8 tion, called Brookings Doha Center, was effectively
9 owned and controlled by the Emir of Qatar. Under
10 the terms of the contract, the role of the Brookings
11 Institution in the Brookings Doha Center was lim-
12 ited to that of a “promoter”.

13 (20) As only revealed publicly in June 2022,
14 the Brookings Doha Center was a separate and dis-
15 tinct legal entity from the Brookings Institution,
16 specifically a Private Foundation for the Public Ben-
17 efit, the same incorporation status as the propa-
18 ganda arm of Qatar, Al Jazeera.

19 (21) Pursuant to the 2007 Establishment
20 Agreement, the Director of the Brookings Doha
21 Center was required to report directly to the Min-
22 istry of Foreign Affairs of Qatar, including to “en-
23 gage in regular consultation . . . regarding the devel-
24 opment and ongoing operations” and for prior ap-

1 proval of “programs that will be developed by the
2 [Brookings Doha] Center.”.

3 (22) The Brookings Doha Center was renamed
4 the Middle East Council on Global Affairs, and evi-
5 dence indicates that the Middle East Council on
6 Global Affairs is now entirely under the control of
7 the Qatari Government. According to a January
8 2022 amendment to the 2007 articles of incorpora-
9 tion of the Brookings Doha Center, the Brookings
10 Institution ceded the “promoter” role for Brookings
11 Doha Center to a senior employee of Ministry of
12 Foreign Affairs of Qatar, Majed Al-Ansari. This
13 amendment also called on the Middle East Council
14 on Global Affairs to assume control of intellectual
15 property rights that had been under the “Brookings
16 Institution” brand, including the content from and
17 followers of the “@BrookingsDoha” Twitter ac-
18 count.

19 (23) Congress currently is unable to determine
20 what other agreements that the Brookings Institu-
21 tion or other influential think tanks have with for-
22 eign governmental entities, a void which has already
23 been exploited by at least Qatar in obtaining prior
24 approval of budgets and research projects conducted
25 under the branding of the Brookings Institution and

1 the Brookings Doha Center in the aforementioned
 2 2007 contract, or the transference of valuable intel-
 3 lectual property to the Qatari Government pursuant
 4 to the 2022 amendment to the articles of incorpora-
 5 tion of the Middle East Council on Global Affairs.

6 (24) There is broad bipartisan agreement that
 7 undue foreign influence obscured through the use of
 8 proxies—or hidden by the powerful brand of a highly
 9 respected think tank—threatens the national secu-
 10 rity interests of the United States. There is also
 11 broad agreement that transparency is the most im-
 12 portant and effective tool for reducing the harm of
 13 foreign influence targeting United States public pol-
 14 icy or public opinion.

15 (25) As such, this bill aims to provide critical
 16 transparency regarding the foreign funding provided
 17 to, and the related contractual agreements with,
 18 think tanks whose work includes influencing United
 19 States policies or public opinion.

20 **SEC. 3. CONTEMPORANEOUS DISCLOSURE REPORTS.**

21 (a) REPORTING CONDITIONS.—

22 (1) GIFTS, DONATIONS, OR CONTRIBUTIONS.—

23 (A) IN GENERAL.—Except as provided in
 24 section 6, a covered entity that receives a gift,
 25 donation, or contribution from a foreign prin-

1 cipl during a calendar year in an aggregate
2 amount of \$10,000 or greater shall file a disclo-
3 sure report with the Attorney General in ac-
4 cordance with subsection (b) not later than 90
5 days after each disclosure date.

6 (B) DISCLOSURE DATE DEFINED.—In this
7 paragraph, the term “disclosure date” means—

8 (i) the first date during any calendar
9 year by which a covered entity has received
10 a gift, donation, or contribution from a
11 foreign principal in an aggregate amount
12 of \$10,000 or greater; and

13 (ii) any other date during such cal-
14 endar year by which a covered entity has
15 received a gift, donation, or contribution
16 from a foreign principal in an aggregate
17 amount of \$10,000 or greater since the
18 most recent disclosure date for such cal-
19 endar year.

20 (2) CONTRACT, MEMORANDUM OF UNDER-
21 STANDING, OR AGREEMENT.—Except as provided in
22 section 6, a covered entity that enters into or modi-
23 fies a contract, memorandum of understanding, or
24 agreement with a foreign principal shall file a disclo-
25 sure report with the Attorney General in accordance

1 with subsection (b) within 90 days of the entering
2 into or modification of such contract, memorandum,
3 or agreement.

4 (b) CONTENTS OF CONTEMPORANEOUS DISCLOSURE
5 REPORT.—

6 (1) GIFTS, DONATIONS, OR CONTRIBUTIONS
7 ONLY.—The report required under subsection (a)(1)
8 shall detail the following:

9 (A) The identities of the foreign principal
10 and the primary point of contact of the foreign
11 principal for engaging with the covered entity,
12 including the name and title of such point of
13 contact.

14 (B) The date on which the foreign prin-
15 cipal provided a gift, donation, or contribution
16 to the covered entity.

17 (C) The aggregate dollar amount of such
18 gift, donation, or contribution attributable to a
19 particular foreign principal.

20 (D) A description of any conditions or re-
21 strictions regarding any of the disclosed gifts,
22 donations, or contributions.

23 (E) The aggregate amount of such gifts,
24 donations, or contributions received from each
25 foreign principal.

1 (F) A description of any decisions made
2 because of the foreign principal to the structure
3 of the organization or to the research, pro-
4 grams, or content intended to be or actually
5 published, disseminated, or promoted by the
6 covered entity.

7 (2) CONTRACT, MEMORANDUM OF UNDER-
8 STANDING, OR AGREEMENT ONLY.—The report re-
9 quired under subsection (a)(2) shall detail the fol-
10 lowing:

11 (A) The identities of the foreign principal
12 and the primary point of contact of the foreign
13 principal for engaging with the covered entity,
14 including the name and title of such point of
15 contact.

16 (B) The date on which the covered entity
17 entered into or modified a contract, memo-
18 randum of understanding, or agreement with a
19 foreign principal.

20 (C) Copies of all written contracts, agree-
21 ments, or memoranda of understanding the cov-
22 ered entity entered into or modified with any
23 foreign principal.

24 (D) Copies of all internal and external doc-
25 uments, research materials, and publications

1 produced as a result of the contract, memo-
 2 randum of understanding, or agreement.

3 (E) A description of any decisions made
 4 because of the foreign principal to the structure
 5 of the organization or to the research, pro-
 6 grams, or content intended to be or actually
 7 published, disseminated, or promoted by the
 8 covered entity.

9 **SEC. 4. INITIAL DISCLOSURE REPORTS.**

10 (a) IN GENERAL.—A covered entity shall file an ini-
 11 tial disclosure report, in accordance with subsection (b)
 12 or (c), with the Attorney General not later than 180 days
 13 after the date of enactment of this Act if, during the pe-
 14 riod beginning on January 1 of the most recent calendar
 15 year that ended before the date of enactment of this Act
 16 and ending on the effective date of this Act—

17 (1) the covered entity received a gift, donation,
 18 or contribution from a foreign principal in an aggre-
 19 gate amount of \$10,000 or greater;

20 (2) the covered entity entered into or modified
 21 a contract, memorandum of understanding, or agree-
 22 ment with a foreign principal; or

23 (3) the covered entity had previously entered
 24 into a contract, agreement, or memorandum of un-
 25 derstanding with a foreign principal that was still

1 valid or enforceable on or after January 1 of the
2 most recent calendar year that ended before the date
3 of enactment of this Act.

4 (b) PRIOR GIFTS, DONATIONS, OR CONTRIBU-
5 TIONS.—The report required under subsection (a)(1) shall
6 detail the following:

7 (1) The name of the foreign principal.

8 (2) The country of citizenship of the foreign
9 principal.

10 (3) The amount and date of such gifts, dona-
11 tions, or contributions.

12 (4) The description of any conditions or restric-
13 tions attached to, or placed on, the gifts, donations,
14 or contributions.

15 (5) A description of any decisions made because
16 of the foreign principal to the structure of the orga-
17 nization or to the research, programs, or content in-
18 tended to be or actually published, disseminated, or
19 promoted by the covered entity.

20 (c) CONTRACT, MEMORANDUM OF UNDERSTANDING,
21 OR AGREEMENT.—The report required under subsection
22 (a)(2) shall detail the following:

23 (1) The name of the foreign principal.

24 (2) The country of citizenship of the foreign
25 principal.

1 (3) Copies of each written contract, memo-
2 randum of understanding, or agreement.

3 (4) Any modification of each such written con-
4 tract, memorandum, or agreement.

5 (5) The terms and conditions of each oral
6 agreement.

7 (6) Any modification of each such oral agree-
8 ment.

9 (7) A comprehensive statement of—

10 (A) the nature and method of performance
11 of each item described in paragraphs (3)
12 through (6); and

13 (B) the actions taken by the covered entity
14 at the request or suggestion of each such for-
15 eign principal.

16 (8) A description of any decisions made because
17 of the foreign principal to the structure of the orga-
18 nization or to the research, programs, or content in-
19 tended to be or actually published, disseminated, or
20 promoted by the covered entity.

21 **SEC. 5. BRIEFINGS, TESTIMONY, OR SIMILAR FORMS OF**
22 **PRESENTATION OF RESEARCH.**

23 (a) LABELING OF WRITTEN MATERIALS.—If a cov-
24 ered entity provides a briefing, testimony, or similar form
25 of presentation of research to a member or employee of

1 Congress, or to an executive branch official, the covered
 2 entity shall identify prominently on any written materials
 3 provided to the member or employee of Congress, or to
 4 the executive branch official, the name of the relevant for-
 5 eign principal and the country of citizenship, if the foreign
 6 principal is not a government, who provided funding for
 7 such briefing, testimony, or similar form of presentation
 8 of research.

9 (b) ADDENDUM TO BRIEFING, TESTIMONY, PRESEN-
 10 TATION.—In the event that no written materials are pro-
 11 vided in a briefing, testimony, or similar form of presen-
 12 tation of research described in subsection (a), the covered
 13 entity shall convey the information required under sub-
 14 section (a) in writing to the member or employee of Con-
 15 gress, or executive branch official, before or not later than
 16 10 days after the date of the briefing, testimony, or pres-
 17 entation.

18 **SEC. 6. RELATION TO OTHER REPORTING REQUIREMENTS.**

19 (a) STATE REPORTS.—

20 (1) REQUIREMENTS OF A COVERED ENTITY.—

21 If a covered entity has its headquarters in a State
 22 that has enacted requirements for public disclosure
 23 of gifts, donations, or contributions from, or con-
 24 tracts or agreements with, a foreign principal that
 25 are substantially similar to the requirements of this

1 Act, a copy of the disclosure report filed with that
 2 State may be filed with the Attorney General in lieu
 3 of a report required under this Act.

4 (2) REQUIREMENTS OF THE STATE.—The State
 5 in which a covered entity has its headquarters shall
 6 provide to the Attorney General such assurances as
 7 the Attorney General may require to establish that
 8 the covered entity has met the requirements for pub-
 9 lic disclosure under State law if the State-mandated
 10 disclosure report is filed.

11 (b) FEDERAL REPORTS.—If a covered entity receives
 12 a gift, donation, or contribution from, or enters into a con-
 13 tract or agreement with, a foreign principal, and if any
 14 other department, agency, or bureau of the executive
 15 branch requires a report containing requirements substan-
 16 tially similar to those required under this Act, a copy of
 17 the report may be filed with the Attorney General in lieu
 18 of a report required under this Act.

19 **SEC. 7. ADMINISTRATION AND ENFORCEMENT.**

20 (a) BOOKS AND RECORDS.—

21 (1) RETENTION PERIOD.—For a period of not
 22 less than 5 years, a covered entity shall retain the
 23 necessary materials required to comply with the re-
 24 quirements of this Act, including books of account,
 25 all communications with any foreign principal, and

1 other records regarding the activities of the covered
2 entity related to any contracts, memorandum of un-
3 derstandings, or agreements with, or gifts, dona-
4 tions, or contributions from, a foreign principal.

5 (2) INSPECTION.—

6 (A) ATTORNEY GENERAL.—Upon request
7 of the Attorney General, each covered entity
8 shall furnish to the Attorney General all infor-
9 mation and records in the possession of the cov-
10 ered entity that the Attorney General may de-
11 termine to be necessary to comply with the re-
12 quirements under this Act.

13 (B) CONGRESS.—Upon request of Con-
14 gress or a committee of Congress, a covered en-
15 tity shall furnish to Congress or the relevant
16 committee of Congress such information and
17 records as Congress or the relevant committee
18 of Congress may request to determine the ex-
19 tent to which the covered entity is in compli-
20 ance with the requirements of this Act.

21 (3) PUBLICATION.—Any information or records
22 furnished pursuant to paragraph (2)(A) shall be
23 made available in the database required under sub-
24 section (b).

1 (4) PROHIBITION.—It shall be unlawful for any
2 person willfully to conceal, destroy, obliterate, muti-
3 late, or falsify, or to attempt to conceal, destroy, ob-
4 literate, mutilate, or falsify, or to cause to be con-
5 cealed, destroyed, obliterated, mutilated, or falsified,
6 any books or records required to be kept under the
7 provisions of this section.

8 (b) PUBLICATION.—All disclosure reports required by
9 this Act and the information and records required to be
10 furnished pursuant to subsection (a)(2)(A) shall be made
11 available to the public through a database maintained on
12 the official website of the Department of Justice.

13 (c) CIVIL MONETARY PENALTY.—Any covered entity
14 that fails to comply with the requirements of this Act, in-
15 cluding any rule or regulation promulgated thereunder,
16 shall be subject, in addition to any other penalties that
17 may be prescribed by law, to a civil money penalty of not
18 less than \$1,000 for each day of the failure described by
19 this Act—during which the covered entity is in violation
20 of this Act.

21 (d) CIVIL ACTION.—

22 (1) COURT ORDERS.—Whenever it appears that
23 a covered entity has failed to comply with the re-
24 quirements of this Act, including any rule or regula-
25 tion promulgated under this Act, a civil action may

1 be brought by the Attorney General in an appro-
2 priate district court of the United States, or the ap-
3 propriate United States court of any territory or
4 other place subject to the jurisdiction of the United
5 States, to request such court to compel compliance
6 with the requirements of this Act.

7 (2) COSTS.—For knowing or willful failure to
8 comply with the requirements of this Act, including
9 any rule or regulation promulgated thereunder, a
10 covered entity shall pay to the Treasury of the
11 United States the full costs to the United States of
12 obtaining compliance, including all associated costs
13 of investigation and enforcement.

14 (e) REGULATIONS.—The Attorney General may pro-
15 mulgate such regulations as the Attorney General con-
16 siders necessary to implement the requirements of this
17 Act.

18 **SEC. 8. DEFINITIONS.**

19 In this Act:

20 (1) CONDUCT INTENDING TO DIRECTLY OR IN-
21 DIRECTLY INFLUENCE PUBLIC POLICY OR PUBLIC
22 OPINION.—The term “conduct intending to directly
23 or indirectly to influence public policy or public opin-
24 ion” means, with respect to a covered entity, any ac-
25 tivity that the covered entity engaging in believes

1 will, or that the covered entity intends to, in any
2 way influence any agency or official of the Govern-
3 ment of the United States, or any section of the
4 public within the United States, with respect to—

5 (A) formulating, adopting, or changing the
6 domestic or foreign policies of the United
7 States; or

8 (B) the political or public interests, poli-
9 cies, or relations of a government of a foreign
10 country or a foreign political party.

11 (2) CONTRACT.—The term “contract” means
12 any agreement for the acquisition by purchase, lease,
13 or barter of property or services by the foreign prin-
14 cipal, for the direct benefit or use of either of the
15 parties.

16 (3) COUNTRY OF CITIZENSHIP.—The term
17 “country of citizenship”, with respect to a foreign
18 principal, includes—

19 (A) the principal residence for a foreign
20 principal who is a natural person; or

21 (B) the country of incorporation or the
22 principal place of business for a foreign prin-
23 cipal which is a legal entity.

24 (4) COVERED ENTITY.—The term “covered en-
25 tity”—

1 (A) means a nonprofit organization or a
2 not-for-profit social welfare organization that—

3 (i) spends more than 20 percent of
4 the resources of the organization within
5 any given calendar year on conduct intend-
6 ing to directly or indirectly influence public
7 policy or public opinion; or

8 (ii) is affiliated with, or is a subunit,
9 of an institution, as defined in section 117
10 of the Higher Education Act of 1965 (20
11 U.S.C. 1011f), that is subject to that sec-
12 tion and that—

13 (I) engages in or publishes sub-
14 stantial policy-related research or
15 scholarship; or

16 (II) hosts, sponsors, or otherwise
17 promotes annual, or on a more fre-
18 quent basis, events featuring report-
19 ers, journalists, or United States or
20 foreign government officials; and

21 (B) excludes—

22 (i) an “institution”, as defined in sec-
23 tion 117 of the Higher Education Act of
24 1965 (20 U.S.C. 1011f), that is subject to
25 that section; and

1 (ii) an entity organized and operated
2 exclusively for religious purposes.

3 (5) FOREIGN PRINCIPAL.—The term “foreign
4 principal” includes—

5 (A) a government of a foreign country or
6 a foreign political party;

7 (B) a person outside of the United States,
8 unless it is established that—

9 (i) the person is an individual and a
10 citizen of the United States; or

11 (ii) the person—

12 (I) is not an individual and is or-
13 ganized under or created by the laws
14 of the United States or of any State
15 or other place subject to the jurisdic-
16 tion of the United States; and

17 (II) has its principal place of
18 business within the United States;
19 and

20 (C) a partnership, association, corporation,
21 organization, or other combination of persons
22 organized under the laws of or having its prin-
23 cipal place of business in a foreign country.

24 (6) GIFT, DONATION, OR CONTRIBUTION.—The
25 term “gift, donation, or contribution” means any

1 gift of money, property, or in-kind contribution given
 2 directly or indirectly to a covered entity by a foreign
 3 principal.

4 (7) NOT-FOR-PROFIT SOCIAL WELFARE ORGANI-
 5 ZATION.—The term “not-for-profit social welfare or-
 6 ganization” means an organization described in sec-
 7 tion 501(c)(4) of the Internal Revenue Code of 1986
 8 and exempt from tax under section 501(a) of such
 9 Code.

10 (8) NONPROFIT ORGANIZATION.—The term
 11 “nonprofit organization” means an organization de-
 12 scribed in section 501(c)(3) of the Internal Revenue
 13 Code of 1986 and exempt from tax under section
 14 501(a) of such Code.

15 (9) RESTRICTED OR CONDITIONAL GIFT OR
 16 CONTRACT.—The term “restricted or conditional gift
 17 or contract” means any endowment, gift, grant, con-
 18 tract, award, present, or property of any kind that
 19 includes provisions regarding—

20 (A) the employment, assignment, com-
 21 pensation, or termination of researchers, schol-
 22 ars, or experts;

23 (B) the earmarking of funds for depart-
 24 ments, centers, research or lecture programs, or

1 new positions for researchers, scholars, or ex-
2 perts;

3 (C) the subject matter, nature, or contents
4 of research, analysis or any information pub-
5 lished or disseminated to officials of the United
6 States Federal Government, the media, or the
7 public; or

8 (D) any other condition or expectation re-
9 garding either the ability of the foreign prin-
10 cipal to review in advance, approve, veto, or
11 modify budgets, programs, events, or presen-
12 tations, or the contents of information or mate-
13 rials to be published or disseminated.

14 **SEC. 9. EFFECTIVE DATE.**

15 This Act shall take effect on the date that is 120 days
16 after the date of enactment of this Act.

○