117TH CONGRESS
2D SESSION

S.

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

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

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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Think Tank Trans-
parency Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Think tanks have provided Congress and the executive branch with a wealth of research and
scholarship that largely has benefitted the public in the United States by improving the drafting, enactment, and enforcement of policy in the United States.

(2) There is broad bipartisan agreement that think tanks possess enormous influence on the passage and enforcement of policies, particularly those that relate to foreign policy.

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

(4) Congress, the executive branch, and especially the people of the United States have a right to—

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

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

(5) The United States House of Representatives has already recognized the national security issues inherent in undue foreign influence of entities with covert sources of foreign funding that testify before Congress. Since 2015, representatives of enti-
ties who testify before the United States House of Representatives have been required to disclose relevant foreign funding sources directed to them or their employers in Truth-in-Testimony disclosure forms required under clause 2(g)(5) of rule XI of the United States House of Representatives.


(7) Section 117 does not prohibit institutions of higher education from taking foreign money, but rather mandates accurate and transparent disclosures of sources and amounts received by those institutions to the Department of Education. In 2019, the Department of Education took concrete steps to enforce section 117 by ensuring the integrity of reporting requirements, confirming the correct reporting and categorization of donations, and prohibiting
the use of domestic conduits and intermediaries to avoid the disclosures of foreign gifts.

(8) Between 2011 and 2021, the Russian Federation (hereinafter referred to as “Russia”) has given not less than $160,000,000 to universities in the United States. The People’s Republic of China (hereinafter referred to as “China”) alone has given not less than $2,700,000,000 to universities in the United States during the same time frame. Further, during that span, the State of Qatar (hereinafter referred to as “Qatar”) has given not less than $5,000,000,000 to universities in the United States.

(9) Russia, China, and Qatar each have repressive and deeply troubling records relating to human rights, and all 3 have engaged in cyber espionage targeting individuals in the United States.

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

(11) There is also evidence suggesting that Qatar encouraged, and potentially facilitated, universities in the United States receiving the largess of
Qatar to flout disclosure requirements of the United States under section 117.

(12) Although the Center for International Policy conducted a study in 2020 that concluded that think tanks focused on Federal policy received not less than $174,000,000 in funding from foreign governmental entities between 2014 and 2018, there is currently no means to determine the actual level or extent of foreign influence on those think tanks.

(13) What is clear is the vast amount of foreign funding that United States-based think tanks receive, and that such foreign funding affects the direction of their policy recommendations.

(14) One prominent think tank, the EastWest Institute, received substantial funding from the People’s Liberation Army of China, which conducts cyber espionage attacks, including against individuals in the United States.

(15) The Stimson Center worked to significantly alter the Homeland and Cyber Threat Act (H.R. 1607, 117th Congress, as introduced on March 8, 2021) (hereinafter referred to as the “HACT Act”). The HACT Act, which would provide an exception to chapter 97 of title 28, United States Code (commonly known as the “Foreign Sovereign
Immunities Act of 1976”), to allow United States persons harmed by foreign-government sponsored cyberattacks to bring civil claims for damages. The changes advocated by the Stimson Center would gut the bill and render it completely ineffective in holding foreign nations and their agents responsible for cyberattacks on and in the United States.

(16) One of the main sources of the funding of the Stimson Center is Qatar, a major sponsor of terrorism worldwide and one of the most notorious sponsors of cyberattacks against entities in the United States. In 2019 alone (the last year for which public figures are available) the Stimson Center received over $600,000 in contributions from the government of Qatar.

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

(18) There is also significant concern in Congress about potential contractual stipulations tied to foreign funding that could be leveraged by foreign powers to exert even greater influence over the research and policy recommendations of think tanks that the Federal Government and the public in the
United States would otherwise believe to be independent.

(19) In a 2007 “Establishment Agreement” between the Brookings Institution and the Ministry of Foreign Affairs of Qatar—which appears to have been in place in its original form through the end of 2021—the Doha “branch” of the Brookings Institution, called Brookings Doha Center, was effectively owned and controlled by the Emir of Qatar. Under the terms of the contract, the role of the Brookings Institution in the Brookings Doha Center was limited to that of a “promoter”.

(20) As only revealed publicly in June 2022, the Brookings Doha Center was a separate and distinct legal entity from the Brookings Institution, specifically a Private Foundation for the Public Benefit, the same incorporation status as the propaganda arm of Qatar, Al Jazeera.

(21) Pursuant to the 2007 Establishment Agreement, the Director of the Brookings Doha Center was required to report directly to the Ministry of Foreign Affairs of Qatar, including to “engage in regular consultation . . . regarding the development and ongoing operations” and for prior ap-
proval of “programs that will be developed by the [Brookings Doha] Center.”.

(22) The Brookings Doha Center was renamed the Middle East Council on Global Affairs, and evidence indicates that the Middle East Council on Global Affairs is now entirely under the control of the Qatari government. According to a January 2022 amendment to the 2007 articles of incorporation of the Brookings Doha Center, the Brookings Institution ceded the “promoter” role for Brookings Doha Center to a senior employee of Ministry of Foreign Affairs of Qatar, Majed Al-Ansari. This amendment also called on the Middle East Council on Global Affairs to assume control of intellectual property rights that had been under the “Brookings Institution” brand, including the content from and followers of the “@BrookingsDoha” Twitter account.

(23) Congress currently is unable to determine what other agreements that the Brookings Institution or other influential think tanks have with foreign governmental entities, a void which has already been exploited by at least Qatar in obtaining prior approval of budgets and research projects conducted under the branding of the Brookings Institution and
the Brookings Doha Center in the aforementioned
2007 contract, or the transference of valuable intel-
lectual property to the Qatari government pursuant
to the 2022 amendment to the articles of incorpora-
tion of the Middle East Council on Global Affairs.

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

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

SEC. 3. CONTEMPORANEOUS DISCLOSURE REPORTS.

(a) Reporting Conditions.—

(1) Gifts, donations, or contributions.—

(A) In general.—Except as provided in
section 6, a covered entity that receives a gift,
donation, or contribution from a foreign prin-
principal during a calendar year in an aggregate amount of $10,000 or greater shall file a disclosure report with the Attorney General in accordance with subsection (b) not later than 90 days after each disclosure date.

(B) Disclosure date defined.—In this paragraph, the term “disclosure date” means—

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

(ii) any other date during such calendar year by which a covered entity has received a gift, donation, or contribution from a foreign principal in an aggregate amount of $10,000 or greater since the most recent disclosure date for such calendar year.

(2) Contract, memorandum of understanding, or agreement.—Except as provided in section 6, a covered entity that enters into or modifies a contract, memorandum of understanding, or agreement with a foreign principal shall file a disclosure report with the Attorney General in accordance
with subsection (b) within 90 days of the entering
into or modification of such contract, memorandum,
or agreement.

(b) Contents of Contemporaneous Disclosure

Report.—

(1) Gifts, donations, or contributions
only.—The report required under subsection (a)(1)
shall detail the following:

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

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

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

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

(E) The aggregate amount of such gifts,
donations, or contributions received from each
foreign principal.
(F) A description of any decisions made because of the foreign principal to the structure of the organization or to the research, programs, or content intended to be or actually published, disseminated, or promoted by the covered entity.

(2) Contract, memorandum of understanding, or agreement only.—The report required under subsection (a)(2) shall detail the following:

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

(B) The date on which the covered entity entered into or modified a contract, memorandum of understanding, or agreement with a foreign principal.

(C) Copies of all written contracts, agreements, or memoranda of understanding the covered entity entered into or modified with any foreign principal.

(D) Copies of all internal and external documents, research materials, and publications
produced as a result of the contract, memorandum of understanding, or agreement.

(E) A description of any decisions made because of the foreign principal to the structure of the organization or to the research, programs, or content intended to be or actually published, disseminated, or promoted by the covered entity.

SEC. 4. INITIAL DISCLOSURE REPORTS.

(a) IN GENERAL.—A covered entity shall file an initial disclosure report, in accordance with subsections (b) or (c), with the Attorney General not later than 180 days after the date of enactment of this Act if, during the period beginning on January 1 of the most recent calendar year that ended before the date of enactment of this Act and ending on the effective date of this Act—

(1) the covered entity received a gift, donation, or contribution from a foreign principal in an aggregate amount of $10,000 or greater;

(2) the covered entity entered into or modified a contract, memorandum of understanding, or agreement with a foreign principal; or

(3) the covered entity had previously entered into a contract, agreement, or memorandum of understanding with a foreign principal that was still
valid or enforceable on or after January 1 of the most recent calendar year that ended before the date of enactment of this Act.

(b) Prior Gifts, Donations, or Contributions.—The report required under subsection (a)(1) shall detail the following:

(1) The name of the foreign principal.

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

(3) The amount and date of such gifts, donations, or contributions.

(4) The description of any conditions or restrictions attached to, or placed on, the gifts, donations, or contributions.

(5) A description of any decisions made because of the foreign principal to the structure of the organization or to the research, programs, or content intended to be or actually published, disseminated, or promoted by the covered entity.

(c) Contract, Memorandum of Understanding, or Agreement.—The report required under subsection (a)(2) shall detail the following:

(1) The name of the foreign principal.

(2) The country of citizenship of the foreign principal.
(3) Copies of each written contract, memorandum of understanding, or agreement.

(4) Any modification of each such written contract, memorandum, or agreement.

(5) The terms and conditions of each oral agreement

(6) Any modification of each such oral agreement.

(7) A comprehensive statement of—

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

(B) the actions taken by the covered entity at the request or suggestion of each such foreign principal.

(8) A description of any decisions made because of the foreign principal to the structure of the organization or to the research, programs, or content intended to be or actually published, disseminated, or promoted by the covered entity.

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

(a) LABELING OF WRITTEN MATERIALS.—If a covered entity provides a briefing, testimony, or similar form of presentation of research to a member or employee of
Congress, or to an executive branch official, the covered entity shall identify prominently on any written materials provided to the member or employee of Congress, or to the executive branch official, the name of the relevant foreign principal and the country of citizenship, if the foreign principal is not a government, who provided funding for such briefing, testimony, or similar form of presentation of research.

(b) Addendum to Briefing, Testimony, Presentation.—In the event that no written materials are provided in a briefing, testimony, or similar form of presentation of research described in subsection (a), the covered entity shall convey the information required under subsection (a) in writing to the member or employee of Congress, or executive branch official, before or not later than 10 days after the date of the briefing, testimony, or presentation.

SEC. 6. RELATION TO OTHER REPORTING REQUIREMENTS.

(a) State Reports.—

(1) Requirements of a covered entity.—If a covered entity has its headquarters in a State that has enacted requirements for public disclosure of gifts, donations, or contributions from, or contracts or agreements with, a foreign principal that are substantially similar to the requirements of this
Act, a copy of the disclosure report filed with that State may be filed with the Attorney General in lieu of a report required under this Act.

(2) Requirements of the state.—The State in which a covered entity has its headquarters shall provide to the Attorney General such assurances as the Attorney General may require to establish that the covered entity has met the requirements for public disclosure under State law if the State-mandated disclosure report is filed.

(b) Federal reports.—If a covered entity receives a gift, donation, or contribution from, or enters into a contract or agreement with, a foreign principal, and if any other department, agency, or bureau of the executive branch requires a report containing requirements substantially similar to those required under this Act, a copy of the report may be filed with the Attorney General in lieu of a report required under this Act.

SEC. 7. ADMINISTRATION AND ENFORCEMENT.

(a) Books and records.—

(1) Retention period.—For a period of not less than 5 years, a covered entity shall retain the necessary materials required to comply with the requirements of this Act, including books of account, all communications with any foreign principal, and
other records regarding the activities of the covered entity related to any contracts, memorandum of understandings, or agreements with, or gifts, donations, or contributions from, a foreign principal.

(2) **Inspection.**—

(A) **Attorney General.**—Upon request of the Attorney General, each covered entity shall furnish to the Attorney General all information and records in the possession of the covered entity that the Attorney General may determine to be necessary to comply with the requirements under this Act.

(B) **Congress.**—Upon request of Congress or a committee of Congress, a covered entity shall furnish to Congress or the relevant committee of Congress such information and records as Congress or the relevant committee of Congress may request to determine the extent to which the covered entity is in compliance with the requirements of this Act.

(3) **Publication.**—Any information or records furnished pursuant to paragraph (2)(A) shall be made available in the database required under subsection (b).
(4) Prohibition.—It shall be unlawful for any person willfully to conceal, destroy, obliterate, mutilate, or falsify, or to attempt to conceal, destroy, obliterate, mutilate, or falsify, or to cause to be concealed, destroyed, obliterated, mutilated, or falsified, any books or records required to be kept under the provisions of this section.

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

(c) Civil Monetary Penalty.—Any covered entity that fails to comply with the requirements of this Act, including any rule or regulation promulgated thereunder, shall be subject, in addition to any other penalties that may be prescribed by law, to a civil money penalty of not less than $1,000 for each day of the failure described by this Act -- during which the covered entity is in violation of this Act.

(d) Civil Action.—

(1) Court Orders.—Whenever it appears that a covered entity has failed to comply with the requirements of this Act, including any rule or regulation promulgated under this Act, a civil action may
be brought by the Attorney General in an appropriate district court of the United States, or the appropriate United States court of any territory or other place subject to the jurisdiction of the United States, to request such court to compel compliance with the requirements of this Act.

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

(e) REGULATIONS.—The Attorney General may promulgate such regulations as the Attorney General considers necessary to implement the requirements of this Act.

SEC. 8. DEFINITIONS.

In this Act:

(1) CONDUCT INTENDING TO DIRECTLY OR INDIRECTLY INFLUENCE PUBLIC POLICY OR PUBLIC OPINION.—The term “conduct intending to directly or indirectly to influence public policy or public opinion” means, with respect to a covered entity, any activity that the covered entity engaging in believes
will, or that the covered entity intends to, in any
way influence any agency or official of the Govern-
ment of the United States, or any section of the
public within the United States, with respect to—

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

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

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

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

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

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

(4) COVERED ENTITY.—The term “covered en-
tity”—
(A) means a nonprofit organization or a not-for-profit social welfare organization that—

(i) spends more than 20 percent of the resources of the organization within any given calendar year on conduct intending to directly or indirectly influence public policy or public opinion; or

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

(I) engages in or publishes substantial policy-related research or scholarship; or

(II) hosts, sponsors, or otherwise promotes annual, or on a more frequent basis, events featuring reporters, journalists, or United States or foreign government officials; and

(B) excludes—

(i) an “institution”, as defined in section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f), that is subject to that section; and
(ii) an entity organized and operated exclusively for religious purposes.

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

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

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

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

(ii) the person—

(I) is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States; and

(II) has its principal place of business within the United States;

and

(C) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

(6) GIFT, DONATION, OR CONTRIBUTION.—The term “gift, donation, or contribution” means any
gift of money, property, or in-kind contribution given directly or indirectly to a covered entity by a foreign principal.

(7) **NOT-FOR-PROFIT SOCIAL WELFARE ORGANIZATION.**—The term “not-for-profit social welfare organization” means an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(8) **NONPROFIT ORGANIZATION.**—The term “nonprofit organization” means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(9) **RESTRICTED OR CONDITIONAL GIFT OR CONTRACT.**—The term “restricted or conditional gift or contract” means any endowment, gift, grant, contract, award, present, or property of any kind that includes provisions regarding—

(A) the employment, assignment, compensation, or termination of researchers, scholars, or experts;

(B) the earmarking of funds for departments, centers, research or lecture programs, or
new positions for researchers, scholars, or experts;

(C) the subject matter, nature, or contents of research, analysis or any information published or disseminated to officials of the United States Federal Government, the media, or the public; or

(D) any other condition or expectation regarding either the ability of the foreign principal to review in advance, approve, veto, or modify budgets, programs, events, or presentations, or the contents of information or materials to be published or disseminated.

**SEC. 9. EFFECTIVE DATE.**

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