



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5212/1
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2021 SENATE BILL 744

November 30, 2021 - Introduced by Senators ROTH and DARLING, cosponsored by Representatives MURPHY, ARMSTRONG, GUNDRUM and ALLEN. Referred to Committee on Universities and Technical Colleges.

1 **AN ACT** *to renumber and amend* 36.65 (1); and *to create* 36.11 (61), 36.11 (62),
2 36.11 (63), 36.65 (1) (b) and 36.65 (2) (j) of the statutes; **relating to:** prohibiting
3 foreign missions of China at University of Wisconsin institutions and
4 University of Wisconsin System involvement with Communist Chinese
5 recruitment or propaganda programs and requiring the University of
6 Wisconsin System to report funding received from foreign missions of China.

Analysis by the Legislative Reference Bureau

This bill requires the University of Wisconsin System to do all of the following:

1. Ensure that no designated foreign mission of China is established at or recognized by a UW institution after the bill's effective date. A "designated foreign mission of China" is defined as an entity or operation designated by the federal Office of Foreign Missions as a foreign mission 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. If a designated foreign mission of China has already been established at or recognized by a UW institution on the bill's effective date, the UW System must develop and implement a plan to ensure that the designated foreign mission of China does not remain established at or recognized by the institution after approximately one year from the bill's effective date.

2. Annually identify the amount and source of funding received from a designated foreign mission of China. This information must be included in an

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annual report that current law requires to be submitted to the governor and the legislature. With respect to UW-Madison, the report must be submitted by the UW-Madison rather than the UW System.

3. Identify, end, and provide a report regarding any “cultural exchange” programs the UW System has that are consistent with those identified by the U.S. State Department as Chinese Communist Party propaganda tools.

The bill also prohibits UW System employees and students from participating in Communist Chinese recruitment programs. The bill defines “Communist Chinese recruitment program” as a program established by the government of China, including the 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. Under the bill, participation means entering into a written agreement with a Chinese institution, Chinese research laboratory, or the government of China that confers upon a person benefits or privileges associated with, or membership in, a Communist Chinese recruitment program. The definition of “government of China” includes an instrumentality of the People’s Republic of China or of the Communist Party of China. The bill creates certain disclosure requirements and requires any UW System employee or student who is participating in a Communist Chinese recruitment program on the effective date of the bill to terminate his or her participation within six months after the bill’s effective date, subject to an extension of no more than six additional months if certain requirements are met.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 36.11 (61) of the statutes is created to read:
2 36.11 (61) DESIGNATED FOREIGN MISSIONS. (a) In this subsection, “designated
3 foreign mission of China” means any entity or operation designated by the office of
4 foreign missions in the federal department of state as a foreign mission, as defined
5 in 22 USC 4302 (a), of the People’s Republic of China within the United States,
6 including the Confucius Institute U.S. Center, the Asia Society Chinese Language
7 Partner Network, and the Center for Language Exchange and Cooperation.

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1 (b) Subject to par. (c), the board shall ensure that no designated foreign mission
2 of China is established at or recognized by any institution after the effective date of
3 this paragraph [LRB inserts date].

4 (c) If any designated foreign mission of China has been and continues to be
5 established at or recognized by any institution on the effective date of this paragraph
6 [LRB inserts date], the board shall develop and implement a plan to ensure that
7 the designated foreign mission of China does not remain established at or recognized
8 by the institution after the first day of the 13th month beginning after the effective
9 date of this paragraph [LRB inserts date].

10 **SECTION 2.** 36.11 (62) of the statutes is created to read:

11 36.11 (62) PROHIBITION OF CHINESE COMMUNIST PARTY PROPAGANDA PROGRAMS.
12 The board shall identify, report on, and immediately end any cultural exchange
13 programs consistent with those identified by the federal department of state as
14 Chinese Communist Party propaganda tools.

15 **SECTION 3.** 36.11 (63) of the statutes is created to read:

16 36.11 (63) COMMUNIST CHINESE RECRUITMENT PROGRAMS. (a) In this subsection:

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

23 2. "Government of China" means any of the following:

24 a. The Communist Party of China.

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1 b. The People’s Republic of China or any governmental unit of the People’s
2 Republic of China or of a province, region, or other political subdivision of the People’s
3 Republic of China.

4 c. Any instrumentality of the People’s Republic of China or of the Communist
5 Party of China.

6 3. “Participate” means a person’s entering into a written agreement with a
7 Chinese institution, Chinese research laboratory, or the government of China that
8 confers upon the person benefits or privileges associated with, or membership in, a
9 Communist Chinese recruitment program.

10 (b) Subject to par. (c), after the effective date of this paragraph [LRB inserts
11 date], no system employee or student may participate in a Communist Chinese
12 recruitment program.

13 (c) 1. Except as provided in subd. 2., not later than 6 months after the effective
14 date of this subdivision [LRB inserts date], any system employee or student who
15 is participating in a Communist Chinese recruitment program on the effective date
16 of this subdivision [LRB inserts date], shall terminate the employee’s or student’s
17 participation in the Communist Chinese recruitment program.

18 2. The chancellor of an institution may provide an extension of the deadline
19 under subd. 1. for no more than 6 months for employees assigned to the institution
20 and students enrolled in the institution to terminate participation in the Communist
21 Chinese recruitment program if the chancellor believes that these employees and
22 students are attempting to comply with the termination requirement under subd. 1.
23 and the chancellor is confident that participation in the Communist Chinese
24 recruitment program for the period of the extension will not pose a risk to research
25 or reputational interests of the system.

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1 **SECTION 4.** 36.65 (1) of the statutes is renumbered 36.65 (1) (intro.) and
2 amended to read:

3 **36.65 (1) DEFINITION DEFINITIONS.** (intro.) In this section, “~~chancellor~~”:

4 (a) “Chancellor” means the chancellor of the University of Wisconsin–Madison.

5 **SECTION 5.** 36.65 (1) (b) of the statutes is created to read:

6 **36.65 (1) (b)** “Designated foreign mission of China” has the meaning given in
7 s. 36.11 (61) (a).

8 **SECTION 6.** 36.65 (2) (j) of the statutes is created to read:

9 **36.65 (2) (j)** *Funding from certain designated foreign missions.* The amount
10 and source of funding received from any designated foreign mission of China.

11 **SECTION 7. Nonstatutory provisions.**

12 (1) **REPORT IDENTIFYING CHINESE PROPAGANDA PROGRAMS.** No later than the first
13 day of the 7th month beginning after the effective date of this subsection or the
14 beginning of the next academic year after the effective date of this subsection,
15 whichever is earlier, the Board of Regents of the University of Wisconsin System
16 shall submit a report to the chief clerk of each house of the legislature for distribution
17 to the appropriate standing committees under s. 13.172 (3). The report shall identify
18 any institution program consistent with those identified by the U.S. state
19 department as Chinese Communist Party propaganda tools and the methods that
20 the board has used to comply with s. 36.11 (62). If the board concludes that no
21 institution has, or has had, a program consistent with that described in s. 36.11 (62),
22 the report shall state this.

23 (2) **COMMUNIST CHINESE RECRUITMENT PROGRAMS.**

24 (a) In this subsection:

