

118TH CONGRESS
1ST SESSION

S. 3443

To prohibit institutions of higher education, elementary schools, and secondary schools from receiving Federal funds if those schools or institutions have covered relationships with covered persons, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2023

Mr. RUBIO (for himself and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To prohibit institutions of higher education, elementary schools, and secondary schools from receiving Federal funds if those schools or institutions have covered relationships with covered persons, 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 “Protecting Education
5 from Malign Foreign Influence Act of 2023”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADVERSARIAL FOREIGN GOVERNMENT.—

2 The term “adversarial foreign government” means
3 the government of any of the following:

4 (A) The People’s Republic of China.

5 (B) The Russian Federation.

6 (C) The Islamic Republic of Iran.

7 (D) The Democratic People’s Republic of
8 Korea.

9 (E) The Republic of Cuba.

10 (F) The regime of Nicolás Maduro in Ven-
11 ezuela.

12 (G) The Syrian Arab Republic.

13 (H) Any other country designated as an
14 adversarial foreign government for purposes of
15 this section by the Secretary of State.

16 (2) CONFUCIUS CLASSROOM.—The term “Con-
17 fucius classroom” means—

18 (A) an entity that has a relationship with
19 a Confucius Institute and seeks to influence
20 early childhood, elementary, or secondary edu-
21 cation in the United States; and

22 (B) any successor or replacement entity, or
23 any other similar entity, intended to influence
24 education in the United States.

1 (3) CONFUCIUS INSTITUTE.—The term “Confu-
2 cius Institute” means—

3 (A) a cultural institution that is directly or
4 indirectly funded by the Government of the
5 People’s Republic of China and seeks to influ-
6 ence education in the United States; and

7 (B) any successor or replacement institu-
8 tion, or any other similar institution, intended
9 to influence education in the United States.

10 (4) COVERED PERSON.—The term “covered
11 person” means a foreign person that is any of the
12 following:

13 (A) An adversarial foreign government, in-
14 cluding any agency of an adversarial foreign
15 government, or an official or agent of an adver-
16 sarial foreign government.

17 (B) A political party of an adversarial for-
18 eign government, including the Chinese Com-
19 munist Party, or an official or member of such
20 a political party, including any members of the
21 Chinese Communist Party.

22 (C) The People’s Liberation Army, the
23 People’s Armed Police, or any other armed enti-
24 ty affiliated with the Chinese Communist Party
25 or the People’s Republic of China.

1 (D) An entity identified by the Secretary
2 of Defense under section 1260H(a) of the Wil-
3 liam M. (Mac) Thornberry National Defense
4 Authorization Act for Fiscal Year 2021 (Public
5 Law 116–283; 10 U.S.C. 113 note) as a Chi-
6 nese military company.

7 (E) Any Chinese military company identi-
8 fied by the Secretary of Defense pursuant to
9 section 1237(b) of the Strom Thurmond Na-
10 tional Defense Authorization Act for Fiscal
11 Year 1999 (Public Law 105–261; 50 U.S.C.
12 1701 note).

13 (F) Any entity on the Non-SDN Chinese
14 Military-Industrial Complex Companies List
15 maintained by the Office of Foreign Assets
16 Control of the Department of the Treasury.

17 (G) The government of any country deter-
18 mined by the Secretary of State to have repeat-
19 edly provided support for acts of international
20 terrorism, for purposes of—

21 (i) section 1754(c)(1)(A)(i) of the Ex-
22 port Control Reform Act of 2018 (50
23 U.S.C. 4813(c)(1)(A)(i));

24 (ii) section 620A of the Foreign As-
25 sistance Act of 1961 (22 U.S.C. 2371); or

1 (iii) section 40(d) of the Arms Export
2 Control Act (22 U.S.C. 2780(d)).

3 (H) The Government of the Russian Fed-
4 eration, any entity owned or controlled by that
5 Government, or any entity with respect to
6 which the Secretary of the Treasury has im-
7 posed sanctions under Executive Order 13662
8 (50 U.S.C. 1701 note; relating to blocking
9 property of additional persons contributing to
10 the situation in Ukraine).

11 (I) Any entity included on any of the fol-
12 lowing lists maintained by the Department of
13 Commerce:

14 (i) The Entity List set forth in Sup-
15 plement No. 4 to part 744 of the Export
16 Administration Regulations under sub-
17 chapter C of chapter VII of title 15, Code
18 of Federal Regulations.

19 (ii) The Denied Persons List main-
20 tained pursuant to section 764.3(a)(2) of
21 the Export Administration Regulations.

22 (iii) The Unverified List set forth in
23 Supplement No. 6 to part 744 of the Ex-
24 port Administration Regulations.

1 (iv) The Military End-User List set
2 forth in Supplement No. 7 to part 744 of
3 the Export Administration Regulations.

4 (J) Any entity or individual determined to
5 pose a risk to the national security of the
6 United States, the integrity of education in the
7 United States, or students' freedom of expres-
8 sion in the United States, by—

9 (i) the Secretary of Education;

10 (ii) the Secretary of Defense; or

11 (iii) the Secretary of Transportation,
12 the Secretary of the Interior, or the Sec-
13 retary of Homeland Security, with respect
14 to institutions under the jurisdiction of
15 such Secretaries.

16 (K) An entity substantively involved in the
17 economic or industrial policies or military-civil
18 fusion strategy of the People's Republic of
19 China, including by—

20 (i) accepting funding, performing
21 services, or receiving subsidies, relating to
22 such policies or strategy; or

23 (ii) having responsibilities for over-
24 seeing economic development projects, in-
25 cluding the Made in China 2025 industrial

1 strategy or the Belt and Road Initiative of
2 the Government of the People’s Republic of
3 China.

4 (L) Any college or university in the Peo-
5 ple’s Republic of China that is determined by
6 the Secretary of Defense to be substantively in-
7 volved in the implementation of the military-
8 civil fusion strategy, including any such college
9 or university—

10 (i) known as the “Seven Sons of Na-
11 tional Defense”;

12 (ii) that receives funding from—

13 (I) the People’s Liberation Army;

14 or

15 (II) the Equipment Development
16 Department, or the Science and Tech-
17 nology Commission, of the Central
18 Military Commission;

19 (iii) involved in military training and
20 education, including any such college or
21 university in partnership with the People’s
22 Liberation Army;

23 (iv) that conducts military research or
24 hosts dedicated military initiatives or lab-
25 oratories, including such a college or uni-

1 iversity designated under the “double first-
2 class university plan”;

3 (v) that is designated by the State
4 Administration for Science, Technology,
5 and Industry for the National Defense to
6 host “joint construction” programs;

7 (vi) that has launched a platform for
8 military-civil fusion or created national de-
9 fense laboratories; and

10 (vii) that conducts research or hosts
11 dedicated initiatives or laboratories for any
12 other related security entity beyond the
13 People’s Liberation Army, including the
14 People’s Armed Police, the Ministry of
15 Public Security, and the Ministry of State
16 Security.

17 (M) Any privately owned entity in the Peo-
18 ple’s Republic of China that—

19 (i) has received a military production
20 license from the Government of the Peo-
21 ple’s Republic of China, such as the Weap-
22 ons and Equipment Research and Produc-
23 tion Certificate, the Equipment Manufac-
24 turing Unit Qualification, the Weapons
25 and Equipment Quality Management Sys-

1 tem Certificate, or the Weapons and
2 Equipment Research and Production Unit
3 Classified Qualification Permit;

4 (ii) is otherwise known to have set up
5 mechanisms for engaging in activity in
6 support of military initiatives;

7 (iii) has a history of subcontracting
8 for the People's Liberation Army or its af-
9 filiates; or

10 (iv) is participating in, or receiving
11 benefits under, a military-civil fusion dem-
12 onstration base.

13 (N) An entity owned, directed, operated,
14 controlled, financed, or influenced, directly or
15 indirectly, by an entity or individual described
16 in this paragraph, including a Confucius Insti-
17 tute and a Confucius classroom.

18 (O) An entity or individual that has the
19 ability, through ownership of a majority or a
20 dominant minority of the total outstanding vot-
21 ing interest in an entity, board representation,
22 proxy voting, a special share, contractual ar-
23 rangements, formal or informal arrangements
24 to act in concert, or other means, to determine,

1 direct, or decide, for an entity described in this
2 paragraph, an important matter.

3 (P) An entity that owns or controls, or is
4 under common ownership or control with, an
5 entity described in this paragraph.

6 (5) COVERED RELATIONSHIP.—The term “cov-
7 ered relationship” means, at an institutional or
8 school level, or with respect to a faculty or staff
9 member employed at the institution or school—

10 (A) with respect to a covered person—

11 (i) the distribution or receipt of a
12 grant, gift, donation, present, award, con-
13 tribution, scholarship, or loan;

14 (ii) having in place an agreement, in-
15 cluding—

16 (I) a written statement of mutual
17 interest in an academic or research
18 collaboration;

19 (II) a written statement in re-
20 gard to the selection or admission of
21 students; or

22 (III) a written statement in re-
23 gard to the establishment of depart-
24 ments, centers, or research or lecture
25 programs;

- 1 (iii) a partnership;
2 (iv) a collaboration;
3 (v) having in place a contract; or
4 (vi) at the individual faculty or staff
5 level, employing or being employed by a
6 covered person; and

7 (B) with respect to a foreign source that is
8 not a covered person—

9 (i) the distribution or receipt of a
10 grant, gift, donation, present, award, or
11 contribution that is equal to or greater
12 than \$50,000;

13 (ii) a relationship described in clause
14 (ii) through (v) of subparagraph (A); or

15 (iii) at the individual faculty or staff
16 level, employing or being employed by a
17 foreign source.

18 (6) ELEMENTARY SCHOOL.—The term “elemen-
19 tary school” has the meaning given that term in sec-
20 tion 8101 of the Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C. 7801).

22 (7) FOREIGN PERSON.—The term “foreign per-
23 son” means an individual or entity that is not a
24 United States person.

1 (8) FOREIGN SOURCE.—The term “foreign
2 source” has the meaning given that term in section
3 117(h) of the Higher Education Act of 1965 (20
4 U.S.C. 1011f(h)).

5 (9) INSTITUTION OF HIGHER EDUCATION.—The
6 term “institution of higher education” has the
7 meaning given that term in section 102 of the High-
8 er Education Act of 1965 (20 U.S.C. 1002), and in-
9 cludes a State maritime academy and a Tribal Col-
10 lege or University (as such term is defined in section
11 316 of the Higher Education Act of 1965 (20
12 U.S.C. 1059e)).

13 (10) MILITARY-CIVIL FUSION STRATEGY.—The
14 term “military-civil fusion strategy” means the
15 strategy of the Chinese Communist Party aiming to
16 mobilize non-military resources and expertise for
17 military applications, including the development of
18 technology, improvements in logistics, and other uses
19 of such resources and expertise, by the People’s Lib-
20 eration Army.

21 (11) SECONDARY SCHOOL.—The term “sec-
22 ondary school” has the meaning given that term in
23 section 8101 of the Elementary and Secondary Edu-
24 cation Act of 1965 (20 U.S.C. 7801).

1 (12) UNITED STATES PERSON.—The term
2 “United States person” means—

3 (A) a United States citizen or an alien law-
4 fully admitted for permanent residence to the
5 United States; or

6 (B) an entity organized under the laws of
7 the United States or of any jurisdiction within
8 the United States.

9 **SEC. 3. PROHIBITIONS RELATING TO HIGHER EDUCATION.**

10 (a) PROHIBITION ON COVERED RELATIONSHIPS.—

11 (1) IN GENERAL.—An institution of higher edu-
12 cation, including any member of the faculty or staff
13 of an institution of higher education, that receives
14 Federal funds—

15 (A) shall not enter into or maintain a cov-
16 ered relationship with a covered person; and

17 (B) shall establish and maintain a policy
18 to—

19 (i) prohibit faculty and staff of the in-
20 stitution from entering into or maintaining
21 covered relationships with covered persons;

22 (ii) require faculty and staff to report
23 to the institution covered relationships with
24 foreign sources; and

1 (iii) provide guidance to faculty and
2 staff to help faculty and staff—

3 (I) take preventative actions re-
4 garding covered relationships with
5 covered persons; and

6 (II) identify existing covered rela-
7 tionships with covered persons.

8 (2) ENFORCEMENT.—Upon determination,
9 after reasonable notice and opportunity for a hear-
10 ing, that an institution of higher education has
11 knowingly violated subparagraph (A) of paragraph
12 (1), including by failing to exercise reasonable over-
13 sight over its faculty and staff with respect to pre-
14 venting a violation of subparagraph (A) of para-
15 graph (1)—

16 (A) the Secretary may suspend or termi-
17 nate the eligibility status for any or all Federal
18 funding (including funding under the Higher
19 Education Act of 1965 (20 U.S.C. 1001 et
20 seq.)) of any otherwise eligible institution, in
21 accordance with procedures specified in such
22 Act as applicable, until the Secretary finds that
23 such practices have been corrected; or

24 (B) the Secretary may impose a civil pen-
25 alty upon such institution.

1 (b) PROHIBITION OF OWNERSHIP, OPERATION, OR
2 CONTROL.—

3 (1) IN GENERAL.—Subject to paragraph (2), an
4 institution of higher education shall not be eligible to
5 receive Federal funds if that institution is owned,
6 operated, or controlled by a covered person.

7 (2) TRANSITION PERIOD.—

8 (A) INSTITUTIONS THAT ARE NONCOMPLI-
9 ANT AS OF THE DATE OF ENACTMENT.—Not-
10 withstanding any other provision of law, and on
11 a case-by-case basis, the Secretary may allow
12 an institution that is owned, operated, or con-
13 trolled by a covered person as of the date of en-
14 actment of this Act a transition period of not
15 more than 4 years from the date of enactment
16 of this Act, during which time the institution
17 may continue to receive Federal funding.

18 (B) INSTITUTIONS THAT ARE NONCOMPLI-
19 ANT AFTER THE DATE OF ENACTMENT.—Not-
20 withstanding any other provision of law, and on
21 a case-by-case basis, the Secretary may allow
22 an institution with respect to which the status
23 of being owned, operated, or controlled by a
24 covered person came into effect after the date
25 of enactment of this Act a transition period of

1 not more than 1 year from the date on which
2 that institution is found to be owned, operated,
3 or controlled by a covered person, during which
4 time the institution may continue to receive
5 Federal funding.

6 (3) IDENTIFICATION OF NONCOMPLIANT INSTI-
7 TUTIONS.—Not later than 1 year after the date of
8 enactment of this Act, the Secretary shall identify
9 institutions that are owned, operated, or controlled
10 by a covered person and notify such institutions
11 about the prohibition under this subsection.

12 (c) REPORTS BY IHES.—Each institution of higher
13 education shall annually submit a report to each Federal
14 agency from which that institution receives Federal fund-
15 ing, containing information about—

16 (1) the extent to which the institution (includ-
17 ing faculty and staff of the institution) has, or has
18 had, covered relationships with covered persons;

19 (2) the extent to which covered entities have
20 undermined or undermine academic integrity, influ-
21 ence academic and extra-curricular activities, and
22 stifle free speech, at the institution of higher edu-
23 cation;

1 (3) preventative actions that the institution of
2 higher education took or plans to take regarding
3 covered relationships with covered persons;

4 (4) enforcement actions that the institution of
5 higher education took or plans to take regarding
6 covered relationships with covered persons; and

7 (5) any ways in which the Federal agency could
8 help the institution of higher education—

9 (A) take preventative actions regarding
10 covered relationships with covered persons; and

11 (B) identify existing covered relationships
12 with covered persons of which the institution of
13 higher education is not aware.

14 (d) REPORT TO CONGRESS.—The Secretary of Edu-
15 cation, in consultation with every other Federal agency
16 that provides funding to institutions of higher education,
17 shall provide an annual report to Congress that shall in-
18 clude, at minimum—

19 (1) information about the extent to which insti-
20 tutions of higher education have had or have rela-
21 tionships with foreign sources, particularly covered
22 persons;

23 (2) the extent to which covered persons have
24 undermined or undermine academic integrity, influ-

1 ence academic and extra-curricular activities, and
2 stifle free speech, at institutions of higher education;

3 (3) preventative actions that the Federal agen-
4 cies took or plan to take regarding covered relation-
5 ships with covered persons;

6 (4) enforcement actions that the Federal agen-
7 cies took or plan to take regarding covered relation-
8 ships with covered persons; and

9 (5) any technical assistance that the Secretary
10 or any other Federal agency has carried out to help
11 institutions of higher education—

12 (A) take preventative actions regarding
13 covered relationships with covered persons; and

14 (B) identify existing covered relationships
15 with covered persons of which the institution of
16 higher education is not aware.

17 **SEC. 4. PROHIBITIONS RELATING TO ELEMENTARY AND**
18 **SECONDARY EDUCATION.**

19 (a) PROHIBITIONS RELATING TO COVERED RELA-
20 TIONSHPIS WITH COVERED PERSONS.—Subpart 2 of part
21 F of title VIII of the Elementary and Secondary Edu-
22 cation Act of 1956 (20 U.S.C. 7901) is amended by insert-
23 ing after section 8549C the following new section:

1 **“SEC. 8549D. PROHIBITION ON COVERED RELATIONSHIPS**
2 **WITH COVERED PERSONS.**

3 “(a) IN GENERAL.—Each State receiving funds
4 under this Act shall, as a condition of receiving adminis-
5 trative funds under this Act—

6 “(1) establish and implement a statewide pol-
7 icy—

8 “(A) prohibiting elementary schools and
9 secondary schools receiving funds under this
10 Act, and their faculty, teachers, and staff from
11 entering into or maintaining covered relation-
12 ships with covered persons;

13 “(B) enforcing such prohibition; and

14 “(C) helping elementary schools and sec-
15 ondary schools identify current violations of
16 such prohibition, and avoid entering into cov-
17 ered relationships with covered persons;

18 “(2) develop reporting requirements for elemen-
19 tary and secondary schools receiving funds under
20 this Act to enable the State to certify to the Sec-
21 retary that the State is in compliance with this sec-
22 tion, and make such certifications;

23 “(3) provide such data that the Secretary re-
24 quires, which shall include, at minimum—

25 “(A) the extent to which elementary
26 schools and secondary schools receiving funds

1 under this Act have had or have covered rela-
2 tionships with covered persons;

3 “(B) the extent to which covered entities
4 have undermined or undermine academic integ-
5 rity, influence academic and extra-curricular ac-
6 tivities, and stifle free speech, at such schools;

7 “(C) preventative actions that the State
8 took or plans to take regarding the require-
9 ments under this section; and

10 “(D) enforcement actions that the State
11 took or plans to take regarding the require-
12 ments under this section.

13 “(b) REPORT.—The Secretary shall prepare and sub-
14 mit an annual report to Congress on—

15 “(1) the extent of the covered relationships be-
16 tween schools described in this section and covered
17 persons;

18 “(2) the extent to which covered entities under-
19 mine academic integrity, influence academic and
20 extra-curricular activities, and stifle free speech at
21 such schools; and

22 “(3) any preventative and enforcement actions
23 the Secretary and the States took or plan to take re-
24 garding the requirements of this section.

1 “(c) DEFINITIONS.—In this section, the terms ‘cov-
2 ered person’ and ‘covered relationship’ shall have the
3 meanings given such terms in section 2 of the Protecting
4 Education from Malign Foreign Influence Act of 2023.”.

5 (b) PROHIBITIONS RELATING TO OWNERSHIP, OPER-
6 ATION, OR CONTROL BY COVERED ENTITIES.—

7 (1) IN GENERAL.—A private elementary school
8 or secondary school shall not be eligible to receive
9 Federal funds if that private elementary school or
10 secondary school is owned, operated, or controlled by
11 a covered person.

12 (2) FUNDS UNDER PART A OF TITLE I.—Sec-
13 tion 1117 of the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 6320) is amended by
15 adding at the end the following:

16 “(f) INELIGIBILITY.—

17 “(1) IN GENERAL.—In accordance with section
18 4(b) of the Protecting Education from Malign For-
19 eign Influence Act of 2023 (including the transition
20 provisions of such section), a private elementary
21 school or secondary school shall not be eligible to re-
22 ceive funds under this section if that private elemen-
23 tary school or secondary school is owned, operated,
24 or controlled by a covered person (as that term is

1 defined in section 2 of the Protecting Education
2 from Malign Foreign Influence Act of 2023).

3 “(2) PARENT NOTIFICATION.—In the case of a
4 school that is ineligible to receive funds, as described
5 in paragraph (1), that school shall notify the parents
6 of students attending the school about such ineligi-
7 bility not later than 7 days after receiving notice
8 from the Department of Education about such ineli-
9 gibility.”.

10 (3) OTHER ESEA FUNDS.—Subpart 1 of part F
11 of title VIII of the Elementary and Secondary Edu-
12 cation Act of 1965 (20 U.S.C. 7881 et seq.) is
13 amended by adding at the end the following:

14 **“SEC. 8507. PROHIBITION ON FUNDING FOR SCHOOLS**
15 **OWNED, OPERATED, OR CONTROLLED BY A**
16 **COVERED PERSON.**

17 “In accordance with section 4(b) of the Protecting
18 Education from Malign Foreign Influence Act of 2023 (in-
19 cluding the transition provisions of such section), a private
20 elementary school or secondary school—

21 “(1) shall not be eligible to receive funds under
22 this Act (including funds described in section 8501)
23 if that private elementary school or secondary school
24 is owned, operated, or controlled by a covered person
25 (as that term is defined in section 2 of the Pro-

1 tecting Education from Malign Foreign Influence
2 Act of 2023); and

3 “(2) shall notify parents of students that attend
4 the school about the ineligibility described in para-
5 graph (1) not later than 7 days after receiving no-
6 tice from the Department of Education about such
7 ineligibility.”.

8 (4) TRANSITION PERIOD; IDENTIFICATION.—

9 (A) SCHOOLS THAT ARE NONCOMPLIANT
10 AS OF THE DATE OF ENACTMENT.—Notwith-
11 standing any other provision of law, and on a
12 case-by-case basis, the Secretary may allow a
13 private elementary school or secondary school
14 that is owned, operated, or controlled by a cov-
15 ered person as of the date of enactment of this
16 Act a transition period of not more than 4
17 years from the date of enactment of this Act,
18 during which time the private elementary school
19 or secondary school may continue to receive
20 Federal funding.

21 (B) SCHOOLS THAT ARE NONCOMPLIANT
22 AFTER THE DATE OF ENACTMENT.—Notwith-
23 standing any other provision of law, and on a
24 case-by-case basis, the Secretary may allow a
25 private elementary school or secondary school

1 with respect to which the status of being owned,
2 operated, or controlled by a covered person
3 came into effect after the date of enactment of
4 this Act a transition period of not more than 1
5 year from the date on which that private ele-
6 mentary school or secondary school is found to
7 be owned, operated, or controlled by a covered
8 person, during which time such school may con-
9 tinue to receive Federal funding.

10 (C) IDENTIFICATION OF NONCOMPLIANT
11 INSTITUTIONS.—Not later than 1 year after the
12 date of enactment of this Act, the Secretary
13 shall identify private elementary schools or sec-
14 ondary schools that are owned, operated, or
15 controlled by a covered person and notify such
16 schools about the prohibition under this sub-
17 section.

18 **SEC. 5. PROHIBITION ON RESERVE OFFICERS' TRAINING**
19 **CORPS PROGRAMS AT CERTAIN EDU-**
20 **CATIONAL INSTITUTIONS.**

21 The Secretary of a military department may not es-
22 tablish or maintain—

23 (1) a unit of the Junior Reserve Officers'
24 Training Corps under chapter 102 of title 10,

1 United States Code, at a secondary school owned,
2 operated, or controlled by a covered person; or

3 (2) a unit of the Senior Reserve Officers' Train-
4 ing Corps under chapter 103 of such title at an in-
5 stitution of higher education owned, operated, or
6 controlled by a covered person.

7 **SEC. 6. PROHIBITION ON DEPARTMENT OF DEFENSE EDU-**
8 **CATION ACTIVITY SCHOOLS, MILITARY SERV-**
9 **ICE ACADEMIES, AND BUREAU OF INDIAN**
10 **EDUCATION SCHOOLS FROM ENTERING INTO**
11 **OR MAINTAINING COVERED RELATIONSHIPS**
12 **WITH COVERED ENTITIES.**

13 (a) IN GENERAL.—The Secretary of Defense shall
14 prohibit any school operated by the Department of De-
15 fense Education Activity and any military service academy
16 from entering into or maintaining a covered relationship
17 with a covered person.

18 (b) MILITARY SERVICE ACADEMY DEFINED.—In this
19 section, the term “military service academy” means the
20 following:

- 21 (1) The United States Military Academy.
- 22 (2) The United States Naval Academy.
- 23 (3) The United States Air Force Academy.
- 24 (4) The United States Merchant Marine Acad-
25 emy.

1 (5) The United States Coast Guard Academy.

2 (c) BIE SCHOOLS.—Section 8549D of the Elemen-
3 tary and Secondary Education Act of 1965 (as added by
4 section 4) shall apply to the Bureau of Indian Education
5 with respect to elementary schools and secondary schools
6 operated or funded by the Bureau of Indian Education
7 in the same manner as that section applies to States.

8 **SEC. 7. DISCLOSURE REPORTS.**

9 (a) HEA AMENDMENT.—Section 117 of the Higher
10 Education Act of 1965 (20 U.S.C. 1011f) is amended to
11 read as follows:

12 **“SEC. 117. DISCLOSURES OF FOREIGN GIFTS.**

13 “(a) DISCLOSURE REPORT.—Whenever—

14 “(1) any institution is owned, directed, con-
15 trolled, financed, or influenced directly or indirectly
16 by a foreign source; or

17 “(2) any institution, including a member of the
18 faculty, professional staff, or other staff, of the insti-
19 tution enters into or maintains a covered relation-
20 ship with a foreign source when—

21 “(A) the relationship is restricted or condi-
22 tional;

23 “(B) the value of such relationship is
24 \$50,000 or more considered alone or in com-

1 bination with all other relationships with that
2 foreign source within a calendar year; or

3 “(C) a foreign source involved in the rela-
4 tionship—

5 “(i) resides in or is organized under
6 the laws of, headquartered in, has its prin-
7 cipal place of business in, or has more than
8 25 percent voting stock owned by affiliates
9 that are citizens of a country that has an
10 adversarial foreign government; or

11 “(ii) is owned, directed, controlled, fi-
12 nanced, or influenced, directly or indi-
13 rectly, by an individual who resides in a
14 country that has an adversarial foreign
15 government or an entity that is organized
16 under the laws of, headquartered in, has
17 its principal place of business in, or has
18 more than 25 percent voting stock owned
19 by affiliates that are citizens of, a country
20 that has an adversarial foreign govern-
21 ment;

22 the institution shall file a disclosure report with
23 the Secretary on January 31 or July 31, which-
24 ever is sooner.

1 “(b) CONTENTS OF REPORT.—Each report to the
2 Secretary required by this section shall contain the fol-
3 lowing:

4 “(1) For relationships entered into or main-
5 tained with a foreign source other than a foreign
6 government, the aggregate dollar value amount of
7 gifts, contracts, agreements, partnerships, collabora-
8 tions, and employment attributable to a particular
9 country, and for each relationship—

10 “(A) the full legal name of the foreign
11 source;

12 “(B) the content of the contract and any
13 conditions or restrictions;

14 “(C) in the case of a foreign source that
15 is an individual, the country in which the indi-
16 vidual resides and the individual’s affiliations;

17 “(D) in the case of a foreign source that
18 is an entity, the country where the foreign
19 source is organized, headquartered, and has its
20 principal place of business and the entity’s own-
21 ership;

22 “(E) the steps taken to ensure that the
23 foreign source is not a covered person;

24 “(F) the goal of the relationship, the
25 length of the relationship, whether the relation-

1 ship is curriculum or research oriented, whether
2 the institution or foreign source received finan-
3 cial compensation for entering or maintaining
4 the relationship, along with the amount of the
5 compensation, and any changes in program or
6 structure resulting from the relationship.

7 “(2) For relationships entered into or main-
8 tained with a foreign government—

9 “(A) the name of the foreign government
10 and the aggregate dollar value amount of gifts,
11 contracts, agreements, partnerships, collabora-
12 tions, and employment with that foreign govern-
13 ment;

14 “(B) a description of the relationship, in-
15 cluding the content of each such contract, and
16 any conditions or restrictions; and

17 “(C) the goal of the relationship, the
18 length of the relationship, whether the relation-
19 ship is curriculum or research oriented, whether
20 the institution or foreign source received finan-
21 cial compensation for entering or maintaining
22 the relationship, along with the amount of the
23 compensation, and any changes in program or
24 structure resulting from the relationship.

1 “(3) In the case of an institution that is owned,
2 directed, controlled, financed, or influenced, directly
3 or indirectly by a foreign source, the identity of the
4 foreign source, the foreign source’s affiliations, the
5 date on which the foreign source assumed such role,
6 and any changes in program or structure resulting
7 from such source’s role.

8 “(c) RELATION TO PEMFIA.—In accordance with
9 the Protecting Education from Malign Foreign Influence
10 Act of 2023, an institution shall not be eligible to receive
11 funds under this Act if that institution is owned, operated,
12 directed, or controlled by a covered person.

13 “(d) PUBLIC AVAILABILITY.—Not later than 30 days
14 after the deadline for submission of a disclosure report
15 under subsection (a), the Secretary shall submit that re-
16 port to Congress and other appropriate Federal agencies
17 and make the contents of the disclosure report publicly
18 available online. The Secretary may disclose a redacted
19 version of such report to the public only if the Secretary
20 grants a petition from an institution to redact and the
21 Secretary has determined that the institution has estab-
22 lished grounds for such redaction.

23 “(e) ENFORCEMENT.—

24 “(1) COURT ORDERS.—Whenever it appears
25 that an institution has failed to comply with the re-

1 requirements of this section, including any rule or reg-
2 ulation promulgated under this section, a civil action
3 may be brought by the Attorney General, at the re-
4 quest of the Secretary, in an appropriate district
5 court of the United States, or the appropriate
6 United States court of any territory or other place
7 subject to the jurisdiction of the United States, to
8 request such court to compel compliance with the re-
9 quirements of this section.

10 “(2) COSTS.—For knowing or willful failure to
11 comply with the requirements of this section, includ-
12 ing any rule or regulation promulgated thereunder,
13 an institution shall, at a minimum, pay to the
14 Treasury of the United States the full costs to the
15 United States of obtaining compliance, including all
16 associated costs of investigation and enforcement.

17 “(f) REGULATIONS.—The Secretary may promulgate
18 regulations to carry out this section.

19 “(g) AGENCY COORDINATION.—The Secretary shall
20 coordinate with other Federal agencies, as appropriate, in-
21 cluding the Federal Bureau of Investigation and the Office
22 of the Director of National Intelligence, to ensure that
23 other Federal agencies have access to disclosure reports
24 submitted under this section and any information or docu-

1 mentation relating to disclosure reports submitted under
2 this section.

3 “(h) DEFINITIONS.—For the purpose of this sec-
4 tion—

5 “(1) the term ‘contract’ means any agreement
6 for the acquisition by purchase, lease, or barter of
7 property or services by the foreign source, for the di-
8 rect benefit or use of either of the parties;

9 “(2) the term ‘covered person’ has the meaning
10 given that term in section 2 of the Protecting Edu-
11 cation from Malign Foreign Influence Act of 2023;

12 “(3) the term ‘covered relationship’ has the
13 meaning given that term in section 2 of the Pro-
14 tecting Education from Malign Foreign Influence
15 Act of 2023;

16 “(4) the term ‘foreign source’ means—

17 “(A) a foreign government, including an
18 agency of a foreign government;

19 “(B) a legal entity, governmental or other-
20 wise, organized under the laws of,
21 headquartered in, or having its principal place
22 of business in, a foreign state or states;

23 “(C) an individual who is not a citizen or
24 a national of the United States or a trust terri-
25 tory or protectorate thereof; and

1 “(D) an agent, including a subsidiary or
2 affiliate of a foreign legal entity, acting on be-
3 half of a foreign source;

4 “(5) the term ‘gift’ means any gift of money or
5 property, the fair market value of an in-kind gift, or
6 a grant, donation, present, award, contribution, or
7 scholarship;

8 “(6) the term ‘institution’ means an institution
9 of higher education as defined in section 2 of the
10 Protecting Education from Malign Foreign Influence
11 Act of 2023;

12 “(7) the term ‘restricted or conditional relation-
13 ship’ means any relationship of any kind which in-
14 cludes provisions regarding—

15 “(A) the employment, assignment, or ter-
16 mination of faculty;

17 “(B) the establishment of departments,
18 centers, research or lecture programs, or new
19 faculty positions;

20 “(C) the selection or admission of stu-
21 dents; or

22 “(D) the award of grants, loans, scholar-
23 ships, fellowships, or other forms of financial
24 aid restricted to students of a specified country,

1 religion, sex, ethnic origin, or political opin-
2 ion.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 subsection (a) shall apply with respect to relationships en-
5 tered into, or other activities carried out, on or after the
6 date of the enactment of this Act, except that the prohibi-
7 tion described in subsection (c) of section 117 of the High-
8 er Education Act of 1965 (as amended by subsection (a))
9 shall be subject to the transition provisions in section
10 3(b)(2) of the Protecting Education from Malign Foreign
11 Influence Act of 2023.

12 (c) ENSURING COMPLIANCE.—Each Federal agency
13 shall ensure that no Federal funds under the jurisdiction
14 of that agency are distributed to an institution that is
15 knowingly or willfully in violation of section 117 of the
16 Higher Education Act of 1965 (20 U.S.C. 1011f), as de-
17 termined by the head of the relevant agency.

18 **SEC. 8. TECHNICAL ASSISTANCE; OTHER REPORTS.**

19 (a) DEPARTMENT OF EDUCATION.—The Secretary of
20 Education shall provide technical assistance to elementary
21 schools, secondary schools, and institutions of higher edu-
22 cation under the Secretary’s jurisdiction to assist those en-
23 tities and the faculty and staff of those entities in avoiding
24 covered relationships with covered persons.

1 (b) OTHER FEDERAL AGENCIES.—The Secretary of
2 Defense, the Secretary of Transportation, the Secretary
3 of Homeland Security, and the Secretary of the Interior
4 shall also provide such technical assistance to schools and
5 institutions that are under their respective jurisdictions
6 with respect to avoiding covered relationships with covered
7 persons.

8 **SEC. 9. LIMITING EXEMPTION FROM FOREIGN AGENT REG-**
9 **ISTRATION REQUIREMENT FOR PERSONS EN-**
10 **GAGING IN ACTIVITIES IN FURTHERANCE OF**
11 **CERTAIN PURSUITS TO ACTIVITIES NOT PRO-**
12 **MOTING POLITICAL AGENDA OF FOREIGN**
13 **GOVERNMENTS.**

14 (a) LIMITATION ON EXEMPTION.—Section 3(e) of the
15 Foreign Agents Registration Act of 1938 (22 U.S.C.
16 613(e)) is amended by striking the semicolon at the end
17 and inserting the following: “, but only if the activities
18 do not promote the political agenda of a government of
19 a foreign country;”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply with respect to activities carried
22 out on or after the date of the enactment of this Act.

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