

# Protecting Education from Malign Foreign Influence Act

## Section-by-Section

U.S. Senator Marco Rubio

Section 1. Short Title.

Section 2. Definitions.

Section 3. Prohibitions Relating to Higher Education.

- Prohibits institutions of higher education (IHEs), including any member of the faculty or staff, that receive federal funds from entering into or maintaining covered relationships with covered persons
- Requires that IHEs develop policies that require faculty and staff to report covered relationships with covered persons to IHEs and outline procedures for faculty and staff to take preventative actions and identify existing covered relationships
- Prohibits IHEs that are owned, operated, or controlled by covered persons from receiving federal funds after a transition period
- Requires that IHEs submit an annual report to each federal agency from which IHEs receive federal funds
- Requires that the U.S. secretary of education, in consultation with every other federal agency that provides funding to IHEs, submit an annual report to Congress

Section 4. Prohibitions Relating to Elementary and Secondary Education.

- Conditions *Elementary and Secondary Education Act* (ESEA) administrative funds on states' development of policies to prohibit elementary schools and secondary schools that receive ESEA funds, and their faculty and staff, from entering into or maintaining covered relationships with covered persons
  - This prohibition also applies to Bureau of Indian Education elementary and secondary schools.
- Requires that the U.S. secretary of education submit an annual report to Congress detailing covered relationships between K-12 schools and covered persons
- Prohibits private elementary or secondary schools that are owned, operated, or controlled by a covered person from receiving federal funds after a transition period

Section 5. Prohibition on Reserve Officers' Training Corps Programs At Certain Educational Institutions.

- Prohibits the secretaries of the military departments from establishing or maintaining Junior Reserve Officers' Training Corps and Senior Reserve Officers' Training Corps units at secondary schools and IHEs that are owned, operated, or controlled by covered persons

Section 6. Prohibition on Department of Defense Education Activity Schools, Military Service Academies, and Bureau of Indian Schools from Entering Into or Maintaining Covered Relationships with Covered Entities.

- Requires that the secretary of defense prohibit Department of Defense schools and military service academies from entering into or maintaining covered relationships with covered persons

#### Section 7. Disclosure Reports.

- Lowers the minimum value of a gift from or contract with a foreign source that is required to be disclosed from \$250,000 to \$50,000
- Extends the reporting requirement from only when an IHE received a gift or enters into contract to when faculty and staff do the same
- Specifies that the exemption from foreign agent registration requirements for a person engaging in activities in furtherance of religious, scholastic, academic, or scientific pursuits or of the fine arts only applies to those activities that do not promote the political agenda of a foreign government
- Requires that the Department of Education (ED) make the contents of IHE disclosure reports available online within 30 days
- Conditions all federal funding on compliance with Section 117 of the *Higher Education Act*
- Requires reporting to include the identity of the foreign source (or name of foreign government); the foreign source's affiliations; the aggregate dollar amount of such relationships; and a description of the relationship, which would include the content of any written agreement, any conditions and restrictions on donations, the steps that an IHE took to ensure that the foreign source is not a covered entity, the goal of the relationship, the length of the relationship, whether the relationship is curriculum or research oriented, whether the IHE received financial compensation for entering into or maintaining the relationship, and any changes in program or structure resulting from the relationship
  - These new requirements would also apply whenever the value of a relationship is \$50,000 or more—not just when an IHE is owned/controlled by a foreign source or when the relationship is restricted/conditional.
- Improves the definition of ownership and control
- Requires that ED disclose all information to other agencies and to Congress. The department may disclose redacted information to the public only if the department grants a petition from an IHE to redact.

#### Section 8. Technical Assistance; Other Reports.

- Requires that the ED secretary provide technical assistance to schools and IHEs to prevent covered relationships with covered entities
- Requires that the secretaries of defense, transportation, homeland security, and interior provide technical assistance to prevent covered relationships with covered entities

#### Section 9. Limiting Exemption from Foreign Agent Registration Requirement for Persons Engaging in Activities in Furtherance of Certain Pursuits to Activities Not Promoting Political Agenda of Foreign Governments.

- This is discussed in the explanation for section 7.