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SENATE BILL NO. 1247

Offered January 8, 2025

Prefiled January 8, 2025

A BILL to amend the Code of Virginia by adding a section numbered 23.1-109.1, relating to public institutions of higher education; certain grants from and partnerships and agreements with foreign countries of concern prohibited; report; civil penalty.

Patron—Durant

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23.1-109.1 as follows:

§ 23.1-109.1. Public institutions of higher education; certain grants from and partnerships and agreements with foreign countries of concern prohibited; civil penalty.

A. As used in this section:

"Agreement" means a written statement of mutual interest in academic research or financial collaboration.

"Foreign country of concern" means:

1. Any country listed by the U.S. Department of State as a state sponsor of terrorism, including the Republic of Cuba, the Democratic People's Republic of Korea, the Islamic Republic of Iran, or the Syrian Arab Republic, and including any state, province, city, subsidiary, or subdivision thereof, any governmental agency or governmental institution thereof, or any political party based, registered, or operating therein;

2. Any non-allied foreign nation, including the People's Republic of China, the Russian Federation, or the Bolivarian Republic of Venezuela, and including any state, province, city, subsidiary, or subdivision thereof, any governmental agency or governmental institution thereof, or any political party based, registered, or operating therein; or

3. Any country that the U.S. Secretary of Education determines to be engaged in conduct that is detrimental to the national security of the foreign policy of the United States, including any state, province, city, subsidiary, or subdivision thereof, any governmental agency or governmental institution thereof, or any political party based, registered, or operating therein.

"Grant" means a sum of money given for a particular research, academic, or collaborative purpose.

"Partnership" means a faculty or student exchange program, study abroad program, articulation program, recruiting program, or dual-degree program.

"Political party" means an organization or a combination of individuals whose aim or purpose is, or that is engaged in any activity devoted in whole or in part to the establishment, administration, control, or acquisition of administration or control of a government of a foreign country of concern or of any state, province, city, subsidiary, or subdivision thereof.

B. Except as otherwise provided in subsection C, no public institution of higher education shall accept any grant from or participate in any partnership or agreement with any foreign country of concern.

C. Any public institution of higher education may, upon approval of the governing board or the Council, accept a grant from or enter into a partnership or agreement with a foreign country of concern if such grant, partnership, or agreement is deemed by the governing board or the Council, as the case may be, to be valuable to the institution and its students and not detrimental to the safety or security of the Commonwealth or its residents or the United States or its residents.

D. The Council shall establish and enforce mechanisms for compliance and penalties for noncompliance with the provisions of subsection B, which shall include civil penalties not to exceed \$25,000 per offense and may include periodic institutional reporting until any such noncompliance is remedied by the institution.

E. By December 1 of each year, each public institution of higher education shall report to the General Assembly, the Governor, and the Council any grant that it accepted from or agreement or partnership in which it participated with a foreign country of concern during the previous fiscal year and the date on which such grant, agreement, or partnership is expected to terminate.

F. The governing board of each public institution of higher education and the Council shall adopt such policies, rules, or regulations as they deem necessary to effectuate the provisions of this section.