

HOUSE BILL No. 2661

By Committee on Education

Requested by Representative Proctor

2-3

1 AN ACT concerning postsecondary education; enacting the foreign
2 adversaries out of higher education act; prohibiting the acceptance of
3 gifts, grants and other moneys by postsecondary educational
4 institutions from foreign adversaries and their affiliates; prohibiting
5 certain foreign adversary affiliates from operating on campuses;
6 providing training and education on such foreign adversaries and their
7 affiliates; establishing the foreign adversaries out of higher education
8 fund.
9

10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. The provisions of sections 1 through 12, and amendments
12 thereto, shall be known and may be cited as the foreign adversaries out of
13 higher education act.

14 Sec. 2. The legislature hereby finds that:

15 (a) Institutions of higher education play a vital role in research,
16 national competitiveness, development of future leaders and nurturing core
17 American liberties and should be catalysts of strengthening ties with
18 American allies who share our democratic values rather than adversaries
19 who exploit them.

20 (b) Section 117 of the higher education act of 1965 requires American
21 universities to report all foreign gifts, yet a 2020 United States department
22 of education investigation found that "Section 117 reporting is
23 systemically underinclusive and inaccurate."

24 (c) The United States house of representatives in 2025 passed house
25 resolution no. 1048 amending section 117 to strengthen reporting
26 requirements for foreign gifts to American universities.

27 (d) The United States department of education maintains the section
28 117 foreign gift and contract public transparency dashboard that lists all
29 foreign gifts to universities and lists Qatar and China as the first and fourth
30 largest contributors to American universities, with Qatar contributing \$2
31 billion more than any other country.

32 (e) Foreign governments and affiliated entities—particularly the
33 people's republic of China, in part via the Confucius institute network,
34 Qatar, in part via the Muslim brotherhood network, as well as Russia, Iran
35 and North Korea—have systematically utilized partnerships, research

1 sponsorships, media collaboration, funding mechanisms, student clubs and
2 other campus outreach efforts and clandestine relationships to exert
3 ideological influence or intelligence collection within American
4 universities.

5 (f) Columbia university shuttered its Chinese students and scholars
6 association (CSSA) chapter because of concerns the group was being used
7 as a tool of the people's republic of China to carry out influence operations
8 on campus.

9 (g) The former president of northwestern university admitted in 2025
10 testimony to congressional investigators that Qatar's funding to
11 northwestern came with the requirement that students and faculty at
12 northwestern's Doha campus comply with Qatari penal code prohibitions
13 outlawing public criticism of Qatar's government and online postings
14 deemed harmful by the regime and that mandatory antisemitism training
15 from northwestern's main campus was not offered at its Qatar branch.

16 (h) Florida enacted legislation to restrict agreements and funding
17 from countries of concern to higher education institutions. Texas enacted
18 legislation to prohibit acceptance of funding from governments of foreign
19 adversaries. The governors of both Texas and Florida issued executive
20 orders designating the Muslim brotherhood a foreign terrorist organization.

21 (i) In January 2026, the United States department of the treasury, in
22 coordination with the United States department of state, designated certain
23 branches and the Lebanese secretary general of the Muslim brotherhood as
24 specially designated global terrorists and/or foreign terrorist organizations.

25 (j) Campus safety and intellectual freedom can be at risk when
26 foreign adversaries directly or indirectly intimidate or influence students
27 and faculty through various means, including via aggressive protests
28 restricting access to campus facilities to those with certain identities and
29 views, and when campus informants send reports to repressive foreign
30 security agencies.

31 (k) There is a compelling state interest in protecting academic
32 independence, research security and intellectual property from foreign
33 adversary influence.

34 (l) A prohibition on acceptance of direct or indirect funding or
35 contractual benefits from designated foreign adversaries is necessary to
36 protect the sovereignty and interests of the state.

37 Sec. 3. As used in sections 1 through 12, and amendments thereto:

38 (a) "Affiliate organization" means any foundation, including any
39 institutional foundation exempt from federal income taxation pursuant to
40 section 501(c)(3) of the federal internal revenue code, research institute,
41 direct-support organization or contracting entity formed for the benefit of a
42 postsecondary educational institution.

43 (b) "Country of concern" means the following:

1 (1) People's republic of china;
2 (2) Russian federation;
3 (3) islamic republic of Iran;
4 (4) democratic people's republic of Korea;
5 (5) state of Qatar; and
6 (6) any other country designated by the governor in accordance with
7 section 7, and amendments thereto.

8 (c) "Foreign principal" means any person or entity acting directly or
9 indirectly on behalf of a country of concern or another foreign principal,
10 including through a subsidiary entity, nonprofit organization or front
11 organization. "Foreign principal" includes:

12 (1) With respect to the people's republic of China, any entity
13 associated with Hanban, the ministry of education or Confucius institutes;

14 (2) with respect to the state of Qatar, the state-owned Al Jazeera
15 media network, the Qatar foundation, Hamas and any other affiliated
16 Muslim brotherhood organizations or persons that are operating in this
17 state, including any such organizations or persons that are under
18 government patronage and protection;

19 (3) any foreign terrorist organization or specially designated global
20 terrorists that have been so designated by the United States department of
21 state or department of the treasury and identified in a concurrent resolution
22 adopted by the legislature; and

23 (4) any other entity or person designated by the governor in
24 accordance with section 7, and amendments thereto.

25 (d) "Gift," "grant," "contract" or "funding" means any monetary
26 contributions, research sponsorships, in-kind support, subsidized travel,
27 programmatic assistance or any other thing of value.

28 (e) "Postsecondary education institution" means the same as defined
29 in K.S.A. 74-3201b, and amendments thereto.

30 Sec. 4. (a) No postsecondary educational institution or any affiliate
31 organization shall, directly or indirectly through a United States
32 intermediary entity, accept, solicit or enter into a gift, grant, contract,
33 research sponsorship, program agreement, partnership or any other
34 funding relationship with a country of concern or a foreign principal that
35 has an aggregate value of \$100,000 or more.

36 (b) Any moneys or other thing of value accepted in violation of this
37 section shall be returned by the postsecondary educational institution or
38 affiliate organization or surrendered to the state. Any moneys surrendered
39 to the state shall be remitted to the attorney general. Any nonmonetary
40 thing of value shall be transferred to the attorney general who shall dispose
41 of such item through sale or other transfer. Any moneys surrendered to the
42 state and any proceeds from such sale or transfer of an item of value shall
43 be remitted to the state treasurer in accordance with K.S.A. 75-4215, and

1 amendments thereto. Upon receipt of any such remittance the state
2 treasurer shall deposit the entire amount in the state treasury to the credit
3 of the foreign adversaries out of higher education fund established under
4 section 10, and amendments thereto.

5 (c) No postsecondary educational institution shall enter into any
6 cultural exchange agreement with a country of concern or any foreign
7 principal unless the postsecondary educational institution certifies to the
8 state board of regents that such agreement does not constrain freedom of
9 speech, control curricular materials or promote an agenda detrimental to
10 the safety of this state or the United States.

11 (d) No student organization or scholar association affiliated with or
12 operating at any postsecondary educational institution shall coordinate
13 activities with a country of concern or any foreign principal. If any student
14 organization or scholar association violates this subsection, the
15 postsecondary educational institution shall terminate any affiliation with
16 such student organization or scholar association.

17 Sec. 5. (a) All postsecondary educational institutions shall comply
18 with section 117 of the higher education act, 20 U.S.C. § 1011f. Each
19 postsecondary educational institution shall report any contract with or gift
20 from a country of concern or foreign principal that has a value of \$10,000
21 or more or an aggregate value within a 12-month period of \$50,000 or
22 more to the state board of regents within 30 days after entering into such
23 contract or receiving such gift.

24 (b) Reports submitted to the state board of regents under subsection
25 (a) shall be submitted in such form and manner as prescribed by the board.
26 Each report shall identify the:

27 (1) Entity contracting with or making the gift to the postsecondary
28 educational institution;
29 (2) entity's country of origin;
30 (3) total value of such contract or gift;
31 (4) date such contract was entered into or such gift was received;
32 (5) purpose of such contract or gift;
33 (6) terms or conditions of such contract or gift regarding how any
34 moneys provided may be expended, including:

35 (A) Any items listed as restricted under section 117 of the higher
36 education act, 20 U.S.C. § 1011f, in effect on July 1, 2026;

37 (B) required nondisclosure agreements;

38 (C) hiring requirements, including, but not limited to, requirements to
39 hire specific individuals or individuals of specific nationalities or religions;

40 (D) requirements to admit specific students, students from specific
41 countries or students who adhere to a specific religion;

42 (E) restrictions on discussing a country of concern in a positive
43 manner or to refrain from discussing a country of concern in a negative

1 manner;

2 (F) required actions by the postsecondary educational institution
3 regarding a country of concern or issues related to such country of
4 concern; and

5 (G) requirements that certain student organizations or other activities
6 be allowed to operate on the campus of such postsecondary educational
7 institution or receive funding and support from such postsecondary
8 educational institution; and

9 (7) conclusions of any due diligence review performed by the
10 postsecondary educational institution with respect to such contract or gift.

11 (c) The state board of regents shall create and maintain a public
12 transparency database that contains the information required to be reported
13 under this section. Such database shall be accessible through a website
14 maintained by the board.

15 Sec. 6. (a) No postsecondary educational institution shall operate or
16 host any Confucius institute or any similar entity that is funded or
17 supported by the people's republic of China or any foreign principal
18 thereof.

19 (b) No postsecondary educational institution shall operate or host any
20 entity or individual, including any member of the faculty, staff or student
21 body of such postsecondary educational institution, that is funded by the
22 state of Qatar or any foreign principal thereof.

23 (c) Unless specifically authorized to continue to operate at a
24 postsecondary educational institution by a concurrent resolution adopted
25 by the legislature, any entity or program that is subject to this section shall
26 be closed or terminated on or before January 1, 2027, or on the date of
27 termination or expiration of the contract providing for the operation of
28 such entity or program, if any, whichever occurs first.

29 Sec. 7. (a) The governor, in consultation with the attorney general,
30 may designate additional countries as countries of concern or entities or
31 persons as foreign principals. A postsecondary educational institution may
32 submit an appeal to the governor requesting reconsideration of any such
33 designation.

34 (b) The governor shall provide written notice of any such designation
35 to the legislature. Any such designation shall be published on a website
36 maintained by attorney general.

37 Sec. 8. (a) Upon receipt of a complaint of a violation of section 4, 5
38 or 6, and amendments thereto, the attorney general shall investigate such
39 alleged violation. The attorney general may also investigate any other
40 alleged violations of section 4, 5 or 6, and amendments thereto, or other
41 attempts by a country of concern or foreign principal to conceal funding
42 directed to a postsecondary educational institution, exert ideological
43 influence at any postsecondary educational institution or gather

1 intelligence in this state. Any such investigations shall include appropriate
2 protections for individuals who report alleged violations.

3 (b) Upon finding that a violation of section 4, 5 or 6, and amendments
4 thereto, has occurred, the attorney general may bring an action seeking:

5 (1) The repayment or forfeiture of moneys or other things of value
6 received by a postsecondary educational institution through a prohibited
7 contract or gift;

8 (2) civil penalties in an amount of not to exceed \$250,000 per
9 violation; and

10 (3) such other equitable and declaratory relief the attorney general
11 deems appropriate.

12 (c) If a postsecondary educational institution is determined to have
13 violated section 4, 5 or 6, and amendments thereto, by a court of
14 competent jurisdiction in a final adjudication, the attorney general shall
15 certify such decision to the director of budget. Such postsecondary
16 educational institution shall not be eligible to receive any state moneys
17 provided through research grants for a period of five years from the date of
18 such court decision.

19 (d) At the discretion of the attorney general and subject to the
20 availability of sufficient funds, any individual who files a complaint with
21 the attorney general alleging a violation of section 4, 5 or 6, and
22 amendments thereto, may receive a portion of any moneys paid by a
23 postsecondary educational institution to the attorney general pursuant to a
24 court order issued in an action based on such violation in an amount not to
25 exceed 10% of such moneys.

26 (e) Any individual employed by or who is an agent of a
27 postsecondary educational institution or an affiliate organization who
28 knowingly conceals funding provided to such postsecondary educational
29 institution or an affiliated organization through a prohibited contract or gift
30 may be subject to termination and may be referred to the district or county
31 attorney for criminal investigation.

32 Sec. 9. (a) The Kansas bureau of investigation, in consultation with
33 the governor and attorney general, shall develop and publish educational
34 materials on how countries of concern and foreign principals infiltrate
35 postsecondary educational institutions through direct funding, front
36 organizations and the abuse of nonprofit charitable organizations. Such
37 educational materials shall train law enforcement officers to recognize and
38 investigate such efforts and the best practices for protecting faculty and
39 students from influence and repression by such countries of concern and
40 foreign principals.

41 (b) Each law enforcement officer shall complete training based on the
42 educational materials at least once every three years as part of such
43 officer's in-service training requirements.

1 (c) As used in this section, "law enforcement officer" means:

2 (1) Any person employed by a state agency who by virtue of such

3 person's office or public employment is vested by law with a duty to

4 maintain public order or to make arrests for crimes, whether that duty

5 extends to all crimes or is limited to specific crimes; or

6 (2) any police officer employed by the chief executive officer of a

7 postsecondary educational institution.

8 Sec. 10. (a) There is hereby established in the state treasury the
9 foreign adversaries out of higher education fund to be administered by the
10 attorney general. The attorney general shall remit all moneys received
11 from any postsecondary educational institution pursuant to section 4, and
12 amendments thereto, or pursuant to a court order issued in any action
13 brought under section 7, and amendments thereto, to the state treasurer in
14 accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt
15 of each such remittance, the state treasurer shall deposit the entire amount
16 in the state treasury to the credit of the foreign adversaries out of higher
17 education fund. All expenditures from the foreign adversaries in higher
18 education fund shall be for the purposes of enforcing the provisions of the
19 foreign adversaries out of higher education act, paying any amounts
20 pursuant to section 8(d), and amendments thereto, and providing
21 educational materials under section 9, and amendments thereto, and shall
22 be made in accordance with appropriation acts upon warrants of the
23 director of accounts and reports issued pursuant to vouchers approved by
24 the attorney general or the attorney general's designee.

25 (b) On July 1, 2026, and each July 1 thereafter, or as soon thereafter
26 as moneys are available, the director of accounts and reports shall transfer
27 \$500,000 from the state general fund to the foreign adversaries out of
28 higher education fund.

29 Sec. 11. (a) Each year the state treasurer shall audit a random sample
30 of at least 10% of the postsecondary educational institutions, which shall
31 include any such institutions that did not submit any reports required under
32 section 5, and amendments thereto, to determine compliance with the
33 requirements of this act.

34 (b) On or before December 31, 2026, and each December 31
35 thereafter, the attorney general, in collaboration with the state board of
36 regents and the state treasurer, shall submit a report to the governor and the
37 legislature providing a summary of investigations conducted by the
38 attorney general pursuant to this act. Any such report shall redact any
39 information that would compromise any ongoing investigation.

40 Sec. 12. Sections 1 through 11, and amendments thereto, are declared
41 severable. Any provision of sections 1 through 11, and amendments
42 thereto, or the application thereof to any person or circumstance that is
43 held to be unconstitutional or invalid shall not affect the validity of any

1 remaining provisions of sections 1 through 11, and amendments thereto, or
2 the applicability of such provisions to any person or circumstance.

3 Sec. 13. This act shall take effect and be in force from and after its
4 publication in the statute book.