

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Introduced**

## **House Bill 5010**

By Delegates Ridenour, Jennings, Masters, Butler,  
Hillenbrand, Martin, Ellington, Kump, and Kimble

[Introduced January 30, 2026; referred to the  
Committee on Education then Finance]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §18B-23-1, §18B-23-2, §18B-23-3, §18B-23-4, §18B-23-5, §18B-23-6, §18B-23-7, §18B-23-8, §18B-23-9, §18B-23-10, and §18B-23-11, all relating to prohibiting institutions of higher education and affiliate organizations from accepting gifts, grants, contracts, research sponsorships, partnerships, or other funding relationships from foreign adversaries; providing legislative findings; defining terms; establishing reporting and enforcement mechanisms; prohibiting Confucius Institutes and other adversary-affiliated programs; authorizing additional adversary designations; and setting July 1, 2026, as the effective date.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 23. FOREIGN ADVERSARY HIGHER EDUCATION FUNDING PROHIBITION**

### **ACT.**

#### **§18B-23-1. Short Title.**

This article may be cited as the "Foreign Adversary Higher Education Funding Prohibition Act."

#### **§18B-23-2. Legislative Findings.**

The Legislature finds:

(1) That institutions of higher education play a critical role in research, national competitiveness, and the development of future leaders.

(2) That foreign governments and affiliated entities—particularly the People's Republic of China, in part via the Confucius Institute network, as well as Russia, Iran, North Korea, and Qatar—have systematically utilized partnerships, research sponsorships, media collaboration, funding mechanisms, and clandestine relationships to exert ideological influence or intelligence collection within American universities.

(3) That Florida (2023) enacted legislation to restrict agreements and funding from

countries of concern to higher education institutions, and Texas (2025) advanced legislation to prohibit acceptance of funding from governments of foreign adversaries.

(4) That West Virginia has a compelling state interest in protecting academic independence, research security, and intellectual property from foreign adversary influence.

(5) That a prohibition on acceptance of direct or indirect funding or contractual benefits from designated foreign adversaries is necessary to protect the sovereignty and interests of the State of West Virginia.

**§18B-23-3.**

**Definitions.**

As used in this article, unless otherwise indicated:

(1) "Institution of higher education" means an institution classified under §18B-1-2 of this code, inclusive of research divisions, laboratories, centers, and grant-funded programs.

(2) "Affiliate organization" means any foundation (including a 501(c)(3) institutional foundation), research institute, direct-support organization, or contracting entity formed for the benefit of an institution of higher education.

(3) "Foreign adversary" includes, and is not limited to:

(A) People's Republic of China, including entities associated with Hanban, the Ministry of Education, or Confucius Institutes;

(B) Russian Federation;

(C) Islamic Republic of Iran;

(D) Democratic People's Republic of Korea (North Korea);

(E) State of Qatar, including the Al Jazeera Media Network and Qatar Foundation;

(F) Any additional country, entity, or person designated pursuant to §18B-23-9 of this code.

(4) "Foreign principal" means any person or entity acting directly or indirectly on behalf of a foreign adversary, including through a subsidiary, nonprofit, or front organization.

(5) "Gift," "grant," "contract," or "funding" include monetary contributions, research sponsorships, in-kind support, subsidized travel, programmatic assistance, or any type of value

transfer.

(6) "Knowingly" means having actual knowledge or acting with reckless disregard.

**§18B-23-4. Prohibition on Acceptance of Funding and Contracts.**

(1) No institution of higher education, or any affiliate organization, may accept, solicit, or enter into a gift, grant, contract, research sponsorship, program agreement, partnership, or any other funding relationship with a foreign adversary or foreign principal.

(2) Indirect receipt, including via a U.S. intermediary entity, remains prohibited.

(3) Funds accepted in violation of this section shall be returned or otherwise surrendered to the State of West Virginia.

**§18B-23-5. Reporting and Disclosure.**

(1) Institutions shall continue to comply with 20 U.S.C. §1011f (Disclosures of Foreign Gifts, also known as Section 117 of the Higher Education Act).

(2) Additionally, each institution must report to the West Virginia Higher Education Policy Commission (HEPC) any foreign gift or contract:

(A) Valued at \$10,000 or more, or

(B) Aggregating \$50,000 or more within a 12-month period.

(3) Reports must identify the donor/entity, country of origin, total value, contract terms, and due diligence review outcome.

(4) Reports must also identify any stipulations (including those items listed as "Restricted" in Section 117 of the Higher Education Act) regarding how or on what the funding may be spent, including:

(A) Required non-disclosure agreements;

(B) Requirements to hire specific individuals, or specific types or nationalities or religions of personnel;

(C) Requirements to admit specific students, or students from specific countries or religions;

(D) Restrictions on discussing the foreign country in a positive manner or to refrain from discussing the foreign country in a negative manner;

(E) Required actions by the university regarding a foreign country or issues related to a foreign country

(4) The HEPC shall maintain a public transparency database with the information required under this section accessible online.

**§18B-23-6. Enforcement and Penalties.**

(1) Any institution or affiliate organization found in violation of this article shall:

(A) Repay or forfeit to the State a sum equal to the prohibited gift or contract value;

(B) Be ineligible for State-funded research grants for up to five years;

(C) Be subject to civil penalties of up to \$250,000 per violation.

(2) The Attorney General may bring civil action in Circuit Court to enforce the provisions of this article.

(3) Whistleblowers disclosing noncompliance may receive up to ten percent of recovered funds.

(4) Institutional personnel knowingly concealing prohibited funding may be subject to termination and referral for appropriate action.

**§18B-23-7. Termination of Confucius Institutes and Similar Entities.**

(1) No institution of higher education may operate or host any Confucius Institute or equivalent entity funded or supported by the People's Republic of China or its affiliates.

(2) No institution of higher education may operate or host any entity funded by the State of Qatar or its affiliates, including the Qatar Foundation or associated entities.

(3) Any program subject to this section shall be closed or terminated within six months of the effective date of this article or when the existing contract ends, whichever comes first, unless specifically authorized by the Legislature.

**§18B-23-8. Waivers Prohibited.**

No executive agency, commission, university board, or committee may waive any provision of this article. Waiver authority rests solely with the Legislature, by joint resolution.

**§18B-23-9. Additional Adversary Designation Authority.**

(1) The Governor, in consultation with the Attorney General, the Secretary of Homeland Security, and the Adjutant General, may designate additional countries, entities, or persons as foreign adversaries for purposes of this article.

(2) Notice of any such designation shall be filed with the Legislature and posted publicly on a state government website.

(3) An institution of higher education may petition the Governor for reconsideration of such a designation.

**§18B-23-10. Severability.**

If any provision of this article or its application to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this article, and the provisions of this article are severable.

**§18B-23-11. Effective Date.**

This article shall take effect on July 1, 2026, and shall apply to all funding relationships entered into on or after that date.

NOTE: The purpose of this bill relates to prohibiting institutions of higher education and affiliate organizations from accepting gifts, grants, contracts, research sponsorships, partnerships, or other funding relationships from foreign adversaries. The bill provides legislative findings. The bill defines terms. The bill establishes reporting and enforcement mechanisms. The bill prohibits Confucius Institutes and other adversary-affiliated programs. The bill authorizes additional adversary designations. The bill sets July 1, 2026, as the effective date.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.