

PROMOTING RESPONSIBLE OVERSIGHT TO ELIMINATE  
COMMUNIST TEACHINGS FOR OUR KIDS ACT

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JULY 5, 2024.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Ms. FOXX, from the Committee on Education and the Workforce,  
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 6816]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 6816) to prohibit the availability of Federal education funds for elementary and secondary schools that receive direct or indirect support from the Government of the People's Republic of China, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Promoting Responsible Oversight To Eliminate Communist Teachings for Our Kids Act” or the “PROTECT Our Kids Act”.

**SEC. 2. PROHIBITION ON AVAILABILITY OF FUNDS.**

(a) PROHIBITION.—Notwithstanding any other provision of law, no funds may be made available under an applicable program to any elementary school or secondary school that—

(1) has a partnership in effect with a cultural or language institute directly or indirectly funded by the Government of the People's Republic of China, including a Confucius Institute;

(2) operates a learning center directly or indirectly supported by the Government of the People's Republic of China (commonly referred to as a “Confucius Classroom”); or

- (3) otherwise receives support from an individual or entity acting directly or indirectly on behalf of the Government of the People's Republic of China, including support in the form of teaching materials, personnel, funds, or other resources.
- (b) **EFFECTIVE DATE.**—The prohibition under subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.
- (c) **CONTRACTS MADE PRIOR TO DATE OF ENACTMENT.**—
  - (1) **IN GENERAL.**—
    - (A) **WAIVER REQUEST SUBMISSION.**—In the case of an elementary school or a secondary school that is a party to a contract described in paragraph (2), the school timely shall submit to the Secretary a request for a waiver of the prohibition under subsection (a) that includes—
      - (i) the complete and unredacted text of the contract, and if the contract is not in English, a translated copy of the text into English; and
      - (ii) a statement demonstrating that the contract is for the benefit of the school's mission and students and will promote the security, stability, and economic vitality of the United States.
    - (B) **WAIVER ISSUANCE.**—the Secretary, upon receipt of a request submitted under subparagraph (A), may issue a waiver to the school for a period beginning on the effective date specified in subsection (b) and ending the date on which the contract terminates.
  - (2) **CONTRACTS DESCRIBED.**—A contract is described in this paragraph if the contract—
    - (A) takes effect before the date of the enactment of this Act;
    - (B) continues to be effective after the effective date specified in subsection (b); and
    - (C) relates to at least one of the circumstances described in paragraph (1), (2), or (3) of subsection (a).
  - (d) **NOTICE TO AFFECTED SCHOOLS.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall provide notice to elementary and secondary schools of the requirements of this section together with guidance for achieving compliance with such requirements.
  - (e) **DEFINITIONS.**—In this section:
    - (1) **APPLICABLE PROGRAM.**—The term “applicable program” has the meaning given that term in section 400(c)(1) of the General Education Provisions Act (20 U.S.C. 1221(c)(1)).
    - (2) **ESEA TERMS.**—The terms “elementary school”, “secondary school”, and “Secretary” have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

#### PURPOSE

The purpose of H.R. 6816, the *Promoting Responsible Oversight to Eliminate Communist Teachings for Our Kids* (PROTECT) Act, is to prohibit federal education funds from being given to any elementary school or secondary school that directly or indirectly receives support from the Government of the People's Republic of China. Forms of support may include partnerships with cultural or language institutes funded by China, such as the Confucius Institute; operation of Confucius Classrooms supported by China; or receiving any form of support, including teaching materials, personnel, or funds, from an individual or entity acting on behalf of the Chinese government.

#### COMMITTEE ACTION

#### 118TH CONGRESS

#### *First Session—Hearings*

On September 19, 2023, the Committee's Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing on “Academic Freedom Under Attack: Loosening the CCP's Grip on America's Classrooms.” The purpose of the hearing was to examine the covert influence of foreign governments and organizations, par-

ticularly the Chinese Communist Party, on U.S. K–12 schools. Testifying before the Subcommittee were Mr. Michael Gonzalez, Senior Fellow, Heritage Foundation, Washington, DC; Ms. Gisela Perez Kusakawa, Executive Director, Asian American Scholar Forum, New York, NY; Mrs. Nicole Neily, President, Parents Defending Education, Arlington, VA; Mr. Ryan Walters, State Superintendent of Public Instruction, Oklahoma State Department of Education, Oklahoma City, OK.

#### *Second Session—Hearings*

On May 8, 2024, the Committee’s Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing on “Confronting Pervasive Antisemitism in K–12 Schools.” The purpose of the hearing was to discuss the proliferation of antisemitism in K–12 schools. During the hearing, Committee Chairwoman Virginia Foxx (R–NC) asked New York City Chancellor David Banks if foreign governments donate significant funding to NYC Public Schools. Chancellor Banks stated that the Qatar Foundation did, and he followed up after the hearing and confirmed that the Italian government and the Consulate General of the Republic of Korea contributed funding to NYC K–12 schools. Testifying before the Subcommittee were Mr. David Banks, Chancellor, New York City Public Schools, New York City, NY; Ms. Karla Silvestre, President, Montgomery County Board of Education, Montgomery County Public Schools, Rockville, MD; Mr. Emerson Sykes, Senior Staff Attorney, American Civil Liberties Union, New York, NY; Ms. Enikia Ford Morthel, Superintendent, Berkeley Unified School District, Berkeley, CA.

#### *Legislative Action*

On December 14, 2023, Representative Kevin Hern (R–OK) introduced H.R. 6816, the *Promoting Responsible Oversight to Eliminate Communist Teachings for Our Kids* (PROTECT) Act, with Representatives Elise Stefanik (R–NY), Tim Walberg (R–MI), Beth Van Duyne (R–TX), David Rouzer (R–NC), Mark Alford (R–MO), Brian Babin (R–TX), Bob Good (R–VA), Ben Cline (R–VA), Jake Ellzey (R–TX), Josh Brecheen (R–OK), Randy Weber (R–TX), Jake LaTurner (R–KS), Ronny Jackson (R–TX), Andrew Ogles (R–TN), Burgess Owens (R–UT), Bill Huizenga (R–MI), Scott Franklin (R–FL), Andrew Clyde (R–GA), Robert Aderholt (R–AL), Joe Wilson (R–SC), Rick Allen (R–GA), Nathaniel Moran (R–TX), Chuck Edwards (R–NC), Doug LaMalfa (R–CA), James Baird (R–IN), Austin Scott (R–GA), Debbie Lesko (R–AZ), and Neal Dunn (R–FL) as original co-sponsors. The bill was referred solely to the Committee on Education and the Workforce. On June 13, 2024, the Committee considered H.R. 6816 in legislative session and reported it favorably, as amended, to the House of Representatives by a recorded vote of 25–15. The Committee considered the following amendments to H.R. 6816:

1. Representative Moran offered an Amendment in the Nature of a Substitute that adds a provision to address contracts running longer than the Act’s implementation timeline so that local educational agencies are not sued for breach of contract. The amendment was adopted by a recorded vote of 25–15.

2. Representative Bobby Scott (D–VA) offered an amendment that adds an authorization of \$300 million per year starting in fiscal year 2025. The amendment failed by a recorded vote of 16–24.

#### COMMITTEE VIEWS

##### INTRODUCTION

Over the last decade, the Chinese Communist Party and the authoritarian government of the People’s Republic of China (PRC) has fostered relationships with American K–12 schools through grants, sister school partnerships, and other programming through a program called Confucius Classrooms.

##### CHINA’S ACTIVITY IN U.S. K–12 SCHOOLS

Styled as language and culture programs, Confucius Classrooms are an important element of the PRC’s global influence campaign. The Chinese government’s effort to forge ties with American schools through its Ministry of Education Office of Chinese Language Council International, which until recently was known as “Hanban,” is one facet of the Chinese Communist Party’s (CCP) broader soft-power strategy to influence policy in nations throughout the world. The United States Senate Permanent Subcommittee on Investigations found that expanding Confucius Classrooms in the United States has been a top priority for the Chinese government, the United States Senate Permanent Subcommittee on Investigations found.<sup>1</sup> Many K–12 schools eagerly accepted CCP-linked grants, which came with perks including fully funded teacher exchanges, Chinese language programs, and opportunities for American students to learn in China.<sup>2</sup>

Confucius Classrooms are smaller-scale, K–12 versions of Confucius Institutes that the CCP has pushed for on U.S. college campuses. These institutes purport to teach Chinese language and culture. Confucius Institutes are established as partnerships between a host institution, a Chinese partner (usually a Chinese university), and a Chinese government agency. The Ministry of Education Office of Chinese Language Council International funds each Confucius Institute, often at around \$100,000 per year, and asks host institutions to match those funds with their own contributions, usually classroom and office space.

China heavily encouraged the creation of Confucius Classrooms, and many of these developed as offshoots of a Confucius Institute. China strategically deployed and rapidly expanded their Confucius Classrooms, going from very few in 2008 to more than a thousand worldwide by 2017. More than 500 American K–12 schools have hosted Confucius Classrooms, aided in part by the Asia Society, an American nonprofit that previously ran a network of 100 Confucius Classrooms before they ended the partnership in 2021.<sup>3</sup> A Parents Defending Education report tracked Chinese affiliation in 143 schools across 34 states—with at least seven still active today.<sup>4</sup>

<sup>1</sup> China’s Impact on the U.S. Education System—Permanent Subcommittee on Investigations.

<sup>2</sup> Little Red Classrooms—Parents Defending Education.

<sup>3</sup> Schools: Confucius Classrooms Network Online ([asiasociety.org](http://asiasociety.org)).

<sup>4</sup> Little Red Classrooms—Parents Defending Education.

Confucius Institute funding comes with strings attached that compromise academic freedom. The Chinese government approves teachers, events, and speakers and requires teachers to sign contracts pledging they will not damage the national interests of China. The contracts make clear a Chinese director or teacher will be terminated if they “violate Chinese laws” or “engage in activities detrimental to national interests,” and states that they must “conscientiously safeguard national interests.”<sup>5</sup>

#### CONCLUSION

It is unacceptable that the CCP is attempting to influence U.S. K–12 schools. Congress should take immediate action to ensure that students are not being indoctrinated with communist propaganda. This bill will help ensure that the Chinese government does not take advantage of local school districts and the parents and students in them.

#### SUMMARY

The PROTECT Act prohibits federal education funds from being given to any elementary school or secondary school that directly or indirectly receives support from the Government of the People’s Republic of China. Forms of support may include partnerships with cultural or language institutes funded by China, such as the Confucius Institute; operation of Confucius Classrooms supported by China; or receiving any form of support, including teaching materials, personnel, or funds, from an individual or entity acting on behalf of the Chinese government.<sup>6</sup>

#### H.R. 6816 SECTION-BY-SECTION SUMMARY

##### *Section 1—Short title*

- Names the bill the *Promoting Responsible Oversight to Eliminate Communist Teachings for Our Kids Act*

##### *Section 2—Prohibition on availability of funds*

- The bill prohibits funds from being made available under a U.S. Department of Education program to any elementary school or secondary school that:
  - Has a partnership with a cultural or language institute funded by the government of the People’s Republic of China.
  - Operates a learning center supported by the government of the People’s Republic of China.
  - Otherwise receives support from an individual or entity acting on behalf of the government of the People’s Republic of China.

#### EXPLANATION OF AMENDMENTS

The amendments, including the amendment in the nature of a substitute, are explained in the body of this report.

<sup>5</sup> Microsoft Word—20190227 Chinas Impact on the US Education System (senate.gov).

<sup>6</sup> <https://www.congress.gov/bill/118th-congress/house-bill/6816/text>.

## APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. H.R. 6816 prohibits the availability of Federal education funds for elementary and secondary schools that directly or indirectly receive support from the Government of the People’s Republic of China. H.R. 6816 is applicable to federally funded elementary and secondary schools, and therefore does not apply to the Legislative Branch.

## UNFUNDED MANDATE STATEMENT

Pursuant to Section 423 of the Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93–344 (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act of 1995, Pub. L. No. 104–4), the Committee traditionally adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office (CBO) pursuant to section 402 of the Congressional Budget and Impoundment Control Act of 1974.

## EARMARK STATEMENT

H.R. 6816 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

## ROLL CALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes for and against and the names of the Members voting for and against.

Date: 6/13/24

**COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD OF COMMITTEE VOTE**

Roll Call: 7

Bill: H.R. 6816

Amendment Number: n/a

Disposition: Amendment Not Adopted by a Full Committee Roll Call Vote (16 y – 24 n)

Sponsor/Amendment: Rep. Scott / H6816\_AMD\_001

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)		X		Mr. COURTNEY (CT)	X		
Mr. WALBERG (MI)		X		Mr. SABLON (MP)	X		
Mr. GROTHMAN (WI)		X		Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)		X		Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)		X		Mr. TAKANO (CA)	X		
Mr. BANKS (IN)		X		Ms. ADAMS (NC)	X		
Mr. COMER (KY)		X		Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. JAYAPAL (WA)			X
Mr. GOOD (VA)		X		Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)		X		Ms. MCBATH (GA)	X		
Mrs. MILLER (IL)		X		Mrs. HAYES (CT)	X		
Mrs. STEEL (CA)		X		Ms. OMAR (MN)	X		
Mr. ESTES (KS)		X		Ms. STEVENS (MI)	X		
Ms. LETLOW (LA)		X		Ms. LEGER FERNÁNDEZ (NM)	X		
Mr. KILEY (CA)		X		Ms. MANNING (NC)	X		
Mr. BEAN (FL)		X		Mr. MRVAN (IN)	X		
Mr. BURLISON (MO)		X		Mr. BOWMAN (NY)			X
Mr. MORAN (TX)		X					
Ms. CHAVEZ-DEREMER (OR)		X					
Mr. WILLIAMS (NY)		X					
Ms. HOUGHIN (IN)		X					

TOTALS: Ayes: 16

Nos: 24

Not Voting: 4

Total: 44 / Quorum: / Report:

(24 R - 20 D)

Date: 6/14/24

**COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD OF COMMITTEE VOTE**

Roll Call: 8

Bill: H.R. 6816

Amendment Number: n/a

Disposition: Motion to Report H.R. 6816, as amended, passed by a Full Committee Roll

Call Vote (25 y – 15 n)

Sponsor/Amendment: Rep. Moran / H6816\_ANS

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)	X			Mr. SCOTT (VA) (Ranking)		X	
Mr. WILSON (SC)	X			Mr. GRIJALVA (AZ)			X
Mr. THOMPSON (PA)	X			Mr. COURNTEY (CT)	X		
Mr. WALBERG (MI)	X			Mr. SABLAN (MP)		X	
Mr. GROTHMAN (WI)	X			Ms. WILSON (FL)		X	
Ms. STEFANIK (NY)	X			Ms. BONAMICI (OR)		X	
Mr. ALLEN (GA)	X			Mr. TAKANO (CA)		X	
Mr. BANKS (IN)	X			Ms. ADAMS (NC)		X	
Mr. COMER (KY)	X			Mr. DESAULNIER (CA)		X	
Mr. SMUCKER (PA)	X			Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)	X			Ms. JAYAPAL (WA)			X
Mr. GOOD (VA)	X			Ms. WILD (PA)		X	
Mrs. MCCLAIN (MI)	X			Ms. MCBATH (GA)		X	
Mrs. MILLER (IL)	X			Mrs. HAYES (CT)		X	
Mrs. STEEL (CA)	X			Ms. OMAR (MN)		X	
Mr. ESTES (KS)	X			Ms. STEVENS (MI)		X	
Ms. LETLOW (LA)	X			Ms. LEGER FERNÁNDEZ (NM)		X	
Mr. KILEY (CA)	X			Ms. MANNING (NC)		X	
Mr. BEAN (FL)	X			Mr. MRVAN (IN)		X	
Mr. BURLISON (MO)	X			Mr. BOWMAN (NY)			X
Mr. MORAN (TX)	X						
Ms. CHAVEZ-DEREMER (OR)	X						
Mr. WILLIAMS (NY)	X						
Ms. HOUCHIN (IN)	X						

TOTALS: Ayes: 25

Nos: 15

Not Voting: 4

Total: 44 / Quorum: / Report:

(24 R - 20 D)



## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of House rule XIII, the goal of H.R. 6816 is to halt the flow of CCP funds to public elementary and secondary schools.

## DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 6816 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

## STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the committee's oversight findings and recommendations are reflected in the body of this report.

## REQUIRED COMMITTEE HEARING AND RELATED HEARINGS

In compliance with clause 3(c)(6) of rule XIII the following hearing held during the 118th Congress was used to develop or consider H.R. 6816: On September 19, 2023, the Committee's Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing on "Academic Freedom Under Attack: Loosening the CCP's Grip on America's Classrooms."

## NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office.

### At a Glance

#### Subject of the Legislation

As ordered reported by the House Committee on Education and the Workforce on June 13, 2024

On June 13, 2024, the House Committee on Education and the Workforce ordered reported eight bills and one joint resolution. This comprehensive document provides estimates for seven of those bills and the resolution.

- H.R. 618 would have an insignificant effect on direct spending; thus, pay-as-you-go procedures apply. The other six bills and the resolution would not affect direct spending or revenues; thus, pay-as-you-go procedures do not apply to those pieces of legislation.
- H.R. 8606 would increase spending subject to appropriation by \$8 million over the 2024-2029 period. The other pieces of legislation would increase spending subject to appropriation by less than \$500,000.
- H.R. 8534 would impose an intergovernmental mandate by prohibiting states from designating varsity athletes of a school, conference, or association as employees of that entity. None of the other pieces of legislation would impose intergovernmental mandates. None of the bills or the resolution would impose private-sector mandates.

Details of the estimated costs of each piece of legislation are discussed in the text.

Bill	Net Increase or Decrease (-) in the Deficit Over the 2024-2034 Period (Millions of Dollars)	Changes in Spending Subject to Appropriation Over the 2024-2029 Period (Outlays, Millions of Dollars)	Mandate Effects?
H.J. Res. 165	0	*	No
H.R. 618	*	*	No
H.R. 5567	0	*	No
H.R. 6816	0	*	No
H.R. 8534	0	*	Yes
H.R. 8606	0	8	No
H.R. 8648	0	*	No
H.R. 8649	0	*	No

\* = between -\$500,000 and \$500,000.

**Legislation summary:** On June 13, 2024, the House Committee on Education and the Workforce ordered to be reported eight bills and one joint resolution. This document provides estimates for seven of those bills and the resolution.

Generally, the legislation would:

- Repeal a rule submitted by the Department of Education relating to “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance;”
- Allow nurse practitioners and physician assistants to diagnose, treat, and certify an injury and extent of disability for the purposes of federal workers’ compensation;
- Require elementary and secondary schools and institutions of higher education to meet new requirements in order to maintain eligibility for funding from the Department of Education;
- Prevent student athletes from being considered the employees of an institution of higher education; and
- Authorize appropriations for the educational activities of the United States Holocaust Memorial Museum.

**Estimated Federal cost:** The estimated costs of the legislation fall within budget function 500 (education, training, employment, and social services).

**Basis of estimate:** For this estimate, CBO assumes that the legislation will be enacted near the end of fiscal year 2024. The esti-

mated costs do not include any interaction effects among the pieces of legislation. If all seven bills and the resolution were combined and enacted as a single piece of legislation, the estimated costs could be different than the sum of the separate estimates, although CBO expects that any difference would be small.

CBO estimates that implementing H.R. 8606 would cost \$8 million over the 2024–2029 period. Implementing the remaining bills and the joint resolution would each cost less than \$500,000 over the same period. Any related spending would be subject to the availability of appropriated funds.

H.J. Res. 165, a joint resolution providing for Congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to “Non-discrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance:” H.J. Res. 165 would disapprove the rule submitted by the Department of Education relating to “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” as published in the Federal Register on April 29, 2024.

The rule amends title IX of the Education Amendments of 1972 (title IX), which prohibits discrimination on the basis of sex in any education program or activity receiving federal financial assistance. The rule clarifies definitions related to sex-based discrimination and harassment and specifies the requirements for grievance procedures, and requirements for preventing sexual discrimination and remedying its effects.

Institutions that fail to comply with title IX, as amended by the rule, could lose federal funding. However, CBO expects that institutions will comply with the regulations to avoid doing so. On that basis, CBO estimates that disapproving the rule would not affect institutions’ eligibility for federal student aid.

Based on the costs of similar activities, CBO estimates that implementing the resolution would cost less than \$500,000 over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

H.R. 618, Improving Access to Workers’ Compensation for Injured Federal Workers Act: H.R. 618 would allow nurse practitioners and physician assistants to diagnose, prescribe treatment, and certify an injury and the extent of disability for the purpose of compensating federal workers under the Federal Employees’ Compensation Act (FECA). Using information from the Department of Labor, CBO expects that nonphysician providers would be compensated at the same rate as physicians and that total benefits provided to injured federal workers would not significantly change. Some people may receive treatment more quickly under the bill, which could increase costs over the 10-year period because some payments to medical providers that would have occurred in 2035 under current law could be paid in 2034. On the other hand, if injured workers receive treatment faster, some may return to work more quickly, which could reduce costs. CBO has no basis to estimate which effect would predominate, but we expect that those effects would roughly offset each other. Thus, CBO estimates that enacting H.R. 618 would affect net direct spending by an insignificant amount.

The FECA payments are mandatory. The costs of those payments are charged to a claimant's employing agency, which reimburses the Department of Labor out of its salaries and expense accounts. Any effect on discretionary spending would be subject to future appropriation actions.

H.R. 5567, CLASS Act: H.R. 5567 would require public elementary and secondary schools that receive funding from the Department of Education to disclose to the department funds received or contracts signed with foreign sources that are more than \$10,000.

CBO expects schools would comply with the new requirements; thus, enacting the bill would not affect their eligibility to receive federal funds. Based on the costs of similar activities, CBO estimates that implementing the bill would cost the Department of Education less than \$500,000 over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

H.R. 6816, PROTECT Our Kids Act: H.R. 6816 would prohibit elementary and secondary schools that receive direct or indirect support from the government of the People's Republic of China (including Confucius Institutes), from receiving funds from the Department of Education.

The 2018 National Defense Authorization Act prohibited institutions of higher education from using federal funding for Chinese language programs at Confucius Institutes. As a result, nearly all Confucius Institutes at postsecondary institutions have closed, according to a Government Accountability Office report released in 2023.<sup>1</sup> On that basis, CBO expects schools would comply with the new requirements; thus, enacting the bill would not affect their eligibility to receive federal funds.

Based on the costs of similar activities, CBO estimates that implementing the bill would cost the Department of Education less than \$500,000 over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

H.R. 8534, Protecting Student Athletes' Economic Freedom Act: The bill would prohibit student athletes from being considered an employee of an institution based on the athletes' participation in a varsity intercollegiate athletic program or competition. Based on the costs of similar activities, CBO estimates that implementing the bill would cost the Department of Education less than \$500,000 over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

H.R. 8606, Never Again Education Reauthorization and Study Act of 2024: H.R. 8606 would authorize the appropriation of \$2 million each year from 2026 through 2030 for the Director of the United States Holocaust Memorial Museum to support education and training related to the lessons of the Holocaust. Under current law, the authorization of appropriations for those activities expires at the end of 2025. The bill also would require the Director to conduct a study on the educational activities being carried out at the state and local level. Assuming appropriation of the authorized amounts and using historical spending patterns for those activities,

<sup>1</sup> Government Accountability Office, *China: With Nearly All U.S. Confucius Institutes Closed, Some Schools Sought Alternative Language Support*, GAO-20-105981 (October 2023), [www.gao.gov/products/gao-24-105981](https://www.gao.gov/products/gao-24-105981).

CBO estimates that implementing H.R. 8606 would cost \$8 million over the 2024–2029 period and \$2 million after 2029.

H.R. 8648, Civil Rights Protection Act of 2024: H.R. 8648 would require any institution of higher education that receives federal student aid to make publicly available its process for addressing violations of title VI of the Civil Rights Act and any complaints received regarding alleged violations. The bill also would require the Assistant Secretary for Civil Rights at the Department of Education to give monthly briefings on violations specific to race, color, or national origin, and report the findings of institutional complaints.

CBO expects institutions would comply with the new requirements; thus, enacting the bill would not affect their eligibility for federal student aid. Based on the costs of similar activities, CBO estimates that implementing the bill would cost the Department of Education less than \$500,000 over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

H.R. 8649, Transparency in Reporting Adversarial Contributions to Education Act: The bill would require elementary and secondary schools that receive funding from the Department of Education to disclose to parents and the public any contributions received from foreign countries and the terms or conditions of such contributions.

CBO expects schools would comply with the new requirements; thus, enacting the bill would not affect their eligibility to receive federal funds. Based on the costs of similar activities, CBO estimates that implementing the bill would cost the Department of Education less than \$500,000 over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. CBO estimates that enacting H.R. 618 would affect net direct spending by less than \$500,000 over the 2024–2034 period.

Increase in long-term net direct spending and deficits: CBO estimates that enacting the joint resolution or any of the seven bills in this estimate would not increase net direct spending or deficits in any of the four consecutive 10-year periods beginning in 2035.

Mandates: H.R. 8534 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by prohibiting states from designating varsity athletes of a school, conference, or association as employees of that entity. CBO estimates that the net costs of the direct effects of the legislation would not result in additional expenditures or losses in revenue; therefore, the cost of the preemption would not exceed the threshold established in UMRA for intergovernmental mandates (\$100 million in 2024, adjusted annually for inflation).

The bill would not impose a private-sector mandate as defined in UMRA.

Enacting the legislation may result in other secondary effects on private entities by denying employment-related benefits to varsity athletes that they may otherwise have qualified for as an employee. However, CBO's estimate of those effects is subject to uncertainty because the question of whether athletes affected by the

bill should be recategorized as employees of their institutions remains unsettled as court rulings, administrative decisions, and changes in policies of the National Collegiate Athletics Association are announced. What effect, if any, the bill would have on private entities would depend on the final adjudication of the matter.

None of the remaining pieces of legislation contained in this estimate would impose intergovernmental or private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Meredith Decker (Department of Labor); Leah Koestner (Department of Education); Susanne Mehlman (United States Holocaust Memorial Museum); Garrett Quenneville (Department of Education). Mandates: Erich Dvorak, Brandon Lever, and Grace Watson.

Estimate reviewed by: Elizabeth Cove Delisle, Chief, Income Security Cost Estimates Unit; Justin Humphrey, Chief, Finance, Housing, and Education Cost Estimates Unit; Kathleen FitzGerald, Chief, Public and Private Mandates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Estimate approved by: Phillip L. Swagel, Director, Congressional Budget Office.

#### COMMITTEE COST ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out H.R. 6816. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when, as with the present report, the Committee adopts as its own the cost estimate for the bill prepared by the Director of the Congressional Budget Office.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported by the Committee, H.R. 6816 makes no changes to existing law.

## MINORITY VIEWS

### INTRODUCTION

H.R. 6816, the *Promoting Responsible Oversight Eliminate Communist Teachings (PROTECT) for Our Kids Act*, prohibits federal education funds from going to elementary and secondary schools that receive direct or indirect support from the Chinese government. The Majority claims that this bill will “halt the flow of [the Chinese Communist Party] money and propaganda into our K–12 schools . . .”<sup>1</sup> Yet, it has not demonstrated a significant amount of such funding is going to K–12 schools, nor has it proven that the “flow of propaganda” actually exists. Further, the bill raises a number of administrative questions and concerns for public schools and could fuel anti-Asian sentiments in classrooms.

### SUMMARY OF CONCERNS

#### *Chinese Influence Has Not Posed a Threat to Elementary and Secondary Classrooms*

Confucius Classrooms, which are affiliated with Confucious Institutes, are centers for Chinese culture and language established at public and private elementary and secondary schools—either to bolster a Chinese program already at the school or to start a new one.<sup>2</sup> Over nearly five years, the number of Classrooms has dropped from more than 500 to currently no more than 16.<sup>3</sup> Many countries around the world lack quality Chinese language and culture resources and Confucious Institutes and Classrooms provide those resources for free.<sup>4</sup> Experts have summed up the current state of these programs, saying “[t]he harsh reality is that Confucius Institutes/Confucius Classrooms stepped up to fulfill a need that governments were not—and they were happy to accept a ‘freebie,’ . . . Now that Confucius Institutes have been tainted by

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<sup>1</sup> Press Release, Rep. Kevin Hern, Hern introduces bill to combat Confucius Classrooms, CCP-funded influence in American schools (Dec. 15 2023), <https://hern.house.gov/news/documentsingle.aspx?DocumentID=888>.

<sup>2</sup> *China’s Impact on the U.S. Education System: Hearing Before the Subcomm. on Investigations of the S. Comm. on Homeland Security & Governmental Affairs*, 116th Cong., 90,147 (2019).

<sup>3</sup> *Confucius Institutes Around the World—2024*, Dig Mandarin (Mar. 20, 2024), <https://www.digmandarin.com/confucius-institutes-around-the-world.html>; Beth Wallis, *Tulsa Public Schools ended Chinese language program weeks before Oklahoma Superintendent’s Congressional testimony*, National Public Radio KOSU (Sept. 29, 2023) <https://www.kosu.org/education/2023-09-29/tulsa-public-schools-ended-chinese-language-program-weeks-before-oklahoma-superintendents-congressional-testimony>; *Little Red Classrooms China’s Infiltration of American K-12 Schools*, Defending Ed. (Jul. 26, 2023) <https://defendinged.org/investigations/little-red-classrooms-china-infiltration-of-american-k-12-schools/>.

<sup>4</sup> Lin Yang, *Controversial Confucius Institutes Returning to U.S. Schools Under New Name*, VOA News, (June 27, 2022) <https://www.voanews.com/a/controversial-confucius-institutes-returning-to-u-s-schools-under-new-name/6635906.html>.

wider distaste and suspicion of the Chinese government, this ‘freebie’ now has a cost.”<sup>5</sup>

Parents Defending Education (PDE), a right-wing non-profit organization, published a report in July 2023 entitled, “Little Red Classrooms: China’s Infiltration of American K–12 Schools.” The report alleges undue Chinese influence in America through the existence of Confucius Institutes, Classrooms, and related “programming” that currently exists or previously existed in public schools across the United States, including in areas near U.S. military bases.<sup>6</sup> Despite the claims in the report, Committee Democratic staff have been unable to locate credible evidence to support either the claims made by the Majority and PDE that there is inappropriate and undue foreign influence in our nation’s K–12 public schools. In 2019, the Senate Committee on Homeland Security and Governmental Affairs’ Permanent Subcommittee on Investigations held a hearing entitled “China’s Impact on the U.S. Education System”. The hearing was held the day after the Committee released a bipartisan staff report with the same title.<sup>7</sup> While the staff report made recommendations that schools should ensure that Chinese partnership organization’s “vetting, screening and interview processes are aligned with their own hiring protocols and procedures”<sup>8</sup> and that “the State Department should demand reciprocal and fair treatments of its diplomats and employees in China.”<sup>9</sup> The Committee did not find security risks or curriculum vulnerability, as claimed by the Majority.

*H.R. 6816 Will Raise Administrative Questions and Concerns for Public Schools*

H.R. 6816 would raise a number of administrative questions and concerns. The bill restricts funding from any U.S. Department of Education (Department) administered programs going to schools with direct or indirect support from the Chinese government. The bill specifically prohibits funds from going to elementary and secondary schools that “have a partnership in effect with a cultural or language institute directly or indirectly funded by the Government of the People’s Republic of China (PRC), including a Confucius Institute”<sup>10</sup>; operate a “learning center directly or indirectly funded by the Government of the People’s Republic of China”<sup>11</sup>; or “receive support from an individual or entity acting directly or indirectly on behalf of the Government of the People’s Republic of China, including support in the form of teaching materials, personnel, funds, or other resources.”<sup>12</sup>

Implementing the text of H.R. 6816 in public schools will likely be massive administrative burden. First, a school may not even be

<sup>5</sup> *Id.*

<sup>6</sup> *Little Red Classrooms China’s Infiltration of American K–12 Schools*, Defending Ed. (Jul. 26, 2023) <https://defending.org/investigations/little-red-classrooms-china-infiltration-of-american-k-12-schools/>.

<sup>7</sup> China’s Impact on the U.S. Education System: hearing Before the Subcomm. on Investigations of the S. Comm. on Homeland Security & Governmental Affairs, 116th Cong., 80 (2019).

<sup>8</sup> *Id.* at 91.

<sup>9</sup> *Id.* at 92.

<sup>10</sup> Promoting Responsible Oversight To Eliminate Communist Teachings for Our Kids Act, H.R. 6816, 118th Cong. § 2.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*



aware that a funder or partnership entity it works with has ties to China that would be prohibited under the bill. Often local businesses partner with schools to provide support for students, a common community practice throughout the U.S. If, for example, a restaurant donates a free dinner to students in conjunction with a school achievement, and the owner has “ties” to China that could be implicated by H.R. 6816 (*e.g.*, is a legal Chinese immigrant, with a work visa), it is unclear whether such donations would be prohibited under this bill.

Second, a plain language interpretation of the bill text suggests that if an individual with Chinese citizenship wanted to donate a new field, an HVAC system, or work at an elementary or secondary school, that school could potentially lose their funds administered under the *Elementary and Secondary Education Act of 1965* (ESEA) because the bill lacks detail on how to determine whether someone is indirectly acting on behalf of the Chinese government. Such concern about whether any Chinese national could be classified as someone who acts directly or indirectly for the Chinese government is complicated for multiple reasons. Unilaterally claiming anyone of with Chinese citizenship is directly or indirectly under the control of the PRC has negative social and economic consequences. This was evident in the Department of Justice’s China Initiative which unfairly accused Chinese researchers of being spies resulting in charges that were ultimately dismissed after ruining the careers of several researchers.<sup>13</sup> For example, Gang Chen, a Professor at the Massachusetts Institute of Technology (MIT), was falsely accused of being a Chinese spy and investigated by the Department of Justice (DOJ) because of his identity.<sup>14</sup> Although all charges against him were dismissed, the negative impact on his personal and professional lives resulted in damaging his reputation since he was arrested in front of his wife and children and put on administrative leave from work.<sup>15</sup>

Conversely, Amnesty International has recently reported on Chinese transnational repression, the effort by the PRC government to harass, intimidate, or surveil Chinese nationals, particularly students, while they are abroad.<sup>16</sup> The report documents PRC efforts to intimidate students to self-censor in both academic and social settings, and to make certain research and career decisions.<sup>17</sup> Ironically, to the extent the deplorable efforts of the PRC are successful, it would strengthen arguments that Chinese students are inherently under some form of control by the PRC.

The likely result under this bill would be a chilling effect on schools working with Chinese nationals and Chinese-Americans. Schools may not feel comfortable accepting gifts from Chinese nationals unless the donor can provide them with documentation that

<sup>13</sup> George Pence, *While China Initiative may have ended, foreign influence remains DOJ enforcement priority*, Reuters (Mar. 28, 2022) <https://www.reuters.com/legal/legalindustry/while-china-initiative-may-have-ended-foreign-influence-remains-doj-enforcement-2022-03-28/>.

<sup>14</sup> Kimmy Yam, *MIT professor wrongfully accused of spying for China helps make a major discovery*, NBC News, (Aug. 25, 2022) <https://www.nbcnews.com/news/asian-america/mit-professor-wrongfully-accused-spying-china-helps-make-major-discovery-rcna44637>.

<sup>15</sup> *Id.*

<sup>16</sup> Amnesty International, *On My Campus, I Am Afraid: China’s Targeting of Overseas Students Stifles Rights*, Amnesty International, 2024, <https://www.amnestyusa.org/wp-content/uploads/2024/05/On-My-Campus-I-Am-Afraid-Chinas-Targeting-of-Overseas-Students-Stifles-Rights.pdf>.

<sup>17</sup> *Id.* at 16–18.

they are not working with the Chinese government—which would likely be impossible to disprove to anyone looking for such a tie. Further, this could seriously impact the ability of U.S. schools and foreign language education programs to hire Chinese-American Mandarin teachers and educational specialists as they would also likely have ties in China that could dissuade schools from working with them, for fear of losing federal funds.

*Public Schools Would Be the Most Impacted by H.R. 6816*

Though H.R. 6816 applies to all elementary and secondary schools, public schools would be the disproportionately impacted since private schools typically do not receive federal funds directly through ESEA programs. Therefore, even though the bill's prohibitions would apply to private schools, there would be no method to enforce such a prohibition under the bill, since they have no federal funds that could be rescinded.

*H.R. 6816 Has the Potential To Limit Chinese Language and Cultural Exchange Programs*

As discussed earlier, schools may avoid collaborations with “Chinese language and cultural institutes”,<sup>18</sup> and “learning centers”<sup>19</sup> fearing regulatory complications or loss of federal funding, thereby reducing the diversity of educational experiences available to students. There is a mountain of evidence to support the notion that a bilingual population boosts the economy and opens the door for increased earnings and job opportunities.<sup>20</sup> Additionally, bilingualism promotes cultural awareness and competency.<sup>21</sup> H.R. 6816 has the potential to weaken the future of America’s labor force by decreasing student access to vital skills that are beneficial for successful futures.

*H.R. 6816 Could Further Fuel Anti-Asian Sentiment and Actions*

In attempting to target Chinese government influence in schools, H.R. 6816 could further fuel anti-Asian sentiments, which are already prevalent in the U.S. For example, Stop AAPI Hate, a U.S.-based coalition with the goal of stopping racism and discrimination against Asian Americans and Pacific Islanders (AAPI), has reported receiving over 11,000 incidents of hate driven by anti-Asian rhetoric from the start of the COVID pandemic in March 2021 to March 2022.<sup>22</sup> It is important that we do not further such sentiments and cause unnecessary alarm and suspicion in school staff, parents and communities due to increased discrimination against

<sup>18</sup> Promoting Responsible Oversight To Eliminate Communist Teachings for Our Kids Act, H.R. 6816, § 2, 118th Cong.

<sup>19</sup> *Id.*

<sup>20</sup> Sophie Hardach, *Speaking more than one language can boost economic growth*, World Economic Forum (Feb. 6, 2018) <https://www.weforum.org/agenda/2018/02/speaking-more-languages-boost-economic-growth/>; Press Release, U.S. Dep’t of Educ., Biden-Harris Administration Launches “Being Bilingual is a Superpower” to Promote Multilingual Education for a Diverse Workforce (Nov. 16, 2023), <https://www.ed.gov/news/press-releases/biden-harris-administration-launches-%E2%80%9Cbeing-bilingual-superpower%E2%80%9D-promote-multilingual-education-diverse-workforce>, <https://careerservices.fas.harvard.edu/blog/2022/11/07/the-benefits-of-being-bilingual/>.

<sup>21</sup> Amy Bergen, *The Benefits of Being Bilingual*, Idealist (Nov. 29, 2021), <https://www.idealists.org/en/careers/bilingual-hired>.

<sup>22</sup> *Community Reports to Stop AAPI Hate 2020–2022 Key Findings*, Stop AAPI Hate (Nov. 2023), <https://stopaapihate.org/wp-content/uploads/2023/10/23-SAH-TaxonomyReport-KeyFindings-F.pdf>.

students and teachers of Asian descent or that further fuel fear and xenophobia.

DEMOCRATIC AMENDMENT OFFERED DURING MARKUP OF H.R. 6816

Ranking Member Bobby Scott (D–VA) put forward an amendment to provide funds to assist schools with the administrative burden of complying with the bill. Significant effort may need to be expended to investigate existing and new contracts, and to determine whether existing or potential business partners have ties to the PRC that could be implicated by the bill. The amendment authorized \$300 million for fiscal year 2025 and each subsequent fiscal year to carry out the requirements in the bill.<sup>23</sup> Committee Republicans rejected this amendment on a party-line vote.

CONCLUSION

H.R. 6816 is a solution in search of a problem. While the Majority claims that the Chinese government is infiltrating our school systems and brainwashing our children—or has the ability to do so if left unchecked—there is no such evidence. Further, the legislation unnecessarily would punish public schools and leave public schools with a significant administrative burden. Lastly, it could further fuel anti-Asian sentiments. For the reasons stated above, we urge the House of Representatives to oppose H.R. 6816.

ROBERT C. “BOBBY” SCOTT,  
*Ranking Member.*  
 GREGORIO KILILI CAMACHO  
 SABLÁN,  
 SUZANNE BONAMICI,  
 MARK TAKANO,  
 MARK DESAULNIER,  
 PRAMILA JAYAPAL,  
*Members of Congress.*



<sup>23</sup> According to the National Center for Education Statistics in the Institute of Education Sciences at the U.S. Department of Education, there were 99,388 public elementary and secondary schools for the 2022–2023 school year. NCES, *Digest of Education Statistics* tbl. 216.10 (2023), [https://nces.ed.gov/programs/digest/d23/tables/dt23\\_216.10.asp](https://nces.ed.gov/programs/digest/d23/tables/dt23_216.10.asp). Three hundred million dollars would provide \$3,000 per year to each of those schools to offset the costs of compliance. In reality, the administrative burden this bill poses could easily require a full time administrative staff person at each school. Providing a modest salary of \$50,000 to each of those schools for such a position would cost approximately 5 billion dollars.