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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alan Miller.

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DIGEST

SB 206 Reengrossed

2023 Regular Session

Milligan

Present law provides for the Higher Education Foreign Security Act of 2022.

Present law defines "foreign country of concern" as any country subject to any sanction or embargo program administered by the Office of Foreign Assets Control within the United States Department of Treasury, including any federal license requirement; custom rules; export controls; restrictions on taking institution property, including but not limited to intellectual property abroad; restrictions on presentations, teaching, and interactions with foreign colleagues; and other subjects important to the research and academic property of the institution, subject to federal present law.

Present law uses the definition of "foreign country of concern" throughout present law to trigger reporting of gifts, screening of persons seeking employment with a postsecondary education institution, and approval of foreign travel.

Proposed law defines "foreign adversary" as any foreign government or foreign non-government person determined by the United States secretary of commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons as listed in federal regulations.

Proposed law replaces the definition of "foreign country of concern" with the definition of "foreign adversary" to trigger reporting of gifts, screening of persons seeking employment with a postsecondary education institution, and approval of foreign travel contained in present law.

Present law requires each institution to report any gift received directly or indirectly from a foreign source with a value of \$50,000 or more.

Proposed law retains present law, but changes "foreign source" to "foreign adversary".

Present law requires an institution and its affiliate organizations to report the total value of all gifts of \$50,000 or more in a single fiscal year.

Proposed law retains present law, but changes "fiscal year" to "calendar year".

Present law requires the report of gifts subject to requirements to include a copy of any gift agreement.

Present law authorizes each institution to direct the research integrity officer to approve an applicant for hire based on a risk-based determination considering the nature of the research and the background and ongoing affiliations of the applicant.

Proposed law authorizes each institution to develop a policy to approve an applicant for hire based on a risk-based determination considering the nature of the research and the background and ongoing affiliations of the applicant.

Present law requires an institution to approve all foreign travel and expense reimbursements.

Proposed law retains present law, but limits approval to employment-related travel to foreign adversary countries.

Effective July 1, 2023.

(Amends R.S. 17:1826.2(A)(2) and (3), (B)(1)(a) and (b), and (C)(4)(a), 1826.3(A)(1)(b) and (c), (C), (D)(6), and (E), 1826.4(A), (B)(2), (C), and (D) as enacted by Act 767 of the 2022 R.S.)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Adds to the definition of "foreign adversary" a determination be made by the U.S. secretary of commerce that the foreign government or foreign non-government person engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the U.S. or security and safety of U.S. persons as listed in federal regulations.

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Changes the proposed law reporting requirements of gift agreements between foreign adversaries and higher education institutions to retain present law applicability to gift agreements between foreign sources and higher education institutions.