

## RÉSUMÉ DIGEST

ACT 106 (SB 206)

2023 Regular Session

Milligan

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

Existing 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 existing law.

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

New 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.

New 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 existing law.

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

New law retains existing law, but changes "foreign source" to "foreign adversary".

Existing 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.

New law retains existing law, but changes "fiscal year" to "calendar year".

Prior law required the report of gifts subject to requirements to include a copy of any gift agreement.

Prior law authorized 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.

New 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.

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

New law retains existing 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) and (B)(1)(a) and (b), 1826.3(A)(1)(b) and (c), (C), (D)(6), and (E), 1826.4(A), (B)(2), (C), and (D) as enacted by Section 1 of Act 767 of the 2022 R.S.)