SENATE BILL NO. 206

BY SENATOR MILLIGAN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

l	AN ACT
2	To amend and reenact R.S. 17:1826.2(A)(2) and (3), (B)(1)(a) and (b), and (C)(4)(a),
3	1826.3(A)(1)(b) and (c), (C), (D)(6), and (E), 1826.4(A), (B)(2), (C), and (D) as
4	enacted by Section 1 of Act 767 of the 2022 Regular Session, relative to the Higher
5	Education Foreign Security Act of 2022; to provide for foreign gift reporting; to
6	provide for definitions; to provide for screening of foreign researchers; to provide
7	for foreign travel; to provide for research institutions; and to provide for related
8	matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 17:1826.2(A)(2) and (3), (B)(1)(a) and (b), and (C)(4)(a),
11	1826.3(A)(1)(b) and (c), (C), (D)(6) and (E), 1826.4(A), (B)(2), (C) and (D) as enacted by
12	Section 1 of Act 767 of the 2022 Regular Session are hereby amended and reenacted to read
13	as follows:
14	§1826.2. Foreign gift reporting
15	A. As used in this Section, the following words shall have the following
16	meanings unless the context clearly indicates otherwise:
17	* * *
18	(2) "Contract" means any agreement for the acquisition by purchase, lease,
19	or barter of property or services by a foreign source for the direct benefit or use of
20	any of the parties, and any purchase, lease, or barter of property or services from a
21	foreign country of concern adversary.

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(3) "Foreign country of concern" means 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 either or both the International Traffic in Arms Regulations, 22 CFR Parts 120 through 130, and the Export Administration Regulations, 15 CFR Parts 730 through 774; adversary" means 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 15 CFR §7.4 Determination of Foreign Adversaries, as amended or renumbered.

* * *

B.(1)(a) Each institution shall report any gift received directly or indirectly from a foreign source <u>adversary</u> with a value of fifty thousand dollars or more. This report shall be made each January thirty-first and July thirty-first and shall include the gifts made during the six-month period ending on the last day of the month immediately preceding the reporting month. The institution shall include in its report gifts received by all affiliate organizations of the institution.

(b) If a foreign source <u>adversary</u> provides more than one gift directly or indirectly to an institution and its affiliate organizations in a single <u>fiscal calendar</u> year and the total value of all gifts is fifty thousand dollars or more, then all gifts received from that foreign source shall be reported.

* * *

C. Reports of gifts subject to the requirements of this Section shall include the following information, unless the information is exempt from disclosure under the provisions of this Section or otherwise prohibited or deemed confidential under federal or state law:

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(4)(a) A copy of any gift agreement between the foreign source and the institution, signed by the foreign source and the chief administrative officer of the institution, or their respective designees, which includes a detailed description of the purpose for which the gift is to be used by the institution, the identification of the persons whom the gift is explicitly intended to benefit, and any applicable conditions, requirements, restrictions, or terms made a part of the gift regarding the control of curricula, faculty, student admissions, student fees, or contingencies placed upon the institution to take a specific public position or to award an honorary degree. If an agreement contains information protected from disclosure, an abstract and redacted copy of the disclosure containing information that is not protected shall be submitted in lieu of a copy of the agreement.

* * *

§1826.3. Screening foreign researchers

A.(1) Every person seeking employment with a postsecondary education institution as defined in R.S. 17:1826.2 in a research or research-related support position, or applying as a graduate student for a research or research-related support position, or for a position as a visiting researcher shall, prior to being offered a position of employment, be screened by the institution to determine if any of the following apply to the person:

* * *

- (b) The person is a citizen or permanent resident of the United States who has any affiliation with an institution or program in with a foreign country of concern as defined in R.S. 17:1826.2 adversary.
- (c) The person has at least one year of prior employment or training in a foreign <u>adversary</u> country of concern as defined in R.S. 17:1826.2, except for employment or training by an agency of the United States government.

* * *

C. Each applicant for a position listed in Subsection A of this Section shall submit a complete resume and curriculum vitae, including every institution of higher

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education attended; all previous employment since the applicant's eighteenth birthday; a list of all published material for which the applicant received credit as an author, a researcher, or otherwise or to which the applicant contributed significant research, writing, or editorial support; a list of the applicant's current and pending research funding, and its amount, from any source, including the applicant's role on the project, and a brief description of the research; and a full disclosure of nonuniversity professional activities, including any affiliation with an institution or program in a foreign **adversary** country of concern. If an applicant has been continually employed or enrolled in a postsecondary education institution in the United States for twenty years or more, the resume may, but is not required to, include employment history before the most recent twenty-year period.

D. The president or chief administrative officer of the institution shall adopt a policy for the proper screening of all individuals subject to this Part for research-related support positions and shall take necessary and reasonable steps to verify all attendance, employment, publications, and contributions listed in the application prior to any offer of a position to the applicant. Necessary and reasonable steps may include the following:

* * *

(6) Requesting further investigation, including but not limited to a second background check performed by the Federal Bureau of Investigation, the Louisiana State Police, or any other qualified local law enforcement agency, if any of the individual's information provided on the Online Nonimmigrant Visa Application, Form DS-160 raises any security concerns for the institution about the individual's relationship with a foreign country of concern adversary.

E. Each institution may direct the research integrity officer shall 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.

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§1826.4. Foreign travel; research institutions

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A. By July 1, 2023, each postsecondary education institution as defined in R.S. 17:1826.2 that receives state appropriations and has a research budget of ten million dollars or more shall establish an international travel approval and monitoring program. The program shall require preapproval and screening by the institution for any employment-related foreign travel to foreign adversary countries and employment-related foreign activities engaged in by any faculty member, researcher, or any other research department staff with foreign adversaries. This requirement is in addition to any other travel approval process applicable to the institution.

B. * * *

(2) Preapproval shall be based on the binding commitment of the individual traveler not to violate the institution's limitations on travel and activities abroad and to obey all applicable federal laws. Any person subject to this Section traveling abroad representing their respective institution, upon return, shall report any gifts of funds or promises to pay offered by a foreign country of concern adversary or any entity representing the interests of a foreign country of concern adversary.

C. The postsecondary education institution shall maintain records of all **employment-related** foreign travel requests and approvals **to foreign adversary countries**; expenses reimbursed by the institution **or affiliate organization of the institution** during travel, including for transportation, food, and lodging; and payments and honoraria received during the travel and activities, including for transportation, food, and lodging. The institution shall keep records of the purpose of the travel and any records related to the foreign activity review. These records shall be retained for at least three years or any longer period of time required by any other applicable state or federal law.

D. The institution shall provide an annual report of travel to foreign **adversary** countries of concern as defined in R.S. 17:1826.2 listing individual travelers, foreign locations visited, and foreign institutions visited to the board of supervisors of the applicable institution.

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Section 2. This Act shall become effective on July 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or July 1, 2023, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: _____