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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

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DIGEST

SB 227 Original

2022 Regular Session

Milligan

Proposed law requires certain disclosure of foreign support for public entities, scrutiny of grants and vendors and services with certain foreign entities. Provides for scrutiny of foreign applicants for research and teaching positions including scrutiny of foreign travel and activities of certain employees.

Proposed law requires state agencies to disclose certain foreign donations and gifts and applicants for grants from, or proposing contracts with, certain foreign countries of concern.

Proposed law defines foreign countries of concern. Prohibits agreements with foreign countries of concern.

Proposed law requires screening of foreign applicants for research positions and foreign travel and activities of employees.

Proposed law requires state agencies or political subdivisions to disclose receipt, directly or indirectly, any gift or grant of \$50,000 or more from any foreign source. Requires disclosure of the gift/grant date, amount, and the name and country of residence or domicile of the foreign source.

Proposed law requires anyone applying to a state agency or political subdivision for a grant or proposes a contract having a value of \$100,000 or more to disclose any current or prior interest of, any contract with, or any grant or gift received from a foreign country of concern if the interest, contract, or grant or gift has a value of \$50,000 or more and the interest existed at any time the contract or grant or gift was received or in force at any time during the previous five years. Requires the disclosure to include the name/ mailing address of the disclosing entity, the amount of the contract or grant or gift or the value of the interest disclosed, the applicable foreign country of concern and, if applicable, the date of termination of the contract or interest, the date of receipt of the grant or gift, and the name of the agent or controlled entity that is the source or interest holder.

Proposed law requires institutions of higher education to semiannually report any gift received directly or indirectly from a foreign source with a value of \$50,000 or more during the fiscal year. Requires that all gifts received from the foreign source be reported if the total in a fiscal year is \$50,000 or more. Gifts through an intermediary are considered an indirect gift to the institution.

Proposed law requires that the board of supervisors of the institution report a summary of gifts to the Board of Regents. Reports shall include the following:

- (1) The amount of the gift and the date it was received.

- (2) The contract start and end date if the gift is a contract.
- (3) The name of the foreign source and, if not a foreign government, the country of citizenship, if known, and the country of principal residence or domicile of the foreign source.
- (4) A copy of any gift agreement between the foreign source and the institution including a detailed description of the purpose for which the gift is to be used by the institution, the identification of the persons for 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 of higher education to take a specific public position or to award an honorary degree. Requires internal audit of at least five percent of the total number of gifts by the Board of Regents.

Proposed law imposes civil penalty of 105% of the gift amount if an institution knowingly, willfully, or negligently fails to disclose the information required.

Proposed law requires screening certain individuals from a foreign country of concern by institutions that receive state appropriations and possess a research budget of \$10,000,000 or more.

Proposed law requires such persons to submit a complete resume and curriculum vitae, including every institution of higher 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 non-university professional activities, including any affiliation with an institution or program in a foreign country of concern. Proposed law provides for designation of research integrity officer to review all materials and take necessary and reasonable steps to verify information.

Proposed law provides for establishment of a program to approve and monitor international travel. Provides for preapproval and screening by a research integrity office. Requires retention for at least three years of travel records related to foreign activity and requires annual reporting of foreign travel to countries of concern listing individual travelers, foreign locations visited, and foreign institutions for submission to the respective board of supervisors.

Effective July 1, 2023.

(Adds R.S. 17:2751 - 2755)