

SENATE BILL NO. 206

BY SENATOR MILLIGAN

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

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AN ACT

To amend and reenact 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 Section 1 of Act 767 of the 2022 Regular Session, relative to the Higher Education Foreign Security Act of 2022; to provide for foreign gift reporting; to provide for definitions; to provide for screening of foreign researchers; to provide for foreign travel; to provide for research institutions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. 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 Section 1 of Act 767 of the 2022 Regular Session are hereby amended and reenacted to read as follows:

§1826.2. Foreign gift reporting

A. As used in this Section, the following words shall have the following meanings unless the context clearly indicates otherwise:

* * *

(2) "Contract" means any agreement for the acquisition by purchase, lease, or barter of property or services by a foreign source for the direct benefit or use of any of the parties, and any purchase, lease, or barter of property or services from a foreign ~~country of concern~~ **adversary**.

* * *

(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 **adversary** 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

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

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

18 * * *

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

25 E. Each institution ~~may direct the research integrity officer~~ **shall develop a**
 26 **policy** to approve an applicant for hire based on a risk-based determination
 27 considering the nature of the research and the background and ongoing affiliations
 28 of the applicant.

29 * * *

30 §1826.4. Foreign travel; research institutions

1 Section 2. This Act shall become effective on July 1, 2023; if vetoed by the governor
2 and subsequently approved by the legislature, this Act shall become effective on the day
3 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

APPROVED: _____