

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H3/5/25 H3/12/25*

2 95th General Assembly

A Bill

3 Regular Session, 2025

HOUSE BILL 1561

4

5 By: Representatives Painter, *Achor, Andrews, Barker, Beaty Jr., Beck, Bentley, S. Berry, Breaux, Brooks,*
6 *K. Brown, M. Brown, N. Burkes, R. Burkes, Joey Carr, John Carr, Cavanaugh, Childress, C. Cooper,*
7 *Cozart, Crawford, Eaton, Evans, Furman, Gazaway, Gramlich, Hall, Hawk, Hollowell, L. Johnson, Long,*
8 *Lundstrum, Lynch, Maddox, McAlindon, McClure, M. McElroy, McGrew, B. McKenzie, McNair,*
9 *Milligan, J. Moore, Nazarenko, Pearce, Perry, Pilkington, Puryear, Ray, R. Scott Richardson, Richmond,*
10 *Rose, Rye, Schulz, M. Shepherd, Torres, Tosh, Underwood, Unger, Vaught, Walker, Wing, Wooten*

11 By: Senator Hill

12

13

For An Act To Be Entitled

14

AN ACT TO AMEND THE LAW REGARDING HIGHER EDUCATION;
15 TO ESTABLISH THE RESEARCH AND EDUCATION PROTECTION
16 ACT OF 2025; AND FOR OTHER PURPOSES.

17

18

19

Subtitle

20

TO ESTABLISH THE RESEARCH AND EDUCATION
21 PROTECTION ACT OF 2025.

22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24

25 SECTION 1. Arkansas Code Title 6, Chapter 60, is amended to add an
26 additional subchapter to read as follows:

27

Subchapter 16 - Research and Education Protection Act of 2025.

28

29

6-60-1601. Title.

30

This subchapter shall be known and may be cited as the "Research and
31 Education Protection Act of 2025".

32

33

6-60-1602. Purpose.

34

The purpose of this subchapter is to protect Arkansas's research and
35 educational systems from the malign influence of foreign adversaries.

36



1 6-60-1603. Definitions.

2 As used in this subchapter:

3 (1) "Affiliate organization" means an entity under the control
4 of or established for the benefit of an organization required to report
5 under this subchapter, including without limitation a direct-support
6 organization;

7 (2) "Agreement" means a written or spoken statement of mutual
8 interest in a cultural exchange agreement or an academic or a research
9 collaboration with a foreign adversary or an affiliate organization of a
10 foreign adversary;

11 (3) "Contract" means an agreement for the acquisition by
12 purchase, lease, or barter of property or services for the direct benefit
13 or use of either of the parties;

14 (4) "Cultural exchange agreement" means an agreement between a
15 foreign adversary and an institution of higher education that aims to
16 promote cultural and intellectual relations;

17 (5) "Direct-support organization" means an organization that is
18 organized and operated to receive, hold, invest, and administer property
19 and to make expenditures to or for the benefit of a:

20 (A) State-supported institution of higher education; or

21 (B) Research and development park or research and
22 development authority affiliated with a state-supported institution of
23 higher education;

24 (6) "Endeavor" means to attempt or to try;

25 (7) "Foreign adversary" means:

26 (A) The People's Republic of China;

27 (B) The Russian Federation;

28 (C) The Islamic Republic of Iran;

29 (D) The Democratic People's Republic of Korea;

30 (E) The Republic of Cuba;

31 (F) The Bolivarian Republic of Venezuela;

32 (G) The Syrian Arab Republic;

33 (H) A foreign terrorist organization designated by the
34 United States Secretary of State in accordance with section 219 of the
35 Immigration and Naturalization Act (INA), including without limitation an
36 agent of or other entity under significant control of the foreign

1 adversary; or

2 (I) An entity designated by the United States Government;

3 (8) "Foreign agent" means an officer, employee, proxy, servant,
4 delegate, or representative of a foreign government;

5 (9)(A) "Foreign government" means the government of a country,
6 nation, or group of nations or a province or other political subdivision
7 of a country or nation other than the United States.

8 (B) "Foreign government" includes without limitation an
9 agent of the government of a country, nation, or group of nations or a
10 province or other political subdivision of a country or nation other than
11 the United States;

12 (10) "Foreign instrumentality" means an agency, bureau,
13 ministry, component, institution, association, or any legal, commercial,
14 or business organization, corporation, firm, or entity that is
15 substantially owned, controlled, sponsored, commanded, managed, or
16 dominated by a foreign government;

17 (11)(A) "Gift" means:

18 (i) A gift;

19 (ii) An endowment;

20 (iii) An award;

21 (iv) A donation of money or property of any kind; or

22 (v) Any combination of subdivisions (11)(A)(i)–(iv)
23 of this section.

24 (B) "Gift" includes without limitation a conditional or
25 unconditional pledge of the gift, endowment, award, or donation.

26 (C) For purposes of subdivision (11)(B) of this section,
27 "pledge" means a promise, an agreement, or an expressed intention to give
28 a gift;

29 (12) "Institution of higher education" means:

30 (A) A state-supported institution of higher education or
31 an independent nonprofit college or university that is located in and
32 chartered by the state and grants baccalaureate or higher degrees;

33 (B) Any other institution of higher education that has a
34 physical presence in the state and is required to report foreign gifts or
35 contracts pursuant to 20 U.S.C. §1011f; or

36 (C) An affiliate organization of an institution of higher

1 education;

2 (13) "Obtain or use" means any manner of:

3 (A) Taking or exercising control over property;

4 (B) Making any unauthorized use, disposition, or transfer
5 of property;

6 (C) Obtaining property by fraud, willful misrepresentation
7 of a future act, or false promise; or

8 (D) Conduct previously known as:

9 (i) Stealing;

10 (ii) Larceny;

11 (iii) Purloining;

12 (iv) Abstracting;

13 (v) Embezzlement;

14 (vi) Misapplication;

15 (vii) Misappropriation;

16 (viii) Conversion;

17 (ix) Obtaining money or property by false pretenses,
18 fraud, or deception; or

19 (x) Other conduct similar in nature;

20 (14) "Partnership" means a:

21 (A) Faculty or student exchange program;

22 (B) Study abroad program;

23 (C) Matriculation program;

24 (D) Recruiting program; or

25 (E) Dual degree program;

26 (15) "Person" means:

27 (A) Any natural person;

28 (B) A corporation;

29 (C) A business trust;

30 (D) An estate;

31 (E) A trust;

32 (F) A partnership;

33 (G) An association;

34 (H) A joint venture;

35 (I) A government;

36 (J) A governmental subdivision or agency; or

1 (K) Any other legal or commercial entity;

2 (16) "Research" means a scientific investigation or development
3 that involves technologies, designs, or technical data considered
4 sensitive enough to potentially impact national security, and therefore
5 requires strict controls on the export or transfer to foreign entities, as
6 outlined by the International Traffic in Arms Regulations and the Export
7 Administration regulations of the United States Government; and

8 (17) "Trade secret" means information, including a formula,
9 pattern, compilation, program, device, method, technique, or process,
10 that:

11 (i) Derives independent economic value, actual or
12 potential, from not being generally known to, and not being readily
13 ascertainable by proper means by, other persons who can obtain economic
14 value from its disclosure or use; and

15 (ii) Is the subject of efforts that are reasonable under
16 the circumstances to maintain its secrecy.

17
18 6-60-1604. Disclosure requirements for past gifts.

19 (a)(1) An institution of higher education that has received directly
20 or indirectly a gift with a value equal to or greater than two hundred
21 fifty thousand dollars (\$250,000) from a foreign adversary after December
22 31, 2019, shall disclose the gift.

23 (2) The disclosure of a gift required under subdivision (a)(1)
24 of this section shall be made to the governing board of the institution of
25 higher education within sixty (60) days of the effective date of this
26 subchapter.

27 (b) Unless otherwise prohibited or deemed confidential under state or
28 federal law, the disclosure required under subdivision (a)(1) of this
29 section shall include without limitation the:

30 (1) Date of the gift;

31 (2) Amount of the gift;

32 (3) Purpose of the gift;

33 (4) Identification of the person for whom the gift is explicitly
34 intended to benefit;

35 (5) Applicable conditions, requirements, restrictions, or terms
36 made part of the gift;

1 (6) Name and country of residence or domicile of the foreign
2 adversary;

3 (7) Name and mailing address of the disclosing entity; and

4 (8) Date of termination of the gift, as applicable.

5 (c) An institution of higher education shall maintain a public website
6 to disclose information on past gifts from a foreign adversary.

7 (d) For purposes of this section, a gift received from a foreign
8 adversary through an intermediary or affiliate organization, if known, is:

9 (1) An indirect gift to the institution of higher education; and

10 (2) Subject to the disclosure process described in this section.

11 (e) Upon a request of the Governor, the President of the Senate, or
12 the Speaker of the House of Representatives, the governing board of an
13 institution of higher education shall inspect or audit a past gift or gift
14 agreement.

15
16 6-60-1605. Approval requirements for future gifts.

17 (a) An institution of higher education that has been offered directly
18 or indirectly a gift with a value equal to or greater than two hundred
19 fifty thousand dollars (\$250,000) from a foreign adversary after the
20 effective date of this subchapter shall disclose the proposed gift to the
21 governing board of the institution of higher education.

22 (b) Unless otherwise prohibited or deemed confidential under state or
23 federal law, the disclosure required under subsection (a) of this section
24 shall include without limitation the:

25 (1) Date of the gift;

26 (2) Amount of the gift;

27 (3) Purpose of the gift;

28 (4) Identification of the person for whom the gift is explicitly
29 intended to benefit;

30 (5) Applicable conditions, requirements, restrictions, or terms
31 made part of the gift;

32 (6) Name and country of residence or domicile of the foreign
33 adversary;

34 (7) Name and mailing address of the disclosing entity; and

35 (8) Date of termination of the gift, as applicable.

36 (c)(1) Within thirty (30) days of receiving the disclosure of the

1 proposed gift under subsection (a) of this section, the governing board of
2 an institution of higher education shall issue a final decision to the
3 institution of higher education on whether and under what conditions the
4 institution of higher education may accept the gift.

5 (2) The governing board of the institution of higher education
6 shall reject a gift from a foreign adversary unless there is an
7 overwhelming state or national interest in accepting the gift.

8 (d)(1) The governing board of an institution of higher education shall
9 develop:

10 (A) A disclosure form;

11 (B) Rules; and

12 (C) Procedures for deciding whether to allow an
13 institution of higher education to accept a gift from a foreign adversary.

14 (2) A gift from a foreign adversary shall only be accepted if
15 the gift addresses an overwhelming state or national interest beyond
16 simply acquiring additional funds.

17 (e) An institution of higher education shall maintain a public website
18 to disclose information on accepted gifts from foreign adversaries.

19 (f) For purposes of this section, a gift received from a foreign
20 adversary through an intermediary shall be considered an indirect gift
21 with the institution of higher education and is subject to the approval
22 process described in this section.

23 (g) Upon a request of the Governor, the President of the Senate, or
24 the Speaker of the House of Representatives, the governing board of an
25 institution of higher education shall inspect or audit a gift or gift
26 agreement.

27
28 6-60-1606. Disclosure requirements for past contracts.

29 (a) An institution of higher education that has entered directly or
30 indirectly into a contract with a value equal to or greater than two
31 hundred fifty thousand dollars (\$250,000) with a foreign adversary after
32 December 31, 2019, shall disclose the contract to the governing board of
33 the institution of higher education within sixty (60) days following the
34 effective date of this subchapter.

35 (b) Unless otherwise prohibited or deemed confidential under state or
36 federal law, the disclosure required under subsection (a) of this section

1 shall include without limitation:

2 (1) The date of the contract;

3 (2) The amount of the contract;

4 (3) The purpose of the contract;

5 (4) The identification of the person for whom the contract is
6 explicitly intended to benefit;

7 (5) The applicable conditions, requirements, restrictions, or
8 terms made part of the contract;

9 (6) A copy of the contract;

10 (7) The name and country of residence or domicile of the foreign
11 adversary;

12 (8) The name and mailing address of the disclosing entity; and

13 (9) The date of termination of the contract, as applicable.

14 (c) For purposes of this section, a contract entered with a foreign
15 adversary through an intermediary or affiliate organization shall be
16 considered an indirect contract to the institution of higher education and
17 is subject to the disclosure process described in this section.

18 (d) An institution of higher education shall maintain a public website
19 to disclose information on contracts with a foreign adversary.

20 (e) Upon the request of the Governor, the President of the Senate, or
21 the Speaker of the House of Representatives, the governing board of an
22 institution of higher education shall inspect or audit a past contract.

23
24 6-60-1607. Approval requirements for future contracts.

25 (a) An institution of higher education that has been offered or has
26 proposed directly or indirectly a contract with a value equal to or
27 greater than two hundred fifty thousand dollars (\$250,000) from or with a
28 foreign adversary after the effective date of this subchapter shall
29 disclose the proposed contract to the governing board of the institution
30 of higher education before entering into the contract.

31 (b) Unless otherwise prohibited or deemed confidential under state or
32 federal law, the disclosure required under subsection (a) of this section
33 shall include without limitation:

34 (1) The date of the contract;

35 (2) The amount of the contract;

36 (3) The purpose of the contract;

1 (4) The identification of the person for whom the contract is
2 explicitly intended to benefit;

3 (5) The applicable conditions, requirements, restrictions, or
4 terms made part of the contract;

5 (6) A copy of the contract;

6 (7) The name and country of residence or domicile of the foreign
7 adversary;

8 (8) The name and mailing address of the disclosing entity; and

9 (9) The date of termination of the contract as applicable.

10 (c)(1) Within thirty (30) days of receiving the disclosure of the
11 proposed contract under subsection (a) of this section, the governing
12 board of an institution of higher education shall issue a final decision
13 to the institution of higher education on whether and under what
14 conditions the institution of higher education may enter into the
15 contract.

16 (2) The governing board of the institution of higher education
17 shall reject a contract with a foreign adversary unless there is an
18 overwhelming state or national interest in accepting or entering the
19 contract.

20 (d)(1) The governing board of an institution of higher education shall
21 develop disclosure forms, rules, and procedures for deciding upon whether
22 to allow institutions of higher education to enter into contracts from
23 foreign adversaries.

24 (2) A contract shall only be entered into if the contract
25 addresses an overwhelming state or national interest.

26 (e) An institution of higher education shall maintain a public website
27 disclosing a contract from a foreign adversary described in this section,
28 along with the final decision on whether to allow the relevant institution
29 of higher education to enter into the contract.

30 (f) For purposes of this section, a contract proposed from a foreign
31 adversary through an intermediary or affiliate organization shall be
32 considered an indirect contract with the institution of higher education
33 and is subject to the approval process described in this section.

34 (g) An institution of higher education shall maintain a public website
35 to disclose information on contracts from foreign adversaries.

36 (h) Upon a request of the Governor, the President of the Senate, or

1 the Speaker of the House of Representatives, the governing board of an
2 institution of higher education shall inspect or audit a contract
3 agreement.

4
5 6-60-1608. Enforcement related to foreign gifts – Penalties – Rewards.

6 (a) Upon receiving a referral from a compliance officer of an
7 institution of higher education or a sworn complaint based upon
8 substantive information and reasonable belief as defined in Arkansas law,
9 the Department of Inspector General shall investigate an allegation of a
10 violation of §§ 6-60-1605 – 6-60-1607.

11 (b)(1) The department or compliance officer authorized by an
12 institution of higher education may request records relevant to any
13 reasonable suspicion of a violation of this subchapter.

14 (2) An entity shall provide the requested records under
15 subdivision (b)(1) of this section within ten (10) days after the request
16 or a later date agreed to by the department.

17 (c) An institution of higher education that knowingly fails to make a
18 disclosure required under this subchapter or knowingly fails to provide
19 records requested under subsection (b)(1) of this section is subject to,
20 upon a final administration finding, a civil fine of:

21 (1) Ten thousand dollars (\$10,000) for a first violation; or

22 (2) Twenty thousand dollars (\$20,000) for a subsequent
23 violation.

24 (d) A whistleblower who reports an undisclosed foreign gift or
25 contract from a foreign adversary to the appropriate inspector general may
26 also report the undisclosed gift or contract to the Attorney General and
27 retain whistleblower protection under the Arkansas Whistle-Blower Act, §
28 21-1-601 et seq.

29 (e) Information reported under subsection (b) of this section is not
30 confidential or exempt from examination or disclosure, except as otherwise
31 provided by law.

32 (f) The governing board an institution of higher education and the
33 department may adopt rules to implement this section.

34
35 6-60-1609. Prohibition on certain cultural exchange agreements.

36 (a) An institution of higher education shall not participate in a

1 cultural exchange agreement with a foreign adversary or an entity
2 controlled by a foreign adversary unless the institution of higher
3 education:

4 (1) Addresses an overwhelmingly underaddressed state or national
5 need; and

6 (2) Avoids:

7 (A) Constraining the freedom of contract of the public
8 entity;

9 (B) Allowing the curricula or values of a program in the
10 state to be directed, controlled, or influenced by the foreign adversary;
11 or

12 (C) Promoting an agenda detrimental to the safety or
13 security of the state, residents of the state, or the United States.

14 (b)(1) Before the execution of a cultural exchange agreement with a
15 foreign adversary, the substance of the cultural exchange agreement shall
16 be shared with the Department of the Inspector General.

17 (2) If the department concludes that the cultural exchange
18 agreement promotes an agenda detrimental to the safety or security of the
19 state, the United States, or residents of the state, the institution of
20 higher education shall not enter into the cultural exchange agreement.

21 (c)(1) By December 1, 2026, and each December 1 thereafter, the
22 governing board of an institution of higher education and the department
23 shall submit a report to the Governor, the President Pro Tempore of the
24 Senate, and the Speaker of the House of Representatives relating to
25 partnerships and agreements of institutions of higher education made with
26 educational institutions or other institutions based in foreign
27 adversaries.

28 (2) At a minimum, the report required by subdivision (c)(1) of
29 this section shall include without limitation the following information
30 for the previous fiscal year:

31 (A) Data reflecting any program, agreement, partnership,
32 or contract between an institution of higher education and any college,
33 university, or entity that is based in or controlled by a foreign
34 adversary;

35 (B) Data reflecting any office, campus, or physical
36 location used or maintained by an institution of higher education in a

1 foreign adversary; and

2 (C) The date on which any such program, agreement,
3 partnership, or contract reported pursuant to subdivision (c)(2)(A) is
4 expected to terminate.

5 (d) Each institution of higher education shall submit the information
6 required in subsection (c) of this section to the governing board of the
7 institution of higher education and the department by July 1, 2026, and on
8 each July 1 thereafter.

9 (e)(1) A registered student organization or scholar association hosted
10 by an institution of higher education shall not:

11 (A) Accept a gift from a foreign adversary;

12 (B) Enter into any contract or agreement with a foreign
13 adversary; or

14 (C) Be directed or controlled by the government of a
15 foreign adversary.

16 (2) A violation of subdivision (e)(1) of this section shall
17 result in the institution of higher education ending any affiliation with
18 the registered student organization.

19 (3) For purposes of this subsection, member dues or fees shall
20 not be considered a gift from or a contract or agreement with a foreign
21 adversary.

22 (f) The governing board of an institution of higher education and the
23 department shall adopt rules to administer this section.

24
25 6-60-1610. Screening requirements for higher education hiring and
26 research.

27 (a) An institution of higher education or affiliate of an institution
28 of higher education that has federal research expenditures of ten million
29 dollars (\$10,000,000) or more shall screen applicants who are citizens of
30 a foreign adversary and are not permanent residents of the United States
31 prior to any final offer of employment or letter of invitation as follows:

32 (1) Employment in:

33 (A) Research positions; and

34 (B) Graduate and undergraduate students applying for
35 research positions; or

36 (2) A position of a visiting researcher who is a citizen of a

1 foreign adversary and is not a permanent resident of the United States.

2 (b)(1) The screening required by subsection (a) of this section is
3 required before offering the applicant a position of employment or of a
4 visiting researcher.

5 (2) At the discretion of the institution of higher education,
6 other applicants for a position may be screened.

7 (c) An applicant described in subsection (a) of this section shall
8 submit:

9 (1) A complete resume or curriculum vitae, including without
10 limitation every institution of higher education attended;

11 (2) All previous employment since the applicant's eighteenth
12 birthday;

13 (3) A list of all published material for which the applicant
14 received credit as an author, a researcher, or otherwise to which the
15 applicant contributed significant research, writing, or editorial support;

16 (4) A list of the applicant's current and pending research
17 funding from any source, including the name of the funder, amount,
18 applicant's role on the project, and brief description of the research;

19 (5) A full disclosure of non-university professional activities,
20 including any affiliation with an institution or program in a foreign
21 adversary;

22 (6) Other activities that bear on the qualifications appropriate
23 for the position, including without limitation private or public sector
24 experience, military service, or other appropriate experience; and

25 (7) A list of all patents held and the country of record.

26 (d) For an applicant who has been continually employed or enrolled in
27 an institution of higher education in the United States for twenty (20)
28 years or more, the resume may include employment history before the most
29 recent twenty (20) years.

30 (e)(1) The president or chief administrative officer of the
31 institution of higher education or affiliate of the institution of higher
32 education shall designate a research compliance office to review all
33 materials required in subsection (c) of this section.

34 (2) The president or chief administrator of the institution of
35 higher education shall take reasonable steps to verify information that
36 includes without limitation:

1 (A) Searching public listings of persons subject to
2 sanctions or restrictions under federal law;

3 (B) Submitting the applicant's name and other identifying
4 information to any federal agency reasonably willing to scrutinize the
5 applicant for national security or counterespionage purposes; and

6 (C) Any other steps deemed appropriate to the research
7 compliance office under subdivision (e)(1) of this section.

8 (3) The institution of higher education or affiliate of the
9 institution of higher education may also create a process to approve
10 applicants for hire based on a risk-based determination considering the:

11 (A) Nature of the research; and

12 (B) Background and ongoing affiliations of the applicant.

13 (f)(1) The requirements of this section shall be completed before
14 offering any position to an individual described in subsection (a) in any
15 research position and before granting the individual any access to
16 research data or activities or other sensitive data.

17 (2) An applicant screened under this section shall not be
18 employed in any research position if he or she fails to disclose a
19 substantial educational, employment, or research activity, publication, or
20 presentation at the time of submitting an application, unless the academic
21 department head or his or her designee certifies in writing the substance
22 of the nondisclosure and the reasons for disregarding the failure to
23 disclose.

24
25 6-60-1611. Foreign adversary travel requirements.

26 (a)(1) By January 1, 2026, each institution of higher education or
27 affiliate organization of the institution of higher education that has
28 federal research expenditures of ten million dollars (\$10,000,000) or more
29 shall establish a foreign adversary travel approval and monitoring
30 program.

31 (2) The foreign adversary travel approval and monitoring program
32 required under subdivision (a)(1) of this section shall require
33 preapproval and screening by a research compliance office designated by
34 the president or chief administrative officer of the institution of higher
35 education or affiliate organization of the institution of higher education
36 for any employment-related foreign travel to a foreign adversary country

1 and employment-related foreign adversary activities engaged in by all
2 faculty, researchers, and research department staff.

3 (3) The requirement under subdivision (a)(2) of this section
4 shall be in addition to any other travel approval process applicable to
5 the state-supported institution of higher education or affiliate
6 organization.

7 (b) Preapproval for travel to a foreign adversary country by the
8 research compliance office of the institution of higher education shall be
9 based on:

10 (1) The applicant's review and acknowledgement of guidance
11 published by the employing state-supported institution of higher education
12 or affiliate organization of the institution of higher education that
13 relates to:

14 (A) Foreign adversaries;

15 (B) Countries under sanction; or

16 (C) Other restrictions or designations imposed by the
17 state or the United States Government including without limitation:

18 (i) Any federal licensing requirements;

19 (ii) Customs rules;

20 (iii) Export controls;

21 (iv) Restrictions on taking university or entity
22 property, including intellectual property, abroad;

23 (v) Restrictions on presentations, teaching, and
24 interactions with foreign adversary colleagues; and

25 (vi) Other subjects important to the research and
26 academic integrity of the institution of higher education; and

27 (2) The binding commitment of the individual traveler not to
28 violate the institution of higher education or affiliate organization of
29 the institution of higher education's limitations on foreign adversary
30 travel and activities abroad and to obey all applicable federal laws.

31 (c)(1) The institution of higher education or affiliate organization
32 of the institution of higher education shall maintain records of:

33 (A) All foreign adversary travel requests and approvals;

34 (B) Expenses reimbursed by the institution of higher
35 education or affiliate organization of the institution of higher education
36 during such foreign adversary travel including for travel, food, and

1 lodging; and

2 (C) Payments and honoraria received during the foreign
3 adversary travel and activities, including for travel, food, and lodging.

4 (2)(A) The institution of higher education shall also keep
5 records of the purpose of the foreign adversary travel and any records
6 related to the foreign activity review.

7 (B) The records shall be retained for at least three (3)
8 years or any longer period of time required by any other applicable state
9 or federal law.

10 (d) The institution of higher education shall provide an annual report
11 to the governing board of the institution of higher education of foreign
12 travel to a foreign adversary country listing the:

13 (1) Individual traveler;

14 (2) Foreign adversary location visited; and

15 (3) Foreign adversary institution visited.

16
17 6-60-1612. Prohibitions on research partnerships.

18 (a)(1) An institution of higher education shall only enter into a new
19 partnership or renew an existing partnership with a foreign
20 instrumentality if the institution of higher education maintains
21 sufficient structural safeguards to protect the intellectual property of
22 the institution of higher education.

23 (2) The governing board of an institution of higher education
24 shall notify an institution of higher education if the board determines
25 the partnership meets the safeguard requirements required by this
26 subsection.

27 (3) The safeguard requirements under this subsection shall
28 include without limitation the following:

29 (A) Compliance with all federal requirements, including
30 the requirements of federal research sponsors and federal export control
31 agencies, including regulations regarding international traffic in arms
32 and export administration regulations, and economic and trade sanctions
33 administered by the federal office of foreign assets control;

34 (B) Annual formal institution-level programs for faculty
35 on conflicts of interest and conflicts of commitment;

36 (C) An overwhelming state interest to enter into the

1 research or academic partnership;

2 (D) Lack of alternative institutions to engage with for a
3 similar research or academic partnership; and

4 (E) A formalized foreign visitor process and uniform
5 visiting scholar agreement.

6 (b) The board shall have full discretion to reject or terminate any
7 research partnership between an institution of higher education and an
8 academic or research institution located in a foreign adversary at any
9 time and for any purpose.

10
11 6-60-1613. Prohibitions related to trade secrets.

12 A person who engages in willful misappropriation of a trade secret with
13 the intent to benefit a foreign government, a foreign agent, or a foreign
14 instrumentality shall be guilty, upon conviction, of a Class D felony.

15
16 6-60-1614. Penalties for violations related to intellectual property.

17 (a) A person who violates § 6-60-1613 commits theft of a trade secret
18 and is guilty of a Class D felony.

19 (b) A person who traffics in, or endeavors to traffic in, a trade
20 secret that he or she knows or should know was obtained or used without
21 authorization commits trafficking in a trade secret and is guilty of a
22 Class D felony.

23 (c) Whenever a person is charged with a violation of this act which
24 was committed with the intent to benefit a foreign government, a foreign
25 agent, or a foreign instrumentality, the offense for which the person is
26 charged shall be reclassified as follows:

27 (1) In the case of theft of a trade secret, from a Class D
28 felony to a Class C felony; and

29 (2) In the case of trafficking in trade secrets, from a Class D
30 felony to a Class C felony.

31
32 6-60-1615. Duties related to foreign adversary software – Rules.

33 (a) The governing board of an institution of higher education shall
34 conduct a thorough review of all software and software platforms used by
35 an institution of higher education that may be linked to foreign
36 adversaries.

