

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

1 State of Arkansas

As Engrossed: H3/5/25

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 or the State of Qatar and an institution of higher  
16 education that aims to 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 or from the  
22 State of Qatar after December 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 or the  
7 State of Qatar.

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

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

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

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

16  
17           6-60-1605. Approval requirements for future gifts.

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

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

27           (1) Date of the gift;

28           (2) Amount of the gift;

29           (3) Purpose of the gift;

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

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

34           (6) Name and country of residence or domicile of the foreign  
35 adversary;

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

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

2           (c)(1) Within thirty (30) days of receiving the disclosure of the  
3 proposed gift under subsection (a) of this section, the governing board of  
4 an institution of higher education shall issue a final decision to the  
5 institution of higher education on whether and under what conditions the  
6 institution of higher education may accept the gift.

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

10          (d)(1) The governing board of an institution of higher education shall  
11 develop:

12                   (A) A disclosure form;

13                   (B) Rules; and

14                   (C) Procedures for deciding whether to allow an  
15 institution of higher education to accept a gift from a foreign adversary  
16 or the State of Qatar.

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

20          (e) An institution of higher education shall maintain a public website  
21 to disclose information on accepted gifts from foreign adversaries or the  
22 State of Qatar.

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

27          (g) Upon a request of the Governor, the President of the Senate, or  
28 the Speaker of the House of Representatives, the governing board of an  
29 institution of higher education shall inspect or audit a gift or gift  
30 agreement.

31  
32          6-60-1606. Disclosure requirements for past contracts.

33          (a) An institution of higher education that has entered directly or  
34 indirectly into a contract with a value equal to or greater than two  
35 hundred fifty thousand dollars (\$250,000) with a foreign adversary or the  
36 State of Qatar after December 31, 2019, shall disclose the contract to the

1 governing board of the institution of higher education within sixty (60)  
2 days following the effective date of this subchapter.

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

6 (1) The date of the contract;

7 (2) The amount of the contract;

8 (3) The purpose of the contract;

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

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

13 (6) A copy of the contract;

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

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

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

18 (c) For purposes of this section, a contract entered with a foreign  
19 adversary or the State of Qatar through an intermediary or affiliate  
20 organization shall be considered an indirect contract to the institution  
21 of higher education and is subject to the disclosure process described in  
22 this section.

23 (d) An institution of higher education shall maintain a public website  
24 to disclose information on contracts with a foreign adversary or the State  
25 of Qatar.

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

29  
30 6-60-1607. Approval requirements for future contracts.

31 (a) An institution of higher education that has been offered or has  
32 proposed directly or indirectly a contract with a value equal to or  
33 greater than two hundred fifty thousand dollars (\$250,000) from or with a  
34 foreign adversary or the State of Qatar after the effective date of this  
35 subchapter shall disclose the proposed contract to the governing board of  
36 the institution of higher education before entering into the contract.



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

4           (1) The date of the contract;

5           (2) The amount of the contract;

6           (3) The purpose of the contract;

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

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

11          (6) A copy of the contract;

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

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

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

16       (c)(1) Within thirty (30) days of receiving the disclosure of the  
17 proposed contract under subsection (a) of this section, the governing  
18 board of an institution of higher education shall issue a final decision  
19 to the institution of higher education on whether and under what  
20 conditions the institution of higher education may enter into the  
21 contract.

22           (2) The governing board of the institution of higher education  
23 shall reject a contract with a foreign adversary or the State of Qatar  
24 unless there is an overwhelming state or national interest in accepting or  
25 entering the contract.

26       (d)(1) The governing board of an institution of higher education shall  
27 develop disclosure forms, rules, and procedures for deciding upon whether  
28 to allow institutions of higher education to enter into contracts from  
29 foreign adversaries and the State of Qatar.

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

32       (e) An institution of higher education shall maintain a public website  
33 disclosing a contract from a foreign adversary or the State of Qatar  
34 described in this section, along with the final decision on whether to  
35 allow the relevant institution of higher education to enter into the  
36 contract.

1       (f) For purposes of this section, a contract proposed from a foreign  
2 adversary or the State of Qatar through an intermediary or affiliate  
3 organization shall be considered an indirect contract with the institution  
4 of higher education and is subject to the approval process described in  
5 this section.

6       (g) An institution of higher education shall maintain a public website  
7 to disclose information on contracts from foreign adversaries or the State  
8 of Qatar.

9       (h) Upon a request of the Governor, the President of the Senate, or  
10 the Speaker of the House of Representatives, the governing board of an  
11 institution of higher education shall inspect or audit a contract  
12 agreement.

13  
14       6-60-1608. Enforcement related to foreign gifts – Penalties – Rewards.

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

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

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

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

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

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

33       (d) A whistleblower who reports an undisclosed foreign gift or  
34 contract from a foreign adversary or the State of Qatar to the appropriate  
35 inspector general may also report the undisclosed gift or contract to the  
36 Attorney General and retain whistleblower protection under the Arkansas

1 Whistle-Blower Act, § 21-1-601 et seq.

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

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

7  
8 6-60-1609. Prohibition on certain cultural exchange agreements.

9 (a) An institution of higher education shall not participate in a  
10 cultural exchange agreement with a foreign adversary or the State of Qatar  
11 or an entity controlled by a foreign adversary or the State of Qatar  
12 unless the institution of higher education:

13 (1) Addresses an overwhelmingly underaddressed state or national  
14 need; and

15 (2) Avoids:

16 (A) Constraining the freedom of contract of the public  
17 entity;

18 (B) Allowing the curricula or values of a program in the  
19 state to be directed, controlled, or influenced by the foreign adversary  
20 or the State of Qatar; or

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

23 (b)(1) Before the execution of a cultural exchange agreement with a  
24 foreign adversary or the State of Qatar, the substance of the cultural  
25 exchange agreement shall be shared with the Department of the Inspector  
26 General.

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

31 (c)(1) By December 1, 2026, and each December 1 thereafter, the  
32 governing board of an institution of higher education and the department  
33 shall submit a report to the Governor, the President Pro Tempore of the  
34 Senate, and the Speaker of the House of Representatives relating to  
35 partnerships and agreements of institutions of higher education made with  
36 educational institutions or other institutions based in foreign

1 adversaries or the State of Qatar.

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

5 (A) Data reflecting any program, agreement, partnership,  
6 or contract between an institution of higher education and any college,  
7 university, or entity that is based in or controlled by a foreign  
8 adversary or the State of Qatar;

9 (B) Data reflecting any office, campus, or physical  
10 location used or maintained by an institution of higher education in a  
11 foreign adversary or in the State of Qatar; and

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

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

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

21 (A) Accept a gift from a foreign adversary or the State of  
22 Qatar;

23 (B) Enter into any contract or agreement with a foreign  
24 adversary or the State of Qatar; or

25 (C) Be directed or controlled by the government of a  
26 foreign adversary or the State of Qatar.

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

30 (3) For purposes of this subsection, member dues or fees shall  
31 not be considered a gift from or a contract or agreement with a foreign  
32 adversary or the State of Qatar.

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

35  
36 6-60-1610. Screening requirements for higher education hiring and

1 research.

2 (a) An institution of higher education or affiliate of an institution  
3 of higher education that has federal research expenditures of ten million  
4 dollars (\$10,000,000) or more shall screen applicants who are citizens of  
5 a foreign adversary or the State of Qatar and are not permanent residents  
6 of the United States prior to any final offer of employment or letter of  
7 invitation as follows:

8 (1) Employment in:

9 (A) Research positions; and

10 (B) Graduate and undergraduate students applying for  
11 research positions; or

12 (2) A position of a visiting researcher who is a citizen of a  
13 foreign adversary or the State of Qatar and is not a permanent resident of  
14 the United States.

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

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

20 (c) An applicant described in subsection (a) of this section shall  
21 submit:

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

24 (2) All previous employment since the applicant's eighteenth  
25 birthday;

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

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

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

35 (6) Other activities that bear on the qualifications appropriate  
36 for the position, including without limitation private or public sector

1 experience, military service, or other appropriate experience; and

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

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

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

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

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

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

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

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

24 (A) Nature of the research; and

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

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

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

1  
2 6-60-1611. Foreign adversary travel requirements.

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

8 (2) The foreign adversary travel approval and monitoring program  
9 required under subdivision (a)(1) of this section shall require  
10 preapproval and screening by a research compliance office designated by  
11 the president or chief administrative officer of the institution of higher  
12 education or affiliate organization of the institution of higher education  
13 for any employment-related foreign travel to a foreign adversary country  
14 and employment-related foreign adversary activities engaged in by all  
15 faculty, researchers, and research department staff.

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

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

23 (1) The applicant's review and acknowledgement of guidance  
24 published by the employing state-supported institution of higher education  
25 or affiliate organization of the institution of higher education that  
26 relates to:

27 (A) Foreign adversaries and the State of Qatar;

28 (B) Countries under sanction; or

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

31 (i) Any federal licensing requirements;

32 (ii) Customs rules;

33 (iii) Export controls;

34 (iv) Restrictions on taking university or entity  
35 property, including intellectual property, abroad;

36 (v) Restrictions on presentations, teaching, and

1 interactions with foreign adversary colleagues; and

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

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

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

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

11 (B) Expenses reimbursed by the institution of higher  
12 education or affiliate organization of the institution of higher education  
13 during such foreign adversary travel including for travel, food, and  
14 lodging; and

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

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

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

23 (d) The institution of higher education shall provide an annual report  
24 to the governing board of the institution of higher education of foreign  
25 travel to a foreign adversary country or the State of Qatar listing the:

26 (1) Individual traveler;

27 (2) Foreign adversary location visited; and

28 (3) Foreign adversary institution visited.

29  
30 6-60-1612. Prohibitions on research partnerships.

31 (a)(1) An institution of higher education shall only enter into a new  
32 partnership or renew an existing partnership with a foreign  
33 instrumentality if the institution of higher education maintains  
34 sufficient structural safeguards to protect the intellectual property of  
35 the institution of higher education.

36 (2) The governing board of an institution of higher education



1 shall notify an institution of higher education if the board determines  
2 the partnership meets the safeguard requirements required by this  
3 subsection.

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

6 (A) Compliance with all federal requirements, including  
7 the requirements of federal research sponsors and federal export control  
8 agencies, including regulations regarding international traffic in arms  
9 and export administration regulations, and economic and trade sanctions  
10 administered by the federal office of foreign assets control;

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

13 (C) An overwhelming state interest to enter into the  
14 research or academic partnership;

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

17 (E) A formalized foreign visitor process and uniform  
18 visiting scholar agreement.

19 (b) The board shall have full discretion to reject or terminate any  
20 research partnership between an institution of higher education and an  
21 academic or research institution located in a foreign adversary or the  
22 State of Qatar at any time and for any purpose.

23  
24 6-60-1613. Prohibitions related to trade secrets.

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

28  
29 6-60-1614. Penalties for violations related to intellectual property.

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

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

36 (c) Whenever a person is charged with a violation of this act which

1 was committed with the intent to benefit a foreign government, a foreign  
2 agent, or a foreign instrumentality, the offense for which the person is  
3 charged shall be reclassified as follows:

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

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

8  
9 6-60-1615. Duties related to foreign adversary software – Rules.

10 (a) The governing board of an institution of higher education shall  
11 conduct a thorough review of all software and software platforms used by  
12 an institution of higher education that may be linked to foreign  
13 adversaries.

14 (b) The board shall:

15 (1) Develop a plan to eliminate the usage of software and  
16 software platforms hosted, operated, or owned by foreign adversary  
17 countries; and

18 (2) Adopt policies that prohibit the future utilizing or  
19 contracting with entities domiciled in, or controlled or owned by  
20 companies or other entities domiciled in foreign adversary countries that  
21 host, operate, or own software and software platforms.

22  
23 SECTION 2. DO NOT CODIFY. SEVERABILITY CLAUSE. If any provision of  
24 this act or the application of this act to any person or circumstance is  
25 held invalid, the invalidity shall not affect other provisions or  
26 applications of this act which can be given effect without the invalid  
27 provision or application, and to this end, the provisions of this act are  
28 declared severable.

29  
30 */s/Painter*  
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