

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1561

5 By: Representative Painter
6 By: Senator Hill
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW REGARDING HIGHER EDUCATION;
10 TO ESTABLISH THE RESEARCH AND EDUCATION PROTECTION
11 ACT OF 2025; AND FOR OTHER PURPOSES.
12
13

Subtitle

14
15 TO ESTABLISH THE RESEARCH AND EDUCATION
16 PROTECTION ACT OF 2025.
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

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

22 Subchapter 16 - Research and Education Protection Act of 2025.
23

24 6-60-1601. Title.

25 This subchapter shall be known and may be cited as the "Research and
26 Education Protection Act of 2025".
27

28 6-60-1602. Purpose.

29 The purpose of this subchapter is to protect Arkansas's research and
30 educational systems from the malign influence of foreign adversaries.
31

32 6-60-1603. Definitions.

33 As used in this subchapter:

34 (1) "Affiliate organization" means an entity under the control
35 of or established for the benefit of an organization required to report
36 under this subchapter, including without limitation a direct-support



1 organization;

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

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

9 (4) "Cultural exchange agreement" means an agreement between a
10 foreign adversary or the State of Qatar and an institution of higher
11 education that aims to promote cultural and intellectual relations;

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

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

16 (B) Research and development park or research and
17 development authority affiliated with a state-supported institution of
18 higher education;

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

20 (7) "Foreign adversary" means:

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

22 (B) The Russian Federation;

23 (C) The Islamic Republic of Iran;

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

25 (E) The Republic of Cuba;

26 (F) The Bolivarian Republic of Venezuela;

27 (G) The Syrian Arab Republic;

28 (H) A foreign terrorist organization designated by the
29 United States Secretary of State in accordance with section 219 of the
30 Immigration and Naturalization Act (INA), including without limitation an
31 agent of or other entity under significant control of the foreign
32 adversary; or

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

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

36 (9)(A) "Foreign government" means the government of a country,

1 nation, or group of nations or a province or other political subdivision
2 of a country or nation other than the United States.

3 (B) "Foreign government" includes without limitation an
4 agent of the government of a country, nation, or group of nations or a
5 province or other political subdivision of a country or nation other than
6 the United States;

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

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

13 (i) A gift;

14 (ii) An endowment;

15 (iii) An award;

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

17 (v) Any combination of subdivisions (11)(A)(i)-(iv)
18 of this section.

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

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

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

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

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

31 (C) An affiliate organization of an institution of higher
32 education;

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

34 (A) Taking or exercising control over property;

35 (B) Making any unauthorized use, disposition, or transfer
36 of property;

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

3 (D) Conduct previously known as:

4 (i) Stealing;

5 (ii) Larceny;

6 (iii) Purloining;

7 (iv) Abstracting;

8 (v) Embezzlement;

9 (vi) Misapplication;

10 (vii) Misappropriation;

11 (viii) Conversion;

12 (ix) Obtaining money or property by false pretenses,
 13 fraud, or deception; or

14 (x) Other conduct similar in nature;

15 (14) “Partnership” means a:

16 (A) Faculty or student exchange program;

17 (B) Study abroad program;

18 (C) Matriculation program;

19 (D) Recruiting program; or

20 (E) Dual degree program;

21 (15) “Person” means:

22 (A) Any natural person;

23 (B) A corporation;

24 (C) A business trust;

25 (D) An estate;

26 (E) A trust;

27 (F) A partnership;

28 (G) An association;

29 (H) A joint venture;

30 (I) A government;

31 (J) A governmental subdivision or agency; or

32 (K) Any other legal or commercial entity;

33 (16) “Research” means a scientific investigation or development
 34 that involves technologies, designs, or technical data considered
 35 sensitive enough to potentially impact national security, and therefore
 36 requires strict controls on the export or transfer to foreign entities, as

1 outlined by the International Traffic in Arms Regulations and the Export
2 Administration regulations of the United States Government; and

3 (17) "Trade secret" means information, including a formula,
4 pattern, compilation, program, device, method, technique, or process,
5 that:

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

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

12
13 6-60-1604. Disclosure requirements for past gifts.

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

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

22 (b) Unless otherwise prohibited or deemed confidential under state or
23 federal law, the disclosure required under subdivision (a)(1) of this
24 section 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) An institution of higher education shall maintain a public website

1 to disclose information on past gifts from a foreign adversary or the
2 State of Qatar.

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

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

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

7 (e) Upon a request of the Governor, the President of the Senate, or
8 the Speaker of the House of Representatives, the governing board of an
9 institution of higher education shall inspect or audit a past gift or gift
10 agreement.

11
12 6-60-1605. Approval requirements for future gifts.

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

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

22 (1) Date of the gift;

23 (2) Amount of the gift;

24 (3) Purpose of the gift;

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

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

29 (6) Name and country of residence or domicile of the foreign
30 adversary;

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

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

33 (c)(1) Within thirty (30) days of receiving the disclosure of the
34 proposed gift under subsection (a) of this section, the governing board of
35 an institution of higher education shall issue a final decision to the
36 institution of higher education on whether and under what conditions the

1 institution of higher education may accept the gift.

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

5 (d)(1) The governing board of an institution of higher education shall
6 develop:

7 (A) A disclosure form;

8 (B) Rules; and

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

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

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

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

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

26
27 6-60-1606. Disclosure requirements for past contracts.

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

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

1 (1) The date of the contract;

2 (2) The amount of the contract;

3 (3) The purpose of the contract;

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

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

8 (6) A copy of the contract;

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

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

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

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

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

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

24
25 6-60-1607. Approval requirements for future contracts.

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

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

35 (1) The date of the contract;

36 (2) The amount of the contract;

1 (3) The purpose of the contract;

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

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

6 (6) A copy of the contract;

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

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

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

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

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

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

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

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

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

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

4 (h) Upon a request of the Governor, the President of the Senate, or
5 the Speaker of the House of Representatives, the governing board of an
6 institution of higher education shall inspect or audit a contract
7 agreement.

8
9 6-60-1608. Enforcement related to foreign gifts – Penalties – Rewards.

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

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

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

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

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

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

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

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

36 (f) The governing board an institution of higher education and the

1 department may adopt rules to implement this section.

2
3 6-60-1609. Prohibition on certain cultural exchange agreements.

4 (a) An institution of higher education shall not participate in a
5 cultural exchange agreement with a foreign adversary or the State of Qatar
6 or an entity controlled by a foreign adversary or the State of Qatar
7 unless the institution of higher education:

8 (1) Addresses an overwhelmingly underaddressed state or national
9 need; and

10 (2) Avoids:

11 (A) Constraining the freedom of contract of the public
12 entity;

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

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

18 (b)(1) Before the execution of a cultural exchange agreement with a
19 foreign adversary or the State of Qatar, the substance of the cultural
20 exchange agreement shall be shared with the Department of the Inspector
21 General.

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

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

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

36 (A) Data reflecting any program, agreement, partnership,

1 or contract between an institution of higher education and any college,
2 university, or entity that is based in or controlled by a foreign
3 adversary or the State of Qatar;

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

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

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

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

16 (A) Accept a gift from a foreign adversary or the State of
17 Qatar;

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

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

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

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

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

30
31 6-60-1610. Screening requirements for higher education hiring and
32 research.

33 (a) An institution of higher education or affiliate of an institution
34 of higher education that has federal research expenditures of ten million
35 dollars (\$10,000,000) or more shall screen applicants who are citizens of
36 a foreign adversary or the State of Qatar and are not permanent residents

1 of the United States prior to any final offer of employment or letter of
2 invitation as follows:

3 (1) Employment in:

4 (A) Research positions; and

5 (B) Graduate and undergraduate students applying for
6 research positions; or

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

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

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

15 (c) An applicant described in subsection (a) of this section shall
16 submit:

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

19 (2) All previous employment since the applicant's eighteenth
20 birthday;

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

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

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

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

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

34 (d) For an applicant who has been continually employed or enrolled in
35 an institution of higher education in the United States for twenty (20)
36 years or more, the resume may include employment history before the most

1 recent twenty (20) years.

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

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

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

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

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

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

19 (A) Nature of the research; and

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

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

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

32
33 6-60-1611. Foreign adversary travel requirements.

34 (a)(1) By January 1, 2026, each institution of higher education or
35 affiliate organization of the institution of higher education that has
36 federal research expenditures of ten million dollars (\$10,000,000) or more

1 shall establish a foreign adversary travel approval and monitoring
2 program.

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

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

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

18 (1) The applicant's review and acknowledgement of guidance
19 published by the employing state-supported institution of higher education
20 or affiliate organization of the institution of higher education that
21 relates to:

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

23 (B) Countries under sanction; or

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

26 (i) Any federal licensing requirements;

27 (ii) Customs rules;

28 (iii) Export controls;

29 (iv) Restrictions on taking university or entity
30 property, including intellectual property, abroad;

31 (v) Restrictions on presentations, teaching, and
32 interactions with foreign adversary colleagues; and

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

35 (2) The binding commitment of the individual traveler not to
36 violate the institution of higher education or affiliate organization of

1 the institution of higher education's limitations on foreign adversary
2 travel and activities abroad and to obey all applicable federal laws.

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

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

6 (B) Expenses reimbursed by the institution of higher
7 education or affiliate organization of the institution of higher education
8 during such foreign adversary travel including for travel, food, and
9 lodging; and

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

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

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

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

21 (1) Individual traveler;

22 (2) Foreign adversary location visited; and

23 (3) Foreign adversary institution visited.

24
25 6-60-1612. Prohibitions on research partnerships.

26 (a)(1) An institution of higher education shall only enter into a new
27 partnership or renew an existing partnership with a foreign
28 instrumentality if the institution of higher education maintains
29 sufficient structural safeguards to protect the intellectual property of
30 the institution of higher education.

31 (2) The governing board of an institution of higher education
32 shall notify an institution of higher education if the board determines
33 the partnership meets the safeguard requirements required by this
34 subsection.

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

1 (A) Compliance with all federal requirements, including
2 the requirements of federal research sponsors and federal export control
3 agencies, including regulations regarding international traffic in arms
4 and export administration regulations, and economic and trade sanctions
5 administered by the federal office of foreign assets control;

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

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

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

12 (E) A formalized foreign visitor process and uniform
13 visiting scholar agreement.

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

18
19 6-60-1613. Prohibitions related to trade secrets.

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

23
24 6-60-1614. Penalties for violations related to intellectual property.

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

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

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

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

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

3
 4 6-60-1615. Duties related to foreign adversary software – Rules.

5 (a) The governing board of an institution of higher education shall
 6 conduct a thorough review of all software and software platforms used by
 7 an institution of higher education that may be linked to foreign
 8 adversaries.

9 (b) The board shall:

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

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

17
 18 SECTION 2. DO NOT CODIFY. SEVERABILITY CLAUSE. If any provision of
 19 this act or the application of this act to any person or circumstance is
 20 held invalid, the invalidity shall not affect other provisions or
 21 applications of this act which can be given effect without the invalid
 22 provision or application, and to this end, the provisions of this act are
 23 declared severable.

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