

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 HOUSE BILL 1181

By: McCall and Lepak of the
House

6 and

7 Dahm of the Senate

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to education; creating the Research
11 and Education Protection Act of 2024; providing short
12 title; providing purpose; defining terms; requiring
13 public schools and institutions of higher education
14 to disclose certain gifts received after certain
15 date; providing manner of disclosure; requiring
16 submitted information to be forwarded to the Office
17 of Management and Enterprise Services (OMES);
18 requiring information to be disclosed on certain
19 website; directing the State Auditor and Inspector to
20 inspect or audit certain gifts upon certain request;
21 requiring public schools and institutions of higher
22 education to disclose offering of certain gifts;
23 providing manner of disclosure; requiring submitted
24 information to be forwarded to OMES to issue a final
decision on whether certain gift may be accepted;
directing OMES to develop certain forms and maintain
certain website; making certain indirect gifts
subject to certain approval process; directing the
State Auditor and Inspector to inspect or audit
certain gifts upon certain request; requiring public
schools and institutions of higher education to
disclose certain contracts from certain foreign
sources entered into after certain date; providing
manner of disclosure; requiring certain information
to be submitted to OMES; requiring information to be
disclosed on certain website; directing the State
Auditor and Inspector to inspect or audit certain
contracts upon certain request; requiring public

1 schools and institutions of higher education to
2 disclose certain proposed contracts; requiring
3 submitted information to be forwarded to OMES to
4 issue a final decision on whether a school or
5 institution may enter into certain contract;
6 directing OMES to develop certain forms and maintain
7 certain website; making certain contracts subject to
8 certain approval process; directing the State Auditor
9 and Inspector to inspect or audit certain contracts
10 upon certain request; providing civil penalty for
11 certain failure to disclose certain information;
12 providing for deposit of funds; providing for
13 administrative enforcement of penalty; allowing
14 certain entities to bring civil action for certain
15 enforcement; providing for attorney fees; providing
16 immunity from employment discipline and civil
17 liability to certain employees who make certain
18 reports; providing for reward amount; providing for
19 confidentiality of certain information; prohibiting
20 public schools and institutions of higher education
21 from participating in certain agreements with certain
22 foreign sources; requiring certain cultural exchange
23 agreements to be shared with certain federal and
24 state agencies; providing manner of sharing
information; requiring the Oklahoma State Regents for
Higher Education and the State Board of Education to
submit certain annual report by certain date;
providing contents of report; prohibiting certain
associations from accepting certain gifts or grants
or entering into certain contracts; requiring public
schools and institutions of higher education that
establish certain program or agreement to adopt
certain prioritizing policy; requiring institutions
of higher education with certain research budget to
screen certain applicants and students; directing
boards of regents to require submission of certain
materials from certain individuals; directing
presidents of institutions of higher education to
designate a research integrity office; providing
purpose of office; requiring certain review prior to
interviewing for or offering certain positions;
allowing an individual to not be employed for failure
to disclose certain information; requiring a research
integrity office to report certain information
regarding an individual who was rejected for
employment on certain basis; directing institutions
of higher education to adopt a policy of prioritizing

1 certain foreign researchers; requiring institutions
2 of higher education with certain research budget to
3 establish certain travel approval and monitoring
4 program; providing criteria for certain preapproval;
5 requiring maintenance of certain records of foreign
6 travel requests and approvals for certain time
7 period; requiring submission of certain annual
8 report; requiring certain operation audit by certain
9 date; allowing certain academic partnerships to be
10 entered into or renewed under certain conditions;
11 directing the Governor to appoint certain individual
12 to submit certain report; providing contents of
13 report; providing for severability; providing for
14 codification; providing an effective date; and
15 declaring an emergency.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 24-162 of Title 70, unless there
19 is created a duplication in numbering, reads as follows:

20 A. This act shall be known and may be cited as the "Research
21 and Education Protection Act of 2024". The purpose of the act is to
22 protect research and educational system operations in this state
23 from malicious influence from foreign countries of concern.

24 B. As used in this act:

1. "Affiliate organization" means any entity under the control
of or established for the benefit of an organization required to
report pursuant to this section including a direct-support
organization;

1 2. "Agreement" means a written or spoken statement of mutual
2 interest in cultural exchange or academic or research collaboration;

3 3. "Allied countries" means:

4 a. nations currently party to any bilateral mutual
5 defense treaties including the North Atlantic Treaty,
6 the Agreement between the United States and Australia
7 and New Zealand, the Philippine Treaty, the Southeast
8 Asia Treaty, the Japanese Treaty, the Republic of
9 Korea Treaty, or the Rio Treaty,

10 b. any nation currently designated as a Major Non-North
11 Atlantic Treaty Organization (NATO) Ally by the United
12 States Department of State, or

13 c. the Republic of China;

14 4. "Contract" means any agreement for the acquisition by
15 purchase, lease, or barter of property or services for the direct
16 benefit or use of either of the parties;

17 5. "Country of concern" means the People's Republic of China,
18 the Russian Federation, the Islamic Republic of Iran, the Democratic
19 People's Republic of Korea, the State of Qatar, the Republic of
20 Cuba, the Venezuelan regime of Nicolas Maduro, the Syrian Arab
21 Republic, or any foreign terrorist organization designated by the
22 United States Secretary of State in accordance with the Immigration
23 and Naturalization Act, as amended, including any agent of or any
24 other entity under significant control of such foreign country of

1 concern or any other entity deemed by the Governor in consultation
2 with the Oklahoma Office of Homeland Security;

3 6. "Direct-support organization" means an organization that is
4 organized and operated to receive, hold, invest, and administer
5 property and to make expenditures to or for the benefit of an
6 institution of higher education or for the benefit of a research and
7 development park or research and development authority affiliated
8 with an institution of higher education;

9 7. "Foreign government" means the government of any country,
10 nation, group of nations, or any province or political subdivision
11 of any country, nation, or group of nations other than the
12 government of the United States including any agent of such foreign
13 government;

14 8. "Foreign source" means:

15 a. a foreign government or an agency of a foreign
16 government,

17 b. a legal entity, governmental or otherwise, created
18 solely under the laws of a foreign state or states,
19 c. an individual who is not a citizen or a national of
20 the United States or a territory or protectorate of
21 the United States,

22 d. a partnership, association, corporation, organization,
23 or any other combination of persons organized under
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1 the laws of or having its principal place of business
2 in a country of concern of subsidiary of such entity,
3 e. an agent including a subsidiary or an affiliate of a
4 foreign legal entity acting on behalf of a foreign
5 source,

6 f. a political party or a member of a political party.

7 For the purposes of this subparagraph, the term
8 "political party" means an organization or combination
9 of individuals whose aim or purpose is, or who is
10 engaged in any activity devoted in whole or in part
11 to, the establishment, administration, control, or
12 acquisition of administration or control of a
13 government of a country of concern or a subdivision
14 thereof or the furtherance or influencing of the
15 political or public interest, policies, or relations
16 of a government of a country of concern or subdivision
17 thereof, or

18 g. a program operated for the benefit of a government or
19 political party of a country of concern including, but
20 not limited to, the Thousand Talents Program, any
21 program affiliated with United Front operations, or
22 any program affiliated with a country of concern's
23 ministry of education;

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1 9. "Gift" means any gift, grant, endowment, award, or donation
2 of money or property of any kind, or any combination thereof,
3 including a conditional or unconditional pledge of such gift,
4 endowment, award, or donation. For the purposes of this paragraph,
5 pledge means a promise, an agreement, or an expressed intention to
6 give a gift, and grant means a transfer of money for a specified
7 purpose including a conditional gift;

8 10. "Institution of higher education" means an institution of
9 higher education within The Oklahoma State System of Higher
10 Education or a private institution of higher learning located within
11 this state and accredited pursuant to Section 4103 of Title 70 of
12 the Oklahoma Statutes;

13 11. "Interest" in an entity means any direct or indirect
14 investment in or loan to an entity valued at five percent (5%) or
15 more of the entity's net worth or any form of direct or indirect
16 control exerting similar or greater influence on the governance of
17 the entity;

18 12. "Partnership" means a faculty or student exchange program,
19 a study abroad program, a matriculation program, a recruiting
20 program, or a dual degree program; and

21 13. "Public school" means a public school district, public
22 charter school, or public statewide virtual charter school.

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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 24-163 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 A. 1. Any public school or institution of higher education
5 that has received directly or indirectly any gift with any value
6 from any foreign source from a country of concern after December 31,
7 2013, shall disclose such gifts in the following manner:

8 a. public schools shall disclose such gifts to the State
9 Board of Education and the State Department of
10 Education within sixty (60) days after the effective
11 date of this act, and

12 b. institutions of higher education shall disclose such
13 gifts to the Oklahoma State Regents for Higher
14 Education within sixty (60) days after the effective
15 date of this act.

16 2. Unless otherwise prohibited or deemed confidential under
17 state or federal law, disclosure required by this subsection shall
18 include the date the gift was received; the amount of the gift; the
19 purpose of the gift; the identification of the persons the gift was
20 explicitly intended to benefit; any applicable conditions,
21 requirements, restrictions, or terms made part of the gift; the name
22 and country of residence or domicile of the foreign source; the name
23 and mailing address of the disclosing entity; and, as applicable,
24 the date of termination of the gift.

1 3. Information submitted pursuant to paragraph 1 of this
2 subsection shall be forwarded to the Office of Management and
3 Enterprise Services (OMES), which shall maintain a public web portal
4 to disclose information on past gifts from countries of concern.

5 4. Upon a request from the Governor, the President Pro Tempore
6 of the Senate, or the Speaker of the House of Representatives, the
7 State Auditor and Inspector shall inspect or audit a past gift or
8 gift agreement.

9 B. 1. Any public school or institution of higher education
10 that has been offered directly or indirectly any gift with any value
11 from a foreign source from a country of concern after the effective
12 date of this act shall disclose such gift in the following manner:

- 13 a. public schools shall disclose such gifts to the State
14 Board of Education and the State Department of
15 Education before accepting such gifts, and
- 16 b. institutions of higher education shall disclose such
17 gifts to the Oklahoma State Regents for Higher
18 Education before accepting such gifts.

19 2. Unless otherwise prohibited or deemed confidential under
20 state or federal law, disclosure required by this subsection shall
21 include the date the gift was offered; the amount of the gift; the
22 purpose of the gift; the identification of the persons the gift was
23 explicitly intended to benefit; any applicable conditions,
24 requirements, restrictions, or terms made part of the gift; the name

1 and country of residence or domicile of the foreign source; the name
2 and mailing address of the disclosing entity; and, as applicable,
3 the date of termination of the gift.

4 3. Information submitted pursuant to paragraph 1 of this
5 subsection shall be forwarded to OMES. Within thirty (30) days of
6 receiving the disclosure of an offered gift, OMES shall issue a
7 final decision to the public school or institution of higher
8 education on whether and under what conditions the public school or
9 institution of higher education may accept the gift. OMES shall:

10 a. develop disclosure forms, rules, and procedures for
11 deciding whether to allow a public school or
12 institution of higher education to accept gifts from
13 countries of concern, and

14 b. maintain a public web portal disclosing proposed gifts
15 from countries of concern with the final decision from
16 OMES on whether to allow the public school or
17 institution of higher education to accept the gift.

18 4. For the purposes of this section, a gift received by a
19 public school or institution of higher education from a foreign
20 source through an intermediary shall be considered an indirect gift
21 and shall be subject to the approval process provided for in this
22 subsection.

23 5. Upon the request of the Governor, the President Pro Tempore
24 of the Senate, or the Speaker of the House of Representatives, the

1 State Auditor and Inspector shall inspect or audit a gift or gift
2 agreement.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 24-164 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A public school or institution of higher education that has
7 entered directly or indirectly into any contract with any value from
8 any foreign source from a country of concern after December 31,
9 2013, shall disclose such contracts in the following manner:

10 1. Public schools shall disclose such contracts to the State
11 Board of Education and the State Department of Education within
12 sixty (60) days after the effective date of this act; and

13 2. Institutions of higher education shall disclose such
14 contracts to the Oklahoma State Regents for Higher Education within
15 sixty (60) days after the effective date of this act.

16 B. Unless otherwise prohibited or deemed confidential under
17 state or federal law, disclosure required by subsection A of this
18 section shall include the date of the contract; the amount of the
19 contract; the purpose of the contract; the identification of the
20 persons the contract was explicitly intended to benefit; any
21 applicable conditions, requirements, restrictions, or terms made
22 part of the contract; a copy of the contract; the name and country
23 of residence or domicile of the foreign source; the name and mailing
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1 address of the disclosing entity; and, as applicable, the date of
2 termination of the contract.

3 C. For the purposes of this section, a contract entered into
4 with a foreign source through an intermediary or affiliate
5 organization shall be considered an indirect contract to the public
6 school or institution of higher education and shall be subject to
7 the disclosure process provided for in this section.

8 D. Information submitted pursuant to subsection A of this
9 section shall be forwarded to the Office of Management and
10 Enterprise Services (OMES), which shall maintain a public web portal
11 to disclose information on past proposed and entered into contracts
12 with countries of concern.

13 E. Upon the request of the Governor, the President Pro Tempore
14 of the Senate, or the Speaker of the House of Representatives, the
15 State Auditor and Inspector shall inspect or audit a past contract.

16 F. Any public school or institution of higher education that
17 has been offered or has proposed directly or indirectly any contract
18 with any value from or with a foreign source from a country of
19 concern after the effective date of this act shall disclose such
20 proposed contract in the following manner:

21 1. Public schools shall disclose such contract to the State
22 Board of Education and the State Department of Education before
23 entering into such contract; and

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1 2. Institutions of higher education shall disclose such
2 contract to the State Regents.

3 G. Unless otherwise prohibited or deemed confidential under
4 state or federal law, disclosure required by subsection F of this
5 section shall include the date of the contract; the amount of the
6 contract; the purpose of the contract; the identification of the
7 persons the contract was explicitly intended to benefit; any
8 applicable conditions, requirements, restrictions, or terms made
9 part of the contract; a copy of the contract; the name and country
10 of residence or domicile of the foreign source; the name and mailing
11 address of the disclosing entity; and, as applicable, the date of
12 termination of the contract.

13 H. Information submitted pursuant to subsection F of this
14 section shall be forwarded to OMES. Within thirty (30) days of
15 receiving the disclosure of the offered or proposed contract, OMES
16 shall issue a final decision to the public school or institution of
17 higher education on whether and under what conditions the public
18 school or institution of higher education may enter into the
19 contract. OMES shall:

20 1. Develop disclosure forms, rules, and procedures for deciding
21 whether to allow a public school or an institution of higher
22 education to enter into a contract with a country of concern; and

23 2. Maintain a public web portal disclosing proposed or offered
24 contracts with countries of concern with the final decision from

1 OMES on whether to allow the public school or institution of higher
2 education to enter into the contract.

3 I. For the purposes of this section, a contract proposed from a
4 foreign source through an intermediary or affiliate organization
5 shall be considered an indirect contract with the public school or
6 institution of higher education and shall be subject to the approval
7 process provided for in subsection H of this section.

8 J. Upon the request of the Governor, the President Pro Tempore
9 of the Senate, or the Speaker of the House of Representatives, the
10 State Auditor and Inspector shall inspect or audit a contract
11 entered into pursuant to this section.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 24-165 of Title 70, unless there
14 is created a duplication in numbering, reads as follows:

15 A. A public school or institution of higher education that
16 knowingly, willfully, or negligently fails to disclose the
17 information required by the Research and Education Protection Act of
18 2024 shall be subject to a civil penalty of one hundred and five
19 percent (105%) of the amount of the undisclosed gift or contract,
20 payable only from non-state funds. The recovered funds shall be
21 deposited into the General Revenue Fund. The State Board of
22 Education or the Oklahoma State Regents for Higher Education may
23 administratively enforce the penalty provided for in this section as
24 an administrative penalty.

1 B. In the absence of enforcement by the State Board of
2 Education or the State Regents, the Attorney General or the Office
3 of the State Treasurer may bring a civil action to enforce the
4 provisions of the Research and Education Protection Act of 2024. If
5 such action is successful, the Attorney General or the Office of the
6 State Treasurer shall be entitled to reasonable attorney fees and
7 costs.

8 C. An employee of a public school or an institution of higher
9 education who in good faith reports an undisclosed foreign gift or
10 contract to the Attorney General or the Office of the State
11 Treasurer shall be immune from employment discipline or civil
12 liability. The reporting employee shall be entitled to receive a
13 reward in the amount of twenty-five percent (25%) of any penalty
14 recovered by the State Board of Education, the State Regents, the
15 Attorney General, or the Office of the State Treasurer.

16 D. Information reported pursuant to Sections 2 and 3 of this
17 act shall not be deemed confidential except as provided for in the
18 Oklahoma Open Records Act.

19 E. The State Board of Education and the State Regents may adopt
20 promulgate rules to implement the provisions of this section.

21 SECTION 5. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 24-166 of Title 70, unless there
23 is created a duplication in numbering, reads as follows:

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1 A. A public school or institution of higher education shall not
2 participate in any cultural exchange agreement with a foreign source
3 from a country of concern, or any entity controlled by a country of
4 concern, which:

5 1. Constrains the freedom of contract of such public school or
6 institution of higher education;

7 2. Allows the curricula or values of a program in this state to
8 be directed, controlled, or influenced by a country of concern; or

9 3. Promotes an agenda detrimental to the safety or security of
10 this state, its residents, or the United States.

11 B. Prior to the execution of a cultural exchange agreement with
12 a foreign source from a country of concern, the substance of the
13 agreement shall be shared with:

14 1. Federal agencies concerned with protecting national security
15 or enforcing trade sanctions, embargoes, or other restrictions under
16 federal law. If any federal agency provides information suggesting
17 that such an agreement promotes an agenda detrimental to the safety
18 or security of this state, the United States, or its residents, the
19 public school or institution of higher education may not enter into
20 the agreement; and

21 2. The Office of Management and Enterprise Services (OMES). If
22 OMES provides information suggesting that such an agreement promotes
23 an agenda detrimental to the safety or security of this state, the
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1 United States, or its residents, the public school or institution of
2 higher education may not enter into the agreement.

3 C. By July 1, 2025, and by each July 1 thereafter, each public
4 school shall submit the information required by subsection B of this
5 section to the State Board of Education, and each institution of
6 higher education shall submit the information required by subsection
7 B of this section to the Oklahoma State Regents for Higher
8 Education.

9 D. By December 1, 2025, and each December 1 thereafter, the
10 State Regents and the State Board of Education shall each
11 electronically submit a report to the Governor, the President Pro
12 Tempore of the Senate, and the Speaker of the House of
13 Representatives relating to partnerships and agreements of
14 institutions of higher education and public schools, respectively,
15 made with educational institutions or other institutions based in
16 countries of concern. The report shall include at a minimum the
17 following information for the previous fiscal year:

18 1. Data reflecting any grant program, agreement, partnership,
19 or contract between an institution of higher education and any
20 college, university, or entity that is based in or controlled by a
21 country of concern or between a public school and any private or
22 public school that is based in or controlled by a country of
23 concern;

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1 2. Data reflecting any office, campus, or physical location
2 used or maintained by an institution of higher education in a
3 country of concern; and

4 3. The date on which any such grant program, agreement,
5 partnership, or contract reported pursuant to paragraph 1 of this
6 subsection is expected to terminate.

7 E. 1. No students' or scholars' association affiliated with
8 any public school or institution of higher education may accept any
9 gift or grant from a foreign source in a country of concern or enter
10 into any contract or agreement with a foreign source in a country of
11 concern. For the purposes of this subsection, member dues or fees
12 shall not be considered a gift or grant from a foreign source in a
13 country of concern.

14 2. A violation of the provisions of paragraph 1 of this
15 subsection shall result in the public school or institution of
16 higher education ending any affiliation with the students' or
17 scholars' association.

18 F. Each public school or institution of higher education that
19 has established or will establish an exchange program or
20 international cultural agreement concerning the Mandarin dialect of
21 the Chinese language or culture shall adopt a policy of prioritizing
22 partnerships with foreign sources from the Republic of China over
23 partnerships with foreign sources from the People's Republic of
24 China.

1 G. The State Board of Education and the State Regents may adopt
2 regulations and rules to implement the provisions of this section.

3 SECTION 6. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 24-167 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Each institution of higher education or affiliate thereof
7 that has a research budget of Ten Million Dollars (\$10,000,000.00)
8 or more shall screen:

9 1. Applicants seeking employment in research or research-
10 related support positions;

11 2. Graduate and undergraduate students applying for research or
12 research-related support positions; and

13 3. Applicants for positions of visiting researcher who are:

14 a. citizens of a foreign country and who are not
15 permanent residents of the United States, or

16 b. citizens and permanent residents of the United States
17 who have any affiliation with an institution or
18 program or at least one year of prior employment or
19 training in a country of concern, with the exception
20 of employment or training by an agency of the United
21 States government.

22 Screening required by this subsection shall be required prior to
23 interviewing such applicants or offering an applicant a position of
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1 employment or of visiting researcher. An institution of higher
2 education may screen other applicants for such positions.

3 B. In addition to satisfying all employment and enrollment
4 qualifications imposed by federal law, the governing board of
5 regents for each institution of higher education shall:

6 1. Require a foreign applicant to submit a complete copy of his
7 or her passport and most recently submitted Online Nonimmigrant Visa
8 Application, DS-160. After extraction and submission of all
9 information relevant to the requirements of this section, an
10 institution of higher education may destroy or return the copy of
11 the DS-160;

12 2. Require all individuals described in subsection A of this
13 section to submit:

- 14 a. a complete resume and curriculum vitae including every
15 institution of higher education attended,
- 16 b. all previous employment since the applicant reached
17 the age of eighteen,
- 18 c. a list of all published material for which the
19 applicant received credit as an author, a researcher,
20 or otherwise to which the applicant contributed
21 significant research, writing, or editorial support,
- 22 d. a list of the applicant's current and pending research
23 funding from any source including the source of funds,
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1 the amount, the applicant's role on the project, and a
2 brief description of the research, and

3 e. a full disclosure of non-institution of higher
4 education professional activities including any
5 affiliation with an institution of higher education or
6 program in a country of concern; and

7 3. An institution of higher education may require individuals
8 described in subsection A of this section who have been continually
9 employed or enrolled in an institution of higher education in the
10 United States for twenty (20) years or more to submit employment
11 history prior to the most recent twenty (20) years.

12 C. The president of each institution of higher education or
13 affiliate thereof shall designate a research integrity office to
14 review all materials submitted pursuant to subsection B of this
15 section and take reasonable steps to verify all attendance,
16 employment, publications, and contributions included in the
17 submitted materials. Reasonable steps shall include but not be
18 limited to searching public databases for research publications,
19 presentations, and public conflict of interest records to identify
20 any research publication or presentation that may have been omitted
21 from the materials submitted pursuant to subsection B of this
22 section; contacting all employers of the most recent ten (10) years
23 to verify employment; contacting all institutions of higher
24 education attended to verify enrollment and educational progress;

1 searching public listings of persons subject to sanctions or
2 restrictions under federal law; submitting the applicant's name and
3 other identifying information to the Federal Bureau of Investigation
4 or any federal agency reasonably willing to scrutinize such
5 applicant for national security or counterespionage purposes; and
6 any other steps deemed appropriate. The institution of higher
7 education or affiliate thereof may also direct the research
8 integrity office to approve applicants for hire based on a risk-
9 based determination considering the nature of the research and
10 background and ongoing affiliations of the applicant.

11 D. The provisions of this section shall be completed before an
12 institution of higher education or an affiliate thereof interviews
13 or offers a position to an individual described in subsection A of
14 this section in any research or research-related support position
15 and before granting such individual any access to research data or
16 activities or other sensitive data. An individual described in
17 subsection A of this section may not be employed in any research or
18 research-related support position if he or she fails to disclose a
19 substantial educational, employment, or research-related activity,
20 publication, or presentation at the time of submitting materials
21 required by subsection B of this section unless an institution of
22 higher education department head or his or her designee certifies in
23 writing the substance of the nondisclosure and the reasons for
24 disregarding such failure to disclose. A copy of such certification

1 shall be kept in the investigative file of the research integrity
2 office and shall be submitted to the nearest Federal Bureau of
3 Investigation field office.

4 E. An institution of higher education's research integrity
5 office designated pursuant to subsection C of this section shall
6 report to the nearest Federal Bureau of Investigation field office,
7 any law enforcement agency designated by the Governor, and the board
8 of regents of the institution of higher education or affiliate
9 thereof the identity of the individual who was rejected for
10 employment based on the scrutiny required by this section or other
11 risk-based screening.

12 F. Each institution of higher education shall adopt a policy of
13 prioritizing foreign researchers from allied nations and joint
14 research projects with allied nations in the following order of
15 prioritization:

16 1. Members of the Five Eyes Intelligence Oversight and Review
17 Council;

18 2. Current signatories of the North Atlantic Treaty;

19 3. The State of Israel, the Republic of China, the People's
20 Republic of Korea, Japan, the Philippines, and the Republic of
21 India; and

22 4. All other countries including remaining nations designated
23 as a Major Non-North Atlantic Treaty Organization (NATO) Ally by the
24 United States Department of State and remaining allied countries.

1 G. By July 1, 2025, each institution of higher education or
2 affiliate thereof that has a research budget of Ten Million Dollars
3 (\$10,000,000.00) or more shall establish an international travel
4 approval and monitoring program. The program shall require
5 preapproval and screening by an institution of higher education's
6 research integrity office designated pursuant to subsection C of
7 this section, in addition to any other travel approval process
8 requirements applicable to the institution of higher education.

9 H. 1. Preapproval by an institution of higher education's
10 research integrity office shall be based on the applicant's review
11 and acknowledgement of guidance published by the employing
12 institution of higher education or affiliate thereof which relates
13 to countries of concern, countries under sanction, or other
14 restrictions or designations imposed by this state or the United
15 States government including any federal licensing requirements;
16 customs rules; export controls; restrictions on taking institutional
17 property including intellectual property abroad; restrictions on
18 presentations, teaching, and interactions with foreign colleagues;
19 and other subjects important to the research and academic integrity
20 of the institution of higher education.

21 2. Preapproval by an institution of higher education's research
22 integrity office shall be based on the binding commitment of the
23 individual traveler not to violate the institution of higher
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1 education's limitations on travel and activities abroad and to obey
2 all applicable federal laws.

3 I. The institution of higher education or affiliate thereof
4 shall maintain records of all foreign travel requests and approvals;
5 expenses reimbursed by the institution of higher education or
6 affiliate thereof during such travel including travel, food, and
7 lodging; and payments and honoraria received during such travel and
8 activities including for travel, food, and lodging. The institution
9 of higher education shall retain the records for at least three (3)
10 years or any longer period of time required by any applicable state
11 or federal law.

12 J. The institution of higher education or affiliate thereof
13 shall provide an annual report of foreign travel to countries of
14 concerns listing individual travelers, foreign locations visited,
15 and foreign institutions visited to its board of regents.

16 K. By July 1, 2025, the State Auditor and Inspector shall
17 perform an operational audit regarding implementation of the
18 provisions of this section.

19 SECTION 7. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 24-168 of Title 70, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Subject to the approval of its board of regents, an
23 institution of higher education shall only enter into a new or renew
24 an existing academic partnership with an academic or research

1 institution located in a country of concern if the institution of
2 higher education maintains sufficient structural safeguards to
3 protect its intellectual property, the security of this state, and
4 the national security interests of the United States. A board of
5 regents shall only approve an institution of higher education's
6 partnership if the board, in consultation with the Office of the
7 Attorney General, determines the partnership meets the following
8 safeguard requirements:

9 1. Compliance with all federal requirements including the
10 requirements of federal research sponsors and federal export control
11 agencies, regulations regarding international traffic in arms and
12 export administration, and economic and trade sanctions administered
13 by the federal Office of Foreign Assets Control of the United States
14 Department of the Treasury;

15 2. Annual formal institution-level programs for faculty on
16 conflicts of interest and conflicts of commitment; and

17 3. A formalized foreign visitor process and uniform visiting
18 scholar agreement.

19 B. The board of regents of an institution of higher education,
20 in consultation with the Office of the Attorney General, shall have
21 full discretion to reject or terminate any research partnership
22 between the institution and an academic or research institution
23 located in a country of concern at any time and for any purpose.

24

1 SECTION 8. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 24-169 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 A. No later than ninety (90) days after the effective date of
5 this act, the Governor shall appoint one qualified person who shall
6 be responsible for the "Report on Foreign Influence in Higher
7 Education". The report shall be electronically submitted to the
8 Governor, the President Pro Tempore of the Senate, and the Speaker
9 of the House of Representatives and shall be published semi-annually
10 on a state website.

11 B. The Report on Foreign Influence in Higher Education:

12 1. Shall investigate and provide oversight of all attempted
13 foreign influence operations in higher education in this state; and

14 2. May include a synthesis of reports from the federal
15 government and state agencies, new findings and ongoing
16 investigations, and recommendations for limiting exposure to foreign
17 influence.

18 SECTION 9. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 24-170 of Title 70, unless there
20 is created a duplication in numbering, reads as follows:

21 The provisions of the Research and Education Protection Act of
22 2024 are severable and if any part or provision shall be held void,
23 the decision of the court so holding shall not affect or impair any
24

1 of the remaining parts or provisions of the Research and Education
2 Protection Act of 2024.

3 SECTION 10. This act shall become effective July 1, 2024.

4 SECTION 11. It being immediately necessary for the preservation
5 of the public peace, health, or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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