

1 **SENATE FLOOR VERSION**

2 April 9, 2024

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1181

By: McCall and Lepak of the
House

and

Dahm and Bullard of the
Senate

9 An Act relating to education; creating the Research
10 and Education Protection Act of 2024; providing short
11 title; providing purpose; defining terms; requiring
12 public schools and institutions of higher education
13 to disclose certain gifts received after certain
14 date; providing manner of disclosure; requiring
15 submitted information to be forwarded to the Office
16 of Management and Enterprise Services (OMES);
17 requiring information to be disclosed on certain
18 website; directing the State Auditor and Inspector to
19 inspect or audit certain gifts upon certain request;
20 requiring public schools and institutions of higher
21 education to disclose offering of certain gifts;
22 providing manner of disclosure; requiring submitted
23 information to be forwarded to OMES to issue a final
24 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
schools and institutions of higher education to
disclose certain proposed contracts; requiring

1 submitted information to be forwarded to OMES to
2 issue a final decision on whether a school or
3 institution may enter into certain contract;
4 directing OMES to develop certain forms and maintain
5 certain website; making certain contracts subject to
6 certain approval process; directing the State Auditor
7 and Inspector to inspect or audit certain contracts
8 upon certain request; providing civil penalty for
9 certain failure to disclose certain information;
10 providing for deposit of funds; providing for
11 administrative enforcement of penalty; allowing
12 certain entities to bring civil action for certain
13 enforcement; providing for attorney fees; providing
14 immunity from employment discipline and civil
15 liability to certain employees who make certain
16 reports; providing for reward amount; providing for
17 confidentiality of certain information; prohibiting
18 public schools and institutions of higher education
19 from participating in certain agreements with certain
20 foreign sources; requiring certain cultural exchange
21 agreements to be shared with certain federal and
22 state agencies; providing manner of sharing
23 information; requiring the Oklahoma State Regents for
24 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
certain foreign researchers; requiring institutions
of higher education with certain research budget to

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

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

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

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

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;

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

1 3. "Allied countries" means:

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

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

11 c. the Republic of China;

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

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

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

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

12 8. "Foreign source" means:

- 13 a. a foreign government or an agency of a foreign
14 government,
- 15 b. a legal entity, governmental or otherwise, created
16 solely under the laws of a foreign state or states,
- 17 c. an individual who is not a citizen or a national of
18 the United States or a territory or protectorate of
19 the United States,
- 20 d. a partnership, association, corporation, organization,
21 or any other combination of persons organized under
22 the laws of or having its principal place of business
23 in a country of concern of subsidiary of such entity,

1 e. an agent including a subsidiary or an affiliate of a
2 foreign legal entity acting on behalf of a foreign
3 source,

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

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

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

22 9. "Gift" means any gift, grant, endowment, award, or donation
23 of money or property of any kind, or any combination thereof,
24 including a conditional or unconditional pledge of such gift,

1 endowment, award, or donation. For the purposes of this paragraph,
2 pledge means a promise, an agreement, or an expressed intention to
3 give a gift, and grant means a transfer of money for a specified
4 purpose including a conditional gift;

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

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

15 12. "Partnership" means a faculty or student exchange program,
16 a study abroad program, a matriculation program, a recruiting
17 program, or a dual degree program; and

18 13. "Public school" means a public school district, public
19 charter school, or public statewide virtual charter school.

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

23 A. 1. Any public school or institution of higher education
24 that has received directly or indirectly any gift with any value

1 from any foreign source from a country of concern after December 31,
2 2013, shall disclose such gifts in the following manner:

3 a. public schools shall disclose such gifts to the State
4 Board of Education and the State Department of
5 Education within sixty (60) days after the effective
6 date of this act, and

7 b. institutions of higher education shall disclose such
8 gifts to the Oklahoma State Regents for Higher
9 Education within sixty (60) days after the effective
10 date of this act.

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

20 3. Information submitted pursuant to paragraph 1 of this
21 subsection shall be forwarded to the Office of Management and
22 Enterprise Services (OMES), which shall maintain a public web portal
23 to disclose information on past gifts from countries of concern.
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1 4. Upon a request from the Governor, the President Pro Tempore
2 of the Senate, or the Speaker of the House of Representatives, the
3 State Auditor and Inspector shall inspect or audit a past gift or
4 gift agreement.

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

9 a. public schools shall disclose such gifts to the State
10 Board of Education and the State Department of
11 Education before accepting such gifts, and

12 b. institutions of higher education shall disclose such
13 gifts to the Oklahoma State Regents for Higher
14 Education before accepting such gifts.

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

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

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

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

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

20 5. Upon the request of the Governor, the President Pro Tempore
21 of the Senate, or the Speaker of the House of Representatives, the
22 State Auditor and Inspector shall inspect or audit a gift or gift
23 agreement.
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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 24-164 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

21 2. Maintain a public web portal disclosing proposed or offered
22 contracts with countries of concern with the final decision from
23 OMES on whether to allow the public school or institution of higher
24 education to enter into the contract.

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

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

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

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

23 B. In the absence of enforcement by the State Board of
24 Education or the State Regents, the Attorney General or the Office

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

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

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

17 E. The State Board of Education and the State Regents may
18 promulgate rules to implement the provisions of this section.

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

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

3 1. Constrains the freedom of contract of such public school or
4 institution of higher education;

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

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

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

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

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

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

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

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

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

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

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

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

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

22 G. The State Board of Education and the State Regents may adopt
23 regulations and rules to implement the provisions of this section.
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1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 24-167 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

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

7 1. Applicants seeking employment in research or research-
8 related support positions;

9 2. Graduate and undergraduate students applying for research or
10 research-related support positions; and

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

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

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

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

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

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

10 2. Require all individuals described in subsection A of this
11 section to submit:

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

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

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

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

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

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

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1 office and shall be submitted to the nearest Federal Bureau of
2 Investigation field office.

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

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

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

17 2. Current signatories of the North Atlantic Treaty;

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

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

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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.

8 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
9 April 9, 2024 - DO PASS AS AMENDED BY CS

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