

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1181

By: McCall and Lepak of the
House

4 and

5 Dahm of the Senate

6
7
8 An Act relating to state operations and academic
9 research; creating the Research, Education, and
10 Government Operations Protection Act of 2024; ***
11 requiring certain institutions of higher education to
12 make certain screenings of applicants seeking
13 employment in research or research-related positions;
14 *** providing for codification; providing an
15 effective date; and declaring an emergency.

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AUTHORS: Add the following Senate Coauthors: Bullard, Stephens, and
Woods

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

"An Act relating to education; creating the Research
and Education Protection Act of 2024; providing short
title; providing purpose; defining terms; requiring
public schools and institutions of higher education
to disclose certain gifts received after certain
date; providing manner of disclosure; requiring
submitted information to be forwarded to the Office
of Management and Enterprise Services (OMES);
requiring information to be disclosed on certain
website; 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 offering of certain gifts;
providing manner of disclosure; requiring submitted
information to be forwarded to OMES to issue a final

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

1 of higher education with certain research budget to
2 screen certain applicants and students; directing
3 boards of regents to require submission of certain
4 materials from certain individuals; directing
5 presidents of institutions of higher education to
6 designate a research integrity office; providing
7 purpose of office; requiring certain review prior to
8 interviewing for or offering certain positions;
9 allowing an individual to not be employed for failure
10 to disclose certain information; requiring a research
11 integrity office to report certain information
12 regarding an individual who was rejected for
13 employment on certain basis; directing institutions
14 of higher education to adopt a policy of prioritizing
15 certain foreign researchers; requiring institutions
16 of higher education with certain research budget to
17 establish certain travel approval and monitoring
18 program; providing criteria for certain preapproval;
19 requiring maintenance of certain records of foreign
20 travel requests and approvals for certain time
21 period; requiring submission of certain annual
22 report; requiring certain operation audit by certain
23 date; allowing certain academic partnerships to be
24 entered into or renewed under certain conditions;
directing the Governor to appoint certain individual
to submit certain report; providing contents of
report; providing for severability; providing for
codification; providing an effective date; and
declaring an emergency.

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

1 protect research and educational system operations in this state
2 from malicious influence from foreign countries of concern.

3 B. As used in this act:

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

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

10 3. "Allied countries" means:

11 a. nations currently party to any bilateral mutual
12 defense treaties including the North Atlantic Treaty,
13 the Agreement between the United States and Australia
14 and New Zealand, the Philippine Treaty, the Southeast
15 Asia Treaty, the Japanese Treaty, the Republic of
16 Korea Treaty, or the Rio Treaty,

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

20 c. the Republic of China;

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

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1 5. "Country of concern" means the People's Republic of China,
2 the Russian Federation, the Islamic Republic of Iran, the Democratic
3 People's Republic of Korea, the State of Qatar, the Republic of
4 Cuba, the Venezuelan regime of Nicolas Maduro, the Syrian Arab
5 Republic, or any foreign terrorist organization designated by the
6 United States Secretary of State in accordance with the Immigration
7 and Naturalization Act, as amended, including any agent of or any
8 other entity under significant control of such foreign country of
9 concern or any other entity deemed by the Governor in consultation
10 with the Oklahoma Office of Homeland Security;

11 6. "Direct-support organization" means an organization that is
12 organized and operated to receive, hold, invest, and administer
13 property and to make expenditures to or for the benefit of an
14 institution of higher education or for the benefit of a research and
15 development park or research and development authority affiliated
16 with an institution of higher education;

17 7. "Foreign government" means the government of any country,
18 nation, group of nations, or any province or political subdivision
19 of any country, nation, or group of nations other than the
20 government of the United States including any agent of such foreign
21 government;

22 8. "Foreign source" means:

23 a. a foreign government or an agency of a foreign
24 government,

- 1 b. a legal entity, governmental or otherwise, created
2 solely under the laws of a foreign state or states,
3 c. an individual who is not a citizen or a national of
4 the United States or a territory or protectorate of
5 the United States,
6 d. a partnership, association, corporation, organization,
7 or any other combination of persons organized under
8 the laws of or having its principal place of business
9 in a country of concern of subsidiary of such entity,
10 e. an agent including a subsidiary or an affiliate of a
11 foreign legal entity acting on behalf of a foreign
12 source,
13 f. a political party or a member of a political party.

14 For the purposes of this subparagraph, the term
15 "political party" means an organization or combination
16 of individuals whose aim or purpose is, or who is
17 engaged in any activity devoted in whole or in part
18 to, the establishment, administration, control, or
19 acquisition of administration or control of a
20 government of a country of concern or a subdivision
21 thereof or the furtherance or influencing of the
22 political or public interest, policies, or relations
23 of a government of a country of concern or subdivision
24 thereof, or

1 g. a program operated for the benefit of a government or
2 political party of a country of concern including, but
3 not limited to, the Thousand Talents Program, any
4 program affiliated with United Front operations, or
5 any program affiliated with a country of concern's
6 ministry of education;

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

14 10. "Institution of higher education" means an institution of
15 higher education within The Oklahoma State System of Higher
16 Education or a private institution of higher learning located within
17 this state and accredited pursuant to Section 4103 of Title 70 of
18 the Oklahoma Statutes;

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

1 12. "Partnership" means a faculty or student exchange program,
2 a study abroad program, a matriculation program, a recruiting
3 program, or a dual degree program; and

4 13. "Public school" means a public school district, public
5 charter school, or public statewide virtual charter school.

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

9 A. 1. Any public school or institution of higher education
10 that has received directly or indirectly any gift with any value
11 from any foreign source from a country of concern after December 31,
12 2013, shall disclose such gifts 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 within sixty (60) days after the effective
16 date of this act, and

17 b. institutions of higher education shall disclose such
18 gifts to the Oklahoma State Regents for Higher
19 Education within sixty (60) days after the effective
20 date of this act.

21 2. Unless otherwise prohibited or deemed confidential under
22 state or federal law, disclosure required by this subsection shall
23 include the date the gift was received; the amount of the gift; the
24 purpose of the gift; the identification of the persons the gift was

1 explicitly intended to benefit; any applicable conditions,
2 requirements, restrictions, or terms made part of the gift; the name
3 and country of residence or domicile of the foreign source; the name
4 and mailing address of the disclosing entity; and, as applicable,
5 the date of termination of the gift.

6 3. Information submitted pursuant to paragraph 1 of this
7 subsection 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 gifts from countries of concern.

10 4. Upon a request from the Governor, the President Pro Tempore
11 of the Senate, or the Speaker of the House of Representatives, the
12 State Auditor and Inspector shall inspect or audit a past gift or
13 gift agreement.

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

18 a. public schools shall disclose such gifts to the State
19 Board of Education and the State Department of
20 Education before accepting such gifts, and

21 b. institutions of higher education shall disclose such
22 gifts to the Oklahoma State Regents for Higher
23 Education before accepting such gifts.

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

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

- 16 a. develop disclosure forms, rules, and procedures for
17 deciding whether to allow a public school or
18 institution of higher education to accept gifts from
19 countries of concern, and
- 20 b. maintain a public web portal disclosing proposed gifts
21 from countries of concern with the final decision from
22 OMES on whether to allow the public school or
23 institution of higher education to accept the gift.

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

6 5. 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 gift or gift
9 agreement.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 24-164 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 has
14 entered directly or indirectly into any contract with any value from
15 any foreign source from a country of concern after December 31,
16 2013, shall disclose such contracts in the following manner:

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

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

23 B. Unless otherwise prohibited or deemed confidential under
24 state or federal law, disclosure required by subsection A of this

1 section shall include the date of the contract; the amount of the
2 contract; the purpose of the contract; the identification of the
3 persons the contract was explicitly intended to benefit; any
4 applicable conditions, requirements, restrictions, or terms made
5 part of the contract; a copy of the contract; the name and country
6 of residence or domicile of the foreign source; the name and mailing
7 address of the disclosing entity; and, as applicable, the date of
8 termination of the contract.

9 C. For the purposes of this section, a contract entered into
10 with a foreign source through an intermediary or affiliate
11 organization shall be considered an indirect contract to the public
12 school or institution of higher education and shall be subject to
13 the disclosure process provided for in this section.

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

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

22 F. Any public school or institution of higher education that
23 has been offered or has proposed directly or indirectly any contract
24 with any value from or with a foreign source from a country of

1 concern after the effective date of this act shall disclose such
2 proposed contract in the following manner:

3 1. Public schools shall disclose such contract to the State
4 Board of Education and the State Department of Education before
5 entering into such contract; and

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

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

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

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

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

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

13 J. 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 contract
16 entered into pursuant to this section.

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

20 A. A public school or institution of higher education that
21 knowingly, willfully, or negligently fails to disclose the
22 information required by the Research and Education Protection Act of
23 2024 shall be subject to a civil penalty of one hundred and five
24 percent (105%) of the amount of the undisclosed gift or contract,

1 payable only from non-state funds. The recovered funds shall be
2 deposited into the General Revenue Fund. The State Board of
3 Education or the Oklahoma State Regents for Higher Education may
4 administratively enforce the penalty provided for in this section as
5 an administrative penalty.

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

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

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

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

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 24-166 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 shall not
7 participate in any cultural exchange agreement with a foreign source
8 from a country of concern, or any entity controlled by a country of
9 concern, which:

10 1. Constrains the freedom of contract of such public school or
11 institution of higher education;

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

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

16 B. Prior to the execution of a cultural exchange agreement with
17 a foreign source from a country of concern, the substance of the
18 agreement shall be shared with:

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

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

8 C. By July 1, 2025, and by each July 1 thereafter, each public
9 school shall submit the information required by subsection B of this
10 section to the State Board of Education, and each institution of
11 higher education shall submit the information required by subsection
12 B of this section to the Oklahoma State Regents for Higher
13 Education.

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

23 1. Data reflecting any grant program, agreement, partnership,
24 or contract between an institution of higher education and any

1 college, university, or entity that is based in or controlled by a
2 country of concern or between a public school and any private or
3 public school that is based in or controlled by a country of
4 concern;

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

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

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

18 2. A violation of the provisions of paragraph 1 of this
19 subsection shall result in the public school or institution of
20 higher education ending any affiliation with the students' or
21 scholars' association.

22 F. Each public school or institution of higher education that
23 has established or will establish an exchange program or
24 international cultural agreement concerning the Mandarin dialect of

1 the Chinese language or culture shall adopt a policy of prioritizing
2 partnerships with foreign sources from the Republic of China over
3 partnerships with foreign sources from the People's Republic of
4 China.

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

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

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

13 1. Applicants seeking employment in research or research-
14 related support positions;

15 2. Graduate and undergraduate students applying for research or
16 research-related support positions; and

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

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

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

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

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

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

16 2. Require all individuals described in subsection A of this
17 section to submit:

- 18 a. a complete resume and curriculum vitae including every
19 institution of higher education attended,
20 b. all previous employment since the applicant reached
21 the age of eighteen,
22 c. a list of all published material for which the
23 applicant received credit as an author, a researcher,
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1 or otherwise to which the applicant contributed
2 significant research, writing, or editorial support,

3 d. a list of the applicant's current and pending research
4 funding from any source including the source of funds,
5 the amount, the applicant's role on the project, and a
6 brief description of the research, and

7 e. a full disclosure of non-institution of higher
8 education professional activities including any
9 affiliation with an institution of higher education or
10 program in a country of concern; and

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

16 C. The president of each institution of higher education or
17 affiliate thereof shall designate a research integrity office to
18 review all materials submitted pursuant to subsection B of this
19 section and take reasonable steps to verify all attendance,
20 employment, publications, and contributions included in the
21 submitted materials. Reasonable steps shall include but not be
22 limited to searching public databases for research publications,
23 presentations, and public conflict of interest records to identify
24 any research publication or presentation that may have been omitted

1 from the materials submitted pursuant to subsection B of this
2 section; contacting all employers of the most recent ten (10) years
3 to verify employment; contacting all institutions of higher
4 education attended to verify enrollment and educational progress;
5 searching public listings of persons subject to sanctions or
6 restrictions under federal law; submitting the applicant's name and
7 other identifying information to the Federal Bureau of Investigation
8 or any federal agency reasonably willing to scrutinize such
9 applicant for national security or counterespionage purposes; and
10 any other steps deemed appropriate. The institution of higher
11 education or affiliate thereof may also direct the research
12 integrity office to approve applicants for hire based on a risk-
13 based determination considering the nature of the research and
14 background and ongoing affiliations of the applicant.

15 D. The provisions of this section shall be completed before an
16 institution of higher education or an affiliate thereof interviews
17 or offers a position to an individual described in subsection A of
18 this section in any research or research-related support position
19 and before granting such individual any access to research data or
20 activities or other sensitive data. An individual described in
21 subsection A of this section may not be employed in any research or
22 research-related support position if he or she fails to disclose a
23 substantial educational, employment, or research-related activity,
24 publication, or presentation at the time of submitting materials

1 required by subsection B of this section unless an institution of
2 higher education department head or his or her designee certifies in
3 writing the substance of the nondisclosure and the reasons for
4 disregarding such failure to disclose. A copy of such certification
5 shall be kept in the investigative file of the research integrity
6 office and shall be submitted to the nearest Federal Bureau of
7 Investigation field office.

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

16 F. Each institution of higher education shall adopt a policy of
17 prioritizing foreign researchers from allied nations and joint
18 research projects with allied nations in the following order of
19 prioritization:

- 20 1. Members of the Five Eyes Intelligence Oversight and Review
21 Council;
- 22 2. Current signatories of the North Atlantic Treaty;

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1 3. The State of Israel, the Republic of China, the People's
2 Republic of Korea, Japan, the Philippines, and the Republic of
3 India; and

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

7 G. By July 1, 2025, each institution of higher education or
8 affiliate thereof that has a research budget of Ten Million Dollars
9 (\$10,000,000.00) or more shall establish an international travel
10 approval and monitoring program. The program shall require
11 preapproval and screening by an institution of higher education's
12 research integrity office designated pursuant to subsection C of
13 this section, in addition to any other travel approval process
14 requirements applicable to the institution of higher education.

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

1 and other subjects important to the research and academic integrity
2 of the institution of higher education.

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

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

17 J. The institution of higher education or affiliate thereof
18 shall provide an annual report of foreign travel to countries of
19 concerns listing individual travelers, foreign locations visited,
20 and foreign institutions visited to its board of regents.

21 K. By July 1, 2025, the State Auditor and Inspector shall
22 perform an operational audit regarding implementation of the
23 provisions of this section.

24

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

4 A. Subject to the approval of its board of regents, an
5 institution of higher education shall only enter into a new or renew
6 an existing academic partnership with an academic or research
7 institution located in a country of concern if the institution of
8 higher education maintains sufficient structural safeguards to
9 protect its intellectual property, the security of this state, and
10 the national security interests of the United States. A board of
11 regents shall only approve an institution of higher education's
12 partnership if the board, in consultation with the Office of the
13 Attorney General, determines the partnership meets the following
14 safeguard requirements:

15 1. Compliance with all federal requirements including the
16 requirements of federal research sponsors and federal export control
17 agencies, regulations regarding international traffic in arms and
18 export administration, and economic and trade sanctions administered
19 by the federal Office of Foreign Assets Control of the United States
20 Department of the Treasury;

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

23 3. A formalized foreign visitor process and uniform visiting
24 scholar agreement.

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

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

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

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

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

19 2. May include a synthesis of reports from the federal
20 government and state agencies, new findings and ongoing
21 investigations, and recommendations for limiting exposure to foreign
22 influence.

23

24

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

4 The provisions of the Research and Education Protection Act of
5 2024 are severable and if any part or provision shall be held void,
6 the decision of the court so holding shall not affect or impair any
7 of the remaining parts or provisions of the Research and Education
8 Protection Act of 2024.

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

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

14 Passed the Senate the 25th day of April, 2024.

15

16

Presiding Officer of the Senate

17

18 Passed the House of Representatives the ____ day of _____,
19 2024.

20

21

Presiding Officer of the House
of Representatives

22

23

24

1 ENGROSSED HOUSE
2 BILL NO. 1181

By: McCall and Lepak of the
House

3 and

4 Dahm of the Senate
5
6

7 An Act relating to state operations and academic
8 research; creating the Research, Education, and
9 Government Operations Protection Act of 2024;
10 providing definitions; requiring disclosure of
11 certain gifts to state agencies, political
12 subdivisions, institutions of K-12 education, and
13 institutions of higher education; directing the
14 Office of the Attorney General to maintain certain
15 web portal to disclose certain past gifts; providing
16 approval requirements for future gifts from countries
17 of concern; directing for disclosure of certain past
18 contracts from countries of concern; providing
19 approval requirements for future contracts from
20 countries of concern; directing for certain
21 investigations by the Office of the Attorney General;
22 providing penalty for failure to make certain
23 disclosures; providing for whistle-blower
24 protections; clarifying no exceptions for certain
information from Open Records requests; permitting
certain state agencies to adopt rules; prohibiting
certain cultural exchange agreements with countries
of concern or related entities; providing
requirements for certain cultural exchange
agreements; directing for certain submission of
information; directing for submission of reports by
the Oklahoma State Regents for Higher Education and
the Oklahoma State Department of Education; providing
minimum report contents; prohibiting certain students
or scholars from accepting certain gifts or grants;
directing that certain agreements prioritize
partnerships with The Republic of China; directing
the Oklahoma State Regents for Higher Education and
the Oklahoma State Department of Education to adopt
regulations and rules; requiring certain institutions
of higher education to make certain screenings of

1 applicants seeking employment in research or
2 research-related positions; requiring submission of
3 certain information for employment screenings;
4 directing for designated research integrity office to
5 review certain materials and take certain reasonable
6 steps to verify certain information; clarifying that
7 requirements must be completed before interviewing or
8 offering certain positions; directing research
9 integrity official to report certain information to
10 Federal Bureau of Investigation; directing for
11 certain operation audit regarding implementation of
12 law; directing certain institutions establish an
13 international travel approval and monitoring program;
14 providing requirements for preapproval of applicants;
15 requiring state university or affiliate maintains of
16 certain records; directing state university or entity
17 provide annual report of foreign travel to countries
18 of concern; directing institutions of higher
19 education to adopt policy prioritizing foreign
20 researchers from allied nations and joint projects
21 with allied nations; providing requirements for
22 institutions of higher education to enter into new or
23 renew academic partnerships with institutions in
24 countries of concern; permitting Oklahoma State
Regents for Higher Education to terminate certain
partnerships; prohibiting the use, obtaining, or
endeavor to obtain or use trade secrets; establishing
penalties; directing for the Governor to appoint
qualified person to be responsible for and submit The
Report on Foreign Influence on Higher Education;
providing for codification; providing an effective
date; and declaring an emergency.

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

20 SECTION 12. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 10001 of Title 70, unless there
22 is created a duplication in numbering, reads as follows:

23 This act shall be known and cited as the "Research, Education,
24 and Government Operations Protection Act of 2024".

1 SECTION 13. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 10002 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 A. As used in this section of the Research, Education, and
5 Government Operations Protection Act of 2024:

6 1. "Affiliate organization" shall mean any entity under the
7 control of or established for the benefit of an organization
8 required to report under this section, including a direct-support
9 organization;

10 2. "Contract" shall mean any agreement for the acquisition by
11 purchase, lease, or barter of property or services, for the direct
12 benefit or use of either of the parties;

13 3. "Country of concern" shall mean any country designated by
14 the United States Secretary of State as hostile or a Country of
15 Particular Concern (CPC);

16 4. "Direct-support organization" shall mean an organization
17 which is organized and operated to receive, hold, invest, and
18 administer property and to make expenditures to or for the benefit
19 of a state college, university or other educational institution or
20 for the benefit of a research and development park or research and
21 development authority affiliated with a state college or university
22 or other educational institution;

23 5. "Foreign government" shall mean the government of any
24 country, nation, or group of nations, or any province or other

1 political subdivision of any country or nation, other than the
2 government of the United States, including any agent of such foreign
3 government;

4 6. "Foreign source" shall mean any of the following:

- 5 a. a foreign government or an agency of a foreign
6 government,
- 7 b. a legal entity, governmental or otherwise, created
8 solely under the laws of a foreign state or states,
- 9 c. an individual who is not a citizen or a national of
10 the United States or a territory or protectorate of
11 the United States,
- 12 d. a partnership, association, corporation, organization,
13 or any other combination of persons organized under
14 the laws of or having its principal place of business
15 in a country of concern or subsidiary of such entity,
- 16 e. an agent, including a subsidiary or an affiliate of a
17 foreign legal entity, acting on behalf of a foreign
18 source,
- 19 f. a political party or member of a political party. For
20 the purposes of this subparagraph, the term "political
21 party" means an organization or combination of
22 individuals whose aim or purpose is, or who is engaged
23 in any activity devoted in whole or in part to, the
24 establishment, administration, control, or acquisition

1 of administration or control of a government of a
2 country of concern or a subdivision thereof, or the
3 furtherance or influencing of the political or public
4 interest, policies, or relations of a government of a
5 country of concern of subdivision thereof, and

6 g. a program operated for the benefit of a government or
7 political party of a country of concern, including but
8 not limited to the Thousand Talents Program, any
9 program affiliated with United Front operations, any
10 program affiliated with a country of concern's
11 ministry of education;

12 7. "Gift" shall mean any gift, grant, endowment, award, or
13 donation of money or property of any kind, or any combination
14 thereof, including a conditional or unconditional pledge of such
15 gift, endowment, award, or donation. For purposes of this
16 definition, the term "pledge" shall mean a promise, an agreement, or
17 an expressed intention to give a gift, and "grant" shall mean a
18 transfer of money for a specified purpose, including a conditional
19 gift;

20 8. "Institution of higher education" shall mean a state
21 college or university or an independent nonprofit college or
22 university that is located in and chartered by the state and grants
23 baccalaureate or higher degrees, or any other institution that has a
24 physical presence in the state and is required to report foreign

1 gifts or contracts pursuant to 20 U.S.C. Section 1011f, or an
2 affiliate organization to a covered institution;

3 9. "Institution of K-12 education" shall mean any public or
4 private school in the State of Oklahoma that provides education at
5 any point from kindergarten through the twelfth grade;

6 10. "Interest" in an entity shall mean any direct or indirect
7 investment in or loan to the entity valued at five percent (5%) or
8 more of the entity's net worth, or any form of direct or indirect
9 control exerting similar or greater influence on the governance of
10 the entity; and

11 11. "State agency or political subdivision" shall mean any
12 agency or unit of state or local government created or established
13 by law.

14 B. 1. Any state agency, political subdivision, institution of
15 K-12 education, or institution of higher education that has received
16 directly or indirectly any gift with any value from any foreign
17 source from a country of concern after December 31, 2013, shall
18 disclose such gifts:

19 a. state agencies and political subdivisions shall
20 disclose such gifts to the Office of the Attorney
21 General within sixty (60) days after the effective
22 date of this act,

23 b. institutions of K-12 education shall disclose such
24 gifts to the Oklahoma State Department of Education

1 and to the Office of the Attorney General within sixty
2 (60) days after the effective date of this act, and
3 c. institutions of higher education shall disclose such
4 gifts to the Oklahoma State Regents for Higher
5 Education and to the Office of the Attorney General
6 within sixty (60) days after the effective date of
7 this act.

8 2. Unless otherwise prohibited or deemed confidential under
9 state or federal law, such disclosure shall include the date of the
10 gift, the amount of the gift, the purpose of the gift, the
11 identification of the persons for whom the gift is explicitly
12 intended to benefit, any applicable conditions, requirements,
13 restrictions, or terms made part of the gift, the name and country
14 of residence or domicile of the foreign source, the name and mailing
15 address of the disclosing entity, and, as applicable, the date of
16 termination of the gift.

17 3. The Office of the Attorney General shall maintain a public
18 web portal to disclose information on past gifts from countries of
19 concern.

20 4. For purposes of this section, a gift received from a
21 foreign source through an intermediary or affiliate organization
22 shall be considered an indirect gift to the state agency or
23 political subdivision, and is subject to the disclosure process
24 described in this section.

1 5. Upon the request of the Governor, the President Pro Tempore
2 of the Oklahoma State Senate, or the Speaker of the Oklahoma House
3 of Representatives, the Office of the Attorney General, as
4 applicable, must inspect or audit a past gift or gift agreement.

5 C. 1. Any state agency, political subdivision, institution of
6 K-12 education or institution of higher education that has been
7 offered directly or indirectly any gift with any value from a
8 foreign source from a country of concern after the effective date of
9 this act shall disclose such gift:

10 a. state agencies and other political subdivisions shall
11 disclose such gifts to the Office of the Attorney
12 General before accepting such gift,

13 b. institutions of K-12 education shall disclose such
14 gifts to the Oklahoma State Board of Education and to
15 the Office of the Attorney General before accepting
16 such gift, and

17 c. institutions of higher education shall disclose such
18 gifts to the Oklahoma State Regents for Higher
19 Education and to the Office of the Attorney General
20 before accepting such gift.

21 2. Unless otherwise prohibited or deemed confidential under
22 state or federal law, such disclosure shall include the date of the
23 gift, the amount of the gift, the purpose of the gift, the
24 identification of the persons for whom the gift is explicitly

1 intended to benefit, any applicable conditions, requirements,
2 restrictions, or terms made part of the gift, the name and country
3 of residence or domicile of the foreign source, the name and mailing
4 address of the disclosing entity, and, as applicable, the date of
5 termination of the gift.

6 3. Within thirty (30) days of receiving the disclosure of the
7 proposed gift, the Office of the Attorney General shall issue a
8 final decision to the relevant state agency, political subdivision,
9 institution of K-12 education or institution of higher education on
10 whether and under what conditions the relevant state agency,
11 political subdivision, institution of K-12 education or institution
12 of higher education may accept the gift:

13 a. the Office of the Attorney General shall develop
14 disclosure forms, rules, and procedures for deciding
15 upon whether to allow state agencies or political
16 subdivisions to accept gifts from countries of
17 concern, and

18 b. the Office of the Attorney General shall maintain a
19 public web portal disclosing proposed gifts from
20 countries of concern described in this section, along
21 with the final decision on whether to allow the
22 relevant state agency or political subdivision to
23 accept the gift.

24

1 4. The Office of the Attorney General shall maintain a public
2 web portal to disclose information on proposed and accepted gifts
3 from countries of concern.

4 5. For purposes of this section, a gift received from a
5 foreign source through an intermediary shall be considered an
6 indirect gift with the state agency or political subdivision, and is
7 subject to the approval process described in this section.

8 6. Upon the request of the Governor, the President Pro Tempore
9 of the Oklahoma State Senate, or the Speaker of the Oklahoma House
10 of Representatives, the Office of the Attorney General, as
11 applicable, must inspect or audit a gift or gift agreement.

12 D. 1. Any state agency, political subdivision, institution of
13 K-12 education, or institution of higher education that has entered
14 into directly or indirectly any contract with any value from any
15 foreign source from a country of concern after December 31, 2013,
16 shall disclose such contracts:

17 a. state agencies and political subdivisions shall
18 disclose such contracts to the Office of the Attorney
19 General within sixty (60) days after the effective
20 date of this act,

21 b. institutions of K-12 education shall disclose such
22 contracts to the Oklahoma State Board of Education and
23 to the Office of the Attorney General within sixty
24 (60) days after the effective date of this act, and

1 c. institutions of higher education shall disclose such
2 contracts to the Oklahoma State Regents for Higher
3 Education and to the Office of the Attorney General
4 within sixty (60) days after the effective date of
5 this act.

6 2. Unless otherwise prohibited or deemed confidential under
7 state or federal law, such disclosure shall include the date of the
8 contract, the amount of the contract, the purpose of the contract,
9 the identification of the persons for whom the contract is
10 explicitly intended to benefit, any applicable conditions,
11 requirements, restrictions, or terms made part of the contract, a
12 copy of the contract, the name and country of residence or domicile
13 of the foreign source, the name and mailing address of the
14 disclosing entity, and, as applicable, the date of termination of
15 the contract.

16 3. For purposes of this section, a contract entered into with
17 a foreign source through an intermediary or affiliate organization
18 shall be considered an indirect contract to the state agency,
19 political subdivision, institution of K-12 education or institution
20 of higher education and is subject to the disclosure process
21 described in this section.

22 4. The Office of the Attorney General shall maintain a public
23 web portal to disclose information on past proposed and entered into
24 contracts from countries of concern.

1 5. Upon the request of the Governor, the President Pro Tempore
2 of the Oklahoma State Senate, or the Speaker of the Oklahoma House
3 of Representatives, the Office of the Attorney General, as
4 applicable, must inspect or audit a past contract.

5 E. 1. Any state agency, political subdivision, institution of
6 K-12 education or institution of higher education that has been
7 offered or has proposed directly or indirectly any contract with any
8 value from or with a foreign source from a country of concern after
9 the effective date of this act shall disclose such proposed
10 contract:

11 a. state agencies and other political subdivisions shall
12 disclose such contract to the Office of the Attorney
13 General before entering into such contract,

14 b. institutions of K-12 education shall disclose such
15 contract to the Oklahoma State Department of Education
16 and to the Office of the Attorney General before
17 entering into such contract, and

18 c. institutions of higher education shall disclose such
19 contract to the Oklahoma State Regents for Higher
20 Education and to the Office of the Attorney General
21 before entering into such contract.

22 2. Unless otherwise prohibited or deemed confidential under
23 state or federal law, such disclosure shall include the date of the
24 gift, the amount of the gift, the purpose of the gift, the

1 identification of the persons for whom the gift is explicitly
2 intended to benefit, any applicable conditions, requirements,
3 restrictions, or terms made part of the gift, the name and country
4 of residence or domicile of the foreign source, the name and mailing
5 address of the disclosing entity, and, as applicable, the date of
6 termination of the gift.

7 3. Within thirty (30) days of receiving the disclosure of the
8 proposed gift, the Office of the Attorney General shall issue a
9 final decision to the relevant state agency, political subdivision,
10 institution of K-12 education or institution of higher education on
11 whether and under what conditions the relevant state agency,
12 political subdivision, institution of K-12 education or institution
13 of higher education may accept the gift:

14 a. the Office of the Attorney General shall develop
15 disclosure forms, rules, and procedures for deciding
16 upon whether to allow state agencies or political
17 subdivisions to accept gifts from countries of
18 concern, and

19 b. the Office of the Attorney General shall maintain a
20 public web portal disclosing proposed gifts from
21 countries of concern described in this section, along
22 with the final decision on whether to allow the
23 relevant state agency or political subdivision to
24 accept the gift.

1 4. For 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 state agency,
4 political subdivision, institution of K-12 education or institution
5 of higher education and is subject to the approval process described
6 in this section.

7 5. The Office of the Attorney General shall maintain a public
8 web portal to disclose information on past proposed and entered into
9 contracts from countries of concern.

10 6. Upon the request of the Governor, the President Pro Tempore
11 of the Oklahoma State Senate, or the Speaker of the Oklahoma House
12 of Representatives, the Office of the Attorney General, as
13 applicable, must inspect or audit a contract agreement.

14 F. 1. Upon receiving a referral from an inspector general or
15 other compliance officer of a state agency or political subdivision
16 or any sworn complaint based upon substantive information and
17 reasonable belief, the Office of the Attorney General must
18 investigate an allegation of violation of this act:

19 The Office of the Attorney General, an inspector general, or any
20 other agent or compliance officer authorized by a state agency or
21 political subdivision may request records relevant to any reasonable
22 suspicion of a violation of this act. An entity must provide the
23 required records within ten (10) days after such request or at a
24

1 later time agreed to by the investigating state agency or political
2 subdivision.

3 2. Failure to make a disclosure required under this act or
4 failure to provide records requested under paragraph 1 of this
5 subsection constitutes a civil violation punishable upon a final
6 administrative finding with a fine of Ten Thousand Dollars
7 (\$10,000.00) for a first violation or Twenty Thousand Dollars
8 (\$20,000.00) for any subsequent violation.

9 3. In addition to any fine assessed under paragraph 2 of this
10 subsection, a final order determining a violation by a state agency
11 or political subdivision must include a determination of the
12 identity of the officer responsible for acceptance of the
13 undisclosed gift. Such order must also include a referral by the
14 Office of the Attorney General to the Governor or other officer
15 authorized to suspend or remove from public office the officer
16 responsible for acceptance of the undisclosed gift. A copy of such
17 referral must be provided to the President Pro Tempore of the
18 Oklahoma State Senate and the Speaker of the Oklahoma House of
19 Representatives for oversight of such suspension and removal
20 authority.

21 4. An institution of K-12 education or an institution of
22 higher education that knowingly, willfully, or negligently fails to
23 disclose the information required by this section shall be subject
24 to a civil penalty of one hundred five percent (105%) of the amount

1 of the undisclosed gift(s) or contract(s), payable only from
2 nonstate funds of the institution of K-12 education or institution
3 of higher education or the affiliate organization that received such
4 gift. The recovered funds must be deposited into the State General
5 Revenue Fund. The Office of the Attorney General, the Oklahoma
6 State Department of Education, or the Oklahoma State Regents for
7 Higher Education, as applicable, may administratively enforce this
8 section and impose the civil penalty as an administrative penalty.

9 5. A whistle-blower who reports an undisclosed foreign gift or
10 contract to the appropriate inspector general may also report such
11 undisclosed gift or contract to the Attorney General and retain
12 whistle-blower protection under Section 34.301 of Title 62 of the
13 Oklahoma Statutes. Such whistle-blower shall be entitled to receive
14 a reward in the amount of twenty-five percent (25%) of any penalty
15 recovered by the Oklahoma State Department of Education, the
16 Oklahoma State Regents for Higher Education, the Attorney General,
17 or the Office of Management and Enterprise Services under this
18 section. The Office of Management and Enterprise Services is
19 authorized to incur expenditures to provide such reward from the
20 penalty recovery. The reward may be paid through an intermediate
21 attorney or trustee designated by the whistle-blower.

22 6. Information reported under paragraph 5 is not confidential
23 or exempt from an Open Records request, except as provided in
24

1 statute unless protected by any statute as a trade secret defined in
2 Section 6 of this act.

3 7. The Office of Management and Enterprise Services, the Office
4 of the Attorney General, the Oklahoma State Department of Education,
5 and the Oklahoma State Regents for Higher Education may adopt
6 regulations or rules, as applicable, to implement this section.

7 SECTION 14. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 10003 of Title 70, unless there
9 is created a duplication in numbering, reads as follows:

10 A. As used in this section of the Research, Education and
11 Government Operations Protection Act of 2024:

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

14 2. "Country of concern" shall mean any country designated by
15 the United States Secretary of State as hostile or a Country of
16 Particular Concern (CPC);

17 3. "Foreign source" shall mean any of the following:

18 a. a foreign government or an agency of a foreign
19 government,

20 b. a legal entity, governmental or otherwise, created
21 solely under the laws of a foreign state or states,

22 c. an individual who is not a citizen or a national of
23 the United States or a territory or protectorate of
24 the United States,

- 1 d. a partnership, association, corporation, organization,
2 or any other combination of persons organized under
3 the laws of or having its principal place of business
4 in a country of concern or subsidiary of such entity,
5 e. an agent, including a subsidiary or an affiliate of a
6 foreign legal entity, acting on behalf of a foreign
7 source,
8 f. a political party or member of a political party. For
9 the purposes of this subparagraph, the term "political
10 party" means an organization or combination of
11 individuals whose aim or purpose is, or who is engaged
12 in any activity devoted in whole or in part to, the
13 establishment, administration, control, or acquisition
14 of administration or control of a government of a
15 country of concern or a subdivision thereof, or the
16 furtherance or influencing of the political or public
17 interest, policies, or relations of a government of a
18 country of concern of subdivision thereof, and
19 g. a program operated for the benefit of a government or
20 political party of a country of concern, including but
21 not limited to the Thousand Talents Program, any
22 program affiliated with United Front operations, any
23 program affiliated with a country of concern's
24 ministry of education;

1 4. "Institution of higher education" shall mean a state
2 college or university or an independent nonprofit college or
3 university that is located in and chartered by the state and grants
4 baccalaureate or higher degrees, or any other institution that has a
5 physical presence in the state and is required to report foreign
6 gifts or contracts pursuant to 20 U.S.C. Section 1011f, or an
7 affiliate organization to a covered institution;

8 5. "Institution of K-12 education" shall mean all public and
9 private schools in the State of Oklahoma that provides education at
10 any point from kindergarten through the twelfth grade; and

11 6. "Partnership" shall mean a faculty or student exchange
12 program, a study abroad program, a matriculation program, a
13 recruiting program, or a dual degree program.

14 B. 1. An institution of K-12 education or institution of
15 higher education may not participate in any cultural exchange
16 agreement with a foreign source from a country of concern, or any
17 entity controlled by a country of concern, which:

- 18 a. constrains the freedom of contract of such public
19 entity,
- 20 b. allows the curricula or values of a program in the
21 state to be directed, controlled, or influenced by the
22 country of concern, or

23
24

1 c. promotes an agenda detrimental to the safety or
2 security of Oklahoma, its residents, or the United
3 States.

4 2. Prior to the execution of any cultural exchange agreement
5 with a foreign source from a country of concern, the substance of
6 the agreement shall be shared with federal agencies concerned with
7 protecting national security or enforcing trade sanctions,
8 embargoes, or other restrictions under federal law. If any federal
9 agency provides information suggesting that such an agreement
10 promotes an agenda detrimental to the safety or security of
11 Oklahoma, the United States, or its residents, the institution of K-
12 12 education or institution of higher education may not enter into
13 the agreement.

14 3. Prior to the execution of any cultural exchange agreement
15 with a foreign source from a country of concern, the substance of
16 the agreement shall be shared with the Oklahoma State Department of
17 Education or the Oklahoma State Regents for Higher Education, as
18 applicable. If the Oklahoma State Department of Education or the
19 Oklahoma State Regents for Higher Education, as applicable, provides
20 information suggesting that such an agreement promotes an agenda
21 detrimental to the safety or security of Oklahoma, the United
22 States, or its residents, the institution of K-12 education or
23 institution of higher education may not enter into the agreement.
24

1 4. Each institution of higher education shall submit the
2 information required in this section to the Oklahoma State Regents
3 for Higher Education and each institution of K-12 education shall
4 submit the information required in this section to the Oklahoma
5 State Department of Education, respectively, by July 1, 2025, and on
6 each July 1 thereafter.

7 5. By December 1, 2024, and each December 1 thereafter, the
8 Oklahoma State Regents for Higher Education and the Oklahoma State
9 Department of Education, respectively, shall submit a report to the
10 Governor, the President Pro Tempore of the Oklahoma State Senate,
11 and the Speaker of the Oklahoma House of Representatives relating to
12 partnerships and agreements of institutions of K-12 education and
13 institutions of higher education made with educational institutions
14 or other institutions based in countries of concern. At a minimum,
15 the report must include the following information for the previous
16 fiscal year:

- 17 a. data reflecting any grant program, agreement,
18 partnership, or contract between an institution of
19 higher education and any college, university, or
20 entity that is based in or controlled by a country of
21 concern or foreign principal,
- 22 b. data reflecting any office, campus, or physical
23 location used or maintained by an institution of
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1 higher education in a country of concern or foreign
2 principal, and

3 c. the date on which any such grant program, agreement,
4 partnership, or contract reported pursuant to
5 subparagraph a of this paragraph is expected to
6 terminate.

7 6. No students' or scholars' association affiliated with any
8 institution of K-12 education or any institution of higher education
9 may accept any gift or grant from a foreign source from a country of
10 concern, or enter into any contract or agreement with a foreign
11 source from a country of concern:

12 a. any violation of this prohibition shall result in the
13 institution of K-12 education or institution of higher
14 education ending any affiliation with the student or
15 scholars association, and

16 b. for purposes of this subsection, member dues or fees
17 shall not be considered a gift or grant from a foreign
18 source from a country of concern.

19 7. Each institute of higher education and institution of K-12
20 education which has established or will establish any exchange
21 program or international cultural agreement concerning Mandarin
22 Chinese language or culture shall adopt a policy of prioritizing
23 partnerships with foreign sources from The Republic of China over
24

1 partnerships with foreign sources from the People's Republic of
2 China.

3 8. The Oklahoma State Regents for Higher Education and the
4 Oklahoma State Department of Education shall adopt regulations and
5 rules, respectively, to administer this subsection.

6 SECTION 15. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 10004 of Title 70, unless there
8 is created a duplication in numbering, reads as follows:

9 A. As used in this section of the Research, Education and
10 Government Operations Protection Act of 2024:

11 1. "Allied countries" shall mean:

12 a. those nations currently party to any bilateral mutual
13 defense treaties, including the North Atlantic Treaty,
14 the agreement between the United States and Australia
15 and New Zealand, the Philippine Treaty, the Southeast
16 Asia Treaty, the Japanese Treaty, the Republic of
17 Korea Treaty, or the Rio Treaty,

18 b. any nation currently designated as a Major Non-NATO
19 Ally (MNNA) by the United States Department of State,
20 or

21 c. The Republic of China;

22 2. "Country of concern" shall mean any country designated by
23 the United States Secretary of State as hostile or a Country of
24 Particular Concern (CPC); and

1 3. "Institution of higher education" shall mean a state
2 college or university or an independent nonprofit college or
3 university that is located in and chartered by the state and grants
4 baccalaureate or higher degrees, or any other institution that has a
5 physical presence in the state and is required to report foreign
6 gifts or contracts pursuant to 20 U.S.C. Section 1011f, or an
7 affiliate organization to a covered institution.

8 B. 1. Each institute of higher education or affiliate thereof
9 that has a research budget of Ten Million Dollars (\$10,000,000.00)
10 or more must screen applicants seeking employment in research or
11 research-related support positions, graduate and undergraduate
12 students applying for research or research-related support
13 positions, and applicants for positions of visiting researcher who
14 are citizens of a foreign country and who are not permanent
15 residents of the United States, or who are citizens and permanent
16 residents of the United States who have any affiliation with an
17 institution or program, or at least one (1) year of prior employment
18 or training, with the exception of employment or training by the
19 agency of the United States government, in a country of concern.
20 Such screening is required prior to interviewing such applicants or
21 offering to such an applicant a position of employment or of
22 visiting researcher. At the discretion of the university or entity,
23 other applicants for such positions may be screened.

1 2. In addition to satisfying all employment and enrollment
2 qualifications imposed by federal law, the Board of Governors or
3 governing board of the applicable entity must require the following
4 of applicants included in paragraph 1 of this subsection:

5 a. a foreign applicant must submit a complete copy of the
6 applicant's passport and most recently submitted
7 Online Nonimmigrant Visa Application, DS-160. After
8 extraction and submission of all information relevant
9 to the requirements of this section, a university or
10 entity may destroy or return the copy of the DS-160
11 submitted by an applicant to the applicant,

12 b. all applicants described in paragraph 1 of this
13 subsection must submit:

14 (1) a complete resume and curriculum vitae, including
15 every institution of higher education attended,

16 (2) all previous employment since the applicant's
17 eighteenth birthday,

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

23 (4) a list of the applicant's current and pending
24 research funding from any source, including

1 funder, amount, applicant's role on the project,
2 and brief description of the research,

3 (5) a full disclosure of non-university professional
4 activities, including any affiliation with an
5 institution or program in a country of concern,
6 and

7 (6) for applicants who have been continually employed
8 or enrolled in a postsecondary education
9 institution in the United States for twenty (20)
10 years or more, the resume may, but need not,
11 include employment history before the most recent
12 twenty (20) years.

13 3. The president or chief administrative officer of the
14 institute of higher education or affiliate thereof shall designate a
15 research integrity officer to review all materials required in
16 paragraph 2 of this subsection and take reasonable steps to verify
17 all attendance, employment, publications, and contributions listed
18 in the application required in paragraph 2 of this subsection.
19 Reasonable steps include searching public databases for research
20 publications and presentations and public conflict of interest
21 records to identify any research publication or presentation that
22 may have been omitted from the application, contacting all employers
23 of the most recent ten (10) years to verify employment, contacting
24 all institutions of higher education attended to verify enrollment

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

11 4. The requirements of this section must be completed before
12 interviewing or offering any position to an individual described in
13 paragraph 1 in any research or research-related support position and
14 before granting such individual any access to research data or
15 activities or other sensitive data. An applicant who must be
16 screened under this section may not be employed in any research or
17 research-related support position if they fail to disclose a
18 substantial educational, employment, or research-related activity or
19 publication or presentation at the time of submitting an application
20 required in paragraph 2 of this subsection, unless the department
21 head, or a designee, certifies in writing the substance of the
22 nondisclosure and the reasons for disregarding such failure to
23 disclose. A copy of such certification must be kept in the
24 investigative file of the university official designated for

1 research integrity by the university and must be submitted to the
2 nearest Federal Bureau of Investigation field office.

3 5. The university official designated for research integrity
4 by the university must report to the nearest Federal Bureau of
5 Investigation field office, and to any law enforcement agency
6 designated by the Governor, and to the governing board of the
7 institution of higher education or affiliate thereof described in
8 paragraph 1 of this subsection, the identity of the applicant who
9 was rejected for employment based on the scrutiny required by this
10 section or other risk-based screening.

11 6. By December 1, 2024, the Office of the Attorney General or
12 the inspector general of an institution of higher education or
13 affiliate thereof described in paragraph 1 of this subsection must
14 perform an operation audit regarding the implementation of this
15 section.

16 C. By December 1, 2024, each institution of higher education
17 or affiliate thereof that has a research budget of Ten Million
18 Dollars (\$10,000,000.00) or more must establish an international
19 travel approval and monitoring program. The program must require
20 preapproval and screening by a research integrity officer designated
21 by the president or chief administrative officer of the institution
22 of higher education or affiliate thereof for any employment-related
23 foreign travel and employment-related foreign activities engaged in
24 by all faculty, researchers, and research department staff. Such

1 requirement shall be in addition to any other travel approval
2 process applicable to the state university or entity.

3 D. 1. Preapproval by the research integrity officer must be
4 based on the applicant's review and acknowledgment of guidance
5 published by the employing state university or affiliate thereof
6 which relates to countries of concern, countries under sanction, or
7 other restrictions or designations imposed by the state or the
8 United States government; including any federal licensing
9 requirements; customs rules; export controls; restrictions on taking
10 university or entity property, including intellectual property,
11 abroad; restrictions on presentations, teaching, and interactions
12 with foreign colleagues; and other subjects important to the
13 research and academic integrity of the institution of higher
14 education.

15 2. Preapproval must be based on the binding commitment of the
16 individual traveler not to violate the state university's or
17 affiliate thereof's limitations on travel and activities abroad and
18 to obey all applicable federal laws.

19 E. The state university or affiliate thereof must maintain
20 records of all foreign travel requests and approvals; expenses
21 reimbursed by the university or affiliate thereof during such
22 travel, including for travel, food, and lodging; and payments and
23 honoraria received during such travel and activities, including for
24 travel, food, and lodging. The state university must also keep

1 records of the purpose of the travel and any records related to the
2 foreign activity review. Such records must be retained for at least
3 three (3) years or any longer period of time required by any other
4 applicable state or federal law.

5 F. The state university or entity must provide an annual
6 report of foreign travel to countries of concern listing individual
7 travelers, foreign locations visited, and foreign institutions
8 visited to the governing board of the applicable entity.

9 G. By December 1, 2024, the Office of the Attorney General or
10 the inspector general of an institution of higher education or
11 affiliate thereof described in paragraph 1 of subsection B of this
12 section must perform an operational audit regarding the
13 implementation of this section.

14 H. Each institution of higher education covered under
15 paragraph 1 of subsection B of this section shall adopt a policy of
16 prioritizing foreign researchers from allied nations and joint
17 research projects with allied nations, in the following order of
18 prioritizations:

19 1. Members of the Five Eyes Intelligence Oversight and Review
20 Council;

21 2. Current signatories of the North Atlantic Treaty;

22 3. The State of Israel, the Republic of China, the Republic of
23 Korea, Japan, The Philippines, and the Republic of India; and

24

1 4. All other countries, including remaining Major Non-NATO
2 Allies and remaining allied countries.

3 SECTION 16. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 10005 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 A. As used in this section of the Research, Education and
7 Government Operations Protection Act of 2024:

8 1. "Country of concern" shall mean any country designated by
9 the United States Secretary of State as hostile or a Country of
10 Particular Concern (CPC); and

11 2. "Institution of higher education" shall mean a state college
12 or university or an independent nonprofit college or university that
13 is located in and chartered by the state and grants baccalaureate or
14 higher degrees, or any other institution that has a physical
15 presence in the state and is required to report foreign gifts or
16 contracts pursuant to 20 U.S.C. Section 1011f, or an affiliate
17 organization to a covered institution.

18 B. 1. Subject to the approval of the Oklahoma State Regents
19 for Higher Education, an institution of higher education shall only
20 enter into a new or renew an existing academic partnership with an
21 academic or research institution located in a country of concern if
22 the institution of higher education maintains sufficient structural
23 safeguards to protect the state institution's intellectual property,
24 the security of the State of Oklahoma, and the national security

1 interests of the United States. The Oklahoma State Regents for
2 Higher Education shall only approve an institution of higher
3 education's partnership if the Oklahoma State Regents for Higher
4 Education, in consultation with the Attorney General, determines the
5 partnership meets the safeguard requirements prescribed under this
6 division. The safeguard requirements shall include, at a minimum,
7 all of the following:

- 8 a. compliance with all federal requirements, including
9 the requirements of federal research sponsors and
10 federal export control agencies, including regulations
11 regarding international traffic in arms and export
12 administration regulations, and economic and trade
13 sanctions administered by the federal office of
14 foreign assets control,
- 15 b. annual formal institution-level programs for faculty
16 on conflicts of interest and conflicts of commitment,
17 and
- 18 c. a formalized foreign visitor process and uniform
19 visiting scholar agreement.

20 2. The Oklahoma State Regents for Higher Education, in
21 consultation with the Attorney General, shall have full discretion
22 to reject or terminate any research partnership between an
23 institution of higher education and an academic or research
24

1 institution located in a country of concern at any time and for any
2 purpose.

3 SECTION 17. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 10006 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 A. As used in this section of the Research, Education and
7 Government Operations Protection Act of 2024:

8 1. "Endeavor" shall mean to attempt or to try;

9 2. "Foreign Agent" shall mean any officer, employee, proxy,
10 servant, delegate, or representative of a foreign government;

11 3. "Foreign government" shall mean the government of any
12 country, nation, or group of nations, or any province or other
13 political subdivision of any country or nation, other than the
14 government of the United States;

15 4. "Foreign instrumentality" shall mean any agency, bureau,
16 ministry, component, institution, association, or any legal,
17 commercial, or business organization, corporation, firm, or entity
18 that is substantially owned, controlled, sponsored, commanded,
19 managed, or dominated by a foreign government;

20 5. "Obtain or use" shall mean any manner of:

21 a. taking or exercising control over property,

22 b. making any unauthorized use, disposition, or transfer
23 of property,

24

- 1 c. obtaining property by fraud, willful misrepresentation
2 of a future act, or false promise, and
3 d. conduct previously known as stealing; larceny;
4 purloining; abstracting; embezzlement; misapplication;
5 misappropriation; conversion; or obtaining money or
6 property by false pretenses, fraud, or deception; or
7 other conduct similar in nature;

8 6. "Person" shall mean any natural person, corporation,
9 business trust, estate, trust, partnership, association, joint
10 venture, government, governmental subdivision or agency, or any
11 other legal or commercial entity;

12 7. "Trade secret" shall mean the whole or any portion or phase
13 of any formula, pattern, device, combination of devices, or
14 compilation of information which is for use, or is used, in the
15 operation of a business and which provides the business an
16 advantage, or an opportunity to obtain an advantage, over those who
17 do not know or use it. The term shall include any scientific,
18 technical, or commercial information, including financial
19 information, and includes any design, process, procedure, list of
20 suppliers, list of customers, business code, or improvement thereof,
21 whether tangible or intangible, and regardless of whether or how it
22 is stored, compiled, or memorialized physically, electronically,
23 graphically, photographically, or in writing. Irrespective of
24 novelty, invention, patentability, the state of the prior art, and

1 the level of skill in the business, art, or field to which the
2 subject matter pertains, a trade secret is considered to be:

- 3 a. secret,
- 4 b. of value,
- 5 c. for use or in use by the business, and
- 6 d. of advantage to the business, or providing an
7 opportunity to obtain an advantage over those who do
8 not know or use it when the owner thereof takes
9 measures to prevent it from becoming available to
10 persons other than those selected by the owner to have
11 access thereto for limited purposes; and

12 8. "Traffic" shall mean:

- 13 a. to sell, transfer, distribute, dispense, or otherwise
14 dispose of property, and
- 15 b. to buy, receive, possess, obtain control of, or use
16 property with the intent to sell, transfer,
17 distribute, dispense, or otherwise dispose of such
18 property.

19 B. It is unlawful for a person to willfully and without
20 authorization, obtain or use, or endeavor to obtain or use, a trade
21 secret, with the intent to either temporarily or permanently:

22 1. Deprive or withhold from the owner thereof the control or
23 benefit of a trade secret; or

24

1 2. Appropriate a trade secret to their own use or to the use
2 of another person not entitled to the trade secret.

3 C. 1. A person who violates subsection B of this section
4 shall be guilty of grand larceny and shall be punished in accordance
5 with Section 1705 of Title 21 of the Oklahoma Statutes.

6 2. A person who traffics in, or endeavors to traffic in, a
7 trade secret that they know or should know was obtained or used
8 without authorization shall be guilty of grand larceny and shall be
9 punished in accordance with Section 1705 of Title 21 of the Oklahoma
10 Statutes.

11 3. Whenever a person is charged with a violation of this act
12 which was committed with the intent to benefit a foreign government,
13 a foreign agent, or a foreign instrumentality, the offense for which
14 the person is charged shall be reclassified as conspiracy to commit
15 terrorism and shall be punished in accordance with Section 1268.3 of
16 Title 21 of the Oklahoma Statutes.

17 SECTION 18. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 10007 of Title 70, unless there
19 is created a duplication in numbering, reads as follows:

20 A. No later than ninety (90) days following the effective date
21 of this act, the Governor shall appoint one qualified person who
22 shall be responsible for the Report on Foreign Influence in Higher
23 Education.

1 B. The Report on Foreign Influence on Higher Education shall be
2 submitted to the Governor, the President Pro Tempore of the Oklahoma
3 State Senate, and the Speaker of the Oklahoma House of
4 Representatives, in addition to being made available to the public,
5 semiannually. The report shall investigate and provide oversight of
6 all attempted foreign influence operations in higher education in
7 the State of Oklahoma. This report may include a synthesis of
8 reports from the federal government and state agencies, new findings
9 and ongoing investigations, and recommendations for limiting
10 exposure to foreign influence, as applicable.

11 SECTION 19. This act shall become effective July 1, 2024.

12 SECTION 20. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

16 Passed the House of Representatives the 13th day of March, 2024.

17

18

19

Presiding Officer of the House
of Representatives

20

21

Passed the Senate the ___ day of _____, 2024.

22

23

24

Presiding Officer of the Senate