

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1181

6 By: McCall

7 COMMITTEE SUBSTITUTE

8 An Act relating to state operations and academic
9 research; creating the Research, Education, and
10 Government Operations Protection Act of 2024;
11 providing definitions; requiring disclosure of
12 certain gifts to state agencies, political
13 subdivisions, institutions of K-12 education, and
14 institutions of higher education; directing the
15 Office of the Attorney General to maintain certain
16 web portal to disclose certain past gifts; providing
17 approval requirements for future gifts from countries
18 of concern; directing for disclosure of certain past
19 contracts from countries of concern; providing
20 approval requirements for future contracts from
21 countries of concern; directing for certain
22 investigations by the Office of the Attorney General;
23 providing penalty for failure to make certain
24 disclosures; providing for whistle-blower
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

1 regulations and rules; requiring certain institutions
2 of higher education to make certain screenings of
3 applicants seeking employment in research or
4 research-related positions; requiring submission of
5 certain information for employment screenings;
6 directing for designated research integrity office to
7 review certain materials and take certain reasonable
8 steps to verify certain information; clarifying that
9 requirements must be completed before interviewing or
10 offering certain positions; directing research
11 integrity official to report certain information to
12 Federal Bureau of Investigation; directing for
13 certain operation audit regarding implementation of
14 law; directing certain institutions establish an
15 international travel approval and monitoring program;
16 providing requirements for preapproval of applicants;
17 requiring state university or affiliate maintains of
18 certain records; directing state university or entity
19 provide annual report of foreign travel to countries
20 of concern; directing institutions of higher
21 education to adopt policy prioritizing foreign
22 researchers from allied nations and joint projects
23 with allied nations; providing requirements for
24 institutions of higher education to enter into new or
renew academic partnerships with institutions in
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.

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 10001 of Title 70, unless there
is created a duplication in numbering, reads as follows:

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

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 10002 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. "Affiliate organization" shall mean any entity under the
9 control of or established for the benefit of an organization
10 required to report under this section, including a direct-support
11 organization;

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

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

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

1 5. "Foreign government" shall mean the government of any
2 country, nation, or group of nations, or any province or other
3 political subdivision of any country or nation, other than the
4 government of the United States, including any agent of such foreign
5 government;

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

7 a. a foreign government or an agency of a foreign
8 government,

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

11 c. an individual who is not a citizen or a national of
12 the United States or a territory or protectorate of
13 the United States,

14 d. a partnership, association, corporation, organization,
15 or any other combination of persons organized under
16 the laws of or having its principal place of business
17 in a country of concern or subsidiary of such entity,

18 e. an agent, including a subsidiary or an affiliate of a
19 foreign legal entity, acting on behalf of a foreign
20 source,

21 f. a political party or member of a political party. For
22 the purposes of this subparagraph, the term "political
23 party" means an organization or combination of
24 individuals whose aim or purpose is, or who is engaged

1 in any activity devoted in whole or in part to, the
2 establishment, administration, control, or acquisition
3 of administration or control of a government of a
4 country of concern or a subdivision thereof, or the
5 furtherance or influencing of the political or public
6 interest, policies, or relations of a government of a
7 country of concern or subdivision thereof, and

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

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

22 8. "Institution of higher education" shall mean a state
23 college or university or an independent nonprofit college or
24 university that is located in and chartered by the state and grants

1 baccalaureate or higher degrees, or any other institution that has a
2 physical presence in the state and is required to report foreign
3 gifts or contracts pursuant to 20 U.S.C. Section 1011f, or an
4 affiliate organization to a covered institution;

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

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

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

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

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

- 1 b. institutions of K-12 education shall disclose such
2 gifts to the Oklahoma State Department of Education
3 and to the Office of the Attorney General within sixty
4 (60) days after the effective date of this act, and
5 c. institutions of higher education shall disclose such
6 gifts to the Oklahoma State Regents for Higher
7 Education and to the Office of the Attorney General
8 within sixty (60) days after the effective date of
9 this act.

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

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

22 4. For purposes of this section, a gift received from a
23 foreign source through an intermediary or affiliate organization
24 shall be considered an indirect gift to the state agency or

1 political subdivision, and is subject to the disclosure process
2 described in this section.

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

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

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

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

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

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

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

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

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

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

1 relevant state agency or political subdivision to
2 accept the gift.

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

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

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 gift or gift agreement.

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

19 a. state agencies and political subdivisions shall
20 disclose such contracts 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 contracts to the Oklahoma State Board of Education and

1 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 contracts 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 contract, the amount of the contract, the purpose of the contract,
11 the identification of the persons for whom the contract is
12 explicitly intended to benefit, any applicable conditions,
13 requirements, restrictions, or terms made part of the contract, a
14 copy of the contract, the name and country of residence or domicile
15 of the foreign source, the name and mailing address of the
16 disclosing entity, and, as applicable, the date of termination of
17 the contract.

18 3. For purposes of this section, a contract entered into with
19 a foreign source through an intermediary or affiliate organization
20 shall be considered an indirect contract to the state agency,
21 political subdivision, institution of K-12 education or institution
22 of higher education and is subject to the disclosure process
23 described in this section.
24

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

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

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

14 a. state agencies and other political subdivisions shall
15 disclose such contract to the Office of the Attorney
16 General before entering into such contract,

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

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

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

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

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

22 b. the Office of the Attorney General shall maintain a
23 public web portal disclosing proposed gifts from
24 countries of concern described in this section, along

1 with the final decision on whether to allow the
2 relevant state agency or political subdivision to
3 accept the gift.

4 4. For purposes of this section, a contract proposed from a
5 foreign source through an intermediary or affiliate organization
6 shall be considered an indirect contract with the state agency,
7 political subdivision, institution of K-12 education or institution
8 of higher education and is subject to the approval process described
9 in this section.

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

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

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

22 The Office of the Attorney General, an inspector general, or any
23 other agent or compliance officer authorized by a state agency or
24 political subdivision may request records relevant to any reasonable

1 suspicion of a violation of this act. An entity must provide the
2 required records within ten (10) days after such request or at a
3 later time agreed to by the investigating state agency or political
4 subdivision.

5 2. Failure to make a disclosure required under this act or
6 failure to provide records requested under paragraph 1 of this
7 subsection constitutes a civil violation punishable upon a final
8 administrative finding with a fine of Ten Thousand Dollars
9 (\$10,000.00) for a first violation or Twenty Thousand Dollars
10 (\$20,000.00) for any subsequent violation.

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

23 4. An institution of K-12 education or an institution of
24 higher education that knowingly, willfully, or negligently fails to

1 disclose the information required by this section shall be subject
2 to a civil penalty of one hundred five percent (105%) of the amount
3 of the undisclosed gift(s) or contract(s), payable only from
4 nonstate funds of the institution of K-12 education or institution
5 of higher education or the affiliate organization that received such
6 gift. The recovered funds must be deposited into the State General
7 Revenue Fund. The Office of the Attorney General, the Oklahoma
8 State Department of Education, or the Oklahoma State Regents for
9 Higher Education, as applicable, may administratively enforce this
10 section and impose the civil penalty as an administrative penalty.

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

24

1 6. Information reported under paragraph 5 is not confidential
2 or exempt from an Open Records request, except as provided in
3 statute unless protected by any statute as a trade secret defined in
4 Section 6 of this act.

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

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 10003 of Title 70, unless there
11 is created a duplication in numbering, reads as follows:

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

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

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

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

20 a. a foreign government or an agency of a foreign
21 government,

22 b. a legal entity, governmental or otherwise, created
23 solely under the laws of a foreign state or states,
24

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

1 program affiliated with United Front operations, any
2 program affiliated with a country of concern's
3 ministry of education;

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

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

14 6. "Partnership" shall mean a faculty or student exchange
15 program, a study abroad program, a matriculation program, a
16 recruiting program, or a dual degree program.

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

21 a. constrains the freedom of contract of such public
22 entity,

1 b. allows the curricula or values of a program in the
2 state to be directed, controlled, or influenced by the
3 country of concern, or

4 c. promotes an agenda detrimental to the safety or
5 security of Oklahoma, its residents, or the United
6 States.

7 2. Prior to the execution of any cultural exchange agreement
8 with a foreign source from a country of concern, the substance of
9 the agreement shall be shared with federal agencies concerned with
10 protecting national security or enforcing trade sanctions,
11 embargoes, or other restrictions under federal law. If any federal
12 agency provides information suggesting that such an agreement
13 promotes an agenda detrimental to the safety or security of
14 Oklahoma, the United States, or its residents, the institution of K-
15 12 education or institution of higher education may not enter into
16 the agreement.

17 3. Prior to the execution of any cultural exchange agreement
18 with a foreign source from a country of concern, the substance of
19 the agreement shall be shared with the Oklahoma State Department of
20 Education or the Oklahoma State Regents for Higher Education, as
21 applicable. If the Oklahoma State Department of Education or the
22 Oklahoma State Regents for Higher Education, as applicable, provides
23 information suggesting that such an agreement promotes an agenda
24 detrimental to the safety or security of Oklahoma, the United

1 States, or its residents, the institution of K-12 education or
2 institution of higher education may not enter into the agreement.

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

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

19 a. data reflecting any grant program, agreement,
20 partnership, or contract between an institution of
21 higher education and any college, university, or
22 entity that is based in or controlled by a country of
23 concern or foreign principal,

24

1 b. data reflecting any office, campus, or physical
2 location used or maintained by an institution of
3 higher education in a country of concern or foreign
4 principal, and

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

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

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

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

21 7. Each institute of higher education and institution of K-12
22 education which has established or will establish any exchange
23 program or international cultural agreement concerning Mandarin
24 Chinese language or culture shall adopt a policy of prioritizing

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

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

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 10004 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. "Allied countries" shall mean:

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

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

22 c. The Republic of China;

23

24

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

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

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

1 visiting researcher. At the discretion of the university or entity,
2 other applicants for such positions may be screened.

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

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

14 b. all applicants described in paragraph 1 of this
15 subsection must submit:

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

18 (2) all previous employment since the applicant's
19 eighteenth birthday,

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

1 (4) a list of the applicant's current and pending
2 research funding from any source, including
3 funder, amount, applicant's role on the project,
4 and brief description of the research,

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

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

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

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

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

1 disclose. A copy of such certification must be kept in the
2 investigative file of the university official designated for
3 research integrity by the university and must be submitted to the
4 nearest Federal Bureau of Investigation field office.

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

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

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

1 foreign travel and employment-related foreign activities engaged in
2 by all faculty, researchers, and research department staff. Such
3 requirement shall be in addition to any other travel approval
4 process applicable to the state university or entity.

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

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

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

1 honoraria received during such travel and activities, including for
2 travel, food, and lodging. The state university must also keep
3 records of the purpose of the travel and any records related to the
4 foreign activity review. Such records must be retained for at least
5 three (3) years or any longer period of time required by any other
6 applicable state or federal law.

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

11 G. 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 subsection B of this
14 section must perform an operational audit regarding the
15 implementation of this section.

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

21 1. Members of the Five Eyes Intelligence Oversight and Review
22 Council;

23 2. Current signatories of the North Atlantic Treaty;

24

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

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

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

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

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

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

20 B. 1. Subject to the approval of the Oklahoma State Regents
21 for Higher Education, an institution of higher education shall only
22 enter into a new or renew an existing academic partnership with an
23 academic or research institution located in a country of concern if
24 the institution of higher education maintains sufficient structural

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

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

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

1 institution of higher education and an academic or research
2 institution located in a country of concern at any time and for any
3 purpose.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 10006 of Title 70, unless there
6 is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

22 a. taking or exercising control over property,

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

- 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 7. 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.

24

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 8. This act shall become effective July 1, 2024.

12 SECTION 9. 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.

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