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DIGEST

SB 399 Original 2026 Regular Session Bass

Proposed law (R.S. 17:1828) will be referred to and may be cited as the "Research and Education Protection Act of 2026".

Proposed law (R.S. 17:1828.1) provides for the following definitions: "Academic partnership"; "Affiliate organization"; "Agreement"; "Contract"; "Council"; "Director-support organization"; "Foreign adversary"; "Foreign agent"; "Foreign government"; "Foreign instrumentality"; "Foreign source"; "Gift"; "Grant"; "Institution of higher education"; "Interest"; "Obtain or use"; "Partnership"; "Person"; "Pledge"; "Political party"; "Research partnership"; "Trade secret"; and "Traffic".

Proposed law (R.S. 17:1828.2) creates the Louisiana Higher Education Research Security Council to promote secure academic research at institutions of higher education while mitigating the risk of foreign espionage and interference; and be composed of the following members:

- (1) The lieutenant governor or his designee.
- (2) The attorney general or his designee.
- (3) A representative from the Board of Regents.
- (4) One research security officer appointed by the Board of Supervisors for the University of Louisiana System.
- (5) One research security officer appointed by the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College.
- (6) One research security officer appointed by the Board of Supervisors of Southern University and Agricultural and Mechanical College.
- (7) One research security officer appointed by the Board of Supervisors of Community and Technical Colleges.
- (8) One research security officer appointed by the Board of Directors of the Louisiana Association of Independent Colleges and Universities.
- (9) One additional research security officer appointed by each governing board of a university that oversees one or more medical schools.

Proposed law provides that the council shall do the following:

- (1) Develop or adopt a model research security policy for Louisiana institutions of higher education to improve research security.
- (2) Develop, offer or otherwise provide an annual training program for institution of higher education's research security officers that includes background and academic history checks of researchers, research security and integrity tools, and software that must be used to prevent the loss of intellectual capital.
- (3) Vet and review any gift, contract or academic or research partnership to an institution of higher education from a foreign adversary source.
- (4) Subject to appropriation, engage an intelligence firm that specializes in identifying national security threats from foreign adversary sources.
- (5) Not later than December first of each even-numbered year, the council shall prepare and submit to the governor, the attorney general's office, and the Senate and House committees on education a report on the status of research security at institutions of higher education and any associated recommendations.

Proposed law (R.S. 17:1828.3) provides that any institution of higher education that is offered any gift, contract, or academic or research partnership from a foreign source or foreign adversary nation must reject the proposed gift, contract, or partnership unless certain conditions are met.

Proposed law requires within 30 days of receiving the gift, contract, or partnership, the institution must request and receive an assessment from a federal law enforcement agency and the Louisiana Higher Education Research Security Council on potential national security risks. If the federal agency provides information that suggests the gift, contract, or partnership is detrimental to the safety or security of Louisiana, United States, or its residents, the institution cannot enter into the agreement and the council has veto authority of the partnership.

Proposed law requires the Board of Regents to maintain a public web portal that discloses proposed gifts, contracts, or partnerships from foreign adversary sources, along with the final decision on whether to allow the institution to accept the gift.

Proposed law (R.S. 17:1828.4) provides that upon receiving a referral from an officer of an institution or sworn complaint, the attorney general must investigate an allegation of violation; and any agent or compliance officer may request records relevant to the suspicion of a violation; an entity must provide the records within 10 days of request or later if agreed to.

Proposed law provides that failure to make a disclosure or failure to provide requested records will result in a civil violation with a fine of \$10,000 for a first violation and \$20,000 for any subsequent violation. In addition to the fine, a final order of a violation by an institution must include the identity of the officer responsible for acceptance of the undisclosed gifts or contracts.

Proposed law provides that an institution that knowingly, willfully, or negligently fails to disclose information will be subject to a civil penalty of 105% of the amount of the undisclosed gifts or contracts; payable only from nonstate funds of the institution or affiliate organization that received the gift or contract; the recovered funds must be deposited into the State General Fund.

Proposed law (R.S. 17:1828.5) provides that an institution may not participate in any cultural exchange agreement with a foreign source, or any entity controlled by foreign adversaries unless it addresses an overwhelmingly under-addressed state or national need and avoids the following:

- (1) Constraining the freedom of contract of such public entity.
- (2) Allowing the curricula or values of a program in the state to be directed, controlled, or influenced by the foreign adversaries.
- (3) Promoting an agenda detrimental to the safety or security of Louisiana, its residents, or the United States.

Proposed law provides that prior to any execution of a cultural exchange agreement with a foreign source, the agreement must be shared with a federal law enforcement agency and the Louisiana Higher Education Research Security Council. If the federal agency or the council provides information that suggests the agreement is detrimental to the safety or security of Louisiana, United States, or its residents, the institution cannot enter into the agreement.

Proposed law provides that each institution must submit information to the Board of Regents by July first of each year and the Board of Regents must submit a report to the governor, president of the Senate, and the speaker of the House of Representatives relating to partnerships and agreements with foreign adversaries by December first of each year. Proposed law includes required information that must be included in the report from the Board of Regents.

Proposed law (R.S. 17:1828.6) provides that an employee, researcher, or volunteer of an institution of higher education of the state may not accept transportation or lodging in a country that is a foreign adversary or accept a gift or item of value from a person representing a foreign adversary for any purpose, including to pay for travel expenses or as reimbursement for the costs of attending a conference in a country that is a foreign adversary.

Proposed law provides that an employee or volunteer of an institution of higher education of this state must report to the Louisiana Board of Ethics any interaction, communication, or meeting the employee, researcher, or volunteer has with a person acting on behalf of a foreign adversary, not later than 30 days after the date of interaction.

Proposed law provides that the Louisiana Board of Ethics must define a "de minimus value" for meals that a state employee or volunteer can accept and the Louisiana Higher Education Research Council must define a "de minimus value" for meals that an academic or researcher at an institution is allowed to accept.

Proposed law (R.S. 17:1828.7) provides that an institution must only enter into a new or renew an existing research partnership with an institution, business, or nonprofit located in a foreign adversary if the institution maintains sufficient structural safeguards to protect the institution's intellectual property, the security of Louisiana, and the national security interests. The Louisiana Higher Education Research Security Council must only approve an institution's partnership if the council determines it to meet the safeguard requirements that follow:

- (1) Compliance with all federal requirements, including the requirements of federal research sponsors and federal export control agencies, including regulations regarding international traffic in arms and export administration regulations, and economic and trade sanctions administered by the federal office of foreign assets control.
- (2) Annual formal institution level programs for faculty on conflicts of interest and conflicts of commitment.
- (3) An overwhelming state interest to enter into the research or academic partnership.
- (4) There are no alternative institutions to engage with for a similar research or academic partnership.
- (5) A formalized foreign visitor process and uniform visiting scholar agreement.

Proposed law provides that the council will have full discretion to reject or terminate any research partnership between an institution and an academic or research institution located in a foreign adversary at any time and for any purpose.

Proposed law (R.S. 17:1828.8) requires the Board of Regents to conduct a review of educational software used by institutions of higher education that may be linked to foreign adversaries. The board must develop a plan to eliminate the usage of educational software from foreign adversary countries in each of the respective systems. The board must also promulgate rules and regulations that prohibit future contracting with educational software-providing entities domiciled in, or owned by companies or other entities domiciled in, foreign adversary countries.

Proposed law (R.S. 17:1828.9) provides that the managing board of each institution of higher education must adopt the following policies:

- (1) No branch, cell, subsidiary, or affiliate organization of the Chinese Communist Party shall be allowed to operate on or use any property of any institution of higher education in this state.
- (2) No members of the Chinese Communist Party, People's Liberation Army, any Chinese intelligence agency, or any affiliate or subsidiary thereof shall enroll in any Louisiana institution of higher education nor receive employment or research opportunities in any Louisiana institution of higher education.

Proposed law provides that a student, academic or researcher, who matriculates from the People's Republic of China must sign an affidavit to certify that the student is not a member of the Chinese Communist Part, People's Liberation Army, and Chinese intelligence agency, or any affiliate or subsidiary thereof.

Proposed law (R.S. 17:1828.10) provides that any theft of a trade secret or trafficking there of from an institution on behalf of a foreign source will be charged as a crime under R.S. 14:67 with a penalty one classification level higher than theft of equal value covered under R.S. 14:67. For theft of trade secrets of \$25,000 or more, the penalty will be imprisonment at hard labor for not less than 5 years and not more than 25 years.

Proposed law (R.S. 17:1828.11) provides that if any provision or application of any provision is held to be invalid, the remainder of proposed law and the application of its provisions will not be affected.

Effective on January 1, 2027.

(Adds R.S. 17:1828-1828.11)