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DIGEST

SB 399 Reengrossed

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 La. 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 La. System.
- (5) One research security officer appointed by the Board of Supervisors of L.S.U.
- (6) One research security officer appointed by the Board of Supervisors of Southern University.
- (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 La. 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.
- (10) Three faculty members with research experience, one designated by the chief academic officer of the L.S.U. System, one designated by the chief academic officer of the University

of La. System and one designated by the chief academic officer of the Southern University System.

- (11) The chairman of the House Select Committee on Homeland Security, or his designee.
- (12) The chairman of the Senate Select Committee on Homeland Security, or his designee.
- (13) The superintendent of the Louisiana State Police, or his designee.
- (14) The chief information officer of the office of technology services, or his designee.
- (15) The lead special agent of the Federal Bureau of Investigation, New Orleans Field Office, or his designee, shall be invited as a nonvoting ex officio member.

Proposed law provides that the council shall do the following:

- (1) Develop or adopt a model research security policy for La. 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 Jan. 31st 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 adversary source or foreign adversary nation must reject the proposed gift, contract, or partnership unless certain conditions are met.

Proposed law provides that, within 30 days of receiving a proposal for the gift, contract, academic or research partnership, the college or university shall request an assessment from federal law enforcement on potential national security risks, and after receiving the assessment, it shall be submitted to the La. Higher Education Research Security Council along with the request for approval of the proposed gift, contract, academic, or research partnership. The council shall have veto

authority over such academic and research partnerships with a simple majority vote of all council members.

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 a 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 (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 La., 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 La. 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 La., the 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 Jan. 31st 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, unless requested by a federal agency, the governor, the president of the Senate, or the speaker of the House of Representatives, 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 La. Higher Education Security Council 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 (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 La., and the national security interests. The La. 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 office of foreign assets control of the United States Department of the Treasury.
- (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 (R.S. 17:1828.8) requires the Board of Regents in cooperation with the La. office of technology services to do all of the following:

- (1) Review of educational software used by institutions of higher education that may be linked to foreign adversaries.
- (2) Develop a plan to eliminate the usage of educational software from foreign adversary countries in each of the respective systems.
- (3) Promulgate rules 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 La. institution of higher education nor receive employment or research opportunities in any La. 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 the criminal code (R.S. 14:67) with a penalty one classification level higher than theft of equal value covered under the criminal code (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 January 1, 2027.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Adds additional members to the La. Higher Education Research Security Council.
2. Changes reporting deadlines.
3. Requires the office of technology services to assist the Bd. of Regents.
4. Removes administrative fines and civil penalties.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.
2. Clarifies language to correct the names of certain departments and agencies.