

RÉSUMÉ DIGEST

ACT 505 (SB 399)

2026 Regular Session

Bass

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

New 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"; United Front Political Influence System".

New 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.
- (16) One designated research security officer or senior security officer or senior research administrator from each institution engaged in sponsored research that is a member of the La. Assn. of Independent Colleges and Universities.

New 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. This vetting and review shall exclude information about trade secrets and protected information per to nondisclosure or confidentiality agreements.
- (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.

New 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 is to reject the proposed gift, contract, or partnership unless certain conditions are met.

New 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.

New 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.

New 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

New 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.

New 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.

New 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. New law includes required information that must be included in the report from the Board of Regents.

New 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.

New law provides that an employee or volunteer of an institution of higher education of this state must report to the La. Higher Education Research 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.

New 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 U.S. 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.

New law requires that prior to denying or terminating any partnership, the council is to provide written notice, specific findings, an opportunity for the institution to respond, and an opportunity for administrative appeal.

New 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.

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

- (1) No Confucious Institute, or any program, institute, center, association, or other entity that is directly established, funded, substantially directed, or controlled by any of the following entities shall be permitted to operate on, conduct activities on, or use any

property owned or controlled by a public postsecondary education institution in this state:

- (a) The government of the People's Republic of China.
 - (b) The Chinese Communist Party.
 - (c) The People's Liberation Army.
 - (d) Any intelligence agency of the People's Republic of China.
- (2) Entities which shall be considered "substantially directed or controlled" include but are not limited to the following:
- (a) Entities appearing on the U.S. Dept of Commerce Entity List as provided in 15 CFR 744.16.
 - (b) Entities appearing on the U.S. Dept of Commerce Military End-User List as provided in 15 CFR 744.21.
 - (c) Entities formally designated by the U.S. Dept of State, Dept of Commerce, or Dept of Defense, pursuant to publicly issued determinations, as participating in a military-civil fusion program or malign foreign talent recruitment program.
 - (d) Entities receiving funding from a foreign source of a foreign adversary country without approval of the Research Security Council.
 - (e) Entities directly affiliated with and reporting to the Chinese Communist Party's United Front Political Influence System.

New law requires that each applicant enrollment, employment, or research funding at a public postsecondary education institution disclose, under penalty of perjury either of the following:

- (1) Current or former participation in a malign foreign talent recruitment program identified by the U.S. government.
- (2) Disclosure requirements are to be applied uniformly to all applicants and not be based solely on citizenship, nationality, or country of origin.

New law requires an institution to conduct an individualized, risk-based assessment of any disclosed information pursuant to new law.

New law requires that enrollment, employment, or research opportunities be denied, conditioned, or terminated only if the institution determines, based on specific and articulable facts, that the disclosed information presents a credible risk of any of the following:

- (a) Espionage or malign influence operations.
- (b) Unlawful technology transfer in violation of export control laws.
- (c) Compromise of research integrity.
- (d) Violation of federal or state law.

New law provides that past, incidental, or nominal membership in a political organization, including the Chinese Communist Party, shall not solely constitute sufficient grounds for denial, conditioning, or termination.

New law requires that any applicant who knowingly provides false or materially misleading information in a required disclosure is subject to disciplinary action, up to and including denial or termination of enrollment, employment, or research participation, consistent with institutional policy and applicable law.

New 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.

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

New law (R.S. 17:1828.12) provides that any gift, contract, academic partnership, or research partnership in existence on January 1, 2027, may continue but shall not be renewed except through the process set forth new law.

Effective January 1, 2027.

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