

Committee on Education

CS/HB 7017 — Foreign Influence

by State Affairs Committee; Public Integrity and Elections Committee; and Rep. Grall and others

This bill requires public disclosure of foreign gifts, scrutiny of grant applicants and vendors with certain foreign connections, and thorough scrutiny of foreign applicants for research positions and of foreign travel and activities of employees of major research institutions.

Foreign Gifts and Contracts

The bill requires any state agency or political subdivision to disclose any gift or grant with a value of \$50,000 or more from any foreign source to the Department of Financial Services (DFS) within 30 days of receipt. Further, the bill requires applicants to a state agency or political subdivision for a grant, or those that propose a contract having a value of \$100,000 or more, to disclose any current or prior contract with, or grant or gift received from a specified foreign country of concern with a value of \$50,000 or more.

The bill exempts from disclosure requirements vendors of commodities, but requires, at least once every five years, the Department of Management Services to screen specified vendors participating in a required online procurement system. The bill requires DFS to establish and maintain a website to publish the specified disclosures, and to investigate specified allegations of a violation.

The bill authorizes administrative fines for failures to make a disclosure as specified. The bill specifies penalties for an individual or entity for a third or subsequent violation.

International Cultural Agreements

The bill prohibits a state agency, political subdivision, public school, state college, or state university from participating in any agreement with, or acceptance of any grant from, a foreign country of concern or associated entity, which constrains freedom of contract, allows control by the foreign county of concern, or promotes a detrimental agenda.

Any such agreement must be shared with appropriate federal agencies prior to execution of the agreement, which is subject to prohibition if deemed to be detrimental to the safety and security of the United States. Any such entity may not accept anything of value conditioned upon participation in a specified program or endeavor.

Foreign Gift Reporting

The bill requires each institution of higher education (IHE) to semiannually report any gift or gifts received from a foreign source with a value of \$50,000 or more. An IHE must make its report to the Board of Governors or State Board of Education, as applicable.

The bill requires, beginning July 1, 2022, the applicable inspector general to randomly audit for compliance at least five percent of the total number of gifts or gift agreements received from IHEs the previous year. The bill subjects an IHE that knowingly, willfully, or negligently fails to disclose required information to a civil penalty of 105 percent of the amount of the undisclosed gift, payable from nonstate funds.

The bill provides protection and a reward of 25 percent of any penalty to a whistle-blower who reports an undisclosed foreign gift.

Screening Foreign Researchers

The bill requires each state university or specified entity with a research budget of \$10 million or more to screen applicants for research positions who are citizens of a foreign country or have a specified affiliation with a foreign country of concern, with specified exceptions. The bill requires such screening to take place prior to interviewing or offering such position.

The bill requires the president or chief administrative officer of the state university or applicable entity to designate a research integrity office to review required materials and take reasonable steps to verify information listed in applications. The bill also authorizes the applicable entity to direct the office to approve applicants for hire based on a risk-based determination.

The bill requires the research integrity office to report to the nearest Federal Bureau of Investigation field office, and to an applicable law enforcement agency and specified governing board, the identity of any applicant rejected from employment based on the specified screening.

The bill requires a specified inspector general to perform an operational audit regarding implementation by July 1, 2025.

Foreign Travel and Research Institutions

The bill requires, by January 1, 2022, each state university or specified entity with a research budget of \$10 million or more to establish an international travel approval and monitoring program, which must require preapproval and screening by a research integrity office for any employment-related foreign travel and activities engaged in by faculty, researchers, and research department staff.

Lastly, the bill requires the state university or entity to provide an annual report of foreign travel to countries of concern, with specified information, to the applicable governing entity, and the bill requires a specified inspector general to perform an operational audit regarding implementation by July 1, 2025.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 117-0