${\bf By}$ Senator Diaz

	36-01358-21 20212010
1	A bill to be entitled
2	An act relating to foreign influence; creating s.
3	286.101, F.S.; providing definitions; requiring any
4	state agency or political subdivision to disclose
5	certain gifts or grants received from any foreign
6	source to the Department of Financial Services within
7	a specified timeframe; providing an exception;
8	requiring any entity that applies for a certain grant
9	or proposes a certain contract to disclose to a state
10	agency or political subdivision any current or prior
11	interest of, contract with, or grant or gift received
12	from a foreign country of concern under certain
13	circumstances; requiring such entity to provide a copy
14	of such disclosure to the department within a
15	specified timeframe before applying for any grant or
16	proposing any contract; requiring such entity to
17	revise its disclosure within a specified timeframe
18	under certain circumstances; requiring the Department
19	of Management Services to screen certain vendors
20	periodically; requiring certain notification on the
21	online procurement system; requiring the Department of
22	Financial Services to establish and maintain an
23	Internet website to publish the disclosures;
24	authorizing the department to establish an online
25	system for making such disclosures; authorizing the
26	Department of Management Services to coordinate with
27	the Department of Financial Services to establish such
28	online system; requiring the Department of Financial
29	Services to investigate allegations of certain

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30	violations under certain circumstances; authorizing
31	the department or specified persons to request certain
32	records; providing for the assessment of fines and
33	penalties under certain circumstances; requiring the
34	department to include and maintain a list of
35	ineligible entities on a certain Internet website;
36	providing that information and records relating to a
37	gift or grant from a foreign source are not
38	confidential or exempt from public records
39	requirements; authorizing rulemaking; creating s.
40	288.860, F.S.; providing definitions; prohibiting
41	certain agencies and entities from participating in
42	agreements with or accepting grants received from
43	foreign countries of concern under certain
44	circumstances; prohibiting such agencies and entities
45	from accepting anything of value as a condition for
46	participation in certain programs or endeavors that
47	promote the language or culture of foreign countries
48	of concern; creating s. 1010.25, F.S.; providing
49	definitions; requiring institutions of higher
50	education to semiannually report to certain entities
51	regarding certain gifts they received directly or
52	indirectly from a foreign source; requiring such
53	institutions to provide certain information regarding
54	such gifts; requiring random inspections or audits of
55	gifts or gift agreements by certain inspectors
56	general; providing requirements for such inspections
57	or audits; requiring the Board of Governors or State
58	Board of Education, as applicable, to sanction

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88	rejected for employment to certain law enforcement
89	agencies; requiring certain inspectors general or the
90	Auditor General to perform an operational audit by a
91	specified date; creating s. 1010.36, F.S.; requiring
92	certain state universities and other entities to
93	establish an international travel approval and
94	monitoring program; providing requirements for such
95	program; providing requirements for preapproval and
96	screening for foreign travel and foreign employment-
97	related activities engaged in by faculty, researchers,
98	and research department staff; requiring state
99	universities and entities to maintain certain records
100	relating to foreign travel and activities for at least
101	10 years; requiring a state university or entity to
102	provide a certain annual report to the Board of
103	Governors or the governing board of the applicable
104	entity and publish such report on its Internet
105	website; requiring the Auditor General to perform, by
106	a specified date, an audit of the institution to
107	ensure compliance as part of the institution's next
108	scheduled operational audit; providing an effective
109	date.
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111	Be It Enacted by the Legislature of the State of Florida:
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113	Section 1. Section 286.101, Florida Statutes, is created to
114	read:
115	286.101 Foreign gifts and contracts
116	(1) As used in this section, the term:
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117	(a) "Contract" means any agreement for the direct benefit
118	or use of any party to such agreement, including an agreement
119	for the sale of commodities or services.
120	(b) "Foreign country of concern" means the People's
121	Republic of China, the Russian Federation, the Islamic Republic
122	of Iran, the Democratic People's Republic of Korea, the Republic
123	of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian
124	Arab Republic, including any agency of or any other entity under
125	significant control of such foreign country of concern.
126	(c) "Foreign government" means the government of any
127	country, nation, or group of nations, or any province or other
128	political subdivision of any country or nation, other than the
129	government of the United States or the government of a state or
130	political subdivision, including any agent of such foreign
131	government.
132	(d) "Foreign source" means any of the following:
133	1. A foreign government or an agency of a foreign
134	government.
135	2. A legal entity, governmental or otherwise, created
136	solely under the laws of a foreign state or states.
137	3. An individual who is not a citizen or a national of the
138	United States or a territory or protectorate of the United
139	States.
140	4. An agent, including a subsidiary or an affiliate of a
141	foreign legal entity, acting on behalf of a foreign source.
142	(e) "Gift" means any gift of money or property.
143	(f) "Grant" means a transfer of money for a specified
144	purpose, including a conditional gift.
145	(g) "Interest" in an entity means any direct or indirect

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investment in or loan to the entity valued at 5 percent or more
of the entity's net worth or any form of direct or indirect
control exerting similar or greater influence on the governance
of the entity.
(h) "State agency" means any agency or unit of state
government created or established by law.
(2) Any state agency or political subdivision that receives
any gift or grant with a value of \$50,000 or more from any
foreign source shall disclose such gift or grant to the
Department of Financial Services within 30 days after receiving
such gift or grant. Disclosure is not required if such gift or
grant is disclosed under s. 1010.25.
(3)(a) Any entity, other than a state agency or political
subdivision, that applies to a state agency or political
subdivision for a grant or proposes a contract having a value of
\$100,000 or more, except for a proposal to sell commodities or
services through the online procurement program established
pursuant to s. 287.057(22), shall disclose to the state agency
or political subdivision any current or prior interest of, any
contract with, or any grant or gift received from a foreign
country of concern if such interest, contract, or grant or gift
has a value of \$50,000 or more and such interest existed at any
time or such contract or grant or gift was received or in force
at any time during the previous 5 years. Within 1 year before
applying for any grant or proposing any contract, such entity
must provide a copy of such disclosure to the Department of
Financial Services.
(b) From the time a disclosure is made under paragraph (a)
through the term of any awarded state grant or contract, the

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175	entity must revise its disclosure within 30 days after entering
176	into a contract with or receiving a grant or gift from a foreign
177	country of concern or within 30 days after the acquisition of
178	any interest in the entity by a foreign country of concern.
179	(4) At least once every 5 years, the Department of
180	Management Services shall screen each vendor of commodities or
181	services participating in the online procurement system if such
182	vendor has the capacity to fill an order of \$100,000 or more.
183	Screening must be conducted through federal agencies responsible
184	for identifying persons and organizations subject to trade
185	sanctions, embargoes, or other restrictions under federal law.
186	If a vendor is identified as being subject to any such
187	sanctions, embargoes, or other restrictions, the vendor must
188	make the disclosures required under subsection (3) until such
189	restriction expires. A notification regarding the applicability
190	of the disclosure requirement in subsection (3) to the vendor
191	must be included on the online procurement system when
192	applicable. The Department of Management Services must ensure
193	that the disclosures made by vendors using the online
194	procurement system are easily accessible by the system's
195	participants.
196	(5) The Department of Financial Services must establish and
197	maintain an Internet website to publish the disclosures required
198	under this section. The Department of Financial Services may
199	establish an online system for making such disclosures. The
200	Department of Management Services may coordinate with the
201	Department of Financial Services to establish the online system.
202	(6)(a) Upon receiving a referral from an inspector general
203	or other compliance officer of a state agency or political
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204	subdivision or any sworn complaint based upon substantive
205	information and reasonable belief, the Department of Financial
206	Services must investigate an allegation of a violation of this
207	section.
208	(b) The Department of Financial Services, an inspector
209	general, or any other agent or compliance officer authorized by
210	a state agency or political subdivision may request records
211	relevant to any reasonable suspicion of a violation of this
212	section. Such entity must provide the required records within 30
213	days after such request or at a later time agreed to by the
214	investigating state agency or political subdivision.
215	(7)(a) Failure to make a disclosure required under this
216	section or failure to provide records requested under paragraph
217	(6) (b) constitutes a civil violation punishable upon a final
218	order of the Department of Financial Services by an
219	administrative fine of \$5,000 for a first violation or \$10,000
220	for any subsequent violation.
221	(b) In addition to any fine assessed under paragraph (a), a
222	final order determining a third or subsequent violation by a
223	state agency or political subdivision must include a
224	determination of the identity of the officer responsible for
225	acceptance of the undisclosed grant or gift. Such order must
226	also include a referral by the Department of Financial Services
227	to the Governor or other officer authorized to suspend or remove
228	the officer responsible for acceptance of the undisclosed grant
229	or gift from public office. A copy of such referral must be
230	provided to the President of the Senate and the Speaker of the
231	House of Representatives for oversight of such suspension and
232	removal authority.

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233	(c) In addition to any fine assessed under paragraph (a), a
234	final order determining a third or subsequent violation by an
235	entity other than a state agency or political subdivision shall
236	automatically disqualify the entity from eligibility for any
237	grant or contract funded by a state agency or any political
238	subdivision until such ineligibility is lifted by the
239	Administration Commission for good cause. The Department of
240	Financial Services shall include and maintain an active and
241	current list of such ineligible entities on the Internet website
242	maintained under subsection (5).
243	(8) Notwithstanding any other law to the contrary,
244	information and records relating to a gift or grant from a
245	foreign source are not confidential or exempt from s. 119.07(1)
246	and s. 24(a), Art. I of the State Constitution.
247	(9)(a) The Department of Management Services may adopt
248	rules necessary to carry out its responsibilities under this
249	section. The rules may identify the federal agencies to be
250	consulted under subsection (4) and the procedure for notifying a
251	vendor of the disclosure requirements under this section when
252	applicable. The Department of Management Services may also adopt
253	rules providing for the application of this section to the
254	online procurement system.
255	(b) The Department of Financial Services may adopt rules
256	necessary to carry out its responsibilities under this section.
257	(c) Any rules necessary to implement this section must be
258	published by December 1, 2021, unless the applicable department
259	head certifies in writing that a delay is necessary and the date
260	by which the proposed rules will be published. Such
261	certification must be published in the Florida Administrative

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262	Register and a copy provided to the Joint Administrative
263	Procedures Committee.
264	Section 2. Section 288.860, Florida Statutes, is created to
265	read:
266	288.860 International cultural agreements
267	(1) As used in this section, the term:
268	(a) "Foreign country of concern" means the People's
269	Republic of China, the Russian Federation, the Islamic Republic
270	of Iran, the Democratic People's Republic of Korea, the Republic
271	of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian
272	Arab Republic, including any agency of or any other entity under
273	significant control of such foreign country of concern.
274	(b) "Political subdivision" means any entity under the
275	control of or established for the benefit of a political
276	subdivision.
277	(c) "Public school" means any education institution under
278	the supervision of a school district.
279	(d) "State agency" means any agency or unit of state
280	government created or established by law.
281	(e) "State college" means any postsecondary education
282	institution under the supervision of the State Board of
283	Education, including any entity under the control of or
284	established for the benefit of a state college.
285	(f) "State university" means any state university under the
286	supervision of the Board of Governors, including any entity
287	under the control of or established for the benefit of a state
288	university.
289	(2) A state agency, political subdivision, public school,
290	state college, or state university authorized to expend state-
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291	appropriated funds or levy ad valorem taxes may not participate
292	in any agreement with or accept any grant from a foreign country
293	of concern, or any entity controlled by a foreign country of
294	concern, which establishes a program or other endeavor to
295	promote the language or culture of a foreign country of concern.
296	(3) A state agency, political subdivision, public school,
297	state college, or state university may not accept anything of
298	value conditioned upon participation in a program or other
299	endeavor to promote the language or culture of a foreign country
300	of concern.
301	Section 3. Section 1010.25, Florida Statutes, is created to
302	read:
303	1010.25 Foreign gift reporting
304	(1) As used in this section, the term:
305	(a) "Affiliate organization" means any entity under the
306	control of or established for the benefit of an organization
307	required to report under this section, including a direct-
308	support organization.
309	(b) "Direct-support organization" has the same meaning as
310	provided in ss. 1004.28(1)(a), 1004.70(1)(a), and 1004.71(1)(a).
311	(c) "Foreign government" means the government of any
312	country, nation, or group of nations, or any province or other
313	political subdivision of any country or nation, other than the
314	government of the United States or the government of a state or
315	political subdivision, including any agent of such foreign
316	government.
317	(d) "Foreign source" means any of the following:
318	1. A foreign government or an agency of a foreign
319	government.

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 2. A legal entity, governmental or otherwise, created solely under the laws of a foreign state or states. 3. An individual who is not a citizen or a national of the United States or a territory or protectorate of the United States. 4. An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source. (e) "Gift" means any contract, gift, grant, endowment, award, or donation of money or property of any kind, or any combination thereof, including a conditional or an unconditional pledge of such contract, gift, grant, endowment, award, or donation. For purposes of this paragraph, the term "pledge" means a promise, an agreement, or an expressed intention to give a gift. (f) "Institution of higher education" means a state university; an entity listed in subpart B of part II of chapter l004 that has its own governing board; a Florida College System institution; an independent nonprofit college or university that is located in and chartered by the state and grants baccalaureate or higher degrees; any other institution that has a physical presence in the state and is required to report foreign gifts or contracts pursuant to 20 U.S.C. s. 1011f; or an affiliate organization of an institution of higher education. (2) Each institution of higher education must semiannully report, each January 31 and July 31, any gift received directly or indirectly from a foreign source with a value of 500,000 or more during the fiscal year. If a foreign source provides more than one gift directly or indirectly to an institution of higher 		36-01358-21 20212010
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324States.3254. An agent, including a subsidiary or an affiliate of a326foreign legal entity, acting on behalf of a foreign source.327(e) "Gift" means any contract, gift, grant, endowment,328award, or donation of money or property of any kind, or any329combination thereof, including a conditional or an unconditional330pledge of such contract, gift, grant, endowment, award, or331donation. For purposes of this paragraph, the term "pledge"332means a promise, an agreement, or an expressed intention to give333a gift.334(f) "Institution of higher education" means a state335university; an entity listed in subpart B of part II of chapter336lo04 that has its own governing board; a Florida College System337institution; an independent nonprofit college or university that338a physical presence in the state and is required to report349foreign gifts or contracts pursuant to 20 U.S.C. s. 1011f; or an341affiliate organization of an institution of higher education.343(2) Each institution of higher education must semiannually344report, each January 31 and July 31, any gift received directly345or indirectly from a foreign source with a value of \$50,000 or346more during the fiscal year. If a foreign source provides more347than one gift directly or indirectly to an institution of higher	322	3. An individual who is not a citizen or a national of the
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345 345 <u>or indirectly from a foreign source with a value of \$50,000 or</u> 346 <u>more during the fiscal year. If a foreign source provides more</u> 347 <u>than one gift directly or indirectly to an institution of higher</u>	343	(2) Each institution of higher education must semiannually
<pre>346 346 347 347 347 347 347 347 347 347 347 347</pre>	344	report, each January 31 and July 31, any gift received directly
347 than one gift directly or indirectly to an institution of higher	345	or indirectly from a foreign source with a value of \$50,000 or
	346	more during the fiscal year. If a foreign source provides more
348 education in a single fiscal year and the total value of those	347	than one gift directly or indirectly to an institution of higher
	348	education in a single fiscal year and the total value of those

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349	gifts is \$50,000 or more, all gifts received from that foreign
350	source must be reported. For purposes of this subsection, a gift
351	received from a foreign source through an intermediary shall be
352	considered an indirect gift to the institution of higher
353	education. A report required under this subsection must be made
354	to the following entities:
355	(a) The Board of Governors, if the recipient is a state
356	university, an entity listed in subpart B of part II of chapter
357	1004 that has its own governing board, or an affiliate
358	organization.
359	(b) The State Board of Education, if the recipient is any
360	other institution of higher education or an affiliate
361	organization.
362	(3) For each gift subject to the reporting requirement in
363	subsection (2), the institution of higher education must provide
364	the applicable entity all of the following information, unless
365	otherwise prohibited or deemed confidential under federal or
366	state law:
367	(a) The amount of the gift and the date it was received.
368	(b) The contract start and end date if the gift is a
369	contract.
370	(c) The name of the foreign source and, if not a foreign
371	government, the country of citizenship, if known, and the
372	principal residence or domicile of the foreign source.
373	(d)1. A copy of a gift agreement between the foreign source
374	and the institution of higher education, signed by the foreign
375	source and the chief administrative officer of the institution
376	of higher education, or their respective designees, which must
377	include a detailed description of the purpose for which the gift

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378	will be used by the institution of higher education, the
379	identification of the persons for whom the gift is explicitly
380	intended to benefit, and any applicable conditions,
381	requirements, restrictions, or terms made a part of the gift
382	regarding the control of curricula, faculty, student admissions,
383	student fees, or contingencies placed upon the institution of
384	higher education to take a specific public position or to award
385	an honorary degree.
386	2. Beginning July 1, 2022, the Inspector General of the
387	Board of Governors or the Inspector General of the Department of
388	Education, as applicable, shall, within existing resources,
389	randomly inspect or audit at least 10 percent of the total
390	number of gifts or gift agreements received from institutions of
391	higher education pursuant to this paragraph during the previous
392	year. The inspection or audit shall examine the extent to which
393	the institution of higher education exercised due diligence with
394	respect to whether the gift was received from a foreign source,
395	as well as the institution of higher education's compliance with
396	the requirements of this section.
397	3. Upon the request of the Governor, the President of the
398	Senate, or the Speaker of the House of Representatives, the
399	Inspector General of the Board of Governors or the Inspector
400	General of the Department of Education, as applicable, must
401	inspect or audit a gift or gift agreement.
402	(4) The Board of Governors or the State Board of Education,
403	as applicable, shall exercise the authority provided pursuant to
404	s. 1008.322 or s. 1008.32, respectively, to sanction an
405	institution of higher education that fails to report a
406	reportable gift within 60 days after the reporting deadlines

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407	established in subsection (2).
408	(5) (a) An institution of higher education that knowingly,
409	willfully, or negligently fails to disclose the information
410	required by this section shall be subject to a civil penalty of
411	105 percent of the amount of the undisclosed gift, payable only
412	from nonstate funds of the institution of higher education or
413	the affiliate organization that received such gift. The
414	recovered funds must be deposited into the General Revenue Fund.
415	The Board of Governors and the State Board of Education, as
416	applicable, may administratively enforce this section and impose
417	the civil penalty as an administrative penalty.
418	(b) In the absence of enforcement by the Board of Governors
419	or the State Board of Education, as applicable, the Attorney
420	General or Chief Financial Officer may bring a civil action to
421	enforce this section. If such action is successful, the Attorney
422	General or Chief Financial Officer, as applicable, is entitled
423	to reasonable attorney fees and costs.
424	(6) Notwithstanding any other law to the contrary,
425	information and records relating to a gift from a foreign source
426	are not confidential or exempt from s. 119.07(1) and s. 24(a),
427	Art. I of the State Constitution.
428	(7) The Board of Governors may adopt regulations, and the
429	State Board of Education may adopt rules, to implement this
430	section.
431	Section 4. Section 1010.35, Florida Statutes, is created to
432	read:
433	1010.35 Screening foreign researchers
434	(1) Beginning July 1, 2021, each state university or entity
435	listed in subpart B of part II of chapter 1004 that receives

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CODING: Words stricken are deletions; words underlined are additions.

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436	state appropriations or state tax revenue and has a research
437	budget of \$10 million or more must screen applicants for
438	research or research-related support positions who are citizens
439	of a foreign country and who are not permanent residents of the
440	United States, including graduate and undergraduate students.
441	(2) In addition to satisfying all employment and enrollment
442	qualifications imposed by federal law, the Board of Governors or
443	the governing board of the applicable entity must require a
444	foreign applicant as described in subsection (1) to submit a
445	complete copy of his or her most recently submitted Nonimmigrant
446	Visa Application, DS-160; a complete resume and curriculum
447	vitae, including every institution of higher education attended;
448	all previous employment since the applicant's 18th birthday; and
449	a list of all published material for which the applicant
450	received credit as an author, a researcher, or otherwise or to
451	which the applicant contributed significant research, writing,
452	or editorial support. For applicants who have been continually
453	employed or enrolled in a postsecondary education institution in
454	the United States for 20 years or more, the resume may, but need
455	not, include employment history before the most recent 20 years.
456	(3) The president or chief administrative officer of the
457	state university or applicable entity shall designate a research
458	integrity office to verify all attendance, employment,
459	publications, and contributions listed in the application
460	required in subsection (2). The research integrity office must
461	search public databases for research publications and
462	presentations and public conflict of interest records to
463	identify any research publication or presentation that may have
464	been omitted from the application. The research integrity office

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465	must submit the applicant's name and other identifying
466	information to the Federal Bureau of Investigation or any
467	federal agency willing to scrutinize such applicant for national
468	security or counterespionage purposes and search any public
469	listings of persons subject to sanctions or restrictions under
470	federal law.
471	(4) The requirements of this section must be completed
472	before employing an applicant described in subsection (1) in any
473	research or research-related support position and before
474	granting such applicant any access to research data or
475	activities or other sensitive data. An applicant may not be
476	employed in any research or research-related support position if
477	he or she fails to disclose a substantial educational,
478	employment, or research-related activity or publication or
479	presentation at the time of submitting the application required
480	in subsection (2), unless the department head, or his or
481	designee, certifies in writing the substance of the
482	nondisclosure and the reasons for disregarding such failure to
483	disclose. A copy of such certification must be kept in the
484	investigative file of the research integrity office and must be
485	submitted to the nearest Federal Bureau of Investigation field
486	office.
487	(5) The research integrity office must report to the
488	nearest Federal Bureau of Investigation field office, and to any
489	law enforcement agency designated by the Governor or the Board
490	of Governors and the governing board of the applicable entity
491	described in subsection (1), the identity of any applicant who
492	was rejected for employment based on the scrutiny required by
493	this section or other security-related screening.

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494	(6) By July 1, 2025, the Inspector General of the Board of
495	Governors, the inspector general of an entity described in
496	subsection (1), or the Auditor General must perform an
497	operational audit regarding the implementation of this section.
498	Section 5. Section 1010.36, Florida Statutes, is created to
499	read:
500	1010.36 Foreign travel; research institutions
501	(1) By January 1, 2022, each state university or entity
502	listed in subpart B of part II of chapter 1004 that receives
503	state appropriations or state tax revenue and has a research
504	budget of \$10 million or more must establish an international
505	travel approval and monitoring program. The program must require
506	preapproval and screening by a research integrity office
507	designated by the president or chief administrative officer of
508	the state university or entity for any foreign travel and
509	foreign employment-related activities engaged in by all faculty,
510	researchers, and research department staff. Such requirement is
511	in addition to any other travel approval process applicable to
512	the state university or entity.
513	(2)(a) Preapproval by the research integrity office must be
514	based on the applicant's review and acknowledgement of guidance
515	published by the employing state university or entity which
516	relates to countries under sanctions or other restrictions of
517	the state or the United States government, including any federal
518	license requirement; customs rules; export controls;
519	restrictions on taking state university or entity property,
520	including intellectual property, abroad; restrictions on
521	presentations, teaching, and interactions with foreign
522	colleagues; and other subjects important to the research and

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523	academic integrity of the state university or entity.
524	(b) Preapproval must be based on the binding commitment of
525	the individual traveler not to violate the state university's or
526	entity's limitations on travel and activities abroad and to obey
527	all applicable federal laws.
528	(3) The state university or entity must maintain records of
529	all applications for foreign travel and activities; expenses
530	incurred during such travel and activities, including for
531	travel, food, and lodging; and payments and honoraria received
532	during such travel and activities, including for travel, food,
533	and lodging. The state university or entity must also keep
534	records of all teaching, presentations, and other activities
535	related to the individual traveler's professional, research, and
536	academic activities undertaken during foreign travel. Such
537	records must be retained for at least 10 years or any longer
538	period of time required by any other applicable state or federal
539	law.
540	(4) The state university or entity must provide an annual
541	report of foreign travel and activities listing individual
542	travelers, foreign locations visited, and foreign institutions
543	visited for presentations, teaching, or research to the Board of
544	Governors or the governing board of the applicable entity and
545	publish such report on its Internet website.
546	(5) Unless an operational audit has been previously
547	submitted by the institution's inspector general or internal
548	auditor, by January 1, 2022, the Auditor General must perform an
549	audit of the institution to ensure compliance with this section
550	as part of the institution's next scheduled operational audit.
551	Section 6. This act shall take effect July 1, 2021.

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