

Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1179

---

AN ACT to amend the Indiana Code concerning higher education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 21-30-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

**Chapter 7. Disclosure of Foreign Gifts and Contracts**

**Sec. 1. As used in this chapter, "affiliate organization" means any entity under the control of, or established for the benefit of, a state educational institution, including a direct-support organization.**

**Sec. 2. As used in this chapter, "contract" means an agreement for the acquisition of property or services by purchase, lease, or barter for the direct benefit or use of either of the parties.**

**Sec. 3. As used in this chapter, "direct-support organization" means an organization that is organized and operated to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a state educational institution or for the benefit of a research and development park or a research and development entity affiliated with a state educational institution.**

**Sec. 4. As used in this chapter, "foreign adversary" includes the following:**

- (1) A foreign government listed in 15 CFR 7.4.**
- (2) A country designated as a threat to critical infrastructure by the governor under IC 1-1-16-8.**

HEA 1179 — Concur



**Sec. 5.** As used in this chapter, "foreign government" means the government, including an agent of the government, of any country, nation, or group of nations, or any province or other political subdivision of any country or nation, other than the government of the United States or a state, territory, or protectorate of the United States.

**Sec. 6.** As used in this chapter, "foreign source" means any of the following:

- (1) A foreign government or an agency of a foreign government.
- (2) A legal entity, governmental or otherwise, created solely under the laws of a foreign nation or group of nations.
- (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) A partnership, an association, a corporation, an organization, or any other combination of persons, including a subsidiary of an entity described in this subdivision, organized under the laws of, or having its principal place of business in, a foreign adversary.
- (5) An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source.
- (6) A political party of a foreign adversary or an individual who is a member of a political party of a foreign adversary.

**Sec. 7.** As used in this chapter, "gift" means any gift, grant, endowment, award, or donation of money or property of any kind, or any combination thereof, including a conditional or unconditional promise, pledge, or agreement to make a gift, endowment, award, or donation.

**Sec. 8.** As used in this chapter, "grant" means a transfer of money for a specified purpose, including a conditional gift.

**Sec. 9.** As used in this chapter, "political party of a foreign adversary" means an organization or combination of individuals organized for the purpose of, or engaged in any activity devoted in whole or in part to, either of the following:

- (1) The establishment, administration, control, or the acquisition of the administration or control, of the government of a foreign adversary.
- (2) The furtherance or influencing of the political or public interest, policies, or relations of the government of a foreign adversary.

**Sec. 10. (a)** A state educational institution shall disclose to the



commission any gift of any value received directly or indirectly from any foreign source located in a foreign adversary as follows:

(1) For a disclosable gift received after December 31, 2020, and before July 1, 2024, not later than September 1, 2024.

(2) For a disclosable gift received after June 30, 2024, biannually on January 1 and July 1 of each subsequent year.

(b) A gift received from a foreign source through an intermediary or affiliate organization is considered an indirect gift to a state educational institution and is subject to the disclosure required by subsection (a).

Sec. 11. Unless otherwise prohibited or deemed confidential under state or federal law, a disclosure under section 10 of this chapter must include the following information:

(1) The date of the gift.

(2) The amount of the gift.

(3) The purpose of the gift.

(4) The identification of the persons for whom the gift is explicitly intended to benefit.

(5) Any applicable conditions, requirements, restrictions, or terms made part of the gift.

(6) The name and country of residence or domicile of the foreign source.

(7) The name and mailing address of the state educational institution receiving the gift.

(8) If applicable, the date of termination of the gift.

Sec. 12. The commission shall establish and maintain a website to enable the public to access information concerning gifts disclosed by state educational institutions under section 10 of this chapter.

Sec. 13. (a) A state educational institution shall disclose to the commission any contract of any value entered into directly or indirectly with any foreign source located in a foreign adversary as follows:

(1) For a disclosable contract entered into after December 31, 2020, and before July 1, 2024, not later than September 1, 2024.

(2) For a disclosable contract entered into after June 30, 2024, biannually on January 1 and July 1 of each subsequent year.

(b) A contract entered into with a foreign source through an intermediary or affiliate organization is considered an indirect contract with a state educational institution and is subject to the disclosure required by subsection (a).



**Sec. 14. Unless otherwise prohibited or deemed confidential under state or federal law, a disclosure under section 13 of this chapter must include the following information:**

- (1) The date of the contract.**
- (2) The amount of the contract.**
- (3) The purpose of the contract.**
- (4) The identification of the persons for whom the contract is explicitly intended to benefit.**
- (5) Any applicable conditions, requirements, restrictions, or terms made part of the contract.**
- (6) A copy of the contract.**
- (7) The name and country of residence or domicile of the foreign source.**
- (8) The name and mailing address of the state educational institution entering into the contract.**
- (9) If applicable, the date of termination of the contract.**

**Sec. 15. The commission shall establish and maintain a website to enable the public to access information concerning contracts disclosed by state educational institutions under section 13 of this chapter.**

**Sec. 16. (a) The commission may:**

- (1) audit; or**
- (2) contract with a qualified person to audit;**

**a state educational institution's use of a gift disclosed under section 10 of this chapter that the state educational institution received after June 30, 2021, and before July 1, 2024.**

**(b) The commission may:**

- (1) audit; or**
- (2) contract with a qualified person to audit;**

**a state educational institution's use of the proceeds of a contract disclosed under section 13 of this chapter that the state educational institution entered into after June 30, 2021, and before July 1, 2024.**

**Sec. 17. The commission shall send copies of all disclosures described in sections 10 and 13 of this chapter to the attorney general, in a manner prescribed by the attorney general.**

**Sec. 18. (a) The attorney general may bring a civil action against a state educational institution that has failed to comply with this chapter:**

- (1) based upon information known to the attorney general; or**
- (2) at the request of:**
  - (A) a member of the general assembly;**



- (B) the governor;
- (C) a member of the commission;
- (D) a member of the Indiana state board of education; or
- (E) an Indiana taxpayer;

if the person described in this subdivision submits a signed affidavit affirming that a state educational institution is not in compliance with the requirements of this chapter.

(b) If the attorney general prevails in an action brought under this section, the attorney general is entitled to injunctive relief to require the state educational institution to comply with the requirements of this chapter. In addition, a state educational institution that is found to have knowingly or willingly failed to comply with the requirements of this chapter must pay to the attorney general:

- (1) the costs incurred in bringing the civil action under this section; and
- (2) any associated costs of investigation and enforcement.

SECTION 2. IC 21-36-1-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 1.3. "Foreign adversary" includes the following:**

- (1) A foreign government listed in 15 CFR 7.4.
- (2) A country designated as a threat to critical infrastructure by the governor under IC 1-1-16-8.

SECTION 3. IC 21-36-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 1.5. "Intellectual property" means all original data, findings, or other products of the mind or intellect commonly associated with claims, interests, and rights that are protected under trade secret, patent, trademark, copyright, or unfair competition law.**

SECTION 4. IC 21-36-1-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2.3. "Prohibited person" means the following:**

- (1) A business entity organized under the laws of a foreign adversary.
- (2) A business entity headquartered in a foreign adversary.
- (3) A business entity or other entity, including a governmental entity, that is owned or controlled by citizens of, or is directly controlled by the government of, a foreign adversary.

The term includes an agent, trustee, or fiduciary of a prohibited person.

SECTION 5. IC 21-36-5 IS ADDED TO THE INDIANA CODE AS



A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

**Chapter 5. Transfer of Intellectual Property**

**Sec. 1. This chapter applies to the following state educational institutions:**

- (1) Indiana University.
- (2) Purdue University.
- (3) Indiana State University.
- (4) Ball State University.
- (5) Ivy Tech Community College.
- (6) University of Southern Indiana.
- (7) Vincennes University.

**Sec. 2. The board of trustees of a state educational institution shall adopt a policy that prohibits the transfer, licensing, or sublicensing of intellectual property created or developed using the state educational institution's resources to a prohibited person.**

SECTION 6. IC 21-39-8.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

**Chapter 8.5. Official Public Statements**

**Sec. 1. As used in this chapter, "protected expressive activity" has the meaning set forth in IC 21-39-8-5.**

**Sec. 2. The board of trustees of each state educational institution shall adopt a policy prohibiting an employee or contractor of the state educational institution from making a public statement in the person's official capacity as a state educational institution employee or contractor unless the statement:**

- (1) relates to the business or operation of the state educational institution, or to a state educational institution sponsored event; or
- (2) has been approved by the board of trustees of the state educational institution.

**The policy may not prohibit the exercise of any protected expressive activity that is not made in the employee's or contractor's official capacity.**

SECTION 7. IC 21-49-1 IS REPEALED [EFFECTIVE JULY 1, 2024]. (Disclosures by Postsecondary Educational Institutions of Foreign Gifts and Contracts).

SECTION 8. IC 21-49-2.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

**Chapter 2.7. Prohibition on the Use of State Funds and**



**Resources**

**Sec. 1. As used in this chapter, "foreign terrorist organization" refers to an organization designated by the Secretary of State of the United States as a foreign terrorist organization under 8 U.S.C. 1189.**

**Sec. 2. As used in this chapter, "state sponsor of terror" means a country determined by the Secretary of State of the United States to have repeatedly provided support for acts of international terrorism.**

**Sec. 3. The board of trustees of each state educational institution shall adopt a policy that prohibits the use of any state funds or resources to:**

- (1) engage or contract with an individual associated with a foreign terrorist organization or a state sponsor of terror; or**
- (2) support the activities of a foreign terrorist organization or a state sponsor of terror.**



---

Speaker of the House of Representatives

---

President of the Senate

---

President Pro Tempore

---

Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**HEA 1179 — Concur**

