

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 644

Introduced by Bostar, 29; at the request of the Governor.

Read first time January 22, 2025

Committee:

1 A BILL FOR AN ACT relating to foreign entities; to amend sections
2 49-1480, 49-14,126, and 49-14,140, Reissue Revised Statutes of
3 Nebraska, and sections 73-901, 73-903, 73-905, and 73-906, Revised
4 Statutes Cumulative Supplement, 2024; to adopt the Foreign Adversary
5 and Terrorist Agent Registration Act and the Crush Transnational
6 Repression in Nebraska Act; to provide requirements under the
7 Nebraska Political Accountability and Disclosure Act for a lobbyist
8 engaged in lobbying activity or a consultant engaged in influencing
9 activity on behalf of a Chinese military company; to provide for
10 payments by the Nebraska Accountability and Disclosure Commission to
11 persons reporting certain violations; to provide civil penalties; to
12 define terms; to provide duties; to change provisions of the Foreign
13 Adversary Contracting Prohibition Act relating to certain allowed
14 contracts; to prohibit certain companies from receiving benefits
15 from incentive programs; to provide requirements and restrictions
16 relating to genetic sequencing activities by medical and research
17 facilities; to provide storage requirements for genetic sequencing
18 data and prohibit remote access of such data; to harmonize
19 provisions; to an provide operative date; to provide severability;
20 and to repeal the original sections.
21 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 13 of this act shall be known and may be
2 cited as the Foreign Adversary and Terrorist Agent Registration Act.

3 **Sec. 2.** The purpose of the Foreign Adversary and Terrorist Agent
4 Registration Act is to provide public transparency for the political and
5 propaganda activities and influence operations of agents of adversary
6 nations and foreign terror organizations in Nebraska.

7 **Sec. 3.** For purposes of the Foreign Adversary and Terrorist Agent
8 Registration Act:

9 (1) Adversary nation means those countries listed in 15 C.F.R.
10 791.4;

11 (2)(a) Agent of a foreign principal means:

12 (i) Any person who directly, or through any other person, within the
13 State of Nebraska, engages in covered activities and who acts:

14 (A) As an agent, representative, employee, or servant, of a foreign
15 principal;

16 (B) In any other capacity at the order, request, or under the
17 direction or control of a foreign principal or of a person, any of whose
18 activities are directly or indirectly supervised, directed, controlled,
19 financed, or subsidized in whole or in part by, a foreign principal; or

20 (ii) Any person who agrees, consents, assumes, or purports to act
21 as, or who is or purports to be, whether or not pursuant to contractual
22 relationship, an agent of a foreign principal as defined in subdivision
23 (1)(a)(i) of this section.

24 (b) Agent of a foreign principal does not include any media entity,
25 solely by virtue of any bona fide news or journalistic activities,
26 including the solicitation or acceptance of advertisements,
27 subscriptions, or other compensation therefor, so long as:

28 (i) The media entity is at least eighty percent beneficially owned
29 by citizens of the United States;

30 (ii) Any officers and directors of the media entity are citizens of
31 the United States; and

1 (iii) The media entity is not owned, directed, supervised,
2 controlled, subsidized, or financed, and none of its policies are
3 determined by, any foreign principal or by any agent of a foreign
4 principal required to register under the Foreign Adversary and Terrorist
5 Agent Registration Act;

6 (3) Covered activities means:

7 (a) Engaging in political activities for, or in the interests of, a
8 foreign principal;

9 (b) Acting as a public relations counsel, publicity agent,
10 information-service employee or political consultant for, or in the
11 interests of, a foreign principal;

12 (c) Soliciting, collecting, disbursing, or dispensing contributions,
13 loans, money, or other things of value for, or in the interests of, a
14 foreign principal; or

15 (d) Representing the interests of such foreign principal before any
16 agency or official of this state or a political subdivision of this
17 state;

18 (4) False statement of material fact includes any of the following
19 with respect to a registration statement, a supplement to such statement,
20 or any document filed with or furnished to the Attorney General under the
21 act:

22 (a) A false statement of material fact;

23 (b) Omission of a material fact required to be reported; and

24 (c) Omission of a material fact or copy of a material document
25 necessary to make the statements made in such statement, supplement, or
26 document not misleading;

27 (5) Foreign political party means any organization or any other
28 combination of individuals in a country other than the United States, or
29 any unit or branch thereof, having for an aim or purpose, or which is
30 engaged in any activity devoted in whole or in part to, the
31 establishment, administration, control, or acquisition of administration

1 or control, of a government of a foreign country or a subdivision
2 thereof, or the furtherance or influencing of the political or public
3 interests, policies, or relations of a government of a foreign country or
4 a subdivision thereof;

5 (6) Foreign principal means:

6 (a) A government of a foreign country, any agency or instrumentality
7 of such government, or a foreign political party;

8 (b) A person outside of the United States, unless it is established
9 that such person is an individual and a citizen or permanent resident of
10 and domiciled within the United States, or that such person is not an
11 individual and is organized under or created by the laws of the United
12 States or of any state or other place subject to the jurisdiction of the
13 United States and has its principal place of business within the United
14 States;

15 (c) A partnership, association, corporation, organization, or other
16 combination of persons organized under the laws of, or having its
17 principal place of business in, a foreign country;

18 (d) A partnership, association, corporation, organization, or other
19 combination of persons that is at least twenty percent beneficially owned
20 by a partnership, association, corporation, organization, or other
21 combination of persons organized under the laws of, or having its
22 principal place of business in, a foreign country;

23 (e) Any person that owns or operates in whole or in part an entity
24 described in subdivision (6)(d) of this section;

25 (f) Any person that is owned or operated in whole or in part by a
26 person or entity described in subdivision (6)(a), (b), (c), or (e) of
27 this section; or

28 (g) A foreign terrorist organization;

29 (7) Foreign terrorist organization means an organization included on
30 the United States Department of State's list of designated foreign
31 terrorist organizations pursuant to 8 U.S.C. 1189;

1 (8) Government of a foreign country means any person or group of
2 persons exercising sovereign de facto or de jure political jurisdiction
3 over any country, other than the United States, or over any part of such
4 country, and includes any subdivision of any such group and any group or
5 agency to which such sovereign de facto or de jure authority or functions
6 are directly or indirectly delegated. Such term shall include any faction
7 or body of insurgents within a country assuming to exercise governmental
8 authority whether such faction or body of insurgents has or has not been
9 recognized by the United States;

10 (9) Information service employee means any person who is engaged in
11 furnishing, disseminating, or publishing accounts, descriptions,
12 information, or data with respect to the political, industrial,
13 employment, economic, social, cultural, or other benefits, advantages,
14 facts, or conditions of any country other than the United States, any
15 government of a foreign country, any foreign political party, or a
16 partnership, association, corporation, organization, or other combination
17 of individuals organized under the laws of, or having its principal place
18 of business in, a foreign country;

19 (10) Media entity means any:

20 (a) News or press service or association organized under the laws of
21 the United States, any state, or any other place subject to the
22 jurisdiction of the United States;

23 (b) Newspaper, magazine, periodical, or other publication; or

24 (c) Website or application that enables users to create and share
25 content or to participate in social networking;

26 (11) Owned or operated in whole or in part means that a person has
27 the power, directly or indirectly, whether or not exercised, to
28 determine, direct, or decide important matters affecting an entity
29 including through:

30 (a) The ownership of at least twenty percent of the total
31 outstanding voting interest in an entity;

1 (b) Board representation;

2 (c) The ability to appoint or discharge any board members, officers,
3 or directors;

4 (d) Proxy voting, a special share, contractual arrangements, legal
5 obligations, or formal or informal arrangements to act in concert; or

6 (e) Other means;

7 (12) Person means an individual, a partnership, an association, a
8 corporation, an organization, or any other entity or combination of
9 individuals;

10 (13) Political activities means any activity that the person
11 engaging in believes will, or that the person intends to, in any way
12 influence any agency or official of this state or a political subdivision
13 of this state with reference to formulating, adopting, or changing the
14 domestic or foreign policies of the United States or of the State of
15 Nebraska with reference to the political or public interests, policies,
16 or relations of a government of a foreign country or a foreign political
17 party;

18 (14) Political consultant means any person who engages in informing
19 or advising any other person with reference to the policies of the State
20 of Nebraska or the political or public interest, policies, or relations
21 of a foreign country or of a foreign political party;

22 (15) Postsecondary educational institution has the same meaning as
23 postsecondary institution in section 85-2403;

24 (16) Prints means newspapers and periodicals, books, pamphlets,
25 sheet music, visiting cards, address cards, printing proofs, engravings,
26 photographs, pictures, drawings, plans, maps, patterns to be cut out,
27 catalogs, prospectuses, and advertisements; printed, engraved,
28 lithographed, or autographed notices of various kinds; and, in general,
29 all impressions or reproductions obtained on paper or other material
30 assimilable to paper, on parchment or on cardboard, by means of printing,
31 engraving, lithography, autography, or any other easily recognizable

1 mechanical process, with the exception of the copying press, stamps with
2 movable or immovable type, and the typewriter;

3 (17) Public relations counsel means any person who engages directly
4 or indirectly in informing, advising, or in any way representing a
5 principal in any public relations matter pertaining to political or
6 public interests, policies, or relations of such principal;

7 (18) Publicity agent means any person who engages directly or
8 indirectly in the publication or dissemination of oral, visual, graphic,
9 written, or pictorial information or matter of any kind, including
10 publication by means of advertising, books, periodicals, newspapers,
11 lectures, broadcasts, motion pictures, or otherwise;

12 (19) Registration statement means the registration statement
13 required to be filed with the Attorney General under section 4 of this
14 act, and any supplements to such statement required to be filed under
15 such section, and includes all documents and papers required to be filed
16 with, or in amendment to, such statement or supplements, whether attached
17 or incorporated by reference; and

18 (20) United States, when used in a geographical sense, means the
19 several states, the District of Columbia, the territories, the insular
20 possessions, and all other places now or hereafter subject to the civil
21 or military jurisdiction of the United States.

22 **Sec. 4.** (1) No person shall act as an agent of a foreign principal
23 from an adversary nation or foreign terrorist organization unless such
24 person has filed with the Attorney General a true and complete
25 registration statement and supplements to such statement as required by
26 this section or unless such person is exempt from registration under the
27 Foreign Adversary and Terrorist Agent Registration Act. Except as
28 otherwise provided under the act, every person who becomes an agent of a
29 foreign principal from an adversary nation or foreign terrorist
30 organization shall, within ten days thereafter, file with the Attorney
31 General, in duplicate, a registration statement, under oath on a form

1 prescribed by the Attorney General. The obligation of such an agent to
2 file a registration statement shall, after the tenth day of such person
3 becoming such an agent, continue from day to day, and termination of such
4 status shall not relieve such agent from the obligation to file a
5 registration statement for the period during which such agent was an
6 agent of a foreign principal from an adversary nation or foreign
7 terrorist organization. The registration statement shall include the
8 following, which shall be regarded as material for the purposes of this
9 subsection:

10 (a) The registrant's name, principal business address, and all other
11 business addresses in the United States or elsewhere, and all residence
12 addresses, if any;

13 (b) The status of the registrant, including:

14 (i) If an individual, such individual's nationality;

15 (ii) If a partnership, the name, residence addresses, and
16 nationality of each partner and a true and complete copy of its articles
17 of partnership;

18 (iii) If an association, corporation, organization, or any other
19 combination of individuals, the name, residence addresses, and
20 nationality of each director and officer and of each person performing
21 the functions of a director or officer and a true and complete copy of
22 its charter, articles of incorporation, association, constitution, and
23 bylaws, and any amendments thereto; and

24 (iv) A copy of every other instrument or document and a statement of
25 the terms and conditions of every oral agreement relating to the
26 registrant's organization, powers, and purposes, and a statement of
27 ownership and control;

28 (c)(i) A comprehensive statement of the nature of the registrant's
29 business;

30 (ii) A complete list of the registrant's employees and a statement
31 of the nature of the work of each;

1 (iii) The name and address of every foreign principal from an
2 adversary nation or foreign terrorist organization for whom the
3 registrant is acting, assuming or purporting to act, or has agreed to
4 act;

5 (iv) The character of the business or other activities of every such
6 foreign principal from an adversary nation or foreign terrorist
7 organization, and, if any such principal is not an individual, a
8 statement of the ownership and control of each; and

9 (v) The extent, if any, to which each such foreign principal from an
10 adversary nation or foreign terrorist organization is supervised,
11 directed, owned, controlled, financed, or subsidized, in whole or in
12 part, by any government of a foreign country or foreign political party,
13 or by any other foreign principal from an adversary nation or foreign
14 terrorist organization;

15 (d)(i) Copies of each written agreement and the terms and conditions
16 of each oral agreement, including all modifications of such agreements,
17 or, where no agreement exists, a full statement of all the circumstances,
18 by reason of which the registrant is an agent of a foreign principal from
19 an adversary nation or foreign terrorist organization; and

20 (ii) A comprehensive statement of the nature and method of
21 performance of each such agreement, and of the existing and proposed
22 activity or activities engaged in or to be engaged in by the registrant
23 as agent of a foreign principal from an adversary nation or foreign
24 terrorist organization for each such principal, including a detailed
25 statement of any such activity which is a political activity;

26 (e) The nature and amount of any contributions, income, money, or
27 thing of value that the registrant has received within the preceding one
28 hundred eighty days from each such foreign principal from an adversary
29 nation or foreign terrorist organization, either as compensation or for
30 disbursement or otherwise, and the form and time of each such payment and
31 from whom received;

1 (f)(i) A detailed statement of every activity which the registrant
2 is performing, assuming or purporting to perform, directing others to
3 perform, or has agreed to perform for the registrant or for any other
4 person other than a foreign principal from an adversary nation or foreign
5 terrorist organization and which requires registration under this
6 section, including a detailed statement of any such activity which is a
7 political activity;

8 (ii) The name, business, and residence addresses, and if an
9 individual, such individual's nationality, of any such other person;

10 (iii) The extent to which each such other person is supervised,
11 directed, owned, controlled, financed, or subsidized, in whole or in
12 part, by any government of a foreign country or foreign political party
13 or by any other foreign principal from an adversary nation or foreign
14 terrorist organization; and

15 (iv) The nature and amount of contributions, income, money, or thing
16 of value, if any, that the registrant has received during the preceding
17 one hundred eighty days from each such other person in connection with
18 any of the activities referred to in subdivision (1)(f)(i) of this
19 section, either as compensation or for disbursement or otherwise, and the
20 form and time of each such payment and from whom received;

21 (g)(i) A detailed statement of the money and other things of value
22 spent or disposed of by the registrant during the preceding one hundred
23 eighty days in furtherance of or in connection with activities which
24 require registration under this section and which have been undertaken by
25 the registrant either as an agent of a foreign principal from an
26 adversary nation or foreign terrorist organization, for the registrant,
27 or for any other person or in connection with any activities relating to
28 the registrant becoming an agent of such principal; and

29 (ii) A detailed statement of any contributions of money or other
30 things of value made by the registrant during the preceding one hundred
31 eighty days, other than contributions prohibited under 52 U.S.C. 30121,

1 in connection with an election to any political office or in connection
2 with any primary election, convention, or caucus held to select
3 candidates for any political office;

4 (h) Copies of each written agreement and the terms and conditions of
5 each oral agreement, including all modifications of such agreements, or,
6 where no agreement exists, a full statement of all the circumstances, by
7 reason of which the registrant is performing, assuming or purporting to
8 perform, directing others to perform, or has agreed to perform for the
9 registrant, for a foreign principal from an adversary nation or foreign
10 terrorist organization, or for any other person, any activities which
11 require registration under this section;

12 (i) Such other statements, information, or documents pertinent to
13 the purposes of this subsection as the Attorney General, having due
14 regard for the national security and the public interest, may from time
15 to time require; and

16 (j) Such further statements and such further copies of documents as
17 are necessary to make the statements made in the registration statement
18 and supplements to such statement, and the copies of documents furnished
19 therewith, not misleading.

20 (2) Every agent of a foreign principal from an adversary nation or
21 foreign terrorist organization who has filed a registration statement
22 required by subsection (1) of this section shall, within thirty days
23 after the expiration of each period of six months succeeding such filing,
24 file with the Attorney General a supplement to such statement under oath,
25 on a form prescribed by the Attorney General. Such statement shall set
26 forth with respect to such preceding six months' period such facts as the
27 Attorney General, having due regard for the national security and the
28 public interest, may deem necessary to make the information required
29 under this section accurate, complete, and current with respect to such
30 period. In connection with the information furnished under subdivisions
31 (1)(c), (d), (f)(i), and (h) of this section, the registrant shall give

1 notice to the Attorney General of any changes therein within ten days
2 after such changes occur. If the Attorney General, having due regard for
3 the national security and the public interest, determines that it is
4 necessary to carry out the purposes of the Foreign Adversary and
5 Terrorist Agent Registration Act, the Attorney General may, in any
6 particular case, require supplements to the registration statement to be
7 filed at more frequent intervals in respect to all or particular items of
8 information to be furnished.

9 (3) The registration statement and supplements to such statement
10 shall be executed under oath as follows:

11 (a) If the registrant is an individual, by such individual;

12 (b) If the registrant is a partnership, by the majority of the
13 members thereof; and

14 (c) If the registrant is a person other than an individual or a
15 partnership, by a majority of the officers thereof or persons performing
16 the functions of officers or by a majority of the board of directors
17 thereof or persons performing the functions of directors, if any.

18 (4) The fact that a registration statement or supplement has been
19 filed shall not:

20 (a) Necessarily be deemed full compliance with the Foreign Adversary
21 and Terrorist Agent Registration Act and the rules and regulations
22 adopted and promulgated under the act on the part of the registrant;

23 (b) Indicate that the Attorney General has in any way passed upon
24 the merits of such statement or supplement; or

25 (c) Preclude liability for willfully:

26 (i) Failing to file a registration statement or supplement when due;
27 or

28 (ii) Making a false statement of a material fact in such statement,
29 supplement, or any other document filed with or furnished to the Attorney
30 General under the act.

31 (5) If any agent of a foreign principal required to register under

1 the Foreign Adversary and Terrorist Agent Registration Act has previously
2 registered with the Attorney General under the act, the Attorney General,
3 in order to eliminate inappropriate duplication, may permit the
4 incorporation by reference in the registration statement or supplements
5 of any information or documents previously filed by such agent.

6 (6) Any agent of a foreign principal from an adversary nation or
7 foreign terrorist organization who has, within the State of Nebraska,
8 conducted activity regulated under the Foreign Adversary and Terrorist
9 Agent Registration Act on or after January 1, 2020, shall, within one
10 hundred eighty days after the operative date of this act, come into
11 compliance with the requirements of the act. This requirement applies to
12 those persons who are no longer foreign agents but who were foreign
13 agents on or after January 1, 2020. All persons who have performed
14 activities as an agent of a foreign principal from an adversary nation or
15 foreign terrorist organization are liable for the requirements of this
16 subsection even if such persons have ceased being such agent, if the
17 covered activity occurred on or after January 1, 2020.

18 **Sec. 5.** (1) The requirements of section 4 of this act shall not
19 apply to the following agents of foreign principals:

20 (a) A duly accredited diplomatic or consular officer of a foreign
21 government who is so recognized by the United States Department of State,
22 while such officer is engaged exclusively in activities which are
23 recognized by the United States Department of State as being within the
24 scope of the functions of such officer;

25 (b) Any official of a foreign government, if such government is
26 recognized by the United States, who is not a public relations counsel,
27 publicity agent, information service employee, or a citizen of the United
28 States, whose name and status and the character of whose duties as such
29 official are of public record in the United States Department of State,
30 while such official is engaged exclusively in activities which are
31 recognized by the United States Department of State as being within the

1 scope of the functions of such official;

2 (c) Any member of the staff of, or any person employed by, a duly
3 accredited diplomatic or consular officer of a foreign government who is
4 so recognized by the United States Department of State, other than a
5 public relations counsel, publicity agent, or information service
6 employee, whose name and status and the character of whose duties as such
7 member or employee are of public record in the United States Department
8 of State, while such member or employee is engaged exclusively in the
9 performance of activities which are recognized by the United States
10 Department of State as being within the scope of the functions of such
11 member or employee; or

12 (d) Any person qualified to practice law in the State of Nebraska,
13 insofar as such person engages or agrees to engage in the legal
14 representation of a disclosed foreign principal from an adversary nation
15 or foreign terrorist organization before any state court of law or any
16 agency of the state or political subdivision of the state, except that
17 for the purposes of the Foreign Adversary and Terrorist Agent
18 Registration Act, legal representation does not include attempts to
19 influence or persuade agency personnel or officials other than in the
20 course of judicial proceedings, criminal or civil law enforcement
21 inquiries, investigations, or proceedings, or agency proceedings required
22 by statute or regulation to be conducted on the record.

23 (2) No person acting as an agent of a foreign principal from an
24 adversary nation or foreign terrorist organization shall subcontract for
25 services for activities regulated under the Foreign Adversary and
26 Terrorist Agent Registration Act requiring registration as a foreign
27 agent, or otherwise induce another person to carry out activities that
28 are so regulated under the act unless such person fully informs all
29 parties of their status as an agent of a principal from a foreign
30 adversary or foreign terrorist organization. The requirements of this
31 subsection apply to any person carrying out services or activities

1 regulated under the act requiring registration as a foreign agent of a
2 foreign principal.

3 **Sec. 6.** (1) Every person within the State of Nebraska who is an
4 agent of a foreign principal from an adversary nation or foreign
5 terrorist organization and who is required to register under the Foreign
6 Adversary and Terrorist Agent Registration Act and who transmits or
7 causes to be transmitted in the United States mail, through digital
8 communication, or by any means or instrumentality of interstate or
9 foreign commerce any informational materials for, or in the interests of,
10 such foreign principal in the form of prints or in any other form which
11 is reasonably adapted to being, which such person believes will be, or
12 which such person intends to be, disseminated or circulated among two or
13 more persons shall, not later than forty-eight hours after the beginning
14 of the transmittal thereof, file with the Attorney General two copies
15 thereof.

16 (2) It shall be unlawful for any person within the State of Nebraska
17 who is an agent of a foreign principal from an adversary nation or
18 foreign terrorist organization and required to register under the Foreign
19 Adversary and Terrorist Agent Registration Act to transmit or cause to be
20 transmitted in the United States mail, through digital communication, or
21 by any means or instrumentality of interstate or foreign commerce any
22 informational materials for, or in the interests of, such foreign
23 principal without placing in such informational materials a conspicuous
24 statement that the materials are distributed by the agent on behalf of
25 such foreign principal, and that additional information is on file with
26 the Attorney General. The Attorney General may by rule and regulation
27 define what constitutes a conspicuous statement for the purposes of this
28 section.

29 (3) The copies of informational materials required by this section
30 to be filed with the Attorney General shall be available for public
31 inspection under such rules and regulations as the Attorney General may

1 adopt and promulgate.

2 (4) It shall be unlawful for any person within the State of Nebraska
3 who is an agent of a foreign principal from an adversary nation or
4 foreign terrorist organization required to register under the Foreign
5 Adversary and Terrorist Agent Registration Act to transmit, convey, or
6 otherwise furnish to any agency or official of the state, including any
7 agency or official of a political subdivision of the state, for or in the
8 interests of such foreign principal any political propaganda, or to
9 request from any such agency or official for or in the interests of such
10 foreign principal any information or advice with respect to any matter
11 pertaining to the political or public interests, policies, or relations
12 of a foreign adversary nation or foreign terrorist organization or of a
13 political party from an adversary nation or foreign terrorist
14 organization, or pertaining to the foreign or domestic policies of the
15 United States or the State of Nebraska, unless the propaganda or the
16 request is prefaced or accompanied by a true and accurate statement to
17 the effect that such person is registered as an agent of such foreign
18 principal under the Foreign Adversary and Terrorist Agent Registration
19 Act.

20 (5) Whenever any agent of a foreign principal from an adversary
21 nation or foreign terrorist organization required to register under the
22 Foreign Adversary and Terrorist Agent Registration Act appears before any
23 committee of the Legislature or a local government to testify for, or in
24 the interests of, such foreign principal, such agent shall, at the time
25 of such appearance, furnish the committee with a copy of such agent's
26 most recent registration statement filed with the Attorney General for
27 inclusion in the records of the committee as part of such agent's
28 testimony.

29 **Sec. 7.** (1) Every person who is an agent of a foreign principal
30 from an adversary nation or foreign terrorist organization registered
31 under the Foreign Adversary and Terrorist Agent Registration Act shall

1 keep and preserve, while such person is such an agent, such books of
2 account and other records with respect to all activities, the disclosure
3 of which is required under the act, in accordance with such business and
4 accounting practices, as the Attorney General, having due regard for the
5 national security and the public interest, may by rule and regulation
6 require as necessary or appropriate for the enforcement of the act and
7 shall preserve such records for a period of three years following the
8 termination of such status. Until rules and regulations are in effect
9 under this section, every agent of a foreign principal from an adversary
10 nation or foreign terrorist organization shall keep books of account and
11 shall preserve all written records with respect to their activities. Such
12 books and records shall be open at all reasonable times to the inspection
13 of any official charged with the enforcement of the act.

14 (2) It shall be unlawful for any person to willfully (a) conceal,
15 destroy, obliterate, mutilate, or falsify, any books or records required
16 to be kept under the act, (b) to attempt such conduct, or (c) to cause
17 such conduct to be done.

18 **Sec. 8.** (1) The Attorney General shall retain in permanent form one
19 copy of each registration statement furnished under the Foreign Adversary
20 and Terrorist Agent Registration Act, and such statement shall be a
21 public record and open to public examination and inspection at such
22 reasonable hours, under such rules and regulations as the Attorney
23 General may adopt and promulgate.

24 (2) The Attorney General shall, upon receipt, promptly transmit one
25 copy of any registration statement filed, and one copy of every amendment
26 or supplement to such statement filed, to the United States Secretary of
27 State for such comment and use as the secretary may determine to be
28 appropriate from the point of view of the foreign relations of the United
29 States. Failure of the Attorney General to transmit such copy shall not
30 be a bar to prosecution under the Foreign Adversary and Terrorist Agent
31 Registration Act.

1 (3) The Attorney General may furnish information obtained by the
2 Attorney General in the administration of the act to state and federal
3 agencies and to committees of the Legislature. The Attorney General may
4 furnish such information as may be appropriate in light of the purposes
5 of the act. This includes, but is not limited to, the names of
6 registrants under the act, copies of registration statements, or parts
7 thereof, and other documents or information filed under the act.

8 (4) The Attorney General shall every six months report to the
9 Legislature concerning administration of the Foreign Adversary and
10 Terrorist Agent Registration Act, including registrations filed pursuant
11 to the act, and the nature, sources, and content of political propaganda
12 disseminated and distributed.

13 (5) The Attorney General shall post a monthly report on the portal
14 described in section 12 of this act concerning administration of the
15 Foreign Adversary and Terrorist Agent Registration Act, including
16 registrations filed pursuant to the act, and the nature, sources, and
17 content of political propaganda disseminated and distributed.

18 **Sec. 9.** For an agent of a foreign principal from an adversary
19 nation or foreign terrorist organization that is not an individual, each
20 officer or director of such agent or person performing the functions of
21 an officer or a director shall cause such agent to execute and file a
22 registration statement and supplements to such statement as and when such
23 filing is required under section 4 of this act and shall also cause such
24 agent to comply with all the requirements of sections 6 and 7 of this act
25 and all other requirements of the Foreign Adversary and Terrorist Agent
26 Registration Act. Dissolution of any organization acting as an agent of a
27 foreign principal from an adversary nation or foreign terrorist
28 organization shall not relieve any such person from complying with this
29 section. In case of the failure of any such agent to comply with any of
30 the requirements of the act, each of such agent's officers, directors, or
31 persons performing the functions of officers or directors shall be

1 subject to prosecution under the act.

2 **Sec. 10.** (1) Any person who (a) willfully violates any provision of
3 the Foreign Adversary and Terrorist Agent Registration Act or any rule or
4 regulation under the act or (b) in any registration statement, supplement
5 to such statement, or any other document filed with or furnished to the
6 Attorney General under the act, willfully makes a false statement of a
7 material fact, shall be subject to a civil penalty of up to fifty
8 thousand dollars. The total civil penalties under this subsection shall
9 not exceed fifty thousand dollars for any violations occurring in the
10 same calendar year.

11 (2) If the person found to be in violation of subsection (1) of this
12 section is a student, a faculty member, a researcher, or an adjunct or is
13 otherwise employed by or associated with a postsecondary educational
14 institution, such person shall be expelled or dismissed from any role
15 with any postsecondary educational institution in Nebraska and shall be
16 prohibited from entering any campus of such an institution in this state.

17 (3) Each postsecondary educational institution in Nebraska shall
18 adopt a policy for permanent expulsion and dismissal of individuals found
19 to be in violation of subsection (1) of this section.

20 (4) In any proceeding under the act in which it is alleged that a
21 person is an agent of a foreign principal from an adversary nation or
22 foreign terrorist organization, proof of the specific identity of such
23 principal shall be permissible but not necessary.

24 (5) Any alien found to be in violation of any provision of the act
25 or any rule or regulation under the act shall be subject to referral to
26 the United States Department of Justice for removal pursuant to the
27 federal Immigration and Nationality Act, 8 U.S.C. 1101, et seq.

28 (6) Failure to file any such registration statement or supplements
29 to such statement as required by section 4 of this act shall be
30 considered a continuing violation for as long as such failure exists,
31 notwithstanding any statute of limitation or other statute to the

1 contrary.

2 (7) Whenever, in the judgment of the Attorney General, any person
3 has engaged in any acts or practices which constitute a violation of the
4 Foreign Adversary and Terrorist Agent Registration Act or any rule or
5 regulation under the act, the Attorney General may apply to the district
6 court for an order enjoining such acts or practices or for an order
7 directing compliance. Upon a showing by the Attorney General that such
8 person has engaged in any such acts or practices, the court may issue a
9 temporary or permanent injunction, restraining order, or such other order
10 which it may deem proper.

11 (8) If the Attorney General determines that a registration statement
12 does not comply with the requirements of the act or the rules and
13 regulations issued under the act, the Attorney General shall notify the
14 registrant in writing, specifying in what respects the statement is
15 deficient. It shall be unlawful for any person to act as an agent of a
16 foreign principal from an adversary nation or foreign terrorist
17 organization at any time ten days or more after receipt of such
18 notification without filing an amended registration statement in full
19 compliance with the requirements of the act and such rules and
20 regulations.

21 (9) It shall be unlawful for any agent of a foreign principal from
22 an adversary nation or a foreign terrorist organization required to
23 register under the Foreign Adversary and Terrorist Agent Registration Act
24 to be a party to any contract, agreement, or understanding, either
25 express or implied, with such foreign principal pursuant to which the
26 amount or payment of the compensation, fee, or other remuneration of such
27 agent is contingent, in whole or in part, upon the success of any
28 political activities carried on by such agent.

29 **Sec. 11.** (1)(a) Each employee of the State of Nebraska or any state
30 agency shall submit a signed affidavit to his or her employer attesting
31 that the employee is not an agent of a foreign principal from an

1 adversary nation or foreign terrorist organization.

2 (b) The affidavit shall be in a form developed by the Department of
3 Administrative Services in consultation with the Attorney General.

4 (c) A state employee of a postsecondary educational institution
5 shall submit such affidavit at the beginning of each academic year. Any
6 other state employee shall submit such affidavit on or before January 1
7 of every other year.

8 (2) All businesses and nonprofit organizations operating within the
9 State of Nebraska shall annually attest on a form to be filed with the
10 Secretary of State, that they are cognizant of and in compliance with the
11 Foreign Adversary and Terrorist Agent Registration Act. The Secretary of
12 State shall provide a simple one-page attestation form for all such
13 businesses and nonprofit organizations. The Attorney General shall assist
14 the secretary in developing such form.

15 **Sec. 12.** (1) In order to increase public transparency, the Attorney
16 General shall provide information about foreign agents registered in
17 Nebraska on a portal of the Attorney General's website. The portal shall
18 contain the information about each registrant and each registrant's
19 activities within the State of Nebraska.

20 (2) The Attorney General may exchange data with government officials
21 in other states and the federal government in order to increase the
22 transparency and registration compliance of foreign principals from
23 adversary nations or foreign terrorist organizations that operate in
24 multiple states.

25 **Sec. 13.** (1) In order to ensure compliance with the Foreign
26 Adversary and Terrorist Agent Registration Act, the Attorney General
27 shall have the power to issue civil investigative demands to persons
28 suspected of being agents of foreign principals from adversary nations or
29 foreign terrorist organizations.

30 (2) The Attorney General may adopt and promulgate rules and
31 regulations to carry out the act.

1 **Sec. 14.** Sections 14 to 21 of this act shall be known and may be
2 cited as the Crush Transnational Repression in Nebraska Act.

3 **Sec. 15.** The purpose of the Crush Transnational Repression in
4 Nebraska Act is to counter the threat and practice of transnational
5 repression committed by foreign governments or foreign terrorist
6 organizations against the citizens and residents of this state, and to
7 counter the threat and practice of foreign government interstate
8 harassment through extranational enforcement of foreign government laws
9 and directives.

10 **Sec. 16.** For purposes of the Crush Transnational Repression in
11 Nebraska Act:

12 (1) Agent of a foreign principal means an agent directed or
13 controlled by a foreign principal, or the proxies of such agent;

14 (2) Foreign adversary means a foreign adversary as determined
15 pursuant to 15 C.F.R. 791.4 as such regulation existed on January 1,
16 2025;

17 (3) Foreign political party means any organization or any other
18 combination of individuals in a country other than the United States, or
19 any unit or branch thereof, having for an aim or purpose, or which is
20 engaged in any activity devoted in whole or in part to:

21 (a) The establishment, administration, control, or acquisition of
22 administration or control, of a government of a foreign country or a
23 subdivision thereof; or

24 (b) The furtherance or influencing of the political or public
25 interests, policies, or relations of a government of a foreign country or
26 a subdivision thereof;

27 (4) Foreign principal means:

28 (a) The government of a foreign country or any official or
29 subdivision of such government;

30 (b) A foreign political party or any member or subdivision of such
31 party;

1 (c) A foreign terrorist organization or any member or subdivision of
2 such organization;

3 (d) A partnership, association, corporation, organization, or other
4 combination of persons which is:

5 (i) Organized under the laws of, or has its principal place of
6 business in, a foreign adversary, or a subsidiary of such entity; or

7 (ii) Owned or controlled wholly or in part by any person or
8 combination of persons of a foreign adversary or foreign terrorist
9 organization; or

10 (e) Any entity that is owned or controlled in whole or in part by a
11 person or entity described in subdivision (4)(a), (b), (c), or (d) of
12 this section;

13 (5) Foreign terrorist organization means an organization included on
14 the United States Department of State's list of designated foreign
15 terrorist organizations pursuant to 8 U.S.C. 1189;

16 (6)(a) Government of a foreign country means any person or group of
17 persons exercising sovereign de facto or de jure political jurisdiction
18 over any country, other than the United States, or over any part of such
19 country, and includes any subdivision of any such group and any group or
20 agency to which such sovereign de facto or de jure authority or functions
21 are directly or indirectly delegated.

22 (b) Government of a foreign country also includes any faction or
23 body of insurgents within a country, other than the United States,
24 assuming to exercise governmental authority whether such faction or body
25 of insurgents has or has not been recognized by the United States; and

26 (7) Transnational repression includes actions and behaviors
27 emanating from or attributable to a foreign principal committed by an
28 agent of such foreign principal, acting outside or within the foreign
29 principal's territory, with the intention of harassing, intimidating,
30 censoring, or otherwise extending such principal's ability to influence,
31 control, or impose such principal's preferences on the behavior of

1 individuals outside of the principal's territory or jurisdiction. Such
2 actions and behaviors include direct and indirect methods, including
3 physical contact, threats, electronic targeting, actual or credible
4 threats of collective punishment or harassment of individuals under the
5 principal's effective control, financial coercion, abuse of
6 administrative processes, selective prosecution of laws of general
7 application, or the use or direction of social media and
8 telecommunications entities.

9 **Sec. 17. (1) For purposes of this section:**

10 (a) Covered offense means:

11 (i) Assault in the first degree, section 28-308;

12 (ii) Assault in the second degree, section 28-309;

13 (iii) Assault in the third degree, section 28-310;

14 (iv) Terroristic threats, section 28-311.01;

15 (v) Stalking, section 28-311.03;

16 (vi) Violation of a harassment protection order, section 28-311.09;

17 (vii) False imprisonment in the first degree, section 28-314;

18 (viii) False imprisonment in the second degree, section 28-315; and

19 (ix) Attempt, conspiracy, solicitation, being an accessory to,
20 aiding and abetting, aiding the consummation of, or compounding a felony
21 with any of the other offenses in subdivision (1)(a) of this section as
22 the underlying offense; and

23 (b) Protected conduct means conduct that is lawful under local,
24 state, and federal law and consists of:

25 (i) The free exercise of religion;

26 (ii) Speech, orally or in writing in print or digital form, on a
27 matter of public interest or concern;

28 (iii) Petitioning any local, state, or federal government entity for
29 redress of grievances; or

30 (iv) Peaceably assembling.

31 (2) Any person who commits a covered offense shall be punished by

1 the imposition of the next higher penalty classification than the penalty
2 classification prescribed for the covered offense if:

3 (a) The person committing the offense is an agent of a foreign
4 principal who acts knowingly at the direction of, on behalf of, or under
5 the influence of such foreign principal; and

6 (b) The person committed the offense with the intent to:

7 (i) Coerce another person to act on behalf of a foreign principal;

8 (ii) Coerce another person to leave the United States or cause
9 another person to leave the United States;

10 (iii) Cause another person to forebear from engaging in protected
11 conduct; or

12 (iv) Retaliate against another person for engaging in protected
13 conduct.

14 (3) If an offense is punishable as a Class I misdemeanor, the
15 enhanced penalty under this section is a Class IV felony.

16 (4) The allegations supporting an enhancement under this section
17 shall be set forth in the indictment or information, and it shall be the
18 burden of the prosecuting attorney to prove such allegations beyond a
19 reasonable doubt to the judge or jury in the state's case in chief.

20 **Sec. 18.** (1) A person commits an offense if, while acting as the
21 agent of a foreign principal, such person:

22 (a) Intentionally engages in the prevention, detection,
23 investigation, monitoring, surveilling, or prosecution of an offense
24 under the law or rule of a government of a foreign country or a foreign
25 terrorist organization at the direction of such foreign principal,
26 government, or organization; and

27 (b) Such person acts without the knowledge and approval of the
28 appropriate state or federal law enforcement agency of the United States.

29 (2) A violation of this section is a Class IIA felony.

30 **Sec. 19.** On or before January 1, 2026, the Nebraska State Patrol
31 shall prepare or commission an empirical and qualitative report on the

1 threat of transnational repression in Nebraska and electronically submit
2 such report to the Legislature.

3 **Sec. 20.** (1) On or before January 1, 2026, the Nebraska State
4 Patrol shall develop a transnational repression recognition and response
5 training. The training shall be regularly updated to address emerging
6 threats and specific information on tactics used by specific foreign
7 principals.

8 (2) Such training shall include:

9 (a) How to identify different tactics of transnational repression in
10 physical and nonphysical forms;

11 (b) Those foreign principals that are known to employ transnational
12 repression, including not only those who use it most frequently, but also
13 those who use it most egregiously, including, but not limited to, tools
14 of digital surveillance and other Internet-based tools frequently used to
15 carry out transnational repression activities;

16 (c) Best practices for appropriate local and state law enforcement
17 prevention, reporting, and response tactics; and

18 (d) Information about communities targeted by transnational
19 repression and misinformation that may be perpetuated by foreign
20 principals.

21 **Sec. 21.** (1) On or before January 1, 2026, the Nebraska State
22 Patrol shall develop a centralized and convenient website that allows
23 members of the public to report instances of transnational repression.
24 The website shall include options for reporting in languages commonly
25 spoken in Nebraska, including particularly languages of communities
26 affected more frequently by transnational repression.

27 (2) On or before January 1, 2026, the patrol shall conduct a public
28 awareness campaign to inform the public:

29 (a) How to identify and report instances of transnational
30 repression;

31 (b) How to use the website created under this section; and

1 (c) What tools and remedies are available for victims of
2 transnational repression.

3 (3) On or before January 1, 2027, and on or before each January 1
4 thereafter, the patrol shall electronically submit a report to the
5 Legislature concerning complaints received on the website, outcomes of
6 such complaints, and any instances of interference by foreign principals
7 in the reporting process.

8 **Sec. 22.** Section 49-1480, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 49-1480 (1) Every person employed, retained, or authorized as a
11 lobbyist shall, before commencing any lobbying activity:

12 (a) File ~~, file~~ an application with the Clerk of the Legislature for
13 registration as a lobbyist, and if the clerk is satisfied that the
14 application has been properly prepared the registration shall be deemed
15 to be complete. The application shall be on a form prescribed by the
16 clerk and approved by the Executive Board of the Legislative Council, and
17 shall include as a minimum the following:

18 (i) ~~(1)~~ The name, permanent residence address, and office address of
19 the lobbyist;

20 (ii) ~~(2)~~ The name and address of the principal of such lobbyist;

21 (iii) ~~(3)~~ The nature of the business of such principal and the
22 amounts or sums given or to be given the lobbyist as compensation or
23 reimbursement for lobbying. A lobbyist who is salaried or retained by a
24 principal need only report that portion of compensation or reimbursement
25 reasonably attributable to lobbying;

26 (iv) ~~(4)~~ A description of the business activity of the lobbyist;

27 (v) ~~(5)~~ An identification of the matters on which the principal or
28 lobbyist expects to lobby;

29 (vi) If the principal is a Chinese military company, an affirmative
30 acknowledgment by the lobbyist that such lobbyist is lobbying on behalf
31 of, and thereby acting as an agent of, a foreign adversary of the United

1 States;

2 (vii) (6) If the principal is an industry, trade, or professional
3 association, a specific description of the industry, trade, or profession
4 represented by the principal and the names and addresses of its officers;

5 (viii) (7) If the principal is not an industry, trade, or
6 professional association, a specific description of the interests and
7 groups represented by the principal and the names and addresses of its
8 officers; and

9 (ix) (8) The name and address of any official in the legislative or
10 executive branch, and of any members of any such official's staff or
11 immediate family, who are employed by the lobbyist or any person acting
12 on behalf of such lobbyist if such information is known or reasonably
13 should have been known to the lobbyist.

14 (b) If any such lobbying activity is on behalf of a Chinese military
15 company, disclose that such Chinese military company is a foreign
16 adversary of the United States. For purposes of this subdivision (b),
17 lobbying activity includes, but is not limited to, lobbying by means of
18 telephone, electronic mail, United States mail or other mail delivery
19 service, in-person meetings, or testimony at legislative hearings.

20 (2)(a) Every person employed, retained, or authorized as a
21 consultant for a Chinese military company shall, before commencing any
22 influencing activity in Nebraska for such Chinese military company:

23 (i) File with the commission, on a form prescribed by the
24 commission, information which shall include as a minimum, the following:

25 (A) The name, permanent residence address, and office address of the
26 consultant;

27 (B) The name and address of the Chinese military company represented
28 by such consultant;

29 (C) A description of the business activity of the consultant;

30 (D) An identification of the matters on which the consultant expects
31 to conduct influencing activity on behalf of such Chinese military

1 company;

2 (E) An affirmative acknowledgment by the consultant that such
3 consultant is influencing on behalf of, and thereby acting as an agent
4 of, a foreign adversary of the United States; and

5 (F) The name and address of any official in the legislative or
6 executive branch, and of any members of any such official's staff or
7 immediate family, who are employed by the consultant or any person acting
8 on behalf of such consultant if such information is known or reasonably
9 should have been known to the consultant; and

10 (ii) Disclose that such Chinese military company is a foreign
11 adversary of the United States.

12 (b) For purposes of this subsection, influencing activity includes,
13 but is not limited to, influencing by means of telephone, electronic
14 mail, United States mail or other mail delivery service, or in-person
15 meetings.

16 (3) Any person who violates subdivision (1)(a)(vi) or (1)(b) or
17 subsection (2) of this section shall be subject to a civil penalty of one
18 hundred thousand dollars for each violation. For any subsequent
19 violation, the civil penalty shall be increased by one hundred thousand
20 dollars more than the previously assessed penalty, not to exceed one
21 million dollars per violation.

22 (4) For purposes of this section, Chinese military company has the
23 same meaning as in section 1260H of Public Law 116-283, as such section
24 existed on January 1, 2025, and includes any subsidiary of a Chinese
25 military company or any company owned or controlled, in whole or in part,
26 by a Chinese military company.

27 **Sec. 23.** Section 49-14,126, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 49-14,126 The commission, upon finding that there has been a
30 violation of the Nebraska Political Accountability and Disclosure Act or
31 any rule or regulation promulgated thereunder, may issue an order:

1 ~~(1) Requiring requiring~~ the violator to do one or more of the
2 following:

3 ~~(a) (1)~~ Cease and desist from the violation;

4 ~~(b) (2)~~ File any report, statement, or other information as
5 required;

6 ~~(c) (3)~~ Pay a civil penalty of not more than five thousand dollars
7 for each violation of the act, rule, or regulation; or

8 ~~(d) (4)~~ Pay the costs of the hearing in a contested case if the
9 violator did not appear at the hearing personally or by counsel; and -

10 ~~(2) Paying any person who provided information that resulted in the~~
11 ~~finding of a violation of subdivision (1)(a)(vi) or (1)(b) or subsection~~
12 ~~(2) of section 49-1480 a sum of fifty thousand dollars.~~

13 **Sec. 24.** Section 49-14,140, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 49-14,140 The Nebraska Accountability and Disclosure Commission Cash
16 Fund is hereby created. The fund shall consist of funds received by the
17 commission pursuant to sections 49-1449.01, 49-1470, 49-1480.01, 49-1482,
18 49-14,123, and 49-14,123.01 and subdivision ~~(1)(d) (4)~~ of section
19 49-14,126. The fund shall be used by the commission in administering the
20 Nebraska Political Accountability and Disclosure Act. Any money in the
21 Nebraska Accountability and Disclosure Commission Cash Fund available for
22 investment shall be invested by the state investment officer pursuant to
23 the Nebraska Capital Expansion Act and the Nebraska State Funds
24 Investment Act. Transfers may be made from the fund to the General Fund
25 at the direction of the Legislature.

26 On April 25, 2013, the State Treasurer shall transfer \$630,870 from
27 the Campaign Finance Limitation Cash Fund to the Nebraska Accountability
28 and Disclosure Commission Cash Fund to be used for development,
29 implementation, and maintenance of an electronic filing system for
30 campaign statements and other reports under the Nebraska Political
31 Accountability and Disclosure Act and for making such statements and

1 reports available to the public on the website of the commission. The
2 State Treasurer shall transfer the balance of the Campaign Finance
3 Limitation Cash Fund to the Election Administration Fund on or before
4 July 5, 2013, or as soon thereafter as administratively possible.

5 **Sec. 25.** Section 73-901, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 73-901 Sections 73-901 to 73-907 and section 29 of this act shall be
8 known and may be cited as the Foreign Adversary Contracting Prohibition
9 Act.

10 **Sec. 26.** Section 73-903, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 73-903 For purposes of the Foreign Adversary Contracting Prohibition
13 Act:

14 (1) Company means any sole proprietorship, organization,
15 association, corporation, partnership, joint venture, limited
16 partnership, limited liability partnership, limited liability company, or
17 other entity or business association that exists for the purpose of
18 making a profit, including all wholly owned subsidiaries, majority owned
19 subsidiaries, parent companies, or affiliates of any such entity or
20 business association;

21 (2) Foreign adversary means a foreign adversary as determined
22 pursuant to 15 C.F.R. 791.4, as such regulation existed on January 1,
23 2025 7-4;

24 (3) Owned in whole or in part means:

25 (a) For a publicly traded company, any share of ownership that
26 entails the ability to direct or influence the operations of the company,
27 the ability to appoint or discharge any board members, officers, or
28 directors, or any other rights beyond those available to a retail
29 investor holding an equivalent share of ownership; and

30 (b) For a privately held company, any share of ownership;

31 (4) Public entity means the state or any department, agency,

1 commission, or other body of state government, including publicly funded
2 institutions of higher education, any political subdivision of the state,
3 and any other public or private agency, person, partnership, corporation,
4 or business entity acting on behalf of any such public entity;

5 (5) Scrutinized company means:

6 (a) Any company organized under the laws of a foreign adversary or
7 having its principal place of business within a foreign adversary, and
8 any subsidiary of any such company;

9 (b) Any company owned in whole or in part or operated by the
10 government of a foreign adversary, an entity controlled by the government
11 of a foreign adversary, or any subsidiary or parent of any such company;
12 or

13 (c) Any company that sells to a public entity a final technology-
14 related product or service that originates with a company described in
15 subdivision (5)(a) or (b) of this section without incorporating that
16 product or service into another final product or service; and

17 (6) Technology-related product or service means a product or service
18 used for information systems, surveillance, light detection and ranging,
19 or communications. The term includes unmanned aircraft; and

20 (7) Unmanned aircraft means an aircraft, including an aircraft
21 commonly known as a drone, which is operated without the possibility of
22 direct human intervention from within or on the aircraft.

23 **Sec. 27.** Section 73-905, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 73-905 (1) A public entity shall require a company that submits a
26 bid or proposal or enters into any contract or contract renewal with any
27 public entity for any technology-related product or service to certify:

28 (a) (1) That the company is not a scrutinized company;

29 (b) (2) That the company will not subcontract with any scrutinized
30 company for any aspect of performance of the contemplated contract; and

31 (c) (3) That any products or services to be provided do not

1 originate with a scrutinized company.

2 (2) This section shall not apply to the contracts described in
3 section 29 of this act.

4 **Sec. 28.** Section 73-906, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 73-906 ~~(1)~~—No public entity shall enter into any contract or
7 contract renewal that would result in any state or local government funds
8 being transferred:

9 (1) (a) To a scrutinized company in connection with any technology-
10 related product or service; or

11 (2) (b) To any company in connection with any technology-related
12 product or service that originates with a scrutinized company.

13 ~~(2) Notwithstanding subsection (1) of this section, a public entity~~
14 ~~may enter into a contract for goods manufactured by a scrutinized company~~
15 ~~if:~~

16 ~~(a)(i) There is no other reasonable option for procuring such good;~~

17 ~~(ii) The contract is preapproved by the Department of Administrative~~
18 ~~Services; and~~

19 ~~(iii) Not procuring such good would pose a greater threat to the~~
20 ~~state than the threat associated with the good itself; or~~

21 ~~(b) The purchasing entity is an electric supplier that is not out of~~
22 ~~compliance with the Critical Infrastructure Protection requirements~~
23 ~~issued by the North American Electric Reliability Corporation.~~

24 **Sec. 29.** Notwithstanding sections 73-904 and 73-906, a public
25 entity may enter into a contract for goods manufactured by a scrutinized
26 company if:

27 (1)(a) There is no other reasonable option for procuring such good;

28 (b) The contract is preapproved by the Department of Administrative
29 Services; and

30 (c) Not procuring such good would pose a greater threat to the state
31 than the threat associated with the good itself;

1 (2) The purchasing entity is an electric supplier that is not out of
2 compliance with the Critical Infrastructure Protection requirements
3 issued by the North American Electric Reliability Corporation; or

4 (3) The contract involves the procurement of unmanned aircraft and
5 such contract is entered into prior to July 1, 2026. A public entity
6 shall not use any unmanned aircraft procured pursuant to this subdivision
7 on or after July 1, 2028.

8 **Sec. 30.** (1) For purposes of this section:

9 (a) Company means any corporation, partnership, association,
10 organization, or other combination of persons;

11 (b) Foreign adversary means those countries listed in 15 C.F.R.
12 791.4;

13 (c) Foreign adversarial company means a company that:

14 (i) Is organized under the laws of a foreign adversary;

15 (ii) Has its principal place of business within a foreign adversary;

16 (iii) Is owned in whole or in part, operated, or controlled by the
17 government of a foreign adversary; or

18 (iv) Is a subsidiary or parent of any company otherwise described in
19 subdivision (1)(c) of this section; and

20 (d) Government of a foreign adversary means any person or group of
21 persons exercising sovereign de facto or de jure political jurisdiction
22 over any foreign adversary, or over any part of such country, and
23 includes any subdivision of any such group and any group or agency to
24 which such sovereign de facto or de jure authority or functions are
25 directly or indirectly delegated. Such term shall include any faction or
26 body of insurgents within a country assuming to exercise governmental
27 authority whether such faction or body of insurgents has or has not been
28 recognized by the United States.

29 (2) A foreign adversarial company shall be ineligible to receive any
30 benefits under an incentive program of the State of Nebraska, including
31 under:

- 1 (a) The Beginning Farmer Tax Credit Act;
- 2 (b) The Imagine Nebraska Act;
- 3 (c) The Nebraska Advantage Microenterprise Tax Credit Act;
- 4 (d) The Nebraska Advantage Research and Development Act;
- 5 (e) The Nebraska Advantage Rural Development Act;
- 6 (f) The Nebraska Job Creation and Mainstreet Revitalization Act;
- 7 (g) The New Markets Job Growth Investment Act;
- 8 (h) The Urban Redevelopment Act; and
- 9 (i) Any other tax or other incentive program created by legislative
10 or executive action for the purpose of recruitment or retention of
11 businesses in Nebraska.

12 **Sec. 31.** For purposes of sections 31 to 34 of this act:

13 (1) Business means any:

14 (a) Sole proprietorship, organization, association, corporation,
15 partnership, joint venture, limited partnership, limited liability
16 partnership, or limited liability business, including a wholly owned
17 subsidiary, majority-owned subsidiary, parent business, or affiliate of
18 those entities or business associations that exists to make a profit; and

19 (b) Nonprofit organization;

20 (2) Domicile means the country where:

21 (a) A business is registered and headquartered;

22 (b) A business primarily completes its affairs; and

23 (c) The majority stake of ownership of a business is located;

24 (3) Foreign adversary means any foreign government specified in
25 federal code 15 C.F.R. 791.4, as such part existed on January 1, 2025;

26 (4) Genetic sequencer means any device or platform used to conduct
27 genetic sequencing, resequencing, isolation, or other genetic research;

28 (5) Genetic sequencing means any method used to determine the
29 identity and order of nucleotide bases in the human genome;

30 (6) Human genome means deoxyribonucleic acid or ribonucleic acid
31 found in human cells;

1 (7) Medical facility means a facility that provides any health
2 service and:

3 (a) Receives any money from the State of Nebraska or the United
4 States Government;

5 (b) Is registered with the State of Nebraska to provide any health
6 care service; or

7 (c) Conducts research or testing on, with, or relating to genetic
8 sequencing or the human genome;

9 (8) Operational and research software means any computer program
10 used for any operation, control, analysis, or other necessary function of
11 genetic sequencing or genetic sequencers;

12 (9) Research facility means a facility that conducts research on,
13 with, or relating to genetic sequencing or the human genome; and

14 (10) Software means any program, routine, or set of one or more
15 programs or routines that is used or intended for use to cause the
16 performance of a task or set of tasks relating to genetic sequencing or
17 genetic sequencers by any computer, computer-related peripheral
18 equipment, or combination thereof.

19 **Sec. 32.** No medical facility or research facility shall use any
20 genetic sequencer or operational and research software for genetic
21 sequencing if such genetic sequencer or operational and research software
22 is produced in or by any:

23 (1) Foreign adversary;

24 (2) State-owned enterprise of any foreign adversary;

25 (3) Business domiciled in any foreign adversary; or

26 (4) Subsidiary or affiliate of a business domiciled in any foreign
27 adversary.

28 **Sec. 33.** Any medical facility or research facility that is in
29 possession of any genetic sequencer or operational and research software
30 that is described in section 32 of this act shall:

31 (1) Permanently disable such genetic sequencer or operational and

1 research software; or

2 (2) Remove such genetic sequencer or operational and research
3 software from any facility associated with such medical facility or
4 research facility.

5 **Sec. 34.** (1) Any genetic sequencing data that is utilized in the
6 State of Nebraska shall be stored within the borders of any state of the
7 United States or any territory of the United States.

8 (2) No person shall remotely access genetic sequencing data that is
9 stored in the State of Nebraska from outside the borders of any state of
10 the United States or any territory of the United States unless such
11 remote access is approved in a written document that is signed by the
12 Governor.

13 **Sec. 35.** This act becomes operative on October 1, 2025.

14 **Sec. 36.** If any section in this act or any part of any section is
15 declared invalid or unconstitutional, the declaration shall not affect
16 the validity or constitutionality of the remaining portions.

17 **Sec. 37.** Original sections 49-1480, 49-14,126, and 49-14,140,
18 Reissue Revised Statutes of Nebraska, and sections 73-901, 73-903,
19 73-905, and 73-906, Revised Statutes Cumulative Supplement, 2024, are
20 repealed.