

117TH CONGRESS
1ST SESSION

H. R. 1091

To create a task force within the Department of Education to address the threat of foreign government influence and threats to academic research integrity on college campuses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2021

Mr. BANKS introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Intelligence (Permanent Select), Armed Services, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To create a task force within the Department of Education to address the threat of foreign government influence and threats to academic research integrity on college campuses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Our Univer-
5 sities Act of 2021”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Adversaries of the United States take ad-
4 vantage of a largely vulnerable academic system.
5 Academia is a place of uniquely free thought; how-
6 ever, adversaries take advantage of access to feder-
7 ally funded sensitive research that takes place on the
8 campuses of institutions of higher education.

9 (2) As stated in a 2018 report by the White
10 House Office of Trade and Manufacturing Policy,
11 “More than 300,000 Chinese nationals annually at-
12 tend U.S. universities or find employment at U.S.
13 national laboratories, innovation centers, incubators,
14 and think tanks. Chinese nationals now account for
15 approximately one third of foreign university and
16 college students in the United States and about 25
17 percent of graduate students specializing in science,
18 technology, engineering, or math (STEM).”.

19 (3) International students from nations that are
20 adversarial to the United States could face undue
21 pressure or incentives to divulge technology to their
22 home nation or to use sensitive information to nega-
23 tively impact the United States. According to the
24 same 2018 White House Report, “The national and
25 economic security risks are that the Chinese State
26 may seek to manipulate or pressure even unwitting

1 or unwilling Chinese nationals into becoming non-
2 traditional information collectors that serve Beijing’s
3 military and strategic ambitions.”.

4 (4) Technology and information that could be
5 deemed sensitive to the national security interests of
6 the United States should be given increased scrutiny
7 to determine if access should be restricted in a re-
8 search environment.

9 (5) An open federally funded research environ-
10 ment exposes the United States to the possibility of
11 exchanging research affiliated with current or future
12 critical military technological systems.

13 (6) In Federal Bureau of Investigation (FBI)
14 Director Wray’s view, Chinese non-traditional intel-
15 ligence collectors “are exploiting the very open re-
16 search and development environment that we have,
17 which we all revere. But they’re taking advantage of
18 it, so one of the things we’re trying to do is view the
19 China threat as not just the whole-of-government
20 threat, but a whole-of-society threat on their end,
21 and I think it’s going to take a whole-of-society re-
22 sponse by us.”.

23 (7) As stated in the January 2018 China’s
24 Technology Transfer Strategy report by the Defense
25 Innovation Unit, “Academia is an opportune envi-

1 ronment for learning about science and technology
2 since the cultural values of U.S. educational institu-
3 tions reflect an open and free exchange of ideas. As
4 a result, Chinese science and engineering students
5 frequently master technologies that later become
6 critical to key military systems, amounting over time
7 to unintentional violations of U.S. export control
8 laws.”.

9 (8) In 2020, Bill Evanina, the senior counter-
10 intelligence official in the Office of the Director of
11 National Intelligence, stated “. . . our ideas, tech-
12 nology, research, innovation is incubated on those
13 university campuses. That’s where the science and
14 technology originates—and that’s why it’s the most
15 prime place to steal.”.

16 (9) David Bowdich, Deputy Director of the
17 Federal Bureau of Investigation, stated at the
18 March 2020 Academic Security and Counter Exploi-
19 tation Annual Seminar that [China] is “taking ad-
20 vantage of non-traditional collectors to work on their
21 behalf, like ostensibly private companies or some
22 graduate students and researchers. . . . And they
23 are targeting cutting-edge research at our univer-
24 sities.”.

1 (10) The 2020 House of Representatives China
2 Task Force Report states, “Research programs at
3 U.S. colleges and universities are increasingly tar-
4 geted by students and researchers acting as ‘non-
5 traditional collectors’. These students, ranging from
6 undergraduates to postdoctoral researchers, are gen-
7 erally untrained in espionage techniques but are
8 asked to actively target sensitive dual-use tech-
9 nologies and other emerging research during their
10 time in the U.S. The stated goal for these operations
11 is to exfiltrate research data from the U.S. to the
12 PRC.”.

13 **SEC. 3. TASK FORCE.**

14 (a) TASK FORCE ESTABLISHED.—Not later than one
15 year after the date of enactment of this Act, the Secretary
16 of Education, in consultation with the Secretary of De-
17 fense and the Director of National Intelligence, shall es-
18 tablish the National Security Technology Task Force
19 (hereinafter referred to as the “Task Force”) within the
20 Department of Education to address the threat of espio-
21 nage at institutions of higher education.

22 (b) MEMBERSHIP.—

23 (1) DESIGNATION.—The Task Force shall in-
24 clude not more than 30 members, of which—

1 (A) at least 1 representative shall be from
2 the Department of Defense, designated by the
3 Secretary of Defense;

4 (B) at least 1 representative shall be from
5 the intelligence community, designated by the
6 Director of National Intelligence;

7 (C) at least 1 representative shall be from
8 the Department of Justice, designated by the
9 United States Attorney General;

10 (D) at least 1 representative shall be from
11 the Department of Energy, designated by the
12 Secretary of Energy; and

13 (E) at least 1 representative shall be from
14 each of the following offices of the Department
15 of Education, as appointed and named by the
16 Secretary of Education:

17 (i) Office of Postsecondary Education.

18 (ii) Office of Planning, Evaluation,
19 and Policy Development.

20 (iii) Office of the General Counsel.

21 (iv) Any other office the Secretary of
22 Education determines to be appropriate.

23 (2) MEMBERSHIP LIST.—Not later than 10
24 days after the first meeting of the Task Force, the

1 Task Force shall submit to Congress a list identi-
2 fying each member of the Task Force.

3 (c) SENSITIVE RESEARCH PROJECT LIST.—The
4 Task Force shall, in consultation with the Office of the
5 Director of National Intelligence, actively maintain a list
6 of sensitive research projects. Such list shall—

7 (1) be referred to as the Sensitive Research
8 Projects List; and

9 (2) for each project included on the list, indi-
10 cate—

11 (A) the qualified funding agency that is
12 funding the project;

13 (B) whether the project is open to student
14 participation; and

15 (C) whether the project is related to—

16 (i) an item listed on the Commerce
17 Control List (CCL) maintained by the De-
18 partment of Commerce;

19 (ii) an item listed on the United
20 States Munitions List maintained by the
21 Department of State; or

22 (iii) technology designated by the Sec-
23 retary of Defense as having a technology
24 readiness level of 1, 2, or 3.

1 (d) CONSULTATION WITH OIG.—The Task Force
2 shall periodically, but no less than annually, consult with
3 the Office of the Inspector General of the Department of
4 Education, which shall include annual reports to the Of-
5 fice of the Inspector General on the activities of the Task
6 Force, with an opportunity for the Office of the Inspector
7 General to provide active feedback related to such activi-
8 ties.

9 (e) INSTRUCTION TO INSTITUTIONS OF HIGHER
10 EDUCATION.—Not less than once every six months, the
11 Task Force shall provide relevant instruction to institu-
12 tions of higher education at which research projects on
13 the Sensitive Research Project List are being carried out.
14 Such instruction shall provide the institutions of higher
15 education with information related to the threat posed by
16 espionage, best practices identified by the Task Force,
17 and, to the extent possible, any specific risks that the in-
18 telligence community, the qualified funding agency, or law
19 enforcement entities determine appropriate to share with
20 the institutions.

21 (f) REPORT TO CONGRESS.—Not later than one year
22 after the date of enactment of this Act, and every six
23 months thereafter, the Task Force shall provide a report
24 to the Committee on Education and Labor, the Committee
25 on Armed Services, and the Permanent Select Committee

1 on Intelligence of the House of Representatives, and to
2 the Committee on Health, Education, Labor, and Pen-
3 sions, the Committee on Armed Services, and the Select
4 Committee on Intelligence of the Senate, regarding the
5 threat of espionage at institutions of higher education. In
6 each such briefing, the Task Force shall identify actions
7 that may be taken to reduce espionage carried out through
8 student participation in sensitive research projects. The
9 Task Force shall also include in this report an assessment
10 of whether the current licensing regulations relating to the
11 International Traffic in Arms Regulations and the Export
12 Administration Regulations are sufficient to protect the
13 security of the projects listed on the Sensitive Research
14 Project List.

15 **SEC. 4. FOREIGN STUDENT PARTICIPATION IN SENSITIVE**
16 **RESEARCH PROJECTS.**

17 (a) APPROVAL OF FOREIGN STUDENT PARTICIPA-
18 TION REQUIRED.—Beginning on the date that is one year
19 after the date of enactment of this Act, for each project
20 on the Sensitive Research Project List that is open to stu-
21 dent participation, the head of such project at the institu-
22 tion of higher education at which the project is being car-
23 ried out shall ensure that each student participating in
24 such project shall be required to provide proof of citizen-
25 ship before the student is permitted to participate in such

1 project. A student who is a citizen of a country identified
2 in subsection (b) shall be permitted to participate in such
3 a project only if—

4 (1) the student applies for, and receives ap-
5 proval from, the Director of National Intelligence to
6 participate in such project, based on a background
7 check and any other information the Director deter-
8 mines to be appropriate; and

9 (2) in the case of such a project that is related
10 to an item or technology described in subparagraph
11 (C) of section 3(c)(2), the student applies for, and
12 receives approval from, the head of the qualified
13 funding agency, to participate in such project.

14 (b) LIST OF CITIZENSHIP REQUIRING APPROVAL.—
15 Approval under subsection (a) shall be required for any
16 student who is a citizen of a country that is one of the
17 following:

18 (1) The People’s Republic of China.

19 (2) The Democratic People’s Republic of Korea.

20 (3) The Russian Federation.

21 (4) The Islamic Republic of Iran.

22 (5) Any country identified by the head of the
23 qualified funding agency as requiring approval for
24 the purposes of this section.

1 **SEC. 5. FOREIGN ENTITIES.**

2 (a) LIST OF FOREIGN ENTITIES THAT POSE AN IN-
3 TELLIGENCE THREAT.—Not later than one year after the
4 date of the enactment of this Act, the Director of National
5 Intelligence shall identify foreign entities, including gov-
6 ernments, corporations, non-profit and for-profit organiza-
7 tions, and any subsidiary or affiliate of such an entity,
8 that the Director determines pose a threat of espionage
9 with respect to sensitive research projects, and shall de-
10 velop and maintain a list of such entities. The Director
11 may add or remove entities from such list at any time.
12 The initial list developed by the Director shall include the
13 following entities (including any subsidiary or affiliate):

14 (1) Huawei Technologies Company.

15 (2) ZTE Corporation.

16 (3) Hytera Communications Corporation.

17 (4) Hangzhou Hikvision Digital Technology
18 Company.

19 (5) Dahua Technology Company.

20 (6) Kaspersky Lab.

21 (7) Any entity that is owned or controlled by,
22 or otherwise has demonstrated financial ties to, the
23 government of a country identified under section
24 4(b).

25 (b) NOTICE TO INSTITUTIONS OF HIGHER EDU-
26 CATION.—The Director of National Intelligence shall

1 make the initial list required under subsection (a), and
2 any changes to such list, available to the Secretary of Edu-
3 cation, the Task Force, and the head of each qualified
4 funding agency as soon as practicable. The Secretary of
5 Education shall provide such initial list and subsequent
6 amendments to each institution of higher education at
7 which a project on the Sensitive Research Project List is
8 being carried out.

9 (c) PROHIBITION ON USE OF CERTAIN TECH-
10 NOLOGIES.—Beginning on the date that is one year after
11 the date of the enactment of this Act, the head of each
12 sensitive research project shall, as a condition of receipt
13 of funds from a qualified funding agency, provide an as-
14 surance to such qualified funding agency that, beginning
15 on the date that is two years after the date of the enact-
16 ment of this Act, any technology developed by an entity
17 included on the list maintained under subsection (a) shall
18 not be utilized in carrying out the sensitive research
19 project.

20 **SEC. 6. ENFORCEMENT.**

21 The head of each qualified funding agency shall take
22 such steps as may be necessary to enforce the provisions
23 of sections 4 and 5 of this Act. Upon determination that
24 the head of a sensitive research project has failed to meet
25 the requirements of either section 4 or section 5, the head

1 of a qualified funding agency may determine the appro-
2 priate enforcement action, including—

3 (1) imposing a probationary period, not to ex-
4 ceed 6 months, on the head of such project, or on
5 the project;

6 (2) reducing or otherwise limiting the funding
7 for such project until the violation has been rem-
8 edied;

9 (3) permanently cancelling the funding for such
10 project; or

11 (4) any other action the head of the qualified
12 funding agency determines to be appropriate.

13 **SEC. 7. DEFINITIONS.**

14 In this Act:

15 (1) CITIZEN OF A COUNTRY.—The term “cit-
16 izen of a country”, with respect to a student, in-
17 cludes all countries in which the student has held or
18 holds citizenship or holds permanent residency.

19 (2) INSTITUTION OF HIGHER EDUCATION.—The
20 term “institution of higher education” means an in-
21 stitution described in section 102 of the Higher
22 Education Act of 1965 (20 U.S.C. 1002) that re-
23 ceives Federal funds in any amount and for any pur-
24 pose.

1 (3) INTELLIGENCE COMMUNITY.—The term
2 “intelligence community” has the meaning given
3 that term in section 3 of the National Security Act
4 of 1947 (50 U.S.C. 3003).

5 (4) QUALIFIED FUNDING AGENCY.—The term
6 “qualified funding agency”, with respect to a sen-
7 sitive research project, means—

8 (A) the Department of Defense, if the sen-
9 sitive research project is funded in whole or in
10 part by the Department of Defense;

11 (B) the Department of Energy, if the sen-
12 sitive research project is funded in whole or in
13 part by the Department of Energy; or

14 (C) an element of the intelligence commu-
15 nity, if the sensitive research project is funded
16 in whole or in part by the element of the intel-
17 ligence community.

18 (5) SENSITIVE RESEARCH PROJECT.—The term
19 “sensitive research project” means a research
20 project at an institution of higher education that is
21 funded by a qualified funding agency, except that
22 such term shall not include any research project that
23 is classified or that requires the participants in such
24 project to obtain a security clearance.

1 (6) STUDENT PARTICIPATION.—The term “stu-
2 dent participation” shall not include student activity
3 in—

4 (A) a research project that is required for
5 completion of a course in which the student is
6 enrolled at an institution of higher education;
7 or

8 (B) a research project for which the stu-
9 dent is conducting unpaid research.

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