

116TH CONGRESS
1ST SESSION

S. 1879

To call on the Secretary of Homeland Security to lead a task force to address the threat of foreign government influence and threats to academic research integrity on college campuses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2019

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To call on the Secretary of Homeland Security to lead a task force 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 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The United States enjoys one of the most
2 vibrant and open education systems in the world.
3 The free flow of ideas has led to the development of
4 innovative technologies and new modes of thinking.
5 The openness of the system also puts it at risk. Ad-
6 versaries of the United States take advantage of ac-
7 cess to federally funded sensitive research that takes
8 place on the campuses of institutions of higher edu-
9 cation.

10 (2) According to Alex Joske of the Australian
11 Strategic Policy Institute, there are thousands of
12 scientists with links to China's People's Liberation
13 Army who have traveled to American universities
14 over the last several years. In his report, Joske de-
15 scribed the Chinese military's tactic as "picking
16 flowers in foreign lands to make honey in China".

17 (3) As stated in the January 2018 China's
18 Technology Transfer Strategy report by the Defense
19 Innovation Unit, "Academia is an opportune envi-
20 ronment for learning about science and technology
21 since the cultural values of U.S. educational institu-
22 tions reflect an open and free exchange of ideas. As
23 a result, Chinese science and engineering students
24 frequently master technologies that later become
25 critical to key military systems, amounting over time

1 to unintentional violations of U.S. export control
2 laws.”.

3 (4) In Federal Bureau of Investigation (FBI)
4 Director Wray’s view, Chinese nontraditional intel-
5 ligence collectors “are exploiting the very open re-
6 search and development environment that we have,
7 which we all revere. But they’re taking advantage of
8 it, so one of the things we’re trying to do is view the
9 China threat as not just the whole-of-government
10 threat, but a whole-of-society threat on their end,
11 and I think it’s going to take a whole-of-society re-
12 sponse by us.”.

13 (5) Russia has also attempted to exploit the
14 openness of our university system for intelligence
15 purposes. In 2012, for instance, the Russian Foreign
16 Intelligence Service (SVR) tasked an undercover of-
17 ficer at Columbia University with recruiting class-
18 mates or professors who might have access to sen-
19 sitive information.

20 (6) Iran poses a similar threat. In 2012, Presi-
21 dent Barack Obama signed into law the Iran Threat
22 Reduction and Syria Human Rights Act of 2012
23 (Public Law 112–158), which prohibited issuance of
24 a student visa to any Iranian who wished to pursue
25 coursework in preparation for a career in the Ira-

1 nian energy, nuclear science, or nuclear engineering
2 sectors, or related fields.

3 (7) The United States recognizes the great
4 value of appropriate openness and the security need
5 of striking a balance with asset protection.

6 (8) However, technology and information that
7 could be deemed sensitive to the national security in-
8 terests of the United States should be given in-
9 creased scrutiny to determine if access should be re-
10 stricted in a research environment.

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

15 (10) This Act preserves the openness of Amer-
16 ica's higher education system, while preventing ad-
17 versaries from exploiting that very system in fur-
18 therance of their own repressive agendas.

19 **SEC. 3. TASK FORCE AND SENSITIVE RESEARCH PROJECT**
20 **DESIGNATION.**

21 (a) TASK FORCE ESTABLISHED.—Not later than one
22 year after the date of enactment of this Act, the Secretary
23 of Homeland Security, in consultation with the Secretary
24 of State and the Director of National Intelligence, shall
25 establish the National Security Technology Task Force

1 (hereinafter referred to as the “Task Force”) to address
2 the threat of espionage, targeting research and develop-
3 ment at institutions of higher education that is funded in
4 part or whole by any member agency of the Task Force.

5 (b) MEMBERSHIP.—

6 (1) DESIGNATION.—

7 (A) PARTICIPATION.—The Task Force
8 shall include not more than 30 members as fol-
9 lows:

10 (i) At least 1 representative shall be
11 from the Department of Homeland Secu-
12 rity, designated by the Secretary of Home-
13 land Security.

14 (ii) The Secretary of Homeland Secu-
15 rity shall coordinate with the following in
16 order to secure their participation on the
17 Task Force:

18 (I) The Director of National In-
19 telligence for at least 1 representative
20 from the intelligence community.

21 (II) The United States Attorney
22 General for at least 1 representative
23 from the Department of Justice.

24 (III) The Director of the Federal
25 Bureau of Investigation for at least 1

1 representative from the Federal Bu-
2 reau of Investigation.

3 (IV) The Secretary of Energy for
4 at least 1 representative from the De-
5 partment of Energy.

6 (V) The Secretary of Education
7 for at least 1 representative from each
8 of the following offices of the Depart-
9 ment of Education:

10 (aa) The Office of Postsec-
11 ondary Education.

12 (bb) The Office of the Gen-
13 eral Counsel.

14 (cc) Any other office the
15 Secretary of Homeland Security
16 determines to be appropriate.

17 (VI) The Secretary of State for
18 at least 1 representative from the De-
19 partment of State.

20 (VII) The Secretary of Defense
21 for at least 1 representative from the
22 Department of Defense.

23 (VIII) The Director of the Na-
24 tional Institutes of Health for at least

1 1 representative from the National In-
2 stitutes of Health.

3 (IX) The Director of the Office
4 of Science and Technology Policy.

5 (B) EQUAL REPRESENTATION.—Each
6 agency represented on the Task Force shall
7 maintain equal representation with the other
8 agencies on the Task Force.

9 (2) MEMBERSHIP LIST.—Not later than 10
10 days after the first meeting of the Task Force, the
11 Task Force shall submit to Congress a list identi-
12 fying each member agency of the Task Force.

13 (c) SENSITIVE RESEARCH TOPICS LIST.—The Task
14 Force shall maintain a list of topics determined sensitive
15 by one or more Task Force member agencies. Such list
16 shall be referred to as the “Sensitive Research Topics
17 List” and be populated and maintained in accordance with
18 the following:

19 (1) Not later than 90 days after the date of en-
20 actment of this Act, each Task Force member agen-
21 cy shall generate an initial list of research topics de-
22 termined sensitive for national security reasons and
23 submit such list to the Office of the Director of Na-
24 tional Intelligence.

1 (2) Each Task Force member agency shall up-
2 date their respective list of sensitive research topics
3 on a 6-month basis and submit changes to the Office
4 of the Director of National Intelligence.

5 (3) Task Force member agency inputs de-
6 scribed in paragraphs (1) and (2) shall be added
7 to—

8 (A) any item listed on the Commerce Con-
9 trol List (CCL) maintained by the Department
10 of Commerce; and

11 (B) any item listed on the United States
12 Munitions List maintained by the Department
13 of State.

14 (4) Not later than 90 days after receipt of Task
15 Force member agency inputs described in para-
16 graphs (1) and (2), the Office of the Director of Na-
17 tional Intelligence shall compile the inputs and issue
18 the first Sensitive Research Topics List to all Task
19 Force member agencies. Thereafter, the Office of
20 Directory of National Intelligence shall maintain an
21 updated list of the research topics based on Task
22 Force member agency inputs and any changes to the
23 Commerce Control List and the United States Muni-
24 tions List, and ensure an updated version of the

1 Sensitive Research Topic Lists is available to all of
 2 the Task Force member agencies.

3 (d) SENSITIVE RESEARCH PROJECTS LIST.—The
 4 Task Force shall maintain a list of projects funded by
 5 Task Force member agencies and addressing sensitive re-
 6 search topics. Such list shall be referred to as the “Sen-
 7 sitive Research Projects List” and be populated and main-
 8 tained in accordance with the following:

9 (1) Not later than 90 days after the first
 10 issuance of the Sensitive Research Topics List, each
 11 Task Force member agency shall identify any ongoing
 12 or scheduled projects that—

13 (A) receive or are scheduled to receive
 14 funding from said agency;

15 (B) involve personnel from an institution
 16 of higher education; and

17 (C) address one or more topics found on
 18 the Sensitive Research Topics List.

19 (2) The Task Force shall collect the following
 20 information relevant to each project identified in
 21 paragraph (1):

22 (A) The Task Force member agency that
 23 is funding the project.

24 (B) Which topic on the Sensitive Research
 25 Topics List is addressed by the project.

1 (C) Contact information for the principal
2 investigator on the project.

3 (3) The Task Force shall submit the Sensitive
4 Research Projects List, with the required informa-
5 tion, to the Office of the Director of National Intel-
6 ligence, who shall maintain the Sensitive Research
7 Projects List.

8 (4) The Sensitive Research Projects List shall
9 be updated in response to any changes to the Sen-
10 sitive Research Topics List, and—

11 (A) the Office of the Director of National
12 Intelligence shall issue notification to all Task
13 Force member agencies of any changes to the
14 Sensitive Research Topics List resulting from
15 updated inputs from Task Force member agen-
16 cies or the Commerce Control Lists or United
17 States Munitions List; and

18 (B) each Task Force member agency
19 shall—

20 (i) reinstitute the process detailed in
21 paragraph (1); and

22 (ii) provide an updated list of agency-
23 funded sensitive research projects to the
24 Office of the Director of National Intel-
25 ligence.

1 (e) CONSULTATION WITH OIG.—The Task Force
2 shall periodically, but not less frequently than annually,
3 consult with the Office of the Inspector General of the De-
4 partment of Homeland Security, which shall include an-
5 nual reports to the Office of the Inspector General on the
6 activities of the Task Force, with an opportunity for the
7 Office of the Inspector General to provide active feedback
8 related to such activities.

9 (f) INSTRUCTION TO INSTITUTIONS OF HIGHER EDU-
10 CATION.—Not less frequently than annually, the Task
11 Force shall provide relevant instruction to institutions of
12 higher education at which research projects on the Sen-
13 sitive Research Projects List are being carried out. Such
14 instruction shall provide the institutions of higher edu-
15 cation with information related to the threat posed by es-
16 pionage, best practices identified by the Task Force, and,
17 to the extent possible, any specific risks that the intel-
18 ligence community, the qualified funding agency, or law
19 enforcement entities determine appropriate to share with
20 the institutions.

21 (g) REPORT TO CONGRESS.—Not later than one year
22 after the date of enactment of this Act, and every 6
23 months thereafter, the Task Force shall provide a report
24 to the Committee on Homeland Security and Govern-
25 mental Affairs, the Committee on Health, Education,

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

17 **SEC. 4. FOREIGN STUDENT PARTICIPATION IN SENSITIVE**
 18 **RESEARCH PROJECTS.**

19 (a) APPROVAL OF FOREIGN STUDENT PARTICIPA-
 20 TION REQUIRED.—

21 (1) IN GENERAL.—Beginning on the date that
 22 is one year after the date of enactment of this Act,
 23 for each project on the Sensitive Research Projects
 24 List that is open to student participation, the head

1 of such project at the institution of higher education
2 at which the project is being carried out shall—

3 (A) obtain proof of citizenship from any
4 student participating or expected to participate
5 in such project before the student is permitted
6 to participate in such project; and

7 (B) for any student who is a citizen of a
8 country identified in subsection (b), submit the
9 required information, to be defined in coordina-
10 tion with the office designated by the Task
11 Force to perform the background screening, to
12 their grantmaking agency, who shall transmit
13 that information in a standardized format, to
14 be stipulated in coordination with the office des-
15 ignated by the Task Force to perform the back-
16 ground screening, to the office designated by
17 the Task Force to perform the background
18 screening.

19 (2) BACKGROUND SCREENING.—An office des-
20 ignated by the Task Force shall perform a back-
21 ground screening of a student described in para-
22 graph (1) and approve or deny the student's partici-
23 pation in the relevant project within 90 days of ini-
24 tial receipt of the information described in para-
25 graph (1)(B), and—

1 (A) the scope of any such screening shall
2 be determined by the designated office in con-
3 sultation with the Task Force, with reference to
4 the specific project and the requirements of the
5 grantmaking agency;

6 (B) the Secretary of Homeland Security,
7 as head of the Task Force, shall retain author-
8 ity to delay approval or denial of a student's
9 participation in a sensitive research project in
10 30-day increments, as needed in coordination
11 with Task Force member agencies; and

12 (C) institutions of higher education shall
13 maintain the right to petition findings and con-
14 test the outcome of a screening.

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

19 (1) The People's Republic of China.

20 (2) The Russian Federation.

21 (3) The Islamic Republic of Iran.

22 **SEC. 5. FOREIGN ENTITIES.**

23 (a) LIST OF FOREIGN ENTITIES THAT POSE AN IN-
24 TELLIGENCE THREAT.—Not later than one year after the
25 date of the enactment of this Act, the Secretary of Home-

land Security shall coordinate with the Director of National Intelligence to identify foreign entities, including governments, corporations, nonprofit and for-profit organizations, and any subsidiary or affiliate of such an entity, that the Director determines pose a threat of espionage with respect to sensitive research projects, and shall develop and maintain a list of such entities. The Director may add or remove entities from such list at any time. The initial list developed by the Director shall include the following entities (including any subsidiary or affiliate):

- (1) Huawei Technologies Company.
- (2) ZTE Corporation.
- (3) Hytera Communications Corporation.
- (4) Hangzhou Hikvision Digital Technology Company.
- (5) Dahua Technology Company.
- (6) Kaspersky Lab.
- (7) Any entity that is owned or controlled by, or otherwise has demonstrated financial ties to, the government of a country identified under section 4(b).

(b) NOTICE TO INSTITUTIONS OF HIGHER EDUCATION.—The Secretary of Homeland Security shall make the initial list required under subsection (a) in coordination with the Director of National Intelligence, and any

1 changes to such list, available to the Task Force and the
2 head of each qualified funding agency as soon as prac-
3 ticable. The Secretary of Homeland Security shall provide
4 such initial list and subsequent amendments to each insti-
5 tution of higher education at which a project on the Sen-
6 sitive Research Projects List is being carried out.

7 (c) PROHIBITION ON USE OF CERTAIN TECH-
8 NOLOGIES.—Beginning on the date that is one year after
9 the date of the enactment of this Act, the head of each
10 sensitive research project shall, as a condition of receipt
11 of funds from the Department of Homeland Security, cer-
12 tify to the Secretary of Homeland Security, beginning on
13 the date that is 2 years after the date of the enactment
14 of this Act, any technology developed by an entity included
15 on the list maintained under subsection (a) shall not be
16 utilized in carrying out the sensitive research project.

17 **SEC. 6. ENFORCEMENT.**

18 The Secretary of Homeland Security shall take such
19 steps as may be necessary to enforce the provisions of sec-
20 tions 4 and 5 of this Act. Upon determination that the
21 head of a sensitive research project has failed to meet the
22 requirements of either section 4 or section 5, the Secretary
23 of Homeland Security may determine the appropriate en-
24 forcement action, including—

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

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

7 (3) permanently cancelling the funding for such
 8 project; or

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

11 **SEC. 7. DEFINITIONS.**

12 In this Act:

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

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

23 (3) INTELLIGENCE COMMUNITY.—The term
 24 “intelligence community” has the meaning given

1 that term in section 3 of the National Security Act
2 of 1947 (50 U.S.C. 3003).

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

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

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

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

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

23 (6) STUDENT PARTICIPATION.—The term “stu-
24 dent participation” means any student activity of a

- 1 student with access to sensitive research project-spe-
- 2 cific information for any reason.

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