

.....  
(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To protect federally-funded academic research from undue foreign influences and threats by better informing the academic and research communities about such influences and threats, and for other purposes.

\_\_\_\_\_  
**IN THE HOUSE OF REPRESENTATIVES**

Mr. RESCHENTHALER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To protect federally-funded academic research from undue foreign influences and threats by better informing the academic and research communities about such influences and threats, 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 “Academic Research  
5       Protection Act”.

1 **SEC. 2. DESIGNATION OF ACADEMIC LIAISON TO PROTECT**  
2 **AGAINST EMERGING THREATS.**

3 (a) IN GENERAL.—Not later than 180 days after the  
4 date of the enactment of this Act, the Secretary of De-  
5 fense, acting through the Under Secretary of Defense for  
6 Research and Engineering, shall take the following ac-  
7 tions:

8 (1) Designate an official serving within the Of-  
9 fice of the Under Secretary of Defense for Research  
10 and Engineering to work with the academic and re-  
11 search communities to protect academic research  
12 funded by the Department of Defense from undue  
13 foreign influences and threats.

14 (2) Set forth the responsibilities of the official  
15 designated under paragraph (1), including—

16 (A) serving as the liaison of the Depart-  
17 ment of Defense with the academic and re-  
18 search communities;

19 (B) carrying out initiatives of the Depart-  
20 ment related to the protection of academic re-  
21 search funded by the Department from undue  
22 foreign influences and threats, including the ini-  
23 tiative established under section 1286 of the  
24 National Defense Authorization Act for Fiscal  
25 Year 2019 (10 U.S.C. 2358 note);

1 (C) not less frequently than once a year,  
2 conducting outreach and education activities for  
3 the academic and research community about  
4 undue foreign influences and threats to aca-  
5 demic research that is funded by the Depart-  
6 ment;

7 (D) coordinating and aligning the policies  
8 relating to academic research security of—

9 (i) the elements of the Department  
10 specified in section 111(b) of title 10,  
11 United States Code;

12 (ii) the intelligence community;

13 (iii) Federal science agencies;

14 (iv) the Office of Science and Tech-  
15 nology Policy; and

16 (v) Federal regulatory agencies; and

17 (E) working with the intelligence commu-  
18 nity to the maximum extent practicable to share  
19 with the academic and research communities, at  
20 least annually, unclassified information, includ-  
21 ing counterintelligence information, on threats  
22 from undue foreign influences.

23 (b) RULE OF CONSTRUCTION.—Nothing in this sec-  
24 tion shall be construed as authorizing the official des-  
25 ignated under subsection (a)(1) to classify academic re-

1 search in a manner that is inconsistent with the policies  
2 of the Department of Defense or the National Security  
3 Decision Directive Numbered 189 of September 21, 1985,  
4 titled “National Policy on the Transfer of Scientific, Tech-  
5 nical and Engineering Information”, or any successor di-  
6 rective.

7 **SEC. 3. NATIONAL COMMISSION ON ACADEMIC RESEARCH**  
8 **PROTECTION.**

9 (a) ESTABLISHMENT.—There is established in the ex-  
10 ecutive branch an independent commission, to be known  
11 as the “National Commission on Academic Research Pro-  
12 tection” (in this section referred to as the “Commission”),  
13 to address concerns related to undue foreign influence at  
14 institutions of higher education conducting federally-fund-  
15 ed research and development.

16 (b) TREATMENT.—The Commission shall be consid-  
17 ered an independent establishment (as defined in section  
18 104 of title 5, United States Code).

19 (c) MEMBERSHIP.—

20 (1) COMPOSITION.—The Commission shall be  
21 composed of 30 members, as follows:

22 (A) The Director of the Office of Science  
23 and Technology.

24 (B) The National Security Advisor (or a  
25 designee).

1 (C) The Director of National Intelligence  
2 (or a designee).

3 (D) The Director of the National Science  
4 Foundation (or a designee).

5 (E) The Secretary of Commerce (or a des-  
6 ignee).

7 (F) The Secretary of State (or a designee).

8 (G) The Secretary of Defense (or a des-  
9 ignee).

10 (H) The Secretary of Homeland Security  
11 (or a designee).

12 (I) The Secretary of Health and Human  
13 Services (or a designee).

14 (J) The Secretary of Energy (or a des-  
15 ignee).

16 (K) The Secretary of Education (or a des-  
17 ignee).

18 (L) The Secretary of Agriculture (or a des-  
19 ignee).

20 (M) The Administrator of the National  
21 Aeronautics and Space Administration (or a  
22 designee).

23 (N) The Archivist of the National Archives  
24 and Records Administration (or a designee).

25 (O) The Attorney General (or a designee).

1 (P) 12 individuals who are employed by in-  
2 stitutions of higher education and have dem-  
3 onstrated expertise relevant to the duties of the  
4 Commission described in subsection (e).

5 (Q) 3 individuals who are employed by or-  
6 ganizations representing institutions of higher  
7 education and have expertise relevant to the du-  
8 ties of the Commission described in subsection  
9 (e).

10 (2) APPOINTMENTS.—

11 (A) HOUSE OF REPRESENTATIVES AP-  
12 POINTMENTS.—

13 (i) IN GENERAL.—The Speaker of the  
14 House of Representatives and the minority  
15 leader of the House of Representatives  
16 shall jointly appoint 6 of the members de-  
17 scribed in paragraph (1)(P).

18 (ii) CONSULTATION.—The Speaker of  
19 the House of Representatives and the mi-  
20 nority leader of the House of Representa-  
21 tives shall make the appointments de-  
22 scribed in clause (i) in consultation with  
23 the Chairman and Ranking Member of  
24 each of—

1 (I) the Committee on Agriculture  
2 of the House of Representatives;

3 (II) the Committee on Appropria-  
4 tions of the House of Representatives;

5 (III) the Committee on Armed  
6 Services of the House of Representa-  
7 tives;

8 (IV) the Committee on Education  
9 and Labor of the House of Represent-  
10 atives;

11 (V) the Committee on Energy  
12 and Commerce of the House of Rep-  
13 resentatives;

14 (VI) the Committee on Foreign  
15 Affairs of the House of Representa-  
16 tives;

17 (VII) the Committee on Home-  
18 land Security of the House of Rep-  
19 resentatives;

20 (VIII) the Committee on the Ju-  
21 diciary of the House of Representa-  
22 tives;

23 (IX) the Committee on Science,  
24 Space, and Technology of the House  
25 of Representatives; and

1 (X) the Permanent Select Com-  
2 mittee on Intelligence of the House of  
3 Representatives.

4 (B) SENATE APPOINTMENTS.—

5 (i) IN GENERAL.—The majority leader  
6 of the Senate and the minority leader of  
7 the Senate shall jointly appoint 6 of the  
8 members described in paragraph (1)(P).

9 (ii) CONSULTATION.—The majority  
10 leader of the Senate and the minority lead-  
11 er of the Senate shall make the appoint-  
12 ments described in clause (i) in consulta-  
13 tion with the Chairman and Ranking Mem-  
14 ber of each of—

15 (I) the Committee on Agri-  
16 culture, Nutrition, and Forestry of  
17 the Senate;

18 (II) the Committee on Appropria-  
19 tions of the Senate;

20 (III) the Committee on Armed  
21 Services of the Senate;

22 (IV) the Committee on Com-  
23 merce, Science, and Transportation of  
24 the Senate;



1 (V) the Committee on Foreign  
2 Relations of the Senate;

3 (VI) the Committee on Health,  
4 Education, Labor, and Pensions of  
5 the Senate;

6 (VII) the Committee on Home-  
7 land Security and Governmental Af-  
8 fairs of the Senate;

9 (VIII) the Committee on the Ju-  
10 diciary of the Senate; and

11 (IX) the Select Committee on In-  
12 telligence of the Senate.

13 (C) JOINT CONGRESSIONAL APPOINT-  
14 MENTS.—The Speaker of the House of Rep-  
15 resentatives, the minority leader of the House  
16 of Representatives, the majority leader of the  
17 Senate, and the minority leader of the Senate  
18 shall jointly appoint the members described in  
19 paragraph (1)(Q).

20 (D) CLEARANCE.—To be eligible to be ap-  
21 pointed as a member of, or employed by, the  
22 Commission, an individual must possess a secu-  
23 rity clearance that the Secretary of Defense de-  
24 termines sufficient to afford such individual ac-  
25 cess to the information necessary to carry out

1 the responsibilities of a member or the position  
2 in which such individual will be employed, as  
3 applicable.

4 (3) TERMS.—Each member appointed under  
5 paragraph (2) shall be appointed to a term of 4  
6 years.

7 (4) VACANCIES.—A vacancy in the Commission  
8 shall not affect its powers and shall be filled in the  
9 same manner as the original appointment was made.

10 (5) OFFICERS.—

11 (A) CHAIR.—The members shall elect by  
12 majority vote one of the members described in  
13 subparagraphs (P) or (Q) of paragraph (1) to  
14 serve as the Chair.

15 (B) VICE CHAIR.—The members shall elect  
16 by majority vote one of the members described  
17 in subparagraphs (A) through (O) of paragraph  
18 (1) to serve as the Vice Chair.

19 (d) SUBCOMMITTEES.—The Chair, in consultation  
20 with the Vice Chair, may establish subcommittees to focus  
21 on particular topics that are of interest to the Commis-  
22 sion.

23 (e) DUTIES.—The responsibilities of the Commission  
24 shall include the following:

1           (1) The Commission shall serve as the forum  
2           for communication between institutions of higher  
3           education, Federal law enforcement agencies, Fed-  
4           eral counterintelligence agencies, and the intelligence  
5           community regarding undue foreign influence on,  
6           and threats to, federally-funded academic research  
7           and development.

8           (2) Not later than six months after the date of  
9           the enactment of this Act, and not less than once  
10          every six months thereafter, the Commission shall  
11          meet to review the intelligence regarding—

12                 (A) undue foreign influence on, and  
13                 threats to, federally-funded academic research  
14                 and development;

15                 (B) efforts by foreign entities to recruit  
16                 students or employees of institutions of higher  
17                 education;

18                 (C) specific technologies relevant to institu-  
19                 tions of higher education that foreign entities  
20                 may seek to exploit; and

21                 (D) national security and research security  
22                 issues related to foreign students attending in-  
23                 stitutions of higher education in the United  
24                 States.

1           (3) The Commission shall develop, and update  
2           as warranted, methods for educating the academic  
3           community in the United States, including faculty  
4           and researchers, in an unclassified manner about  
5           undue foreign influence on, and threats to, federally-  
6           funded academic research and development.

7           (4) The Commission shall develop, and update  
8           as warranted, recommendations to facilitate the co-  
9           ordination of Federal agency outreach, education,  
10          disclosure, and regulatory efforts which affect feder-  
11          ally-funded research and development at institutions  
12          of higher education.

13          (5) Not later than one year after the date of  
14          the enactment of this Act, and annually thereafter,  
15          the Commission shall review the adequacy of Federal  
16          disclosure policies for federally-funded academic re-  
17          search and development for protecting such research  
18          and development from undue foreign influence and  
19          threats.

20          (6) Not later than one year after the date of  
21          the enactment of this Act, and annually thereafter,  
22          the Commission shall review the adequacy of Federal  
23          export control regulations for protecting federally-  
24          funded academic research and development that is

1 subject to such regulations from undue foreign influ-  
2 ence and threats.

3 (7) Not later than one year after the date of  
4 the enactment of this Act, and annually thereafter,  
5 the Commission shall submit to the President and  
6 Congress in an unclassified form, but which may  
7 contain a classified annex, a report containing rec-  
8 ommendations on protecting federally-funded aca-  
9 demic research from undue foreign influence and  
10 threats while maintaining an open and collaborative  
11 research environment at institutions of higher edu-  
12 cation.

13 (8) Not later than 30 days after the date on  
14 which the Commission submits a report under para-  
15 graph (7), the Commission shall make such report  
16 publicly available in an unclassified form.

17 (9) Any other matters that the Commission de-  
18 termines to be relevant to protecting federally-fund-  
19 ed academic research and development from undue  
20 foreign influence and threats.

21 (f) OBTAINING OFFICIAL DATA.—On request of the  
22 Chair, made in consultation with the Vice Chair, any head  
23 of a Federal agency shall furnish directly to the Commis-  
24 sion any information necessary to enable the Commission  
25 to carry out this section.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—For fis-  
2 cal year 2021 and for each fiscal year thereafter, there  
3 is authorized to be appropriated \$5,000,000, to remain  
4 available until expended, for the Commission to carry out  
5 its duties.

6 (h) TERMINATION.—The Commission shall terminate  
7 on the date that is 10 years after the date on which the  
8 Commission conducts the initial meeting described in sub-  
9 section (e)(2).

10 **SEC. 4. INITIATIVES TO PROTECT ACADEMIC RESEARCH**  
11 **FROM FOREIGN THREATS.**

12 (a) INFORMATION SHARING WITH INSTITUTIONS OF  
13 HIGHER EDUCATION.—

14 (1) IN GENERAL.—Not later than the date that  
15 is 180 days after the date of the enactment of this  
16 section, the Director of National Intelligence, in con-  
17 sultation with the National Commission on Academic  
18 Research Protection, shall establish an unclassified  
19 online clearinghouse to consolidate and make pub-  
20 licly available—

21 (A) open source intelligence relating to for-  
22 eign threats to institutions of higher education  
23 or the faculty thereof, academic researchers,  
24 and academic scholars; and

1 (B) guidance and other publications re-  
2 garding the foreign threats described in sub-  
3 paragraph (A) that are issued by Federal agen-  
4 cies.

5 (2) INTELLIGENCE CLASSIFICATION.—Intel-  
6 ligence routinely classified or restricted above the  
7 level of controlled unclassified information may not  
8 be made available through the clearinghouse de-  
9 scribed in paragraph (1).

10 (b) INTERNATIONAL TRAFFIC IN ARMS REGULATION  
11 GUIDANCE.—Beginning not later than the date that is  
12 180 days after the date of the enactment of this section,  
13 the Secretary of State, in coordination with the Secretary  
14 of Commerce, and in consultation with the National Com-  
15 mission on Academic Research Protection and the Export  
16 Enforcement Coordination Center, shall—

17 (1) develop, issue, and regularly update export  
18 control guidance for institutions of higher education  
19 on compliance with the International Traffic in  
20 Arms Regulations, including guidance, support docu-  
21 mentation, and training materials encouraging and  
22 assisting such institutions to perform periodic inter-  
23 nal assessments of the risk of not complying with  
24 such regulations; and

1           (2) at least annually, conduct outreach activi-  
2       ties exclusively for the academic community that  
3       promote understanding and compliance with the  
4       International Traffic Arms Regulations.

5       (c) EXPORT ADMINISTRATION REGULATION GUID-  
6   ANCE.—Beginning not later than the date that is 180 days  
7   after the date of the enactment of this section, the Sec-  
8   retary of Commerce, in coordination with the Secretary  
9   of State, and in consultation with the National Commis-  
10   sion on Academic Research Protection and the Export En-  
11   forcement Coordination Center, shall—

12           (1) develop, issue, and regularly update export  
13       control guidance for institutions of higher education  
14       on compliance with the Export Administration Regu-  
15       lations, including guidance, support documentation,  
16       and training materials encouraging and assisting  
17       such institutions to perform periodic internal assess-  
18       ments of the risk of not complying with such regula-  
19       tions; and

20           (2) at least annually, conduct outreach activi-  
21       ties exclusively for the academic community that  
22       promote understanding and compliance with the Ex-  
23       port Administration Regulations.

24       (d) FEDERAL BUREAU OF INVESTIGATION INFORMA-  
25   TION OUTREACH.—



1           (1) IN GENERAL.—Not later than the date that  
2           is 180 days after the date of the enactment of this  
3           section, the Director of the Federal Bureau of Inves-  
4           tigation, in consultation with the National Commis-  
5           sion on Academic Research Protection, shall develop  
6           and implement in the headquarters and all of the  
7           field offices of the Bureau an outreach strategy to  
8           inform institutions of higher education about the  
9           availability of information on threats against such  
10          institutions, including information about threats to  
11          federally-funded research and development carried  
12          out by such institutions.

13          (2) REPORT.—Not later than one year after the  
14          date of the enactment of this section, and annually  
15          thereafter, the Director of the Federal Bureau of In-  
16          vestigation shall issue, and make publicly available  
17          on a website, a report on the outreach strategy de-  
18          scribed in paragraph (1).

19 **SEC. 5. DEFINITIONS.**

20          In this Act:

21          (1) EXPORT ADMINISTRATION REGULATIONS.—  
22          The term “Export Administration Regulations”  
23          means those regulations contained in parts 730  
24          through 774 of title 15, Code of Federal Regulations  
25          (or successor regulations).

1           (2) EXPORT ENFORCEMENT COORDINATION  
2           CENTER.—The term “Export Enforcement Coordi-  
3           nation Center” means the organization established  
4           under Executive Order 13558, titled “Export En-  
5           forcement Coordination Center” (75 Fed. Reg.  
6           69573).

7           (3) FEDERAL AGENCY.—The term “Federal  
8           agency” has the meaning given the term “agency”  
9           in section 551 of title 5, United States Code.

10          (4) FEDERAL REGULATORY AGENCIES.—The  
11          term “Federal regulatory agencies” means the De-  
12          partment of Defense, the Department of Commerce,  
13          the Department of State, the Department of Justice,  
14          the Department of Energy, the Department of the  
15          Treasury, the Department of Homeland Security,  
16          and the National Archives and Records Administra-  
17          tion.

18          (5) FEDERAL SCIENCE AGENCIES.—The term  
19          “Federal science agencies” means each Federal  
20          agency that obligated or expended not less than  
21          \$100,000,000 in the previous fiscal year for research  
22          and development.

23          (6) INSTITUTION OF HIGHER EDUCATION.—The  
24          term “institution of higher education” has the

1 meaning given such term in section 101 of the High-  
2 er Education Act of 1965 (20 U.S.C. 1001).

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

7 (8) INTERNATIONAL TRAFFIC IN ARMS REGULA-  
8 TIONS.—The term “International Traffic in Arms  
9 Regulations” means those regulations contained in  
10 parts 120 through 130 of title 22, Code of Federal  
11 Regulations (or successor regulations).