

**Joint Statement of the
American Council on Education, Association of American Universities,
Association of Public and Land-grant Universities, and the Council on Governmental
Relations**

“Student Visa Integrity: Protecting Educational Opportunity and National Security”
Senate Committee on the Judiciary, Subcommittee on Border Security and Immigration
Dirksen Senate Office Building 226

June 6, 2018

The global events of recent years and evolving threats to the United States present new security challenges and require a careful reassessment of our nation’s security vulnerabilities, including those of our colleges and universities. As part of the government-university partnership, U.S. universities share a responsibility with the federal government to ensure that research conducted under their auspices contributes to our national defense and homeland security. Each must work to ensure that the fruits of this research are appropriately secured and protected from outside intrusion or theft by foreign actors and/or governments.

Together, our four associations represent all major U.S. research universities and higher education institutions. Our member institutions share a vested interest with the government in ensuring that intellectual property, proprietary information, trade secrets, sensitive data, and other classified and/or otherwise controlled government information developed or housed at our institutions is not susceptible to academic exfiltration, espionage, or exploitation. Accordingly, we welcome the opportunity to continue to work constructively and cooperatively with Congress and the major national security agencies, including the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA), the Office of the Director of National Intelligence (ODNI), the National Security Agency (NSA), the Departments of Justice, Homeland Security, State, Defense, and Commerce, and the government research agencies to protect legitimate national security interests associated with scientific research conducted at universities.

We greatly appreciate past efforts by the federal government, such as programs launched by the U.S. Departments of Commerce and State, the FBI, and other security agencies, to engage with the higher education community and to forge closer relationships between the academic and security communities both at the local and national levels. The higher education community values the increased training and outreach efforts undertaken by the Commerce Department’s Bureau of Industry and Security (BIS) to help ensure understanding of and compliance with export control laws. We also appreciate other collaborative initiatives with our associations, such as the FBI’s Weapons of Mass Destruction Directorate Chemical-Biological Safety Program.

The Department of Homeland Security’s Homeland Security Academic Advisory Council (HSAAC) has provided another very useful forum to discuss such issues; we urge that HSAAC continue its work as the Council is an excellent assembly for further conversations and deliberations about the very types of security issues raised at today’s hearing.

Campus safety and security programs instituted by the FBI after September 11, 2001, including the Counterterrorism Division's Campus Liaison Officer Program and the College and University Security Effort, have proven beneficial for cultivating relationships between local FBI officials, university security personnel, and research administrators. These programs have allowed the FBI to develop relationships and establish contacts at universities when they have specific campus-based security concerns. Likewise, universities now have clear points of contact at the FBI and can provide timely alerts concerning data breaches or other potential threats on campuses.

Unfortunately, another useful government-university security forum, the FBI's National Security Higher Education Advisory Board (NSHEAB), which was created by the FBI for high-level university leaders to engage directly with government security officials and is referenced in the Charter for this particular hearing, was disbanded in February 2018. At the time of its establishment and for several years after that, the NSHEAB served as a useful venue for the university and security communities to candidly discuss national priorities pertaining to terrorism, counterintelligence, immigration, and homeland security. The Board also provided a forum where the higher education and federal security agencies could collaborate to address important security, scientific, technical, and training issues relating to concerns such as export controls, cybersecurity, and education needs in technical areas where domestically trained U.S. talent is essential.

Our associations were disappointed with the decision to disband the NSHEAB because we believe it comes at a time when the very types of discussions the Board enabled between the university community and federal security agencies could be especially valuable. We are currently working with the FBI and the ODNI to explore alternative forums for future high-level discussions regarding how our community can work with these agencies to protect our national security. We have also met with Department of Defense officials and are proactively seeking meetings with the Department of Homeland Security and other federal agencies to understand these new security threats and appropriately address them.

Protecting our national and economic security while ensuring that the United States remains the destination of choice for the world's best and brightest students, faculty, and scholars are not mutually exclusive. We must remain a welcoming country to international students, scholars, scientists, and researchers who enrich our campuses and play an important role in performing research that creates new knowledge, supports U.S. economic growth and fuels American innovation. Our system of higher education, particularly graduate education in science, technology, engineering, and mathematics (STEM), has served our country extremely well. In many ways, it is the "gold standard" for graduate education in the world, attracting brilliant and talented students and scholars from across the globe, some who end up staying and working in the United States and make significant contributions to our economy and domestic job creation. And those that return home often serve as ambassadors for American values, democracy, and the free market.

To address foreign talent recruitment efforts, we must respond with our own programs aimed at both cultivating our own domestic STEM and other needed talent as well as keeping U.S.-born and U.S.-educated scholars and scientists here after they complete their degrees. This should

include efforts to expand the National Science Foundation's Graduate Research Fellowships and the National Defense Science and Engineering Graduate Fellowships programs as well as the Department of Education's Graduate Assistance in Areas of National Need and the Title VI language and area training programs. Efforts should also aim to strengthen our high-skilled immigration system by enacting legislation such as the *I-Squared Act* introduced by Senators Hatch and Flake. And to retain our global leadership position in science and innovation, the federal government needs to provide stable and sustained funding for scientific research sponsored by federal agencies including the National Science Foundation, Department of Energy, the National Institutes of Health, Department of Defense, NASA, USDA, and the National Institute for Standards and Technology.

The National Science Board report *2018 Science and Engineering Indicators* found that the U.S. rank in gross domestic expenditures on R&D (GERD) as a share of gross domestic product (GDP) has been falling in recent years as other countries have expanded the range and scope of their R&D activities: in 2001, the U.S. ranked sixth¹; in 2009, the U.S. was eighth; by 2011, the U.S. had dropped to 10th; and in 2015, the U.S. was at 11th. This trajectory is concerning. Alternatively, China has significantly increased its GERD-to-GDP ratio, which has doubled from just over 0.9% in 2000 to about 2.1% in 2015, suggesting that ample room remains for future increases.²

We look forward to continuing the dialogue with Congress concerning how our universities can be even more effective at partnering with federal research and security agencies to advance the nation's scientific interests while at the same time protecting our national security. We appreciate and endorse the statement provided to you by Dr. Kevin Gamache about specific efforts taken to ensure the security of research conducted at Texas A&M University. We would welcome an opportunity to identify additional leaders from the academic community who can speak to what universities are already doing to address key security concerns on our campuses as they relate to the research we conduct on behalf of the federal government.

¹ <https://wayback.archive-it.org/5902/20150818162656/http://www.nsf.gov/statistics/seind04/c4/c4s4.htm#c4s412>

² <https://www.nsf.gov/statistics/2018/nsb20181/report/sections/research-and-development-u-s-trends-and-international-comparisons/cross-national-comparisons-of-r-d-performance>