

# Congress of the United States

## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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May 10, 2018

The Honorable Christopher Wray  
Director  
Federal Bureau of Investigation (FBI)  
935 Pennsylvania Avenue, N.W.  
Washington, D.C. 20535-0001

Dear Director Wray:

We are writing to you to express our concern about the FBI's recent decision to disband the National Security Higher Education Advisory Board (NSHEAB). The board was originally established by the FBI in 2005 and included the Presidents and Chancellors of 15 leading U.S. research universities, including the Massachusetts Institute of Technology (MIT), Carnegie Mellon University, Texas A&M University, and Johns Hopkins University. In a press release at the time, the FBI said the "board will provide advice on the culture of higher education, including the traditions of openness, academic freedom, and international collaboration" and would also "seek to establish lines of communication on national priorities pertaining to terrorism, counterintelligence, and homeland security."<sup>1</sup> This collaborative effort was welcomed by the higher education community and praised by the FBI. "The FBI is grateful that these distinguished educators and national leaders are willing to advise on how we can work together with higher education in order to fulfill our increasingly challenging missions," the FBI's press release read when the board was first established.<sup>2</sup>

As a forum for exchange of critical information about the security threats American research universities face, the board was a clear success. Thirteen years after the NSHEAB was created, the threats facing U.S. institutions of higher education by foreign adversaries seeking to steal scientific research and critical military or otherwise sensitive technology have not diminished, as you said in your testimony to the Senate Select Committee on Intelligence on February 13, 2018. In your testimony, you warned the public about China's use of "nontraditional collectors, especially in the academic setting," and confirmed that the FBI is monitoring China's Confucius

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<sup>1</sup> FBI Director Appoints National Security Higher Education Advisory Board, Press Release, Federal Bureau of Investigation (FBI), September 15, 2005, accessed here: <https://archives.fbi.gov/archives/news/pressrel/press-releases/fbi-appoints-national-security-higher-education-advisory-board>

<sup>2</sup> Ibid.

Institutes, now present at 100 U.S. universities and colleges, as potential risks for such nontraditional intelligence gathering operations.<sup>3</sup>

Surprisingly, however, one week after your testimony, the Members of the NSHEAB received a letter from Shannon Rose, Unit Chief of the FBI's Office of Private Sector, informing them that the NSHEAB was being suspended while the FBI engages in "exploring and evaluating" a new, similar advisory group. The letter concluded: "On behalf of the FBI, thank you for your insights and participation over the years to strengthen the relationship between the U.S. Intelligence, law enforcement, and academic communities. It has been a pleasure having you play a critical role in assisting us in our mission to protect U.S. national security and the American people. We hope to be able to call upon you again in the future for advice and counsel as the FBI continues to pursue meaningful engagements with the private sector."<sup>4</sup>

Given this positive assessment, and your recent public concerns about the threat posed from foreign adversaries who may be targeting U.S. scientific research through the academic community, we were surprised by the FBI's decision to dissolve the NSHEAB. Members of the academic community have voiced similar concerns. On April 11, 2018, the American Council on Education, Association of American Universities, Association of Public and Land-grant Universities, and Council on Government Relations – together representing all major U.S. research universities – issued a statement outlining these concerns. They characterized NSHEAB as "a useful venue for the university and security communities to candidly discuss national priorities pertaining to terrorism, counterintelligence, immigration, and homeland security," and they wrote that now is "a time when the very types of discussions the Board enabled between the university community and federal security agencies could be especially valuable."<sup>5</sup>

The academic community is making an effort to confront the very concerns about academic espionage-related threats expressed by you at the Senate Intelligence Committee hearing, and it appears puzzling and imprudent to remove an opportunity for open dialogue about these issues between the FBI and academic community at this time. The NSHEAB appears to have worked well to facilitate this dialogue over the years, and the FBI has not clearly communicated a reason why the board was disbanded or whether a new entity will take its place.

On April 11, 2018, the Science Committee held a hearing entitled "*Scholars or Spies: Foreign Plots Targeting America's Research and Development*."<sup>6</sup> At that hearing, Mr. Don Beyer, Ranking Member of the Subcommittee on Oversight, asked Mr. Michael Wessel, Commissioner

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<sup>3</sup> Elizabeth Redden, "The Chinese Student Threat?", Inside Higher Ed, February 15, 2018, accessed here: <https://www.insidehighered.com/news/2018/02/15/fbi-director-testifies-chinese-students-and-intelligence-threats>

<sup>4</sup> Letter from Shannon Rose, Unit Chief, Office of Private Sector, Federal Bureau of Investigation (FBI), to National Security Higher Education Advisory Board (NSHEAB) Members, undated, received February 21, 2018.

<sup>5</sup> 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, April 11, 2018, accessed here: <https://democrats-science.house.gov/sites/democrats.science.house.gov/files/documents/04.11.18%20-%20American%20Council%20on%20Education%20Association%20of%20American%20Universities%20Letter.pdf>

<sup>6</sup> Subcommittees on Oversight and Research & Technology, Committee on Science, Space & Technology, Hearing: *Scholars or Spies: Foreign Plots Targeting America's Research and Development*, April 11, 2018, accessed here: <https://science.house.gov/legislation/hearings/subcommittee-oversight-and-subcommittee-research-and-technology-hearing>


of the U.S.-China Economic and Security Review Commission, for his view on the FBI's decision to disband the NSHEAB. Mr. Wessel responded that the board "is vital and should be reinstated," and that "we need to find other ways of communicating and collaborating with our universities ... that are high-value targets."<sup>7</sup> We agree with Mr. Wessel's assessment, and are disappointed in the FBI's decision to roll back its cooperation with the academic community rather than increasing opportunities for collaboration on matters of national security.


The U.S. federal government invests billions of dollars annually into scientific research and innovative technology conducted at higher education institutions across the United States. The academic community has demonstrated that it is taking the issue of potential theft or exfiltration of its research by foreign adversaries seriously by addressing security threats that target sensitive or classified research through its collaboration with the NSHEAB and other efforts. We are troubled that the FBI's dismantling of the NSHEAB will set back those efforts dramatically. We are also concerned that the FBI has not provided an obvious rationale for its decision. We hope that you will reconsider and reconstitute the National Security Higher Education Advisory Board (NSHEAB) or its replacement immediately.

We look forward to engaging in an ongoing dialogue with you regarding this matter and we look forward to participating in the FBI briefing with the Science Committee scheduled for May 22<sup>nd</sup>. We believe we all have the same goals in mind – to protect America's critical, classified, and sensitive scientific research and technologies from being misappropriated by foreign adversaries. We hope to work together to ensure that these goals are met in a cooperative manner that enhances America's security without undermining the open exchange of ideas that is a core principle of America's academic institutions.

Thank you for your attention to this matter.

Sincerely,

  
Eddie Bernice Johnson  
Ranking Member  
Committee on Science, Space & Technology

  
Donald S. Beyer Jr.  
Ranking Member  
Subcommittee on Oversight

  
Daniel W. Lipinski  
Ranking Member  
Subcommittee on Research and Technology

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<sup>7</sup> Hearing: "Scholars or Spies: Foreign Plots Targeting America's Research and Development," April 11, 2018, accessed here: <https://youtu.be/op-YpoLPUhU?t=1h41m57s>