FY20 NDAA Floor Amendment,  
“Transparency of Defense-Funded Research and Engineering Activities”  
Offered by Rep. Banks (R-IN)  
Talking Points

This amendment would have a negative impact on the openness of university research, which has been critical to the success of the American scientific enterprise.

- The protection of national security is critical. At the same time, research-related security controls must be carefully balanced with the need to maintain American scientific leadership. This will continue to ensure the free flow of fundamental scientific information and scientific talent.

- Open and collaborative fundamental research is key to providing the foundation for military capabilities critical to our national security and economic competitiveness. It is imperative the openness and free flow of scientific information is not hindered in efforts to strengthen national security. For decades, the open, collaborative research environment fostered by our nation has served our national interests and has been central to America’s global scientific leadership, economic competitiveness, and worldwide military preeminence.

- Unclassified, unrestricted DOD-funded research has led to scientific breakthroughs and has enabled capabilities such as: stealth and counter stealth technology, precision munitions, radar, sonar, laser technology, night vision, and nuclear propulsion. Defense-funded university research has helped create nanotechnology, military drones, biological detection capabilities, IED detection systems, and sensors to detect stealth aircraft and unmanned aerial vehicles among other important capabilities.

- Restricting the openness of fundamental university research funded by the Department of Defense would harm the development of future military capabilities needed to ensure superiority over adversaries such as China and Russia. As other nations are increasing research funding and improving their military technologies, the United States must ensure we have the best and brightest individuals working to solve complex military challenges.

This amendment would adversely impact America’s ability to compete for the best and brightest students and to attract and retain foreign talent.

- American science and scholarship depend on attracting and retaining the best and brightest students from around the world. Competition for talent is intense. U.S. policies need to convey a welcoming message to international students if our nation is to continue to serve as the home for the world’s top researchers and scholars. Discouraging the world’s top talent from conducting defense-funded basic research, particularly at universities, will hurt the development of future military capabilities and further erode the U.S.’s technological edge.

- The Banks amendment will harm our national security by discouraging talented international students from studying in the U.S. If implemented, the amendment would directly impact our ability as a nation to compete globally for talent and would encourage international students to complete their studies and related research elsewhere. The amendment would require
additional security checks only on foreign students; reporting solely on individual foreign students would send a negative signal about how the U.S. treats and values foreign students. These checks could be viewed as discriminatory as this information has not been required or reported for domestic students and could also violate some state privacy laws.

- **Foreign students who receive visas to attend U.S. universities have already gone through a thorough vetting process and have been entered into the Student and Exchange Visitor Information System (SEVIS).** The visa vetting process and additional vetting based on information contained in SEVIS should be the mechanism used to prevent bad actors from studying and conducting research at our universities.

*The Amendment Represents a Solution in Search of a Problem*

- **The proposed amendment defines a solution to an undefined problem.** The threat foreign students pose to the nation’s research enterprise has not been clearly identified by the Department of Defense or other security and intelligence agencies. To date, no information has been provided that demonstrates international students are a significant threat, nor have there been major cases where U.S. national security has been compromised by having foreign students work on fundamental DOD research at a university.

- **Controls and additional vetting already exist for ‘sensitive’ research projects (e.g. projects involving Classified, Export Controlled, and Controlled Unclassified Information).** Sensitive research projects – such as those which are classified, export controlled, or otherwise identified as dealing with Controlled Unclassified Information (CUI) – already have limitations, restrictions, and additional vetting requirements for foreign students and scholars.

- **The scope and scale of the security threat caused by foreign students has not been formally reviewed or studied.** As the scope of the threat posed by international students remains unclear, it is important to review and study the potential consequences of the reporting this amendment would mandate.

*Universities are taking concerns about the security of the research they conduct on behalf of the federal government seriously.*

- **Universities take security seriously.** Universities, such as [University Name], take seriously the task of protecting the nation from undue foreign interference and ensuring the security of research we conduct on behalf of the federal government. Examples of measures we employ on our campus to protect research include: [Provide examples].

- **Major higher education associations are collecting and disseminating effective practices to help to enhance security.** In the fall, the Association of American Universities (AAU) and the Association of Public and Land-grant Universities (APLU) surveyed its members to identify effective practices that are being employed by our universities to protect research. A memo and summary of these practices was distributed to all AAU and APLU members and can be found here.