Concerns over national security and science have existed prior to the Cold War. 9/11 created new concerns about who is conducting research on campuses. Since that time, universities have become more vigilant over security of research facilities and research programs and taken additional measures to ensure compliance with rules relating to export controls, dual use research, and classified information. Additionally, foreign students and faculty now face stricter scrutiny from the federal government before they are admitted into the U.S.

Key Terms and Background Information

Federal Security Agency Briefs

Relevant Reports

Tools, Experts, and Compliance Resources

Case Study Examples Involving Security Concerns

Significant News Articles
Key Terms and Background Information

**Export Controls**: seek to control access to specific types of technology and the associated data and services. A *deemed export* is the export or release of information about a “controlled technology” to a foreign national in the U.S. or abroad for which a government export license is required.

Many universities have designated staff such as security officers and/or export control officers to comply with the export control laws and regulations. Three government organizations have jurisdiction for enforcement of export controls:

- Bureau of Industry and Security, U.S. Department of Commerce - oversees the Export Administration Regulations (EAR) which control dual-use technology on the Commerce Control List (CCL).
- Directorate of Defense Trade Controls, U.S. Department of State – oversees the International Traffic in Arms Regulations (ITAR) which controls items designed and developed for military use on the U.S. Munitions List.
- Office of Foreign Assets Controls in the Department of Treasury controls interactions with nations in which the U.S. has trade embargos, e.g. Cuba, Iran, Syria, North Korea, Myanmar and Sudan.

- More: [Export Controls: ITAR and EAR; DOJ's China Initiative](#)

**Fundamental Research Exclusion**: Excludes most campus-based research at U.S. universities from export controls. Applies to: unrestricted publicly available technology and software arising during or resulting from fundamental research undertaken at U.S. universities where the resulting information is ordinarily published and shared broadly.

**Deemed Exports**: Deemed exports was added to the export regulations in 1994 and is the export or release of information about a “controlled technology” to a foreign national in the U.S. or abroad for which a government export license is required. Defines “Technology” as specific information necessary for the “development”, “production”, or “use” of a product.

**National Security Directive (NSDD) 189**: Issued in 1985 by the Reagan Administration and reaffirmed in November 2001 by then-National Security Advisor Condoleezza Rice, established a “fundamental research” classification as the appropriate means for protecting national security while encouraging necessary research. Declared fundamental research should remain unrestricted.

- More: [Secretary Condoleezza Rice’s 2001 reaffirmation of NSDD-189](#)

**Controlled Unclassified Research (CUI)**: Established by Executive Order 13556, the Controlled Unclassified Information (CUI) program standardizes the way the Executive branch handles unclassified information that requires safeguarding or dissemination controls pursuant to and consistent with law, regulations, and Government-wide policies.

- More: [CUI Categories; Official CUI Policy Documents; Additional Background Documents](#)
Dual Use Research of Concern (DURC): Life sciences research that, based on current understanding, can be reasonably anticipated to provide knowledge, information, products, or technologies that could be directly misapplied to pose a significant threat with broad potential consequences to public health and safety, agricultural crops and other plants, animals, the environment, materiel, or national security.

2010 DOD Memo on Fundamental Research Policy: Signed by then Under Secretary of Defense Ashton Carter, provides clarifying guidance and reinforces earlier guidance, to ensure DOD will not restrict disclosure of the results of fundamental research, unless such research efforts are classified for reasons of national security or as otherwise required by applicable federal statutes, regulations, or executive orders.

Classified Research and Information, Presidential Executive Order 13526: 2009 Executive Order signed by President Obama that prescribes a uniform system for classifying, safeguarding, and declassifying national security information, including information relating to defense against transnational terrorism.

Additional Background Reading Material

Federal Security Agency Briefs
- “China: Risks to Academia,” FBI (March 2019)
- “Huawei,” FBI (March 2018)
- “Preventing Loss of Academic Research,” FBI (June 2015)
- “Chinese Talent Programs,” FBI (Sept. 2015)
- “Foreign Visits,” Defense Security Service and National Counterintelligence and Security Center
- “Academic Solicitation,” Defense Security Service and National Counterintelligence and Security Center
- “How China Operates on Campus,” National Counterintelligence and Security Center (NCSC)
Relevant Reports

Innovation

“Innovation and National Security: Keeping Our Edge,” Council on Foreign Relations, September 2019

“Research Collaboration in an Era of Strategic Competition,” Center for Strategic and International Studies (CSIS), September 2019

China & U.S. Higher Education


• Summary of Report Recommendations for Universities


Confucius Institutes


Agencies & Congress

Export Controls

International Perspectives
“Picking Flowers Making Honey,” The Australian Strategic Policy Institute, October 2018.


Tools, Experts, and Compliance Resources

Science and Security Experts List: List developed by AAU of experts who can speak to various science and security topics including: China, Export Controls, and National Security and Technology Policy. Updated October 2019.


Department of Commerce Bureau of Industry and Security (BIS) ‘Entities’ List: List of names of certain foreign persons – including businesses, research institutions, government and private organizations, individuals, and other types of legal persons – that are subject to specific license requirements for the export, reexport and/or transfer (in-country) of specified items.

Current Security Controls of Research: Includes a list of current federal regulations, security requirements, and agency contract clauses that control university research. The chart was compiled by COGR.

Categories of Controlled Unclassified Information (CUI): NARA’s comprehensive listing of the 122+ CUI categories that currently exist.

Technology Alert List (TAL): The list was created by the federal government in 2000 as a guideline for consular officials to use in reviewing visa applications. The purpose of this guideline is to prevent the export of "goods, technology, or sensitive information" through activities such as "graduate-level studies, teaching, conducting research, participating in exchange programs, receiving training or employment..."

- More: Visas Mantis & Extreme Vetting
Case Study Examples Involving Security Concerns

- "U.S. Charges Chinese Professor in Latest Shot at Huawei," Reuters UK, September 9, 2019
- "University of Kansas Researcher Indicted for Fraud for Failing to Disclose Conflict of Interest with Chinese University," Department of Justice, August 21, 2019
- "UCSD Doctor Resigns Amid Questions About Undisclosed Chinese Businesses," inewsource.org, July 6, 2019
- "UCLA Professor Stole Missile Secrets for China, Faces 219 Years in Prison," Newsweek, July 3, 2019
- "Former Virginia Tech Professor Found Guilty of Grant Fraud, False Statements, Obstruction," DOJ Western District of Virginia, February 25, 2019
  - Probation Ordered for Former Virginia Tech Scientist Convicted of Fraud," The Roanoke Times, September 6, 2019
- “Chinese Prof in Child Porn Case also under Scrutiny for Alleged Espionage, Say Officials,” NBC News, October 9, 2018
- “Education or Espionage? A Chinese Student Takes His Homework Home to China,” NBC News, July 24, 2018
- "U.S. Nuclear Engineer Sentenced to 24 Month sin Prison for Violating the Atomic Energy Act," DOJ, August 31, 2017
- FBI Counterintelligence Strategic Partnership Note on Chinese Talent Programs, September 2015
- “FBI Agent Speaks out on Medical College Espionage Case,” Fox6, April 3, 2013
- “Education or Espionage? A Chinese Student Takes His Homework Home to China,” NBC News, July 24, 2018

Significant Letters, Documents, News Articles

Department of Defense (DOD)

Letters
- March 2019 Memo from Under Secretary of Defense Michael Griffin on New Reporting Requirements
- April 2019 Sen. Grassley Letter to DOD Secretary
- July 2019 DOD Response Letter to Sen. Grassley

News Articles
- “China’s Advances Seen to Pose Increasing Threat to American Military Dominance,” The Washington Post, January 15, 2019
Science and Security Resources continued

**Department of Education (ED)**

**Letters**
- July 2018 ED Letter to Members of Congress
- January 2019 Higher Ed Letter to Dept of Ed
- March 2019 ED Letter to Campuses
- June 2019 ED Investigation Letters to Georgetown University and Texas A&M University
- June 2019 Higher Ed Letter to Dept of Ed
- July 2019 Dept of Ed Response to Higher Ed Letters
- July 2019 Higher Ed Response to Dept of Ed Response

**Documents**
- Dept of Ed 1995 Guidance
- Dept of Ed 2004 Guidance
- Dept of Ed Foreign Gift and Contracting Report Webpage

**News Articles**
- “Groups Seek to Clarify Foreign Gift Reporting Rules,” *Inside Higher Ed*, January 25, 2019

**Department of Energy (DOE)**

**Letters**
- January 2019 Dept of Energy Memo on Limitations to Researchers in Talent Recruitment Programs

**News Articles**
- “Energy Department to Ban Foreign Talent-Recruitment Programs,” *The Wall Street Journal*, February 1, 2019

**National Institutes of Health (NIH)**

**Letters**
- August 2018 NIH Director Letter to NIH PIs
- October 2018 Sen. Grassley Letter to NIH Director
- January 2019 Sen. Grassley Letter to HHS OIG

**Documents**
- Statement on NIH Advisory Committee to the Director on Protecting the Integrity of Biomedical Research
- December 2018 NIH Advisory Committee working group report
- July 2019 Guidance on Policies related to Financial Conflicts of Interest and Foreign Components
News Articles

- "NIH Probe of Foreign Ties Has Led to Undisclosed Firings -- And Refunds from Institutions," Science, June 26, 2019
- “U.S. Universities Reassess Collaborations with Foreign Scientists in Wake of NIH Letters,” Science, April 26, 2019
- "Major U.S. Cancer Center Ousts 'Asian' Researchers After NIH Flags Their Foreign Ties," Science, April 19, 2019
  o "MD Anderson Ousts 3 Scientists Over Concerns About Chinese Conflicts of Interest," Houston Chronicle, April 19, 2019
- “NIH Policy Yank Iranian Graduate Student from Lab as Agency Clamps Down on Security,” The Washington Post, April 3, 2019
  o "NIH Director Apologizes for 'Mishandled' Security that Blocked Iranian Scientists," The Washington Post, April 5, 2019
- “NIH Asks Federal Watchdog to Investigate Allegations Related to Foreign Influence,” Science, February 7, 2019
- “Senator Urges FBI, Justice Dept. To Reveal Foreign Threats to US Research Centers,” UPurduePoint, January 18, 2019

National Science Foundation (NSF)

Letters
- July 2019 Dear Colleague Letter
- April 2019 Sen. Grassley Letter to NSF Director

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- “Influential Senator Asks NSF for Data on Threat from Foreign Influences,” Science, April 15, 2019
- “NSF Hopes Jason Can Lead it Through,” Science, March 18, 2019

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Documents

- April 2019 DOD Announcement Regarding NSEP and Grant Waivers for Institutions with CIs

News Articles

- “America's Universities Are Finally Waking Up to the China Threat,” The Washington Post, April 4, 2019
- “China Trying to Infiltrate US Colleges to Recruit Spies, Indoctrinate Students, Intelligence Agencies Say,” Fox News, February 7, 2019
- “Confucius Institutes: Do They Improve U.S.-China Ties or Harbor Spies?,” The Los Angeles Times, January 23, 2019
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- “Huawei Warns Innovation Will Slow If Universities Reject Funding,” *Times Higher Education*, April 16, 2019

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- “Chinese Scientists Facing Greater Scrutiny by United States,” *Boston Globe*, July 8, 2019
- “FBI Urges Universities to Monitor Some Chinese Students and Scholars in the U.S.,” *NPR*, June 28, 2019
- “Visas Are the Newest Weapon in U.S.-China Rivalry,” *NPR*, April 25, 2019
- “How US-China Political Tensions are Affecting Science,” *Nature*, April 18, 2019
- “US Intelligence Warns China is Using Student Spies to Steal Secrets,” *CNN*, February 1, 2019
- “China appeals to US to Accept its Technology Progress,” *ABC News*, January 31, 2019
- “U.S. Spy Chiefs Break with Trump on Many Threats to the U.S.,” *Reuters*, January 29, 2019
- “Spy Chiefs Say Chinese, Russian Cyber Strengths are Top Threats to U.S.,” *Roll Call*, January 29, 2019
- “It’s Not Lack of Trust But China’s Outrageous Behavior That’s The Problem,” *Forbes*, January 24, 2019