

# Congress of the United States

## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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WASHINGTON, DC 20515-6301

(202) 225-6371  
[www.science.house.gov](http://www.science.house.gov)

April 25, 2018

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

Dear Director Wray,

The Committee on Science, Space, and Technology is continuing its oversight of federally-funded science and technology research and development. Specifically, the Committee is investigating attempts by foreign nations to exploit federally-funded academic scientific research. As part of this investigation, the Committee engaged the FBI to provide information on academic espionage. Unfortunately, it appears that the FBI may have failed to provide the Committee with a full and complete picture of the status of its efforts related to academic espionage during its engagement with the Committee. To determine the status of certain aspects of the FBI's work on academic espionage, we are writing to request documents and information.

On April 11, 2018, the Committee held a hearing entitled *Scholars or Spies: Foreign Plots Targeting America's Research and Development* to explore foreign nations' exploitation of U.S. academic institutions for the purpose of accessing and exfiltrating valuable research and development.<sup>1</sup> Prior to that hearing, the Committee requested a briefing from the FBI in order to gain a complete understanding of the current coordination between the federal government—the intelligence community in particular—and the academic community. On March 19, 2018, the FBI provided an unclassified briefing to Committee staff on the general topic of foreign threats to U.S. academic research and development. At that briefing, Committee staff inquired about the status of the National Security Higher Education Advisory Board (NSHEAB or “the Board”), which “was designed to bridge historical gaps between the US intelligence Community and academe with respect to national security issues” and “promote[] cooperation and understanding between higher education and several government agencies...includ[ing] the FBI.”<sup>2</sup>

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<sup>1</sup> *Scholars or Spies: Foreign Plots Targeting America's Research and Development*: Hearing Before the Subcomm. on Oversight and Research & Tech. of the H. Comm. on Sci., Space, & Tech., 115th Cong. (2018).

<sup>2</sup> U.S. DEP'T OF JUSTICE, FED. BUREAU OF INVESTIGATION, HIGHER EDUCATION AND NATIONAL SECURITY: THE TARGETING OF SENSITIVE, PROPRIETARY AND CLASSIFIED INFORMATION ON CAMPUSES OF HIGHER EDUCATION 11 (Apr. 2011), <https://www.fbi.gov/file-repository/higher-education-national-security.pdf/view> [hereinafter FBI Report].

When Committee staff inquired about the current status of the NSHEAB, FBI officials stated they were unaware of the Board's current status, and affirmed that this status was not classified in nature. The representatives of the FBI told Committee staff they would follow-up with an answer as to the status of the NSHEAB. Unfortunately, Committee staff never heard back from the FBI.

Just before the Committee's April 11, 2018, hearing, four associations representing all major U.S. research universities and higher education institutions provided the Committee with testimony and a letter showing the FBI notified participating academic institutions of their decision to "suspend some specialized programs, including the National Security Higher Education Advisory Board, and create new strategic partnerships."<sup>3</sup> This letter to participating academic institutions was dated February 21, 2018, nearly one month prior to the Committee briefing.<sup>4</sup> It is unclear how the FBI officials, who briefed Committee staff, were not aware of such an action when briefing the Committee on topics directly relating to the work of the NSHEAB. After being informed of the FBI's February 21, 2018, letter to participating academic institutions, Committee staff again requested further information from FBI officials on the rationale for disbanding the Board.<sup>5</sup> The FBI deferred to the rationale stated in their February 21, 2018, letter that the reorganization and establishment of the Office of Private Sector Engagement best met FBI mission goals.<sup>6</sup>

According to the joint testimony submitted to the Committee, the academic community has recognized that there is a shared responsibility with the federal government to ensure that research is "appropriately secured and protected from outside intrusion or theft by foreign actors and/or governments."<sup>7</sup> The joint testimony also expressed the associations' disappointment over the FBI's "decision to disband the NSHEAB," particularly because the Board "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 training needs in technical areas where domestically-trained talent is essential."<sup>8</sup> The Board allowed leaders of certain academic institutions to engage in a productive dialogue with the intelligence community, and at one point during its existence, was "comprised of approximately 20 presidents and chancellors who represent higher education institutions."<sup>9</sup>

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<sup>3</sup> *Scholars or Spies: Foreign Plots Targeting America's Research and Development*: Hearing Before the Subcomms. on Oversight and Research & Tech. of the H. Comm. on Sci., Space, & Tech., 115th Cong. (2018) (Joint Statement of Am. Council on Educ., Ass'n of Am. Univs., Ass'n of Public & Land-grant Univs., and Council on Gov't Relations) [hereinafter Joint Statement]; Shannon Rose, Unit Chief, Office of Private Sector, Fed. Bureau of Investigation, U.S. Dep't of Justice to Nat'l Security Higher Education Advisory Board Members (Feb. 21, 2018) [on file with Committee staff].

<sup>4</sup> *Id.*

<sup>5</sup> Email from H. Science, Space, & Tech. Comm. Staff, to Fed. Bureau of Investigation Staff (Apr. 10, 2018, 2:29 p.m.).

<sup>6</sup> Email from Fed. Bureau of Investigation Staff, to H. Science, Space, & Tech. Comm. Staff (Apr. 10, 2018, 4:30 p.m.).

<sup>7</sup> Joint Statement, *supra* note 3.

<sup>8</sup> *Id.*

<sup>9</sup> FBI Report, *supra* note 2.

The Committee is concerned about the extent efforts are being taken to ensure the adequate protection of taxpayer supported federally-funded research and development at our academic institutions. To appropriately inform the Committee on information regarding the NSHEAB and the extent of the FBI's coordination with the academic community, we request that the FBI provide the Committee with the following documents and information, in electronic format, for the period January 1, 2017, to the present:

1. All documents and communications referring or relating to the FBI's decision to suspend the NSHEAB, including but not limited to, communications between the FBI and NSHEAB-participating academic institutions.
2. All documents and communications referring or relating to how the FBI plans to continue other academic outreach efforts, including but not limited to, the Cyber Division's Cyber Subcommittee, the Weapons of Mass Destruction Directorate's Chemical Biological Safety Program, and the Counterterrorism Division' Campus Liaison Officer Program.

The Committee on Science, Space, and Technology has jurisdiction over environmental and scientific research and development programs and "shall review and study on a continuing basis laws, programs, and Governmental activities" as set forth in House Rule X. This request and any documents created as a result of this request will be deemed congressional documents and property of the House Science Committee. An attachment to this letter provides additional information about responding to the Committee's request.

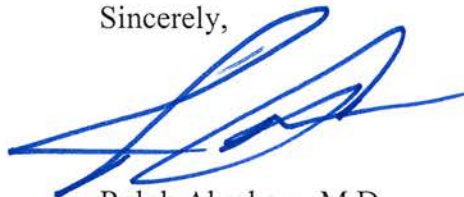
We request that you provide the requested documents and information as soon as possible, but no later than 5:00 p.m. on May 9, 2018. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have any questions about this request, please contact Travis Voyles or Tom Connally of the Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,



Lamar Smith  
Chairman  
House Committee on Science,  
Space, and Technology



Ralph Abraham, M.D.  
Chairman  
Subcommittee on Oversight

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Barbra Comstock  
Chairwoman  
Subcommittee on Research and Technology



Brian Babin  
Chairman  
Subcommittee on Space



Clay Higgins  
Vice Chair  
Subcommittee on Oversight



Roger Marshall, M.D.  
Vice Chair  
Subcommittee on Research and Technology



Barry Loudermilk  
Member of Congress



Daniel Webster  
Member of Congress



Neal Dunn  
Member of Congress



Ralph Norman  
Member of Congress

Encl.

cc: The Honorable Eddie Bernice Johnson, Ranking Member, House Committee on Science,  
Space, and Technology  
The Honorable Donald Beyer, Jr., Ranking Member, Oversight Subcommittee  
The Honorable Dan Lipinski, Ranking Member, Research and Technology Subcommittee  
The Honorable Ami Bera, Ranking Member, Space Subcommittee