



July 20, 2020

Senator Ron Johnson
Chairman, U.S. Senate Committee on
Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Senator Gary Peters
Ranking Member, U.S. Senate Committee on
Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Johnson and Ranking Member Peters:

As presidents of associations representing research universities, medical schools, and teaching hospitals, we are writing today to express our concerns regarding S. 3997, the Safeguarding American Innovation Act, legislation the Committee will be considering Wednesday, July 22, during its business meeting.

We share Senators Portman and Carper's goal of addressing national security concerns, securing the federally funded research conducted on our campuses, and encouraging transparency to fight against foreign influence. Our institutions are taking [specific steps](#) to address these bipartisan issues, but we remain concerned that key provisions in the bill are overly broad and would harm American science and international collaboration without improving national security. We appreciate that Senators Portman and Carper have changed language in certain sections of the bill in response to concerns raised by the higher education community, but believe there are still additional changes that must be made to improve the bill and address the stated goals. Without such changes, we cannot support the bill because it would still discourage talented students and scholars from around the world from coming to or remaining in the U.S., where they are vital contributors to our science and economic interests. Additionally, the bill would pose unnecessary additional burdens on U.S. institutions that will not assist in increasing the security of the research they conduct on behalf of the federal government.

Specifically, we have the following concerns:

Section 3

Our associations supported the passage of the Securing American Science and Technology Act (SASTA) of 2019 as part of the FY 2020 National Defense Authorization Act. SASTA called for the establishment of an interagency working group of federal science, intelligence, and security agencies under the direction of the White House Office of Science and Technology Policy (OSTP). Under the auspices of the National Science and Technology Committee (NSTC) – the Joint Committee on the Research Environment (JCORE) Research Subcommittee has been meeting regularly and OSTP has indicated that guidance to federal agencies to help mitigate the threat of foreign government interference resulting from the JCORE Subcommittee's efforts will be released soon. We note that OMB is represented on, and actively participates in the existing JCORE Research Security Subcommittee.

We understand that Senators Portman and Carper believe OMB should be given an increased role in oversight of science and security matters. However, we believe OSTP and the NSTC remain the

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appropriate bodies for these complicated issues. We are concerned that as the bill is currently written, this section gives OMB excessive authority to set and “implement” policy on an unlimited range of security issues, depriving universities and other organizations the normal remedies for informing and, when necessary, challenging federal policies.

We are also concerned that the scope of and direction to the proposed Federal Research Security Council is unnecessarily broad and extends beyond the stated intent of protecting “the national and economic security interests of the United States.” We do not believe a “uniform” application is needed for federal grants, a process which involves many considerations beyond research security and may in some instances require different approaches depending upon the specific nature of the research being conducted by a particular agency. Consistency would be helpful, uniformity would not.

We recognize that understanding who has access to data from federally funded research is a component of an institutional responsibility to safeguard research but are concerned about the direction to develop a federal reporting process to identify individuals with access to data, research findings, and grant proposals. This would unnecessarily include every researcher, research team member, and trainee involved in the research and would raise privacy and profiling risks.

Section 4

Language contained in the scientific fraud section of the bill specific to the reporting of “outside compensation” should be narrowed to focus on compensation related to an individual’s research. This change will help ensure federal agencies have the appropriate information to make informed funding decisions.

Section 5

Although immigrants comprise less than 14 percent of the U.S. population, they account for 23 percent of the U.S. STEM workforce, 26 percent of U.S. Nobel Prize winners, and 23 percent of all U.S. innovation¹. International students and scholars are a vital part of the U.S. scientific enterprise and contribute to our national economic success. We understand that the U.S. State Department currently has the authority to deny visas to foreign visa applicants if the applicant poses a threat to U.S. national interests. We are also concerned that this section gives the U.S. Department of State unfettered authority to define the rules and could potentially bar foreign student and scholar visa applicants simply because of their nationality and/or chosen course of study. This language should more clearly delineate the specific parameters by which the State Department can choose to deny visas to foreign visitors and should not undo longstanding federal policies on fundamental research.

Section 7

We recognize there has been a great deal of confusion among higher education institutions regarding reporting requirements for foreign gifts and contracts under Section 117 of the Higher Education Act. We appreciate Senators Portman and Carper’s efforts to bring clarity to this issue in their bill. Indeed, many changes proposed in Section 7 of this legislation would provide needed clarity to Section 117 requirements for our institutions. We are, however, still concerned that language in this section will add excessive burdens and limited benefits. This is especially true since the bill would lower the reporting threshold from \$250,000 to \$50,000 and include language to expand reporting to “payments to all staff” which could be interpreted to require institutions to report payments made directly to individuals, rather than to the institution (for which Section 117 was established).

¹ https://web.stanford.edu/~diamondr/BDMP_2019_0709.pdf

Our associations and member institutions are committed to responding to threats to scientific integrity posed by the hostile actions of other nations' governments while simultaneously serving as the heart of the research enterprise in the United States and supporting the open and free exchange of ideas with scholars across the globe. Security legislation should enhance these efforts, not hamper research or make it more difficult for the U.S. to maintain and grow its diverse and competitive workforce.

We greatly appreciate your consideration of our concerns with the bill and stand ready to continue to work with you on other important matters before the Committee.

Sincerely,



Mary Sue Coleman
President
AAU



Peter McPherson
President
APLU



David J. Skorton, MD
President and CEO
AAMC



Ted Mitchell
President
ACE

cc: Senator Rob Portman
Senator Tom Carper

The Association of American Universities (AAU) is an association of 63 U.S. and two Canadian leading research universities that transform lives through education, research, and innovation. AAU member universities collectively help shape policy for higher education, science, and innovation; promote best practices in undergraduate and graduate education and strengthen the contributions of leading research universities to American society. The Association of Public and Land-grant Universities (APLU) is a research, policy, and advocacy organization with a membership of over 200 public research universities, land-grant institutions, state university systems, and affiliated organizations in the U.S., Canada, and Mexico, that is dedicated to strengthening and advancing the work of public universities. The Association of American Medical Colleges (AAMC) is a not-for-profit association dedicated to transforming health care through innovative medical education, cutting-edge patient care, groundbreaking medical research, and effective community collaborations. Its members comprise all 155 accredited U.S. and 17 accredited Canadian medical schools; nearly 400 major teaching hospitals and health systems; and more than 80 academic societies. The American Council on Education (ACE) is a membership organization that mobilizes the higher education community to shape effective public policy and foster innovative, high-quality practice. As the major coordinating body for the nation's colleges and universities, our strength lies in our diverse membership of more than 1,700 colleges and universities, related associations, and other organizations.