

116TH CONGRESS
2D SESSION

S. 4205

To establish the Homeland Security Higher Education Advisory Council.

IN THE SENATE OF THE UNITED STATES

JULY 2, 2020

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish the Homeland Security Higher Education Advisory Council.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homeland Security
5 Higher Education Advisory Council Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

1 (A) the Committee on Homeland Security
2 and Governmental Affairs, the Committee on
3 the Judiciary, and the Committee on Com-
4 merce, Science, and Transportation of the Sen-
5 ate; and

6 (B) the Committee on Homeland Security,
7 the Committee on the Judiciary, and the Com-
8 mittee on Science, Space, and Technology of
9 the House of Representatives.

10 (2) COUNCIL.—The term “Council” means the
11 Homeland Security Higher Education Advisory
12 Council established under section 3.

13 (3) INSTITUTION OF HIGHER EDUCATION.—The
14 term “institution of higher education” has the
15 meaning given the term in section 101 of the Higher
16 Education Act of 1965 (20 U.S.C. 1001).

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of Homeland Security.

19 **SEC. 3. HOMELAND SECURITY HIGHER EDUCATION ADVI-**
20 **SORY COUNCIL.**

21 (a) ESTABLISHMENT.—The Secretary shall establish
22 a council to be known as the “Homeland Security Higher
23 Education Advisory Council”.

24 (b) DUTIES OF COUNCIL.—The Council shall provide
25 advice and recommendations to the Secretary on matters

1 concerning homeland security and the academic commu-
2 nity relating to the following:

3 (1) The threat of malign foreign influence and
4 interference in the United States.

5 (2) Proposed regulatory changes impacting in-
6 stitutions of higher education.

7 (3) Promoting the openness of academic re-
8 search and the exchange of ideas between institu-
9 tions of higher education and the Federal Govern-
10 ment.

11 (4) Promoting campus resilience resources to
12 address a range of threats or hazards affecting insti-
13 tutions of higher education.

14 (5) Homeland security academic and research
15 programs.

16 (6) Student and recent graduate recruitment to
17 Federal Government employment.

18 (7) Issues relating to international students, in-
19 cluding—

20 (A) obtaining and maintaining a visa; and

21 (B) processing visas and Optional Practical
22 Training.

23 (8) Cybersecurity.

24 (9) Any other matters the Secretary considers
25 appropriate.

1 (c) MEMBERSHIP.—

2 (1) IN GENERAL.—The Council shall be com-
3 posed of not fewer than 21 members appointed by
4 the Secretary, of whom 9 shall be from govern-
5 mental positions specified in paragraph (2), and not
6 fewer than 12 members shall be from non-govern-
7 mental positions specified in paragraph (3).

8 (2) GOVERNMENTAL POSITIONS.—Govern-
9 mental positions specified in this paragraph are the
10 following:

11 (A) The Bureau of Consular Affairs of the
12 Department of State.

13 (B) The Bureau of Education and Cultural
14 Affairs of the Department of State.

15 (C) U.S. Customs and Border Protection.

16 (D) The Office for Civil Rights and Civil
17 Liberties of the Department of Homeland Secu-
18 rity.

19 (E) The Science and Technology Direc-
20 torate of the Department of Homeland Secu-
21 rity.

22 (F) The Office of Science and Technology
23 Cooperation of the Department of State.

1 (G) The Student and Exchange Visitor
2 Program of the Department of Homeland Secu-
3 rity.

4 (H) United States Citizenship and Immi-
5 gration Services.

6 (I) Office of the Citizenship and Immigra-
7 tion Services Ombudsman.

8 (J) Homeland Security Investigations of
9 the U.S. Immigration and Customs Enforce-
10 ment.

11 (K) The Department of Justice.

12 (L) The intelligence community, as defined
13 in section 3(4) of the National Security Act of
14 1947 (50 U.S.C. 3003(4)).

15 (3) NON-GOVERNMENTAL POSITIONS.—Non-
16 governmental positions specified in this paragraph
17 are the following:

18 (A) Twelve presidents or chancellors of a
19 university, with a distribution of such univer-
20 sities being private, public, and regionally di-
21 verse.

22 (B) Senior leaders of relevant higher edu-
23 cation associations.

1 (4) TIMING OF APPOINTMENTS.—Appointments
2 to the Council shall be made not later than 4
3 months after the date of enactment of this Act.

4 (5) TERMS.—

5 (A) IN GENERAL.—Each member of the
6 Council shall be appointed for a term of 2
7 years.

8 (B) VACANCIES.—Any member appointed
9 to fill a vacancy occurring before the expiration
10 of the term for which the member's predecessor
11 was appointed shall be appointed only for the
12 remainder of that term. A member may serve
13 after the expiration of that term until a suc-
14 cessor has been appointed.

15 (6) CHAIRPERSON AND VICE CHAIRPERSON.—

16 The Chairperson and Vice Chairperson of the Coun-
17 cil shall be designated by the Secretary at the time
18 of the appointment of the members pursuant to
19 paragraph (4), and when a vacancy of the Chair-
20 person or Vice Chairperson occurs, as the case may
21 be.

22 (d) MEETING.—

23 (1) INITIAL MEETING.—The Council shall hold
24 its initial meeting not later than 30 days after the

1 final appointment of all members under subsection
2 (c)(4).

3 (2) MEETINGS.—The Council shall meet not
4 fewer than 3 times each year at the call of the
5 Chairperson or Vice Chairperson.

6 (3) QUORUM.—Sixteen members of the Council,
7 of whom 8 members shall be appointed from govern-
8 mental positions and 8 members shall be appointed
9 from non-governmental positions, shall constitute a
10 quorum.

11 (e) COMPENSATION.—

12 (1) PROHIBITION OF COMPENSATION.—Except
13 as provided in paragraph (2), members of the Coun-
14 cil may not receive additional pay, allowances, or
15 benefits by reason of their service on the Council.

16 (2) TRAVEL EXPENSES.—Each member shall
17 receive travel expenses, including per diem in lieu of
18 subsistence, in accordance with applicable provisions
19 under subchapter I of chapter 57 of title 5, United
20 States Code.

21 (f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the
22 request of the Council, the Secretary shall provide to the
23 Council, on a reimbursable basis, the administrative sup-
24 port services necessary for the Council to carry out its re-
25 sponsibilities under this Act.

1 (g) REPORT.—Not later than 180 days after the date
2 on which the Council holds its initial meeting under sub-
3 section (d) and annually thereafter, the Council shall sub-
4 mit to the appropriate congressional committees a report
5 containing a detailed statement of the advice and rec-
6 ommendations of the Council pursuant to subsection (b).

7 (h) NONAPPLICABILITY OF FACA.—The Federal Ad-
8 visory Committee Act (5 U.S.C. App.) shall not apply to
9 the Council.

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