

BILL ANALYSIS

C.S.H.B. 4762
By: Wilson
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that there is a need for enhanced research security at tier one research universities due to increased threats of foreign espionage and the rise in intellectual property theft. C.S.H.B. 4762 seeks to build on recent legislative efforts to address this issue by creating the Higher Education Research Security Council to develop best practices, training, and an accreditation process to safeguard sensitive academic research and uphold institutional integrity.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4762 amends the Education Code to establish the Higher Education Research Security Council to promote secure academic research at tier one research institutions while mitigating the risk of foreign espionage and interference. The bill establishes that the council is composed of the following officers:

- each research security officer designated under a research security policy framework established for a public institution of higher education as required by applicable state law; and
- a research security officer designated by each private or independent institution of higher education that elects to participate in the council.

The bill establishes that a council member serves at the will of the person who designated the member. A vacancy on the council must be filled in the same manner as the original designation, and the council member designated for The Texas A&M University System must serve as the initial presiding officer of the council. The bill defines a "tier one research institution" as a public, private, or independent institution of higher education in Texas designated as R1: very high spending and doctorate production in the 2025 Carnegie Classification of Institutions of Higher Education published by the Indiana University Center for Postsecondary Research.

C.S.H.B. 4762 requires the council to take the following actions:

- identify best practices for a tier one research institution to conduct research securely while mitigating the threat of foreign espionage and interference;
- develop a research security policy that a tier one research institution must adopt to improve research security;

- establish an accreditation process under which the council must award a tier one research institution an accreditation for security excellence;
- promote attendance at the annual academic security and counter exploitation program seminar offered by The Texas A&M University System;
- develop and offer an annual training program for tier one research institution security officers that includes:
 - background and academic history checks of researchers; and
 - research security and integrity tools and software that must be used to prevent the loss of intellectual capital;
- meet at least once each quarter; and
- prepare and submit to the governor, the attorney general's office, and the presiding officer of each legislative committee with primary jurisdiction over higher education an annual report on the status of research security at tier one research institutions and any associated recommendations.

The council's meetings must be in person or by video conference call, as determined by the presiding officer. The bill establishes that the annual report is confidential and is not subject to disclosure under state public information law.

C.S.H.B. 4762 authorizes the council to solicit and accept gifts, grants, and donations for purposes of the council's duties but prohibits the council from soliciting or accepting a gift, grant, or donation from an entity or country that meets any of the following criteria:

- is prohibited from participating in federal contracts under the federal John S. McCain National Defense Authorization Act for Fiscal Year 2019;
- is identified as a Chinese military company by the U.S. Department of Defense in accordance with the federal William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021; or
- is owned by the government of a country designated as a foreign adversary by the U.S. secretary of commerce under applicable federal regulations or is controlled by a governing or regulatory body located in such a country.

C.S.H.B. 4762 requires the appropriate entities to designate the members of the council not later than October 1, 2025, and requires the council to hold its initial meeting not later than January 1, 2026.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4762 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the definition of "tier one research institution" to specify that an applicable institution is located in Texas, whereas the introduced did not make that specification.

While both the introduced and the substitute include each research security officer designated under a research security policy framework established for a public institution of higher education in the composition of the council, the substitute also includes a research security officer designated by each private or independent institution of higher education that elects to participate in the council, whereas the introduced did not.

With respect to the council's duties, the introduced and the substitute differ in the following ways:

- whereas the introduced authorized a tier one research institution to adopt the research security policy developed by the council, the substitute requires such an institution to adopt the policy;
- whereas the introduced authorized the council to award accreditation for security excellence under the established accreditation process, the substitute requires the council to do so; and
- whereas the introduced established that the research security and integrity tools and software included as part of the annual training program developed by the council may be used to prevent the loss of intellectual capital, the substitute requires such tools and software to be used for that purpose.

The substitute includes the governor among the recipients of the council's annual report whereas the introduced did not.

The substitute replaces the introduced version's authorization for the council's meetings to be in person or by video conference call, as determined by the presiding officer, with a requirement for the council's meetings to be held in such a manner.

Both the substitute and the introduced prohibit the council from soliciting or accepting a gift, grant, or donation from certain entities. However, the introduced prohibited such solicitation or acceptance from China, Iran, North Korea, Russia, or any other country designated as a country of particular concern in the U.S. secretary of state's most recent designations under the federal International Religious Freedom Act of 1998, whereas the substitute instead prohibits such solicitation or acceptance from an entity or country that meets any of the following criteria:

- is prohibited from participating in federal contracts under the federal John S. McCain National Defense Authorization Act for Fiscal Year 2019;
- is identified as a Chinese military company by the U.S. Department of Defense in accordance with the federal William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021; or
- is owned by the government of a country designated as a foreign adversary by the U.S. secretary of commerce under applicable federal regulations or is controlled by a governing or regulatory body located in such a country.