



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE GENERAL COUNSEL

January 15, 2021

Ray Bonilla, Esq.
General Counsel
Texas A&M University System
301 Tarrow Street, 6th Floor
College Station, TX 77840-7896

via electronic mail

Re: Conclusion of 20 U.S.C. § 1011f Investigation (Texas A&M University System)

Dear Mr. Bonilla:

On June 13, 2019, the U.S. Department of Education (“Department”) notified the Texas A&M University System (“TAMUS”) that it had commenced an investigation of TAMUS pursuant to the disclosure requirements of 20 U.S.C. § 1011f (“Section 117”). The Department’s investigation occurred pursuant to its enforcement authority under Section 117 of the Higher Education Act of 1965, 20 U.S.C. § 1011f, which requires institutions of higher education (“IHEs”) to report statutorily defined gifts, contracts, and/or restricted and conditional gifts or contracts from or with a statutorily defined foreign source(s) to the Department.

On July 15, 2019, the Department received the first production of records from TAMUS in response to the Department’s Notice of Investigation and Records Request. The Department notes the timely response and considerable effort made by TAMUS to respond to that records request. Subsequently, on May 11, June 11, and July 27, 2020, the Department requested additional records relating to the Feb. 23, 2020, published revelation by TAMUS that an internal review had revealed the involvement of more than 100 of its faculty with Chinese talent-recruitment programs. The Department was well within its statutory rights to request records related to that serious finding by TAMUS. Despite its ongoing efforts with the U.S. Department of Justice, TAMUS unnecessarily and repeatedly delayed providing confirmation of that effort to the Department. Once the Department knew of and confirmed TAMUS’s commendable efforts with the Department of Justice, the Department had the requisite assurance needed to exercise its discretion to conclude this investigation (it must be noted that had TAMUS simply provided this information to the Department in a timely and helpful manner, the Department’s repeated requests for the additional information would have been unnecessary and the investigation could have been concluded much sooner).

Nonetheless, the Department notes the valuable assistance of TAMUS’s Associate Vice Chancellor for Federal Programs, A. Scott Sudduth, Esq., in facilitating important communication

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100
www.ed.gov

Ray Bonilla, Esq.
General Counsel
Texas A&M University System
Section 117 Investigation
Page 2 of 2

between TAMUS and the Department in this matter. The Department also appreciates the helpful and reassuring security briefing then provided by its Facility Security Officer, Dr. Kevin Gamache.

The Department commends TAMUS for its continued commitment to the disclosure requirements of Section 117 and the Department's statutory enforcement obligations. TAMUS's impressive ongoing research and development activities, often supported by federal taxpayer funds, warrant continued heightened vigilance to protect against conversion, misappropriation, or misuse of critical technologies with multiple applications. The Department strongly encourages TAMUS to continue its related security and compliance efforts with all appropriate federal agencies to safeguard against adversarial access to or acquisition of critical technologies.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

/s/ Paul R. Moore

Paul R. Moore
Chief Investigative Counsel
Office of the General Counsel
(202) 230-0059
Paul.Moore@ed.gov

cc: Reed D. Rubinstein
Principal Deputy General Counsel
delegated the Authority and Duties of the General Counsel
Office of the General Counsel
U.S. Department of Education

Harley A.J. Methfessel
Senior Counsel for Information and Technology
Office of the General Counsel
U.S. Department of Education

Kevin D. Slupe
Special Counsel
Office of the General Counsel
U.S. Department of Education

A. Scott Sudduth
Associate Vice Chancellor for Federal Programs
Texas A&M University System