

116TH CONGRESS
1ST SESSION

H. R. 3038

To establish an interagency working group to coordinate activities and develop policy guidance to protect federally funded research and development from foreign interference, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 30, 2019

Ms. SHERRILL (for herself, Mr. GONZALEZ of Ohio, Mr. LANGEVIN, Ms. STEFANIK, Ms. JOHNSON of Texas, and Mr. LUCAS) introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish an interagency working group to coordinate activities and develop policy guidance to protect federally funded research and development from foreign interference, and for other purposes.

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 “Securing American
5 Science and Technology Act of 2019”.

1 **SEC. 2. INTERAGENCY WORKING GROUP.**

2 (a) IN GENERAL.—The Director of the Office of
3 Science and Technology Policy (OSTP), acting through
4 the National Science and Technology Council (NSTC), in
5 consultation with the National Security Advisor, shall es-
6 tablish an interagency working group to coordinate activi-
7 ties to protect federally funded research and development
8 from foreign interference, cyberattacks, theft, or espionage
9 and to develop common definitions and best practices for
10 Federal science agencies and grantees, while accounting
11 for the importance of the open exchange of ideas and
12 international talent required for scientific progress and
13 American leadership in science and technology.

14 (b) MEMBERSHIP.—

15 (1) IN GENERAL.—The working group shall in-
16 clude a representative of each—

17 (A) the National Science Foundation;

18 (B) the Department of Energy;

19 (C) the National Aeronautics and Space
20 Administration;

21 (D) the National Institute of Standards
22 and Technology;

23 (E) the Department of Commerce;

24 (F) the National Institutes of Health;

25 (G) the Department of Defense;

26 (H) the Department of Agriculture;

1 (I) the Department of Education;
2 (J) the Department of State;
3 (K) the Department of the Treasury;
4 (L) the Department of Justice;
5 (M) the Department of Homeland Security;
6
7 (N) the Central Intelligence Agency;
8 (O) the Federal Bureau of Investigation;
9 (P) the Office of the Director of National
10 Intelligence;
11 (Q) the Office of Management and Budget;
12 (R) the National Economic Council; and
13 (S) such other Federal department or
14 agency as the President considers appropriate.

15 (2) CHAIR.—The working group shall be
16 chaired by the Director of the Office of Science and
17 Technology Policy (or the Director’s designee).

18 (c) RESPONSIBILITIES OF THE WORKING GROUP.—
19 The working group established under subsection (a)
20 shall—

21 (1) identify and track known and potential
22 cyber, physical, and human intelligence threats and
23 vulnerabilities within the United States scientific
24 and technological enterprise;

1 (2) coordinate efforts among agencies to share
2 important information, including specific examples
3 of foreign interference, cyberattacks, theft, or espio-
4 nage directed at federally funded research and devel-
5 opment or the integrity of the United States sci-
6 entific enterprise;

7 (3) identify and assess existing mechanisms for
8 control of federally funded research and develop-
9 ment;

10 (4) develop an inventory of—

11 (A) terms and definitions used across Fed-
12 eral science agencies to delineate areas that
13 may require additional control; and

14 (B) policies and procedures at Federal
15 science agencies regarding control of federally
16 funded research; and

17 (5) develop and periodically update unclassified
18 policy guidance to assist Federal science agencies
19 and grantees in defending against threats to feder-
20 ally funded research and development and the integ-
21 rity of the United States scientific enterprise that—

22 (A) includes—

23 (i) descriptions of known and poten-
24 tial threats to federally funded research

1 and development and the integrity of the
2 United States scientific enterprise;

3 (ii) common definitions and termi-
4 nology for classification of research and
5 technologies that are controlled;

6 (iii) identified areas of research or
7 technology that might require additional
8 controls;

9 (iv) recommendations for how control
10 mechanisms can be utilized to protect fed-
11 erally funded research and development
12 from foreign interference, cyberattacks,
13 theft or espionage, including any rec-
14 ommendations for updates to existing con-
15 trol mechanisms;

16 (v) recommendations for best prac-
17 tices for Federal science agencies and
18 grantees to defend against such threats;

19 (vi) assessments of potential con-
20 sequences that any proposed practices
21 would have on international collaboration
22 and United States leadership in science
23 and technology; and

1 (vii) a classified addendum as nec-
2 essary to further inform Federal science
3 agency decisionmaking; and

4 (B) accounts for the range of needs across
5 different sectors of the United States science
6 and technology enterprise.

7 (d) COORDINATION WITH NATIONAL ACADEMIES
8 ROUNDTABLE.—The Director of the Office of Science and
9 Technology Policy shall coordinate with the Academies to
10 ensure that at least one member of the interagency work-
11 ing group is also a member of the roundtable under sec-
12 tion 3.

13 (e) INTERIM REPORT.—Not later than 6 months
14 after the date of enactment of this Act, the Director of
15 the Office of Science and Technology Policy shall provide
16 a report to the relevant Committees that includes the in-
17 ventory required under subsection (c)(4), and an update
18 on progress toward developing the policy guidance re-
19 quired under subsection (c)(5), as well as any additional
20 activities undertaken by the working group in that time.

21 (f) BIENNIAL REPORTING.—Two years after the date
22 of enactment of this Act, and at least every 2 years there-
23 after, the Director of the Office of Science and Technology
24 Policy shall provide a summary report to the relevant
25 Committees on the activities of the working group and the

1 most current version of the policy guidance required under
2 subsection (c)(5).

3 **SEC. 3. NATIONAL ACADEMIES SCIENCE, TECHNOLOGY,**
4 **AND SECURITY ROUNDTABLE.**

5 (a) IN GENERAL.—The National Science Founda-
6 tion, the Department of Energy, and the Department of
7 Defense, and any other agencies as determined by the Di-
8 rector of the Office of Science and Technology Policy, shall
9 enter into a joint agreement with the Academies to create
10 a new “National Science, Technology, and Security
11 Roundtable” (hereinafter in this section referred to as the
12 “roundtable”).

13 (b) PARTICIPANTS.—The roundtable shall include
14 senior representatives and practitioners from Federal
15 science, intelligence, and national security agencies, law
16 enforcement, as well as key stakeholders in the United
17 States scientific enterprise including institutions of higher
18 education, Federal research laboratories, industry, and
19 non-profit research organizations.

20 (c) PURPOSE.—The purpose of the roundtable is to
21 facilitate among participants—

22 (1) exploration of critical issues related to pro-
23 tecting United States national and economic security
24 while ensuring the open exchange of ideas and inter-

1 national talent required for scientific progress and
2 American leadership in science and technology;

3 (2) identification and consideration of security
4 threats and risks involving federally funded research
5 and development, including foreign interference,
6 cyberattacks, theft, or espionage;

7 (3) identification of effective approaches for
8 communicating the threats and risks identified in
9 paragraph (2) to the academic and scientific commu-
10 nity, including through the sharing of unclassified
11 data and relevant case studies;

12 (4) sharing of best practices for addressing and
13 mitigating the threats and risks identified in para-
14 graph (2); and

15 (5) examination of potential near- and long-
16 term responses by the government and the academic
17 and scientific community to mitigate and address
18 the risks associated with foreign threats.

19 (d) REPORT AND BRIEFING.—The joint agreement
20 under subsection (a) shall specify that—

21 (1) the roundtable shall periodically organize
22 workshops and issue publicly available reports on the
23 topics described in subparagraph (c) and the activi-
24 ties of the roundtable; and

1 (2) not later than March 1, 2020, the Acad-
2 emies shall provide a briefing to relevant Committees
3 on the progress and activities of the roundtable.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 from fiscal year 2020 to 2024—

7 (1) the Director of the National Science Foun-
8 dation, \$2,000,000;

9 (2) the Secretary of Energy, \$1,500,000; and

10 (3) the Secretary of Defense, \$1,500,000.

11 **SEC. 4. DEFINITIONS.**

12 In this Act:

13 (1) ACADEMIES.—The term “Academies”
14 means the National Academies of Science, Engineer-
15 ing and Medicine.

16 (2) FEDERAL SCIENCE AGENCY.—The term
17 “Federal science agency” means any Federal agency
18 with at least \$100,000,000 in basic and applied re-
19 search obligations in fiscal year 2018.

20 (3) GRANTEE.—The term “grantee” means an
21 entity that is—

22 (A) a recipient of a Federal grant; and

23 (B) an institution of higher education or a
24 non-profit organization.

1 (4) RELEVANT COMMITTEES.—The term “rel-
2 evant Committees” means—

3 (A) the Committee on Science, Space, and
4 Technology of the House of Representatives;

5 (B) the Committee on Commerce, Science,
6 and Transportation of the Senate;

7 (C) the Committee on Armed Services of
8 the House of Representatives; and

9 (D) the Committee on Armed Services of
10 the Senate.

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