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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

To establish the Office of Critical Technologies and Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. RUPPERSBERGER introduced the following bill; which was referred to the Committee on _____

A BILL

To establish the Office of Critical Technologies and Security, 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. FINDING; PURPOSE.**

4 (a) FINDING.—Congress finds that, as of the date of
5 the enactment of this Act, the Federal Government
6 lacks—

7 (1) an office in the Executive Office of the
8 President that can coordinate security policy relating
9 to critical emerging, foundational, and dual-use tech-

1 nologies between the National Security Council and
2 the National Economic Council and that can inter-
3 face with international, Federal, State, and local en-
4 tities on that policy; and

5 (2) a strategic plan—

6 (A) to stop the transfer of critical emerg-
7 ing, foundational, and dual-use technologies to
8 countries that pose a national security risk; and

9 (B) to maintain United States techno-
10 logical leadership with respect to critical emerg-
11 ing, foundational, and dual-use technologies and
12 ensure supply chain integrity and security for
13 such technologies.

14 (b) PURPOSE.—The primary purpose of this Act is
15 to establish the Office of Critical Technologies and Secu-
16 rity—

17 (1) to coordinate a whole-of-government re-
18 sponse to protect critical emerging, foundational,
19 and dual-use technologies and to effectively enlist
20 the support of Federal agencies, the private sector,
21 and other scientific and technical hubs, including
22 academia, to support and assist with such response;
23 and

24 (2) to develop a long-term strategy to achieve
25 and maintain United States technological supremacy

1 with respect to critical emerging, foundational, and
2 dual-use technologies and ensure supply chain integ-
3 rity and security for such technologies.

4 **SEC. 2. OFFICE OF CRITICAL TECHNOLOGIES AND SECUR-**
5 **RITY.**

6 (a) **ESTABLISHMENT.**—There is established in the
7 Executive Office of the President an Office of Critical
8 Technology and Security (in this section referred to as the
9 “Office”).

10 (b) **DIRECTOR.**—

11 (1) **IN GENERAL.**—There shall be at the head
12 of the Office a Director who shall be appointed by
13 the President.

14 (2) **REPORTING.**—The Director of the Office
15 shall report directly to the President.

16 (3) **ADDITIONAL ROLES.**—In addition to serving
17 as the head of the Office, the Director of the Office
18 shall—

19 (A) be a Deputy National Security Advisor
20 for the National Security Council and serve as
21 a member of such council;

22 (B) be a Deputy Director for the National
23 Economic Council and serve as a member of
24 such council; and

1 (C) serve as the chairperson of the Council
2 on Critical Technologies and Security estab-
3 lished under section 3.

4 (c) FUNCTIONS.—The functions of the Director of
5 the Office are as follows:

6 (1) COORDINATION.—To carry out coordination
7 functions as follows:

8 (A) To serve as a centralized focal point
9 within the Executive Office of the President for
10 coordinating policy and actions of the Federal
11 Government—

12 (i) to stop the transfer of critical
13 emerging, foundational, and dual-use tech-
14 nologies to countries that pose a national
15 security risk, including by leading the
16 interagency process to identify emerging
17 and foundational technologies under sec-
18 tion 1758 of the John S. McCain National
19 Defense Authorization Act for Fiscal Year
20 2019 (Public Law 115–232); and

21 (ii) to maintain United States techno-
22 logical leadership with respect to critical
23 emerging, foundational, and dual-use tech-
24 nologies and ensure supply chain integrity
25 and security for such technologies.

1 (B) To coordinate whole-of-government re-
2 sponses, working in partnership with heads of
3 national security and economic agencies and
4 agencies with science and technology hubs, in-
5 cluding the heads described in section 3(c)(1).

6 (C) To facilitate coordination and consulta-
7 tion with—

8 (i) Federal and State regulators of
9 telecommunications and technology indus-
10 tries, including the Federal Communica-
11 tions Commission, the Federal Trade Com-
12 mission, and the Office of Science and
13 Technology Policy;

14 (ii) the private sector, including indus-
15 try, labor, consumer, and other groups as
16 necessary;

17 (iii) other nongovernmental scientific
18 and technical hubs and stakeholders, in-
19 cluding academic stakeholders; and

20 (iv) United States allies and other de-
21 fense partners.

22 (2) MESSAGING AND OUTREACH.—To lead mes-
23 saging and outreach efforts by the Federal Govern-
24 ment on the national security threat posed by the
25 improper acquisition and transfer of critical emerg-

1 ing, foundational, and dual-use technologies that the
2 Federal Government determines necessary to pro-
3 tect, by countries of concern including—

4 (A) acting as the chief policy spokesperson
5 for the Federal Government on related critical
6 technology and security issues;

7 (B) encouraging Federal agencies to work
8 with key stakeholders as described in paragraph
9 (1), as well as States, localities, international
10 partners, and allies, to better analyze and dis-
11 seminate critical information from the intel-
12 ligence community (as defined in section 3 of
13 the National Security Act of 1947 (50 U.S.C.
14 3003)); and

15 (C) improving overall education of the
16 United States public and business leaders in
17 key sectors about the threat to United States
18 national security posed by—

19 (i) the improper acquisition and trans-
20 fer of critical emerging, foundational, and
21 dual-use technologies by countries that
22 pose a national security risk; and

23 (ii) reliance on foreign products iden-
24 tified by the Federal Government that pose

1 a national security risk in private sector
2 supply chains.

3 (3) LONG-TERM STRATEGY.—To lead the devel-
4 opment of a comprehensive, long-term strategic plan
5 in coordination with United States allies and other
6 defense partners—

7 (A) to enhance the interagency process for
8 identifying emerging and foundational tech-
9 nologies carried out under section 1758 of the
10 John S. McCain National Defense Authoriza-
11 tion Act for Fiscal Year 2019 (Public Law
12 115–232) and to re-evaluate those identifica-
13 tions on an ongoing basis;

14 (B)(i) to protect and enforce intellectual
15 property rights;

16 (ii) to reduce reliance on foreign products
17 identified by the Federal Government that pose
18 a national security risk to the United States in
19 critical public sector supply chains;

20 (iii) to develop a strategy to inform the
21 private sector about critical supply chain risks;
22 and

23 (iv) to address other security concerns re-
24 lated to forced or unfair technology transfer to
25 and from such countries;

1 (C) to maintain technological leadership
2 with respect to critical emerging, foundational,
3 and dual-use technologies and to increase public
4 sector funding for research and development
5 that is key to maintaining such technological
6 leadership;

7 (D) to develop specific policies and actions
8 to enforce intellectual property and
9 cybersecurity standards to deter and prosecute
10 industrial espionage and other similar meas-
11 ures; and

12 (E) to develop specific policies—

13 (i) to improve the research and devel-
14 opment ecosystem, including academic in-
15 stitutions, nonprofit organizations, and pri-
16 vate entities; and

17 (ii) to reestablish the United States as
18 the world leader in research and develop-
19 ment; and

20 (F) to develop specific measures and goals
21 that can be tracked and monitored as described
22 in paragraph (4).

23 (4) MONITORING AND TRACKING.—

24 (A) MEASURES.—In conjunction with the
25 Council of Economic Advisors, the United

1 States Trade Representative, the Office of
2 Science and Technology Policy, to use measures
3 developed under paragraph (3)(F) to monitor
4 and track—

5 (i) key trends relating to transfer of
6 critical emerging, foundational, and dual-
7 use technologies;

8 (ii) key trends relating to United
9 States Government investments in innova-
10 tion and competitiveness compared to gov-
11 ernments of other countries;

12 (iii) inappropriate influence of inter-
13 national standards setting processes by
14 foreign countries that pose a national secu-
15 rity risk; and

16 (iv) progress implementing the com-
17 prehensive, long-term strategic plan devel-
18 oped under paragraph (3).

19 (B) GOALS.—To monitor and track
20 progress, using specific measures developed by
21 the Office, made towards achieving goals relat-
22 ing to protecting the security of critical emerg-
23 ing, foundational, and dual-use technologies of
24 the United States.

25 (d) STAFF.—The Director of the Office may—

1 (1) without regard to the civil service laws, em-
2 ploy, and fix the compensation of, such specialists
3 and other experts as may be necessary for the Direc-
4 tor to carry out the functions of the Director; and

5 (2) subject to the civil service laws, employ such
6 other officers and employees as may be necessary to
7 carry out the functions of the Director.

8 (e) ANNUAL REPORT.—

9 (1) IN GENERAL.—Not less frequently than
10 once each year, the Director shall submit to Con-
11 gress a report on—

12 (A) the activities of the Office; and

13 (B) matters relating to national security
14 and the protection of critical emerging,
15 foundational, dual-use technologies.

16 (2) FORM.—Each report submitted under para-
17 graph (1) shall be submitted in unclassified form,
18 but may include a classified annex.

19 (f) CONFORMING AMENDMENT.—Section 101(c) of
20 the National Security Act of 1947 (50 U.S.C. 3021(e))
21 is amended by inserting “the Director of the Office of
22 Critical Technologies and Security,” after “Treasury,”.

1 **SEC. 3. COUNCIL ON CRITICAL TECHNOLOGIES AND SECUR-**
2 **RITY.**

3 (a) ESTABLISHMENT.—There is a council known as
4 the Council on Critical Technologies and Security (in this
5 section referred to as the “Council”).

6 (b) FUNCTION.—The function of the Council shall be
7 to advise the President on matters relating to challenges
8 posed by foreign powers with respect to technology acqui-
9 sition and transfer.

10 (c) MEMBERSHIP.—

11 (1) COMPOSITION.—The Council shall be com-
12 posed of the following:

13 (A) The Director of the Office of Critical
14 Technologies and Security appointed under sec-
15 tion 2(b)(1).

16 (B) The Secretary of Agriculture.

17 (C) The Secretary of Commerce.

18 (D) The Secretary of Defense.

19 (E) The Secretary of Education.

20 (F) The Secretary of Energy.

21 (G) The Secretary of Homeland Security.

22 (H) The Secretary of State.

23 (I) The Secretary of Transportation.

24 (J) The Secretary of the Treasury.

25 (K) The Director of the Office of Manage-
26 ment and Budget.

1 (L) The Director of National Intelligence.

2 (M) The Director of the Central Intel-
3 ligence Agency.

4 (N) The Director of the Federal Bureau of
5 Investigation.

6 (O) The United States Trade Representa-
7 tive.

8 (P) The Director of the National Economic
9 Council.

10 (Q) The National Security Advisor.

11 (R) The Director of the Office of Science
12 and Technology Policy.

13 (S) A representative of the Committee on
14 Foreign Investment in the United States who
15 shall be selected by the Committee for purposes
16 of this section.

17 (T) The United States Ambassador to the
18 United Nations.

19 (U) The Chair of the Federal Communica-
20 tions Commission.

21 (V) The Chair of the Federal Trade Com-
22 mission.

23 (W) Such other heads of Federal agencies
24 as the chairperson of the Council considers ap-
25 propriate.

1 (2) CHAIRPERSON.—The chairperson of the
2 Council shall be the Director of the Office of Critical
3 Technologies and Security appointed under section
4 2(b)(1).

5 (d) CONSULTATION AND COOPERATION.—The Coun-
6 cil—

7 (1) may constitute such advisory committees
8 and may consult with such representatives of indus-
9 try, agriculture, labor, consumers, State and local
10 governments, and other groups, as the Council con-
11 siders advisable;

12 (2) shall consult with the entities listed under
13 section 2(c)(1)(C); and

14 (3) shall seek and obtain the cooperation of ex-
15 ecutive agencies, including independent agencies, of
16 the Federal Government in the development of spe-
17 cialized studies essential to its responsibilities.