

115TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. WARNER introduced the following bill; which was read twice and 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 lacked—

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-
10 nologies between the National Security Council and

1 the National Economic Council and interface with
2 international, Federal, State, and local entities on
3 that policy; and

4 (2) a strategic plan—

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

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

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

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

22 (2) to develop a long-term strategy to achieve
23 and maintain United States technological supremacy
24 with respect to critical emerging, foundational, and

1 dual-use technologies and ensure supply chain integ-
2 rity and security for such technologies.

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

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

9 (b) DIRECTOR.—

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

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

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

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

21 (B) be a Deputy Director for the National
22 Economic Council and serve as a member of
23 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 those described in section 3(e)(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) key international partners and al-
21 lies of the United States.

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 security
6 and critical technology issues;

7 (B) encouraging Federal departments and
8 agencies to work with key stakeholders as de-
9 scribed in paragraph (1), as well as States, lo-
10 calities, international partners, and allies, to
11 better analyze and disseminate critical informa-
12 tion from the intelligence community (as de-
13 fined in section 3 of the National Security Act
14 of 1947 (50 U.S.C. 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 technologies by countries
21 that pose a national security risk; and

22 (ii) reliance on foreign products iden-
23 tified by the Federal government that pose
24 a national security risk in private sector
25 supply chains.

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

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

12 (B)(i) to protect and enforce intellectual
13 property rights;

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

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

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

24 (C) to maintain technological leadership
25 with respect to critical emerging, foundational,

1 and dual-use technologies and to increase public
2 sector funding for research and development
3 that is key to maintaining such technological
4 leadership;

5 (D) to develop specific policies and actions
6 to enforce intellectual property and cybersecu-
7 rity standards to deter and prosecute industrial
8 espionage and other similar measures; and

9 (E) to develop specific policies—

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

14 (ii) to reestablish the United States as
15 the world leader in research and develop-
16 ment; and

17 (F) to develop specific measures and goals
18 that can be tracked and monitored as described
19 in paragraph (4).

20 (4) MONITORING AND TRACKING.—

21 (A) MEASURES.—In conjunction with the
22 Council of Economic Advisors, the United
23 States Trade Representative, the Office of
24 Science and Technology Policy, to use measures

1 developed under paragraph (3)(F) to monitor
2 and track—

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

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

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

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

17 (B) GOALS.—To monitor and track
18 progress made towards achieving goals relating
19 to protecting the security of critical technologies
20 of the United States.

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

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

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

4 (e) ANNUAL REPORT.—

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

8 (A) the activities of the Office; and

9 (B) matters relating to national security
10 and the protection of critical technologies.

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

14 (f) CONFORMING AMENDMENT.—Section 101(c) of
15 the National Security Act of 1947 (50 U.S.C. 3021(c))
16 is amended by inserting “the Director of the Office of
17 Critical Technologies and Security,” after “Treasury,”.

18 **SEC. 3. COUNCIL ON CRITICAL TECHNOLOGIES AND SECU-**
19 **RITY.**

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

23 (b) FUNCTION.—The function of the Council shall be
24 to advise the President on matters relating to challenges

1 posed by foreign powers with respect to technology acqui-
2 sition and transfer.

3 (c) MEMBERSHIP.—

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

6 (A) The Director of the Office of Critical
7 Technologies and Security appointed under sec-
8 tion 2(b)(1).

9 (B) The Secretary of Agriculture.

10 (C) The Secretary of Commerce.

11 (D) The Secretary of Defense.

12 (E) The Secretary of Education.

13 (F) The Secretary of Energy.

14 (G) The Secretary of Homeland Security.

15 (H) The Secretary of State.

16 (I) The Secretary of Transportation.

17 (J) The Secretary of the Treasury.

18 (K) The Director of the Office of Manage-
19 ment and Budget.

20 (L) The Director of National Intelligence.

21 (M) The Director of the Central Intel-
22 ligence Agency.

23 (N) The Director of the Federal Bureau of
24 Investigation.

1 (O) The United States Trade Representa-
2 tive.

3 (P) The Director of the National Economic
4 Council.

5 (Q) The National Security Advisor.

6 (R) The Director of the Office of Science
7 and Technology Policy.

8 (S) A representative of the Committee on
9 Foreign Investment in the United States who
10 shall be selected by the Committee for purposes
11 of this section.

12 (T) The Ambassador to the United Na-
13 tions.

14 (U) The Chair of the Federal Communica-
15 tions Commission.

16 (V) The Chair of the Federal Trade Com-
17 mission.

18 (W) Such other heads of departments and
19 agencies of the Federal Government as the
20 chairperson of the Council considers appro-
21 priate.

22 (2) CHAIRPERSON.—The chairperson of the
23 Council shall be the Director of the Office of Critical
24 Technologies and Security appointed under section
25 2(b)(1).

1 (d) CONSULTATION AND COOPERATION.—The Coun-
2 cil—

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

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

10 (3) shall seek and obtain the cooperation of the
11 various executive and independent agencies of the
12 Federal Government in the development of special-
13 ized studies essential to its responsibilities.