

**TESTIMONY OF HON. CHRIS FALL
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BEFORE THE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
U.S. SENATE**

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Chairman Portman, Ranking Member Carper, and Members of the Subcommittee, thank you for the invitation to testify before you today on the threat that foreign government talent recruitment programs in science and technology pose to the United States. I appreciate this opportunity to discuss the Department of Energy's policies and procedures concerning this issue.

Introduction

The intersection of science and security is one of the most important issues of our time.

At the U.S. Department of Energy (DOE) we are tackling this problem carefully, thoughtfully, and deliberately to ensure that any new policies that we introduce in this space are considered, effective, and do not harm the world-leading science enterprise of the United States.

While I am here to represent DOE, I should note that this administration is taking a government-wide approach to these issues, and that DOE is involved in the full policy-decision process.

The DOE is committed to preserving the foundational principles of the science and technology (S&T) enterprise like open data access, transparency, and meritocracy that are the bedrock of global scientific and technological progress.

Great scientific discoveries come from collaborations and reciprocal exchanges that cross national borders, that leverage the best minds from around the world, and that adhere to these traditions of science. American participation in overseas projects like the Large Hadron Collider (LHC) in Europe and foreign participation in U.S.-based projects like the Long Baseline Neutrino Facility / Deep Underground Neutrino Experiment (LBNF/DUNE) are outstanding current examples of international cooperation.

The DOE plans to accelerate the identification and execution of opportunities for results-oriented cooperation and knowledge sharing with counterparts and investigators from around the world who share the foundational scientific principles listed above.

While international cooperation is essential to accelerate research and development, some governments are aggressively pursuing access to U.S. science and technology advancements and intellectual property to the detriment of our economic prosperity and security.

The DOE is aware of situations in which individuals have been offered hundreds of thousands to millions of dollars to conduct research on behalf of a foreign talent recruitment program.

We also have seen DOE laboratory personnel recruited by talent programs that are now affiliated with foreign military programs.

As you are aware, the Department provided for inclusion in the Subcommittee's report specific examples of foreign talent recruitment programs successfully targeting national laboratory employees.

DOE Response

The DOE is taking actions to tighten compliance, and implement new policies, with respect to its international S&T cooperation involving the DOE National Laboratories.

For example, we announced in February a new policy related to foreign government talent recruitment programs sponsored by countries of risk. These recruitment programs are often part of broader whole-of-government strategies to reduce costs associated with basic research while focusing investment on military development or dominance in emerging technology sectors.

At this time, countries of risk are limited to China, Russia, Iran, and North Korea.

We began implementation of this new policy with the release of DOE Order 486.1 on June 10, 2019.

Under this order, to limit further exploitation of the National Lab system and to prevent taxpayer dollars from benefiting countries of risk, DOE federal and contractor personnel, including laboratory employees, are prohibited from participating in talent recruitment programs sponsored by countries of risk while employed by DOE or performing within the scope a DOE Lab contract. DOE federal employees have longstanding broader restrictions on their outside employment activities. At this time, this policy does not currently extend to our non-contractor grantees.

The DOE considers such programs to include any foreign-state-sponsored attempt to acquire U.S. scientific-funded research or technology through foreign government-run or funded recruitment programs that target scientists, engineers, academics, researchers, and entrepreneurs of all nationalities working or educated in the United States.

History suggests that these programs, their names, and their characteristics, can change over time as we scrutinize them.

The DOE is further assessing all of these issues related to S&T security, and is looking to implement additional measures intended to protect U.S. competitive and national security interests. These efforts include, for example, a science and technology risk matrix, which would assess both countries of risk and certain emerging technologies and determine if additional

protections need to be put into place for access. DOE is working with the laboratory, scientific, and academic communities to develop these ideas.

Any further policy actions affecting our activities outside our own laboratories, such as extramural support, is being coordinated fully across the interagency landscape.

This coordination, through the National Science and Technology Council's Joint Committee on the Research Environment (JCORE) will ensure that the U.S. government takes a risk-based approach to research security and does not provide conflicting requirements.

Conclusion

In conclusion, DOE takes the threat posed by foreign government talent programs seriously.

The Department has taken steps to limit its impact to our own laboratory system while preserving and enhancing international scientific collaboration.

We are working to develop further actions, policies, and procedures to protect our nation from this threat in collaboration with the other science and technology mission agencies.

Thank you for the opportunity to come before you today to describe DOE's efforts in this area.

I look forward to discussing this topic with you and to answering any questions.