

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF NATIONAL SECURITY**

TESTIMONY BEFORE

SENATE HEALTH, EDUCATION, LABOR, AND PENSIONS COMMITTEE

**PROTECTING U.S. BIOMEDICAL RESEARCH:
EFFORTS TO PREVENT UNDUE FOREIGN INFLUENCE**

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Good morning Chair Murray, Ranking Member Burr, and distinguished members of the Committee. It is an honor to appear before you today to discuss the Office of National Security's (ONS) mission. ONS is the Department of Health and Human Services' (HHS) point of contact for the Intelligence Community (IC), and is responsible for coordination with the IC and for intelligence support to HHS senior policy makers and consumers of intelligence across the Department. Additionally, ONS is responsible for safeguarding classified national security information across the Department and for the appropriate sharing of intelligence, homeland security, and law enforcement information externally and, internally within HHS, among the Operating and Staff Divisions. ONS is headed by the Director, who reports directly to the HHS Deputy Secretary. The Director also serves as the National Security Advisor to the Secretary and in this role is the HHS Secretary's Senior Intelligence Official on national security, intelligence, and counterintelligence issues. The Director also serves as the Department's Federal Senior Intelligence Coordinator (FSIC).

ONS' vision is for HHS personnel to successfully accomplish missions worldwide in a security-informed manner and with the actionable intelligence needed, at the right time, for operational and policy decisions. ONS' responsibilities include: Integrating intelligence and security information into HHS policy and operational decisions; assessing, anticipating, and warning of potential security threats to the Department and our national security; and, providing policy guidance on and managing the Office of the Secretary's implementation of the Department's security, intelligence, and counterintelligence programs. ONS' programs include national security adjudication, classified national security information management, secure compartmented information facilities management, communications security, safeguarding and sharing of classified information, cyber threat intelligence, and counterintelligence.

ONS' counterintelligence mission is to conduct activities to identify, detect, deter, neutralize, mitigate and protect Department personnel, information technology systems, and critical assets from insider threats, foreign intelligence entities, and foreign influence. While not pervasive, some foreign government actors target top scientific and technical expertise sectors in the United States in an effort to enhance their competitive advantage in the fields of research and medical/technical innovations. These foreign actors seek to exploit government, private-sector, and academic development efforts in order to advance their own national interests while providing sponsorship to a variety of non-traditional activities to steal and co-opt U.S. research; specifically, targeting bio-technology companies and university research centers. Non-traditional collectors can include foreign researchers who have been recruited by foreign talent recruitment programs, cyber hackers, and foreign students who have been co-opted or coerced into spying for foreign governments and their intelligence services. There is substantial reporting suggesting non-traditional collector activity against U.S. equities in an effort to misappropriate sensitive U.S. research and development data and information.

In an effort to mitigate risks to HHS equities, ONS conducts all-source intelligence analysis on foreign nationals attempting to obtain positions within HHS and affiliates with HHS equities. ONS conducts vetting and research related to grants, funding overlap, scholarships, foreign travel, foreign associations, foreign recruitment activities, and foreign patents. HHS ONS works jointly with HHS Operating and Staff Divisions, and interagency partners, to assist in determining risk evaluations in research engagements. ONS non-traditional collection research is provided to HHS Office of Inspector General and the Federal Bureau of Investigation (FBI) as counterintelligence referrals.

Also, ONS has been working within the Department on a counterintelligence education and awareness program, titled: Safeguarding Science. ONS has begun work on a program plan for extramural education and awareness training with the National Counterintelligence Task Force, a multi-agency task force led by the FBI. This training will likely be targeted toward National Institutes of Health (NIH) extramural staff (employees, contractors, fellows, and trainees/volunteers) and academic institutions applying for NIH grants (faculty, staff, post-doctoral associates, graduate research assistants, trainees/volunteers). While an ONS staff member, on detail to ONS from the FBI, has been involved in extramural outreach over the last year, we are excited about the development of a comprehensive plan for extramural outreach.

Additionally, ONS has a foreign visitor vetting program. ONS conducts vetting of foreign national visitors for 10 Operating Divisions and 14 Staff Divisions. ONS also conducts vetting for foreign national employees who will be authorized access to government systems and data. In 2020, ONS vetted 13,138 foreign national visitors; 7936 were to NIH. ONS also vetted 2,854 foreign national employees; 1,574 were to be employed in NIH. ONS also has a counterintelligence review program, where we review:

- Material Transfer Agreements (transfers from HHS to foreign governments);

- Supply Chain Risk Management (SCRM) from the counterintelligence angle;

- CI Review of FDA Emergency Use Authorizations; and

- Committee on Foreign Investment in the U.S. (CFIUS) cases, as Department lead.

ONS also has a program that focuses on the non-traditional collection vulnerabilities within HHS.

ONS has worked closely in several ways with NIH, as we do with other Operating Divisions. One example: ONS receives information from the NIH Deputy Director for

Extramural Research (Dr. Lauer). ONS reviews correspondence received related to foreign nationals who are active participants in or seeking to engage in research and grant activities involving HHS equities. In an effort to identify and deter potential foreign influence on U.S. research integrity, ONS conducts all-source research on foreign nationals that pose a potential counterintelligence and/or non-traditional collection concern to HHS equities. If ONS identifies a potential concern, our office produces a formal product on our findings and presents the data to the appropriate HHS components. Since July 2020, ONS has received 78 portal emails from the NIH Deputy Director for Extramural Research, and from these there were nine findings. Those nine findings were put into intelligence products and provided to the NIH Deputy Director for Extramural Research counterintelligence and insider threat staff, and when appropriate, referred to OIG.

In closing, ONS has worked significantly over the last few years to further enhance our counterintelligence programs, in coordination with HHS Operating and Staff Divisions, and we are dedicated to protecting Department personnel, information technology systems, and critical assets. I will be happy to answer any questions.