

116TH CONGRESS  
1ST SESSION

# H. R. 3175

To amend title 10, United States Code, to require the Secretary of Defense to expand the research capability of historically Black colleges and universities and other minority institutions.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2019

Mr. BROWN of Maryland (for himself, Mr. TURNER, Mr. CISNEROS, Ms. ADAMS, and Ms. HAALAND) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to require the Secretary of Defense to expand the research capability of historically Black colleges and universities and other minority institutions.

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 “Harnessing Oppor-  
5 tunity to Maximize Expansion, Capture, and Organization  
6 of Minority Innovation in the Next Generation of Research  
7 Act of 2019”.

1 **SEC. 2. NATIONAL SECURITY COMMISSION ON DEFENSE**  
2 **RESEARCH AT HISTORICALLY BLACK COL-**  
3 **LEGES AND UNIVERSITIES AND OTHER MI-**  
4 **NORITY INSTITUTIONS.**

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—There is established in the  
7 executive branch an independent Commission to re-  
8 view the state of defense research at covered institu-  
9 tions.

10 (2) TREATMENT.—The Commission shall be  
11 considered an independent establishment of the Fed-  
12 eral Government as defined by section 104 of title  
13 5, United States Code, and a temporary organiza-  
14 tion under section 3161 of such title.

15 (3) DESIGNATION.—The Commission estab-  
16 lished under paragraph (1) shall be known as the  
17 “National Security Commission on Defense Re-  
18 search At Historically Black Colleges and Univer-  
19 sities and Other Minority Institutions”.

20 (4) MEMBERSHIP.—

21 (A) COMPOSITION.—The Commission shall  
22 be composed of 11 members appointed as fol-  
23 lows:

24 (i) The Secretary of Defense shall ap-  
25 point 2 members.

1 (ii) The Secretary of Education shall  
2 appoint 1 member.

3 (iii) The Chairman of the Committee  
4 on Armed Services of the Senate shall ap-  
5 point 1 member.

6 (iv) The Ranking Member of the  
7 Committee on Armed Services of the Sen-  
8 ate shall appoint 1 member.

9 (v) The Chairman of the Committee  
10 on Armed Services of the House of Rep-  
11 resentatives shall appoint 1 member.

12 (vi) The Ranking Member of the  
13 Committee on Armed Services of the  
14 House of Representatives shall appoint 1  
15 member.

16 (vii) The Chairman of the Committee  
17 on Health, Education, Labor, and Pen-  
18 sions of the Senate shall appoint 1 mem-  
19 ber.

20 (viii) The Ranking Member of the  
21 Committee on Health, Education, Labor,  
22 and Pensions of the Senate shall appoint 1  
23 member.

1 (ix) The Chairman of the Committee  
2 on Education and Labor of the House of  
3 Representatives shall appoint 1 member.

4 (x) The Ranking Member of the Com-  
5 mittee on Education and Labor of the  
6 House of Representatives shall appoint 1  
7 member.

8 (B) DEADLINE FOR APPOINTMENT.—Mem-  
9 bers shall be appointed to the Commission  
10 under subparagraph (A) not later than 90 days  
11 after the date on which the commission is es-  
12 tablished.

13 (C) EFFECT OF LACK OF APPOINTMENT  
14 BY APPOINTMENT DATE.—If one or more ap-  
15 pointments under subparagraph (A) is not  
16 made by the appointment date specified in sub-  
17 paragraph (B), or if a position described in sub-  
18 paragraph (A) is vacant for more than 90 days,  
19 the authority to make such appointment shall  
20 transfer to the Chair of the Commission.

21 (5) CHAIR AND VICE CHAIR.—The Commission  
22 shall elect a Chair and Vice Chair from among its  
23 members.

24 (6) TERMS.—Members shall be appointed for  
25 the life of the Commission. A vacancy in the Com-

1 mission shall not affect its powers and shall be filled  
2 in the same manner as the original appointment was  
3 made.

4 (7) STATUS AS FEDERAL EMPLOYEES.—Not-  
5 withstanding the requirements of section 2105 of  
6 title 5, United States Code, including the required  
7 supervision under subsection (a)(3) of such section,  
8 the members of the Commission shall be deemed to  
9 be Federal employees.

10 (b) DUTIES.—

11 (1) IN GENERAL.—The Commission shall carry  
12 out the review described in paragraph (2). In car-  
13 rying out such review, the Commission shall consider  
14 the methods and means necessary to advance re-  
15 search capacity at covered institutions to comprehen-  
16 sively address the national security and defense  
17 needs of the United States.

18 (2) SCOPE OF THE REVIEW.—In conducting the  
19 review under paragraph (1), the Commission shall  
20 consider the following:

21 (A) The competitiveness of covered institu-  
22 tions in developing, pursuing, capturing, and  
23 executing defense research with the Department  
24 of Defense through contracts and grants.

1           (B) Means and methods for advancing the  
2 capacity of covered institutions to conduct re-  
3 search related to national security and defense.

4           (C) The advancements and investments  
5 necessary to elevate 25 covered institutions to  
6 R2 status on the Carnegie Classification of In-  
7 stitutions of Higher Education, 15 covered in-  
8 stitutions to R1 status on the Carnegie Classi-  
9 fication of Institutions of Higher Education,  
10 and one covered institution or a consortium of  
11 multiple covered institutions to the capability of  
12 a University Affiliated Research Center.

13           (D) The facilities and infrastructure for  
14 defense-related research at covered institutions  
15 as compared to the facilities and infrastructure  
16 at universities classified as R1 status on the  
17 Carnegie Classification of Institutions of Higher  
18 Education.

19           (E) Incentives to attract, recruit, and re-  
20 tain leading research faculty to covered institu-  
21 tions.

22           (F) The legal and organizational structure  
23 of the contracting entity of covered institutions  
24 as compared to the legal and organizational  
25 structure of the contracting entity of covered

1 institutions at universities classified as R1 sta-  
2 tus on the Carnegie Classification of Institu-  
3 tions of Higher Education.

4 (G) The ability of covered institutions to  
5 develop, protect, and commercialize intellectual  
6 property created through defense-related re-  
7 search.

8 (H) The amount of defense research fund-  
9 ing awarded to all colleges and universities  
10 through contracts and grants for the fiscal  
11 years of 2010 through 2019, including—

12 (i) the legal mechanism under which  
13 the organization was formed;

14 (ii) the total value of contracts and  
15 grants awarded to the organization during  
16 fiscal years 2010 to 2019;

17 (iii) the overhead rate of the organiza-  
18 tion for fiscal year 2019;

19 (iv) the Carnegie Classification of In-  
20 stitutions of Higher Education of the asso-  
21 ciated university or college; and

22 (v) if the associated university or col-  
23 lege qualifies as a historically Black college  
24 or university, a minority institution, or a  
25 minority institution.

1           (I) Areas for improvement in the programs  
2           executed under section 2362 of title 10, United  
3           States Code, the existing authorization to en-  
4           hance defense-related research and education at  
5           covered institutions.

6           (J) Previous executive or legislative actions  
7           by the Federal Government to address the im-  
8           balance in federal research funding, such as the  
9           Established Program to Stimulate Competitive  
10          Research (commonly known as “EPSCoR”).

11          (K) Any other matters the Commission  
12          deems relevant to the advancing the defense re-  
13          search capacity of covered institutions.

14          (c) REPORTS.—

15           (1) INITIAL REPORT.—Not later than 180 days  
16           after the date of the enactment of this Act, the  
17           Commission shall submit to the President and Con-  
18           gress an initial report on the findings of the Com-  
19           mission and such recommendations that the Com-  
20           mission may have for action by the executive branch  
21           and Congress related to the covered institutions par-  
22           ticipating in Department of Defense research and  
23           actions necessary to expand their research capacity.

24           (2) FINAL REPORT.—Prior to the date on which  
25           the commission terminates under subsection (e), the



1 Commission shall submit to the President and Con-  
2 gress a comprehensive report on the results of the  
3 review required under subsection (b).

4 (3) FORM OF REPORTS.—Reports submitted  
5 under this subsection shall be made publicly avail-  
6 able.

7 (d) FUNDING.—Of the amounts authorized to be ap-  
8 propriated by this Act for fiscal years 2020 and 2021 for  
9 the Department of Defense, not more than \$5,000,000  
10 each year shall be made available to the Commission to  
11 carry out its duties under this Act. Funds made available  
12 to the Commission under the preceding sentence shall re-  
13 main available until expended.

14 (e) TERMINATION.—The Commission shall terminate  
15 on December 31, 2021.

16 (f) COVERED INSTITUTION DEFINED.—In this sec-  
17 tion, the term “covered institution” means—

18 (1) a part B institution (as that term is defined  
19 in section 322(2) of the Higher Education Act of  
20 1965 (20 U.S.C. 1061(2)); or

21 (2) any other institution of higher education (as  
22 that term is defined in section 101 of such Act (20  
23 U.S.C. 1001)) at which not less than 50 percent of  
24 the total student enrollment consists of students

1 from ethnic groups that are underrepresented in the  
2 fields of science and engineering.

3 **SEC. 3. CONSIDERATION OF SUBCONTRACTING TO MINOR-**  
4 **ITY INSTITUTIONS.**

5 (a) IN GENERAL.—Chapter 141 of title 10, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new section:

8 **“§ 2410t. Consideration of subcontracting to minority**  
9 **institutions**

10 “(a) CONSIDERATION OF SUBCONTRACTING TO MI-  
11 NORITY INSTITUTIONS.—The Secretary of Defense shall  
12 revise the Department of Defense Supplement to the Fed-  
13 eral Acquisition Regulation to require that the system  
14 used by the Federal Government to monitor or record con-  
15 tractor past performance for a grant or contract awarded  
16 to an institution of higher education includes incentives  
17 for the award of a subgrant or subcontract to minority  
18 institutions.

19 “(b) MINORITY INSTITUTION DEFINED.—In this sec-  
20 tion, the term ‘minority institution’ means—

21 “(1) a part B institution (as that term is de-  
22 fined in section 322(2) of the Higher Education Act  
23 of 1965 (20 U.S.C. 1061(2)); or

24 “(2) any other institution of higher education  
25 (as that term is defined in section 101 of such Act

1 (20 U.S.C. 1001)) at which not less than 50 percent  
2 of the total student enrollment consists of students  
3 from ethnic groups that are underrepresented in the  
4 fields of science and engineering.”.

5 (b) CLERICAL AMENDMENT.—The table of sections  
6 at the beginning of such chapter is amended by adding  
7 at the end the following new item:

“2410t. Consideration of subcontracting to minority institutions.”.

