

February 10, 2021

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Subject: *National Security Presidential Memorandum 33 (NSPM-33) and NSTC JCORE “Recommended Practices for Strengthening the Security and Integrity of America’s Science and Technology Research Enterprise”*

We write regarding two documents released at the end of the last Administration – the “Presidential Memorandum on United States Government-Supported Research and Development National Security Policy (NSPM-33)” and “Recommended Practices for Strengthening the Security and Integrity of America’s Science and Technology Research Enterprise.” We urge you to consult with the academic research community – preferably through a public comment period – before deciding whether and how to move ahead with NSPM-33. We also request that additional clarification be provided on the Administration’s expectations concerning the Recommended Practices document, including guidance regarding the risk-based application of the recommendations, as advocated in the document.

The academic community takes seriously the threat of undue foreign government influence on research and education and its obligation to comply with requirements to disclose foreign research funding to federal agencies. We have repeatedly urged that clear and consistent guidance across federal agencies be provided to researchers and their institutions on what information needs to be disclosed. Indeed, we urged Congress to pass the legislation that effectively codified work of the Joint Committee on the Research Environment (JCORE) in the FY 2020 National Defense Authorization Act (NDAA). We also supported the language included in the FY 2021 NDAA that makes clear the obligation of faculty to disclose and the obligation of institutions to ensure that faculty are aware of the requirements.

Accordingly, we actively engaged with federal officials as the JCORE process permitted and awaited the release of its proposals. The documents, though, were released as the Trump Administration was departing, providing no opportunity for stakeholders to evaluate or discuss them. At first read, we believe some items in the two documents are clear, targeted, feasible and well-grounded. We note, in particular JCORE's recommendation to adopt a "balanced, risk-based approach" that recognizes "the benefits of open, international collaboration, as well as the risks." Other items raise concerns, including the differing definitions of some terms between the various documents and the scope of some requirements and recommendations.

With that in mind, we urge you to delay any agency implementation called for by the documents until OSTP has carefully reviewed them and provided an opportunity for input from stakeholders. A formal comment period would be one possible way to accomplish this. Undertaking such a review of the documents would also provide a chance to ensure that the language is consistent with the disclosure provision (Sec. 223) of the FY 2021 NDAA.

We look forward to an opportunity to provide further comments and to working closely with OSTP and other federal agencies as they move to put any related directives into practice.

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