

February 10, 2021

Kei Koizumi
Acting Director
Office of Science and Technology Policy
Executive Office of the President
Eisenhower Executive Office Building
1650 Pennsylvania Ave NW
Washington, DC 20504

To: Kei Koizumi, Acting Director, Office of Science and Technology Policy
cc: Eric Lander, Science Adviser to the President

From: Association of American Universities

Contact: Tobin Smith, toby_smith@aau.edu; (202) 898-7850

Association of Public and Land-grant Universities

Contact: Deborah Altenburg, daltenburg@aplu.org; (202) 478-6039

Council on Governmental Relations

Contacts: Robert Hardy, RHardy@cogr.edu; (301) 793-0122 or Kristin West, KWest@cogr.edu; (404) 788-0372

American Council on Education

Contact: Sarah Spreitzer, sasprietz@acenet.edu; (202) 939-9553

Association of American Medical Colleges

Contact: Heather Pierce, hpierce@aamc.org; (202) 478-9926

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.

The American Council on Education (ACE) is the major coordinating body for American higher education. Its more than 1,700 members reflect the extraordinary breadth and contributions of four-year, two-year, public and private colleges and universities. ACE members educate two out of every three students in accredited, degree-granting U.S. institutions. The AAMC (Association of American Medical Colleges) is a not-for-profit association dedicated to transforming health through medical education, health care, medical research, and community collaborations. Its members are all 155 accredited U.S. and 17 accredited Canadian medical schools; more than 400 teaching hospitals and health systems, including Department of Veterans Affairs medical centers; and more than 70 academic societies. The Association of American Universities (AAU) is an association of 63 U.S. and two Canadian leading research universities that transform lives through education, research, and innovation. AAU member universities collectively help shape policy for higher education, science, and innovation; promote best practices in undergraduate and graduate education and strengthen the contributions of leading research universities to American society. The Association of Public and Land-grant Universities (APLU) is a research, policy, and advocacy organization with a membership of over 240 public research universities, land-grant institutions, state university systems, and affiliated organizations in the U.S., Canada, and Mexico, that is dedicated to strengthening and advancing the work of public universities. The Council on Governmental Relations (COGR) is an association of 190 research universities and affiliated academic medical centers and research institutes. COGR concerns itself with the impact of federal regulations, policies, and practices on the performance of research conducted at its member institutions.