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Universities Brace for Guidance on Security Memorandum; Agencies Plan Implementation

By Theresa Defino

If a timeline announced by the White House is met, universities and others should receive guidance later this month on securing the research enterprise as the Biden administration moves forward with implementing a last-minute memorandum issued by former President Trump.

President Biden has embraced National Security Presidential Memorandum (NSPM-33), which seeks to “strengthen protections of United States Government-supported Research and Development (R&D) against foreign government interference and exploitation” while “maintaining an open environment to foster research discoveries and innovation that benefit our Nation and the world.”^[1]

Announced during the last week of Trump’s term, “the previous administration did not have time to develop implementation guidance for federal agencies,” wrote Eric Lander, scientific advisor to President Biden and director of the Office of Science and Technology Policy (OSTP).^[2] In a blog post on Aug. 10, Lander said his office was “working on how to implement NSPM-33 effectively, rigorously, and uniformly across the federal government in a way that protects the nation’s interests in both security and openness.”

In the post, Lander said OSTP would be working over the next 90 days to “develop clear and effective implementation guidance for NSPM-33, working in close partnership with the National Security Council staff, fellow Cabinet agencies, and other federal agencies through the National Science and Technology Council.”

OSTP’s guidance, Lander said, will address the following areas:

- “Disclosure Policy — ensuring that federally-funded researchers provide their funding agencies and research organizations with appropriate information concerning external involvements that may bear on potential conflicts of interest and commitment;
- “Oversight and Enforcement — ensuring that federal agencies have clear and appropriate policies concerning consequences for violations of disclosure requirements and interagency sharing of information about such violations; and,
- “Research Security Programs — ensuring that research organizations that receive substantial federal R&D funding (greater than \$50 million annually) maintain appropriate research security programs.”

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Federal officials and representatives of universities discussed the effort during a recent meeting of the Federal Demonstration Partnership (FDP).^[3] Held virtually, the meeting also included presentations and comments by Rebecca Keiser, NSF chief of research security strategy and policy.

Keiser recommended that institutions read the NSPM, explaining that it “addresses why research security and

integrity are important. It outlines their key elements and talks about federal department and agency roles and responsibilities in this arena.” The memorandum describes how the roles of the funding agencies “complement but differ from” law enforcement agencies and the Department of Education, Keiser added.

She also called attention to a “complementary” document, “Recommended Practices for Strengthening the Security and Integrity of America’s Science and Technology Research Enterprise.”^[4]

“I want to say that, again, we look at research organizations as partners, and we’re here to help in this arena, and so we will provide any information that we possibly can to help identify and manage risks,” Keiser said.

Keiser has been part of the group working to develop the guidance, and she referred to the 90 days that Lander mentioned in his blog as a deadline. Although the guidance is “mostly for the U.S. government agencies,” Keiser said it also would “contain helpful information” for research institutions.

Agencies are “working hard on coordinating disclosure policy among funding agencies,” said Keiser, adding that Jean Feldman, head of the NSF’s Office of Policy, and Michelle Bulls, director of the NIH Office of Policy for Extramural Research Administration, are co-chairing a harmonization working group, which includes other agencies. In addition to harmonization, members also hope “to explain any differences and why those do exist,” Keiser said.

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