

AIRI Association of Independent Research Institutes™

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June 2, 2023

Stacy Murphy
Deputy Chief Operations Officer/Security Officer
Office of Science and Technology Policy
Executive Office of the President
1650 Pennsylvania Avenue NW
Washington, DC 20502

Dear Ms. Murphy:

On behalf of the Association of Independent Research Institutes (AIRI), thank you for the opportunity to provide feedback to the Request for Information (RFI) on the draft Research Security Programs Standard Requirements.

Founded in 1962, AIRI is an association of independent, not-for-profit biomedical and behavioral research institutes whose mission is to enhance the ability of its members to improve human health and advance knowledge. AIRI member institutes fundamentally differ from universities in that our research missions and flexibility provide an environment that is particularly conducive to scientific creativity and innovation. AIRI members receive most of their funding from the National Institutes of Health (NIH) and the National Science Foundation (NSF), with smaller amounts from other agencies including the Department of Defense (DOD), the Department of Energy (DOE), and the U.S. Department of Agriculture (USDA).

Independent research institutes are eager to play their part in safeguarding federally funded research and development (R&D). To that end, we appreciate the ongoing efforts of the Biden Administration and the White House Office of Science and Technology Policy (OSTP) to advance clear and actionable guidance. In recent years we have been pleased to see the progress made to implement the National Security Presidential Memorandum-33 (NSPM-33) and the development of community resources for understanding and mitigating risks. We also applaud efforts to harmonize agency policies and processes. Minimizing confusion and administrative burden are essential for expedient implementation and for avoiding negative consequences for U.S. science. The draft standard requirements for institutional research security programs are an important next step toward empowering research institutions to address research security risks.

We would like to bring a few considerations to your attention as you further refine the draft standards. Independent research institutions, many with limited research administration resources, are particularly vulnerable to increases in the administrative burden that come with new federal requirements. Ensuring such requirements are clear, risk-based, and harmonized across agencies would go a long way to easing the burden for AIRI institutions.

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Aligned with these general themes, we have a few specific points we would like to highlight:

- **Covered organization threshold (2, 4, 5)** – “To assess the amount of science and engineering support that research organizations have received from the Federal Government over the course of a fiscal year, organizations may refer to usaspending.gov, in addition to their own financial records. Research organizations that are non-profit educational institutions or non-profit organizations also may consult the National Science Foundation’s data on “Federal Science and Engineering Support to Universities, Colleges, and Nonprofit Institutions.”” (Page 2 of the draft standard requirement)
 - The draft standard requirement points to multiple sources of federal R&D funding data to determine if a given institution is subject to the requirement. To minimize confusion and avoid honest mistakes due to inconsistencies across these data sources, we ask that institutions receive notification from the federal government that they are a covered organization.
 - Many independent research institutions are close to the funding threshold that triggers the requirement to establish and maintain a research security program. Year-to-year variations in federal R&D funding will create situations in which an institution is above the threshold one year and not the following year. Care should be taken to avoid frequent changes to an institution’s designation as a covered institution. We also urge greater clarity on how institutions with federal R&D funding close to, and varying around, the \$50 million threshold can best maintain compliance with the requirement.
- **Foreign travel security (1, 2, 3, 4)** – “International travel policies and procedures must include:
 1. Maintenance of an organizational record of covered international travel by covered individuals engaged in federally funded R&D.
 2. A disclosure and authorization requirement in advance of international travel.
 3. Mandatory applicable security briefings, and advice regarding electronic device security (e.g., smartphones, laptops) prior to covered international travel, or to travel including electronic devices utilized for federally funded R&D or bought with Federal funding.” (Page 3 of the draft standard requirement)
 - Scope of travel included – We urge for additional clarity on the scope of travel included in the travel requirements. The draft standard requirement is inconsistent in its language – “traveling internationally for organizational business, teaching, conference attendance, research purposes, or who receive offers of sponsored travel for research or professional purposes” is much broader in scope than “travel that contributes to a substantive, meaningful way to the development or

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execution of a research and development projects proposed to be carried out with a research and development award from a Federal research agency.” To ensure institutions have the flexibility to employ a risk-based approach in implementing the draft standard requirement, we encourage the draft standard to make use of the narrower definition of “covered travel.”

- Travel authorization – The draft standard requirement includes a requirement for institutions to authorize international travel for employees, but some institutions may not have the necessary resources to weigh the potential risks posed by an international trip. We urge OSTP to provide guidelines and/or best practices to aid institutions in determining which requests for travel pose too much risk.
 - We also request clarity on the liability an institution assumes by authorizing international travel. If a research security incident occurs during a trip authorized by the institution, is the institution vulnerable to sanctions from funding agencies? If so, what might those include?
 - Security briefing – We urge additional clarity on the trigger for mandatory travel security briefings. Does a researcher who brings along a computer purchased with federal funding need a full security briefing regardless of the research topic or travel destination? That would be unfeasible for many institutions to manage. We encourage a risk-based approach that focuses new security requirements on travel related to areas of research and travel destinations of higher risk.
- **Training (2)** – “Training programs must include instruction in the following areas:
 1. Understanding why research security is important for the U.S. R&D enterprise and what constitutes foreign interference.
 2. The importance of non-discrimination as a guiding principle of U.S. research security policy.
 3. Disclosure policy and how it is used, particularly with regard to conflicts of interest and conflicts of commitment.
 4. Identifying, managing, and mitigating risk, particularly in the context of foreign talent programs and insider threats.
 5. Proper use of funds.
 6. The value of and challenges with international collaboration
 7. Responsible international travel practices.
 8. Basic cybersecurity hygiene and data protection practices, including recognition of and response to social engineering threats and cyber breaches.
 9. Intellectual property and data protection requirements and best practices.”
(Page 4 of the draft standard requirement)

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- We urge additional clarity that the four NSF-funded research security training modules under development will fully satisfy the requirement for training across the nine topic areas in the draft standard requirement. We also hope there will be ample time for the community to comment on these training modules pursuant to direction for stakeholder engagement in Section 10634(b) of the *CHIPS and Science Act*.

- **Agency policy standardization (2, 4)** – “Federal research agencies may impose additional requirements beyond these standards, as is expected, for example, for classified and controlled unclassified information (CUI).” (Page 2 of the draft standard requirement)
 - While we understand the need for flexibility to allow agencies to impose additional requirements based on their unique risk profiles and operational needs, we urge additional clarity that agencies should avoid deviations from the standard requirement where possible to minimize the administrative burden on institutions. To reduce the administrative burden for research institutions, agencies should strive to limit the development and imposition of additional requirements beyond the standards.
 - Given the importance of clarity and consistency for facilitating compliance, we also hope there will be additional opportunities for stakeholder engagement and input as individual agencies develop their requirements pursuant to the draft standard requirement.

We very much appreciate the OSTP efforts to date and are grateful for the opportunity to provide input as you move forward with finalizing the draft standard requirement.

Sincerely,



Jerilyn Mitchell Bowers
President
Association of Independent Research Institutes