Congress of the United States
House of Representatives
Washington, DC 20515

April 9, 2021

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

As you develop the specific policies to support your approach on China, we write to express our keen interest in collaborating with you to address the risks to the country's research enterprise posed by undue foreign influence. We strongly support a measured and balanced approach to this issue, one that promotes research integrity and security without impeding academic freedom, international collaboration, and the global competition for talent, all of which are critical to our continued leadership in science and innovation.

The Committee on Science, Space, and Technology and the Committee on Armed Services have been actively engaged on a bipartisan basis in addressing the threats to the country's research enterprise as both an oversight and legislative issue. During a 2018 hearing, Members of the Science, Space, and Technology Committee noted the importance of researchers and students understanding the strategic importance of their research and the need to take appropriate security measures while also emphasizing the need to ensure the U.S. does not shut the door on foreign students and international collaboration. Members also heard about the need for greater collaboration between the counterintelligence community and the academic community.

In May of 2019, Members of both of our Committees worked together to introduce the bipartisan *Securing American Science and Technology Act of 2019* and enact it as part of the National Defense Authorization Act. The bill directed the Director of the Office of Science and Technology Policy (OSTP) to establish an interagency working group to protect federally funded research and development from foreign interference, cyberattacks, theft, or espionage and to develop common definitions and best practices for Federal science agencies and grantees. The bill also directed the National Science Foundation, the Department of Energy, and the

Department of Defense to enter into a joint agreement with the National Academies of Sciences, Engineering and Medicine to create a "National Science, Technology, and Security Roundtable." This bill became the basis for Section 1746 of the *National Defense Authorization Act for Fiscal Year 2020.*[1] In 2020, our Committees again worked in close collaboration to develop legislation to improve the consistency and enforcement of Federal science agency disclosure requirements, which help agencies identify and mitigate conflicts of interest. This language was enacted as Section 223 of the *National Defense Authorization Act for Fiscal Year 2021.*[2]

Threats to U.S. research are complex and evolving, and we remain committed to partnering with the Executive Branch and key industry and academic stakeholders to ensure U.S. research is both secure and unimpeded. The Biden Administration has the opportunity to build on and learn from efforts in the previous Administration to address legitimate security concerns while fostering an open and collaborative research environment. As the global competition for talent continues to intensify, we are also concerned by the decline in international student enrollment in recent years and urge the Administration to continue to refine and update policies to recruit the best and brightest from around the world while appropriately addressing any security risks. In our view, key components of a measured and balanced approach to strengthen the security and integrity of the country's academic research enterprise include:

1. **Transparency about the nature, scale, and scope of the risks.** To date, the academic community has not been given a clear explanation of the risks to research integrity and security posed by undue foreign influence. Instead, there has been an overreliance on anecdotes. This lack of transparency has, understandably, led well-meaning individuals to question the intent behind an increased emphasis on security, which in turn impedes efforts to foster a sense of shared responsibility. To the extent possible, we encourage you to provide information and data to clarify the nature, scale, and scope of the threats.

2. **Coordination and clarity regarding research security and integrity requirements.** In recent years Federal science agencies, particularly the National Science Foundation, the National Institutes of Health, and the Department of Energy, have taken important steps to mitigate the risks to federally funded research. Unfortunately, a lack of coordination in these efforts has added to the confusion and administrative burden born by institutions and individual researchers who are eager to comply with evolving funding requirements. We encourage a harmonization of research integrity and security policies across the federal government. We also strongly support improved communication of agency funding requirements to ensure university administrators and individual researchers and students understand what is expected of them and have the support they need.

3. **Commitment to openness and collaboration.** Openness is a crucial principle of fundamental research. An open exchange of ideas accelerates research advances and facilitates breakthrough discoveries and innovations that improve the lives of the American people. National Security Decision Directive 189 (NSDD-189), issued in 1985 by President Reagan, established a national policy that "to the maximum extent possible,

[1] https://www.congress.gov/116/plaws/publ92/PLAW-116publ92.pdf
[2] https://www.congress.gov/bill/116th-congress/house-bill/6395/text

the products of fundamental research remain unrestricted." We urge you to reaffirm this as the policy of the United States.

4. **Strong investment in United States research and development.** The global landscape of research and innovation has changed dramatically in recent decades. In 2004, China surpassed the U.S. in the number of bachelor's degrees awarded in science and engineering fields. In 2016, China surpassed the U.S. in publications of S&E research papers. As of November 2017, China claimed to have 202 of the fastest 500 supercomputers in the world, compared with 143 in the U.S. China is on pace to outperform the United States in R&D funding in the next few years.[3] Our standing as the global leader in science and innovation is waning, but this trend is not attributable to foreign influence or espionage. It is a result of stagnant investment in U.S. R&D in recent years.[4] While it is important to counter undue foreign influence in U.S. research, the best response to China's rise as a leader in science and innovation is a significant increase in funding for U.S. R&D.

5. **Trusting partnership between the federal government and the academic community.** A successful effort to mitigate risks to federally funded research will require trust. However, significantly different cultures and perspectives between the law enforcement community and the academic community have made productive collaboration, at times, difficult. We encourage the research agencies, in collaboration with the Department of Justice, to develop guidance and resources for researchers to help them understand potential security risks. Likewise, we encourage the Department of Justice to raise awareness among investigators and prosecutors about the norms and practices of research community and the value of openness and international collaboration in research. Finally, with respect to the Department of Justice, we are encouraged by the discussions about standing up an amnesty program for well-intentioned researchers to come into compliance without fear of reprisal. Similarly, we would urge full reviews of the approaches to research security taken by the Department of Education, the Department of State, and the Department of Homeland Security, in collaboration with our government's research agencies.

We look forward to working with you on this important endeavor.

Sincerely,

Eddie Bernice Johnson
Chairwoman
Committee on Science, Space, and Technology

Adam Smith
Chairman
Committee on Armed Services

[3] https://www.nsf.gov/nsb/sei/one-pagers/China-2018.pdf
[4] https://www.nsf.gov/statistics/2020/nsf20309/nsf20309.pdf

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