Implementing Research Security Programs

Rethinking Programs in View of NSPM-33 Implementation Guidance and Current Enforcement Climate

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Presentation Overview

NSPM-33 implementation guidance's impact on research security programs

Incorporating lessons learned from investigations & the enforcement environment

What's next? Reading the tea leaves

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NSPM-33 Implementation Guidance's Impact on Research Security Programs

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NSPM-33: The Basics

- NSPM-33
  - Issued -- Jan. 14, 2021
  - Implementation guidance -- Jan. 4, 2022
- Encompasses fundamental research
- Key Agency: Office of Science & Technology Policy
- Key Areas
  - Disclosure requirements
  - Digital Persistent Identifiers
  - Consequences for Violation of Disclosure Requirements
  - Information Sharing Among Federal Agencies (including law enforcement agencies)
  - **Research Security Programs**

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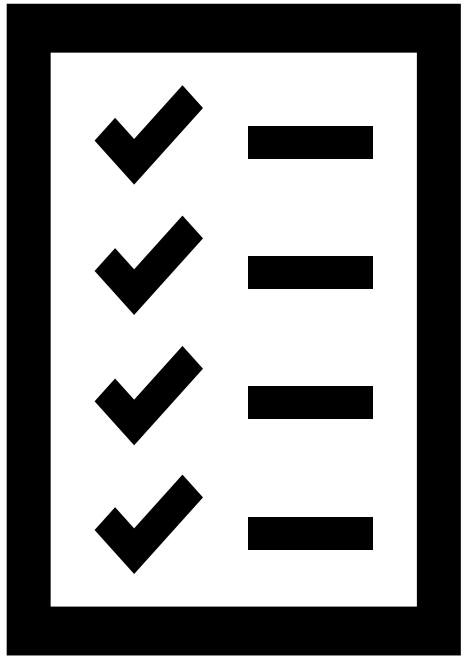
Implementation Guidance: Research Security Program Requirements

- Institutions receiving ≥ $50 million/year in federal science & engineering support must establish a research security program.
- Required Elements:
  - Cybersecurity
  - Foreign Travel Security
  - Research Security Training (insider threat awareness & identification)
  - Export Control Training (as appropriate)
- Program must include:
  - Research security point of contact
  - Program documentation
  - Institutional certification



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Focus on the Required Elements

Cybersecurity

- 14 requirements for safeguarding information systems
- Similar to FAR 52.204-21

Foreign Travel

- Int'l travel policy
- Record of covered int'l travel
- As appropriate:
  - Disclosure
  - Authorization
  - Security briefings
  - Electronic device security
  - Pre-registration

Research Security Trg.

- Periodic training for "relevant personnel" on research security threat awareness & identification
- Consider:
  - Post–event training
  - Incorporation into RCR training
- Gov. developing training modules

Export Control Trg.

- Required for personnel that conduct R&D subject to export controls
- Include:
  - Requirements & processes for review of foreign sponsors & collaborations
  - Compliance with export controls/restricted entity lists

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Estimated Implementation Timeline

Jan. 4 to May 30

90-day (or more) community engagement period

May 31 to Sept. 27

120-day development period of standardized requirements

Sept. 28 to ?

OSTP & OMB develop plan to implement standardized requirements

Date ?

Agencies receive standards and engage stakeholders

Date ?

Agencies issue final standards

Date ?

Institutional compliance deadline: 1 year from issuance of formal requirement to comply

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Incorporating Lessons Learned from Investigations & the Enforcement Environment

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What Should Institutions Expect Now that "China Initiative" is Over?

The New York Times

February 23,2022

Justice Dept. to End Trump-Era Initiative to Deter Chinese Threats

The agency will instead introduce a broader strategy meant to address threats from a slate of hostile nations.

https://www.nytimes.com/2022/02/23/us/politics/china-trump-justice-department.html

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Illustrative Cases

Successfully Prosecuted

- Prof. Xiojiang Li, Emory University
- Prof. Charles Lieber, Harvard University
- Prof. Feng Tao, University of Kansas
- Prof. Song Guo Zheng, The Ohio State University

Unsuccessfully Prosecuted

- Prof. Gang Chen, MIT
- Prof. Anmin Hu, University of Tennessee
- Prof. Xiaoxing Xi, Temple University

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Using Information from Investigations to Shape Research Security Training

- Identifying areas for process and training improvement
- The pros and cons of case studies
- Emphasizing NSPM-33's prohibition against discrimination based on national origin or identify

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Using Lessons Learned to Shape Security Programs

Gov't focus on research security is not going away

Becoming harder for institutions to say "we didn't know"– greater institutional risk?

Sponsors remain able to make referrals to OIG/law enforcement when appropriate

Monitoring - yes, no? If so, how much?

Focus on terms of agreements and certifications

Overcome silos/institutional barriers to compliance

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What's Next? Reading the Tea Leaves

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Signs of Things to Come?

- RFP for development of Research Security Training for U.S. Research Community
- NSF-77 Data Analytics Tool
- NSF Beta Research Security Website
- USICA and COMPETES bills conference committee

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Questions & Discussion

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