National Academies of Science
Roundtable on Scientific Communication and National Security
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Remarks

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Thank you for inviting me to participate in this roundtable. The White House is determined to provide effective national and homeland security in a manner compatible with the international scientific and technological leadership America has achieved during the past half century. We believe security and science are compatible, and take very seriously the issues at the focus of this roundtable.

I have spoken recently on two occasions about these issues. The first time was a meeting co-sponsored by CSIS and the National Academies that brought together a number of publishers of scientific journals, particularly in the biological sciences (*Workshop on Publishing in the Life Sciences*, January 9, 2003.) The second was the *2003 AAAS Science and Technology Policy Colloquium*, April 10, 2003, where I devoted my address to visa issues.

Today, in the spirit of a roundtable, I simply want to offer some comments on a list of issues that are often discussed together under the "science vs security" rubric.

Scientific Publishing -- This administration has stated repeatedly that the policy statement on classification of scientific work issued in 1985 by President Reagan, (*National Security Policy Directive 186*), remains administration policy. This statement makes important distinctions between basic and applied work that needs to be taken into account when deciding its applicability. It defines 'fundamental research' as "basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from industrial development, design, production and product utilization, the results of which ordinarily are restricted for proprietary or national security reasons."

The directive states that "It is the policy of this Administration that, to the maximum extent possible, the products of fundamental research remain unrestricted" and "where the national security requires control, the mechanism for control of information generated during federally funded research ... is classification. Each federal government agency is responsible for ... determining whether classification is appropriate prior to the award of a research grant, contract, or cooperative agreement and, if so, controlling the research results through standard classification procedures." Further "No restrictions may be placed upon the conduct or reporting of federally funded fundamental research that has not received national security classification, except as provided in applicable

U.S. Statues." In my public and private communications with the science and higher education communities, I have urged that incidents thought to be in violation of that policy be communicated to my office. In some cases during the past year, we have contacted agencies with suggestions.

I am very pleased with the response of the biopublishing community to the emerging need for attention to what is published in their journals. The joint statement issued by publishers shortly after the January 9 Workshop is a big step toward reassuring the public that the biology community is willing to take responsibility for its research in areas that may have a negative impact on biosecurity.

Restrictions in government contracts -- Some institutions, notably MIT, have expressed concern about provisions in government contracts that place restrictions on the contractor regarding who can be supported, and how research products are distributed, including prepublication approvals. There is of course a long-standing and not yet completely resolved set of issues here created by export control legislation. Although some progress has been made with ITAR, I believe more is needed. Restrictions that appear to be related to national or homeland security concerns include pre-publication review and restrictions on support of students or scientists from certain countries.

As far as I can tell, all these restrictions are on contracts, not grants, from the Department of Defense, and they are all consistent with policy established prior to 9/11, and with NSPD 186. What is important here, in my opinion, is that the agencies sponsoring this type of work make their restrictions clear at the outset, so universities can decide whether or not they wish to perform the work. I do not regard any of the reported cases as intrusions into the scientific process, or impeding scientific progress. If agencies cannot find a contractor to perform the work they need under the restrictions they seek, to impose, then they have the option of changing the restrictions. University contractors need to be clear about what kind of restrictions are unacceptable, and act according to their policies.

National Laboratories -- No one should be surprised to find differences between federal laboratories and universities regarding procedures for handling research products and processes. Agencies are expected to take steps to ensure the highest quality and integrity in the research produced under their direct management. The greatest number of issues appear to arise in the DOE laboratories, and here it is important to distinguish between the several types of laboratories.

The NNSA laboratories – the "weapons labs" – have an obvious and heavy responsibility to protect information that has serious national security implications. For the non-NNSA laboratories, the Department of Energy must decide how the agency will handle security-related work. This is a complicated issue because some of these laboratories, particularly the so-called multi-program laboratories, have become major contributors to areas of science that are widely acknowledged to be important for sustained economic competitiveness. These laboratories operate large user facilities needed by researchers in universities, industrial laboratories, and other federal agencies.

It is essential that they be operated in such a way as to provide broad and efficient access to these user facilities.

International leadership in science requires close interaction with international scientists. To the extent that policies in national laboratories inhibit interaction with the world scientific community, they fail to achieve key objectives of the national laboratory mission. It is not necessary to have the same security arrangements in every laboratory to accomplish the missions of national security and scientific leadership, and it may even be impossible to accomplish them together without substantial differentiation of such arrangements among laboratories.

Visas -- I have written at length about the visa situation, and do not have anything to add. Later today a representative from the State Department will speak to this situation with considerably more expertise than I have. My assessment of the visa situation is contained in my talk at the AAAS April 10 policy colloquium, mentioned above.

The long delays in issuing visas to scientists and students appears to be having a significant impact on the U.S. science enterprise. It would be important to have better ways of describing this impact that would inform all parties, including Congress and the American public. Reducing the delays will require major attention from the Departments of State, Justice, and Homeland Security. My office continues to work with all relevant parties to identify specific actions that can be taken to reduce backlogs and make the overall process more efficient.

We are interested in ideas for how the current visa system might be re-engineered for greater efficiency, but keep in mind that this system is sharply constrained by statute, and major changes will likely require action by Congress. The technical and higher education communities can assist the introduction of improved practices by helping to inform Congress and the American public regarding the impacts of the current system, and the advantages of improving it.