MEMORANDUM FOR CHAIR, DEFENSE SCIENCE BOARD


The U.S. academic research enterprise is central to our nation’s leadership in fundamental scientific advances, technology development, and engineering excellence for a wide range of global needs. A core attribute of a strong research enterprise is the significant flow of ideas through academic partnerships, open publication, and technology transition across the academic community, including through research across national boundaries. The U.S. has been highly successful in advancing new frontiers of knowledge through open research collaboration with academic partners around the world.

For some technology areas, the U.S. may also need to protect certain aspects of its research investment to ensure that potential adversaries do not use particular research results or technologies to damage or degrade U.S. economic strengths, national security, or human rights. For some areas, the U.S. may need to develop a balance between academic openness and national security to enable the advancement of knowledge without damaging our national interests. This balance may require some limited restrictions on access and information sharing, as well as improved conflict-of-interest transparency for current and future research. The right balance must be evaluated and implemented very carefully and consistently to ensure that the constraints do not do more harm than good.

I am establishing the Task Force on Balancing Openness and Security Across the Department of Defense (DoD) Academic Research Enterprise ("the Task Force") as a subcommittee of the Defense Science Board (DSB). The DSB, working through the Task Force, should review the Under Secretary of Defense for Research and Engineering (USD(R&E)) fourteen Critical Technology Areas\(^1\) and provide a report with recommendations regarding a decision framework that achieves the right balance of openness and security for each area. The Task Force should consider:

- How should the DoD best develop research collaborations within the academic research community that yield mutual benefits for all involved?

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• How should the DoD best implement transparency guidance to assess potential conflicts of interest?

• How should federal government and DoD review of a researcher’s financial and non-financial ties be done fairly and consistently?

• How should the DoD determine the areas of research that deserve careful restrictions on openness to protect national security?

• How should the DoD best keep the academic community up to date on foreign activity that may be damaging to national interests?

• How should the DoD continue an ongoing review of the openness and security balance across its academic research portfolio?

The Task Force findings, observations, and recommendations will be presented to the full DSB for its thorough, open discussion and deliberation at a properly noticed and public meeting, subject to the Government in the Sunshine Act exemptions. The DSB will provide its findings and recommendations to the USD(R&E) as the Sponsor of the DSB. The nominal start date of the study period will be within 30 days of the initial appointment of Task Force members. In no event will the duration of the Task Force exceed 12 months from the start date.

In support of this Terms of Reference (ToR) and the work conducted in response to it, the DSB and the Task Force have my full support to meet with Department leaders. The DSB staff, on behalf of the DSB and the Task Force, may request the Office of the Secretary of Defense and DoD Component Heads to timely furnish any requested information, assistance, or access to personnel to the DSB or the Task Force. All requests shall be consistent with applicable laws, applicable security classifications, DoD Instruction 5105.04, “Department of Defense Federal Advisory Committee Management Program,” and this ToR. As special government employee members of a DoD federal advisory committee, the DSB and the Task Force members will not be given any access to DoD networks, to include DoD email systems.

Once material is provided to the DSB and the Task Force, it becomes a permanent part of the DSB’s records. All data/information provided is subject to public inspection unless the originating Component office properly marks the data/information with the appropriate classification and Freedom of Information Act exemption categories before the data/information is released to the DSB and the Task Force. The DSB has physical storage capability and electronic storage and communications capability on both unclassified and classified networks to support receipt of material up to the TS/SCI level.

The DSB and the Task Force will operate in conformity with and pursuant to the DSB’s charter, the Federal Advisory Committee Act (5 United States Code (U.S.C.), Appendix), the Government in the Sunshine Act (5 U.S.C. § 552b), and other applicable federal statutes, regulations, and policy. Individual DSB and Task Force members and the Task Force as a whole do not have the authority to make decisions or provide recommendations on behalf of the DSB nor report directly to any Federal representative. The members of the Task Force and the DSB are

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Heidi Shyu