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Source of document: Records Request
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Smithsonian Institution

Office of General Counsel

VIA ELECTRONIC MAIL

May 12, 2021

Re: Your Request for Smithsonian Records (request number 442302732)

This responds to your request, dated and received in this Office on April 8, 2021, that the “Executive Correspondence Files” be searched for a copy of “each letter or other communication from the White House to the Smithsonian Institution,” including but not limited to the President and the Office of Management and Budget, for the period January 1, 2017 to April 7, 2021. As we advised previously, because the Smithsonian maintains no system with that title, a search of the Secretarial records for the letters you seek was performed.

The Smithsonian responds to requests for records in accordance with its written policy, *Requests for Smithsonian Institution Information*. A copy of this policy is available on the Smithsonian website at <http://www.si.edu/OGC/Records-Requests>. The Smithsonian applies a presumption of disclosure when processing records requests, subject to applicable exemptions stated in its policy.

Enclosed are 39 pages of material that are appropriate for release without redaction and are being provided in their entirety.

Please be advised that 263 pages of material in response to your request has been referred to the White House Office of Science and Technology Policy (OSTP) for processing and direct response to you. Should you wish to contact OSTP about this material, the Public Liaison’s business information is:

Office of Science and Technology Policy
Attn: FOIA Officer
1650 Pennsylvania Ave, NW
Washington, D.C., 20504
Phone: (202) 456-4444
Fax: (202) 395-1224
Email: ostpfoia@ostp.eop.gov

In addition, 38 pages of material in response to your request has been referred to the General Services Administration for processing and direct response to you. Should you wish to contact GSA about this material, the Public Liaison’s business information is:

Office of General Counsel
Smithsonian Institution
Mail: P.O. Box 37012, MRC 012 • Washington DC 20013-7012
Street: 1000 Jefferson Drive SW • Washington DC 20560-0012
Telephone: 202.633.5115 • Fax: 202.357.4310

FOIA Public Liaison/Assistant General Counsel
Duane Smith
Phone: (202) 694-2934
duane.smith@gsa.gov
GSA.FOIA@gsa.gov

Finally, 18 pages of material in response to your request has been referred to the National Security Council (NSC) for processing and direct response to you. Should you wish to contact NSC about this material, the Public Liaison's business information is:

Corey Nightengale
Acting NSC Senior Director for Records Access and Information Security Management
Phone: (202) 456-9202

This concludes the Smithsonian's response to your request. Thank you for your interest in the Smithsonian.

Sincerely,



David Larson
Assistant General Counsel

You have the right to appeal a partial or full denial of your request. Your appeal must be in writing, addressed to the Smithsonian Institution Office of General Counsel at the address below, SIRecordsReq@si.edu, or (202) 357-4310 (fax number), and made within sixty days from the date of this response letter. Your letter must explain your reason(s) for the appeal. The Smithsonian Deputy Secretary and Chief Operating Officer will decide your appeal and will respond to you in writing. You also have the right to request mediation services from the Office of Government Information Services (OGIS), within the National Archives and Records Administration, to resolve disputes about the withholding of information. Your request for mediation should include language authorizing OGIS to make inquiries on your behalf, including the right to review all documentation that OGIS deems necessary regarding your request. You should note that you understand that any documents you provide to OGIS, except those provided in confidence, may be copied and forwarded to Smithsonian Institution officials as a part of the dispute resolution process.



Smithsonian Institution

Office of General Counsel

VIA ELECTRONIC MAIL

May 21, 2021

Re: Supplemental Response to Your Request for Smithsonian Records
(request number 442302732)

This is a supplemental response to your request, dated and received in this Office on April 8, 2021, for a search of the “Executive Correspondence Files” for a copy of “each letter or other communication from the White House to the Smithsonian Institution,” including but not limited to the President and the Office of Management and Budget, for the period January 1, 2017 to April 7, 2021. As we advised previously, because the Smithsonian maintains no system with that title, a search of the Secretarial records for the letters you seek was performed.

The Smithsonian responds to requests for records in accordance with its written policy, *Requests for Smithsonian Institution Information*. A copy of this policy is available on the Smithsonian website at <http://www.si.edu/OGC/Records-Requests>. The Smithsonian applies a presumption of disclosure when processing records requests, subject to applicable exemptions stated in its policy.

After consultation with the National Security Council (NSC), we are releasing the additional 18 pages of responsive material that were originally referred to NSC. Please be advised that a personal phone number has been redacted consistent with SD 807 under Exemption 6, where disclosure of such information would constitute a clearly unwarranted invasion of the personal privacy of a third party with no overriding public interest.

This concludes the Smithsonian’s response to your request. Thank you for your interest in the Smithsonian.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Larson".

David Larson
Assistant General Counsel

You have the right to appeal a partial or full denial of your request. Your appeal must be in writing, addressed to the Smithsonian Institution Office of General Counsel at the address below, SIRecordsReq@si.edu, or (202) 357-4310 (fax number), and made within sixty days from the date of this response letter. Your letter must explain your reason(s) for the appeal. The Smithsonian Deputy Secretary and Chief Operating Officer will decide your appeal and will respond to you in writing. You also have the right to request mediation services from the Office of Government Information Services (OGIS), within the National Archives and Records Administration, to resolve disputes about the withholding of information. Your request for mediation should include language authorizing OGIS to make inquiries on your behalf, including the right to review all documentation that OGIS deems necessary regarding your request. You should note that you understand that any documents you provide to OGIS, except those provided in confidence, may be copied and forwarded to Smithsonian Institution officials as a part of the dispute resolution process.

THE WHITE HOUSE

WASHINGTON

January 12, 2017

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Promoting Diversity and Inclusion in Our National
Parks, National Forests, and Other Public Lands
and Waters

Our Federal lands and waters are among our Nation's greatest treasures -- from our National Parks and National Forests, to our wild and scenic rivers, recreation areas, and other public lands and waters. These natural and historic sites give us fresh air and clean water, places for recreation and inspiration, and support for our local communities and economies. As a powerful sign of our democratic ideals, these lands belong to all Americans -- rich and poor, urban and rural, young and old, from all backgrounds, genders, cultures, religious viewpoints, and walks of life.

Our public lands and waters are treasured in part because they tell the story of our Nation. They preserve the history from our Nation's wars, protect cultural sites considered sacred to countless Americans, and honor the accomplishments of distinctly American leaders ranging from Harriet Tubman to Abraham Lincoln to Cesar Chavez. I am proud that my Administration has greatly expanded the stories that our protected public lands and waters tell about our Nation through designating a diverse collection of cultural and historic sites as new parks and monuments and by restoring the Koyukon Athabascan name of Denali to the tallest mountain in North America. I am proud, too, that my Administration has sought to expand access to our public lands and waters and to make them more welcoming to all Americans, especially those who have not regularly visited our Nation's great outdoors or had the means to do so easily. Initiatives like "Every Kid in a Park" complement additional, ongoing efforts by Federal agencies to improve accessibility, but more work must be done to honor the promise and opportunity of the idea that our public lands belong to every American. Over the last 8 years, Federal land and water management agencies have

also shown a renewed commitment to promoting equal opportunity for all employees and in creating work environments where everyone is empowered to reach their full potential.

The purpose of this memorandum is to ensure that all Americans have the opportunity to experience and enjoy our public lands and waters, that all segments of the population have the chance to engage in decisions about how our lands and waters are managed, and that our Federal workforce -- not just the sites it manages -- is drawn from the rich range of the diversity in our Nation. In this memorandum, "diversity" refers to a range of characteristics including national origin, language, race, color, disability, ethnicity, age, religion, sexual orientation, gender (including gender identity), socioeconomic status, veteran status, and family structure. The term "inclusion" refers to a culture that connects each employee to the organization; encourages collaboration, flexibility, and fairness; and promotes diversity throughout the organization so that all individuals have opportunities to participate and contribute to their full potential.

This memorandum is directed at the Department of the Interior, the U.S. Forest Service, the Office of the Assistant Secretary of the Army for Civil Works, and the National Oceanic and Atmospheric Administration (covered agencies).

Promoting diversity and inclusion is not the sole responsibility of one office within a Federal agency but a joint effort that requires engagement by senior leadership and the entire workforce. In implementing the guidance in this memorandum, each covered agency shall ensure its diversity and inclusion practices are fully integrated into broader planning efforts and supported by sufficient resource allocations and effective programs that promote a wide range of investments in personnel development, public engagement, and opportunities for inclusive access.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

Section 1. Diversity and Inclusion in the Federal Workforce. The quality and integrity of our National Parks, National Forests, and other public lands and waters depend on the public servants who steward them for the benefit of current

and future generations. To ensure we are managing these resources responsibly, we must have a diverse and inclusive Federal workforce practicing public land management that recognizes the challenges facing communities across the Nation. A more diverse and inclusive Federal workforce also creates a more welcoming experience for all Americans, no matter their background or where they live, and encourages engagement with Federal agencies on the management and future of our public lands and waters. Consistent with existing authorities, each covered agency shall prioritize building a more diverse and inclusive Federal workforce reflective of our Nation and its citizens.

Federal agencies are subject to existing authorities aimed at addressing the leadership role and obligations of the Federal Government as an employer. For example, Executive Order 13583 of August 18, 2011 (Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce), requires Federal agencies to take action to promote equal opportunity, diversity, and inclusion in the Federal workforce. Federal agencies also are required by section 717 of title VII of the Civil Rights Act of 1964 to take proactive steps to ensure equal opportunity for all Federal employees and applicants for Federal employment. This memorandum directs each of the covered agencies to pursue additional actions that create and maintain a diverse and inclusive Federal workforce. Toward that end, each covered agency shall integrate the following activities in its efforts to comply with related statutory mandates, Executive Orders, regulatory requirements, and individual agency policies:

(a) Provide professional development opportunities and tools. A diverse and inclusive work environment enhances the ability of each covered agency to create, retain, and sustain a strong workforce by allowing all employees to perform to their full potential and talent. Professional development opportunities and tools are key to fostering that potential, and ensuring that all employees have access to them should be a priority for all agencies, consistent with merit system principles. Accordingly, each covered agency shall:

(i) Develop a mechanism to conduct periodic interviews with a voluntary representative cross-section of its workforce to gain a more complete understanding of the reasons that employees choose

to stay with their organizations, as well as to receive feedback on workplace policies, professional development opportunities, and other issues;

(ii) Provide optional exit interviews or surveys for all departing personnel;

(iii) Collect information as needed to identify methods for attracting applicants to Federal employment and retaining diverse workplace talent through existing workforce programs and initiatives;

(iv) Prioritize resources, as appropriate, to expand professional development opportunities that support mission needs, such as academic and fellowship programs, private-public exchanges, and detail assignments to private or international organizations, State, local and tribal governments, or other branches of the Federal Government;

(v) Offer, or sponsor employees to participate in, a Senior Executive Service Candidate Development Program or other program that trains employees to gain the skills required for senior-level appointments. Each covered agency shall consider the number of expected senior-level vacancies as one factor in determining the number of candidates to select for such programs. In the selection process for these programs, each covered agency shall consider redacting personal information, including applicant names, from all materials provided for review to reduce the potential for unconscious bias. Each covered agency also shall evaluate on a retroactive basis the placement rate of program graduates into senior-level positions, including available demographic data, on an annual basis to look for ways to improve outreach and recruitment for these programs consistent with merit system principles. Each covered agency shall consult with the Office of Personnel Management (OPM) on the development or enhancement of data-collection tools to conduct these evaluations; and

(vi) Seek additional opportunities for the development and implementation of upward mobility programs.

(b) Strengthen leadership engagement and accountability. Senior leadership and supervisors play an important role in fostering diversity and inclusion in the workforce they lead and setting an example for cultivating this and future generations of talent. Toward that end, each covered agency shall:

(i) Reward and recognize efforts to promote diversity and inclusion in the workforce. Consistent with merit system principles, each covered agency is strongly encouraged to consider implementing performance and advancement requirements that reward and recognize senior leaders' and supervisors' success in fostering diverse and inclusive workplace environments and in cultivating talent, such as through participation in mentoring programs or sponsorship initiatives, recruitment events, and other opportunities. Each covered agency also is encouraged to identify opportunities for senior leadership and supervisors to participate in outreach events and discuss issues related to promoting diversity and inclusion in its workforce on a regular basis with support from any existing employee resource group, as appropriate; and

(ii) Expand training on unconscious bias, diversity and inclusion, and flexible work policies. Each covered agency shall expand its provision of training on unconscious bias, diversity and inclusion, and flexible work policies and make unconscious bias training mandatory for senior leadership and management positions, including for employees responsible for outreach, recruitment, hiring, career development, promotion, and law enforcement. The provision of training may be implemented in a phased approach commensurate with agency resources. Each covered agency shall also make available training on a 2-year cycle for bureaus, directorates, or divisions for which inclusion scores, such as those measured by the New IQ index, demonstrate no improvement since the previous training cycle. Special attention should be given to ensure the continuous incorporation of research-based best practices, including those to address the relationship between certain demographics and job positions.

(c) Analyze existing data and identify opportunities for improvement. Each covered agency shall continue to evaluate and eliminate existing barriers to the successful growth of diversity and inclusion in the Federal workplace. The following actions shall be taken to ensure continued progress on this issue:

(i) Each covered agency shall integrate the activities described under subsections (a) and (b) of this section in the priorities and actions outlined in Executive Order 13583 and the periodic agency self-assessments and barrier analyses required by Equal Employment Opportunity Commission Management Directive 715, and shall make such assessments and analyses publicly available;

(ii) Human resources and any appropriate diversity and leadership staff from each of the covered agencies shall meet at least twice each year with agency leadership to discuss actions pursued under sections 1(a) and 1(b) of this memorandum, including working to identify and eliminate barriers to promoting diversity and inclusion in agency workforces and to discuss potential actions to improve hiring programs, recruitment, and workforce training and development. Where data gaps are identified, each covered agency is encouraged to collect additional information as needed in order to identify methods for attracting and retaining talent from diverse populations, with particular attention to senior and management positions. Each covered agency shall consult with OPM on the development or enhancement of data-collection tools to collect this information; and

(iii) OPM shall continue to review covered agency-specific diversity and inclusion plans and provide recommended modifications for agency consideration, including recommendations on strategies to promote diversity and inclusion in agency workforces and potential improvements to the use of existing agency hiring authorities.

Sec. 2. Enhancing Opportunities for all Americans to Experience Public Lands and Waters. (a) Recognizing that our public lands belong to all Americans, it is critical that all

Americans can experience Federal lands and waters and the benefits they provide, and that diverse populations are able to provide input to inform the management and stewardship of these important resources. In order to achieve this goal, each covered agency shall:

(i) Identify site-specific opportunities. As each covered agency periodically updates or develops new management plans for its lands and waters, it shall evaluate specific barriers and opportunities, as appropriate, to improve visitation, access, and recreational opportunities for diverse populations;

(ii) Update policies to ensure engagement with diverse constituencies. As policy manuals and handbooks are updated, each covered agency shall ensure that these materials reflect the importance of engaging with diverse populations in resource protection, land and water management, and program planning and decisionmaking, as appropriate;

(iii) Establish internal policies for recipients of Federal funding. Each covered agency shall ensure that State, local, tribal, and private sector recipients of Federal funding are taking action to improve visitation, access, and recreational opportunities for diverse populations;

(iv) Identify public liaisons. Within 90 days of the issuance of this memorandum, each covered agency shall identify multiple public liaisons with a diversity of backgrounds and perspectives to be charged with facilitating input from and engaging with diverse populations in land and water management processes;

(v) Identify opportunities on advisory councils and stakeholder committees. Within 120 days of the issuance of this memorandum, each covered agency shall identify opportunities to promote participation by diverse populations in advisory councils and stakeholder committees established to support public land or water management; environmental, public health, or energy development planning; and other relevant decisionmaking; and

(vi) Develop an action plan. Within 1 year of the issuance of this memorandum, each covered agency shall provide a publicly available action plan to the Chair of the White House Council on Environmental Quality identifying specific actions the agency will take to 1) improve access for diverse populations -- particularly for minority, low-income, and disabled populations and tribal communities -- to experience and enjoy our Federal lands and waters, and 2) address barriers to their participation in the protection and management of important historic, cultural, or natural areas. Each covered agency shall identify in its action plan any critical barriers to achieving both of these goals. This barrier evaluation should draw on internal staff input as well as external perspectives, including interviews, surveys, and engagement with non-governmental entities, as appropriate and as resources allow. Each action plan should include specific steps that the covered agency will take to address identified barriers, including national as well as regional strategies, and, where appropriate, site-specific initiatives. Each covered agency should work through the Federal Recreation Council (FRC) to assist with the development of this action plan and use the FRC to share best practices and recommendations regarding specific programs and initiatives.

(b) In identifying actions to improve opportunities for all Americans to experience our Federal lands and waters, each covered agency should consider a range of actions including the following:

(i) Conducting active outreach to diverse populations -- particularly minority, low-income, and disabled populations and tribal communities -- to increase awareness about specific programs and opportunities;

(ii) Focusing on the mentoring of new environmental, outdoor recreation, and preservation leaders to increase diverse representation in these areas and on our public lands;

(iii) Forging new partnerships with State, local, tribal, private, and non-profit partners to expand access for diverse populations, particularly those in the immediate vicinity of a protected area;

(iv) Identifying and making improvements to existing programs to increase visitation and access by diverse populations -- particularly minority, low-income, and disabled populations and tribal communities;

(v) Creating new programs, especially those that could address certain gaps that are identified;

(vi) Expanding the use of multilingual and culturally appropriate materials, including American Sign Language, in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations;

(vii) Continuing coordinated, interagency efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity- and youth-serving organizations and new partnerships with urban areas and programs; and

(viii) Identifying possible staff liaisons to diverse populations, particularly those in the immediate vicinity of a given protected area.

(c) In identifying actions to improve opportunities for all Americans to participate in the protection and management of important historic, cultural, and natural areas, each covered agency shall consider a range of actions including the following:

(i) Considering recommendations and proposals from diverse populations to protect at-risk historic, cultural, and natural sites;

(ii) Improving the availability and distribution of relevant information about ongoing land and water management planning and policy revisions;

(iii) Identifying agency staff charged with outreach to diverse populations;

(iv) Identifying opportunities to facilitate public participation from interested diverse populations facing financial barriers, including through partnerships, where appropriate, with philanthropic organizations and tribal, State, and local governments; and

(v) Taking other actions to increase opportunities for diverse populations to provide input and recommendations on protecting, improving access to, or otherwise managing important historic, cultural, or natural areas, with an emphasis on stakeholders facing significant barriers to participation.


Sec. 3. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof, or the status of that department or agency within the Federal Government; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law, and subject to the availability of appropriations.

(c) The Secretary of the Interior is hereby authorized and directed to publish this memorandum in the *Federal Register*.

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a 't' and a horizontal line extending to the right.

THE WHITE HOUSE
WASHINGTON

January 13, 2017

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Continuing to Expand Opportunity for
All Young People

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

Section 1. The Presidential Memorandum issued on February 27, 2014 (Creating and Expanding Ladders of Opportunity for Boys and Young Men of Color), is amended:

(a) in the preamble, by striking the phrase "My Brother's Keeper initiative" and replacing it with "Task Force on Improving the Lives of Boys and Young Men of Color and Underserved Youth";

(b) in the preamble, by striking the phrase "The initiative" and replacing it with "The Task Force";

(c) in section 1, by striking the phrase "My Brother's Keeper Task Force" throughout and replacing it with "Task Force on Improving the Lives of Boys and Young Men of Color and Underserved Youth";

(d) in section 1(a), by striking everything that follows "In addition to the Chair, the Task Force shall consist of the following members:" in subsection (a) and inserting the following:

(i) the Attorney General;

(ii) the Secretary of Agriculture;

- (iii) the Secretary of Commerce;
- (iv) the Secretary of Defense;
- (v) the Secretary of Education;
- (vi) the Secretary of Energy;
- (vii) the Secretary of Health and Human Services;
- (viii) the Secretary of Housing and Urban Development;
- (ix) the Secretary of the Interior;
- (x) the Secretary of Labor;
- (xi) the Secretary of Transportation;
- (xii) the Director of the Office of Management and Budget;
- (xiii) the Chair of the Council of Economic Advisers;
- (xiv) the Director of the Office of Personnel Management;
- (xv) the Administrator of the Small Business Administration;
- (xvi) the Chair of the Equal Employment Opportunity Commission;
- (xvii) the Chief Executive Officer of the Corporation for National and Community Service;
- (xviii) the Director of the National Science Foundation;
- (xix) the Assistant to the President for Intergovernmental Affairs and Public Engagement;
- (xx) the Director of the Domestic Policy Council;
- (xxi) the Director of the National Economic Council;

(xxii) the Director of the Office of Science and Technology Policy; and

(xxiii) the heads of such other executive departments, agencies, and offices as the Chair may, from time to time, designate.";

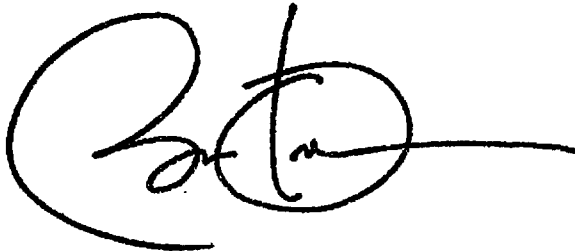
(e) in section 2(a)(i), by inserting "as appropriate" after "to be maintained by the Department of Education";

(f) in section 2(a)(i), by inserting "and in consultation with the Office of Management and Budget, including the Office of the Chief Statistician of the United States, as appropriate" after "on an ongoing basis";

(g) by adding, as section 2(f): "The Task Force shall also provide a status report to the President regarding the implementation of this memorandum at least once each calendar year. In addition, every 2 years, the Task Force shall review the recommendations from the 90-day report, determine whether updated recommendations should be sent to the President, and evaluate whether the set of critical indicators of life outcomes should be updated."; and

(h) in section 2(v) and section 2(vii), by inserting "and underserved youth" after "boys and young men of color".

Sec. 2. The Secretary of Education is authorized and directed to publish this memorandum in the *Federal Register*.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a smaller 'E' and a horizontal line extending to the right.

THE WHITE HOUSE

WASHINGTON

October 26, 2017

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Temporary Certification for Certain
Records Related to the Assassination
of President John F. Kennedy

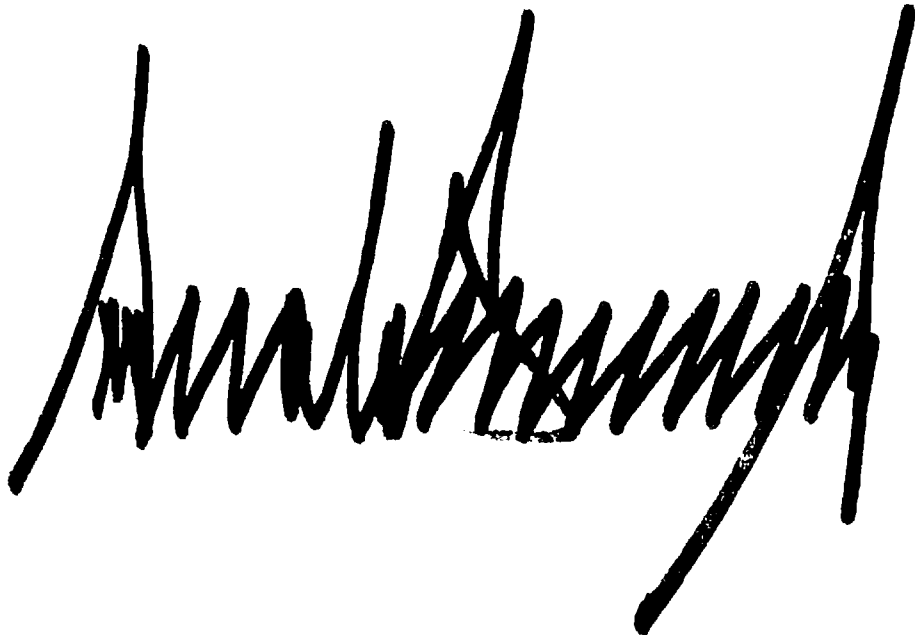
The American public expects -- and deserves -- its Government to provide as much access as possible to the President John F. Kennedy Assassination Records (records) so that the people may finally be fully informed about all aspects of this pivotal event. Therefore, I am ordering today that the veil finally be lifted. At the same time, executive departments and agencies (agencies) have proposed to me that certain information should continue to be redacted because of national security, law enforcement, and foreign affairs concerns. I have no choice -- today -- but to accept those redactions rather than allow potentially irreversible harm to our Nation's security. To further address these concerns, I am also ordering agencies to re-review each and every one of those redactions over the next 180 days. At the end of that period, I will order the public disclosure of any information that the agencies cannot demonstrate meets the statutory standard for continued postponement of disclosure under section 5(g)(2)(D) of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) (the "Act").

Accordingly, by the authority vested in me as President and Commander in Chief by the Constitution and the laws of the United States of America, I hereby certify that all information within records that agencies have proposed for continued postponement under section 5(g)(2)(D) of the Act must be temporarily withheld from full public disclosure until no later than April 26, 2018, to allow sufficient time to determine whether such information warrants continued postponement under the Act. This temporary withholding from full public disclosure is necessary to protect against harm to the military defense, intelligence operations, law enforcement, or the conduct of foreign relations that is of such gravity that it outweighs the public interest in immediate disclosure.

I hereby direct all agencies that have proposed postponement of full disclosure to review the information subject to this certification and identify as much as possible that may be publicly disclosed without harm to the military defense, intelligence operations, law enforcement, or conduct of foreign relations.

Any agency that seeks to request further postponement beyond this temporary certification shall adhere to the findings of the Act, which state, among other things, that "only in the rarest cases is there any legitimate need for continued protection of such records." The need for continued protection can only have grown weaker with the passage of time since the Congress made this finding. Accordingly, each agency head should be extremely circumspect in recommending any further postponement of full disclosure of records. Any agency that seeks further postponement shall, no later than March 12, 2018, report to the Archivist of the United States (Archivist) on the specific information within particular records that meets the standard for continued postponement under section 5(g)(2)(D) of the Act. Thereafter, the Archivist shall recommend to me, no later than March 26, 2018, whether the specific information within particular records identified by agencies warrants continued withholding from public disclosure after April 26, 2018.

The Archivist is hereby authorized and directed to publish this memorandum in the *Federal Register*.

A large, bold, handwritten signature in black ink, appearing to be the name of the signatory, written across the bottom of the page.

THE WHITE HOUSE
WASHINGTON, DC 20502



**FIRST CLASS
DO NOT BEND**

Secretary
Smithsonian Institution
Washington, D.C. 20560

THE WHITE HOUSE
WASHINGTON

October 26, 2017

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Combatting the National Drug Demand and Opioid
Crisis

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby directed as follows:

Section 1. Policy. It shall be the policy of the United States to use all lawful means to combat the drug demand and opioid crisis currently afflicting our country. Individuals, families, and communities across the United States continue to be devastated by an unprecedented epidemic of drug abuse and overdose, including of prescription opioids, heroin, and illicit synthetic opioids. Last year, we lost at least 64,000 of our fellow Americans to drug overdose, primarily from opioids. This is an increase of approximately 12,000 people over the year before and more than ever recorded in United States history. Drug overdoses now kill more Americans than motor vehicle crashes or gun-related incidents, and more than 300,000 Americans have died of an opioid overdose since 2000. Further, more than 2.1 million of our fellow citizens are addicted to opioids, and in 2014 more than 1,500 people were treated each day in emergency departments for opioid-related emergencies.

This crisis has devastated our communities. It has been particularly harmful for children affected by their parents' drug abuse. The number of infants born drug-dependent increased by nearly 500 percent from 2000 to 2012. The number of children being placed into foster care due, at least in part, to parental drug abuse is increasing, and accounted for almost a third of all child removals in Fiscal Year 2015. Serious drug users are also more likely to be arrested for crimes such as burglary, robbery, and handling stolen goods. Moreover, the drug trafficking that supplies illegal drugs to our country is

associated with other illegal activities, including murder and other violent crimes. All of this devastates lives and harms communities in both the United States and foreign countries involved in the illegal drug supply chain. Federal, State, and local governments; law enforcement; first responders; the medical, public health, and substance abuse treatment community; and faith-based and community organizations are working tirelessly and have even expanded their efforts to combat the drug demand and opioid crisis.

Three factors are driving the opioid aspect of this crisis in particular. First, since the 1990s, there has been a dramatic rise in opioid pain medication prescriptions. Second, heroin from Mexico has flooded the country. Third, the illicit manufacture and illegal importation of fentanyl -- an extremely deadly synthetic opioid -- and its analogues and related compounds have proliferated. Fentanyl is currently manufactured almost exclusively in China, and it is either shipped into the United States or smuggled across the southern border by drug traffickers. Between 2013 and 2016, the amount of fentanyl seized by Customs and Border Protection at the border increased more than 200 times over. Dealers are increasingly lacing fentanyl into other drugs and pressing it into counterfeit opioid pills. Because fentanyl is lethal in even miniscule doses, this is an extremely deadly tactic, as it too often causes users to ingest a fatal amount unknowingly.

Sec. 2. Agency Action. The Secretary of Health and Human Services shall, consistent with section 319 of the Public Health Service Act, 42 U.S.C. 247d, consider declaring that the drug demand and opioid crisis described in section 1 of this memorandum constitutes a Public Health Emergency. Additionally, the heads of executive departments and agencies, as appropriate and consistent with law, shall exercise all appropriate emergency authorities, as well as other relevant authorities, to reduce the number of deaths and minimize the devastation the drug demand and opioid crisis inflicts upon American communities.

Sec. 3. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

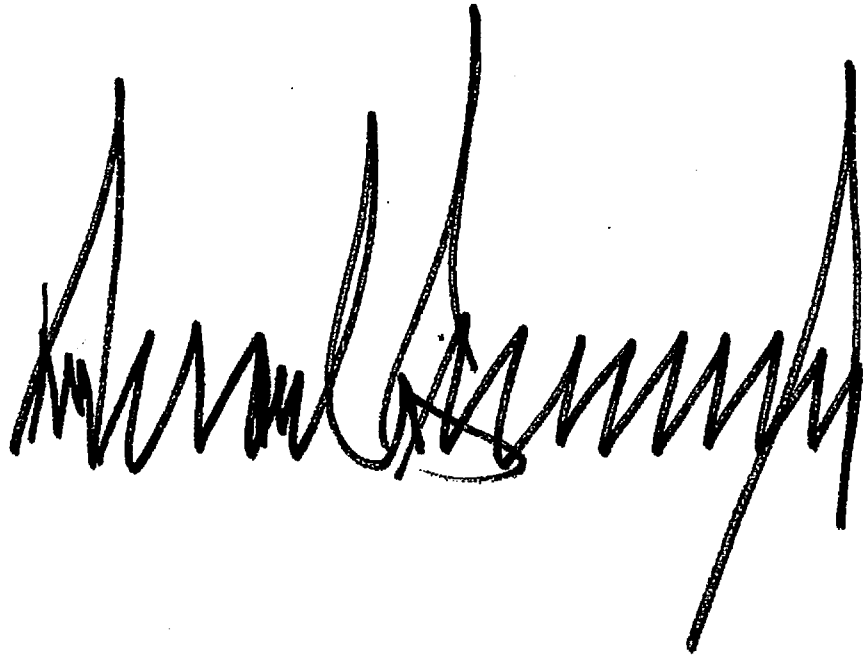
- (i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

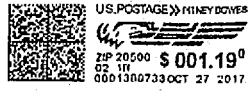
(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of Health and Human Services is hereby authorized and directed to publish this memorandum in the *Federal Register*.

A large, stylized handwritten signature in black ink, consisting of several loops and a long vertical stroke on the right side.

THE WHITE HOUSE
WASHINGTON, DC 20502



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Secretary
Smithsonian Institution
Washington, D.C. 20560

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THE WHITE HOUSE

WASHINGTON

April 26, 2018

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Certification for Certain
Records Related to the Assassination
of President John F. Kennedy

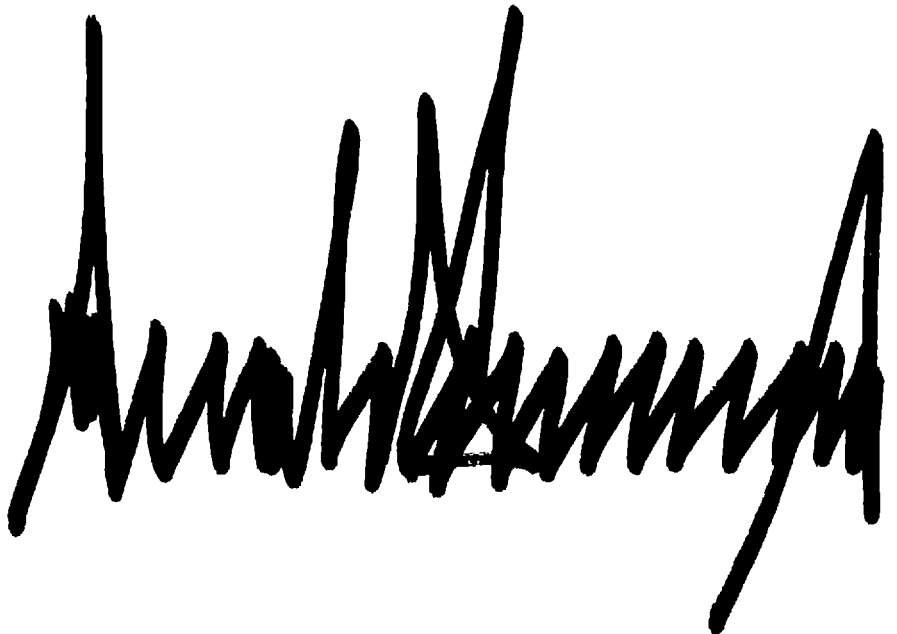
As I explained in my temporary certification of October 26, 2017, the American people expect their Government to provide as much access as possible to the President John F. Kennedy Assassination Records (records) so that they may -- as they deserve -- finally be fully informed about all aspects of this pivotal event. Over the past 180 days, executive departments and agencies (agencies) have reviewed all of the information within records temporarily withheld from release and have proposed to the Archivist of the United States (Archivist) that certain information should continue to be redacted because of identifiable national security, law enforcement, and foreign affairs concerns. The Archivist has reviewed the information agencies proposed to withhold and believes the proposals are consistent with the standard of section 5(g)(2)(D) of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) (the "Act").

I agree with the Archivist's recommendation that the continued withholdings are necessary to protect against identifiable harm to national security, law enforcement, or foreign affairs that is of such gravity that it outweighs the public interest in immediate disclosure. I am also ordering agencies to re-review each of those redactions over the next 3 years. At any time during that review period, and no later than the end of that period, agencies shall disclose information that no longer warrants continued withholding.

Accordingly, by the authority vested in me as President and Commander in Chief by the Constitution and the laws of the United States of America, I hereby certify that all information within records that agencies have proposed for continued postponement under section 5(g)(2)(D) of the Act shall be withheld from full public disclosure until no later than October 26, 2021.

Any agency that seeks further postponement beyond this certification shall take note of the findings of the Act, which state, among other things, that "only in the rarest cases is there any legitimate need for continued protection of such records." The need for continued protection can only grow weaker with the passage of time from this congressional finding. Any agency that seeks further postponement beyond October 26, 2021, shall, no later than April 26, 2021, identify to the Archivist the specific basis for concluding that records (or portions of records) satisfy the standard for continued postponement under section 5(g)(2)(D) of the Act. Thereafter, the Archivist shall recommend to the President, no later than September 26, 2021, whether continued withholding from public disclosure of the identified records is warranted after October 26, 2021.

The Archivist is hereby authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE
WASHINGTON, DC 20502



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Secretary
Smithsonian Institution
Washington, D.C. 20560

THE WHITE HOUSE

WASHINGTON

October 25, 2018

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Developing a Sustainable Spectrum Strategy for
America's Future

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. It is the policy of the United States to use radiofrequency spectrum (spectrum) as efficiently and effectively as possible to help meet our economic, national security, science, safety, and other Federal mission goals now and in the future. To best achieve this policy, the Nation requires a balanced, forward-looking, flexible, and sustainable approach to spectrum management.

The growth in the availability of mobile wireless broadband connectivity over the past decade has reshaped the American experience -- the way Americans work, learn, shop, run businesses, transport their families and goods across the Nation, farm, conduct financial transactions, consume entertainment, deliver and receive public safety services, and interact with one another. In the growing digital economy, wireless technologies expand opportunities to increase economic output of rural communities and connect them with urban markets, and offer safety benefits that save lives, prevent injuries, and reduce the cost of transportation incidents. American companies and institutions rely heavily on high-speed wireless connections, with increasing demands on both speed and capacity. Wireless technologies are helping to bring broadband to rural, unserved, and underserved parts of America. Spectrum-dependent systems also are indispensable to the performance of many important United States Government missions. And as a Nation, our dependence on these airwaves is likely to continue to grow.

As the National Security Strategy of 2017 made clear, access to spectrum is a critical component of the technological capabilities that enable economic activity and protect national security. Wireless communications and associated data applications establish a foundation for high-wage jobs and national prosperity. While American industry continues to extract greater and greater value from spectrum, each technological leap also increases demands on its usage. Those demands have never been greater than today, with the advent of autonomous vehicles and precision agriculture, the expansion of commercial space operations, and the burgeoning Internet of Things signaling a nearly insatiable demand for spectrum access. Moreover, it is imperative that America be first in fifth-generation (5G) wireless technologies -- wireless technologies capable of meeting the high-capacity, low-latency, and high-speed requirements that can unleash innovation broadly across diverse sectors of the economy and the public sector. Flexible, predictable spectrum access by the United States Government will help ensure that Federal users can meet current and future mission requirements for a broad range of both communications- and non-communications-based systems.

The Nation can and will ensure security and safety through modern technology. America's national security depends on technological excellence and the United States Government must continue to have access to the spectrum resources needed to serve the national interest, from protecting the homeland and managing the national airspace, to forecasting severe weather and exploring the frontiers of space. Technological innovation in spectrum usage, moreover, occurs in both the private and public sectors. Federal agencies must thoughtfully consider whether and how their spectrum-dependent mission needs might be met more efficiently and effectively, including through new technology and ingenuity. The United States Government shall continue to look for additional opportunities to share spectrum among Federal and non-Federal entities. The United States Government shall also continue to encourage investment and adoption by Federal agencies of commercial, dual-use, or other advanced technologies that meet mission requirements, including 5G technologies. In doing so, we will take appropriate measures to sustain the radiofrequency environment in which critical United States infrastructure and space systems operate.

Sec. 2. Advancing the National Spectrum Strategy. Within 180 days of the date of this memorandum, and concurrent with development of the National Spectrum Strategy referred to in section 4 of this memorandum:

(a) Executive departments and agencies (agencies) shall report to the Secretary of Commerce (Secretary), working through the National Telecommunications and Information Administration (NTIA), on their anticipated future spectrum requirements for a time period and in a format specified by the Secretary. Additionally, agencies shall initiate a review of their current frequency assignments and quantification of their spectrum usage in accordance with guidance to be provided by the Secretary. Reporting of information under this section shall be subject to existing safeguards protecting classified, sensitive, and proprietary data. The Secretary may release publicly a summary of information provided by agencies, to the extent consistent with applicable law.

(b) The Director of the Office of Science and Technology Policy (OSTP), or the Director's designee, shall submit a report to the President on emerging technologies and their expected impact on non-Federal spectrum demand.

(c) The Director of OSTP, or the Director's designee, shall submit a report to the President on recommendations for research and development priorities that advance spectrum access and efficiency.

Sec. 3. Within 180 days of the date of this memorandum, and annually thereafter, the Secretary, working through the NTIA, and in coordination with the Office of Management and Budget (OMB), OSTP, and the Federal Communications Commission (FCC), shall submit to the President, through the Director of the National Economic Council and the Assistant to the President for National Security Affairs, a report (to be made public to the extent practicable and consistent with applicable law) on the status of existing efforts and planned near- to mid-term spectrum repurposing initiatives.

Sec. 4. Within 270 days of the date of this memorandum, the Secretary, working through the NTIA, and in consultation with OMB, OSTP, and the FCC, and other Federal entities, as appropriate, shall submit to the President, through the Director of the National Economic Council and the Assistant to the President for National Security Affairs, a long-term National Spectrum Strategy that includes legislative, regulatory, or other policy recommendations to:

(a) increase spectrum access for all users, including on a shared basis, through transparency of spectrum use and improved

cooperation and collaboration between Federal and non-Federal spectrum stakeholders;

(b) create flexible models for spectrum management, including standards, incentives, and enforcement mechanisms that promote efficient and effective spectrum use, including flexible-use spectrum licenses, while accounting for critical safety and security concerns;

(c) use ongoing research, development, testing, and evaluation to develop advanced technologies, innovative spectrum-utilization methods, and spectrum-sharing tools and techniques that increase spectrum access, efficiency, and effectiveness;

(d) build a secure, automated capability to facilitate assessments of spectrum use and expedite coordination of shared access among Federal and non-Federal spectrum stakeholders; and

(e) improve the global competitiveness of United States terrestrial and space-related industries and augment the mission capabilities of Federal entities through spectrum policies, domestic regulations, and leadership in international forums.

Sec. 5. Spectrum Strategy Task Force. The Chief Technology Officer and the Director of the National Economic Council, or their designees, shall co-chair a Spectrum Strategy Task Force that shall include representatives from OMB, OSTP, the National Security Council, the National Space Council, and the Council of Economic Advisers. The Spectrum Strategy Task Force shall work with the Secretary and the NTIA in coordinating implementation of this memorandum. In carrying out its coordination functions, the Spectrum Strategy Task Force shall consult with the FCC.

Sec. 6. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(b) Nothing in this memorandum shall be construed to require the disclosure of classified information, law enforcement sensitive information, proprietary information, or

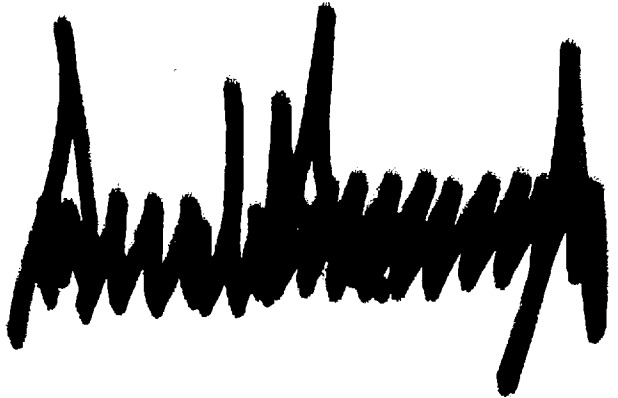
other information that must be protected as required by law or in the interests of national security or public safety.

(c) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(e) The Presidential Memoranda of June 28, 2010 (Unleashing the Wireless Broadband Revolution) and June 14, 2013 (Expanding America's Leadership in Wireless Innovation) are hereby revoked.

(f) The Secretary is authorized and directed to publish this memorandum in the *Federal Register*.



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THE WHITE HOUSE

WASHINGTON

October 11, 2019

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Executive Orders 13836, 13837, and 13839

On May 25, 2018, I signed three Executive Orders requiring executive departments and agencies (agencies) to negotiate collective bargaining agreements that will reduce costs and promote government performance and accountability. These Executive Orders, Executive Order 13836 of May 25, 2018 (Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining), Executive Order 13837 of May 25, 2018 (Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use), and Executive Order 13839 of May 25, 2018 (Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles), were partially enjoined by the United States District Court for the District of Columbia on August 25, 2018. The District Court's injunction barred enforcement of sections 5(a), 5(e), and 6 of Executive Order 13836, sections 3(a), 4(a), and 4(b) of Executive Order 13837, and sections 3, 4(a), and 4(c) of Executive Order 13839.

On July 16, 2019, the United States Court of Appeals for the District of Columbia Circuit held that the District Court lacked jurisdiction and vacated its judgment, and the Court of Appeals has now issued the mandate making its judgment effective.

Provisions of the Executive Orders that had been subject to the District Court's injunction set presumptively reasonable goals that agencies must pursue during bargaining; directed agencies to refuse to bargain over permissive subjects of negotiation; and established Government-wide rules that displace agencies' duty to bargain with unions over contrary matters, regardless of whether the Federal Service Labor-Management Relations Statute would otherwise require bargaining absent those rules. Sections 4(c)(ii) and 8(a) of Executive Order 13837 and section 8(b) of Executive Order 13839, however, recognized agencies' ability to comply with collective bargaining agreements containing prohibited terms so long as such agreements were effective on the date of the Executive Orders.

THE WHITE HOUSE
WASHINGTON, DC 20502



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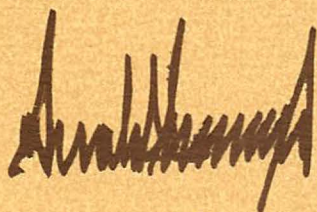
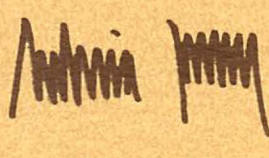
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Secretary
Smithsonian Institution
Washington, D.C. 20560

Merry Christmas
and a
Happy New Year

Barron Trump

2020



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THE WHITE HOUSE

The Honorable Lonnie G. Bunch III







Merry Christmas
2020

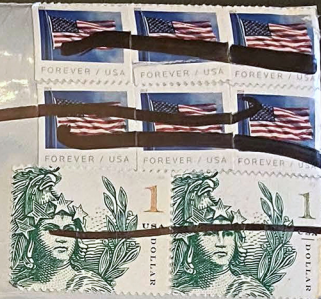
Donald Trump

Melania Trump

THE WHITE HOUSE

The Honorable Lonnie G. Bunch III

*The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500*



*Secretary Lonnie G. Bunch
Post Office Box 37012
Smithsonian Institute Building,
Room 205, MRC016
Washington, D.C. 20013*

003275

THE WHITE HOUSE

WASHINGTON

January 14, 2021

MEMORANDUM FOR RECIPIENTS OF NSPM-33

SUBJECT: Distribution of National Security Presidential Memorandum-33

Attached is your department's or agency's copy of National Security Presidential Memorandum (NSPM)-33. As direct communication of new Presidential policy and direction on national security matters, it must be safeguarded accordingly.

In general, copies of NSPMs are not to be redistributed beyond your department or agency without the advance approval of the National Security Council (NSC) staff. Public requests for copies or access to NSPMs or Presidential Directives of prior administrations should be referred to the NSC. All such requests should be directed to Corey Nightengale, the Acting NSC Senior Director for Records Access and Information Security Management at **Exemption 6**.



Matthias J. Mitman
Deputy Assistant to the President
and Executive Secretary
National Security Council

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THE WHITE HOUSE

WASHINGTON

January 14, 2021

NATIONAL SECURITY PRESIDENTIAL MEMORANDUM - 33

MEMORANDUM FOR THE VICE PRESIDENT

THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF HEALTH AND HUMAN SERVICES
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
THE SECRETARY OF EDUCATION
THE SECRETARY OF VETERANS AFFAIRS
THE SECRETARY OF HOMELAND SECURITY
THE ASSISTANT TO THE PRESIDENT AND CHIEF OF STAFF
THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION
AGENCY
THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND
BUDGET
THE DIRECTOR OF NATIONAL INTELLIGENCE
THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY
THE ASSISTANT TO THE PRESIDENT FOR NATIONAL
SECURITY AFFAIRS
COUNSEL TO THE PRESIDENT
ASSISTANT TO THE PRESIDENT, DEPUTY COUNSEL TO THE
PRESIDENT FOR NATIONAL SECURITY AFFAIRS, AND
NATIONAL SECURITY COUNCIL LEGAL ADVISOR
THE DIRECTOR OF THE OFFICE OF SCIENCE AND
TECHNOLOGY POLICY
THE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION
THE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION
THE DIRECTOR OF THE FEDERAL BUREAU OF
INVESTIGATION
THE SECRETARY OF THE SMITHSONIAN
THE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH

SUBJECT: United States Government-Supported Research and Development National Security Policy

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

Section 1. Purpose. This memorandum directs action to strengthen protections of United States Government-supported Research and Development (R&D) against foreign government interference and exploitation. The United States Government provides significant support to R&D across a broad spectrum of research institutions and programs conducted both within and outside of the United States and its territories. This R&D, including both basic and applied research, is a key contributor to American science and technology (S&T) innovation and is essential to United States economic and national security.

Much of United States Government-supported R&D is broadly shared and includes fundamental research as defined in National Security Decision Directive (NSDD)-189 as well as scientific research using publicly available data. The open and collaborative nature of the United States R&D enterprise underpins America's innovation, S&T leadership, economic competitiveness, and national security.

Unfortunately, some foreign governments, including the People's Republic of China, have not demonstrated a reciprocal dedication to open scientific exchange, and seek to exploit open United States and international research environments to circumvent the costs and risks of conducting research, thereby increasing their economic and military competitiveness at the expense of the United States, its allies, and its partners. While maintaining an open environment to foster research discoveries and innovation that benefit our Nation and the world, the United States will also take steps to protect intellectual capital, discourage research misappropriation, and ensure responsible management of United States taxpayer dollars. This includes steps to ensure that participants with significant influence on the United States R&D enterprise fully disclose information that can reveal potential conflicts of interest and conflicts of commitment.

Sec. 2. Definition. For the purposes of this memorandum:

(a) the term "participants in the United States R&D enterprise" includes researchers at academic research institutions,

and institutes, private companies, and Federal Government research centers and laboratories, as well as those who participate in the process of allocating and awarding Federal R&D funding;

(b) the term "United States Government supported R&D" includes R&D projects funded by the United States Government, in whole or in part; projects that use United States Government equipment or facilities for conducting R&D; and R&D projects in which United States Government employee and contractor personnel participate, regardless of the project's funding source;

(c) the term "conflict of interest" or "conflicts of interest" means a situation in which an individual, or the individual's spouse or dependent children, has a financial interest or financial relationship that could directly and significantly affect the design, conduct, reporting, or funding of research;

(d) the term "conflict of commitment" or "conflicts of commitments" means a situation in which an individual accepts or incurs conflicting obligations between or among multiple employers or other entities. Many institutional policies define conflicts of commitment as conflicting commitments of time and effort, including obligations to dedicate time in excess of institutional or funding agency policies or commitments. Other types of conflicting obligations, including obligations to share improperly information with, or to withhold information from, an employer or funding agency, can also threaten research security and integrity, and are an element of a broader concept of conflicts of commitment;

(e) the term "foreign government-sponsored talent recruitment program" or "foreign government-sponsored talent recruitment programs" means an effort directly or indirectly organized, managed, or funded by a foreign government or institution to recruit S&T professionals or students (regardless of citizenship or national origin, and whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state

for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of Federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to United States entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation;

(f) the term "Federal personnel" means officers and employees of the Government of the United States and members of the uniformed services (including members of the Reserve Components); and

(g) the term "digital persistent identifier" or "digital persistent identifiers" means a unique digital identifier that permanently and unambiguously identifies a digital object or an individual.

Sec. 3. Roles and Responsibilities. (a) The heads of executive departments and agencies (agencies) that fund R&D activities (funding agencies) shall, consistent with applicable law:

(i) require that participants in the United States R&D enterprise who significantly influence the design, conduct, reporting, reviewing, or funding of Federally-funded research disclose appropriate information, consistent with section 4(b) of this memorandum, that will enable reliable determinations of whether and where conflicts of interest and commitment exist, consistent with applicable Federal laws and regulations;

(ii) cooperate with organizations receiving Federal funds to ensure that the organizations have established and administer policies and processes to identify and manage risks to research security and integrity, including potential conflicts of interest and commitment;

(iii) identify, in cooperation with agency Inspectors General and law enforcement agencies as appropriate and as consistent with applicable law, disclosures

that have the potential negatively to impact research funding, security, or integrity;

(iv) cooperate with agency Inspectors General and law enforcement, as appropriate, in investigation of suspected instances of failure to comply with disclosure requirements; and

(v) ensure the availability and application of appropriate and effective consequences for violations of disclosure policies and for engagement in other activities that threaten the security and integrity of the United States R&D enterprise.

(b) The Secretary of Education shall ensure that the Department of Education (ED) issues bi-annual public reports of information about gifts and contracts received by institutions from foreign sources disclosed from certain institutions that participate in the Title IV student assistance programs, as required by section 117 of the Higher Education Act, as amended.

(c) The Secretary of State is responsible for ensuring that the Department of State, in conjunction with the Department of Homeland Security (DHS), screens foreign individuals seeking to obtain a visa to participate in the United States R&D enterprise for national security risk, based on all applicable standards for visa eligibility. Additionally, the Secretary of State shall engage with key foreign allies and partners to limit the potential for foreign government exploitation of the international R&D enterprise.

(d) The Secretary of Homeland Security is responsible for ensuring that DHS, in conjunction with the Department of State, screens foreign individuals who are nonimmigrant students and exchange visitors seeking to participate or participating in the United States R&D enterprise for national security risks. The Secretary of Homeland Security is also responsible, consistent with applicable law, for ensuring that DHS maintains information regarding foreign students and researchers to protect national security while supporting lawful entry and stay of foreign individuals coming to the United States for educational and cultural exchange programs.

(e) The Director of the Federal Bureau of Investigation (FBI) is responsible for investigating violations of Federal law, including those related to research security and integrity.

that are not exclusively assigned to another agency, and, as vested by law and Presidential directive, carry out investigations within the United States of threats to the national security. Additionally, the Director shall:

(i) utilize established mechanisms as appropriate, including legal process, to access information disclosed to institutions and agencies that may be of evidentiary value in an investigation;

(ii) ensure that the FBI shares information regarding research security threats, as appropriate and consistent with applicable law, with agencies and research institutions; and

(iii) ensure that FBI Field Offices expand and enhance their existing relationships with universities and research institutions or, in cases where there is no current relationship, establish and maintain relationships with universities and research institutions within their area of responsibility, in coordination with other agencies.

(f) The Attorney General is responsible for enforcing, as appropriate, criminal laws relating to activities that undermine research security and integrity, such as economic espionage, theft of trade secrets, grant fraud, false statements to Federal officials, computer intrusions, and others.

(g) The Director of National Intelligence (DNI) shall coordinate Intelligence Community efforts to identify and assess the capabilities, activities, and intentions of foreign actors as they relate to the security of the United States R&D enterprise.

(h) The Director of the Office of Science and Technology Policy (OSTP), through the National Science and Technology Council (NSTC), shall coordinate activities to protect Federally funded R&D from foreign government interference, and outreach to the United States scientific and academic communities to enhance awareness of risks to research security and Federal Government actions to address these risks.

Sec. 4. Priorities. It is the policy of the United States to:

(a) Enhance Awareness of Research Security Risks and Protections.

(i) Consistent with applicable law, the Director of OSTP, in coordination with the DNI and heads of other agencies as appropriate, shall engage with the United States R&D enterprise to enhance awareness of risks to research security and integrity and policies and measures for mitigating these risks. This outreach will seek to:

1. Explain the threats posed by some foreign government-sponsored efforts, including some foreign government-sponsored talent recruitment programs, that seek to exploit the United States R&D enterprise;

2. Explain Federal policies and actions to mitigate risks to research security and integrity;

3. Promulgate guidelines for research institutions to mitigate risks to research security and integrity; and

4. Increase awareness among agencies and research institutions about existing law, regulations, and other mechanisms that can protect against the unauthorized transfer of United States technology and intellectual property (e.g., classification, economic sanctions, export controls, trade enforcement actions), and any relevant limitations of these regulations and mechanisms.

(ii) The DNI shall develop, in coordination with the heads of other agencies, information and intelligence products related to research security that are suitable for dissemination, in accordance with applicable law, to other agencies; to Federal, State, local, and tribal officials; to research institutions; the private sector; and to allies and partners. Where appropriate, the DNI should consider declassifying or reducing the level of classification of relevant information to ensure that decision makers in and out of government have the details they need to understand

research security threats and to develop targeted risk mitigation strategies and policies. These materials will seek to:

1. Explain foreign government supported collection methods and means of exploitation;
2. Help identify R&D activities and collaborations with significant risk of exploitation; and
3. Provide counterintelligence awareness training.

(b) Strengthen Disclosure Requirements and Processes. The heads of United States research funding agencies shall require the disclosure of information related to potential conflicts of interest and commitment from participants in the Federally funded R&D enterprise. Participants' disclosures should be provided to the organization applying for or receiving the Federal funding, the funding agency, or both, consistent with the funding agency policies and applicable laws and regulations. The appropriate disclosure requirement varies depending on the individual's role in the United States R&D enterprise. Disclosure requirements outlined in this memorandum should supplement, but do not replace, existing disclosure requirements set forth in law and United States Office of Government Ethics regulations, which apply to some elements of the United States R&D enterprise.

(i) Agencies shall require disclosure, as specified in section 4(b) (iii) below and where consistent with relevant United States law, regulation, contract, agreement and award, from the following segments of the Federally funded R&D enterprise:

1. Principal investigators (PIs) and other senior/key personnel seeking or receiving Federal R&D funding (i.e., extramural funding);
2. Individuals participating in the process of allocating Federal funding: program officers, peer/merit reviewers, and members of advisory panels and committees; and

3. Researchers at Federal agency laboratories and facilities (i.e., intramural researchers, whether or not Federally employed), including government owned, contractor-operated laboratories and facilities.

(ii) Agencies shall require the following disclosures, where consistent with relevant United States law, regulation, contract, agreement and award depending on the role of the individual in the United States R&D enterprise as specified in section 4(b) (iii) below:

1. Organizational affiliations and employment;

2. Other support, contractual or otherwise, direct and indirect, including current and pending private and public sources of funding or income, both foreign and domestic. For researchers, other support includes all resources made available to a researcher in support of and/or related to all of their professional R&D efforts, including resources provided directly to the individual rather than through the research institution, and regardless of whether or not they have monetary value (e.g., even if the support received is only in-kind, such as office/laboratory space, equipment, supplies, or employees). This includes resource and/or financial support from all foreign and domestic entities, including but not limited to, gifts provided with terms or conditions, financial support for laboratory personnel, and participation of student and visiting researchers supported by other sources of funding;

3. Current or pending participation in, or applications to, programs sponsored by foreign governments, instrumentalities or entities, including foreign government-sponsored talent recruitment programs. Agencies or their Inspectors General shall require that individuals disclose associated contract(s), upon request of the recipient research institution or the funding agency, in addition to the fact of participation; and

4. Positions and appointments, both domestic and foreign, including affiliations with foreign entities or governments. This includes titled academic, professional, or institutional appointments whether or not remuneration is received, and whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary).

(iii) Within 12 months of the date of this memorandum, and consistent with applicable law, the heads of United States research funding agencies shall establish policies requiring disclosure of the information reflected in the table below. Depending on their particular circumstances, agencies may also require disclosure of additional information, and/or disclosure from a broader range of R&D enterprise participants, either as a matter of course or upon agency request. Disclosures and disclosure requirements may be modified or excluded when so authorized by agencies for national security purposes.

	Affiliations / Employment	Other support	Foreign government sponsored talent recruitment programs	Positions/ Appointments
<u>Tier I</u>				
<ul style="list-style-type: none"> • Principal Investigators & other key personnel • Program officers • Intramural funding recipients 	Y	Y	Y	Y
<u>Tier II</u>				
<ul style="list-style-type: none"> • Peer reviewers • Advisory Committee/Panel members 	Y	N	Y	Y

(iv) Consistent with applicable law, agencies shall require initial disclosures and updates to disclosure reporting. Relevant agency employees and contractor personnel should provide initial disclosure when hired or assigned relevant duties. Funding applicants should provide initial disclosure as part of the proposal or award process, per agency requirements. Updates should occur annually, or more frequently where appropriate to account for individuals' changing circumstances and for additions to funded research teams. Agencies should ensure that individuals have reasonable recourse to correct or address inaccurate or incomplete information.

(v) Consistent with applicable Federal laws and statutory authorities, within 1 year of the date of this memorandum, funding agencies shall establish policies regarding requirements for individual researchers supported by or working on any Federal research grant to be registered with a service that provides a digital persistent identifier for that individual.

(vi) Agencies shall standardize disclosure processes, definitions, and forms across funding agencies to the extent practicable. The Director of the Office of Management and Budget (OMB) shall work with OSTP, the Office of Government Ethics, and other agencies to coordinate the standardization of policies and forms related to disclosure of conflicts of interest and commitment. Where appropriate and consistent with applicable Federal laws and regulation, agencies should standardize forms for initial disclosures as well as annual updates, integrating digital persistent identifiers wherever appropriate and practicable, and should provide clear instructions to accompany these forms and to minimize any associated administrative burden.

(vii) The Secretary of Education shall continue to support the balance between academic freedom and national security by promoting financial transparency in the relationship between institutions of higher education (IHEs) and foreign sources through enforcement of section 117 of the Higher Education Act. ED shall continue to ensure that it provides,

and updates as necessary, clear public guidance to IHSs on compliance with section 117 requirements, and shall continue to ensure that disclosed information is made publicly available in a format that is readily accessible and usable.

(viii) Agencies shall, as appropriate, work with their Inspector General, General Counsel, law enforcement, university program offices and security officers, and the private sector to strengthen mechanisms and capabilities to identify and investigate potential violations of agency disclosure requirements. Where appropriate, funding agencies or their Inspectors General shall cooperate and assist with administrative and law enforcement investigations and analyses aimed at uncovering violations, including sharing information from disclosure statements, to the extent that such sharing is consistent with privacy laws and other legal restrictions and does not interfere with law enforcement activities.

(ix) Agencies shall ensure appropriate and effective consequences for violation of disclosure requirements and engagement in other activities that threaten research security and integrity. Depending on the nature of the violation, agencies may consider a range of consequences including but not limited to the following:

1. Termination of Federal employment or contract;
2. Termination of a grant, cooperative agreement, contract, or award;
3. Preserving a grant, cooperative agreement, contract, or award, but requiring or otherwise ensuring that individual(s) do not perform work under the grant, contract, or award;
4. Ineligibility for participation in United States Government review panels and other activities;
5. Suspension or debarment of eligibility for Federal funding; and

6. Suspension or denial of Title IV funds. In addition to these measures, civil and criminal penalties under United States Federal and State laws may apply in some cases, such as when individuals intentionally provide incomplete or incorrect information in the grant funding process, or misappropriate trade secrets or export controlled information. Federal agencies should consult with their Inspectors General, General Counsel, security officers, and/or law enforcement agencies as appropriate, to avoid compromising ongoing investigative and law enforcement activities when evaluating actions towards those who violate disclosure requirements or otherwise threaten research security and integrity.

(c) Limit Access and Participation.

(i) Heads of agencies shall ensure that their respective agencies have policies and processes to control and track access to and utilization of United States Government research facilities, consistent with applicable law and appropriations. These should include processes for controlling and tracking physical access, vetting and securely hosting foreign visitors, and evaluating research partnerships or contracts with outside entities.

(ii) Within 12 months of the date of this memorandum, and consistent with applicable law, heads of agencies shall establish policies, or clarify existing policies where applicable, that prohibit Federal personnel currently employed by their respective agencies who are also participants in the United States R&D enterprise from participating in foreign government-sponsored talent recruitment programs. Agency heads may consider agency-specific policies that would extend this prohibition to some or all agency contractor personnel to further protect research security and integrity. Agency heads may provide exemptions from this prohibition where they determine appropriate, and shall notify the President through the Assistant to the President for National Security Affairs (APNSA) within 30 days of any

establishment of or change in exemption criteria. For any personnel exempted from these prohibitions, disclosure requirements described in section 4(b) of this memorandum shall still apply.

(d) **Vetting Foreign Students and Researchers.** The Secretary of State, in coordination with the Secretary of Homeland Security, shall ensure that vetting processes for foreign students and researchers reflect the changing nature of the risks to United States R&D.

(i) The Secretary of State shall continue to apply a risk-based process to vet visa applicants seeking to study or conduct research activities in the United States, based on all applicable standards for visa eligibility. The Secretary shall take such steps as are necessary to ensure consular officers may collect and consider the following information pertaining to visa applicants, wherever relevant to the consular officer's adjudication of a visa application based on relevant standards under United States law:

1. Employment and employment history;
2. Sources of financial support;
3. Education history, including academic institutes, degree(s), and research advisor(s);
4. Current and prior R&D affiliations and projects;
5. Current and pending participation in foreign government-sponsored talent recruitment programs;
6. Program of study and/or research; and
7. Facility/facilities and location(s) of expected work.

(ii) The Secretary of Homeland Security shall assess, within 3 months of the date of this memorandum, any regulatory and technical updates necessary to require that relevant institutions:

1. Report the same information specified above in section 4(d)(i) in the Student and Exchange Visitor Information System (SEVIS), for foreign students and researchers subject to reporting in that system; and,
2. Provide updates in SEVIS annually, or more frequently where appropriate.
3. Within 3 months of the completion of this assessment, the Secretary shall provide to the APNSA a plan regarding implementation of such requirements.

(iii) The Secretary of Homeland Security, in coordination with the Secretary of State, shall assess, within 1 year of the date of this memorandum, the feasibility and utility of including the information specified in section 4(d)(i) in a searchable centralized database. This database should provide the capability to flag any disclosed or otherwise identified connections to organizations listed in Department of Commerce's Entity List.

(e) Information Sharing. To strengthen the effectiveness of response measures, heads of agencies shall share information about violators (e.g., those who violate disclosure or other policies promulgated pursuant to this memorandum, participate in foreign government-sponsored talent recruitment programs contrary to policies issued pursuant to section 4(c)(ii), or whose activities clearly demonstrate an intent to threaten research security and integrity) across Federal funding institutions and with Federal law enforcement agencies, the DHS, and State, to the extent that such sharing is consistent with privacy laws and other legal restrictions, and does not interfere with law enforcement or intelligence activities. Where appropriate and consistent with due process, privacy considerations, and all other applicable law, heads of agencies should consider providing notice to other Federal funding institutions in cases where significant concerns have arisen but a final determination has not yet been made. Where appropriate and consistent with applicable law and appropriations, funding agencies shall include within grant terms and conditions provisions that allow for such information sharing.

(f) The heads of funding agencies shall ensure that Federal agency personnel conducting R&D activities or participating in the process of allocating Federal R&D funding receive research security training. Training shall include, as appropriate, risks to the United States R&D enterprise, individuals' responsibilities related to research security and integrity, and circumstances and behaviors that may indicate risk to research security and integrity. Training programs shall include an initial orientation for new personnel, and annual refresher training.

(g) Risk Identification and Analysis. Within 12 months of the date of this memorandum, heads of funding agencies shall require that research institutions receiving Federal science and engineering support in excess of 50 million dollars per year certify to the funding agency that the institution has established and operates a research security program. Institutional research security programs should include elements of cyber security, foreign travel security, insider threat awareness and identification, and, as appropriate, export control training. Heads of funding agencies shall consider whether additional research security program requirements are appropriate for institutions receiving Federal funding for R&D in critical and emerging technology areas with implications for United States national and economic security.

(h) Promote and Protect International R&D Cooperation. The Secretary of State, in coordination with the Director of OSTP and the heads of other agencies, shall engage with foreign allies and partners with the goal of promoting policies and practices that increase awareness of risks to research security and improve cooperation on international protection and response efforts. Messaging should be designed to increase awareness and encourage foreign governments to undertake effective practices to assess and mitigate risks to research security and integrity.

Sec. 5. Implementation. The APNSA, in coordination with the Director of OMB and the Director of OSTP, shall coordinate the implementation of this memorandum, and, on an annual basis, shall prepare and submit a report to the President detailing activities taken by funding agencies to implement this memorandum.

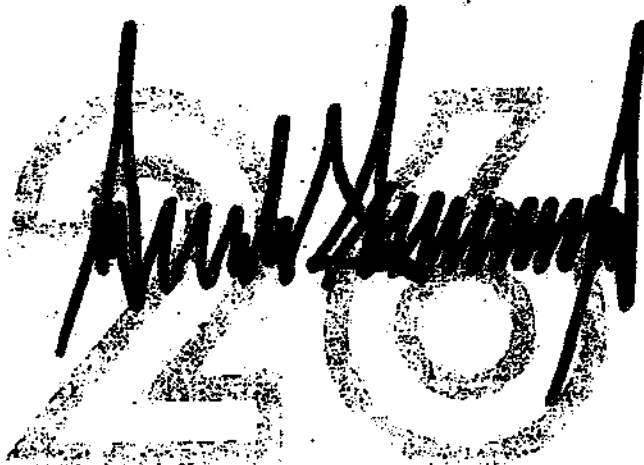
Sec. 6. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) The authority granted by law to an executive department or agency, or the head thereof; or

(ii) The functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and Presidential guidance, and subject to the availability of appropriations. The activities described in this memorandum should be conducted in a manner that is consistent with the Constitution; Executive Order 12333 of December 4, 1981 (United States Intelligence Activities), as amended; other applicable law and Presidential guidance; and policies and procedures pertaining to: (i) the appropriate handling of information about United States Persons (as defined in Executive Order 12333) and other individuals protected by United States law; (ii) the protection of sources, methods, and activities; (iii) privacy, civil rights, and civil liberties; and (iv) the protection of other sensitive information.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A large, stylized handwritten signature in black ink is written over a large, faint number '20'. The signature is highly cursive and difficult to decipher. The number '20' is printed in a large, light font, with the '0' being a simple circle.