Countering Unwanted Foreign Influence in Department-Funded Research at Institutions of Higher Education

June 29, 2023

Part 1: Introduction to Policy on Risk-Based Security Reviews of Fundamental Research

The Department engages in many activities to counter unwanted foreign influence in Department-funded research at institutions of higher education. International collaboration is an important mechanism for participating in the global scientific commons and promoting progress in fundamental research. However, some foreign influence leads to practices and behaviors that increase the likelihood that research and development efforts or results will be misappropriated to the detriment of national or economic security, as well as related violations of research integrity, and foreign government interference. In accordance with National Security Presidential Memorandum – 33, the Under Secretary of Defense for Research and Engineering signed out a policy on June 8, 2023 that requires all fundamental research projects that are selected for award by the Department to go through a review for potential conflicts of interest and conflicts of commitment arising from foreign influence. The signed policy memorandum is on the following pages.

UNDER SECRETARY OF DEFENSE
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RESEARCH
AND ENGINEERING

JUN 0 8 2023

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT
SECRETARY OF THE ARMY
SECRETARY OF THE AIR FORCE
SECRETARY OF THE NAVY
COMMANDER, UNITED STATES SPECIAL OPERATIONS COMMAND
COMMANDER, UNITED STATES CYBER COMMAND
COMMANDER, UNITED STATES STRATEGIC COMMAND
DIRECTOR, MISSILE DEFENSE AGENCY
DIRECTOR, DEFENSE ADVANCED RESEARCH PROJECTS AGENCY
DIRECTOR, DEFENSE THREAT REDUCTION AGENCY

SUBJECT: Policy for Risk-Based Security Reviews of Fundamental Research

References: (a) National Security Presidential Memorandum-33, "United States Government-Supported Research and Development National Security Policy," January 14, 2021
(b) National Science and Technology Council Report, "Guidance for Implementing National Security Presidential Memorandum-33 (NSPM-33) on National Security Strategy for United States Government-Supported Research and Development," January 2022
(c) Department of Defense Memorandum on National Security Presidential Memorandum-33 Implementation, December 14, 2022

Background

This memorandum provides policy for the risk-based security reviews mandated by section 1286 of the National Defense Authorization Act for Fiscal Year 2019 and National Security Presidential Memorandum-33 (NSPM-33), "United States Government-Supported Research and Development National Security Policy," dated January 14, 2021 (reference (a)). The overall intent of this policy is to ensure consistent application of risk-based security reviews for fundamental research project proposals across the Department of Defense (DoD). The Office of the Under Secretary of Defense for Research and Engineering (OUSD(R&E)) will oversee the review processes developed by the DoD Components.

In the DoD Memorandum on National Security Presidential Memorandum-33 Implementation, dated December 14, 2022 (reference (c)), the Deputy Secretary of Defense, assigned the Under Secretary of Defense for Research and Engineering (USD(R&E)) the responsibility for overseeing DoD's NSPM-33 implementation and directed the USD(R&E) to compile and disseminate a draft Department-level NSPM-33 implementation plan. This memorandum fulfills part of the Department's NSPM-33 implementation plan.

As part of the broader U.S. Government effort to combat undue foreign influence in Federally funded scientific research, DoD Components shall follow the policies contained in this memorandum for risk-based security reviews of fundamental research project proposals to mitigate potential research security risks uncovered during a risk-based security review in compliance with NSPM-33, ensure alignment between the DoD Components, and support the Department's mission.

Research institutions are of vital importance to the Department. The Department's goals in conducting risk-based security reviews of fundamental research project proposals are:

- To ensure the security of DoD-funded fundamental research;
- To ensure that covered individuals fully disclose information that can reveal potential conflicts of interest and conflicts of commitment; and
- To provide clear messaging to those conducting fundamental research on acceptable and encouraged behaviors as well as activities that may lead to challenges in securing DoD research funding.

Many in the academic community were unaware of the research security risks associated with some foreign governments, including through foreign government-sponsored talent recruitment programs, before the Department and other Federal agencies began taking action to inform academia of these threats. On October 10, 2019, the Department, through the USD(R&E), sent a letter to the academic community concerning the risk of foreign influence in academia. As such, DoD policies should not typically view disclosed conduct or actions that were not seen as risky prior to the Department's admonition as indicative of security risks.

The policies outlined in this memorandum will allow the OUSD(R&E) to work with the Office of Science and Technology Policy (OSTP) and the rest of the U.S. Government to ensure that a consistent, all-of-Government risk-based security review process is implemented as required by OSTP's National Science and Technology Council guidance on NSPM-33 implementation.

Policies for Risk-Based Security Reviews

Each DoD Component shall develop a risk-based security review process to identify fundamental research project proposals' research security risk mitigation needs. Risk-based security reviews shall be conducted, at a minimum, on all fundamental research project proposals that are ***selected for award based on technical merit***. DoD Components shall develop risk-based security review processes:

- That employ the Science and Technology (S&T) Protection Guide, dated March 31, 2021 (or updated version), Appendix B, "Fundamental Research Review Template," to verify that the fundamental research project proposal meets the criteria of fundamental research identified in Appendix B;

- That are consistent with the attached "DoD Component Decision Matrix to Inform Fundamental Research Proposal Mitigation Decisions" (decision matrix) to assess fundamental research project proposals' risk mitigation needs. The OUSD(R&E) will maintain the decision matrix at https://basicresearch.defense.gov/Programs/Academic-Research-Security/. DoD Components must verify they are using the most up-to-date version of the decision matrix by referring to the version posted at the aforementioned website;

- That use the disclosures and Standard Form 424 submitted by the proposing institution for all covered individuals listed in fundamental research project proposals selected for award to identify potential research security risks and employ relevant publicly available information, at a minimum, to verify the information submitted in the disclosures and Standard Form 424;

- That conduct an annual review of funded research projects using the Research Performance Progress Report (RPPR);

- In a manner that does not discourage international research collaboration;

- In a manner that balances the goal of minimizing time-to-award with the need to conduct an effective risk-based security review. For the purposes of this balance, the time taken by the responsible contracting officer, grants officer, agreements officer or their representatives to negotiate risk mitigation measures with the proposing institution is not to be considered as part of the time-to-award;

- In a manner that ensures no additional delay to award if the fundamental research project proposal is assessed, using the decision matrix, as not requiring measures to mitigate research security risk. If the initial risk-based security review assesses any risk factor in Table 1 of the decision matrix as potentially requiring mitigation, the fundamental research project proposal will be referred for further review per the processes defined by the DoD Component in its risk-based security review process; and

- That institute policies defining the level of research security risk mitigation determination that is appropriate for the DoD Component to follow its customary process to recommend and make funding decisions and when a decision by Component leadership (or designee) is required.

DoD Components are encouraged and allowed to further analyze risk-based security reviews of already funded fundamental research projects against broader risk factors, determined by the DoD Component, to generate a comprehensive portfolio analysis and empower leadership with enhanced situational awareness.

Policies for Research Security Risk-Based Mitigation Decisions

To the maximum extent practicable, DoD Components shall seek to mitigate any research security risks uncovered through risk-based security reviews. Strategies to mitigate research security risks include, but are not limited to, requiring the proposing institution to:

- Require the covered individual(s) to complete insider risk awareness training;
- Require increased frequency of reporting by the covered individual(s) through the RPPR;
- Replace individuals listed in the fundamental research project proposal who are deemed a research security risk;
- Provide DoD the covered individual's(s') contracts for review and clarify relationships, affiliations, and/or associations considered risky; and
- Require the covered individual(s) to resign from positions deemed problematic by the risk-based security review.

Verification that a covered individual possesses a Top Secret clearance with a U.S. Government department or agency, if applicable, is also an appropriate mitigation strategy. All enacted mitigation strategies must be submitted to and accepted by the awarding office in writing.

Policies for Rejection of a Fundamental Research Project Proposal Based on Research Security Risk

When the decision not to make an award (i.e., rejection of a fundamental research project proposal) is not based on technical merit and is instead based on research security risks that cannot be mitigated, DoD Components shall adhere to the following policies:

- Rejection of a fundamental research project proposal based on a risk-based security review shall only occur when Component leadership (or designee) determines that one or more research security risks are unable to be mitigated and that the risks are unacceptable.
    - Research security risk factors that may not be able to be mitigated are typically those rated as "Mitigation measures required" or prohibited by law in Table 1 of the decision matrix; or
    - Cases where the DoD Component and proposing institution are unable to come to an agreement concerning proposed mitigation strategies.
- Any rejection of a fundamental research project proposal based on a risk-based security review shall be explained in a risk-based security review rejection letter to

the proposing institution. The risk-based security review rejection letter shall provide sufficient information to enable the proposing institution to make an informed response.

- Upon rejecting a fundamental research project proposal based on a risk-based security review, the DoD Component shall send copies of the risk-based security review rejection letter to the OUSD(R&E). The OUSD(R&E) will disseminate the findings disclosed in the risk-based security review rejection letter to other DoD Components, as appropriate.

Policies for Ensuring Consistency of Risk-Based Security Review Process

To ensure the Department's risk-based security review processes are consistent internally and with other Federal agencies, DoD Components shall adhere to the following policies:

- DoD Components must record their risk-based security review process and policies and provide them to the OUSD(R&E).

- In order to verify that risk-based security review processes are appropriately identifying research security risks, DoD Components must conduct periodic spot checks of covered individuals listed on representative samples of fundamental research project proposals the Component selects for award to identify any research security risks that were missed during the initial risk-based security review. Component spot checks should focus on those fundamental research project proposals which have not been previously assessed as potentially needing mitigation and undergone further review.

- This spot check process, including intended frequency and sample size, must be documented in the DoD Components' risk-based review process. To ensure compliance with the policies prescribed in this memo, the OUSD(R&E) may also conduct spot checks of a DoD Component's risk-based security reviews. The OUSD(R&E) will immediately request a revision of the Component's policy if the spot check reveals differences between the Component's risk assessments and the risk factors in the decision matrix.

- DoD Components must provide informal summaries of all risk-based security reviews to the OUSD(R&E), using the schedule outlined in the decision matrix. These informal summaries must include the number of risk-based security reviews conducted, the number of fundamental research project proposals rejected based on risk-based security reviews, and descriptions of the research security risks that led to each proposal's rejection.

- If a proposing institution challenges a DoD Component's rejection of a fundamental research project proposal made on the basis of a risk-based security review, the Component shall refer the challenge to the OUSD(R&E) for mediation. The OUSD(R&E) will review, and potentially change, the findings of the risk-based

security review to ensure it was conducted in a manner consistent with the policies in this memorandum and factors found in the decision matrix.

  - If the OUSD(R&E) review determines that a DoD Component's risk-based security review of a fundamental research project proposal was conducted in a manner inconsistent with, or based on misinterpretation of, the policies in this memorandum or factors in the decision matrix, the OUSD(R&E) may change the Component's risk determination. The fundamental research project proposal will then be returned to the Component for funding decision and implementation of mitigation strategies as appropriate.

- If a DoD Component rejects potential fundamental research project proposals on the basis of risk-based security reviews in a manner that the OUSD(R&E) determines is inconsistent with other DoD Components or Federal agencies, the OUSD(R&E) and the DoD Component will review the Component's risk-based security review process to identify the source of the inconsistencies.

- If a DoD Component's risk-based security review process uncovers a gap in the decision matrix, the OUSD(R&E) will adjust the decision matrix as appropriate.

The OUSD(R&E) will update the decision matrix as necessary to incorporate changes in law and policy, account for lessons learned, and ensure consistency with other Federal agencies. Updates to the decision matrix will be discussed and disseminated through the Defense Basic Research Advisory Group, OUSD(R&E) S&T Protection Working Group, and posted at https://basicresearch.defense.gov/Programs/Academic-Research-Security/. Definitions for key terms related to this policy are also included in the decision matrix.

Heidi Shyu

Attachment(s):
As stated

cc:
Under Secretary of Defense for Policy
Under Secretary of Defense for Intelligence and Security

Part 2: Introduction to Decision Matrix to Inform Fundamental Research Proposal Mitigation Decisions

The document "Decision Matrix to Inform Fundamental Research Proposal Mitigation Decisions" is a guide to assist program managers and DoD Components in reviewing fundamental research proposals for potential conflicts of interest and conflicts of commitment. This decision matrix identifies actions prohibited by law that would preclude an investigator or institution from receiving funding from the Department. The document also describes conditions under which mitigation is required or recommended prior to receiving funding from the Department, depending on the type of conflict and the timeframe in which it occurs. The Department is making this document public to be transparent about the types of behaviors the Department finds problematic and to provide DoD-funded researchers a better understanding about how their proposals may be received and reviewed. The Decision Matrix is on the following pages.

DoD Component Decision Matrix to Inform Fundamental Research Proposal Mitigation Decisions

This document provides: factors to inform fundamental research assistance mitigation decisions, key definitions, reference materials, and corresponding implementation guidance for DoD Components making fundamental research project proposal award decisions.

DoD Components shall conduct an annual verification in accordance with Section 10632(a)(1) of the CHIPS and Science Act of 2022 (Public Law 117-167) to confirm that each participant listed on the Research Performance Progress Report (RPPR) is not a participant in a malign foreign talent recruitment program meeting any of the criteria in Section 10638(4)(A)(i)-(ix) of the CHIPS and Science Act of 2022.

DoD Components shall provide to the Office of the Under Secretary of Defense for Research and Engineering (OUSD(R&E)), on a semiannual basis, summaries of all risk-based security reviews, including the number of reviews conducted, the number of fundamental research project proposals rejected based on risk-based security review, and descriptions of the research security risks that led to the rejection of each rejected proposal. The OUSD(R&E) will change the frequency with which DoD Components much update these summaries as necessary to maintain adequate visibility into DoD Component usage of Table 1 for fundamental research proposal mitigation decisions.

Actions prohibited by law:

- Beginning August 9, 2024, the DoD is prohibited from providing funding to or making an award of a fundamental research project proposal in which a covered individual is participating in a malign foreign talent recruitment program or to a proposing institution that does not have a policy addressing malign foreign talent programs pursuant to Section 10632 of the CHIPS and Science Act of 2022.
- Beginning in Fiscal Year (FY) 2024, no U.S. institution of higher education that hosts a Confucius Institute may receive DoD funding unless the institution of higher education has been issued a waiver by the Secretary of Defense pursuant to Section 1062 of the William M. (Mac) Thornberry National Defense Authorization Act for FY 2021.

A covered individual's collaborations with international researchers, including researchers from foreign countries of concern, does not require mitigation if it does not include any of the factors described in Table 1 (below). Table 1 identifies collaboration factors as a relationship (e.g., co-authorship) with individuals or entities, regardless of country, that are known to engage in practices and behaviors that increase the likelihood that research and development efforts or results will be misappropriated to the detriment of national or economic security, as well as related violations of research integrity, and foreign government interference. International collaboration is an important mechanism for participating in the global scientific commons and promoting progress in fundamental research.

Table 1: Decision Matrix to Inform Fundamental Research Proposal Mitigation Decisions
Factors for Assessing a Covered Individual's Associations, Affiliations, Collaborations, Funding, and the Policies of the Proposing Institution that Employs the Covered Individual

	Factor 1: Foreign Talent Recruitment Programs	Factor 2: Funding Sources	Factor 3: Patents	Factor 4: Entity Lists
Prohibited factors	**For the Period after 9 Aug 2024** Indicators of participation in a malign foreign talent recruitment program (MFTRP) meeting any of the criteria in Sec. 10638(4)(A)(i)-(ix) of the CHIPS and Science Act of 2022. Policy of Proposing Institution employing the covered individual does not prohibit participation in a MFTRP.			
Factors discouraged by DoD policy, mitigation measures required, rejection of proposal required if no mitigation possible	**For the period after 9 Aug 2022[1]**: Indicator(s)[2] of participation[3] in a foreign talent recruitment program (FTRP) meeting any of the criteria in Sec. 10638(4)(A)(i)-(ix) of the CHIPS and Science Act of 2022.	Indicator(s) that the covered individual is currently receiving funding from a Foreign Country of Concern (FCOC) or a FCOC-connected entity.	Patent application(s) or patent(s) not disclosed in proposal, that resulted from research funded by the U.S. Government (USG), that were filed in an FCOC prior to filing in the U.S. or filed on behalf of an FCOC-connected entity.	**For the period after 9 Aug 2022:** Indicator(s) of association with an entity on: the U.S. Bureau of Industry and Security (BIS) Entity List,[4] the Annex of Executive Order (EO) 14032[5] or superseding EOs, Sec. 1260H of the National Defense Authorization Act (NDAA) for FY 2021,[6] or Sec. 1286 of the NDAA for FY 2019, as amended.[7] **For the period after 10 Oct 2019:[6]:** Indicator(s) of affiliation with an entity on: the U.S. BIS Entity List, the Annex of EO 14032 or superseding EOs, Sec. 1260H of the NDAA for FY 2021, or Sec. 1286 of the NDAA for FY 2019, as amended.
Mitigation measures recommended	**For the period between 10 Oct 2019[8] and 9 Aug 2022:** Indicator(s) of participation in an FTRP meeting any of the criteria in Sec. 10638(4)(A)(i)-(ix) of the CHIPS and Science Act of 2022. **For the period after 9 Aug 2022:**	**For the period between 10 Oct 2019 and 9 Aug 2022:** Indicator(s) that the covered individual received funding from a FCOC or an FCOC-connected entity.	Patent application(s) or patent(s) disclosed in proposal, resulting from research funded by the USG, that were filed in an FCOC prior to filing in the U.S. or on behalf of an FCOC-connected entity.	**For the period between 10 Oct 2019 and 9 Aug 2022:** Indicator(s) of association with an entity on: the U.S. BIS Entity List, the Annex of EO 14032 or superseding EOs, Sec. 1260H of the NDAA for FY 2021, or Sec. 1286 of the NDAA for FY 2019, as amended. **For the period prior to 10 Oct 2019:**

	Policy of proposing institution employing each covered individual does not prohibit participation in a MFTRP.			Indicator(s) of an affiliation with an entity on: the U.S. BIS Entity List, the Annex of EO 14032 or superseding EOs, Sec. 1260H of the NDAA for FY 2021, or Sec. 1286 of the NDAA for FY 2019, as amended.
Mitigation measures suggested	**For the period after 10 Oct 2019:** Covered individual's co-author(s)[9] on publications in scientific and engineering (S&E) journals are participants in an MFTRP or an FTRP meeting any of the criteria in Sec. 10638(4)(A)(i)-(ix) of the CHIPS and Science Act of 2022. **For the period prior to 10 Oct 2019:** Indicator(s) of participation in a FTRP meeting any of the criteria in Sec. 10638(4)(A)(i)-(ix) of the CHIPS and Science Act of 2022.	**For the period prior to 10 Oct 2019:** Indicator(s) that the covered individual received limited or partial funding from a FCOC or an FCOC-connected entity.	Patent application(s) or patent(s) not disclosed in fundamental research project proposal, that resulted from research funded by the USG, that were filed in a non-FCOC prior to filing in the U.S. or on behalf of an entity in a non-FCOC. Co-patent applicant with a person on the U.S. BIS Denied Persons List.[10]	**For the period after 10 Oct 2019:** Covered individual's co-author(s) on publications in S&E journals are affiliated with an entity on: the U.S. BIS Entity List, the Annex of EO 14032 or superseding EOs, Sec. 1260H of the NDAA for FY 2021, or Sec. 1286 of the NDAA for FY 2019, as amended. Covered individual is a co-author on a publication in an S&E journal with a person on the U.S. BIS Denied Persons List. **For the period prior to 10 Oct 2019:** Indicator(s) of association with an entity on: the U.S. BIS Entity List, the Annex of EO 14032 or superseding EOs, Sec. 1260H of the NDAA for FY 2021, or Sec. 1286 of the NDAA for FY 2019, as amended.
No mitigation needed	No indicator(s) of participation in an MFTRP; or No indicator(s) of participation in an FTRP meeting any of the criteria in Sec. 10638(4)(A)(i)-(ix) of the CHIPS and Science Act of 2022.	No indicator(s) that the covered individual is receiving or has received funding from an FCOC or an FCOC-connected entity.	All patent application(s) or patent(s), resulting from research funded by the USG, have been filed in the U.S. prior to filing in any other country.	No indicator(s) of any association or affiliation with an entity on: the U.S. BIS Entity List, the Annex of EO 14032, or superseding EOs, Sec. 1260H of the NDAA for FY 2021, Sec. 1286 of the NDAA for FY 2019, as amended, and no indicator(s) of publication in S&E journals co-authored with an individual on the U.S. BIS Denied Persons List.

Note 1: The level of mitigation needed is elevated if any of the disclosed or identified indicators occurred after the signing of the CHIPS and Science Act of 2022.
Note 2: An indicator may reveal or acknowledge undue foreign influence. Examples include foreign funding or foreign affiliations revealed in proposal disclosures, publications, curriculum vitae (CV), institution website announcements, or social media posts.
Note 3: Participation may be identified by a contract between the covered individual and an FTRP, reported by the covered individual in the fundamental research project proposal or on a CV or resume, or identification in an acknowledgement in a publication listing the covered individual and an FTRP.
Note 4: An addition to the U.S. BIS Entity List is active on or after the Federal Register citation date provided on the U.S. BIS Entity List.
Note 5: EO 14032, "Addressing the Threat from Securities Investments That Finance Certain Companies of the People's Republic of China," dated June 3, 2021 (superseding EO 13959) bans new U.S. investment in of certain communist military companies (CCMCs). The DoD maintains and updates lists of CCMCs for the purposes of compliance with EO 14032.

Note 6: The Notice of Designation of Chinese Military Companies under section 1260H of the NDAA for FY 2021 is published in the Federal Register (86 FR 33994), effective 28 June 2021.
Note 7: The List of Institutions of the People's Republic of China, Russian Federation, and Other Countries with Specified Characteristics under section 1286 of the NDAA for FY 2019, as amended, is published at https://rt.cto.mil/stpp/mta/
Note 8: The level of mitigation need is elevated if any of the disclosed or identified indicators occurred after publication of the Under Secretary of Defense for Research and Engineering (USD(R&E)) Griffin Letter to Academia, dated 10 Oct 2019.
Note 9: Co-authorship is identified as a category where mitigation is suggested when a covered individual is collaborating with entities or persons associated with factors listed in this matrix and should not be a basis for rejection of a fundamental research project proposal.
Note 10: Individuals on the U.S. BIS Denied Persons List are active between the effective date and the expiration date provided on the U.S. BIS Denied Persons List.

Definitions

Affiliation: Academic (not including undergraduate or graduate students), professional, or institutional appointments or positions with a foreign government or a foreign government-connected entity, whether full-time, part-time, or voluntary (including adjunct, visiting, post-doctoral appointment, or honorary), where monetary reward, non-monetary reward, or other quid-pro-quo obligation is involved.

Association: Academic (not including undergraduate or graduate students), professional, or institutional appointments or positions (including adjunct, visiting, voluntary, post-doctoral appointment, or honorary) with a foreign government or a foreign government-connected entity where no monetary reward, non-monetary reward, or other quid-pro-quo is involved.

Applied Research: Original scientific investigation undertaken in order to acquire new knowledge and directed primarily towards a specific practical aim or objective.

Basic Research: Experimental or theoretical work undertaken primarily to acquire new knowledge of the underlying foundations of phenomena and observable facts.

Confucius Institute: As defined in Section 1062(d) of the NDAA for FY 2021, a Confucius Institute is a cultural institute funded either directly or indirectly by the Government of the People's Republic of China. A cultural institute does not need to be named a "Confucius Institute" to be deemed to be a Confucius Institute.

Covered Individual: An individual at an extramural research institution who contributes significantly to the design and/or execution of a fundamental research project that is, or if selected for award would be, funded, in whole or in part, by the DoD, and who is considered essential to the successful performance of the fundamental research project. Covered individuals include those listed as key personnel in fundamental research project proposals, such as the principal investigator or co-principal investigators.

DoD Component: A Military Department, Defense Agency, DoD field activity, or organization within the Office of the Secretary of Defense**.**

Entity: An organization, including government organizations, non-governmental organizations, and private corporations, whether foreign or domestic.

Entity in a Non-Foreign Country of Concern: An organization, including government organizations, non-government organizations, and private corporations, incorporated in a non-foreign country of concern or physically located in a non-foreign country of concern.

Extramural Research Institution: Any institution of higher education, independent research institution, Federally Funded Research and Development Center, or any other entity where DoD-funded research and development is conducted. Extramural research institutions do not include DoD laboratories or other laboratories that are owned and operated by the Federal Government.

Foreign Country of Concern: The People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, and the Islamic Republic of Iran.

Foreign Entity of Concern: As defined in Section 10638(3) of the CHIPS and Science Act of 2022 (Public Law 117-167), a foreign entity that is:

- Designated as a foreign terrorist organization by the Secretary of State under Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));
- Included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly known as the SDN List);

- Owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation (as such term is defined in Section 4872 of Title 10, United States Code);
- Alleged by the Attorney General to have been involved in activities for which a conviction was obtained under:
    - Chapter 37 of title 18, United States Code (commonly known as the Espionage Act)
    - Section 951 or 1030 of Title 18, United States Code (U.S.C);
    - Chapter 90 of Title 18, U.S.C. (commonly known as the Economic Espionage Act of 1996);
    - The Arms Export Control Act (22 U.S.C. 2751 et seq.);
    - Section 224, 225, 226, 227, or 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275, 2276, 2277, and 2284);
    - The Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or
    - The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or
- Determined by the Secretary of Commerce, in consultation with the Secretary of Defense and the Director of National Intelligence, to be engaged in unauthorized conduct that is detrimental to the national security or foreign policy of the United States.

Foreign Government-Connected Entity: An organization, including government organizations, non-governmental organizations, and private corporations, owned or operated directly or indirectly by a foreign government.

Foreign Talent Recruitment Program: As set forth in the National Science and Technology Council implementation guidance for National Security Presidential Memorandum 33, a foreign talent recruitment program is an effort organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin or whether providing the recruited individual a full-time or part-time position).

Fundamental Research: As defined in National Security Division Directive 189, dated September 21, 1985, fundamental research is basic and applied research in science and engineering conducted at colleges, universities, and laboratories, the results of which ordinarily are published and shared broadly within the scientific community.

Malign Foreign Talent Recruitment Program: As defined in Section 10638(4) of the CHIPS and Science Act of 2022 (Public Law 117-167), the term "malign foreign talent recruitment program" means:

- Any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to the targeted individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue, in exchange for the individual:
    - Engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a United States entity or developed with a Federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;
    - Being required to recruit trainees or researchers to enroll in such program, position, or activity;
    - Establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or

affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a Federal research and development award;
    - Being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
    - Through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a Federal research and development award;
    - Being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;
    - Being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the Federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the Federal research and development award;
    - Being required to not disclose to the Federal research agency or employing institution the participation of such individual in such program, position, or activity; or
    - Having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award; and
- A program that is sponsored by:
    - A foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the foreign country of concern;
    - An academic institution on the list developed under Section 1286(c)(8) of the John S. McCain NDAA for FY 2019 (10 U.S.C. 2358 note; Public Law 115-232); or
    - A foreign talent recruitment program on the list developed under Section 1286(c)(9) of the John S. McCain NDAA for FY 2019 (10 U.S.C. 2358 note; Public Law 115-232).

Mitigation of Research Security Risk: The action of reducing the severity or the effects of research security risks identified in a fundamental research project proposal.

Participation in a Malign Foreign Talent Recruitment Program: Affiliation with or membership in a malign foreign talent recruitment program, including a contractual or other binding agreement between an individual and a malign foreign talent recruitment program; an individual reporting participation in a malign foreign talent program in a research proposal, curriculum vitae, or resume; or an individual's identification in a publication listing the individual and a malign foreign talent recruitment program.

Proposing Institution: An institution of higher education, independent research institution, Federally Funded Research and Development Center, or any other entity that submits a fundamental research project proposal for DoD Government funding, in whole or in part.

Research and Development: The creative and systematic work undertaken to increase the stock of knowledge and to devise new applications of available knowledge. This includes, but is not limited to, research in economics, education, linguistics, medicine, psychology, physical sciences, social sciences, statistics, and research involving human subjects or animals regardless of the funding appropriation used to support it.

Fundamental Research Project Proposal: A proposal for funding to be provided to an individual or entity, in whole or in part, by a Federal research agency to carry out fundamental research activities through grants, cooperative agreements, contracts, and other transactions.

Research Integrity: The standards of research that promote objective research with collaborations that are open, transparent, merit-based, and reciprocal in nature. Research collaborations conducted with integrity are

expected to disclose all financial and time obligations of the persons involved in the research, hire individuals or recruit students to participate in the research based on merit, and respect rules governing intellectual property.

Research Security Risk: An increased likelihood that research and development efforts or results will be misappropriated to the detriment of national or economic security, as well as related violations of research integrity and foreign government interference.

Part 3: Introduction to FY22 Lists Published in Response to Section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) as amended

Additionally, the document "FY22 Lists Published in Response to Section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), as amended" is the current set of lists required by law, as stated. This document identifies those foreign institutions that have been confirmed as engaging in problematic activity as described in Section 1286(c)(8)(A) of the referenced law. It also identifies the foreign talent programs that have been confirmed as posing a threat to the national security interests of the United States as described in Section 1286(c)(9)(A) of the referenced law. As detailed in the decision matrix, it is one of the sources that supplements the decision matrix document. Caution is advised for any researcher or institution engaging with institutions on this list. The full list is on the following pages.

FY22 Lists Published in Response to Section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), as amended

Table 1: List of Institutions of the People's Republic of China, Russian Federation, and other Countries with Specified Characteristics

Academy of Military Medical Sciences (AMMS)
Academy of Military Medical Sciences, Field Blood Transfusion Institution
Academy of Military Medical Sciences, Institute of Basic Medicine
Academy of Military Medical Sciences, Institute of Bioengineering
Academy of Military Medical Sciences, Institute of Disease Control and Prevention a.k.a. • Disease Control and Prevention Institute
Academy of Military Medical Sciences, Institute of Health Service and Medical Information
Academy of Military Medical Sciences, Institute of Hygiene and Environmental Medicine
Academy of Military Medical Sciences, Institute of Medical Equipment
Academy of Military Medical Sciences, Institute of Microbiology and Epidemiology a.k.a. • Institute of Microbial Epidemiology
Academy of Military Medical Sciences, Institute of Radiation and Radiation Medicine a.k.a. • Institute of Radiation and Radiation Medicine • Institute of Electromagnetic and Particle Radiation Medicine
Academy of Military Medical Sciences, Institute of Toxicology and Pharmacology a.k.a. • Institute of Toxicology and Drugs
Academy of Military Medical Sciences, Military Veterinary Research Institute
Beijing Aeronautical Manufacturing Technology Research Institute (BAMTRI) a.k.a. • Aviation Industry Corporation of China's (AVIC) Institute 625
Beijing Computational Science Research Center (BCSRC) a.k.a. • Beijing Computing Science Research Center • CSRC
Beijing Institute of Technology
Beijing University of Aeronautics and Astronautics (BUAA) a.k.a. • Beihang University
Beijing University of Posts and Telecommunications (BUPT)
Center for High Pressure Science and Technology Advanced Research (HPSTAR) a.k.a. • Beijing High Voltage Research Center

Chinese Academy of Engineering Physics (CAEP) a.k.a. • Ninth Academy • Southwest Computing Center • Southwest Institute of Applied Electronics • Southwest Institute of Chemical Materials • Southwest Institute of Electronic Engineering • Southwest Institute of Environmental Testing • Southwest Institute of Explosives and Chemical Engineering • Southwest Institute of Fluid Physics • Southwest Institute of General Designing and Assembly • Southwest Institute of Machining Technology • Southwest Institute of Materials • Southwest Institute of Nuclear Physics and Chemistry (a.k.a., China Academy of Engineering Physics (CAEP) 902 Institute) • Southwest Institute of Research and Applications of Special Materials Factory • Southwest Institute of Structural Mechanics • The High Power Laser Laboratory, Shanghai • The Institute of Applied Physics and Computational Mathematics, Beijing • 901 Institute
Chinese Academy of Sciences - Shenyang Institute of Automation
Federal Research Center Boreskov Institute of Catalysis
Federal State Budgetary Institution of Science P.I.K.A. Valiev RAS of the Ministry of Science and Higher Education of Russia a.k.a. • FTIAN IM K.A.Valiev RAS • FTI RAS • FTIAN
Harbin Engineering University
Harbin Institute of Technology
Hefei National Laboratory for Physical Sciences at the Microscale
Institute of High Energy Physics (IHEP) a.k.a. • Kurchatovskiy Institute ITEF
Institute of Solid-State Physics of the Russian Academy of Sciences (ISSP) a.k.a. • Institute of Solid-State Physics of the Academy of Sciences SSSR • Federal State Budgetary Institution of Science Institute of Solid-State Physics N.A. Yu. A. Osipyanof the Russian Academy of Sciences
Mabna Institute
Moscow Institute of Physics and Technology (MIPT) a.k.a. • MFTI

Moscow Order of the Red Banner of Labor Research Radio Engineering Institute JSC a.k.a. • MNIRTI JSC
Nanjing University of Aeronautics and Astronautics
Nanjing University of Science and Technology
National University of Defense Technology (NUDT) a.k.a. • Central South CAD Center • CSCC • Hunan Guofang Keji University
Northwestern Polytechnical University a.k.a. • Northwestern Polytechnic University • Northwest Polytechnic University • Northwest Polytechnical University
Ocean University of China
Rzhanov Institute of Semiconductor Physics, Siberian Branch of Russian Academy of Sciences a.k.a. • IPP SB RAS • Institute of Semiconductor Physics IM A.V. Rzhanov
Sichuan University
Sun Yat-Sen University
Tactical Missile Corporation, Concern “MPO—Gidropribor” a.k.a. • Joint Stock Company Concern Sea Underwater Weapons Gidropribor • Research Institute “Gidpropridor”
Tactical Missile Corporation, Joint Stock Company GosNIIMash a.k.a. • PPORosprofprom V “GOSNIIMASH” • State Research Institute of Mechanical Engineering • Pervichnaya Profsoyuznaya Organizatsiya Rossiskogo Profsoyuza Rabotnikov Promyshlennosti V • “GOSNIIMASH” • Joint Stock Company “State Research Institute of Mechanical Engineering” named after “V.V.Bakhirev” • SKB DNIKhTI
Tianjin University
University of Electronic Science and Technology of China

Table 2: Foreign Talent Programs that Pose a Threat to National Security Interests of the United States

Changjiang Scholar Distinguished Professorship
Hundred Talents Plan
Pearl River Talent Program
Project 5-100
River Talents Plan
Thousand Talents Plan
Any program that meets one of the criteria contained in Section 10638 (4)(A) and either Section 10638 (4)(B)(i) or (ii) in the CHIPS and Science Act