

# Policy for Risk-Based Security Reviews of Fundamental Research

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# Policy for Risk-Based Security Reviews of Fundamental Research Policy

- The Countering Unwanted Foreign Influence in Department-Funded Research Institutions of Higher Education policy and enclosures was publicly released June 30, 2023
- **Policy for risk-based security reviews of fundamental research**
  - Intent is to ensure consistent application of risk-based security reviews for fundamental research project proposals across the DoD
- **DoD Component Decision Matrix to Inform Fundamental Research Proposal Mitigation Decisions**
  - A guide to assist program managers and DoD components in reviewing fundamental research proposals for potential conflicts of interest and conflicts of commitment.
- **FY22 Lists Published in Response to Section 1286 of NDAA 2019**
  - The 1286 List includes foreign institutions that have been confirmed as engaging in problematic activity as described in Section 1286(c)(8)(A) of the NDAA for FY 2019, as amended. 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 NDAA for FY 2019, as amended. Per the Decision Matrix, certain engagements with these institutions will require mitigation before a proposal can be funded.

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## Department of Defense Strengthening Efforts to Counter Unwanted Foreign Influence on DOD-Funded Research at Institutions of Higher Education

June 30, 2023 | f t r

The Department of Defense today announced the publication of a list of foreign entities that have been confirmed as engaging in problematic activity as described in Section 1286 of the Fiscal Year 2019 National Defense Authorization Act, as amended. These include practices and behaviors that increase the likelihood that DOD-funded research and development efforts will be misappropriated to the detriment of national or economic security or be subject to violations of research integrity or foreign government interference.

"Protecting and maintaining the integrity of our research enterprise is integral to national security," said Heidi Shyu, Under Secretary of Defense for Research and Engineering (USD(R&E)). "The publication of these foreign entities underscores our commitment to ensuring the responsible use of federal research funding and safeguarding our critical technologies from exploitation or compromise."

<https://www.defense.gov/News/Releases/Release/Article/3445601/department-of-defense-strengthening-efforts-to-counter-unwanted-foreign-influen/>

<https://media.defense.gov/2023/Jun/29/2003251160/-1/-1/1/COUNTERING-UNWANTED-INFLUENCE-IN-DEPARTMENT-FUNDED-RESEARCH-AT-INSTITUTIONS-OF-HIGHER-EDUCATION.PDF>



# Key Takeaways

- The Department is committed to preserving open science, international collaboration, and involvement of talented foreign students and researchers in DoD-funded fundamental research
- The Department's policy is to mitigate potential conflicts of interest listed in the Decision Matrix to the maximum extent possible
- Policy implementation will be transparent and consistent across the Department
- The Department will not discriminate on the basis of race or national origin
- The Department will not penalize researchers for activities believed acceptable prior to the USD(R&E) Griffin Letter to Academia, dated 10 October 2019
- The Department is interested in collecting feedback from the academic community as it implements its policy. The decision matrix may be updated to incorporate changes in law and policy, account for lessons learned, and ensure consistency with other Federal agencies.



# Decision matrix considers four factors to determine whether mitigation measures are needed

- **Foreign talent recruitment programs** – is a way a Foreign Country of Concern (FCOC) corrupts the open research enterprise by conducting secretive dealings between recipients and the FCOC, including transfer of knowledge and personnel outside of norms
  - Malign foreign talent recruitment program – defined in CHIPS
- **Funding sources** – accepting funding from FCOCs may create a conflicting obligation to that FCOC
- **Patents** – patents arising from US–funded research filed in a foreign country before being filed in the U.S. can be an indicator of undisclosed agreements with a foreign country
- **Entity lists** – problematic actors that affiliation or association with could create a conflict of interest or conflict of commitment
  - 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 fulltime, 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.**



# FY22 Lists Published in Response to Section 1286 of Public Law 115-232, as amended

- The 1286 List includes foreign institutions that have been confirmed as engaging in problematic activity as described in Section 1286(c)(8)(A) of the NDAA for FY 2019, as amended. 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 NDAA for FY 2019, as amended.
  - Table 1: List of Institutions of the People's Republic of China, Russian Federation, and other Countries with Specific Characteristics
  - Table 2: Foreign Talent Programs that Pose a Threat to National Security Interests of the United States
- Documentation on problematic behaviors engaged in by the institutions on the 1286 list can be found in USG published sources
  - Entities List
  - Justice Department Court Cases



# Contact Us

- Contact the **Academic Liaison** for any questions/concerns/issues pertaining to research security at institutions of higher education at:  
[osd.mc-alex.ousd-r-e.mbx.academic-liaison@mail.mil](mailto:osd.mc-alex.ousd-r-e.mbx.academic-liaison@mail.mil)
- DoD research security information:
  - **Academic research security pertaining to fundamental research**  
Basic Research Office website at:  
<https://basicresearch.defense.gov/Programs/Academic-Research-Security/>
  - **Efforts to balance the promotion and protection of critical and emerging technology through the technology development cycle**  
Science and Technology Program Protection Office's Maintaining Technology Advantage website at: <https://rt.cto.mil/stpp/mta/#>
  - **DoD's public release of the Policy for Risk-Based Security Reviews** including the decision matrix and 1286 lists: Defense.gov:  
<https://www.defense.gov/News/Releases/Release/Article/3445601/departments-of-defense-strengthening-efforts-to-counter-unwanted-foreign-influen/>