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2026 Department of War (DoW) Component Decision Matrix to Inform Fundamental Research Proposal Mitigation Decisions

This Matrix is an update to the 2025 Matrix and an aid to help DoW Components make informed decisions regarding risk mitigation measures for fundamental research projects. It includes definitions, reference materials, and other key factors for DoW Components conducting risk-based security reviews of fundamental research project proposals selected for potential award. Table 1 updates the Decision Matrix to Inform Fundamental Research Proposal Mitigation Decisions pursuant to the Office of the Undersecretary of War (Research and Engineering) June 8, 2023 "Policy for Risk-Based Security Reviews of Fundamental Research" and the January 7, 2026 memorandum "Fundamental Research Security Initiatives and Implementation."

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In accordance with section 10632(a)(1) of Public Law 117-167 "CHIPS and Science Act of 2022", DoW Components must annually verify that participants listed on the Research Performance Progress Report are not involved in malign foreign talent recruitment programs, as defined in section 10638(4).

Actions prohibited by law:

- None of the funds authorized to be appropriated or otherwise made available for the DoW for fiscal year (FY) 2026 may be obligated or expended to award a grant, contract, or other assistance to an institution of higher education for the specific purposes of conducting fundamental research in collaboration with a covered entity that is included on the most recent version of the list developed pursuant to section 1286 of the National Defense Authorization Act (NDAA) for FY 2019, as amended, or to any employees of such institutions.
- The DoW 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. (Section 10638, "Definitions," of the CHIPS Act of 2022).
- No U.S. institution of higher education that hosts a Confucius Institute may receive DoW funds. (Section 10399A of the CHIPS Act 2022).

Pursuant to implementing the "Department of Defense Memorandum on National Security Presidential Memorandum-33 Implementation", dated December 14th, 2022, and the memorandum "Fundamental Research Security Initiatives and Implementation.", the following is prohibited:

- Funds appropriated for the DoW may not be used for grants, contracts, other transactions or other assistance to an institution of higher education if the purpose is to conduct fundamental research in collaboration with, or using equipment from, any entity named on any of the "Prohibited Entity Lists" below. This funding prohibition also extends to the employees of such institutions.

Collaborations between covered individuals and international researchers do not require mitigation if they do not involve any of the factors described in Table 1. Table 1 identifies collaboration factors with individuals or entities known to engage in practices and behaviors that could jeopardize national or economic security, violate research integrity, or involve foreign government interference. A pattern of material omissions of foreign affiliations, foreign funding, or intellectual property filings and partnerships raises additional concerns in the review process. Co-authorship and co-patents are both useful in providing a full picture of a fundamental research project's risks but are not, on their own, sufficient cause to deny funding for a fundamental research project proposal. International collaboration is an important mechanism for participating in the global scientific commons and promoting progress in fundamental research.

Prohibited Entity Lists:

- The list published pursuant to section 1286 of the NDAA for FY 2019, as amended, or to any employees of such institutions (commonly known as the "DoW 1286 List"), published at https://basicresearch.defense.gov/Programs/Academic-Research-Security/ ;
- The list published in the Federal Register by the Department of War of Chinese military companies (CMC) operating in the United States pursuant to section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note) (commonly known as the "DoW 1260H list" or the "1260H CMC List"), published at https://www.federalregister.gov/, search 1260H;
- The list of specially designated nationals (SDN) and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly known as the ''SDN list''), published at https://sanctionssearch.ofac.treas.gov/ ;
- The Non-SDN Chinese Military-Industrial Complex Companies List maintained by the Office of Foreign Assets Control of the Department of the Treasury, published at https://www.treasury.gov/ofac/downloads/ccmc/nscmiclist.pdf ;
- The Entity List maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations, published at https://www.ecfr.gov/current/title-15/subtitle-B/chapter-VII/subchapter-C/part-744#Supplement-No.-4-to-Part-744 ;
- The Military End-User List maintained by the Department of Commerce and set forth in Supplement No. 7 to part 744 of the Export Administration Regulations (EAR), published at https://www.ecfr.gov/current/title-15/subtitle-B/chapter-VII/subchapter-C/part-744/appendix-Supplement%20No.%207%20to%20Part%20744 ;
- The Denied Persons List maintained by the Bureau of Industry and Security of the Department of Commerce and described in section 764.3(a)(2) of the EAR, published at https://www.bis.gov/licensing/end-user-guidance/denied-persons-list-dpl;
- The Debarred Parties List maintained by the Directorate of Defense Trade Controls of the Department of State, published at https://deccspmddtc.servicenowservices.com/ddtc_public?id=ddtc_kb_article_page&sys_id=c22d1833dbb8d300d0a370131f9619f0 ;
- The list of telecommunications companies of the People's Republic of China designated under section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115– 232; 41 U.S.C. note prec. 3901) as posing national security risks to the United States, published at https://www.congress.gov/115/bills/hr5515/BILLS-115hr5515enr.pdf ;
- The list of semiconductor companies of the People's Republic of China and affiliates designated under section 5949 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 41 USC 4713 note) as posing national security risks to the United States, published at https://www.congress.gov/bill/117th-congress/house-bill/7776/text ;
- The list maintained by the Federal Communications Commission of equipment and services covered by section 2 of the Secure and Trusted Communications Networks Act of 2019 (commonly referred to as the FCC Covered List), published at https://www.fcc.gov/supplychain/coveredlist;
- The list maintained by the Department of Homeland Security pursuant to the Uyghur Forced Labor Prevention Act (Public Law 117-78), published at https://www.dhs.gov/uflpa-entity-list; or
- The Annex to Executive Order (EO) 14032, "Addressing the Threat from Securities Investments That Finance Certain Companies of the People's Republic of China," dated 3 Jun 2021, or superseding EOs, published at https://ofac.treasury.gov/media/99111/download?inline.

Table 1: Decision Matrix to Inform Fundamental Research Proposal Mitigation Decisions
Factors for Assessing a Covered Individual's Affiliations, Collaborations, and Funding

	Factor 1: Foreign Talent Recruitment Programs	**Factor 2: Funding Sources**	**Factor 3: Patents**	**Factor 4: Entity Lists**
Prohibited factors	Indicator(s)[1] of the covered individual actively participating[2] in a malign foreign talent recruitment program (MFTRP).	**None**	**None**	Active collaboration for the specific purpose of fundamental research[3] between a covered individual and any academic institution[4] or entity, or employee of such entity, on the current Prohibited Entity Lists. **or** Funding of or to an entity on any of the Prohibited Entity Lists, or employees of such entities.
Mitigation measures required	**Within the past 5 years:** Indicator(s) of participation by the covered individual in an MFTRP meeting any of the criteria defined in section 10638(4) of the CHIPS and Science Act of 2022. **or** Covered individual's co-author(s)[5] on publications in scientific and engineering (S&E) journals are participants in an MFTRP meeting any of the criteria defined in section 10638(4) of the CHIPS and Science Act of 2022.	**Within the past 5 years:** Indicator(s) that the covered individual received funding from a Foreign Country of Concern (FCOC) or Foreign Entity of Concern.	**Within the past 5 years:** Patent application(s) or patent(s) that resulted from research funded by the United States Government (USG) that were filed in an FCOC, or on behalf of an FCOC-connected entity, prior to filing in the U.S. **or** Patent application(s) or patent(s) <u>not disclosed</u> in proposal that resulted from research funded by the USG that were filed in a non-FCOC, or on behalf of an entity in a non-FCOC, prior to filing in the United States. **or** Patent or Co-patent(s) applications(s) with an individual affiliated with any entity on the version at the time of review of any Prohibited Entity Lists.	**Within the past 5 years:** Indicator(s) of affiliation with an entity on any Prohibited Entity List at the time of review. **or** Covered individual's co-author(s) on publications in S&E journals are affiliated with an entity on any Prohibited Entity List at the time of review.
No mitigation needed	**Within the past 5 years:** No indicator(s) of participation by the covered individual in an MFTRP meeting any of the criteria defined in section 10638(4) of the CHIPS and Science Act of 2022.	**Within the past 5 years:** No indicator(s) that the covered individual has received funding from an FCOC or an FCOC-connected entity.	**Within the past 5 years:** All patent applications or patents resulting from research funded by the USG have been filed in the United States prior to filing in any other country. No patent or co-patent(s) applications with an individual affiliated with any entity on any Prohibited Entity Lists.	**Within the past 5 years:** No indicator(s) of any affiliation with an entity on a current Prohibited Entity Lists. No indicator(s) that a covered individual's co-author(s) on publications in S&E journals are affiliated with an entity on a Prohibited Entity list.

Note 1: 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 2: Participation may be identified by a contract between the covered individual and an MFTRP, reported by the covered individual in the fundamental research project proposal or on a CV or resume, or identified in an acknowledgement in a publication listing the covered individual and an MFTRP.
Note 3: "Collaborations for the Specific Purposes of Fundamental Research" means research that is identified in the fundamental research project proposal that is to be conducted with an entity on any Prohibited Entity Lists at the time of review, or to any employees of such entities.
Note 4: Section 215 of the NDAA for FY 2026 (Public Law 119-60), "Limitation on Availability of Funds for Fundamental Research Collaboration with Certain Academic Institutions." The Assistant Secretary of Defense for Science and Technology may waive this limitation on a case-by-case basis with respect to an individual grant or contract for an institution of higher education if the Assistant Secretary determines that such a waiver is in the national security interests of the United States.
Note 5: Co-authorship is identified as a category where mitigation is expected 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.

Definitions

Affiliation: For the purposes of this matrix, affiliations are defined as 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).

Applied Research: The updated *Frascati Manual* defines applied research as original scientific investigation undertaken in order to acquire new knowledge and directed primarily towards a specific practical aim or objective.

Basic Research: The updated *Frascati Manual* defines basic research as 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 1044(b)(2) of the NDAA for FY 2024, a Confucius Institute is "any program that receives funding or support from the Chinese International Education Foundation, the Center for Language Exchange Cooperation of the Ministry of Education of the People's Republic of China, or any cultural institute funded 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 one.

Covered Individual: An individual at an extramural research institution who, as designated by the extramural research institution, contributes significantly to the design or execution of an R&D project that is funded, in whole or in part, by the DoW, and who is considered essential to the successful performance of the R&D project. Covered Individuals include those listed as key personnel in proposals for DoW R&D project proposals (e.g., the principal investigator or co-principal investigator). This designation is in accordance with the requirements of section 223 of the William M. (Mac) Thornberry NDAA for FY 2021.

DoW Components: As defined in DoW Directive 5100.01, the Office of the Secretary of War, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of War, the Defense Agencies, the DoW Field Activities, and all other organizational entities within the DoW.

Entity: For the purposes of this matrix, entities are defined as "organizations, including government organizations, non-governmental organizations, and private corporations, whether foreign or domestic."

Entity in a Non-Foreign Country of Concern: For the purposes of this matrix, this is defined as 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: For the purposes of this matrix, extramural research institutions are any institution of higher education, independent research institution, Federally Funded Research and Development Center, or any other entity where DoW-funded research and development is conducted. Extramural research institutions do not include DoW laboratories or other laboratories that are owned and operated by the Federal Government.

Foreign Country of Concern (FCOC): Defined in 42 USC 19237, FCOCs include 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 United States Code (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, U.S.C. (commonly known as the Espionage Act)
    - Section 951 or 1030 of title 18, 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: For the purposes of this matrix, these entities are organizations, including government organizations, non-governmental organizations, and private corporations, owned or operated directly or indirectly by a foreign government.

Fundamental Research: As defined in National Security Decision 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.

Fundamental Research Project Proposal: For the purposes of this matrix, these are proposals 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.

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: For the purposes of this matrix, this is the action of reducing the severity or the effects of research security risks identified in a fundamental research project proposal. What mitigation is required is a fact-based determination to be made at the program level on a case-by-case basis.

Participation in a Malign Foreign Talent Recruitment Program: For the purposes of this matrix, participation is defined as an 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: For the purposes of this matrix, 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 DoW funding, in whole or in part.

Research and Development: As defined by the National Science Foundation, R&D comprise 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.

Research Integrity: As defined in the NSPM-33 Implementation Guidance, research integrity is the use of honest and verifiable methods in proposing, performing, and evaluating research; reporting research results

with particular attention to adherence to rules, regulations, and guidelines; and following commonly accepted professional codes or norms.

Research Security Risk: For the purposes of this matrix, this is 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.