

# From Disclosure to Prohibition: The Expanding US Research-Security Regime, 2020–26

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## Overview

In recent years the United States has constructed an increasingly elaborate research–security system designed to protect federally supported science from foreign interference, intellectual property theft, undisclosed conflicts of interest, and inappropriate technology transfer. Much of this effort was necessary and overdue. There are legitimate concerns about whether recipients of US research funding also hold undisclosed foreign appointments, receive foreign financial support, participate in international talent recruitment programs, or maintain professional commitments that could conflict with their obligations to the US government.

However, federal policy is beginning to move from targeted policies designed to disclose such relationships and determine and appropriately mitigate identified risks toward a much broader approach that would ban entire categories of relationships as impermissible.

China remains the principal focus of this evolving system of prohibitions, although Russia, Iran, North Korea, and other designated entities also are affected. Recent actions illustrate how far the policy is moving. The National Science Foundation, or NSF, announced this July that it intends to prohibit the use of NSF funds for collaboration with a wide range of entities appearing on US restricted party lists. The Office of Management and Budget, or the OMB, has also recently proposed to prohibit government funding for research cooperation

between US academic institutions and a broad swathe of Chinese academic and scientific organizations.

These developments mark an important change in the operating environment for American science, from risk management to outright prohibition. The danger of this move is that it risks cutting off access for US science and scientific institutions to international networks and talent at the leading edge of global scientific advancement, even though the United States benefits from continued scientific cooperation in areas not directly vital to national security.

Rather than blanket bans on international collaboration, the United States needs a risk-based system capable of distinguishing among technologies, institutions, individuals, and different forms of collaboration. The objective should be to protect American technological advantages without ending access to international research networks that have helped create and sustain the United States' national scientific strength.

## Discussion

The present research–security system accumulated gradually, albeit steadily, through a collection of legislation, presidential directives, agency regulations, and increasingly extensive institutional compliance requirements. There is no single US research–security law. Instead, successive measures have expanded the federal government's authority over foreign research relationships.

An early foundation of the prevailing research–security framework was Section 1286 of the National Defense Authorization Act for Fiscal Year 2019, or the FY2019 NDAA. It instructed the Department of Defense to establish an initiative involving universities engaged in defense–related research and to identify problematic foreign academic institutions and talent recruitment programs associated with foreign military organizations.

The FY2020 NDAA, Section 1746, broadened the effort by directing the White House Office of Science and Technology Policy to establish an interagency research–security working group under the National Science and Technology Council. Its mandate included protecting federally funded research from foreign interference, cyber–intrusion, theft, and espionage while developing common practices for federal agencies and research institutions.

The FY2021 NDAA, Section 223, moved the system toward strict government–wide disclosure requirements. Federal research agencies were then required to obtain information on current and pending research support from applicants for federal awards and to require certification that those disclosures were accurate and complete. Section 1062 separately imposed restrictions on Department of Defense and NSF funding to institutions hosting Chinese government–backed education programs known as Confucius Institutes.

Research security also entered immigration policy. Presidential Proclamation 10043, issued in May 2020, restricted entry into the United States by certain Chinese graduate students and researchers seeking F or J visas if they had specified connections to institutions associated with China’s military–civil fusion strategy. The proclamation represented a significant step because it extended research–security concerns beyond federal grant administration into decisions about who could enter the United States to study or conduct research.

The most ambitious attempt to develop a coherent government–wide framework came with National Security Presidential Memorandum 33, or NSPM–33, in Jan. 2021. The memorandum instructed

federal agencies to strengthen safeguards for government–supported research and created a framework for standardized disclosure requirements, consequences for nondisclosure, information sharing, and institutional research–security programs. Subsequent implementation guidance sought greater consistency in disclosure of biographical information, appointments, affiliations, and current and pending research support.

At this stage, the approach remained primarily a disclosure–and–assessment model: Identify relevant foreign relationships, make them transparent, evaluate potential conflicts or vulnerabilities, and mitigate the risks where necessary.

But Congress subsequently added more explicit prohibitions. The CHIPS and Science Act of 2022 established government–wide restrictions on participation by federally funded researchers in defined “malign foreign talent recruitment programs.” Importantly, however, Congress did not define ordinary international scientific activity itself as malign. The legislation excluded research exchanges involving open and reciprocal scientific cooperation. The objective at that point was not to completely prohibit international collaboration as such.

### From disclosure to prohibition

Unfortunately, the current policy environment is moving from risk control to broader prohibitions on scientific collaboration with adversary nations such as China.

The shift became explicit this year in NSF’s July 8 Dear Colleague Letter, “Prohibition on Collaborations with Restricted Entities.” NSF announced that it intends to prohibit its funds from being used for any research collaborations with entities appearing on US restricted party lists, which include many prominent Chinese civilian universities on the Pentagon–restricted list established by Section 1286 of the FY2019 NDAA. Significantly, NSF stated that risk mitigation would not be considered sufficient for collaborations falling within the prohibition. Senior or key personnel would be barred from collaborating

with the covered entities on NSF-funded projects and would also be prohibited from holding appointments with or receiving research support from those entities for the duration of an NSF award. That represents a significant change in principle. The governing questions are no longer simply what an international scientific relationship is, what risks does it create, and can those risks be managed. For relationships falling within the new policy, the answer becomes much simpler: The relationship itself is prohibited.

A Department of War action this August, directed at 30 US academic institutions, illustrates the consequences of this approach. Universities were instructed to undertake “comprehensive reviews of their academic, financial, and research collaborations with foreign entities of concern,” including academic institutions appearing on the Section 1286 list and “organizations associated with rebranded Confucius Institutes.”

In perhaps the most significant step toward a blanket prohibition yet, this spring, the OMB proposed a rule that would impose a categorical ban on federal funding of academic research collaboration between US universities and entities “owned or controlled by” the Chinese government or “affiliated with” the Chinese military. These categories of affiliation are defined extremely broadly and would include effectively all leading Chinese research universities and academic institutions.

### Why the move toward prohibition creates a strategic problem

It is clear that the United States has every reason to protect classified and controlled information, sensitive technologies, intellectual property, and federally financed research. Relationships involving foreign military organizations, intelligence-linked entities, or programs intended to acquire protected technologies obviously warrant particularly careful examination and assessment.

The key danger lies in allowing a justified concern about specific risks to evolve into a broad system of presumptive prohibition. Such a system creates at least three problems.

First, it encourages overcompliance. Universities confronted by ambiguous definitions, multiple restricted party lists, changing agency requirements, and the possibility of jeopardizing access to critical federal research funds have strong incentives to simply cut off scientific and research contacts with countries of concern like China, even if such research contacts pose limited security risks and could bring benefits to US science and technology.

Second, along with potential security gains, restrictions also impose costs on American science. US universities draw substantial benefits from international students, visiting scholars, specialized expertise, scientific data, research facilities, and collaborative networks. These relationships are not acts of charity toward foreign countries; as documented in recent Quincy Institute research, they are critical contributors to the American competition for global scientific talent. If faculty members conclude that international collaboration has become legally uncertain, professionally risky, or administratively burdensome, some portion of that activity will inevitably migrate elsewhere. The United States would lose its role as a magnet for new ideas, creative talent, and capital investment.

Third, restricting scientific interaction can damage America’s scientific competitiveness and technological advantage. Far from being a student of the United States, as it once was, China has now risen to global scientific leadership in multiple fields. It is competitive with the United States in major metrics of scientific and technological accomplishment. Furthermore, China is now pursuing a strategy of seeking a greater leadership role in international scientific networks, which was once a US strength. In this context, forcing a decoupling in scientific research between the United States and China by prohibiting research collaboration, while it can deny China access to particular American capabilities, can also deny the United States access to the cutting edge of global technological advances and possibly isolate it from emerging scholarly networks. This also could encourage China to increase further its investment in indigenous scientific capacity and pursue deeper scientific partnerships with countries other than the United States.

## What should change?

The United States should maintain strong research–security protections, but it should organize them around a clearer, more dynamic risk–based hierarchy. Quincy Institute research has laid out such an approach in recent reports that call for a “smart openness” approach to scientific engagement and provide recommendations for specifically which scientific fields should be prioritized for protection or engagement. At the highest level of national security concern, stringent restrictions and, in some cases, outright prohibition of interactions are justified. Fields with lower levels of concern may call for ongoing assessment and management of identifiable risks while maintaining scientific interaction, and areas of fundamental scientific research that pose little direct national security risk can benefit from a strong presumption of openness.

This approach would not weaken research security. It would make research–security policy more precise, more defensible, less bureaucratic, and more closely aligned with actual risk. The burden of primary responsibility and accountability should be shifted to the scientific community.

The movement toward outright prohibition discussed above is at odds with a rational alignment of security policy with defined risks. Somewhat ironically, elements of the 2026 National Security Science and Technology Strategy are much more compatible with “smart openness.” The strategy calls for a tailored approach of stronger research–security vetting, monitoring where appropriate, better cybersecurity, improved threat analysis, and security measures suited to the distinctive characteristics of particular technological fields. It also emphasizes cooperation with allies and partners in protecting the broader innovation base. Crucially, the strategy does not appear to recommend outright prohibition of US–China scientific interaction.

The major challenge is to translate these principles into a coherent government–wide framework that provides an alternative to outright prohibition of

US–China interactions and can be used by the scientific (and engineering) community to make informed choices that preserve the benefits of access to global scientific networks while protecting key national security interests.

## Conclusion

The United States faces legitimate research–security problems, and the policy response developed since roughly 2018–20 has addressed vulnerabilities that should not be dismissed. Disclosure of foreign funding, restrictions on malign talent recruitment programs, enforcement of export controls, and safeguards surrounding sensitive technologies all deserve the attention of universities and the larger research community, including the business sector.

The immediate concern is that the prevailing system has begun to move from simply protecting sensitive research toward cutting off the access of American science and research to key international scientific networks that China and Chinese talent play a critical role in.

Congress and the White House should avoid a one–size–fits–all approach to foreign research collaboration and cooperation, such as the approach adopted by the NSF in its July 2026 letter or the ban on federal funding for US–China research collaboration recently proposed by the OMB. Rather than impose blanket restrictions that would eliminate interaction between US universities and most or all Chinese research institutions, a common risk framework should be established that permits openness where appropriate and imposes restrictions where greater security is needed.

The appropriate objective is neither unrestricted openness nor blanket denial; it is disciplined risk management: Prohibit what genuinely must be prohibited and protect what demonstrably requires protection, but preserve the much larger realm of international scientific activity and research collaboration that advances American interests.

### About the Author

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