

United States House of Representatives Select Committee on China
Protecting American Innovation: The Federal Research Security Enterprise
Questions for the Record Submitted to the Honorable Mr. Jeremy Ison
July 15, 2026

QUESTIONS FROM REPRESENTATIVE JOHN MOOLENAAR

- Q1. You testified before the committee that federal research funds should not support collaborations with entities appearing on U.S. government restricted-party lists. If that is the Department of Energy (DOE) position, why does DOE still permit such collaborations under its current policies?
- Q1A. The Department of War has already implemented a prohibition on such collaboration, and National Science Foundation (NSF) has publicly announced its intent to do the same. Regardless of any future government-wide requirements under OMB's proposed revisions to 2 CFR Part 200, will DOE commit to implementing the same commonsense prohibition across the DOE-funded research and the national laboratory system?
- A1A. Department of Energy (DOE) agrees that Federal research funding must not support collaborations that create unacceptable national security risks. The Department enforces applicable legal prohibitions and subjects proposed activities involving foreign entities, individuals, technologies, and relationships to risk-based review. Using its existing authorities, DOE can decline, restrict, condition, or require mitigation for funding or activities that present unacceptable risk. Inclusion on a United States (U.S.) Government restricted-party list is a material risk indicator, and DOE-supported activities or individuals with a nexus to a listed entity receive heightened review.

DOE is completing a Department-wide assessment of whether additional restrictions are warranted for collaborations involving entities identified on specified U.S. Government restricted-party lists. This assessment is independent of the pending Office of Budget and Management (OMB) rulemaking and is reviewing the approaches adopted or proposed by other Federal research agencies. It addresses:

- The U.S. Government lists and categories of activity that should be covered;
- Whether restrictions should apply to direct and indirect DOE support;
- Whether a prohibition, a presumption against participation, or another risk-based standard is appropriate;
- Whether narrowly tailored exceptions should be available;
- Potential effects on U.S. competitiveness and how those effects could be mitigated; and

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- Implementation of a consistent standard across financial assistance and the national laboratory system.

Q2. DOE's testimony repeatedly cites mitigation as the solution. However, many of the entities appearing on U.S. government restricted-party lists were designated because the U.S. government concluded they support military modernization, weapons development, proliferation activities, sanctions evasion, human-rights abuses, or other conduct contrary to U.S. interests.

Q2B. What specific mitigation can overcome those risks? If DOE believes collaboration can continue safely, would that require enhanced monitoring, restrictions on data sharing, restrictions on personnel interactions, restrictions on access to facilities, restrictions on publications, restrictions on equipment access, continuous compliance reviews, or other extraordinary controls? At what point does the mitigation become so burdensome that it effectively undermines the scientific collaboration itself?

A2C. Mitigation is not sufficient in every case. It cannot overcome an applicable legal prohibition or necessarily address risks arising from the fundamental character or activities of a listed entity. When the concern is that the proposed activity would provide a material net benefit to a listed entity or that residual risk cannot be reduced to an acceptable level, the activity does not proceed.

Where the risk is specific to the proposed activity and can be meaningfully reduced, available measures include limiting the scope of work; restricting access to information or data, equipment, facilities, or personnel; excluding particular individuals or organizations; segregating work or systems; enhancing reporting and monitoring; strengthening vendor vetting, offtake partner, material supply, and technology protection requirements; and adding suspension or termination provisions. Controls must be tailored to the science or technology involved, and the pathways through which harm could occur. DOE also evaluates whether the controls would undermine the scientific purpose or viability of the activity. If mitigation would prevent the collaboration from achieving its intended purpose, or if effective implementation and oversight cannot be assured, declining the activity is the appropriate course.

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Q2C. Moreover, even if DOE believes a particular risk can be managed, how does it mitigate the reputational harm, public scrutiny, and loss of confidence that result from taxpayer-funded research being conducted with entities that the U.S. government has already identified as national security, military, proliferation, export-control, sanctions, or human-rights concerns?

A2C. DOE's responsibility is to fund work that advances U.S. science, energy, and the national interest while protecting national security, research integrity, programmatic interests, and taxpayer resources. Scientific merit and anticipated U.S. benefit are foundational, but they are not sufficient by themselves to justify Federal support. The relevant concern is not public criticism standing alone; it is whether collaboration with an entity on a U.S. Government restricted-party list is consistent with U.S. interests and the purpose of the funding. DOE evaluates the nature and seriousness of the conduct underlying the designation, its relationship to the proposed research, the expected benefit to the U.S. and the listed entity, and consistency with DOE's mission and responsibilities. When those considerations show that Federal support would be inappropriate, the activity should not proceed.

Q2D. Can you identify and provide examples where a mitigation plan provides greater protection than simply prohibiting the collaboration in the first place?

A2D. With respect to risks inherent in a particular collaboration, prohibition may provide greater protection than allowing the collaboration to proceed subject to controls. DOE does not presume that mitigation is more protective than prohibition. The question is whether prohibition is necessary and proportionate to the specific risk and how either approach would affect U.S. strategic interests. Mitigation is most appropriate when the risk arises from a discrete, controllable pathway. For example, DOE can exclude a listed entity from DOE funding, controlled technology, nonpublic data, sensitive facilities, or portions of a broader multilateral activity. Mitigation can also use Federal funding to require changes by project participants. U.S. based companies can be important to domestic innovation, manufacturing, and supply chains while still maintaining concerning foreign ties. DOE can condition funding on changes to board membership, and tolling agreements with concerning entities, or suppliers.

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Mitigation can provide broader protective benefits when an activity would otherwise proceed without DOE involvement or oversight. DOE participation can impose enforceable conditions, increase visibility, support continuing compliance review, and permit suspension or termination if risks change or agreed controls are violated. These circumstances require case-specific analysis and do not justify proceeding when the listed entity's participation itself presents an unacceptable risk.

Q3. Did any DOE officials attempt to discourage, delay, modify, or otherwise pressure the National Science Foundation (NSF) not to move forward with its proposed prohibition on the use of federal research funds for collaborations involving entities on U.S. government restricted-party lists?

A3. No. DOE routinely coordinates with Federal research funding partners, including NSF, the National Institutes of Health, and the Office of Science and Technology Policy on pending research security and policy matters. That coordination is consistent with National Security Presidential Memorandum (NSPM)-33, issued in January 2021, and its January 2022 Implementation Guidance and did not constitute an effort to discourage, delay, modify, or otherwise pressure NSF not to proceed with its proposed policy.