

July 13, 2026

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Office of Management and Budget
Office of Federal Financial Management
725 17th Street NW
Washington, DC 20503

Re: Office of Management and Budget (OMB) Request for Public Comment on Proposed Regulation for Federal Financial Assistance, Docket No. OMB-2026-0034, On Behalf of the Asian American Scholar Forum (AASF)

To the Office of Management and Budget:

On behalf of the Asian American Scholar Forum (AASF), I respectfully submit these comments on the Office of Management and Budget's proposed Regulation for Federal Financial Assistance.

AASF is a national nonprofit organization that provides a voice for Asian American scholars, scientists, and researchers in federal policy discussions. AASF includes members from the National Academy of Sciences, the National Academy of Engineering, the National Academy of Medicine, and the American Academy of Arts & Sciences, in addition to past and current university presidents, provosts, vice provosts, deans, associate deans, and past and current department chairs. AASF has a direct interest in federal policies that affect the integrity, openness, security, and competitiveness of the United States research enterprise.

AASF supports effective safeguards against the misuse of federal funds, undisclosed conflicts of commitment, theft of intellectual property, and research activities that present demonstrable national security risks. Those objectives are best served by clear rules, scientific expertise, individualized assessment, and predictable administration. Several provisions of the proposed regulation instead rely on broad standards, expanded political discretion, and restrictions that could reach lawful scientific activity.¹

For the reasons set forth below, AASF respectfully urges OMB to withdraw the proposed rule. In the alternative, AASF urges OMB to adopt the revisions identified in these comments and to publish a civil rights impact assessment before taking final action. If OMB elects to proceed, AASF further recommends that it publish a substantially revised proposed rule for an additional round of public notice and comment, provide no fewer than sixty days for public comment on that revised proposal, provide an implementation period of at least twelve months, and exempt currently active awards through the remainder of their periods of performance.

Executive Summary

The proposed rule would make consequential government-wide changes to the award and administration of federal financial assistance. OMB states that the proposal is intended to improve transparency, accountability, and oversight, clarify the status of OMB's requirements in 2 CFR, and reduce recipient burden. The proposal would become binding across federal grantmaking agencies and would affect research grants, cooperative agreements, and other assistance programs.²

Because these requirements will govern much of the federal research enterprise, their implementation will influence not only research security, but also the long-term strength, competitiveness, and international leadership of American science and technology. Research security and scientific competitiveness should be understood as mutually reinforcing objectives. Policies that are clear, evidence-based, and proportionate to demonstrable risks strengthen both.

¹ Regulation for Federal Financial Assistance, 91 Fed. Reg. 32,198 (proposed May 29, 2026).

² Regulation for Federal Financial Assistance, 91 Fed. Reg. 32,198 (proposed May 29, 2026).

Predictable and transparent grant administration is an important component of scientific competitiveness because researchers and institutions make hiring, infrastructure, and research-planning decisions years before scientific results are produced.

AASF supports the federal government's objective of protecting federally funded research from genuine security threats. At the same time, the United States' comparative advantage has long depended on rigorous scientific peer review, the ability to attract and retain exceptional scientific talent, responsible international collaboration, transparent administration, and predictable research funding. The proposed rule should preserve these strengths while improving research security.

AASF urges OMB to withdraw the proposed rule or, at minimum, revise the proposal in the following six areas:

1. Preserve expert peer review as the principal method for evaluating scientific merit while maintaining transparent, evidence-based grant administration and meaningful public participation in federally supported research.
2. Replace broad presumptions against international research activity with precise definitions, individualized review, clear implementation standards, and risk-based safeguards.
3. Require an evidence-based connection between an organizational affiliation and a material risk to a proposed award, together with safeguards against proxy discrimination and meaningful procedural protections before adverse action.
4. Provide meaningful procedural protections, including due process and access to a mediation process, before active research awards are suspended or terminated for reasons unrelated to misconduct or performance, and ensure that corrective actions, specific award conditions, and enforcement mechanisms remain proportionate, transparent, and supported by documented evidence.
5. Clarify and narrow new compliance requirements, including the proposed E-Verify mandate and language-access provisions; harmonize implementation across agencies; and ensure that researchers and individual investigators are not subject to overlapping, inconsistent, or conflicting compliance obligations that create unnecessary uncertainty or discourage participation in federally funded research.
6. Preserve reasonable support for publication, co-authorship, professional meetings, scientific communication, professional participation, and access to research literature.

These recommendations are particularly important because individual researchers ultimately bear responsibility for navigating federal compliance requirements in their day-to-day work. Where institutions themselves face uncertainty regarding the interpretation of overlapping federal requirements, individual investigators, especially early-career researchers and internationally engaged scientists, are likely to experience even greater uncertainty, increasing administrative burden and discouraging participation in federally funded research.

These revisions are important to U.S. science and technology leadership. The National Science Board reports that China now performs a larger share of global research and development than the United States, while the United States retains comparative advantages in highly cited publications, patents, venture-backed innovation, and knowledge-intensive services. U.S. leadership therefore depends on protecting both research security and the features that make the American system attractive and productive: scientific merit, institutional reliability, international talent, and lawful collaboration.³ Preserving those advantages requires both effective research security and a research environment that continues to attract exceptional talent, reward scientific excellence, and foster innovation.

The U.S. research workforce is also deeply international. In 2023, 22 percent of the U.S. STEM workforce was foreign-born. Foreign-born scientists and engineers make up particularly large shares of advanced-degree scientific occupations. International talent is therefore a central component of U.S. research capacity, not a peripheral consideration.⁴

³ Nat'l Sci. Bd., The State of U.S. Sci. & Eng'g 2026, NSB-SEP-2026-1, at 15 (Nat'l Ctr. for Sci. & Eng'g Stats., Nat'l Sci. Found. May 4, 2026).

⁴ Nat'l Sci. Bd., STEM Talent: Education, Training, and Workforce, Sci. & Eng'g Indicators 2026, NSB-2026-1, (Nat'l Sci. Found. Feb. 12, 2026).

Federal research policy therefore has implications not only for research security, but also for workforce competitiveness and the nation's long-term capacity for scientific discovery.

Across these recommendations, AASF urges OMB to implement the final rule through clear definitions, objective and conduct-based standards, transparent decision-making, meaningful procedural safeguards, harmonized agency guidance, and periodic evaluation of implementation. These cross-cutting principles would strengthen accountability while reducing unnecessary uncertainty for researchers, institutions, and federal agencies alike.

These comments draw upon publicly available evidence from federal agencies, peer-reviewed research, National Science Board analyses, National Academies reports, Government Accountability Office findings, and comments submitted by leading research organizations. Together, these sources support targeted revisions that would strengthen research security while preserving the openness, excellence, and predictability that have made the American research enterprise the global leader in scientific discovery.

The Contributions This Rule Puts at Risk

The record before OMB should include what is at stake for U.S. leadership in science and technology. Immigrant scientists and engineers have been awarded roughly 40 percent of American Nobel Prizes in chemistry, medicine, and physics since 2000. In one recent year, three of the four American laureates in the sciences were immigrants.⁵ Foreign-born researchers made up 45 percent of the U.S. STEM doctorate-holding workforce as of 2019, concentrated in exactly the fields of mathematics, computer science, the physical and life sciences, and engineering that this rule's international-collaboration and merit-review provisions most directly touch.⁶ These talents predominantly choose to stay with roughly 77 percent of international STEM PhD graduates from U.S. universities remaining in the United States after graduation. This figure is even higher among Chinese nationals at approximately 90 percent.⁷ The importance of preserving this talent pipeline was echoed by an AASF Fellow, who warned that uncertainty surrounding international collaboration, scientific publishing, and academic exchange could encourage researchers to leave U.S. institutions or academia altogether, weakening the very strengths that have made American science globally competitive. An anonymous Fellow explained that the proposal threatens core parts of the American research ecosystem, including international scientific collaboration, journal publishing, and the expert advisory networks that guide research. The Fellow warned that weakening these foundations could lead to a situation where "faculty will leave this country or their profession."

Asian American scientists, researchers, and scholars have played an outsized role in building the United States' research enterprise and maintaining its global leadership in science and technology. Many are first-generation immigrants or the children of immigrants who have chosen to build their careers in the United States, establish laboratories, educate the next generation of scientists, and compete successfully for federal research funding. As a result, policies that create uncertainty regarding international collaboration, merit review, institutional affiliations, or continued participation in federally funded research may have consequences that extend beyond individual investigators. They may influence the ability of the United States to recruit, retain, and fully leverage scientific talent that has historically contributed disproportionately to American innovation, discovery, and economic competitiveness. For this reason, the implementation of this rule should be evaluated not only through the lens of research security, but also through its potential effects on the long-term strength of the U.S. scientific workforce and America's continued leadership in science and technology.

⁵ Stuart Anderson, Immigrant Nobel Prize Winners Continue to Impress, *Forbes* (Oct. 5, 2023), <https://www.forbes.com/sites/stuartanderson/2023/10/05/immigrant-nobel-prize-winners-continue-to-impress/>

⁶ Jack Corrigan, James Dunham & Remco Zwetsloot, The Long-Term Stay Rates of International STEM PhD Graduates, at 3-4 (Ctr. for Sec. & Emerging Tech. Apr. 2022).

⁷ Jack Corrigan, James Dunham & Remco Zwetsloot, The Long-Term Stay Rates of International STEM PhD Graduates (Ctr. for Sec. & Emerging Tech. Apr. 2022), <https://doi.org/10.51593/20210023>

Historical Lessons for Effective Research Security Policy

Throughout American history, periods of heightened national security concern have demonstrated the importance of implementing government policies through clear standards, individualized evidence, transparency, and due process. During World War II, more than 120,000 people of Japanese ancestry, most of them U.S. citizens, were incarcerated under Executive Order 9066 without individualized findings of disloyalty.⁸ Congress later concluded through the Civil Liberties Act of 1988 that the policy resulted from "race prejudice, war hysteria, and a failure of political leadership."⁹ Although those circumstances differ fundamentally from modern research security policy, they underscore an enduring principle of effective governance: national security measures are strongest, most durable, and most likely to maintain public confidence when they rely on individualized evidence, clearly defined standards, and appropriate procedural safeguards.

Recent experience within the federal research enterprise likewise demonstrates that how research security policies are implemented can produce measurable effects on researcher behavior and the nation's scientific competitiveness. A 2023 study published in the Proceedings of the National Academy of Sciences surveyed 1,304 scientists of Chinese descent employed at U.S. universities and documented significant chilling effects associated with the Department of Justice's China Initiative. Seventy-two percent of respondents reported that they did not feel safe as academic researchers in the United States, 61 percent reported having thought about leaving the country, and 45 percent of respondents who have obtained federal grants reported that they now wished to avoid applying for federal grants. Notwithstanding these concerns, 89 percent reported wanting to continue contributing to U.S. scientific and technological leadership. The study concluded that these behavioral changes risk reducing the United States' ability to attract, retain, and fully utilize highly skilled scientific talent, illustrating that research security policies may produce measurable implementation effects beyond their immediate security objectives. Importantly, these findings do not suggest that researchers oppose legitimate research security measures. Rather, they demonstrate that implementation matters. Policies that are clearly defined, evidence-based, and grounded in individualized assessment are more likely to achieve national security objectives while preserving the scientific workforce that has long contributed to American innovation and technological leadership.¹⁰

These findings are directly relevant to the proposed rule. The rule does not meaningfully evaluate its foreseeable effects on researcher participation, international talent recruitment and retention, or confidence in the federal research enterprise. Yet the United States' scientific leadership depends on attracting exceptional talent, maintaining confidence in fair and predictable research funding, and supporting responsible scientific collaboration. Research security and scientific competitiveness are mutually reinforcing objectives. Evaluating foreseeable implementation effects would strengthen the administrative record and help ensure that the final rule advances both national security and America's continued leadership in science and technology.

The survey responses received by AASF likewise reflect concern that uncertainty surrounding the proposed rule may influence researcher behavior before any formal enforcement action occurs. For example, AASF Fellow Dr. Ed Guo expressed concern about "political interferences with sciences" and opposed the proposed rule, reflecting broader concerns among respondents that political considerations could affect federally funded research.

Other fellows asked that their accounts be shared without attribution. One principal investigator wrote that "all of my international collaborations are at stake," that "journal publishing is at stake," and that faculty "will leave this country or their profession". A grant reviewer warned that the proposal "will lead to discrimination against certain groups of researchers," that "no collaboration would be possible with scholars in China," and that artificial intelligence, physics, engineering, and computer science are among the fields most exposed.

⁸ Franklin D. Roosevelt, Exec. Order No. 9066, 7 Fed. Reg. 1,407 (Feb. 19, 1942).

⁹ Civil Liberties Act of 1988, Pub. L. No. 100-383, § 2(a), 102 Stat. 903, 903–04 (1988).

¹⁰ Yu Xie, Xihong Lin, Ju Li, Qian He & Junming Huang, Caught in the Crossfire: Fears of Chinese-American Scientists, 120 Proc. Nat'l Acad. Scis. U.S.A. e2216248120 (2023), <https://doi.org/10.1073/pnas.2216248120>

The historical and empirical evidence discussed above does not suggest that robust research security measures should be weakened. Rather, it demonstrates that research security policies are most effective when they incorporate individualized decision making, transparent standards, and appropriate procedural safeguards from the outset. The section-specific comments that follow identify targeted revisions that would strengthen the proposed rule while reducing foreseeable unintended consequences for the American research enterprise and preserving the scientific workforce that underpins the United States' long-term leadership in science and technology.

[200.205] Preserve Scientific Merit Review as the Foundation of Federal Research Funding

Proposed § 200.205 would require senior appointees or their designees to conduct pre-issuance review of discretionary awards. It directs those officials to consider alignment with presidential policy priorities and whether proposed activities promote undefined “anti-American values.” It also states that peer-review recommendations must remain advisory and may not be routinely deferred to or treated as effectively binding.¹¹

Scientific agencies themselves describe expert peer review as central to credible grantmaking. NIH calls peer review the cornerstone of its extramural research program and states that the process is intended to provide fair, independent, expert, and timely scientific review free from inappropriate influence. NIH peer reviewers are scientists, mostly from academia, who are selected for relevant expertise and screened for conflicts of interest.¹²

Political officials may properly consider statutory authority, program design, available appropriations, and defined national priorities. Those judgments should remain distinct from the assessment of scientific quality, feasibility, originality, and likely impact. A rule that permits undefined political criteria to override expert judgment without explanation would reduce transparency rather than improve it. One AASF Fellow similarly warned that replacing scientific merit with broad political discretion could discourage international collaboration, create uncertainty for researchers working in highly collaborative scientific fields, and ultimately reduce U.S. competitiveness in areas such as artificial intelligence, engineering, physics, and computer science. An anonymous Fellow warned that shifting grant decisions away from scientific merit could politicize federal research funding, discourage international collaboration, and create uncertainty for researchers across highly collaborative fields, including AI, and some other sensitive fields such as physics, engineering and computer science. The respondent expressed concern that “the new rules seem to politicize the grant awarding process and discourage collaboration with researchers in some countries. This will hurt the US competitiveness in the long run.”

AAU, APLU, and COGR similarly identify the reduced role of merit review, increased political discretion, and use of undefined standards as central concerns. Their joint brief warns that the proposal could increase institutional risk and ultimately slow U.S. scientific discovery.¹³

AASF recommends that OMB:

1. Preserve expert peer review as the principal method for evaluating scientific merit.
2. Limit political-appointee review to program-level priorities, statutory compliance, available appropriations, and other lawful programmatic considerations, and preserve scientific merit review as the basis for individual award selection.
3. If OMB declines to adopt this recommendation and permits any departure from scientific merit review in individual award decisions, require objective, publicly available standards governing such decisions and a contemporaneous written explanation demonstrating the legal and factual basis for the departure.

¹¹ *Regulation for Federal Financial Assistance*, 91 Fed. Reg. 32,198 (proposed May 29, 2026).

¹² Nat'l Insts. of Health, *Background: NIH Peer Review Process*, at 2 (Apr. 28, 2026), <https://www.grants.nih.gov/policy-and-compliance/policy-topics/peer-review/simplifying-review/background>; Nat'l Insts. of Health, *First Level of Peer Review*, (last visited July 12, 2026), <https://grants.nih.gov/grants/peer-review.htm>

¹³ Ass'n of Am. Univs., Ass'n of Pub. & Land-grant Univs. & Council on Gov't Rels., *Executive Brief on OMB's Proposed Rule on Uniform Guidance* at 2 (June 5, 2026).

4. Remove or define vague terms, including “anti-American values,” that provide inadequate notice and invite inconsistent application.
5. Clarify that race, ethnicity, national origin, citizenship, place of education, or lawful professional association may not substitute for evidence of risk, misconduct, or noncompliance.
6. Withdraw proposed § 200.205(b)(3) and clarify that an institution’s negotiated indirect-cost rate may not be used as a proxy for scientific merit or as a preference in individual award selection.

[200.111] Preserve Appropriate Language Access for Federally Supported Research and Community Engagement

Proposed § 200.111 would establish English as the official language of federal financial assistance while recognizing that agencies may continue to provide translated materials and language assistance where required by law or otherwise authorized. Clear implementation will be important to ensure that recipients understand when multilingual communication remains permissible in carrying out federally supported activities.¹⁴

Federal financial assistance programs are most effective when eligible applicants, recipients, research participants, and community partners clearly understand program requirements, compliance obligations, and opportunities for participation. Although English serves as the primary language of federal administration, many federally funded research, education, public health, and community-engagement activities depend on effective communication with individuals who have limited English proficiency. Universities and research institutions routinely partner with patients, schools, local governments, nonprofit organizations, and community groups whose meaningful participation may require translated materials or multilingual outreach.

These considerations are particularly relevant to many Asian American, Native Hawaiian, and Pacific Islander communities, where language access often supports community-based research, clinical studies, public health initiatives, environmental monitoring, and educational outreach. More broadly, preserving appropriate language assistance strengthens researchers' ability to recruit participants, obtain informed consent, communicate research findings, and ensure that federally funded research reaches the populations it is intended to benefit. Clarifying the scope of § 200.111 would promote consistent implementation while avoiding unnecessary uncertainty for recipients carrying out these activities.

AASF recommends that OMB:

1. Clarify that § 200.111 does not prohibit recipients from providing translated materials or multilingual communications when otherwise authorized by law or necessary to carry out federally supported research, education, public health, or community-engagement activities.
2. Confirm that recipients may continue to provide language assistance necessary to recruit participants, obtain informed consent, communicate research findings, and ensure effective implementation of federally funded programs.
3. Encourage agencies to provide consistent government-wide guidance regarding when translated materials and language assistance remain permissible under the final rule.

¹⁴ Regulation for Federal Financial Assistance, 91 Fed. Reg. 32,198, 32,217 (proposed May 29, 2026).

[200.113] Prosecutorial Referral Timelines Require Safeguards Against Repeating the China Initiative

Proposed § 200.113 would require disclosures of credible evidence of certain criminal-law and False Claims Act violations to be transmitted to the United States Attorney's Office for the District of Columbia within ten days of receipt.¹⁵ The central failure of the China Initiative was the conversion of administrative matters into criminal cases. An accelerated, mandatory prosecutorial referral pipeline attached to the grant system without any materiality or intent threshold will amplify fears of criminalizing administrative matters and drive scientists away from federal funding.

The Department of Justice has emphasized that protecting the United States from nation-state threats requires both vigorous enforcement and continued confidence in the American research enterprise. In announcing the end of the China Initiative, the Department acknowledged concerns that the initiative had created a chilling atmosphere for scientists and researchers while reaffirming its commitment to investigating genuine criminal conduct and national security threats.¹⁶

Federal research institutions routinely identify and correct administrative errors, disclosure omissions, and compliance deficiencies through established grant oversight processes. Requiring rapid prosecutorial referral before agencies have completed a reasoned administrative assessment may discourage voluntary disclosure, create uncertainty regarding routine compliance matters, and undermine confidence in the federal research system. Effective research security is strengthened when intentional misconduct is clearly distinguished from administrative compliance issues and technical reporting errors.

AASF recommends that OMB:

1. Clarify that the referral requirement applies only where there is credible evidence of a knowing and material violation of applicable law.
2. Preserve agency discretion to complete a reasoned administrative assessment before referral.
3. Clarify that routine compliance questions, inadvertent administrative errors, or technical reporting deficiencies that are timely corrected through established administrative processes do not, standing alone, require mandatory referral to the Department of Justice.

[200.204] Preserve Public Notice of Funding Opportunities and Transparency in Award Oversight

Public notice is a foundational feature of the federal financial assistance system. Researchers and institutions rely on clear funding opportunity announcements, transparent eligibility criteria, publicly available award requirements, and consistent agency guidance to make long-term decisions regarding hiring, infrastructure, research partnerships, and institutional investment. Predictability in federal funding enables universities to recruit talent, develop scientific capacity, and pursue ambitious research agendas that advance the national interest.

The proposed revisions should preserve robust public notice requirements whenever agencies establish new funding priorities, modify award conditions, or implement new oversight policies. Increased discretionary authority without corresponding transparency may create uncertainty regarding how funding decisions are made, how award conditions will be interpreted, or how new compliance expectations will be applied across agencies. Such uncertainty may discourage institutions from pursuing innovative or collaborative research that requires long-term planning.

¹⁵ *Regulation for Federal Financial Assistance*, 91 Fed. Reg. 32,198 (proposed May 29, 2026).

¹⁶ Matthew G. Olsen, Assistant Att'y Gen., U.S. Dep't of Just., *Remarks on Countering Nation-State Threats at George Mason University's National Security Institute* (Feb. 23, 2022),

<https://www.justice.gov/archives/opa/speech/assistant-attorney-general-matthew-olsen-delivers-remarks-countering-nation-state-threats>

AASF recommends that OMB reaffirm that significant changes affecting funding opportunities, award conditions, implementation guidance, or agency interpretation should be communicated through timely public notice and transparent administrative processes. When agencies depart from established scientific review recommendations or adopt new oversight expectations, they should provide clear explanations and sufficient advance notice to allow applicants and recipients to understand and comply with evolving requirements. Transparent implementation promotes accountability, strengthens public trust, and supports the stable research environment necessary for continued U.S. leadership in science and technology.

[200.202(e), 200.220] Protect Lawful International Collaboration Through Clear, Risk-Based Rules

Proposed § 200.202(e) would establish a “domestic-first framework” under which international elements of research and development programs may be included only when an agency determines that they are justified, consistent with program objectives, and in the national interest. Proposed § 200.220 would prohibit federal funds from supporting specified collaborations involving covered foreign countries and covered foreign entities.¹⁷

Research security is a legitimate federal responsibility. GAO has recognized both sides of this policy challenge: international collaboration can benefit agency missions and produce scientific advances, while foreign research relationships also require appropriate risk assessment and oversight. The appropriate response is a system that distinguishes specific risks from ordinary open research, not a categorical presumption that an international element is inherently suspect.¹⁸ These concerns are not hypothetical. AASF Fellow Dr. Peter F. Michelson described how the proposed rule could affect an existing NASA-funded international scientific collaboration that already operates within current federal research security requirements. He explained that additional restrictions could disrupt productive scientific partnerships despite existing compliance. He also noted that graduate students often require five to six years of sustained support and postdoctoral researchers typically serve three to four years, making increased uncertainty particularly damaging for scientific workforce development and long-term research planning. In his words, if the proposed rules were applied to the collaboration, “this would likely disrupt the collaboration and would be catastrophic,” and astronomy and astrophysics, fields that depend critically on international collaboration, “would likely suffer devastating impacts from these new rules”. He also points to a constructive alternative, which is the congressionally mandated, NSF-funded SECURE program, developed with significant research community participation and feedback.

International scientific collaboration also extends beyond coauthored publications and formal research partnerships. Many federally funded research projects depend on specialized scientific equipment, laboratory materials, reagents, and commercial technologies that are produced through global supply chains. Broad restrictions that unintentionally impede access to these resources, even where no research security concern exists, may delay research timelines, increase costs, and reduce the efficiency of federally funded scientific research without materially advancing research security objectives.

International collaboration is integrated into U.S. scientific production. The National Science Board reported that 40 percent of U.S. science and engineering articles in 2022 involved international coauthors. China has been a leading U.S. research partner, accounting for approximately one quarter of internationally coauthored U.S. articles in recent reporting periods. In semiconductor research, China and the United States were the leading country pair from 2002 through 2024, coauthoring nearly 27,000 articles.¹⁹

Recent agency action illustrates the implementation stakes. NSF announced plans in July 2026 to prohibit NSF-funded collaborations with entities on specified restricted-party lists and their employees, concluding that mitigation was

¹⁷ Regulation for Federal Financial Assistance, 91 Fed. Reg. 32,198 (proposed May 29, 2026).

¹⁸ U.S. Gov't Accountability Off., *Federal Research: NIH Could Take Additional Actions to Manage Risks Involving Foreign Subrecipients*, GAO-23-106119, at 6-8 (June 14, 2023).

¹⁹ Nat'l Sci. Bd., International Collaboration and Citations, in Publications Output: U.S. Trends and International Comparisons, Sci. & Eng'g Indicators 2024, NSB-2023-33 (Nat'l Ctr. for Sci. & Eng'g Stats., Nat'l Sci. Found. Dec. 11, 2023); Nat'l Sci. Bd., Semiconductor Research Publication Output and International Collaboration, Sci. & Eng'g Indicators, NSB-2025-7 (Nat'l Ctr. for Sci. & Eng'g Stats., Nat'l Sci. Found. 2025).

insufficient for projects involving those entities.²⁰ Reporting in *Science* described unresolved questions about whether “collaboration” includes informal conference conversations, coauthorship where authors worked independently, or other exchanges involving public research. A government-wide rule should not leave scientists and institutions to infer the boundary between prohibited collaboration and ordinary scholarly contact.²¹

Evidence from earlier research on security initiatives likewise demonstrates that ambiguity alone can alter lawful scientific behavior. A National Academies commissioned paper found that 42 percent of PRC-born Chinese scientists feared that collaboration with China could trigger an investigation, 23.6 percent had ended collaborations with China or canceled planned projects, and 14 percent of non-Chinese Asian faculty had also terminated collaborations with researchers in China because of the perceived risks.²²

These findings are reinforced by a 2023 peer-reviewed study published in the *Proceedings of the National Academy of Sciences*. The study surveyed 1,304 scientists of Chinese descent employed at U.S. universities using a nationwide survey instrument to examine the effects of the Department of Justice's China Initiative on the U.S. research enterprise. The authors found widespread concern among respondents regarding the research environment in the United States. Seventy-two percent reported that they did not feel safe as academic researchers, 45 percent of respondents who had obtained federal grants said they wished to avoid applying for future federal grants, 61 percent had considered leaving the United States, and 89 percent nevertheless expressed a desire to continue contributing to U.S. leadership in science and technology. The study concluded that these behavioral changes risk reducing the United States' ability to attract, retain, and fully utilize highly skilled scientific talent, illustrating that ambiguity in research security policy can produce measurable effects on the nation's scientific workforce and long-term competitiveness.²³

The Department of Justice acknowledged similar concerns when it ended the China Initiative framework in 2022. The Assistant Attorney General for National Security stated that research-grant prosecutions and the public narrative surrounding them could create a chilling atmosphere for scientists and scholars that damages the U.S. scientific enterprise.²⁴

These findings do not establish that the proposed rule will necessarily reproduce the effects of prior initiatives. They demonstrate that ambiguity itself has measurable consequences and that researchers may withdraw from lawful activity before an agency takes formal action. For that reason, research security policies should define prohibited conduct with precision, distinguish higher-risk activities from ordinary scientific collaboration, and provide researchers and institutions with clear, administrable standards before adverse consequences attach.

AASF recommends that OMB:

1. Define “covered foreign collaboration,” “covered foreign entity,” “affiliation,” and “international element” with precision.
2. Distinguish open fundamental research from activities involving classified information, controlled technology, proprietary information, identifiable security risks, or transactions that demonstrably present research security concerns, while avoiding unnecessary restrictions on routine scientific procurement and other low-risk activities essential to federally funded research.
3. Apply individualized, risk-based review rather than a general presumption against international participation.

²⁰ Nat'l Sci. Found., *Dear Colleague Letter: Prohibition on Collaborations with Restricted Entities*, NSF 26-022, (July 8, 2026).

²¹ Jeffrey Mervis, *New NSF Policy Would Ban Almost All Collaborations with Chinese Scientists*, *Science*, (July 10, 2026).

²² David Zweig, *China's Talent Programs: Lessons for the United States?* (Jan. 8, 2024) (commissioned paper prepared for the Nat'l Acad. of Scis., Eng'g & Med.'s International Talent Programs in the Changing Global Environment consensus study)

²³ Yu Xie, Xihong Lin, Ju Li, Qian He & Junming Huang, *Caught in the Crossfire: Fears of Chinese-American Scientists*, 120 *Proc. Nat'l Acad. Scis. U.S.A.* e2216248120 (2023), <https://doi.org/10.1073/pnas.2216248120>

²⁴ Matthew G. Olsen, Assistant Att'y Gen., U.S. Dep't of Just., *Remarks on Countering Nation-State Threats at George Mason University's National Security Institute* (Feb. 23, 2022),

<https://www.justice.gov/archives/opa/speech/assistant-attorney-general-matthew-olsen-delivers-remarks-countering-nation-state-threats>

4. Clarify whether coauthorship, conference discussion, public data use, incidental professional contact, independently conducted work, and purchasing from foreign suppliers constitute collaboration.
5. Establish clear approval standards, reasonable decision timelines, safe harbors for low-risk activity, and a binding preclearance mechanism for uncertain cases.
6. Require agencies to assess effects on recruitment, retention, research output, and U.S. scientific competitiveness.

[200.220, 200.202(e)] Clarify That Scholarly Co-Authorship Does Not Constitute Prohibited Collaboration

The proposed rule never mentions co-authorship, yet its two central international provisions could potentially implicate co-authorship. Proposed § 200.220 prohibits supporting any “bilateral or multilateral collaboration, agreement, program, or activity” with a covered foreign country or covered foreign entity, extending even to indirect costs.²⁵ Proposed § 200.202(e) defines “international elements” to include any performance of award activities “by a foreign entity”.²⁶ Whether a jointly authored publication that is prepared independently, without any transfer of funds, materials, or controlled information, constitutes a prohibited “collaboration” is unclear and left to inference. This ambiguity is already creating uncertainty within the research community. One AASF Fellow described how existing interpretations have blurred the distinction between ordinary scholarly coauthorship and prohibited collaboration, even where researchers worked independently and exchanged no controlled information. This Fellow raised concerns that unclear definitions of collaboration could unintentionally treat routine academic coauthorship as prohibited international collaboration. He also warned that internationally connected researchers, including some visa holders, could face disproportionate barriers despite complying with existing research security requirements. The respondent additionally expressed concern about long-term U.S. scientific leadership and academic freedom.

Scientific co-authorship is a fundamental component of modern research and one of the primary mechanisms through which scientific knowledge is produced, validated, and disseminated. The National Science Board explains that researchers collaborate across institutions and national borders to access complementary expertise, specialized facilities, unique datasets, and shared scientific resources that no single institution or country could provide independently. These collaborations strengthen the scientific workforce, expand the dissemination of knowledge, and are associated with greater research visibility and impact. Reflecting the central role of collaborative science, approximately 40 percent of U.S. science and engineering publications in 2022 included international coauthors, demonstrating that international scholarly collaboration has become a defining feature of the American research enterprise.²⁷

Scholarly co-authorship also plays a critical role in sustaining the United States' scientific leadership and talent pipeline. Collaborative publications enable graduate students, postdoctoral researchers, and early-career faculty to establish scientific reputations, demonstrate technical expertise, build interdisciplinary research networks, and compete successfully for future grants, faculty appointments, and promotions. Many of these collaborations originate through professional conferences and scientific meetings, where researchers exchange ideas, identify complementary expertise, and develop future research partnerships. Preserving the ability of federally funded researchers to participate confidently in lawful scholarly co-authorship therefore advances not only individual careers but also the broader national interest by strengthening American innovation capacity in strategically important fields such as artificial intelligence, biotechnology, quantum information science, and semiconductor research. As the National Science Board has observed, international

²⁵ Regulation for Federal Financial Assistance, 91 Fed. Reg. 32,198, 32,214 (proposed May 29, 2026).

²⁶ Regulation for Federal Financial Assistance, 91 Fed. Reg. 32,198 (proposed May 29, 2026).

²⁷ Nat'l Sci. Bd., International Collaboration and Citations, in Publications Output: U.S. Trends and International Comparisons, Sci. & Eng'g Indicators 2024, NSB-2023-33, figure 3 (Nat'l Ctr. for Sci. & Eng'g Stats., Nat'l Sci. Found. Dec. 11, 2023).

scientific collaboration has become an increasingly important feature of the global research enterprise, and the United States remains the world's largest contributor to internationally coauthored scientific publications.²⁸

AASF recommends that OMB:

1. State expressly in the regulatory text that independently prepared scholarly co-authorship, standing alone, does not constitute prohibited collaboration under § 200.220 when the covered foreign entity's participation is not supported by federal funds and the co-authorship does not involve the transfer of federal funds, controlled technology, proprietary information, research materials, or other restricted resources to a covered foreign entity.
2. Adopt a safe harbor for publications arising from open, fundamental research, including work using public data or performed independently by each author.
3. Provide that any co-authorship-related restrictions apply prospectively and that pre-existing manuscripts, preprints, and publications will not be treated as adverse evidence in risk review under § 200.206.

[200.206] Require an Evidence-Based Connection Between Organizational Affiliation and Risk

Proposed § 200.206 would permit agencies to consider an applicant's membership in or affiliation with organizations engaged in activities that violate federal law, undermine public safety or national security, or advocate the overthrow of the United States. The proposal does not adequately define affiliation, the degree of connection required, the evidentiary threshold, or the process for correcting inaccurate information.²⁹

Researchers may have lawful relationships with foreign universities through prior education, coauthorship, conferences, professional societies, former students, family connections, or open scientific exchange. None of these circumstances, standing alone, establishes misconduct or a material threat to a federal award.

GAO's 2026 review of research-security safeguards found that DOD, DOE, NASA, NIH, and NSF had not assessed whether their existing safeguards provided reasonable assurance that discrimination would not occur. GAO identified five safeguards relevant to that assessment: transparent review processes, collection and use of demographic data, multiple levels of review, nondiscrimination training, and leadership commitment to nondiscrimination.³⁰

A 2023 peer-reviewed study provides additional evidence concerning how unclear affiliation and collaboration standards may affect researcher behavior. Between December 2021 and March 2022, the researchers conducted an online survey of 1,304 scientists of Chinese origin employed by U.S. universities. The respondents represented different geographic regions, public and private institutions, fields, genders, career stages, and levels of seniority. The authors identified the survey as a convenience sample rather than a probability-based national sample, compared its composition with American Community Survey data, and expressly considered potential sample-selection and social-desirability biases. They also found that the results were broadly consistent with two earlier surveys of similarly situated scientists.³¹

The study found that 65 percent of respondents were worried about collaborations with China and that 67 percent of respondents who did not feel safe as academic researchers identified fear of U.S. government investigations into researchers of Chinese origin as a reason for that concern. Among the 445 respondents who indicated that they intended to avoid applying for federal grants, 65 percent reported concern that collaborations with Chinese researchers or institutions could place them under suspicion, while 84 percent cited fear of legal liability arising from errors in grant forms or disclosure requirements. Regression analyses adjusting for demographic, professional, and geographic characteristics

²⁸ Nat'l Sci. Bd., *The State of U.S. Science & Engineering 2026*, fig. 22, NSB-SEP-2026-1 (Nat'l Ctr. for Sci. & Eng'g Stats., Nat'l Sci. Found. May 4, 2026).

²⁹ Regulation for Federal Financial Assistance, 91 Fed. Reg. 32,198 (proposed May 29, 2026).

³⁰ U.S. Gov't Accountability Off., *Research Security: Agencies Should Assess Safeguards Against Discrimination*, GAO-26-107544, at 13-17 (Jan. 21, 2026).

³¹ Yu Xie, Xihong Lin, Ju Li, Qian He & Junming Huang, *Caught in the Crossfire: Fears of Chinese-American Scientists*, 120 Proc. Nat'l Acad. Scis. U.S.A. e2216248120 (2023), <https://doi.org/10.1073/pnas.2216248120>

further found that measures of fear were associated with intentions to avoid federal grant applications and consider relocating abroad.

These results reflect reported perceptions and intended behavior, not adjudicated findings that discrimination occurred in any individual case. They nevertheless demonstrate why imprecise affiliation standards can affect participation in federally funded research before an agency takes formal adverse action. When lawful education, coauthorship, institutional ties, or professional relationships may be interpreted as evidence of risk without a clearly defined nexus to the proposed award, researchers may curtail collaboration, avoid federal funding, or leave the United States. Requiring individualized evidence and procedural safeguards would help agencies identify genuine threats while reducing the risk that race, national origin, or ordinary scholarly relationships operate as proxies for misconduct.

AASF recommends that OMB:

1. Require an individualized, evidence-based connection between an affiliation and a material risk to the proposed award, and require any adverse finding to rest on reliable evidence or a formal determination reached through an established process by a competent authority.
2. Define the nature, duration, and degree of relationship that constitutes a relevant affiliation.
3. Prohibit adverse inferences based solely on race, ethnicity, national origin, citizenship, place of education, family relationships, lawful scholarly association, or constitutionally protected speech, association, or academic activity.
4. Provide notice of adverse information and a meaningful opportunity to correct factual errors.
5. Require written standards, documented reasoning, multiple levels of review, and supervisory approval for adverse decisions based on affiliation or national-security concerns.
6. Require agencies to collect appropriate implementation data and evaluate outcomes for inconsistent or disproportionate effects.

[200.208] Clarify the Use of Specific Award Conditions

Proposed § 200.208 would clarify how agencies may add, adjust, and remove specific award conditions throughout an award's period of performance. Conditions based on the enumerated risk factors could be adjusted following an agency determination, while conditions based on other factors could be changed during the period of performance only with the recipient's agreement. The proposal would also authorize program-level conditions when an agency identifies elevated risks involving program administration, oversight, or monitoring.³²

Specific award conditions are an important risk-management tool. They can allow agencies to address identified compliance or performance concerns without suspending or terminating valuable research. Their effectiveness and legitimacy, however, depend on conditions being supported by documented evidence, proportionate to the identified risk, clearly communicated, and removed when they are no longer necessary.

Research institutions operate within a complex environment of research-security requirements, foreign-disclosure obligations, export controls, financial oversight, and institutional compliance systems. Conditions imposed without a sufficiently clear connection to an identified risk may delay research, increase administrative burden, and create inconsistent expectations across agencies or programs. These concerns are particularly significant when conditions are imposed at the program level, because a broadly framed determination could affect recipients that have not themselves demonstrated elevated compliance or performance risks.

The proposed notification requirements appropriately require agencies and pass-through entities to identify the nature of a condition, explain why it is being imposed, describe the action needed for its removal, provide a completion period, and explain how reconsideration may be requested. OMB should strengthen those protections by requiring the explanation to

³² *Regulation for Federal Financial Assistance*, 91 Fed. Reg. 32,198, 32,213, 32,260–61 (proposed May 29, 2026).

identify the evidence and applicable risk factor supporting the condition, and by ensuring that program-level conditions are no broader or longer-lasting than necessary to address the documented programmatic risk.

AASF recommends that OMB:

1. Require each recipient-specific condition to be supported by a documented connection between an enumerated risk factor and the particular award or recipient.
2. Require conditions to be proportionate to the nature, likelihood, and severity of the identified risk and tailored to permit the funded research to continue where feasible.
3. Require written notice identifying the evidence relied upon, the corrective action necessary, the time allowed for correction, and the procedure for seeking reconsideration.
4. Require agencies to review enhanced conditions periodically and remove them promptly once the underlying concern has been resolved.
5. Permit program-level conditions only upon a documented finding of elevated programmatic risk, require agencies to explain why recipient-specific measures would be insufficient, and prohibit applying such conditions more broadly than necessary.
6. Replace the proposed fifteen-day adjustment period with a substantially longer implementation period and provide recipients a meaningful opportunity to submit relevant information, correct factual errors, and work with the awarding agency before additional award conditions take effect.
7. Permit award-supported work to continue while reconsideration is pending unless the agency documents a specific and immediate risk that cannot reasonably be addressed through narrower interim measures, and require recipient agreement before imposing conditions based on factors outside the enumerated risk criteria.

[200.218, 200.300] Withdraw the Disparate-Impact Prohibitions and Clarify Award Conditions

Proposed §§ 200.218 and 200.300 would prohibit recipients from using federal financial assistance to advance or support activities based on disparate-impact liability or related concepts. As drafted, these provisions are unnecessarily broad and risk restricting or discouraging legitimate scientific research that relies on accepted statistical methodologies to evaluate the effects of public policies, programs, or interventions. Because the proposed language creates substantial uncertainty regarding the scope of prohibited activities, AASF recommends that OMB withdraw proposed § 200.218 in its entirety and substantially revise § 200.300.³³

Across numerous scientific disciplines, researchers use disparate-impact analyses as objective statistical tools to evaluate whether facially neutral policies or practices produce different outcomes across populations. These methods are widely used in public health, biomedical research, education, labor economics, artificial intelligence, implementation science, and other fields to evaluate program effectiveness, identify unintended consequences, improve service delivery, and strengthen evidence-based policymaking. The use of these analytical methods does not itself determine legal liability or prescribe policy outcomes. Rather, it provides empirical evidence that agencies, policymakers, and researchers may consider alongside other information when evaluating federally supported programs.

Because federal research agencies support a broad range of scientific inquiry, award conditions should not be interpreted in a manner that discourages or restricts rigorous research using established statistical methodologies. Ambiguity regarding the scope of these provisions could create uncertainty for researchers whose work examines health outcomes, educational attainment, workforce participation, environmental exposures, algorithmic performance, or other subjects where disparate-impact analysis constitutes a well-established research methodology. Preserving the ability to conduct objective scientific analysis strengthens evidence-based decision-making and improves agencies' ability to evaluate the effectiveness of federally funded programs.

³³ *Regulation for Federal Financial Assistance*, 91 Fed. Reg. 32,198 (proposed May 29, 2026).

AASF recommends that OMB withdraw proposed § 200.218 in its entirety. AASF further recommends that OMB substantially revise § 200.300 to ensure that it does not restrict or discourage accepted scientific research or evidence-based analysis using accepted methods. If OMB declines to withdraw § 200.218, OMB should clarify that neither § 200.218 nor § 200.300 restricts accepted scientific methods, including objective disparate-impact analyses conducted for research, evaluation, auditing, quality improvement, clinical inquiry, or other evidence-based purposes. OMB should also confirm that these provisions do not override federal statutes, agency regulations, or congressionally mandated programs requiring the study of differential outcomes among populations.

[200.339(b), 200.332(i)] Ensure Corrective Action and Pass-Through Oversight Remain Proportionate and Evidence Based

Proposed §§ 200.339(b) and 200.332(i) expand expectations regarding corrective actions and oversight by pass-through entities. Effective oversight is essential to protecting taxpayer resources and maintaining public confidence in federal research. At the same time, corrective actions should remain proportionate to identified risks and should not impose unnecessary burdens that discourage participation in federally funded science.³⁴

Many AASF members conduct research through collaborative awards involving multiple universities, academic medical centers, nonprofit research organizations, and subrecipients across the United States and internationally. These partnerships enable institutions to combine complementary expertise, specialized facilities, and unique scientific capabilities that would not exist within a single organization. Effective oversight should strengthen these collaborations by ensuring accountability while avoiding unnecessary duplication of compliance requirements across participating institutions.

The proposed “reputational harm” standard in § 200.332 is particularly problematic because it is not tied to programmatic performance, financial stewardship, or award integrity and provides no objective basis for consistent administration. Proposed § 200.339 likewise lacks standards governing when an agency may cooperate with private litigation against a recipient, what forms that cooperation may take, or what notice and response rights apply.

Expanded corrective-action and oversight expectations that lack sufficiently clear implementation standards may produce inconsistent compliance practices among pass-through entities, increase administrative costs, delay research activities, and discourage institutions from serving as subrecipients on collaborative awards. These effects may be particularly significant for early-career investigators, smaller research institutions, and multidisciplinary projects that rely on coordinated participation across multiple organizations. Maintaining consistent, risk-based oversight is therefore important both to responsible stewardship of federal funds and to preserving the collaborative research ecosystem that supports American scientific leadership.

AASF recommends that OMB:

1. Require corrective actions to be proportionate to documented compliance concerns and tailored to the nature and severity of the identified risk.
2. Clarify uniform expectations for pass-through entities to promote consistent oversight across federal research awards.
3. Encourage corrective action and technical assistance before punitive measures whenever appropriate and consistent with protecting federal interests.
4. Minimize duplicative oversight and reporting requirements across collaborative research awards involving multiple recipients and subrecipients.

³⁴ *Regulation for Federal Financial Assistance*, 91 Fed. Reg. 32,198 (proposed May 29, 2026).

5. Require pass-through entities to document the basis for significant corrective actions and provide recipients a meaningful opportunity to respond before substantial restrictions are imposed, where appropriate.
6. Withdraw the proposed reputational-harm standard or replace it with objective criteria directly tied to programmatic performance and award integrity.
7. Withdraw or narrowly define the authority to cooperate with private litigants, require a documented finding of materiality to the federal interest, agency-counsel approval, written notice, and a meaningful opportunity for the recipient to respond before cooperation occurs.

These safeguards would strengthen accountability, promote consistent administration, and preserve the collaborative research partnerships that drive American scientific discovery and technological leadership.

[200.340–200.343] Provide Procedural Safeguards for Active Research Awards

Proposed § 200.340 would permit an agency or pass-through entity to terminate a discretionary award when it determines that termination is in its interest, including when an award no longer effectuates program goals, agency priorities, or the national interest as those considerations exist at the time of termination. The proposal also permits suspension when an agency determines that suspension is in its interest.³⁵

This uncertainty is compounded by the rule's procedural framework. Although proposed § 200.342 guarantees recipients an opportunity to object and any applicable hearing or appeal rights when a Federal agency initiates a remedy for noncompliance, the proposed rule does not provide comparable procedural protections for discretionary terminations based on changing agency priorities or the "national interest." As drafted, the broadest new termination authority therefore carries no corresponding minimum procedural safeguards, reinforcing the need for clear standards, written explanations, and meaningful opportunities for review before active research awards are terminated.³⁶

Agencies need authority to respond to fraud, material noncompliance, failure to perform, and genuine programmatic need. A compliant research award should not be treated as readily reversible solely because political priorities change. Research awards support graduate students, postdoctoral researchers, laboratory employees, clinical studies, multiyear datasets, shared instrumentation, field work, and institutional investments. Mid-award termination can waste prior federal expenditures and eliminate scientific value that depends on completion.

Beyond the direct consequences of termination, uncertainty regarding whether federally supported research will continue can itself alter research planning. Investigators may become less willing to initiate projects requiring sustained investment over multiple years, recruit students and staff, develop long-term partnerships, or pursue scientifically important research areas that may later become subject to changing policy priorities. Stable and predictable funding therefore supports not only individual awards but also the broader planning environment necessary for scientific innovation.

AAU, APLU, and COGR identify expanded termination authority as a central concern, citing potential effects on clinical trials, multiyear projects, research centers, graduate enrollment, staffing, and institutional investments.³⁷

AASF recommends that OMB:

1. Require a specific written explanation for discretionary suspension or termination.
2. Provide recipients at least ninety days' advance notice and a meaningful opportunity to respond and cure identified concerns before any discretionary suspension or termination takes effect.
3. Distinguish decisions based on misconduct or nonperformance from decisions based on changing policy priorities.

³⁵ Regulation for Federal Financial Assistance, 91 Fed. Reg. 32,198 (proposed May 29, 2026) (proposed §§ 200.340–.343).

³⁶ Regulation for Federal Financial Assistance, 91 Fed. Reg. 32,198, 32,260 (proposed May 29, 2026) (proposed § 200.342, "Opportunities to object, hearings, and appeals").

³⁷ Association of American Universities, Association of Public and Land-grant Universities & Council on Governmental Relations, *Executive Brief on OMB's Proposed Rule on Uniform Guidance 5-6* (June 5, 2026).

4. Require agencies to consider reliance interests, prior federal investment, effects on trainees, and the feasibility of project completion or orderly wind-down.
5. Protect allowable closeout, transition, student-support, and wind-down costs.
6. Provide meaningful review of terminations not based on recipient misconduct or failure to perform.
7. Avoid category-wide terminations without a documented programmatic record and an assessment of scientific and economic consequences.
8. Exempt currently active awards from newly expanded discretionary termination standards through the remainder of their periods of performance.
9. Prohibit abrupt termination of active human-subjects research without a documented transition plan that protects participants and complies with applicable research-protection requirements.
10. Define “national interest” through objective, publicly available criteria and prohibit discretionary termination that conflicts with statutory program requirements or congressional funding directives.
11. Establish an informal dispute-resolution or mediation option that recipients may invoke before a discretionary suspension or termination becomes final.

[200.303] Clarify and Narrow the Proposed E-Verify Mandate

Proposed § 200.303 would require recipients and subrecipients to participate in E-Verify for employees and contractors hired in or performing work in the United States under a federal award and would require final nonconfirmations to be reported to the awarding agency.³⁸

The proposal leaves important operational questions unresolved. It does not clearly explain how the requirement applies to existing employees, employees who devote only part of their time to an award, independent contractors, shared administrative staff, subrecipient personnel, or employees moved among projects. Research institutions often assign personnel across multiple awards and cost objectives. A verification dispute should not become a grant-compliance matter unrelated to scientific performance without clear standards and an opportunity for correction.

GAO has previously found that variation among agency grant requirements increases administrative workload and costs and recommended greater standardization, postponement of unnecessary pre-award requirements, and flexibility to focus oversight on areas of greatest risk. Those principles are directly relevant to the implementation of any new government-wide mandate.³⁹

AASF recommends that OMB:

1. Clarify which employees and contractors are covered, including existing employees and personnel with partial award support.
2. Define the respective responsibilities of prime recipients, subrecipients, and contractors.
3. Ensure that a verification issue does not produce automatic adverse grant action without notice, correction, and review.
4. Coordinate with the Department of Homeland Security and publish uniform government-wide implementation guidance.
5. Avoid duplication of existing institutional employment-authorization systems where possible.
6. Provide a realistic implementation period and technical assistance before enforcement.

³⁸ *Regulation for Federal Financial Assistance*, 91 Fed. Reg. 32,198, 32,254 (proposed May 29, 2026) (proposed § 200.303(f)).

³⁹ U.S. Gov’t Accountability Off., *Federal Research Grants: Opportunities Remain for Agencies to Streamline Administrative Requirements*, GAO-16-573, at 13-17 (June 22, 2016).

[200.432, 200.454, 200.220] Preserve Scientific Conferences and Professional Exchange

Proposed § 200.432(b) would make conference-attendance costs allowable only when participation "is expressly approved by the Federal agency and included in the terms and conditions of the Federal award"; § 200.454 would condition professional memberships on agency judgment of their necessity and make subscriptions to professional and technical periodicals unallowable; and § 200.220(b) expressly identifies travel as a prohibited use of federal funds in connection with certain covered foreign collaborations. Collectively, these provisions introduce uncertainty regarding routine scientific communication, professional engagement, and the dissemination of federally funded research.⁴⁰

Scientific conferences are not ancillary professional activities. They are a core component of the modern research enterprise and one of the principal mechanisms through which federally funded discoveries are communicated, evaluated, refined, and translated into future innovation. The National Institutes of Health maintains a dedicated grant program supporting scientific meetings because conferences accelerate scientific progress through the exchange of ideas, dissemination of research findings, development of collaborations, and training of early-career investigators. Likewise, the National Science Foundation recognizes conference papers as significant scholarly outputs and includes peer-reviewed conference proceedings within its Public Access Repository, reflecting their role in communicating federally funded research to the broader scientific community.⁴¹

The National Science Board has likewise found that international collaboration has become a defining characteristic of modern science, with approximately 40 percent of U.S. science and engineering publications involving international coauthors. Conferences and scientific meetings provide the professional setting in which many of these collaborations begin, enabling researchers to exchange ideas, identify complementary expertise, establish research partnerships, and develop future grant proposals. Scientific communication therefore represents an integral component of the innovation ecosystem that supports American scientific leadership rather than a peripheral professional activity.⁴²

AASF recommends that OMB:

1. Clarify that ordinary participation in scientific conferences, workshops, seminars, and professional meetings does not constitute prohibited collaboration absent a clearly defined and identified security risk.
2. Preserve allowability for reasonable conference attendance, professional memberships, and scientific publications that directly support federally funded research.
3. Clarify that conference presentations, independently prepared coauthored publications, professional networking, and discussion of publicly available research do not, standing alone, constitute prohibited collaboration.
4. Ensure that restrictions on conference participation and scientific communication are narrowly tailored to identified national security risks and do not unnecessarily impede the dissemination of federally funded research.
5. Preserve agency flexibility to support scientific meetings and professional engagement that advance the objectives of federally funded research.

[200.432, 200.454, 200.461] Preserve Scientific Communication, Publication, and Professional Participation

Proposed § 200.432 would make conference-attendance costs allowable only when participation is expressly approved and included in the award terms. Proposed § 200.454 would require prior approval for necessary professional memberships and make subscriptions to professional, academic, and technical periodicals unallowable. Proposed § 200.461 would generally make publication charges, article-processing charges, and open-access fees unallowable unless required by

⁴⁰ *Regulation for Federal Financial Assistance*, 91 Fed. Reg. 32,198 (proposed May 29, 2026) (proposed §§ 200.220(b), 200.432(b), 200.454).

⁴¹ Nat'l Insts. of Health, Conference (R13), <https://grants.nih.gov/funding/activity-codes/R13> (last visited July 12, 2026).

⁴² Nat'l Sci. Bd., *International Collaboration and Citations*, in *Publications Output: U.S. Trends and International Comparisons*, Sci. & Eng'g Indicators 2024, NSB-2023-33, (Nat'l Ctr. for Sci. & Eng'g Stats., Nat'l Sci. Found. Dec. 11, 2023).

statute or approved in advance. Collectively, these provisions would affect the principal mechanisms through which federally funded research is communicated, evaluated, and disseminated.⁴³

Publication, peer exchange, and professional meetings are integral components of the research process. Scientists use them to communicate research findings, receive technical critique, facilitate replication, develop collaborations, recruit trainees, identify emerging research directions, and disseminate federally funded discoveries. Professional societies, scientific journals, and conferences also establish disciplinary standards, promote scientific rigor, and accelerate the translation of federally funded research into practical applications. Restricting these activities may therefore affect not only individual investigators but also the broader research ecosystem that supports American scientific innovation.

The proposed publication restrictions also create tension with existing federal public-access policy. The National Science Foundation requires award recipients to deposit peer-reviewed publications and juried conference papers arising from NSF-funded research into the NSF Public Access Repository, and NSF's *Public Access Plan 2.0* seeks immediate and equitable public access to federally funded research results. Restricting the reasonable costs necessary to publish, disseminate, and make those research outputs publicly available would shift those costs to researchers and institutions while potentially limiting the timely communication of federally supported discoveries.⁴⁴

These effects may be particularly significant for graduate students, postdoctoral researchers, early-career investigators, and institutions with limited discretionary resources, which often depend on federal awards to support publication costs, conference participation, and professional engagement. Preserving reasonable support for scientific communication promotes broader dissemination of federally funded research, strengthens scientific collaboration, and enhances the return on the federal government's investment in research and development.

AASF recommends that OMB:

1. Preserve the allowability of reasonable publication, page, article-processing, and open-access charges that are directly related to disseminating federally funded research.
2. Permit conference participation when it advances scientific exchange, dissemination, training, or award objectives without requiring every conference or professional meeting to be specifically identified at the time an award is issued.
3. Allow reasonable professional memberships, subscriptions, and other professional resources when they are necessary to carry out award-supported research.
4. Preserve the allowability of reasonable publication, conference, professional participation, and scientific communication costs that are reasonably necessary to conduct and disseminate federally supported research, without requiring routine case-by-case agency approval or imposing categorical restrictions.
5. Clarify how these provisions will operate alongside existing federal public-access requirements and agencies' policies promoting timely dissemination of federally funded research.

Cross-Cutting Implementation Principles

The individual provisions should also be evaluated cumulatively. Scientists and institutions do not experience OMB, NSF, NIH, DOE, DOD, NASA, and other agency policies in isolation. Overlapping definitions, restricted-party lists, approval requirements, and reporting obligations can lead institutions to adopt the most restrictive interpretation across all funding sources. This is especially likely when a violation could threaten an active award.

AASF therefore recommends that OMB apply the following principles across the final rule:

⁴³ *Regulation for Federal Financial Assistance*, 91 Fed. Reg. 32,198 (proposed May 29, 2026).

⁴⁴ Nat'l Sci. Found., *NSF Public Access Initiative*, <https://new.nsf.gov/public-access> (last visited July 13, 2026); Nat'l Sci. Found., *NSF Public Access Plan 2.0: Ensuring Open, Immediate and Equitable Access to NSF-Funded Research*, (Aug. 2023).

1. Use precise definitions and conduct-based criteria.
2. Harmonize implementation across agencies and publish common interpretive guidance.
3. Provide safe harbors and binding preclearance for low-risk or ambiguous activity.
4. Require notice, an opportunity to correct factual errors, documented reasoning, and multiple levels of review before adverse action.
5. Collect data sufficient to assess whether implementation is producing inconsistent or disproportionate outcomes.
6. Consult scientists, research administrators, research-security professionals, and affected communities before the rule takes effect.

Conclusion

AASF supports protecting federal research from theft, undisclosed conflicts, misuse of funds, and genuine national-security threats. Effective research security requires focused safeguards, strong disclosure systems, consistent enforcement, and decisions grounded in evidence.

It does not require diminishing scientific merit review, treating international activity as presumptively suspect, or granting agencies broad authority to disrupt compliant research without meaningful safeguards. The United States is competing for scientific talent and technological leadership at a time of rapid growth in China's research capacity. The appropriate response is to strengthen the features that have made American science successful: expert evaluation, openness to talent, lawful collaboration, institutional reliability, and the freedom to pursue difficult scientific questions.⁴⁵⁴⁶

The experience of Asian and Asian American scientists under prior research-security initiatives demonstrates that uncertainty can lead researchers to curtail communication, end collaborations, avoid federal funding, and perceive ordinary scientific relationships as personal risks. Precision is therefore a component of effective security. Clear definitions allow agencies and institutions to concentrate on demonstrable threats. Individualized assessment separates risky conduct from lawful scholarship. Procedural protections improve accuracy and confidence. Scientific expertise ensures that security decisions account for the way research is actually conducted.⁴⁷⁴⁸⁴⁹⁵⁰

AASF further notes that the proposed rule raises significant questions under the Administrative Procedure Act. These include the scope of OMB's statutory authority to direct discretionary award decisions government-wide, the permissibility of making future amendments to binding government-wide requirements effective without further notice-and-comment procedures, and the adequacy of the agency's consideration of the evidentiary record and reliance interests described in these comments. The proposed rule also raises constitutional questions, including the clarity and definiteness required of conditions attached to federal funds, as well as associational and other constitutional considerations implicated by several of the provisions discussed above. AASF respectfully requests that OMB consider and address these questions before taking any final action.

AASF respectfully urges OMB to withdraw the proposed regulation or, at minimum, revise it as set forth above, and to consult closely with scientists, research institutions, research-security professionals, and affected communities before finalizing government-wide restrictions.

⁴⁵ Nat'l Sci. Bd., The State of U.S. Sci. & Eng'g 2026, NSB-SEP-2026-1, at 3-6 (Nat'l Ctr. for Sci. & Eng'g Stats., Nat'l Sci. Found. May 4, 2026).

⁴⁶ Nat'l Sci. Bd., STEM Talent: Education, Training, and Workforce, Science & Engineering Indicators 2026, NSB-2026-1, at 15 (Nat'l Sci. Found. Feb. 12, 2026).

⁴⁷ David Zweig, China's Talent Programs: Lessons for the United States?, at 7-9 (Jan. 8, 2024) (commissioned paper prepared for the Nat'l Acad. of Scis., Eng'g & Med.'s International Talent Programs in the Changing Global Environment consensus study).

⁴⁸ Yu Xie, Xihong Lin, Ju Li, Qian He & Junming Huang, Caught in the Crossfire: Fears of Chinese-American Scientists, 120 Proc. Nat'l Acad. Scis. U.S.A. e2216248120 (2023), <https://doi.org/10.1073/pnas.2216248120>

⁴⁹ Matthew G. Olsen, Assistant Att'y Gen., U.S. Dep't of Just., Remarks on Countering Nation-State Threats at George Mason University's National Security Institute (Feb. 23, 2022).

⁵⁰ U.S. Gov't Accountability Off., Research Security: Agencies Should Assess Safeguards Against Discrimination, GAO-26-107544, at 25-28 (Jan. 21, 2026).

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Gisela P. Kusakawa". The signature is fluid and cursive, with the first name "Gisela" and last name "Kusakawa" clearly legible.

Gisela Perez Kusakawa

Executive Director

Asian American Scholar Forum

On behalf of the Asian American Scholar Forum

