



November 03, 2025

The Honorable Roger Wicker  
Chairman  
Committee on Armed Services  
U.S. Senate  
Washington, D.C. 20510

The Honorable Mike Rogers  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Jack Reed  
Ranking Member  
Committee on Armed Services  
U.S. Senate  
Washington, D.C. 20510

The Honorable Adam Smith  
Ranking Member  
Committee on Armed Services  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Wicker, Ranking Member Reed, Chairman Rogers, and Ranking Member Smith,

As you work to finalize the fiscal year 2026 (FY26) National Defense Authorization Act (NDAA) conference agreement, we write as presidents of the Association of Public and Land-grant Universities (APLU) and Association of American Universities (AAU) to offer specific comments on provisions in both S. 2296 and H.R. 3838. We appreciate your leadership in advancing policies that safeguard the vital partnership between the U.S. government and America's research universities. This enduring collaboration drives returns on federal research investments, strengthens our nation's technological edge over global competitors, and delivers innovations to support the warfighter. We remain deeply grateful for your continuous bipartisan commitment to fostering American discovery and innovation.

As you reconcile both measures, we ask that you continue to enact policies that support and protect university-based research and reject those that would undermine the United States' ability to out-innovate strategic competitors. Our specific conference recommendations are delineated below. Please note that our organizations raised objections with Title XVII, Subtitle D, Sec. 1736 – Sec. 1740, the "SAFE Research Act" of the House-passed bill in an earlier letter.<sup>1</sup> Additionally, as members of the Coalition for National Security Research (CNSR), our organizations share the Defense Science and Technology (S&T) priorities outlined in the coalition's letter.<sup>2</sup>

### **Provisions We Support**

**Extension of FY25 NDAA Research Security Policy.** As we detailed in previous correspondence, APLU and AAU members take seriously the national security threats posed by malign foreign entities. Our university community has worked closely with Congress on the passage and implementation of provisions enacted in prior defense policy bills as well as the CHIPS and Science Act. In furtherance of National Security Presidential Memorandum-33, a policy issued by President Trump during his first term, federal agencies continue to coordinate consistent standards, harmonized definitions, and streamlined

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<sup>1</sup> [Joint letter by AAU and APLU Opposing the SAFE Research Act.](#)

<sup>2</sup> [CNSR FY26 NDAA Conference Priorities Letter.](#)

training for all federal research award applicants. The National Science Foundation has launched a reporting mechanism for institutions to disclose certain gifts and contracts from identified “countries of concern.” The Department of Defense continues to update pertinent lists and share relevant information for U.S. universities to use in identifying foreign programs and entities that may pose a risk to U.S. national security interests.

Section 214 of the House-passed bill and Section 220C of the Senate-passed bill would extend the provision from last year’s NDAA (Section 238, Public Law 118-159) prohibiting DOD funding to support fundamental research projects should any researcher receive current or pending support from a foreign entity identified on the department’s 1286 list.<sup>3</sup> We appreciate the Armed Services Committees for championing such a carefully considered provision. This policy allows for project-by-project assessments of such research collaborations and ensures alignment with DOD’s research security decision matrix.<sup>4</sup> This provision provides DOD the flexible latitude and strategic discretion to defend against malign foreign actors while ensuring productive international research partnerships continue to persist.

***Recommendation: We urge you to include House Section 214 and Senate Section 220C in the final FY26 NDAA conference agreement.***

**Access to Shared Classified Infrastructure.** Section 1059 of the Senate-passed NDAA would establish a network of secure facilities at universities across the United States. Increased access to state-of-the-art facilities will enable more qualified researchers from more universities to conduct classified research for the DOD. Expanded access will also increase training opportunities for the next generation of scientists and engineers who can work in highly secured U.S. defense facilities.

***Recommendation: We urge you to include Senate Section 1059 in the final FY26 NDAA conference agreement.***

**Alignment of Research Reimbursements & Project Needs.** Section 226 of the Senate bill would prohibit modifications to DOD indirect cost rates (otherwise known as reimbursements for facilities and administrative research expenses) on grants and contracts awarded to institutions of higher education, without input from the extramural research community. We encourage you to retain this language in the final FY26 NDAA agreement to ensure the federal government and the extramural research community collaboratively advance an alternative indirect cost model that enhances transparency and accountability, provides greater visibility on the drivers of research costs, and ensures that essential costs required to perform research are reasonably compensated.<sup>5</sup> This is critical to ensure research institutions can continue partnering with the government to generate the vital breakthroughs critical to national security.

***Recommendation: We urge you to include Senate Section 226 in the final FY26 NDAA conference agreement.***

### **Provisions of Concern**

**Unenforceable Post-Employment Restrictions.** Section 218 of the House-passed bill would prohibit principal investigators conducting covered defense research from accepting employment with foreign

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<sup>3</sup> [DOD’s FY24 update to the 1286 list.](#)

<sup>4</sup> [DOD Component Decision Matrix to Inform Fundamental Research Proposal Mitigation Decisions.](#)

<sup>5</sup> [Financial Accountability in Research \(FAIR\) Model.](#)

entities of concern for a prospective three-year post-employment period. While we understand Congress's desire to prevent any remote possibility of our researchers' expertise potentially benefiting the interests of foreign adversaries, the proposed enforcement mechanism and certification requirement is unworkable as it cannot be operationalized and is incongruent with universities' employment authorities.

As written, this provision would inappropriately mandate universities to track and monitor those who are no longer employed nor affiliated with the university. We urge you to modify this requirement. Universities have no legal authority to track former employees, let alone verify that their reported status is certifiably true and accurate. This provision would impose an unenforceable standard with a significant and unachievable compliance burden. Not only does it overstep the bounds of employment law, but such post-employment certifications are not required nor expected by other employers, including DOD's contractors in private industry.

***Recommendation: We urge you to amend House Section 218 in the final FY26 NDAA conference agreement to instead require that universities provide covered employees with an exit briefing advising them of their post-employment responsibilities to protect national security.***

**Conflicting Efforts to Further Expand Research Security Requirements.** Section 220C of the Senate-passed bill and Section 214 of the House-passed bill are an extension of language in the FY25 NDAA prohibiting contracts and other relationships between certain foreign entities and individual researchers at U.S. institutions of higher education.

Section 216 of the Senate-passed bill prohibits DOD from providing funds to an institution that has any type of contract with a covered nation or foreign entity of concern. A wholesale prohibition on contracts of this nature would consequently impact activities far beyond the scope of DOD research or American national security interests. Such a restriction would extend to contracts pertaining to arts, history, and language programs. Importantly, it would choke off data-sharing on vital climate and seismic activity as well as international health-related concerns, which are unbounded by national borders. Unrelated activities not germane to DOD research grants would require DOD approval through yet another waiver process. It is unclear what value Section 216, if passed, would add to the existing laws governing research security standards.

This provision would also create conflicting requirements for universities to decipher and for DOD to enforce. Existing policies mandated by the CHIPS and Science Act already require universities to disclose to the National Science Foundation any gifts or contracts valued over \$50,000 from or with entities in countries of concern. The NSF is tasked with determining if such reported gifts and contracts pose any research security risks. Rather than impose an entirely new reporting regime, DOD should be encouraged to work with the NSF to share relevant data and avoid duplicative disclosures.

***Recommendation: We urge you to oppose inclusion of Senate Section 216 in the final FY26 NDAA conference agreement.*** At a minimum, this provision requires technical corrections to bring it into alignment with the existing research security framework used across the interagency.

**Flawed Methods to Improve Civil Rights Enforcement.** Section 1049 of the House-passed bill restricts funding for universities that have not taken action to mitigate and prevent antisemitic demonstrations. We appreciate the Committee's interest in ensuring compliance with the Civil Rights Act and protection of students from unlawful discrimination.

While well intentioned, the provision is unnecessary, confusing, and harmful to shared goals of rooting out the scourge of antisemitism. Federal agencies already have substantial authority under Title VI to protect the civil rights of students and take action against institutions found in violation. Furthermore, this provision would inappropriately punish researchers and students for campus demonstrations and actions not related to their work and in which most will not even have engaged. We note the provision raises profound First Amendment concerns with speech that although it may be repugnant, vile, abhorrent, and wholly contrary to the values of academic institutions, is still constitutionally protected, including when campus outsiders who are not even students utilize public property on campuses for demonstrations.

The Trump administration has taken several steps to address concerns of antisemitic actions on college campuses at a government-wide level. It is not clear that new legislative authorities, especially provisions drafted with clear harmful unintended consequences, meaningfully add to enforcement measures. The January 29, 2025 Executive Order, "Additional Measures to Combat Anti-Semitism," empowers individual federal agencies to address antisemitism at institutions of higher education and requires federal agencies to consider the International Holocaust Remembrance Alliance's (IHRA) working definition of antisemitism.<sup>6</sup> Following this executive order, the Department of Justice established an interagency working group "to root out anti-Semitic harassment in schools and on college campuses" and the Department of Education sent a Dear Colleague letter to institutions of higher education explaining how the EO would be applied with respect to institutions of higher education.<sup>7,8</sup>

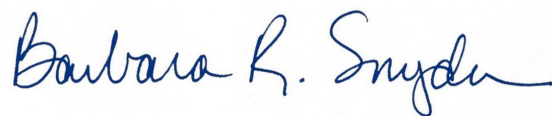
***Recommendation: We urge you to exclude House Section 1049 in the final FY26 NDAA conference agreement.***

We appreciate your consideration of our views. As you negotiate the final FY26 conference agreement, we thank you for your continued efforts to deliberate policies in a carefully considered and bipartisan way. We look forward to continued engagement with you in furtherance of American security and discovery.

Sincerely,



Waded Cruzado  
President, APLU



Barbara R. Snyder  
President, AAU

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<sup>6</sup> [White House Executive Order, "Additional Measures to Combat Anti-Semitism."](#)

<sup>7</sup> [Justice Department Announces Formation of Task Force to Combat Anti-Semitism.](#)

<sup>8</sup> [Questions and Answers on Executive Order 13899 \(Combating Anti-Semitism\) and OCR's Enforcement of Title VI of the Civil Rights Act of 1964 \(PDF\).](#)