

USICA Research Security Provisions of Interest

***Bolded** items below are the provisions/amendments which AAU is most focused on encouraging institutions to weigh in against at this time.*

Section	Title	Summary
Section 2302	Research security and integrity information sharing analysis organization.	Establishes a research security and integrity information sharing analysis organization (RSI-ISAO) to serve as a clearinghouse for information on identifying improper or illegal efforts by foreign entities to obtain research results, know how, materials, and IP and for other purposes.
Section 2303	Foreign government talent recruitment program prohibition.	Prohibits federal research awards from being awarded for any proposal where the principal investigator or other individuals directly involved in the research are members of a foreign government talent recruitment programs sponsored by China, Russia, Iran, or North Korea.
Section 2304	Additional requirements for directorate research security.	Requires NSF to establish an initiative to work with IHEs to support protection of intellectual property, limit undue influence, including through talent recruitment programs, and support efforts toward development of domestic talent in relevant science and engineering fields.
Section 2308	Plan with respect to sensitive or controlled information and background screening.	Requires NSF to develop a plan to identify research areas that may include sensitive or controlled information and provide background screening for individuals working in such research areas who are employed by NSF or are recipients of NSF funds.
Section 2525	Foundation funding to institutions hosting or supporting Confucius Institutes.	Prohibits NSF funding to institutions that maintain a contract or agreement between the institution and a Confucius Institute unless NSF deems a waiver appropriate.
Section 2526	Supporting documents.	Mandates NSF collect final copies of <u>any</u> contracts, agreements, or documentation of financial transactions between universities, their foundations, and related organizations and any educational, cultural, or language entity that is directly or indirectly funded by the Government of the People's Republic of China. Also requires NSF to collect a detailed description of any financial contributions from the Government of the People's

		Republic of China or its affiliates to the institution, a foundation of the institution, or related entities.
Section 3138	Review by Committee on Foreign Investment in the United States of certain foreign gifts to and contracts with institutions of higher education.	Expansion of CFIUS review to include certain gifts and contracts between universities and foreign persons.
Section 4493	Federal Research Security Council.	Creates a new multi-agency research coordinating council at OMB.
Section 4494	Federal grant application fraud.	Assesses penalties for failure to disclose receipt of any outside compensation, including foreign compensation by a federal research grant applicant or falsifying information.
Section 4495	Restricting the acquisition of emerging technologies by certain aliens.	Acknowledges State's authority to determine if an alien is inadmissible if they are seeking to knowingly acquire sensitive or emerging technologies to undermine national security interests. "Determining factors" section changed to "relevant factors" and mention of "past, current, or intended employment" removed. Provision sunsets 2 years after enactment.
Section 4497	Certifications regarding access to export-controlled technology in educational and cultural exchange programs.	Requires J-1 sponsors to certify to State that they comply with export control regulations and licenses are not required for technology that will be accessed by the J-1 visa holder. Requires sponsor to attest that they will prevent access to controlled technology or technical data by the exchange visitor. Sponsors who maintain export-controlled technology/data must submit a technology control plan on how they prevent unauthorized export or transfer.
Section 5212	Prohibition on reviews by Committee on Foreign Investment in the United States of certain foreign gifts to and contracts with institutions of higher education.	Prohibits CFIUS from reviewing or investigating gifts to an IHE from a foreign person. Prohibits use of funds to review or investigate gifts to an IHE from a foreign person.
Section 6101	Foreign talent programs.	Requires disclosure of participating in foreign talent programs, consistent with section 2303, as it applies to federal extramural biomedical research funding awarded through HHS.

Section 6104	Protecting America's biomedical research enterprise.	Requires HHS to identify ways to improve the protection of intellectual property, identify and develop strategies to prevent/mitigate/address national security threats, identify national security risks, and develop a framework to identify emerging areas of interest for state actors that would compromise national security.
Section 6122	Confucius Institutes.	Prohibits Dept of Education (ED) funding to institutions (except title IV) that maintain a contract or agreement between the institution and a Confucius Institute. Requires ED to consult with NASEM and evaluate any CI contract or agreement and publish an evaluation of the contract on ED's website to confirm protection of academic freedom, prohibits foreign campus law, grants managerial authority to the institution not the CI.
Section 6124	Disclosures of foreign gifts and contracts at institutions of higher education.	Lowers the Section 117 reporting threshold to \$50,000; provides an annual disclosure date; outlines content of disclosure reporting; addresses sanctions for noncompliance; establishing a single point of contact within the Department of Education Creates a new requirement in Sec. 124 entitled "Institutional Policy Regarding Foreign Gifts and Contracts to Faculty and Staff" and would require universities to ensure that faculty and staff report <u>any</u> gifts from, or contracts, entered into, with a foreign source, and then maintain this information in a searchable database.

Research Security Amendments of Interest

Amdt #	Offered by	Summary
<u>1533</u>	Barrasso (R-WY)	To address the risk posed by certain countries with respect to research and development.
<u>1597</u>	Scott (R-FL)	Prevents NSF/NASEM exemptions from partnerships with Foreign talent programs unless ODNI approved.
<u>1601</u>	Scott (R-FL)	On page 236, line 20, strike “to the extent practicable,” regarding prohibiting any federal funding going to someone affiliated with foreign talent recruitment programs.
<u>1602</u>	Scott (R-FL)	Reduces timeline for OSTP to establish a foreign talent recruitment program policy from one year to “1 month after the policy guidelines are published under subsection (a)”.
<u>1603</u>	Scott (R-FL)	Prevents key technology list from being updated annually without ODNI approval.
<u>1619</u>	Tuberville (R-AL)	Prohibits IHEs with contracts or agreements with Confucius Institutes from receiving federal funding, including Title IV federal student aid of the HEA.
<u>1762</u>	Blackburn (R-TN)	Requires NSF to dedicate staff to ensuring compliance with grants awarded by the Foundation to ensure foreign government talent recruitment programs do not misappropriate funding from the Foundation.
<u>1802</u>	Rubio (R-FL), Burr (R-NC), Risch (R-ID), Blunt (R-MO), Cotton (R-AR), Cornyn (R-TX), Sasse (R-NE)	To protect the United States against efforts of China and other foreign entities to engage in economic espionage and to misappropriate United States intellectual property, research and development, and innovation efforts. AGREED TO: Motion to table the Rubio amendment #1802. By a vote of 55-40. GOP in favor: Collins, Daines, Hyde-Smith, Paul, Wicker, Young. Absent: Blackburn, Blunt, Braun, Burr, Sinema.
<u>1839</u>	Risch (R-ID)	Would strike Section 5212.
<u>1866</u>	Whitehouse (D-RI)	To provide for the admission of essential scientists and technical experts to promote and protect the National Security Innovation Base, and for other purposes.
<u>1899</u>	Cruz (R-TX)	To authorize the continuation and expansion of a pilot program to ensure the security of federally supported research data and to assist regional institutions of higher education and their researchers regarding the safeguarding of sensitive information.

1937	Rubio (R-FL)	Modifies HHS certification of public laboratories to prohibit ties to China.
1938	Rubio (R-FL)	Annual report to Congress on NIH researchers ties to China.
1939	Rubio (R-FL)	Revises NIH strategic plan requirements to address NIH engagement on efforts to modernize the national security strategy.
1940	Rubio (R-FL)	Requirements for reviews by CFIUS of covered transactions involving genetic information.
1944	Rubio (R-FL)	Prohibits NIH funding from going to any entities connected to China.
1946	Graham (R-SC)	<p>Sec. 7402 would make it nearly impossible for a Chinese national to do graduate work or research in the list of fields listed. Would also limit the duration of status for Chinese nationals in fields of study on the TAL. That is extremely broad and appears to impact undergraduates.</p> <p>Sec. 7504 makes it unlawful to fail to disclose foreign funding for the same project when applying/accepting U.S. research dollars. Institutions can be fined \$1M for each employee who fails to disclose.</p>
1949	Hawley (R-MO)	Prohibition on the licensing and transferring of certain intellectual property rights with any business or research institution outside the U.S.
1950	Hawley (R-MO)	Imposing data security requirements and strengthening review of foreign investments with respect to certain technology companies from foreign countries of concern (China, Russia).
1957	Ernst (R-IA)	Allows for the denial of federal funds to universities if a government agency is denied access to campus.
1960	Rubio (R-FL)	Establishes a working group at HHS to make recommended updates to NIH's genomic data sharing policy and develop and disseminate best practices on data sharing for use by entities engaged in biomedical research and international collaboration to enable both academic, public, and private institutions.
1963	Cotton (R-AR)	Requires FBI to submit a report on the potential use of 10-year multi-entry visa programs of the U.S. by covered nations to enable espionage and IP theft against the U.S.
1964	Cotton (R-AR)	NSF may not issue an award to a foreign entity of concern or an applicant operating on behalf of one.

1981	Murray (D-WA), Burr (R-NC)	Replaces section 6122 on Confucius Institutes to better align with Section 2525.
1998	Grassley (R-IA), Whitehouse (D-RI)	Stop Intellectual Property Theft (STIP) Act. Designates any alien who is determined to know or have reasonable ground to believe they seek to enter the US. to engage solely, principally, or incidentally in espionage, evade export control laws, or engage in theft of trade secrets or economic espionage would be inadmissible.
2000	Scott (R-FL)	Requires the Department of Commerce to certify, before removing an entity from the entity list, that the entity to no longer involved in activities contrary to the national security or foreign policy interests of the U.S.
2024	Sasse (R-NE)	Delays the obligation and expenditure of funds made available by division B until the Secretary of Commerce identifies and issues proposed rules on emerging and foundational technologies.
2050	Risch (R-ID)	Strikes Section 5212. Narrows section 3138 to be applicable only to university gifts/contracts with China.
2077	Brown (D-OH)	CFIUS – strikes section 3138
2079	Brown (D-OH)	CFIUS - after section 5212, inserts language saying gifts and contracts screening only applies to those from China.