



## Research Security Provisions Not Enacted in CHIPS and Science Act of 2022

<b>HOMELAND SECURITY</b> <i>House Committee on Homeland Security</i> <i>Senate Committee on Homeland Security and Governmental Affairs</i>	
America COMPETES Act (H.R. 4521)	U.S. Innovation and Competition Act (S. 1260)
No similar provision in House bill.	<b>Section 4493. Federal Research Security Council.</b> Creates a new multi-agency research coordinating council at OMB.
No similar provision in House bill.	<b>Section 4494. Federal Grant Application Fraud.</b> Assesses penalties for failure to disclose receipt of any outside compensation, including foreign compensation by a federal research grant applicant or falsifying information.
No similar provision in House bill.	<b>Section 4495. Restricting the Acquisition of Emerging Technologies by Certain Aliens.</b> Acknowledges State Department'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. Provision sunsets 2 years after enactment.
No similar provision in House bill.	<b>Section 4497. Certifications Regarding Access to Export-Controlled Technology in Educational and Cultural Exchange Programs.</b> Requires J-1 sponsors to certify to the State Department 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.

## INTERNATIONAL COMPETITIVENESS

*House Committee on Foreign Affairs*

*Senate Committee on Foreign Relations*

*House Committee on Financial Services*

*Senate Committee on Banking and Housing*

<b>America COMPETES Act (H.R. 4521)</b>	<b>U.S. Innovation and Competition Act (S. 1260)</b>
No similar provision in House bill.	<b>Section 3138. Review by Committee on Foreign Investment in the United States of Certain Foreign Gifts to and Contracts with Institutions of Higher Education.</b> Expansion of CFIUS review to include certain gifts and contracts between universities and foreign persons.
No similar provision in House bill.	<b>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.</b> 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.

## IMMIGRATION

*House and Senate Committees on Judiciary*

<b>America COMPETES Act (H.R. 4521)</b>	<b>U.S. Innovation and Competition Act (S. 1260)</b>
<b>Section 80303. Advanced Degree STEM Graduates.</b> Exempts from the numerical limits on immigrant visas, certain aliens (and the spouses and children of such aliens) who have earned a doctoral degree or a master's degree in STEM from a qualified U.S. research institution or foreign institution if the degree is equivalent to a doctoral degree issued by a qualified U.S. research institution. Includes health professions and related programs in the definition of STEM fields. Allows dual intent for STEM doctoral students, allowing them to transition to a green card as provided under this bill without first needing to leave the country and start the visa process over.	No similar provision in Senate bill.

## HEALTH & EDUCATION

House Committee on Education and Labor

Senate Committee on Health, Education, Labor and Pensions

America COMPETES Act (H.R. 4521)	U.S. Innovation and Competition Act (S. 1260)
No similar provision in House bill.	<b>Section 6104. Protecting America’s Biomedical Research Enterprise.</b> 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.
<b>Section 90302. Confucius Institutes.</b> Identical to Senate bill.	<b>Section 6122. Confucius Institutes.</b> 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.
<b>Section 90304(a). Disclosure of Foreign Gifts.</b> Amends Section 117 of the HEA to capture additional foreign gifts and contracts totaling more than \$100,000 in any given year and \$250,000 in three years; lower fines for administrative or “knowing and willful failures” (compared to Senate provision); includes exemptions for qualifying tuition payments and also exempts contracts for clinical trials (not addressed in Senate provision).	<b>Section 6124(a). Disclosures of Foreign Gifts.</b> 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.
<b>Section 90304(b). Policy Regarding Conflicts of Interest from Foreign Gifts and Contracts.</b> Creates a new reporting requirement in Sec. 124 of the HEA which would require universities to ensure that faculty and staff report gifts or contracts with a foreign source totally \$50,000 or more; requires institutions to collect data on previous 5 years of gifts/contracts to individuals (not addressed in Senate provision).	<b>Section 6124(b). Policy Regarding Conflicts of Interest from Foreign Gifts and Contracts.</b> Creates a new requirement in Sec. 124 which 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. Also expands the definition of a contract for Sec. 124 reporting to include <u>any</u> “affiliation, agreement, or similar transaction” involving the use of the “name, likeness, time, services, or resources” of faculty and staff.