



America COMPETES Act (H.R. 4521) and U.S. Innovation and Competition Act (S. 1260)
Side-by-Side Bill Comparison of Research Security Provisions of Interest with AAU Comments

SCIENCE	
<i>House Committee on Science, Space, and Technology</i> <i>Senate Committee on Science, Commerce, and Transportation</i> <i>Senate Committee on Energy and Natural Resources</i>	
America COMPETES Act (H.R. 4521)	U.S. Innovation and Competition Act (S. 1260)
Section 10306(d)(1). Office of Research Security and Policy. Establishes a Research Security and Policy Office within the NSF Director's office. Requires the appointment of a Chief of Research Security and a report to Congress on required resources and staff.	Section 2301(a). Research Security and Policy Office. Establishes a Research Security and Policy Office within the NSF Director's office.
Section 10306(d)(2). Chief of Research Security. Requires the NSF Director to appoint a senior agency official as Chief of Research Security.	Section 2301(b). Chief of Research Security. Identical to House provision.
Section 10306(d)(3). Report to Congress. Requires NSF to report in no later than 180 days on the resources and number of full-time employees need to carry out the functions of the newly established office.	Section 2301(c). Report to Congress. Identical to House provision.
Section 10306(d)(4). Online Resource. Requires NSF to develop an online resource for both institutions and researchers on NSF security policies, potential security risks and mitigation strategies, and examples of positive international collaborations vs. foreign government interference efforts.	Section 2301(d). Online Resource. Identical to House provision.
Section 10731. Ad-Hoc Committee on Research Security. Directs the National Academies to study the feasibility of providing enhanced research security services to further protect the United States research enterprise against foreign interference, theft, and espionage.	Section 2302. Research security and integrity information sharing analysis organization. Establishes a research security and integrity information sharing analysis organization (RSI-ISA) 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.

America COMPETES Act (H.R. 4521)	U.S. Innovation and Competition Act (S. 1260)
<p>Section 10306(d)(5). Risk Assessment Center. Creates an NSF-supported, independent risk assessment center to develop online resources and help awardees assess and identify issues relating to disclosure, foreign partnerships, and other matters.</p>	<p>No similar provision in Senate bill.</p>
<p>Section 10306(d)(6). Research Grants. Identical to Senate bill.</p>	<p>Section 2301(e). Research Grants. Supports NSF research grants to better understand issues pertaining to research security and protecting research integrity from foreign threats.</p>
<p>Section 10306(d)(7). Authorities. Provides the NSF Office of Research Security and Policy the authority to conduct risk assessments and to request the submission of supporting documentation, including copies of contracts, grants, or any other agreement specific to foreign appointments, employment with a foreign institution, participation in a foreign talent program and other information and various mechanisms for enforcement of related NSF policies.</p>	<p>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.</p>
<p>Section 10306(d)(8). Malign Foreign Talent Recruitment Program Prohibition. Requires NSF applicants to certify they are not an active participant of a malign foreign talent recruitment program from a foreign country of concern and will not be a participant for the duration of the NSF award. Requires institutions applying for an award to certify that each covered individual who is employed by the institution has been made aware of the requirement. Includes language to not limit scholarly presentations, participation in international conferences or other international exchanges/ partnerships/ programs that involve open and reciprocal exchange of scientific information, and other activities. The new policy would not be applied retroactively.</p>	<p>No similar provision in Senate bill.</p>
<p>Section 10306(d)(9). Security Training Modules. Requires NSF, in collaboration with NIH and other relevant agencies, to develop an online research security training module for NSF awardees.</p>	<p>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. One of the requirements includes the development of training developed and delivered in consultation with IHEs.</p>

America COMPETES Act (H.R. 4521)	U.S. Innovation and Competition Act (S. 1260)
<p>Section 10306(d)(10). Responsible Conduct in Research Training. Adds new requirement for NSF RCR training to include faculty and other senior grant personnel (in addition to students).</p>	<p>Section 2301(f). Responsible Conduct in Research Training. Similar to House bill.</p>
<p>Section 10306(d)(11). National Academies Guide to Responsible Conduct in Research. Requires the National Academies to update their report “On Being a Scientist: A Guide to Responsible Conduct in Research.”</p>	<p>No similar provision in Senate bill.</p>
<p>Section 10306(e). Research Ethics. Requires NSF to amend award proposal instructions to include a requirement for an ethics statement as part of any funding proposal.</p>	<p>No similar provision in Senate bill.</p>
<p>Section 10651. Malign Foreign Talent Recruitment Program Prohibition (HR 5265). Requires Federal research agencies to establish policies to prohibit awards to individuals party to a malign foreign talent recruitment program, subject to certain existing laws and go through a notice and comment process to establish a policy. Requires applicants to federal research agencies (with an annual extramural research expenditure over \$100M) to certify they are not an active participant of a malign foreign talent recruitment program from a foreign country of concern and will not be a participant for the duration of the NSF award. Requires institutions applying for an award to certify that each covered individual who is employed by the institution has been made aware of the requirement. Includes language to not limit scholarly presentations, participation in international conferences or other international exchanges/ partnerships/ programs that involve open and reciprocal exchange of scientific information, and other activities. The new policy would not be applied retroactively.</p>	<p>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.</p> <p>Section 6101. Foreign Talent Programs. Requires disclosure of participating in foreign talent programs, as it applies to federal extramural biomedical research funding awarded through HHS.</p>
<p>Section 10306(d)(1-11). Research Integrity and Security. Provides requirements for new Office of Research Security and Policy. Does not include an ‘initiative’ as outlined in Senate bill.</p>	<p>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.</p>

America COMPETES Act (H.R. 4521)	U.S. Innovation and Competition Act (S. 1260)
No similar provision in House bill.	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.
No similar provision in House bill.	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.
HOMELAND SECURITY <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.	Section 4493. Federal Research Security Council. Creates a new multi-agency research coordinating council at OMB.
No similar provision in House bill.	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.
No similar provision in House bill.	Section 4495. Restricting the Acquisition of Emerging Technologies by Certain Aliens. 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.	Section 4497. Certifications Regarding Access to Export-Controlled Technology in Educational and Cultural Exchange Programs. 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

America COMPETES Act (H.R. 4521)	U.S. Innovation and Competition Act (S. 1260)
No similar provision in House bill.	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.
No similar provision in House bill.	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.

IMMIGRATION

House and Senate Committees on Judiciary

America COMPETES Act (H.R. 4521)	U.S. Innovation and Competition Act (S. 1260)
Section 80303. Advanced Degree STEM Graduates. 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.	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 90302. Confucius Institutes. Identical to Senate bill.	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 90304(a). Disclosure of Foreign Gifts. 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).	Section 6124(a). Disclosures of Foreign Gifts. 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.
Section 90304(b). Policy Regarding Conflicts of Interest from Foreign Gifts and Contracts. 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).	Section 6124(b). Policy Regarding Conflicts of Interest from Foreign Gifts and Contracts. 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.