

Report on Research Compliance Volume 18, Number 6. May 20, 2021 Bills Boosting NSF Funding Spark Concern As Congress Takes Aim at Foreign Threats

By Theresa Defino

Members of Congress from both parties are rallying around bills that would boost funding for the National Science Foundation (NSF), but they also contain provisions designed to shore up federally funded research from foreign interference that some say go too far. Advocates hope these provisions can be revised before coming to a full vote.

At the core of the legislative effort is S. 1260, the Endless Frontier Act,^[1] which would create a new Directorate for Technology and Innovation at NSF, with a five-year appropriation of \$100 billion. First introduced in the last session of Congress, a new, 160-page version was announced April 21 by Senate Majority Leader Chuck Schumer, D-New York. However, a fairly unusual process has proceeded because Schumer in February “directed the chairs and members of our relevant committees to start drafting a legislative package to outcompete China and create new American jobs,” with the Endless Frontiers Act as the “centerpiece.”^[2]

Of immediate interest is a version more than twice as long as the base bill, which passed the Senate Commerce, Science, and Transportation Committee on May 12.^[3] It would broaden the requirement for institutions applying for NSF funding to include in their applications a plan for providing responsible conduct of research (RCR) training to “faculty and other senior personnel.” NSF has had an RCR training requirement since 2007, but it has only applied to students and post-doctoral researchers working on a project.

Additionally, “training and mentorship” would have to “raise awareness of potential security threats and of Federal export control, disclosure, and reporting requirements.”

The bill also calls for NSF to establish a \$5 million Research Security and Policy Office, to be headed by a chief of research security. In March 2020, NSF appointed Rebecca Spyke Keiser to a new position of chief of research security strategy.

Nonbanned Talent Programs Face Scrutiny

Although mostly related to NSF, the bill has wider implications across federal agencies. For example, the bill requires the Office of Science and Technology Policy (OSTP), within 180 days of it becoming law, to “publish and widely distribute a uniform set of guidelines for Federal science agencies regarding foreign government talent recruitment programs.”

These guidelines would then flow down to agencies for them to use in issuing their own policies on foreign talent programs. OSTP’s new guidelines under the bill would “prohibit awards from being made for any proposal in which the principal investigator...or co-principal investigator is participating in a foreign government talent recruitment program” run by China, North Korea, the Russian Federation or Iran, and, “to the extent practicable, require institutions receiving funding to prohibit awards from being used by any individuals participating in a foreign government talent recruitment program” operated by these four nations.

However, the policies might affect talent recruitment programs not based in China, North Korea, Russia or Iran.

If a principal or co-principal investigator applying for funding “discloses membership” in a talent program other than from one of the four, the institution must “ensure, to the maximum extent practicable, that the contract conforms with the Federal science agency’s guidance on conflicts of interest, including those contained in relevant contract proposal and award policies and procedures.”

Further, institutional officials would be required to send contracts for talent programs from other countries to the awarding agency for review, and the agency may “prohibit funding to the awardee if the obligations in the contract interfere with the capacity for activities receiving support to be carried out, or create duplication with Federally supported activities.”

Tobin Smith, vice president for policy at the Association of American Universities, told RRC AAU would like to see foreign talent programs other than those from the four named countries be defined “as narrowly as possible,” noting that not all “have ill intent.”

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