

Report on Research Compliance Volume 19, Number 10. September 21, 2022

NSF, OSTP Begin Implementing 'CHIPS' Act; Institutions Face New Security Requirements

By Theresa Defino

What is a malign foreign government talent recruitment program and why does it matter?

This is a term with which research compliance officials managing federal awards will need to become familiar, thanks to the Creating Helpful Incentives to Produce Semiconductors (CHIPS) and Science Act of 2022. Newly signed by President Biden, the law prohibits federal employees, contractors and awardees—including institutions and investigators—from participating in such programs.^[1]

The CHIPS Act, also titled the Supreme Court Security Funding Act of 2022, requires the White House Office of Science and Technology Policy (OSTP) to issue guidance for federal agencies about this prohibition within 90 days of enactment, or sometime this fall.

The law also includes funding boosts for science agencies—but these amounts must be approved through appropriations legislation before they become reality. If that happens, the National Science Foundation (NSF) would receive \$81 billion in funding over five years, an increase of \$36 billion. Unrelated to funding, it was given the authority to create a seventh directorate, focused on technology, innovation and partnerships.

The Department of Energy (DOE) also came out ahead, with \$67.9 billion authorized over five years, a boost of \$30.5 billion. Of that total, DOE's Office of Science would receive \$50.3 billion over five years, an increase of \$36 billion.

NSF is one of the lead agencies working on the guidance, as Rebecca Keiser, NSF's chief of research security strategy and policy, and Jean Feldman, NSF policy head, explained at a recent meeting of the Federal Demonstration Partnership (FDP).^[2] Feldman also described changes in NSF's upcoming 2023 Proposal & Award Policies & Procedures Guide (PAPPG), some of which reflect provisions in the act.^[3] The PAPPG is expected to go into effect in January.

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