

[EXTERNAL] RE: CFIUS

From: David Goldston (b) (6)
To: "Koizumi, Kei EOP/OSTP" (b) (6) >
Date: Fri, 16 Apr 2021 08:02:31 -0400

Thanks much. I'm at (b) (6) Call when you have a moment (or let me know how to reach you, if that's better).

David

From: Koizumi, Kei EOP/OSTP (b) (6)
Sent: Friday, April 16, 2021 8:00 AM
To: David Goldston (b) (6) >
Subject: RE: CFIUS

We are on it. Thanks. Can say more by phone.
Kei

Kei Koizumi
(he/him)
Acting Director and Chief of Staff
Office of Science and Technology Policy
Executive Office of the President
(b) (6)
Cell (b) (6)

From: David Goldston (b) (6)
Sent: Friday, April 16, 2021 7:22 AM
To: Koizumi, Kei EOP/OSTP (b) (6)
Subject: [EXTERNAL] CFIUS

Kei,

Just wanted to update you and check in on CFIUS. Senate Foreign Relations is scheduled to mark up the bill next week – amendments were due yesterday. If the Administration has problems with the CFIUS section – which it should – it needs to signal that, at least to the majority Committee staff and to Democratic members ASAP. Among other things, I assume the Administration might be concerned about this bill overwhelming the CFIUS process with matters of little national importance (in addition to deterring useful university gifts and collaborations). With Administration involvement, at least behind the scenes, it's conceivable the provision could get knocked out.

The higher ed groups have been in discussion with the majority staff, which is trying to get some changes into the managers amendment, but those are likely to be insufficient. The more the groups have looked into the impact the CFIUS language would have, the more concern has grown. They will likely come out with a letter of opposition. The scope of the bill language is likely to capture a far

larger assortment of gifts and contracts than warranted. The bill also amounts to creating a policy mechanism without creating a policy – on what grounds would CFIUS reject a gift or research collaboration?

The document I sent you the other day still captures what we see as the biggest problems, although higher ed consultation with CFIUS lawyers has yielded additional depth on several of them. Thanks for anything you can do.

David