

gence with regard to applications for research and development awards from the Foundation prior to making such awards.

(Pub. L. 117–167, div. B, title III, §10331, Aug. 9, 2022, 136 Stat. 1551.)

§ 19032. Chief of Research Security

The Director shall appoint a senior agency official within the Office of the Director as a Chief of Research Security, whose primary responsibility shall be to manage the office established under section 19031 of this title.

(Pub. L. 117–167, div. B, title III, §10332, Aug. 9, 2022, 136 Stat. 1552.)

§ 19033. Reporting to Congress

(a) Report on resource needs

Not later than 180 days after August 9, 2022, the Director shall provide a report to the Committee on Science, Space, and Technology of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate on the resources and the number of full time¹ employees needed to carry out the functions of the office established in section 19031 of this title.

(b) Annual report on Office activities

(1) In general

Not later than one year after August 9, 2022, and annually thereafter, the Director shall submit to Congress a report on the activities carried out by the Office of Research Security, detailing—

(A) a description of the activities conducted by the Office, including administrative actions taken;

(B) such recommendations as the Director may have for legislative or administrative action relating to improving research security;

(C) identification and discussion of the gaps in legal authorities that need to be improved to enhance the security of institutions of higher education performing research supported by the Foundation; and

(D) information on Foundation Inspector General cases, as appropriate, relating to undue influence and security threats to research and development activities funded by the Foundation, including theft of property or intellectual property relating to a project funded by the Foundation at an institution of higher education.

(2) Form

The report submitted under paragraph (1) shall be submitted in both unclassified and classified formats, as appropriate.

(Pub. L. 117–167, div. B, title III, §10333, Aug. 9, 2022, 136 Stat. 1552.)

§ 19034. Online resource

The Director shall develop an online resource hosted on the Foundation's website containing

up-to-date information, tailored for institutions and individual researchers, including—

(1) an explanation of Foundation research security policies;

(2) unclassified guidance on potential security risks that threaten research integrity and other risks to the research enterprise;

(3) examples of beneficial international collaborations and how such collaborations differ from foreign government interference efforts that threaten research integrity;

(4) best practices for mitigating security risks that threaten research integrity; and

(5) additional reference materials, including tools that assist organizations seeking Foundation funding and awardees in information disclosure to the Foundation.

(Pub. L. 117–167, div. B, title III, §10334, Aug. 9, 2022, 136 Stat. 1552.)

§ 19035. Research awards

The Director shall continue to make awards, on a competitive basis, to institutions of higher education or non-profit organizations (or consortia of such institutions or organizations) to support research on the conduct of research and the research environment, including research on research misconduct or breaches of research integrity and detrimental research practices.

(Pub. L. 117–167, div. B, title III, §10335, Aug. 9, 2022, 136 Stat. 1553.)

§ 19036. Authorities

In addition to existing authorities for preventing waste, fraud, abuse, and mismanagement of Federal funds, the Director, acting through the Office of Research Security and Policy and in coordination with the Foundation's Office of Inspector General, shall have the authority to conduct risk assessments, including through the use of open-source analysis and analytical tools, of research and development award applications and disclosures to the Foundation.

(Pub. L. 117–167, div. B, title III, §10336, Aug. 9, 2022, 136 Stat. 1553.)

§ 19037. Research security and integrity information sharing analysis organization

(a) Establishment

The Director shall enter into an agreement with a qualified independent organization to establish a research security and integrity information sharing analysis organization (referred to in this section as the “RSI-ISAO”), which shall include members described in subsection (d) and carry out the duties described in subsection (b).

(b) Duties

The RSI-ISAO shall—

(1) serve as a clearinghouse for information to help enable the members and other entities in the research community to understand the context of their research and identify improper or illegal efforts by foreign entities to obtain research results, know how, materials, and intellectual property;

(2) develop a set of standard risk assessment frameworks and best practices, relevant to the

¹ So in original. Probably should be “full-time”.

research community, to assess research security risks in different contexts;

(3) share information concerning security threats and lessons learned from protection and response efforts through forums and other forms of communication;

(4) provide timely reports on research security risks to provide situational awareness tailored to the research and STEM education community;

(5) provide training and support, including through webinars, for relevant faculty and staff employed by institutions of higher education on topics relevant to research security risks and response;

(6) enable standardized information gathering and data compilation, storage, and analysis for compiled incident reports;

(7) support analysis of patterns of risk and identification of bad actors and enhance the ability of members to prevent and respond to research security risks; and

(8) take other appropriate steps to enhance research security.

(c) Funding

The Foundation may provide initial funds toward the RSI-ISAO but shall seek to have the fees authorized in subsection (d)(2) cover the costs of operations at the earliest practicable time.

(d) Membership

(1) In general

The RSI-ISAO shall serve and include members representing institutions of higher education, nonprofit research institutions, and small and medium-sized businesses.

(2) Fees

As soon as practicable, members of the RSI-ISAO shall be charged an annual rate to enable the RSI-ISAO to cover its costs. Rates shall be set on a sliding scale based on research and development expenditures to ensure that membership is accessible to a diverse community of stakeholders and ensure broad participation. The RSI-ISAO shall develop a plan to sustain the RSI-ISAO without Federal funding, as practicable.

(e) Board of directors

The RSI-ISAO may establish a board of directors to provide guidance for policies, legal issues, and plans and strategies of the entity's operations. The board shall include a diverse group of stakeholders representing the research community, including academia, industry, and experienced research security administrators.

(f) Stakeholder engagement

In establishing the RSI-ISAO under this section, the Director shall take necessary steps to ensure the services provided are aligned with the needs of the research community, including by—

(1) convening a series of workshops or other multi-stakeholder events; or

(2) publishing a description of the services the RSI-ISAO intends to provide and the requirements for membership in the Federal Register and provide an opportunity for sub-

mission of public comments for a period of not less than 60 days.

(Pub. L. 117-167, div. B, title III, §10338, Aug. 9, 2022, 136 Stat. 1553.)

§ 19038. Plan with respect to controlled information and background screening

(a) In general

Not later than 180 days after August 9, 2022, the Director, in consultation with the Director of National Intelligence and, as appropriate, other Federal agencies, shall develop a plan to—

(1) identify research areas supported by the Foundation, including in the key technology focus areas, that may involve access to controlled unclassified or classified information, including in the key technology focus areas; and

(2) exercise due diligence in granting access, as appropriate, to the CUI or classified information identified under paragraph (1) to individuals working on such research who are employees of the Foundation or covered individuals on research and development awards funded by the Foundation.

(b) Definitions

In this section:

(1) Classified information

The term “classified information” means any information that has been determined pursuant to Executive Order 13526, any predecessor or successor order, or sections 1-274, 275-321, and 1001-3115 of the Atomic Energy Act of 1954 (42 U.S.C. 2011-2021, 2022-2286i, 2296a-2297h-13)¹ to require protection against unauthorized disclosure and that is so designated.

(2) Controlled unclassified information

The term “controlled unclassified information” or “CUI” means information described as “Controlled Unclassified Information” under Executive Order 13556 or any successor order, to require protection against unauthorized disclosure and that is so designated.

(Pub. L. 117-167, div. B, title III, §10339, Aug. 9, 2022, 136 Stat. 1554.)

Editorial Notes

REFERENCES IN TEXT

Executive Order 13526, referred to in subsec. (b)(1), is set out as a note under section 3161 of Title 50, War and National Defense.

The Atomic Energy Act of 1954, referred to in subsec. (b)(1), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 919, which is classified principally to chapter 23 (§2011 et seq.) of this title. Some of the Code sections referred to in subsec. (b)(1) are not part of the Act, and some of the Code sections that are part of the Act have been repealed. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of this title and Tables.

Executive Order 13556, referred to in subsec. (b)(2), is set out as a note under section 3501 of Title 44, Public Printing and Documents.

¹ See References in Text note below.