

§ 19039. Foundation funding to institutions hosting or supporting Confucius Institutes

(Pub. L. 117–167, div. B, title III, §10339A, Aug. 9, 2022, 136 Stat. 1555.)

(a) Confucius Institute defined

In this section the term “Confucius Institute” means a cultural institute established as a partnership between a United States institution of higher education and a Chinese institution of higher education to promote and teach Chinese language and culture that is funded, directly or indirectly, by the Government of the People’s Republic of China.

(b) Restrictions of Confucius Institutes

Except as provided in subsection (d), none of the funds made available to the Foundation under this division or division A, or an amendment made by this division or division A, may be obligated or expended to an institution of higher education that maintains a contract or agreement between the institution and a Confucius Institute, unless the Director, after consultation with the National Academies, determines such a waiver is appropriate in accordance with subsection (c).

(c) Waiver

The Director, after consultation with the National Academies, may issue a waiver for an institution of higher education that maintains a contract or agreement between the institution and a Confucius Institute if such contract or agreement includes clear provisions that—

- (1) protect academic freedom at the institution;
- (2) prohibit the application of any foreign law on any campus of the institution;
- (3) grant full managerial authority of the Confucius Institute to the institution, including full control over what is being taught, the activities carried out, the research awards that are made, and who is employed at the Confucius Institute; and
- (4) prohibit co-location with the institution’s Chinese language, history, and cultural programs and require separate promotional materials.

(d) Special rule

(1) In general

Notwithstanding any other provision of this section, this section shall not apply to an institution of higher education if that institution has fulfilled the requirements for a waiver from the Department of Defense as described under section 1062 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(2) Exception

Notwithstanding any other provision of this section, the prohibition under subsection (b) shall not apply to amounts provided to students as educational assistance.

(e) Effective date

The limitation under subsection (b) shall apply with respect to the first fiscal year that begins after the date that is two years after August 9, 2022, and to any subsequent fiscal year subject to subsection (f).

(f) Sunset

This section shall cease to be effective on the date that is five years after August 9, 2022.

Editorial Notes

REFERENCES IN TEXT

This division, referred to in subsec. (b), is div. B of Pub. L. 117–167, Aug. 9, 2022, 136 Stat. 1399, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of div. B to the Code, see Short Title note set out under section 18901 of this title and Tables.

Division A, referred to in subsec. (b), is div. A of Pub. L. 117–167, Aug. 9, 2022, 136 Stat. 1372, known as the CHIPS Act of 2022. For complete classification of div. A to the Code, see Short Title of 2022 Amendment note set out under section 4651 of Title 15, Commerce and Trade, and Tables.

Section 1062 of the National Defense Authorization Act for Fiscal Year 2021, referred to in subsec. (d)(1), probably means section 1062 of Pub. L. 116–283, known as the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, which is set out as a note under section 2241 of Title 10, Armed Forces.

§ 19040. Foreign financial support

(a) In general

The Director shall request, on an annual basis, from a recipient institution of higher education a disclosure, in the form of a summary document, from the institution, a foundation of the institution, and related entities such as any educational, cultural, or language entity, of the current financial support, the value of which is \$50,000 or more, including gifts and contracts, received directly or indirectly from a foreign source (as such term is defined in section 1011f(h)(2) of title 20) associated with a foreign country of concern.

(b) Records

Each disclosure to the Director under this section shall be made on the condition that the institution will maintain a true copy of the relevant records subject to the disclosure requirement until the latest of—

- (1) the date that is four years after the date of the agreement;
- (2) the date on which the agreement terminates; or
- (3) the last day of any period that applicable State public record law requires a true copy of such agreement to be maintained.

(c) Documentation

Upon review of the disclosures under this section, the Director may request that a recipient institution provide true copies of any contracts, agreements, or documentation of financial transactions associated with disclosures made under this section.

(d) Office of the Inspector General

The Director, acting through the Office of Research Security and Policy in coordination with the Foundation’s Office of Inspector General and in consultation with the recipient institution, may reduce the award funding amount or suspend or terminate the award if the Director determines—

- (1) such institution fails to comply with the records retention requirement in subsection

(b) or fails to provide information requested under this section; or

(2) the Chief of Research Security determines the disclosures under this section indicate a threat to research security.

(Pub. L. 117–167, div. B, title III, § 10339B, Aug. 9, 2022, 136 Stat. 1556.)

PART E—FUNDAMENTAL RESEARCH

§ 19051. Broader impacts

(a) Assessment

Not later than 120 days after August 9, 2022, the Director shall enter into an agreement with a qualified independent organization to assess how the Broader Impacts review criterion is applied across the Foundation and make recommendations for improving the effectiveness for meeting the goals established in section 1862p–14 of this title.

(b) Activities

The Director shall make awards on a competitive basis, to institutions of higher education or non-profit organizations (or consortia of such institutions or organizations) to support activities to increase the efficiency, effectiveness, and availability of resources for implementing the Broader Impacts review criterion, including—

(1) training and workshops for program officers, merit review panelists, award office administrators, faculty, and students to improve understanding of the goals and the full range of potential broader impacts available to researchers to satisfy this criterion;

(2) repositories and clearinghouses for sharing best practices and facilitating collaboration; and

(3) tools for evaluating and documenting societal impacts of research.

(Pub. L. 117–167, div. B, title III, § 10341, Aug. 9, 2022, 136 Stat. 1557.)

§ 19052. Research ethics

(a) Sense of Congress

It is the sense of Congress that—

(1) a number of emerging areas of research have potential ethical, social, safety, and security implications that might be apparent as early as the basic research stage;

(2) the incorporation of ethical, social, safety, and security considerations into the research design and review process for Federal awards, may help mitigate potential harms before they happen;

(3) the Foundation’s agreement with the National Academies to conduct a study and make recommendations with respect to governance of research in emerging technologies is a positive step toward accomplishing this goal; and

(4) the Foundation should continue to work with stakeholders to promote best practices for governance of research in emerging technologies at every stage of research.

(b) Incorporation of ethics considerations

Drawing on stakeholder input, not later than 24 months after August 9, 2022, the Director shall revise proposal instructions to require that ethical and societal considerations are to be in-

cluded as part of a proposal for funding prior to making the award, where such considerations are applicable. Such considerations shall be evaluated by the Director in the review of proposals, taking into account any relevant input from the peer-reviewers for the proposal, and shall factor into award decisions, as deemed necessary by the Director. When incorporating such considerations, proposers may include, as appropriate—

(1)(A) any readily foreseeable or quantifiable risks to society, including how the research could enable products, technologies, or other outcomes that could intentionally or unintentionally cause significant societal harm; or

(B) an assertion that no readily foreseeable potential ethical, social, safety, or security implications are apparent;

(2) how technical or social solutions can mitigate such risks and, as appropriate, a plan to implement such mitigation measures; and

(3) how partnerships and collaborations in the research can help mitigate potential harm and amplify potential societal benefits.

(c) Guidance

The Director shall solicit stakeholder input to develop clear guidance on what constitutes a readily foreseeable or quantifiable risk as described in subsection (b)(1), and to the extent practicable harmonize this policy with existing ethical policies or related requirements for human subjects.

(d) Research

The Director shall make awards, on a competitive basis, to institutions of higher education or non-profit organizations (or consortia of such institutions or organizations) to support—

(1) research to assess the potential ethical and societal implications of Foundation-supported research and products or technologies enabled by such research, including the benefits and risks identified pursuant to subsection (b)(1); and

(2) the development and verification of approaches to proactively mitigate foreseeable risks to society, including the technical and social solutions identified pursuant to subsection (b)(1).

(e) Annual report

The Director shall encourage recipients to update their consideration of potential risks and benefits as appropriate as part of the annual reports required by all awardees under the award terms and conditions.

(Pub. L. 117–167, div. B, title III, § 10343, Aug. 9, 2022, 136 Stat. 1557.)

§ 19053. Research reproducibility and replicability

(a) In general

Consistent with existing Federal law for privacy, intellectual property, and security, the Director shall facilitate public access to research products, including data, software, and code, developed as part of Foundation-supported projects.