

guidelines that require, to the extent practicable—

(1) recipients to submit to the Federal research agency or agencies from which the recipients receive funding reports relating to—

(A) any decision made to launch a formal investigation of sex-based or sexual harassment, including bullying, retaliation, or hostile working conditions by, or of, award personnel;

(B) administrative action, related to an allegation against award personnel of any such harassment, as set forth in organizational policies or codes of conduct, statutes, regulations, or executive orders, that affects the ability of award personnel or their trainees to carry out the activities of the award;

(C) the total number of investigations with no findings or determinations of misconduct including such harassment;

(D) findings or determinations of such harassment, as set forth in organizational policies or codes of conduct, statutes, regulations, or Executive orders by, or of, award personnel, including the final disposition of a matter involving a violation of organizational policies and processes, to include the exhaustion of permissible appeals, or a determination of a sexual offense in a court of law, or any other disciplinary action taken;

(2) the sharing, updating, and archiving of reports of sex-based and sexual harassment from recipients submitted under paragraph (1) with relevant Federal research agencies, on a yearly basis and by agency request; and

(3) consistency among Federal research agencies with regard to the policies and procedures for receiving reports submitted pursuant to paragraph (1).

(4) FERPA

The Director of the Office of Science and Technology Policy shall ensure that such guidelines and requirements are consistent with the requirements of section 1232g of title 20 (commonly referred to as the “Family Educational Rights and Privacy Act of 1974”).

(5) Privacy protections

The Director of the Office of Science and Technology Policy shall ensure that such guidelines and requirements—

(A) do not infringe upon the privacy rights of individuals associated with reports submitted to Federal research agencies; and

(B) do not require recipients to provide interim reports to Federal research agencies.

(c) Considerations

In carrying out subsection (a)(2), the Director of the Office of Science and Technology Policy shall consider issuing guidelines that require or incent—

(1) recipients to periodically assess their organizational climate, which may include the use of climate surveys, focus groups, or exit interviews;

(2) recipients to publish on a publicly available internet website the results of assessments conducted pursuant to paragraph (1), disaggregated by sex and, if practicable, race, ethnicity, disability status, and sexual ori-

entation, and in a manner that does not include personally identifiable information;

(3) recipients to make public on an annual basis the number of reports of sex-based and sexual harassment at that institution or organization;

(4) recipients to regularly assess and improve policies, procedures, and interventions to reduce the prevalence of and improve the reporting of sex-based and sexual harassment;

(5) each entity applying for a research and development award certify that a code of conduct is in place for maintaining a healthy and welcoming workplace for award personnel and posted on their public website;

(6) each recipient and Federal research agency to have in place mechanisms for addressing the needs of individuals who have experienced sex-based and sexual harassment, including those individuals seeking to reintegrate at the recipient entity; and

(7) recipients to work to create a climate intolerant of sex-based and sexual harassment and that values and promotes diversity and inclusion.

(d) Federal research agency implementation

Not later than 270 days after receiving the guidelines under paragraph (a)(2), each Federal research agency shall—

(1) develop or maintain and implement policies with respect to sex-based and sexual harassment that are consistent with policy guidelines under subsection (a)(2) and that protect the privacy of all parties involved in any report and investigation of sex-based or sexual harassment, to the maximum extent practicable; and

(2) broadly disseminate such policies to current and potential recipients of research and development awards made by such agency.

(Pub. L. 117-167, div. B, title V, §10536, Aug. 9, 2022, 136 Stat. 1629.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

**SUBCHAPTER VI—MISCELLANEOUS
SCIENCE AND TECHNOLOGY PROVISIONS**

**PART A—SUPPORTING EARLY-CAREER
RESEARCHERS**

§ 19211. Early-career research fellowship program

(a) In general

The Director of the National Science Foundation may establish a 2-year pilot program to make awards to highly qualified early-career investigators to carry out an independent research program at the institution of higher education or participating Federal research facility chosen by such investigator, to last for a period not greater than two years.

(b) Selection process

The Director of the National Science Foundation shall select recipients under subsection (a)

from among citizens, nationals, and lawfully admitted permanent resident aliens of the United States.

(c) Outreach

The Director of the National Science Foundation shall conduct program outreach to recruit fellowship applicants—

- (1) from all regions of the country;
- (2) from historically underrepresented populations in the fields of science, technology, engineering, and mathematics; and
- (3) who graduate from or intend to carry out research at a variety of types of institutions of higher education, including—
 - (A) historically Black colleges and universities;
 - (B) Tribal Colleges and Universities;
 - (C) minority-serving institutions;
 - (D) institutions of higher education that are not among the top 50 institutions in annual Federal funding for research; and
 - (E) EPSCoR institutions.

(d) Special consideration

The Director of the National Science Foundation shall give special consideration and priority to an application from an individual who graduated from or is intending to carry out research at an institution of the type specified in subsection (c)(3).

(e) Reports from fellows

Not later than 180 days after the end of the pilot program under this section, each early-career investigator who receives an award under the pilot program shall submit to the Director of the National Science Foundation a report that describes how the early-career investigator used the award funds.

(f) Report from the Director

Not later than 90 days after the conclusion of the second year of the pilot program, the Director of the National Science Foundation shall submit to Congress a report that includes the following:

- (1) A summary of the uses of award funds under this section and the impact of the pilot program under this section.
- (2) Statistical summary data on fellowship awardees disaggregated by race, ethnicity, sex, geography, age, years since completion of doctoral degree, and institution type.
- (3) If determined effective, a plan for permanent implementation of the pilot program.

(Pub. L. 117-167, div. B, title VI, § 10601, Aug. 9, 2022, 136 Stat. 1632.)

PART B—NATIONAL SCIENCE AND TECHNOLOGY STRATEGY

§ 19221. Strategy and report on the nation's economic security, science, research, and innovation to support the national security strategy

(a) Definitions

In this section:

(1) Foreign country of concern

The term “foreign country of concern” means the People's Republic of China, the

Democratic People's Republic of Korea, the Russian Federation, the Islamic Republic of Iran, or any other country determined to be a country of concern by the Department of State.

(2) Foreign entity of concern

The term “foreign entity of concern” means a foreign entity that is—

- (A) designated as a foreign terrorist organization by the Secretary of State under section 1189(a) of title 8;
- (B) included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly known as the SDN list);
- (C) owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation (as such term is defined in section 4872 of title 10);
- (D) alleged by the Attorney General to have been involved in activities for which a conviction was obtained under—
 - (i) chapter 37 of title 18 (commonly known as the Espionage Act);
 - (ii) section 951 or 1030 of title 18;
 - (iii) chapter 90 of title 18 (commonly known as the Economic Espionage Act of 1996);
 - (iv) the Arms Export Control Act (22 U.S.C. 2751 et seq.);
 - (v) section 2274, 2275, 2276, 2277, or 2284 of this title;
 - (vi) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or
 - (vii) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

(E) determined by the Secretary of Commerce, in consultation with the Secretary of Defense and the Director of National Intelligence, to be engaged in unauthorized conduct that is detrimental to the national security or foreign policy of the United States.

(3) National security strategy

The term “national security strategy” means the national security strategy required under section 3043 of title 50.

(b) Strategy and report

(1) In general

Not later than 90 days after the transmission of each national security strategy under section 3043(a) of title 50, the President, acting through the Director of the Office of Science and Technology Policy, shall, in coordination with the National Science and Technology Council, the National Security Council, the Director of the National Economic Council, and the heads of such other relevant Federal agencies as the Director of the Office of Science and Technology Policy considers appropriate and in consultation with such non-governmental partners as the Director of the Office of Science and Technology Policy considers appropriate—

- (A) review such strategy, including the national defense strategy under subsection (g)