

scription of the proposed policy in the Federal Register and provide an opportunity for submission of public comment for a period of not more than 60 days.

**(c) Compliance with existing law**

Each Federal research agency and recipient shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) in the establishment of policies pursuant to under<sup>1</sup> subsection (a).

**(d) International collaboration**

Each policy developed under subsection (a) shall not prohibit, unless such activities are funded, organized, or managed by an academic institution or a foreign talent recruitment program on the lists developed under paragraphs (8) and (9) of section 1286(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232)—

(1) making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;

(2) participation in international conferences or other international exchanges, research projects or programs that involve open and reciprocal exchange of scientific information, and which are aimed at advancing international scientific understanding and not otherwise controlled under current law;

(3) advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request; and

(4) other international activities determined appropriate by the Federal research agency head or designee.

**(e) Limitation**

The certifications required under subsection (a) shall not apply retroactively to research and development awards made or applied for prior to the establishment of the policy by the Federal research agency.

**(f) Training**

Each Federal research agency shall ensure that, as a requirement of an award from each such agency, recipient institutions provide training on the risks of malign foreign talent recruitment programs to covered individuals employed at such institutions, including those individuals who are participating in activities described in subsection (d).

(Pub. L. 117-167, div. B, title VI, §10632, Aug. 9, 2022, 136 Stat. 1665.)

**Editorial Notes**

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (c), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241. Title VI of the Act is classified generally to subchapter V (§2000d et seq.) of chapter 21 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

<sup>1</sup> So in original.

**§ 19233. Review of contracts and agreements**

**(a) In general**

In addition to existing authorities for preventing waste, fraud, abuse, and mismanagement of Federal funds, each Federal research agency shall have the authority to—

(1) require, upon request, the submission to such agency, by an institution of higher education or other organization applying for a research and development award, of supporting documentation, including copies of contracts, grants, or any other agreement specific to foreign appointments, employment with a foreign institution, participation in a foreign talent recruitment program and other information reported as current and pending support for all covered individuals in a research and development award application;

(2) require such institution of higher education or other organization to review any documents requested under paragraph (1) for compliance with the Federal research agency's award terms and conditions, including guidance on conflicts of interest and conflicts of commitment; and

(3) upon receipt and review of the information provided under paragraph (1) and in consultation with the institution of higher education or other organization submitting such information, initiate the substitution or removal of a covered individual from a research and development award, reduce the award funding amount, or suspend or terminate the award if the agency head determines such contracts, grants, or agreements include obligations that—

(A) interfere with the capacity for agency-supported activities to be carried out; or

(B) create duplication with agency-supported activities.

**(b) Limitations**

In exercising the authorities under subsection (a), each Federal research agency shall—

(1) take necessary steps, as practicable, to protect the privacy of all covered individuals and other parties specified in the documentation submitted under paragraph (1) of such subsection;

(2) endeavor to provide justification for requests for supporting documentation made under such paragraph;

(3) require that allegations be proven by a preponderance of evidence; and

(4) as practicable, afford subjects an opportunity to provide comments and rebuttal and an opportunity to appeal before final administrative action is taken.

(Pub. L. 117-167, div. B, title VI, §10633, Aug. 9, 2022, 136 Stat. 1666.)

**§ 19234. Research security training requirement for Federal research award personnel**

**(a) Annual training requirement**

**(1) In general**

Not later than 12 months after August 9, 2022, each Federal research agency shall establish a requirement that, as part of an application for a research and development award from the agency—