

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—

(A) each covered individual listed on the application for a research and development award certify that each such individual has completed within one year of such application research security training that meets the guidelines developed under subsection (b); and

(B) each institution of higher education or other organization applying for such an award certify that each covered individual who is employed by such institution or organization and listed on the application has completed such training.

**(2) Consistency**

The Director of the Office of Science and Technology Policy shall ensure that the training requirements established by Federal research agencies pursuant to paragraph (1) are consistent.

**(b) Training guidelines**

The Director of the Office of Science and Technology Policy, acting through the National Science and Technology Council and in accordance with the authority provided under section 1746(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 42 U.S.C. 6601 note), shall, taking into consideration stakeholder input, develop guidelines for institutions of higher education and other organizations receiving Federal research and development funds to use in developing their own training programs to address the unique needs, challenges, and risk profiles of such institutions and other organizations, including adoption of security training modules developed under subsection (c), to ensure compliance with National Security Presidential Memorandum-33 (relating to strengthening protections of the United States Government-supported research and development against foreign government interference and exploitation) or any successor documents.

**(c) Security training modules**

**(1) In general**

Not later than 90 days after August 9, 2022, the Director of the Office of Science and Technology Policy, in coordination with the Director of the National Science Foundation, the Director of the National Institutes of Health, the Secretary of Energy, and the Secretary of Defense, and in consultation with the heads of relevant Federal research agencies, shall enter into an agreement or contract with a qualified entity for the development of online research security training modules for the research community and participants in the United States research and development enterprise to ensure compliance with National Security Presidential Memorandum-33 or successor documents, including modules—

(A) focused on cybersecurity, international collaboration and international travel, foreign interference, and rules for proper use of funds, disclosure, conflict of commitment, and conflict of interest; and

(B) tailored to the unique needs of—

(i) covered individuals;

(ii) undergraduate students, graduate students, and postdoctoral researchers; and

(iii) applicants for awards under the SBIR and STTR programs (as such terms are defined in section 638(e) of title 15.

**(2) Stakeholder input**

Prior to entering into the agreement under paragraph (1), the Director of the Office of Science and Technology Policy shall seek input from academic, private sector, intelligence, and law enforcement stakeholders regarding the scope and content of security training modules, including the diversity of needs across institutions of higher education and other recipients of different sizes and types, and recommendations for minimizing administrative burden on recipients and researchers.

**(3) Development**

The Director of the Office of Science and Technology Policy shall ensure that the entity referred to in paragraph (1)—

(A) develops security training modules that can be adapted and utilized across Federal research agencies; and

(B) develops and implements a plan for regularly updating such modules as needed.

(Pub. L. 117-167, div. B, title VI, §10634, Aug. 9, 2022, 136 Stat. 1667.)

**§ 19235. Person or entity of concern prohibition**

No person published on the list under section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 1701 note) or entity identified under section 1260h<sup>1</sup> of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note; Public Law 116-283) may receive or participate in any grant, award, program, support, or other activity under—

(1) the Directorate established in part G of subchapter III of this chapter;

(2) section 3722a(b)(1) of title 15, as added by section 10621; or

(3) the Manufacturing USA Program, as improved and expanded under part D of subchapter II of this chapter.

(Pub. L. 117-167, div. B, title VI, §10636, Aug. 9, 2022, 136 Stat. 1669.)

**Editorial Notes**

REFERENCES IN TEXT

Section 10621, referred to in par. (2), means section 10621 of Pub. L. 117-167.

Part D of subchapter II of this chapter, referred to in par. (3), was in the original “subtitle E of title II of this division”, meaning subtitle E (§§10261-10263) of title II of div. B of Pub. L. 117-167, which is classified principally to part D of subchapter II of this chapter. For complete classification of subtitle E to the Code, see Tables.

**§ 19236. Nondiscrimination**

In carrying out requirements under this part, each Federal research agency shall ensure that policies and activities developed and implemented pursuant to this part are carried out in

<sup>1</sup> So in original. Probably should be “1260H”.