

a manner that does not target, stigmatize, or discriminate against individuals on the basis of race, ethnicity, or national origin, consistent with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(Pub. L. 117-167, div. B, title VI, §10637, Aug. 9, 2022, 136 Stat. 1669.)

Editorial Notes

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in text, 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.

§ 19237. Definitions

In this part:

(1) Covered individual

The term “covered individual” means an individual who—

(A) contributes in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a Federal research agency; and

(B) is designated as a covered individual by the Federal research agency concerned.

(2) 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 Secretary of State.

(3) 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.

(4) Malign foreign talent recruitment program

The term “malign foreign talent recruitment program” means—

(A) any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to the targeted individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue, in exchange for the individual—

(i) engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a United States entity or developed with a Federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;

(ii) being required to recruit trainees or researchers to enroll in such program, position, or activity;

(iii) establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a Federal research and development award;

(iv) being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;

(v) through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a Federal research and development award;

(vi) being required to apply for and successfully receive funding from the sponsoring foreign government’s funding agencies with the sponsoring foreign organization as the recipient;

(vii) being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the Federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the Federal research and development award;

(viii) being required to not disclose to the Federal research agency or employing institution the participation of such individual in such program, position, or activity; or

(ix) having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award; and

(B) a program that is sponsored by—

(i) a foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the foreign country of concern;

(ii) an academic institution on the list developed under section 1286(c)(8) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note;¹ Public Law 115–232); or

(iii) a foreign talent recruitment program on the list developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note;¹ Public Law 115–232).

(Pub. L. 117–167, div. B, title VI, §10638, Aug. 9, 2022, 136 Stat. 1669.)

Editorial Notes

REFERENCES IN TEXT

The Arms Export Control Act, referred to in par. (3)(D)(iv), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§2751 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

The Export Control Reform Act of 2018, referred to in par. (3)(D)(vi), is subtitle B (§§1741–1781) of title XVII of div. A of Pub. L. 115–232, Aug. 13, 2018, 132 Stat. 2208, which is classified principally to chapter 58 (§4801 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 4801 of Title 50 and Tables.

The International Emergency Economic Powers Act, referred to in (3)(D)(vii), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

Section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, referred to in par. (4)(B)(ii), (iii), is section 1286 of Pub. L. 115–232, which was formerly set out as a note under section 2358 of Title 10, Armed Forces, prior to transfer and is now set out as a note under section 4001 of Title 10.

¹ See References in Text note below.

PART D—INTERAGENCY WORKING GROUP

§ 19251. Interagency working group

(a) Establishment

The Director of the Office of Science and Technology Policy, acting through the National Science and Technology Council, shall establish or designate an interagency working group to coordinate the activities specified in subsection (c).

(b) Composition

The interagency working group shall be composed of the following members (or their designees), who may be organized into subcommittees, as appropriate:

(1) The Secretary of Commerce.

(2) The Director of the National Science Foundation.

(3) The Secretary of Energy.

(4) The Secretary of Defense.

(5) The Director of the National Economic Council.

(6) The Director of the Office of Management and Budget.

(7) The Secretary of Health and Human Services.

(8) The Administrator of the National Aeronautics and Space Administration.

(9) The Secretary of Agriculture.

(10) The Director of National Intelligence.

(11) The Director of the Federal Bureau of Investigation.

(12) Such other Federal officials as the Director of the Office of Science and Technology Policy considers appropriate, including members of the National Science and Technology Council Committee on Technology.

(c) Coordination

The interagency working group shall seek to ensure that the activities of different Federal agencies enhance and complement, but, as appropriate, do not duplicate, efforts being carried out by another Federal agency, with a focus on the following:

(1) The activities of the National Science Foundation Technology, Innovation, and Partnerships Directorate in the key technology focus areas, such as within the Regional Innovation Engines under section 19108 of this title and test beds under section 19110 of this title.

(2) The activities of the Department of Commerce under this division, including regional technology hubs under section 3722a of title 15, as added by section 10621, the Manufacturing USA Program established under section 278s(b)(1) of title 15, and the Hollings Manufacturing Extension Partnership (15 U.S.C. 278k).

(3) The activities of the Department of Energy in the key technology focus areas, including at the national laboratories, and at Federal laboratories, as defined in section 3703 of title 15, and facilities and user facilities operated in partnership with such national laboratories or the Department of Energy.

(4) Any other program that the Director of the Office of Science and Technology Policy determines involves research and development with respect to the key technology focus areas.