

Public Law 105-207
105th Congress

An Act

To authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes.

July 29, 1998
[H.R. 1273]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Science
Foundation
Authorization
Act of 1998.
42 USC 1861
note.
42 USC 1862k
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Science Foundation Authorization Act of 1998”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **DIRECTOR.**—The term “Director” means the Director of the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(2) **FOUNDATION.**—The term “Foundation” means the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(3) **BOARD.**—The term “Board” means the National Science Board established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(4) **UNITED STATES.**—The term “United States” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(5) **NATIONAL RESEARCH FACILITY.**—The term “national research facility” means a research facility funded by the Foundation which is available, subject to appropriate policies allocating access, for use by all scientists and engineers affiliated with research institutions located in the United States.

TITLE I—NATIONAL SCIENCE FOUNDATION AUTHORIZATION

SEC. 101. FINDINGS; CORE STRATEGIES.

42 USC 1862k.

(a) **FINDINGS.**—Congress finds the following:

(1) The United States depends upon its scientific and technological capabilities to preserve the military and economic security of the United States.

(2) America’s leadership in the global marketplace is dependent upon a strong commitment to education, basic research, and development.

(3) A nation that is not technologically literate cannot compete in the emerging global economy.

(4) A coordinated commitment to mathematics and science instruction at all levels of education is a necessary component of successful efforts to produce technologically literate citizens.

(5) Professional development is a necessary component of efforts to produce system-wide improvements in mathematics, engineering, and science education in secondary, elementary, and postsecondary settings.

(6)(A) The mission of the National Science Foundation is to provide Federal support for basic scientific and engineering research, and to be a primary contributor to mathematics, science, and engineering education at academic institutions in the United States.

(B) In accordance with such mission, the long-term goals of the National Science Foundation include providing leadership to—

(i) enable the United States to maintain a position of world leadership in all aspects of science, mathematics, engineering, and technology;

(ii) promote the discovery, integration, dissemination, and application of new knowledge in service to society; and

(iii) achieve excellence in United States science, mathematics, engineering, and technology education at all levels.

(b) CORE STRATEGIES.—In carrying out activities designed to achieve the goals described in subsection (a), the Foundation shall use the following core strategies:

(1) Develop intellectual capital, both people and ideas, with particular emphasis on groups and regions that traditionally have not participated fully in science, mathematics, and engineering.

(2) Strengthen the scientific infrastructure by investing in facilities planning and modernization, instrument acquisition, instrument design and development, and shared-use research platforms.

(3) Integrate research and education through activities that emphasize and strengthen the natural connections between learning and inquiry.

(4) Promote partnerships with industry, elementary and secondary schools, community colleges, colleges and universities, other agencies, State and local governments, and other institutions involved in science, mathematics, and engineering to enhance the delivery of math and science education and improve the technological literacy of the citizens of the United States.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 1998.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation \$3,505,630,000 for fiscal year 1998.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) \$2,576,200,000 shall be made available to carry out Research and Related Activities, of which—

(i) \$370,820,000 shall be made available for Biological Sciences;

(ii) \$289,170,000 shall be made available for Computer and Information Science and Engineering;

(iii) \$360,470,000 shall be made available for Engineering;

(iv) \$455,110,000 shall be made available for Geosciences;

(v) \$715,710,000 shall be made available for Mathematical and Physical Sciences;

(vi) \$130,660,000 shall be made available for Social, Behavioral, and Economic Sciences, of which up to \$1,000,000 may be made available for the United States-Mexico Foundation for Science;

(vii) \$165,930,000 shall be made available for United States Polar Research Programs;

(viii) \$62,600,000 shall be made available for United States Antarctic Logistical Support Activities;

(ix) \$2,730,000 shall be made available for the Critical Technologies Institute; and

(x) \$23,000,000 shall be made available for the Next Generation Internet program;

(B) \$632,500,000 shall be made available to carry out Education and Human Resources Activities;

(C) \$155,130,000 shall be made available for Major Research Equipment;

(D) \$136,950,000 shall be made available for Salaries and Expenses; and

(E) \$4,850,000 shall be made available for the Office of Inspector General.

(b) FISCAL YEAR 1999.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation \$3,773,000,000 for fiscal year 1999.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) \$2,846,800,000 shall be made available to carry out Research and Related Activities, of which—

(i) \$417,820,000 shall be made available for Biological Sciences;

(ii) \$331,140,000 shall be made available for Computer and Information Science and Engineering, including \$25,000,000 for the Next Generation Internet program;

(iii) \$400,550,000 shall be made available for Engineering;

(iv) \$507,310,000 shall be made available for Geosciences;

(v) \$792,030,000 shall be made available for Mathematical and Physical Sciences;

(vi) \$150,260,000 shall be made available for Social, Behavioral, and Economic Sciences, of which up to \$2,000,000 may be made available for the United States-Mexico Foundation for Science;

(vii) \$182,360,000 shall be made available for United States Polar Research Programs;

(viii) \$62,600,000 shall be made available for United States Antarctic Logistical Support Activities;

(ix) \$2,730,000 shall be made available for the Critical Technologies Institute; and

(B) \$683,000,000 shall be made available to carry out Education and Human Resources Activities;

(C) \$94,000,000 shall be made available for Major Research Equipment;

(D) \$144,000,000 shall be made available for Salaries and Expenses; and

(E) \$5,200,000 shall be made available for the Office of Inspector General.

(c) FISCAL YEAR 2000.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation \$3,886,190,000 for fiscal year 2000.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) \$2,935,024,000 shall be made available to carry out Research and Related Activities, of which up to—

(i) \$2,000,000 may be made available for the United States-Mexico Foundation for Science; and

(ii) \$25,000,000 may be made available for the Next Generation Internet program;

(B) \$703,490,000 shall be made available to carry out Education and Human Resources Activities;

(C) \$94,000,000 shall be made available for Major Research Equipment;

(D) \$148,320,000 shall be made available for Salaries and Expenses; and

(E) \$5,356,000 shall be made available for the Office of Inspector General.

SEC. 103. PROPORTIONAL REDUCTION OF RESEARCH AND RELATED ACTIVITIES AMOUNTS.

If the amount appropriated pursuant to section 102(a)(2)(A) or (b)(2)(A) is less than the amount authorized under that paragraph, the amount available for each scientific directorate under that paragraph shall be reduced by the same proportion.

SEC. 104. CONSULTATION AND REPRESENTATION EXPENSES.

From appropriations made under authorizations provided in this Act, not more than \$10,000 may be used in each fiscal year for official consultation, representation, or other extraordinary expenses. The Director shall have the discretion to determine the expenses (as described in this section) for which the funds described in this section shall be used. Such a determination by the Director shall be final and binding on the accounting officers of the Federal Government.

SEC. 105. UNITED STATES MAN AND THE BIOSPHERE PROGRAM LIMITATION.

No funds appropriated pursuant to this Act shall be used for the United States Man and the Biosphere Program, or related projects.

TITLE II—GENERAL PROVISIONS

42 USC 1862l.

SEC. 201. NATIONAL RESEARCH FACILITIES.

(a) FACILITIES PLAN.—

Deadline.

(1) IN GENERAL.—Not later than December 1, of each year, the Director shall, as part of the annual budget request, prepare

and submit to Congress a plan for the proposed construction of, and repair and upgrades to, national research facilities.

(2) CONTENTS OF THE PLAN.—The plan shall include—

(A) estimates of the costs for the construction, repairs, and upgrades described in paragraph (1);

(B) estimates of the costs for the operation and maintenance of existing and proposed new facilities; and

(C) in the case of proposed new construction and for major upgrades to existing facilities, funding profiles, by fiscal year, and milestones for major phases of the construction.

(3) SPECIAL RULE.—The plan shall include cost estimates in the categories of construction, repair, and upgrades—

(A) for the year in which the plan is submitted to Congress; and

(B) for not fewer than the succeeding 4 years.

(b) STATUS OF FACILITIES UNDER CONSTRUCTION.—The plan required under subsection (a) shall include a status report for each uncompleted construction project included in current and previous plans. The status report shall include data on cumulative construction costs by project compared with estimated costs, and shall compare the current and original schedules for achievement of milestones for the major phases of the construction.

Reports.

SEC. 202. ADMINISTRATIVE AMENDMENTS.

(a) NATIONAL SCIENCE FOUNDATION ACT OF 1950 AMENDMENTS.—The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(1) in section 4(g) (42 U.S.C. 1863(g))—

(A) by striking “the appropriate rate provided for individuals in grade GS-18 of the General Schedule under section 5332” and inserting “the maximum rate payable under section 5376”; and

(B) by redesignating the second subsection (k) as subsection (l);

(2) in section 5(e) (42 U.S.C. 1864(e)) by striking paragraph

(2), and inserting the following:

“(2) Any delegation of authority or imposition of conditions under paragraph (1) shall be promptly published in the Federal Register and reported to the Committee on Labor and Human Resources, and the Committee on Commerce, Science, and Transportation, of the Senate and the Committee on Science of the House of Representatives.”;

Federal Register,
publication.
Reports.

(3) in section 14(c) (42 U.S.C. 1873(c))—

(A) by striking “shall receive” and inserting “shall be entitled to receive”;

(B) by striking “the rate specified for the daily rate for GS-18 of the General Schedule under section 5332” and inserting “the maximum rate payable under section 5376”; and

(C) by adding at the end the following: “For the purposes of determining the payment of compensation under this subsection, the time spent in travel by any member of the Board or any member of a special commission shall

be deemed as time engaged in the business of the Foundation. Members of the Board and members of special commissions may waive compensation and reimbursement for traveling expenses.”; and

(4) in section 15(a) (42 U.S.C. 1874(a)), by striking “Atomic Energy Commission” and inserting “Secretary of Energy”.

(b) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT, 1976 AMENDMENTS.—Section 6(a) of the National Science Foundation Authorization Act, 1976 (42 U.S.C. 1881a(a)) is amended by striking “social,” the first place it appears.

(c) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1988 AMENDMENTS.—Section 117(a) of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1881b(a)) is amended—

(1) by striking paragraph (1)(B)(v) and inserting the following:

“(v) from schools established outside the several States and the District of Columbia by any agency of the Federal Government for dependents of the employees of such agency.”; and

(2) in paragraph (3)(A) by striking “Science and Engineering Education” and inserting “Education and Human Resources”.

(d) SCIENCE AND ENGINEERING EQUAL OPPORTUNITIES ACT AMENDMENTS.—The Science and Engineering Equal Opportunities Act (42 U.S.C. 1885 et seq.) is amended—

(1) in section 34 (42 U.S.C. 1885b)—

(A) by striking the section heading and inserting the following:

“Participation in Science and Engineering of Minorities and Persons with Disabilities”;

and

(B) by striking subsection (b) and inserting the following:

“(b) The Foundation is authorized to undertake or support programs and activities to encourage the participation of persons with disabilities in the science and engineering professions.”; and

(2) in section 36 (42 U.S.C. 1885c)—

(A) in subsection (a), by striking “minorities,” and all that follows through “in scientific” and inserting “minorities, and persons with disabilities in scientific”;

(B) in subsection (b)—

(i) by striking “with the concurrence of the National Science Board”; and

(ii) by striking the second sentence and inserting the following: “In addition, the Chairman of the National Science Board may designate a member of the Board as a member of the Committee.”;

(C) by striking subsections (c) and (d);

(D) by inserting after subsection (b) the following:

“(c) The Committee shall be responsible for reviewing and evaluating all Foundation matters relating to opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education, training, and science and engineering research programs.”;

(E) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(F) in subsection (d), as so redesignated by subparagraph (E), by striking "additional".

(e) TECHNICAL AMENDMENT.—The second subsection (g) of section 3 of the National Science Foundation Act of 1950 is repealed.

42 USC 1862.

SEC. 203. INDIRECT COSTS.

42 USC 1862k
note.

(a) MATCHING FUNDS.—Matching funds required pursuant to section 204(a)(2)(C) of the Academic Research Facilities Modernization Act of 1988 (42 U.S.C. 1862c(a)(2)(C)) shall not be considered facilities costs for purposes of determining indirect cost rates under Office of Management and Budget Circular A-21.

(b) REPORT.—

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy, in consultation with other Federal agencies the Director deems appropriate, shall prepare a report—

(A) analyzing the Federal indirect cost reimbursement rates (as the term is defined in Office of Management and Budget Circular A-21) paid to universities in comparison with Federal indirect cost reimbursement rates paid to other entities, such as industry, government laboratories, research hospitals, and nonprofit institutions;

(B)(i) analyzing the distribution of the Federal indirect cost reimbursement rates by category (such as administration, facilities, utilities, and libraries), and by the type of entity; and

(ii) determining what factors, including the type of research, influence the distribution;

(C) analyzing the impact, if any, that changes in Office of Management and Budget Circular A-21 have had on—

(i) the Federal indirect cost reimbursement rates, the rate of change of the Federal indirect cost reimbursement rates, the distribution by category of the Federal indirect cost reimbursement rates, and the distribution by type of entity of the Federal indirect cost reimbursement rates; and

(ii) the Federal indirect cost reimbursement (as calculated in accordance with Office of Management and Budget Circular A-21), the rate of change of the Federal indirect cost reimbursement, the distribution by category of the Federal indirect cost reimbursement, and the distribution by type of entity of the Federal indirect cost reimbursement;

(D) analyzing the impact, if any, of Federal and State law on the Federal indirect cost reimbursement rates;

(E)(i) analyzing options to reduce or control the rate of growth of the Federal indirect cost reimbursement rates, including options such as benchmarking of facilities and equipment cost, elimination of cost studies, mandated percentage reductions in the Federal indirect cost reimbursement; and

(ii) assessing the benefits and burdens of the options to the Federal Government, research institutions, and researchers; and

(F) analyzing options for creating a database—

(i) for tracking the Federal indirect cost reimbursement rates and the Federal indirect cost reimbursement; and

(ii) for analyzing the impact that changes in policies with respect to Federal indirect cost reimbursement will have on the Federal Government, researchers, and research institutions.

Deadline.

(2) **REPORT TO CONGRESS.**—The report prepared under paragraph (1) shall be submitted to Congress not later than 1 year after the date of enactment of this Act.

42 USC 1862m
note.

SEC. 204. FINANCIAL DISCLOSURE.

Persons temporarily employed by or at the Foundation shall be subject to the same financial disclosure requirements and related sanctions under the Ethics in Government Act of 1978 (5 U.S.C. App.) as are permanent employees of the Foundation in equivalent positions.

42 USC 1862k
note.

SEC. 205. NOTICE.

(a) **NOTICE OF REPROGRAMMING.**—If any funds appropriated pursuant to the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the Senate and the House of Representatives, notice of that action shall concurrently be provided to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Labor and Human Resources of the Senate, and the Committee on Science of the House of Representatives.

Deadline.

(b) **NOTICE OF REORGANIZATION.**—Not later than 15 days before any major reorganization of any program, project, or activity of the National Science Foundation, the Director of the National Science Foundation shall provide notice to the Committees on Science and Appropriations of the House of Representatives and the Committees on Commerce, Science and Transportation, Labor and Human Resources of the Senate, and Appropriations of the Senate.

42 USC 1862k
note.

SEC. 206. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) **DEFINITIONS.**—In this section:

(1) **EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.**—The term “educationally useful Federal equipment” means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(2) **SCHOOL.**—The term “school” means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) **SENSE OF THE CONGRESS.**—

(1) **IN GENERAL.**—It is the sense of the Congress that the Director should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) **REPORTS.**—

Deadline.

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director shall prepare and submit to the President a report that meets the requirements of this paragraph. The

President.

President shall submit that report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) **CONTENTS OF REPORT.**—The report prepared by the Director under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 207. REPORT ON RESERVIST EDUCATION ISSUES.

(a) **CONVENING APPROPRIATE REPRESENTATIVES.**—The Director of the National Science Foundation, with the assistance of the Office of Science and Technology Policy, shall convene appropriate officials of the Federal Government and appropriate representatives of the postsecondary education community and of members of reserve components of the Armed Forces for the purpose of discussing and seeking a consensus on the appropriate resolution to problems relating to the academic standing and financial responsibilities of postsecondary students called or ordered to active duty in the Armed Forces.

(b) **REPORT TO CONGRESS.**—Not later than 90 days after the date of the enactment of this Act, the Director of the National Science Foundation shall transmit to the Congress a report summarizing the results of the convening individuals under subsection (a), including any consensus recommendations resulting therefrom as well as any significant opinions expressed by each participant that are not incorporated in such a consensus recommendation.

Deadline.

SEC. 208. SCIENCE AND TECHNOLOGY POLICY INSTITUTE.

(a) **AMENDMENT.**—Section 822 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 6686) is amended—

(1) by striking “**Critical Technologies Institute**” in the section heading and “**Critical Technologies Institute**” in subsection (a), and inserting “**Science and Technology Policy Institute**” and “Science and Technology Policy Institute”, respectively;

(2) in subsection (b) by striking “As determined by the chairman of the committee referred to in subsection (c), the” and inserting “The”;

(3) by striking subsection (c), and redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively;

(4) in subsection (c), as so redesignated by paragraph (3) of this subsection—

(A) by inserting “science and” after “developments and trends in” in paragraph (1);

(B) by striking “with particular emphasis on” in paragraph (1) and inserting “including”;

(C) by inserting “and developing and maintaining relevant informational and analytical tools” before the period at the end of paragraph (1);

(D) by striking “to determine” and all that follows through “technology policies” in paragraph (2) and inserting “with particular attention to the scope and content of the Federal science and technology research and development portfolio as it affects interagency and national issues”;

(E) by amending paragraph (3) to read as follows:

“(3) Initiation of studies and analysis of alternatives available for ensuring the long-term strength of the United States in the development and application of science and technology, including appropriate roles for the Federal Government, State governments, private industry, and institutions of higher education in the development and application of science and technology.”;

(F) by inserting “science and” after “Executive branch on” in paragraph (4)(A); and

(G) by amending paragraph (4)(B) to read as follows:

“(B) to the interagency committees and panels of the Federal Government concerned with science and technology.”;

(5) by striking “subsection (d)” in subsection (d), as redesignated by paragraph (3) of this subsection, and inserting “subsection (c)”;

(6) by striking “Committee” in each place it appears in subsection (e), as redesignated by paragraph (3) of this subsection, and inserting “Institute”;

(7) by striking “subsection (d)” in subsection (f), as redesignated by paragraph (3) of this subsection, and inserting “subsection (c)”;

(8) by striking “Chairman of Committee” each place it appears in subsection (f), as redesignated by paragraph (3) of this subsection, and inserting “Director of Office of Science and Technology Policy”.

(b) CONFORMING USAGE.—All references in Federal law or regulations to the Critical Technologies Institute shall be considered to be references to the Science and Technology Policy Institute.

SEC. 209. SENSE OF THE CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of the Congress that the Foundation should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the Foundation posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the Foundation is unable to correct in time.

Approved July 29, 1998.

LEGISLATIVE HISTORY—H.R. 1273 (S. 1046):

HOUSE REPORTS: No. 105-63 (Comm. on Science).

SENATE REPORTS: No. 105-110 accompanying S. 1046 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD:

Vol. 143 (1997): Apr. 24, considered and passed House.

Vol. 144 (1998): May 12, considered and passed Senate, amended.

July 14, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

July 29, Presidential statement.