

(d) Contingency**(1) In general**

The Director of the Foundation shall strengthen internal controls to improve oversight of contingency on a major multi-user research facility project.

(2) Requirements

In carrying out paragraph (1), the Director of the Foundation shall—

(A) only include contingency amounts in an award in accordance with section 200.433 of title 2, Code of Federal Regulations (relating to contingency provisions), or any successor regulation;

(B) retain control over funds budgeted for contingency, except that the Director may disburse budgeted contingency funds incrementally to the awardee to ensure project stability and continuity;

(C) track contingency use; and

(D) ensure that contingency amounts allocated to the performance baseline are reasonable and allowable.

(e) Use of fees**(1) Sense of Congress**

It is the sense of Congress that—

(A) the use of taxpayer-funded award fees should be transparent and explicable; and

(B) the Foundation should implement an award fee policy that ensures more transparency and accountability in the funding of necessary and appropriate expenses directly related to the construction and operation of major multi-user research facilities.

(2) Reporting and recordkeeping

The Director of the Foundation shall establish guidelines for awardees regarding inappropriate expenditures associated with all fee types used in cooperative agreements, including for alcoholic beverages, lobbying, meals or entertainment for non-business purposes, non-business travel, and any other purpose the Director determines is inappropriate.

(f) Oversight implementation progress

The Director of the Foundation shall—

(1) not later than 90 days after January 6, 2017, and periodically thereafter until the completion date, provide a briefing to the appropriate committees of Congress on the response to or progress made toward implementation of—

(A) this section;

(B) all of the issues and recommendations identified in cooperative agreement audit reports and memoranda issued by the Inspector General of the Foundation in the last 5 years; and

(C) all of the issues and recommendations identified by a panel of the National Academy of Public Administration in the December 2015 report entitled “National Science Foundation: Use of Cooperative Agreements to Support Large Scale Investment in Research”; and

(2) not later than 1 year after January 6, 2017, notify the appropriate committees of Congress when the Foundation has imple-

mented the recommendations identified in a panel of the National Academy of Public Administration report issued December 2015.

(g) Definitions

In this section:

(1) Appropriate committees of Congress

The term “appropriate committees of Congress” means the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.

(2) Major multi-user research facility project

The term “major multi-user research facility project” means a science and engineering facility project that exceeds \$100,000,000 in total construction, acquisition, or upgrade costs to the Foundation.

(Pub. L. 114–329, title I, §110, Jan. 6, 2017, 130 Stat. 2988; Pub. L. 116–283, div. A, title II, §267, Jan. 1, 2021, 134 Stat. 3502.)

Editorial Notes**REFERENCES IN TEXT**

Section 2 of the National Science Foundation Authorization Act of 1998, referred to in subsec. (b)(1), is section 2 of Pub. L. 105–207, July 29, 1998, 112 Stat. 869, which is set out as a note under section 1862k of this title.

CODIFICATION

Section was enacted as part of the American Innovation and Competitiveness Act, and not as part of the National Science Foundation Act of 1950 which comprises this chapter.

AMENDMENTS

2021—Subsec. (g)(2). Pub. L. 116–283 added par. (2) and struck out former par. (2) which defined “major multi-user research facility project”.

Statutory Notes and Related Subsidiaries**DEFINITIONS**

For definitions of terms used in this section, see section 2 of Pub. L. 114–329, set out as a note under section 1862s of this title.

§ 1862s–3. Personnel oversight**(a) Conflicts of interest**

The Director of the Foundation shall update the policy and procedure of the Foundation relating to conflicts of interest to improve documentation and management of any known conflict of interest of an individual on temporary assignment at the Foundation, including an individual on assignment under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.).

(b) Justifications

The Deputy Director of the Foundation shall submit annually to the appropriate committees of Congress written justification for each rotator employed under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.), or other rotator employed, by the Foundation that year that is paid at a rate that exceeds the max-

imum rate of pay for the Senior Executive Service, including, if applicable, the level of adjustment for the certified Senior Executive Service Performance Appraisal System.

(c) Report

Not later than 1 year after January 6, 2017, the Director of the Foundation shall submit to the appropriate committees of Congress a report on the Foundation's efforts to control costs associated with employing rotators, including the results of and participation in the Foundation's cost-sharing pilot program and the Foundation's progress in responding to the findings and implementing the recommendations of the Office of Inspector General of the Foundation related to the employment of rotators.

(Pub. L. 114–329, title I, §111, Jan. 6, 2017, 130 Stat. 2992.)

Editorial Notes

REFERENCES IN TEXT

The Intergovernmental Personnel Act of 1970, referred to in subsecs. (a) and (b), is Pub. L. 91–648, Jan. 5, 1971, 84 Stat. 1909, which is classified principally to chapter 62 (§4701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4701 of this title and Tables.

CODIFICATION

Section was enacted as part of the American Innovation and Competitiveness Act, and not as part of the National Science Foundation Act of 1950 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of terms used in this section, see section 2 of Pub. L. 114–329, set out as a note under section 1862s of this title.

§ 1862s–4. Brain Research through Advancing Innovative Neurotechnologies Initiative

(a) In general

The Foundation shall support research activities related to the interagency Brain Research through Advancing Innovative Neurotechnologies Initiative.

(b) Sense of Congress

It is the sense of Congress that the Foundation should work in conjunction with the Interagency Working Group on Neuroscience established by the National Science and Technology Council, Committee on Science to determine how to use the data infrastructure of the Foundation and other applicable Federal science agencies to help neuroscientists collect, standardize, manage, and analyze the large amounts of data that result from research attempting to understand how the brain functions.

(Pub. L. 114–329, title I, §117, Jan. 6, 2017, 130 Stat. 2995.)

Editorial Notes

CODIFICATION

Section was enacted as part of the American Innovation and Competitiveness Act, and not as part of the National Science Foundation Act of 1950 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of terms used in this section, see section 2 of Pub. L. 114–329, set out as a note under section 1862s of this title.

§ 1862s–5. Programs to expand STEM opportunities

(a) Findings

Congress makes the following findings:

(1) Economic projections by the Bureau of Labor Statistics indicate that by 2018, there could be 2,400,000 unfilled STEM jobs.

(2) Women represent slightly more than half the United States population, and projections indicate that 54 percent of the population will be a member of a racial or ethnic minority group by 2050.

(3) Despite representing half the population, women comprise only about 30 percent of STEM workers according to a 2015 report by the National Center for Science and Engineering Statistics.

(4) A 2014 National Center for Education Statistics study found that underrepresented populations leave the STEM fields at higher rates than their counterparts.

(5) The representation of women in STEM drops significantly at the faculty level. Overall, women hold only 25 percent of all tenured and tenure-track positions and 17 percent of full professor positions in STEM fields in our Nation's universities and 4-year colleges.

(6) Black and Hispanic faculty together hold about 6.5 percent of all tenured and tenure-track positions and 5 percent of full professor positions.

(7) Many of the numbers in the American Indian or Alaskan Native and Native Hawaiian or Other Pacific Islander categories for different faculty ranks were too small for the Foundation to report publicly without potentially compromising confidential information about the individuals being surveyed.

(b) Sense of Congress

It is the sense of Congress that—

(1) it is critical to our Nation's economic leadership and global competitiveness that the United States educate, train, and retain more scientists, engineers, and computer scientists;

(2) there is currently a disconnect between the availability of and growing demand for STEM-skilled workers;

(3) historically, underrepresented populations are the largest untapped STEM talent pools in the United States; and

(4) given the shifting demographic landscape, the United States should encourage full participation of individuals from underrepresented populations in STEM fields.

(c) Reaffirmation

The Director of the Foundation shall continue to support programs designed to broaden participation of underrepresented populations in STEM fields.

(d) Grants to broaden participation

(1) In general

The Director of the Foundation shall award grants on a competitive, merit-reviewed basis,