

(Pub. L. 105-277, div. C, title IV, §414(d), Oct. 21, 1998, 112 Stat. 2681-653; Pub. L. 106-313, title I, §110(b), Oct. 17, 2000, 114 Stat. 1256; Pub. L. 108-447, div. J, title IV, §429, Dec. 8, 2004, 118 Stat. 3360; Pub. L. 116-283, div. H, title XCIV, §9405(c), Jan. 1, 2021, 134 Stat. 4812; Pub. L. 117-167, div. B, title III, §10393(f)(3), Aug. 9, 2022, 136 Stat. 1590.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 1157 of title 8, referred to in par. (2)(A)(i), was in the original “section 207 of the Immigration and Nationality”, and was translated as reading section 207 of the Immigration and Nationality Act to reflect the probable intent of Congress.

#### CODIFICATION

Section was enacted as part of the American Competitiveness and Workforce Improvement Act of 1998, and also as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and not as part of the National Science Foundation Act of 1950 which comprises this chapter.

#### AMENDMENTS

2022—Par. (3). Pub. L. 117-167 struck out “, except that the Director shall not award a scholarship in an amount exceeding \$10,000 per year” after “by the Director” and substituted “5 years” for “4 years”.

2021—Par. (1). Pub. L. 116-283, §9405(c)(1), substituted “computer science, or cybersecurity” for “or computer science”.

Par. (2)(A)(iii). Pub. L. 116-283, §9405(c)(2), inserted “cybersecurity,” after “computer science.”

2004—Par. (2)(A)(iii). Pub. L. 108-447, §429(a), substituted “computer science, or other technology and science programs designated by the Director” for “or computer science”.

Par. (3). Pub. L. 108-447, §429(b), substituted “\$10,000 per year” for “\$3,125 per year”.

Par. (4). Pub. L. 108-447, §429(c), inserted at end “The Director may use no more than 50 percent of such funds for undergraduate programs for curriculum development, professional and workforce development, and to advance technological education. Funds for these other programs may be used for purposes other than scholarships.”

Par. (5). Pub. L. 108-447, §429(d), added par. (5).

2000—Par. (3). Pub. L. 106-313 substituted “\$3,125 per year. The Director may renew scholarships for up to 4 years” for “\$2,500 per year.”

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-447 effective 90 days after Dec. 8, 2004, see section 430(a) of Pub. L. 108-447, set out as a note under section 1182 of Title 8, Aliens and Nationality.

### § 1870. General authority of Foundation

The Foundation shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this chapter, including, but without being limited thereto, the authority—

(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(b) to make such expenditures as may be necessary for administering the provisions of this chapter;

(c) to enter into contracts or other arrangements, or modifications thereof, for the carrying on, by organizations or individuals in the United States and foreign countries, including other government agencies of the United States and of foreign countries, of such scientific or engineering activities as the Foundation deems necessary to carry out the purposes of this chapter, and, at the request of the Secretary of State or Secretary of Defense, specific scientific or engineering activities in connection with matters relating to international cooperation or national security, and, when deemed appropriate by the Foundation, such contracts or other arrangements, or modifications thereof may be entered into without legal consideration, without performance or other bonds, and without regard to section 6101 of title 41;

(d) to make advance, progress, and other payments which relate to scientific or engineering activities without regard to the provisions of section 3324(a) and (b) of title 31;

(e) to acquire by purchase, lease, loan, gift, or condemnation, and to hold and dispose of by grant, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this chapter;

(f) to receive and use funds donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Foundation, except that funds may be donated for specific prize competitions for “basic research” as defined in the Office of Management and Budget Circular No. A-11;

(g) to publish or arrange for the publication of scientific and engineering information so as to further the full dissemination of information of scientific or engineering value consistent with the national interest, without regard to the provisions of section 501 of title 44;

(h) to accept and utilize the services of voluntary and uncompensated personnel and to provide transportation and subsistence as authorized by section 5703 of title 5 for persons serving without compensation;

(i) to prescribe, with the approval of the Comptroller General of the United States, the extent to which vouchers for funds expended under contracts for scientific or engineering research shall be subject to itemization or substantiation prior to payment, without regard to the limitations of other laws relating to the expenditure of public funds and accounting therefor;

(j) to arrange with and reimburse the heads of other Federal agencies for the performance of any activity which the Foundation is authorized to conduct;

(k) during the 5-year period beginning on August 21, 1986, to indemnify grantees, contractors, and subcontractors associated with the Ocean Drilling Program under the provisions of section 2354<sup>1</sup> of title 10 with all approvals and certifications required by such indemnification made by the Director; and

(l) to provide for the widest practicable and appropriate dissemination of information

<sup>1</sup> See References in Text note below.

within the United States concerning the Foundation's activities and the results of those activities.

(May 10, 1950, ch. 171, §11, 64 Stat. 153; Pub. L. 86-232, §6, Sept. 8, 1959, 73 Stat. 468; Pub. L. 90-407, §9, July 18, 1968, 82 Stat. 365; Pub. L. 99-159, title I, §110(a)(14), Nov. 22, 1985, 99 Stat. 891; Pub. L. 99-383, §7(d), Aug. 21, 1986, 100 Stat. 814; Pub. L. 110-69, title VII, §7023, Aug. 9, 2007, 121 Stat. 686; Pub. L. 117-167, div. B, title III, §10396(7), Aug. 9, 2022, 136 Stat. 1597.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 2354 of title 10, referred to in subsec. (k), was renumbered section 3861 of title 10 by Pub. L. 116-283, div. A, title XVIII, §1836(b), Jan. 1, 2021, 134 Stat. 4241.

#### CODIFICATION

In subsec. (c), “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsec. (d), “section 3324(a) and (b) of title 31” substituted for “section 3648 of the Revised Statutes (31 U.S.C., sec. 529)” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

In subsec. (g), “section 501 of title 44” substituted for “section 87 of the Act of January 12, 1895 (28 Stat. 622), and section 11 of the Act of March 1, 1919 (40 Stat. 1270; 44 U.S.C., sec. 111)” on authority of Pub. L. 90-620, §2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

#### AMENDMENTS

2022—Subsec. (l). Pub. L. 117-167 added subsec. (l).

2007—Subsec. (f). Pub. L. 110-69 inserted before semicolon at end “, except that funds may be donated for specific prize competitions for ‘basic research’ as defined in the Office of Management and Budget Circular No. A-11”.

1986—Subsec. (k). Pub. L. 99-383 added subsec. (k).

1985—Subsecs. (c), (d). Pub. L. 99-159, §110(a)(14)(A), inserted references to engineering.

Subsec. (g). Pub. L. 99-159, §110(a)(14)(B), (C), substituted “engineering” for “technical” and inserted reference to engineering value.

Subsec. (i). Pub. L. 99-159, §110(a)(14)(A), inserted applicability to engineering.

1968—Subsec. (c). Pub. L. 90-407, §9(a), substituted “scientific activities” for “basic scientific research activities” and “scientific research activities”, “international cooperation or national security” for “national defense”, and inserted “Secretary of State” after “at the request of the”.

Subsec. (d). Pub. L. 90-407, §9(b), substituted “activities” for “research”.

Subsec. (h). Pub. L. 90-407, §9(c), substituted “section 5703 of title 5” for “section 5 of the Act of August 2, 1946 (5 U.S.C. 73b-2)”.

Subsec. (j). Pub. L. 90-407, §9(d), added subsec. (j).

1959—Subsec. (e). Pub. L. 86-232 included acquisition of property by condemnation.

### Statutory Notes and Related Subsidiaries

CONTINUATION OF EXISTING OFFICES, PROCEDURES, AND ORGANIZATION OF THE NATIONAL SCIENCE FOUNDATION

Amendment by Pub. L. 90-407 intended to continue in effect the existing offices, procedures, and organization of the Foundation, see section 16 of Pub. L. 90-407, set out as a note under section 1862 of this title.

#### MISREPRESENTATION OF RESEARCH RESULTS

Pub. L. 114-329, title I, §115, Jan. 6, 2017, 130 Stat. 2994, provided that:

“(a) PROHIBITION.—The Director of the Foundation may revise the regulations under part 689 of title 45, Code of Federal Regulations (relating to research misconduct) to ensure that the findings and conclusions of any article authored by a principal investigator, using the results of research conducted under a Foundation grant, that is published in a peer-reviewed publication, made publicly available, or incorporated in an application for a research grant or grant extension from the Foundation, does not contain any falsification, fabrication, or plagiarism.

“(b) INTERAGENCY COMMUNICATION.—Upon a finding that research misconduct has occurred, the Foundation shall, in addition to any possible final action under section 689.3 of title 45, Code of Federal Regulations, notify other Federal science agencies of the finding.”

[For definitions of “Foundation” and “Federal science agency” as used in section 115 of Pub. L. 114-329, set out above, see section 2 of Pub. L. 114-329, set out as a note under section 1862s of this title.]

### § 1870a. Buy-American requirements

#### (a) Award of contracts

The Director shall, to the maximum extent practicable and consistent with current law, award to domestic firms any contracts for the purchase of goods and services intended for direct use by the Foundation.

#### (b) Report

The Director shall, as soon as possible after October 31, 1988, prepare a report on—

(1) the number of Foundation contracts entered into with foreign firms in fiscal year 1988;

(2) the number of such contracts entered into with domestic firms in that fiscal year;

(3) the number of contracts entered into with foreign firms where the Foundation also received a technically acceptable bid from a domestic firm; and

(4) any steps the Foundation will take to increase the number of contracts awarded to domestic firms.

Such report shall be submitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate.

#### (c) Definitions

For the purposes of this section—

(1) the term “domestic firm” means a business entity which is organized under the laws of the United States or the laws of a State, district, commonwealth, territory, or possession of the United States, and which conducts business operations in the United States; and

(2) the term “foreign firm” means a business entity not described in paragraph (1).

(Pub. L. 100-570, title I, §111, Oct. 31, 1988, 102 Stat. 2869.)

### Editorial Notes

#### CODIFICATION

Section was enacted as part of the National Science Foundation Authorization Act of 1988, and not as part of the National Science Foundation Act of 1950 which comprises this chapter.

### Statutory Notes and Related Subsidiaries

#### CHANGE OF NAME

Committee on Labor and Human Resources of Senate changed to Committee on Health, Education, Labor,