

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,

and Pensions of Senate by Senate Resolution No. 20, One Hundred Sixth Congress, Jan. 19, 1999.

**§ 1871. Disposition of inventions produced under contracts or other arrangements**

Each contract or other arrangement executed pursuant to this chapter which relates to scientific or engineering research shall contain provisions governing the disposition of inventions produced thereunder in a manner calculated to protect the public interest and the equities of the individual or organization with which the contract or other arrangement is executed: *Provided, however*, That nothing in this chapter shall be construed to authorize the Foundation to enter into any contractual or other arrangement inconsistent with any provision of law affecting the issuance or use of patents.

(May 10, 1950, ch. 171, §12, 64 Stat. 154; Pub. L. 99-159, title I, §§109(c), 110(a)(15), Nov. 22, 1985, 99 Stat. 889, 891.)

**Editorial Notes**

AMENDMENTS

1985—Pub. L. 99-159 struck out subsec. (a) designation, inserted “or engineering” after “scientific”, and struck out subsec. (b) which prohibited Foundation officers and employees from acquiring, etc., patent rights in inventions.

**§ 1872. International cooperation and coordination with foreign policy**

(a) The Foundation is authorized to cooperate in any international scientific or engineering activities consistent with the purposes of this chapter and to expend for such international scientific or engineering activities such sums within the limit of appropriated funds as the Foundation may deem desirable. The Director may defray the expenses of representatives of Government agencies and other organizations and of individual scientists or engineers to accredited international scientific or engineering congresses and meetings whenever he deem<sup>1</sup> it necessary in the promotion of the objectives of this chapter. In this connection, with the approval of the Secretary of State, the Foundation may undertake programs granting fellowships to, or making other similar arrangements with, foreign nationals for study and research in the sciences or in engineering in the United States without regard to section 1869 of this title or the affidavit of allegiance to the United States required by section 1874(d)(2)<sup>2</sup> of this title.

(b)(1) The authority to enter into contracts or other arrangements with organizations or individuals in foreign countries and with agencies of foreign countries, as provided in section 1870(c) of this title, and the authority to cooperate in international scientific or engineering activities as provided in subsection (a) of this section, shall be exercised only with the approval of the Secretary of State, to the end that such authority shall be exercised in such manner as is consistent with the foreign policy objectives of the United States.

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

<sup>2</sup> See References in Text note below.

(2) If, in the exercise of the authority referred to in paragraph (1) of this subsection, negotiation with foreign countries or agencies thereof becomes necessary, such negotiation shall be carried on by the Secretary of State in consultation with the Director.

(May 10, 1950, ch. 171, §13, 64 Stat. 154; Pub. L. 86-232, §7, Sept. 8, 1959, 73 Stat. 468; Pub. L. 90-407, §10, July 18, 1968, 82 Stat. 365; Pub. L. 99-159, title I, §110(a)(16), (17), Nov. 22, 1985, 99 Stat. 891.)

**Editorial Notes**

REFERENCES IN TEXT

Section 1874(d)(2) of this title, referred to in subsec. (a), was redesignated section 1874(c)(2) by Pub. L. 96-516, §21(b)(2), Dec. 12, 1980, 94 Stat. 3010.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-159, §110(a)(16), inserted “or engineering” after “scientific” the first three places appearing and “or engineers” after “scientists” and substituted “study and research in the sciences or in engineering” for “scientific study or scientific work”.

Subsec. (b)(1). Pub. L. 99-159, §110(a)(17), inserted reference to engineering.

1968—Subsec. (a). Pub. L. 90-407 struck out “, with the approval of the Board,” after “The Director”, and substituted “section 15(d)(2) of this Act” for “section 16(d)(2) of this Act”, which resulted in no change in text because, for purposes of classification, provision was translated as “section 1874(d)(2) of this title”.

1959—Subsec. (a). Pub. L. 86-232 authorized the Foundation, with approval of the Secretary of State, to cooperate in scientific activities rather than scientific research activities, and to grant fellowships or make other arrangements with foreign nationals for scientific study or scientific work in the United States.

Subsec. (b)(1). Pub. L. 86-232 struck out “research” from phrase “scientific research activities”.

**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.

**§ 1872a. Repealed. Pub. L. 90-407, § 11(1), July 18, 1968, 82 Stat. 365**

Section, act May 10, 1950, ch. 171, §14, as added July 11, 1958, Pub. L. 85-510, §2, 72 Stat. 353, authorized the Foundation, in carrying out a program of study, research, and evaluation in the field of weather modification, to consult with meteorologists and scientists, make contracts and grants, accept gifts, loan property, conduct hearings, and subpoena books and records.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF REPEAL

Pub. L. 90-407, §11(1), July 18, 1968, 82 Stat. 365, provided that the repeal of this section is effective Sept. 1, 1968, and that provisions authorizing Foundation to initiate and support programs in field of weather modification should remain in effect until Sept. 1, 1968, for purpose of this section.

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

Repeal by Pub. L. 90-407 intended to continue in effect the existing offices, procedures, and organization