

- (1) programmatic and scientific goals;
- (2) institutional commitment and stewardship of Federal resources;
- (3) institutional strategic planning and administrative burden;
- (4) equity among recipient institutions; and
- (5) recommendations for or against extending or making permanent such waivers.

(Pub. L. 117-167, div. B, title III, §10320, Aug. 9, 2022, 136 Stat. 1536.)

§ 18999. Programs to address the STEM workforce

(a) In general

The Director shall issue undergraduate scholarships, including at community colleges, graduate fellowships and traineeships, postdoctoral awards, and, as appropriate, other awards, to address STEM workforce gaps, including for programs that recruit, retain, and advance students to a bachelor's degree in a STEM discipline concurrent with a secondary school diploma, such as through existing and new partnerships with State educational agencies.

(b) Postdoctoral professional development

In carrying out this section, the Director shall encourage innovation in postdoctoral professional development, support the development and diversity of the STEM workforce, and study the impacts of such innovation and support. To do so, the Director may use postdoctoral awards established under subsection (a) or leveraged under subsection (d)(1) for fellowships or other temporary rotational postings of not more than 2 years. Such fellowships or temporary rotational postings shall be awarded—

- (1) to qualified individuals who have a doctoral degree and received such degree not earlier than 5 years before the date that the fellowship or temporary rotational posting begins; and
- (2) to carry out research at Federal, State, local, and Tribal government research facilities.

(c) Direct hire authority

(1) In general

The head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, other than sections 3303 and 3328 of that title, a qualified candidate described in paragraph (2) directly to a position in the competitive service with the Federal agency for which the candidate meets Office of Personnel Management qualification standards.

(2) Fellowship or temporary rotational posting

Paragraph (1) applies with respect to a former recipient of an award under this subsection who—

- (A) earned a doctoral degree in a STEM field from an institution of higher education; and
- (B) successfully fulfilled the requirements of the fellowship or temporary rotational posting within a Federal agency.

(3) Limitation

The direct hire authority under this subsection shall be exercised with respect to a

specific qualified candidate not later than 2 years after the date that the candidate completed the requirements related to the fellowship or temporary rotational posting described under this subsection.

(d) Existing programs

In carrying out this section, the Director may leverage existing programs, including programs that issue—

- (1) postdoctoral awards;
- (2) graduate fellowships and traineeships, inclusive of the NSF Research Traineeships and fellowships awarded under the Graduate Research Fellowship Program;
- (3) scholarships, research experiences, and internships, including—
 - (A) scholarships to attend community colleges; and
 - (B) research experiences and internships under sections 1862p-5, 1862p-6, and 1862p-7 of this title; and
- (4) awards to institutions of higher education to enable the institutions to fund innovation in undergraduate and graduate education, increased educational capacity, and the development and establishment of new or specialized programs of study for graduate, undergraduate, or technical college students, and the evaluation of the effectiveness of the programs of study.

(Pub. L. 117-167, div. B, title III, §10321, Aug. 9, 2022, 136 Stat. 1537.)

PART C—BROADENING PARTICIPATION

§ 19011. Robert Noyce Teacher Scholarship program update

(a) Sense of Congress

It is the sense of Congress that over the next five years the Foundation should increase the number of scholarships awarded under the Robert Noyce Teacher Scholarship program established under section 1862n-1 of this title by 50 percent.

(b) Outreach

To increase the diversity of participants, the Director shall support symposia, forums, conferences, and other activities to expand and enhance outreach to—

- (1) historically Black colleges and universities;
- (2) Tribal Colleges or Universities;
- (3) minority-serving institutions;
- (4) institutions of higher education that are located near or serve rural communities, including EPSCoR institutions;
- (5) labor organizations;
- (6) emerging research institutions; and
- (7) higher education programs that serve or support veterans.

(Pub. L. 117-167, div. B, title III, §10322, Aug. 9, 2022, 136 Stat. 1538.)

§ 19012. NSF Eddie Bernice Johnson INCLUDES Initiative

(a) In general

The Director shall make awards, on a competitive basis, to institutions of higher education or

non-profit organizations (or consortia of such institutions or organizations) to carry out a comprehensive national initiative to facilitate the development of networks and partnerships to build on and scale up effective practices in broadening participation in STEM studies and careers of groups historically underrepresented in such studies and careers.

(b) Change of name

The initiative under subsection (a) shall be known as the “Eddie Bernice Johnson Inclusion across the Nation of Communities of Learners of Underrepresented Discoverers in Engineering and Science Initiative” or the “Eddie Bernice Johnson INCLUDES Initiative”.

(Pub. L. 117–167, div. B, title III, §10323, Aug. 9, 2022, 136 Stat. 1539.)

§ 19013. Broadening participation on major facilities awards

The Director shall require organizations seeking a cooperative agreement for the management of the operations and maintenance of a Foundation project to demonstrate prior experience and current capabilities in or to have a plan for employing best practices in broadening participation in science and engineering and ensure implementation of such practices is considered in oversight of the award.

(Pub. L. 117–167, div. B, title III, §10324, Aug. 9, 2022, 136 Stat. 1539.)

§ 19014. Expanding geographic and institutional diversity in research

(a) Continuing support for EPSCoR

(1) Sense of Congress

It is the sense of Congress that—

(A) because maintaining the Nation’s scientific and economic leadership requires the participation of talented individuals nationwide, EPSCoR investments into State research and education capacities are in the Federal interest and should be sustained;

(B) EPSCoR should maintain its experimental component by supporting innovative methods for improving research capacity and competitiveness; and

(C) the Director should carry out this subsection while maintaining or increasing proposal success rates at emerging research institutions throughout the United States and without precluding access to awards for such institutions.

(2) Omitted

(3) Geographic diversity and inclusion

(A) In general

To the maximum extent practicable, not less than—

- (i) 15.5 percent in fiscal year 2023,
- (ii) 16 percent in fiscal year 2024,
- (iii) 16.5 percent in fiscal year 2025,
- (iv) 17 percent in fiscal year 2026,
- (v) 18 percent in fiscal year 2027,
- (vi) 19 percent in fiscal year 2028, and
- (vii) 20 percent in fiscal year 2029,

of the amounts appropriated to the Foundation for research and related activities, and

science, mathematics, and engineering education and human resources programs and activities, excluding those amounts made available for polar research and operations support (and operations and maintenance of research facilities), shall be awarded to EPSCoR institutions.

(B) Scholarships

To the maximum extent practicable, not less than—

- (i) 16 percent in fiscal year 2023,
- (ii) 18 percent in fiscal year 2024, and
- (iii) 20 percent in each of fiscal years 2025 through 2029,

of the amounts appropriated to the Foundation for scholarships (including at community colleges), graduate fellowships and traineeships, and postdoctoral awards shall be used to support EPSCoR institutions.

(C) Considerations

The Director shall consider prioritizing funding and activities that enable sustainable growth in the competitiveness of EPSCoR jurisdictions, including—

(i) infrastructure investments to build research capacity in EPSCoR jurisdictions;

(ii) scholarships, fellowships, and traineeships within new and existing programs, to promote the development of sustainable research and academic personnel;

(iii) partnerships between eligible organizations in EPSCoR and non-EPSCoR jurisdictions, to develop administrative, grant management, and proposal writing capabilities in EPSCoR jurisdictions;

(iv) capacity building activities for emerging research institutions, historically Black colleges and universities, Tribal Colleges or Universities, and minority serving institutions, consistent with this section and section 19183 of this title; and

(v) leveraging the Partnerships for Innovation program, as well as the Foundation coordination role in the Department of Commerce technology and innovation hub program under section 3722a of title 15 as added by section 10621, to build sustainable innovation ecosystems in EPSCoR jurisdictions.

(D) Merit review

The Director shall achieve the percentages specified in this paragraph to the maximum extent practicable, consistent with the National Science Foundation merit review process.

(E) Consortia

In the case of an award to a consortium, the Director may count the entire award toward meeting the funding requirements of subparagraph (A) if the lead entity of the consortium is located in an EPSCoR institution¹

(F) Annual reporting

Beginning with the fiscal year 2023, the Director shall submit to Congress a report describing—

¹ So in original. Probably should be followed by a period.