

cies, and other relevant stakeholders in supporting programs and activities to facilitate the widespread and sustained implementation of promising, evidence-based STEM education practices, models, programs, curriculum, and technologies;

(2) support enhanced STEM education infrastructure, including cyberlearning technologies, to facilitate the widespread adoption of promising, evidence-based practices;

(3) support research and development on scaling practices, partnerships, and alternative models to current approaches, including approaches sensitive to the unique combinations of capabilities, resources, and needs of varying localities, educators, and learners;

(4) include a focus on the learning needs of under-resourced schools and learners in low-resource or underachieving local educational agencies in urban and rural communities and the development of high-quality curriculum that engages these learners in the knowledge and practices of STEM fields;

(5) include a focus on the learning needs and unique challenges facing students with disabilities;

(6) support research, development, or education on one or more of the key technology focus areas;

(7) support research and development on scaling practices and models to support and sustain highly-qualified STEM educators in urban and rural communities; and

(8) at the discretion of the Director, any other requirements recommended in the study commissioned under section 18991(a) of this title.

(d) Additional considerations

In making an award under this section, the Director may also consider the extent to which the proposed Center will—

(1) leverage existing collaborations, tools, and strategies supported by the Foundation, including NSF INCLUDES and the Convergence Accelerators;

(2) support research on and the development and scaling of innovative approaches to distance learning and education for various student populations;

(3) support education innovations that leverage new technologies or deepen understanding of the impact of technology on educational systems; and

(4) include a commitment from local or State education administrators to making the proposed reforms and activities a priority.

(e) Partnership

In carrying out the program under this section, the Director shall explore opportunities to partner with the Department of Education, including through jointly funding activities under this section.

(f) Duration

Each award made under this section shall be for a duration of no more than 5 years.

(g) Annual meeting

The Director shall encourage and facilitate an annual meeting of the Centers, as appropriate,

to foster collaboration among the Centers and to further disseminate the results of the Centers' supported activities.

(h) Existing programs

The Director may use existing NSF programs to establish and execute this section.

(i) Report

Not later than 5 years after August 9, 2022, the Director shall submit to Congress and make widely available to the public a report that includes—

(1) a description of the focus and proposed goals of each Center;

(2) an assessment, based on a common set of benchmarks and tools, of the Centers' success in helping to promote scalable solutions in PreK–12 STEM education; and

(3) any recommendations for administrative and legislative action that could optimize the effectiveness of the Centers established under this section.

(Pub. L. 117–167, div. B, title III, §10395, Aug. 9, 2022, 136 Stat. 1591.)

§ 19116. Authorities

In addition to existing authorities available to the Foundation, the Director may exercise the following authorities in carrying out the activities under this part:

(1) Awards

In carrying out this part, the Director may provide awards in the form of grants, contracts, cooperative agreements, cash prizes, and other transactions.

(2) Program directors

(A) Designation

The Director may designate individuals to serve as program directors for the programs established within the Directorate pursuant to the responsibilities established under subparagraph (B). The Director shall ensure that program directors—

(i) have expertise in one or more of the challenges and key technology focus areas under section 19107 of this title; and

(ii) come from a variety of backgrounds, including industry, and from a variety of institutions of higher education.

(B) Responsibilities

A program director of a program of the Directorate, in consultation with the Assistant Director, shall be responsible for—

(i) establishing research and development goals for the program, including through the convening of workshops, conferring with a broad range of stakeholders and outside experts, taking into account relevant expert reports, and publicizing the goals of the program to the public and private sectors;

(ii) surveying a wide range of institutions of higher education, nonprofit organizations, and private entities to identify emerging trends in the challenges and key technology focus areas under section 19107 of this title, and, as appropriate, soliciting proposals from such entities to conduct re-

search in areas of particular promise that the private sector is the not likely to undertake independently.¹

(iii) facilitating research collaborations in the challenges and key technology focus areas under section 19107 of this title, including connecting academic researchers with potential end-users of technology, including industry, labor organizations, non-profit organizations, civil society organizations, and other relevant organizations;

(iv) reviewing applications for projects submitted under section 19114 of this title according to the Merit Review Criteria established by the Director for such projects and described in the Foundation's Proposal and Award Policies and Procedures Guide, and any such additional criteria as determined by the Director; and

(v) monitoring the progress of projects supported under the program and taking into account input from relevant experts and stakeholders, recommending program updates as needed.

(C) Selection criteria

Program directors may use diverse merit review models for selection of award recipients under section 19114 of this title, including internal review and different models that use peer review.

(D) Terms

Program directors of the Directorate may be appointed by the Director for a limited term, renewable at the discretion of the Director.

(3) Experts in science and engineering

(A) Program authorized

The Foundation may carry out a program of personnel management authority provided under subparagraph (B) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects and to enhance the administration and management of the Foundation.

(B) Personnel management authority

Under the program under subparagraph (A), the Foundation may—

(i) without regard to any provision of title 5 governing the appointment of employees in the competitive service, appoint individuals to a total of not more than 70 positions in the Foundation, of which not more than 5 such positions may be positions of administration or management of the Foundation;

(ii) prescribe the rates of basic pay for positions to which employees are appointed under clause (i)—

(I) in the case of employees appointed pursuant to clause (i) to any of 5 positions designated by the Foundation for purposes of this clause, at rates not in excess of a rate equal to 150 percent of the maximum rate of basic pay authorized for positions at level I of the Execu-

tive Schedule under section 5312 of title 5; and

(II) in the case of any other employee appointed pursuant to clause (i), at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5; and

(iii) pay any employee appointed under subparagraph (A), other than an employee appointed to a position designated as described in clause (ii)(I), payments in addition to basic pay within the limit applicable to the employee under subparagraph (D).

(C) Limitation on term of appointment

(i) In general

Except as provided in clause (ii), the service of an employee under an appointment under subparagraph (B)(i) may not exceed 4 years.

(ii) Extension

The Director may, in the case of a particular employee under the program under subparagraph (A), extend the period to which service is limited under clause (i) by up to 2 years if the Director determines that such action is necessary to promote the efficiency of the Foundation.

(D) Maximum amount of additional payments payable

Notwithstanding any other provision of this subsection or section 5307 of title 5, no additional payments may be paid to an employee under subparagraph (B)(iii) in any calendar year if, or to the extent that, the employee's total annual compensation in such calendar year will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3.

(4) Highly qualified experts in needed occupations

(A) In general

The Foundation may carry out a program using the authority provided in subparagraph (B) in order to attract highly qualified experts in needed occupations, as determined by the Foundation. Individuals hired by the Director through such authority may include individuals with expertise in business creativity, innovation management, design thinking, entrepreneurship, venture capital, and related fields.

(B) Authority

Under the program, the Foundation may—

(i) appoint personnel from outside the civil service and uniformed services (as such terms are defined in section 2101 of title 5) to positions in the Foundation without regard to any provision of title 5 governing the appointment of employees in the competitive service;

(ii) prescribe the rates of basic pay for positions to which employees are appointed under clause (i) at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5; and

¹ So in original. The period probably should be a semicolon.

(iii) pay any employee appointed under clause (i) payments in addition to basic pay within the limits applicable to the employee under subparagraph (D).

(C) Limitation on term of appointment

(i) In general

Except as provided in clause (ii), the service of an employee under an appointment made pursuant to this subsection may not exceed 5 years.

(ii) Extension

The Foundation may, in the case of a particular employee, extend the period to which service is limited under clause (i) by up to 1 additional year if the Foundation determines that such action is necessary to promote the Foundation's national security missions.

(D) Limitations on additional payments

(i) Total amount

The total amount of the additional payments paid to an employee under this subsection for any 12-month period may not exceed the maximum amount of total compensation payable at the salary set in accordance with section 104 of title.²

(ii) Eligibility for payments

An employee appointed under this subsection is not eligible for any bonus, monetary award, or other monetary incentive for service, except for payments authorized under this subsection.

(E) Limitation on number of highly qualified experts

The number of highly qualified experts appointed and retained by the Foundation under sub³ (B)(i) shall not exceed 70 at any time.

(F) Savings provisions

In the event that the Foundation terminates the program under this paragraph, in the case of an employee who, on the day before the termination of the program, is serving in a position pursuant to an appointment under this paragraph—

(i) the termination of the program does not terminate the employee's employment in that position before the expiration of the lesser of—

(I) the period for which the employee was appointed; or

(II) the period to which the employee's service is limited under subparagraph (C), including any extension made under this paragraph before the termination of the program; and

(ii) the rate of basic pay prescribed for the position under this paragraph may not be reduced as long as the employee continues to serve at an acceptable level of performance in the position without a break in service.

(5) Additional hiring authority

To the extent needed to carry out the duties under paragraph (1)(A), the Director is author-

ized to utilize hiring authorities under section 3372 of title 5 to staff the Foundation with employees from other Federal agencies, State and local governments, Indian Tribes and Tribal organizations, institutions of higher education, and other organizations, as described in that section, in the same manner and subject to the same conditions, that apply to such individuals utilized to accomplish other missions of the Foundation.

(6) National Academy of Public Administration

(A) Study

Not later than 30 days after August 9, 2022, the Director shall contract with the National Academy of Public Administration to conduct a study on the organizational and management structure of the Foundation, to—

(i) evaluate and make recommendations to efficiently and effectively implement the Directorate for Technology, Innovation, and Partnerships; and

(ii) evaluate and make recommendations to ensure coordination of the Directorate for Technology, Innovation, and Partnerships with other directorates and offices of the Foundation and other Federal agencies.

(B) Review

Upon completion of the study under subparagraph (A), the Foundation shall review the recommendations from the National Academy of Public Administration and provide a briefing to Congress on the plans of the Foundation to implement any such recommendations.

(Pub. L. 117-167, div. B, title III, §10396, Aug. 9, 2022, 136 Stat. 1593.)

Editorial Notes

CODIFICATION

Section is comprised of section 10396 of Pub. L. 117-167. Par. (7) of section 10396 of Pub. L. 117-167 amended section 1870 of this title.

§ 19117. Coordination of activities

(a) In general

In carrying out the activities of the Directorate, the Director shall coordinate and collaborate as appropriate with the Secretary of Energy, the Director of the National Institute of Standards and Technology, and the heads of other Federal research agencies, as appropriate, to further the goals of this part.

(b) Avoid duplication

The Director shall ensure, to the greatest extent practicable, that activities carried out by the Directorate are not duplicative of activities supported by other parts of the Foundation or other relevant Federal agencies. In carrying out the activities prescribed by this division, the Director shall coordinate with the interagency working group established under part D of subchapter VI and heads of other Federal research agencies to ensure these activities enhance and complement, but do not constitute unnecessary duplication of effort and to ensure the responsible stewardship of funds.

²So in original. Probably should be "section 104 of title 3".

³So in original. Probably should be "subparagraph".