

(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".

(c) Emerging technologies

After completion of the studies regarding emerging technologies conducted by the Secretary of Commerce under title XV of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116-260), the Director shall consider the results of such studies in carrying out the activities of the Directorate.

(Pub. L. 117-167, div. B, title III, § 10397, Aug. 9, 2022, 136 Stat. 1597.)

Editorial Notes

REFERENCES IN TEXT

This division, referred to in subsec. (b), is div. B of Pub. L. 117-167, Aug. 9, 2022, 136 Stat. 1399, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of div. B to the Code, see Short Title note set out under section 18901 of this title and Tables.

Title XV of division FF of the Consolidated Appropriations Act, 2021, referred to in subsec. (c), is title XV of Pub. L. 116-260, div. FF, Dec. 27, 2020, 134 Stat. 3276, known as the American Competitiveness Of a More Productive Emerging Tech Economy Act, and also known as the American COMPETE Act, which is not classified to the Code.

§ 19118. Ethical, legal, and societal considerations

The Director shall engage, as appropriate, experts in the social dimensions of science and technology and set up formal avenues for public input, as appropriate, to ensure that ethical, legal, and societal considerations are taken into account in the priorities and activities of the Directorate, including in the selection of the challenges and key technology focus areas under section 19107 of this title and the award-making process, and throughout all stages of supported projects.

(Pub. L. 117-167, div. B, title III, § 10398, Aug. 9, 2022, 136 Stat. 1597.)

§ 19119. Reports and roadmaps**(a) Annual report**

The Director shall provide to the relevant authorizing and appropriations committees of Congress an annual report describing projects supported by the Directorate during the previous year.

(b) Roadmap

Not later than 1 year after August 9, 2022, the Director shall provide to the relevant authorizing and appropriations committees of Congress a roadmap describing the strategic vision that the Directorate will use to guide investment decisions over the following 3 years.

(c) Reports

Not later than 1 year after August 9, 2022, and every 3 years thereafter, the Director, in consultation with the heads of relevant Federal agencies, shall prepare and submit to Congress—

- (1) a strategic vision for the next 5 years for the Directorate, including a description of how the Foundation will increase funding for research and education for populations underrepresented in STEM and geographic areas; and

- (2) a description of the planned activities of the Directorate to secure federally funded science and technology pursuant to section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 42 U.S.C. 6601 note) and section 6605 of this title and the requirements under part D of this subchapter and subtitle E of title VI.

(d) Selection criteria report

Not later than 24 months after the establishment of the Directorate, the Director shall prepare and submit a report to Congress regarding the use of alternative methods for the selection of award recipients and the distribution of funding to recipients, as compared to the traditional peer review process.

(Pub. L. 117-167, div. B, title III, § 10399, Aug. 9, 2022, 136 Stat. 1598.)

Editorial Notes

REFERENCES IN TEXT

Subtitle E of title VI, referred to in subsec. (c)(2), is subtitle E (§§ 10641-10649) of title VI of div. B of Pub. L. 117-167, Aug. 9, 2022, 136 Stat. 1672, known as the Coastal and Ocean Acidification Research and Innovation Act of 2021. For complete classification of subtitle E to the Code, see Short Title of 2022 Amendment note set out under section 3701 of Title 33, Navigation and Navigable Waters, and Tables.

§ 19120. Evaluation**(a) In general**

After the Directorate has been in operation for 6 years, the Director shall enter into an agreement with the National Academies to provide an evaluation of how well the Directorate is achieving the purposes identified in section 19102 of this title.

(b) Inclusions

The evaluation shall include—

- (1) an assessment of the impact of Directorate activities on the Foundation's primary science mission;
- (2) an assessment of the Directorate's impact on the challenges and key technology focus areas under section 19107 of this title;
- (3) an assessment of efforts to ensure coordination between the Directorate and other Federal agencies, and with external entities;
- (4) a description of lessons learned from operation of the Directorate; and
- (5) recommended funding levels for the Directorate;

(c) Availability

On completion of the evaluation, the evaluation shall be made available to Congress and the public.

(Pub. L. 117-167, div. B, title III, § 10399A, Aug. 9, 2022, 136 Stat. 1598.)

SUBCHAPTER IV—BIOECONOMY RESEARCH AND DEVELOPMENT**§ 19131. Definitions**

In this subchapter:

(1) Initiative

The term “Initiative” means the National Engineering Biology Research and Develop-