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2^D SESSION

H. R. 3254

IN THE SENATE OF THE UNITED STATES

MAY 5 (legislative day, MAY 2), 1994

Received; read twice and referred to the Committee on Labor and Human
Resources

AN ACT

To authorize appropriations for the National Science
Foundation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Science
5 Foundation Authorization Act of 1994”.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act—

3 (1) the term “debt-for-science exchange” means
4 an agreement whereby a portion of a nation’s com-
5 mercial external debt burden is exchanged by the
6 holder for a contribution of local currencies or other
7 assets to support scientific and technological re-
8 search;

9 (2) the term “Director” means the Director of
10 the Foundation;

11 (3) the term “Foundation” means the National
12 Science Foundation;

13 (4) the term “institution of higher education”
14 has the meaning given such term in section 1201(a)
15 of the Higher Education Act of 1965;

16 (5) the term “national research facility” means
17 a research facility funded by the Foundation which
18 is available, subject to appropriate policies allocating
19 access, for use by all scientists and engineers affili-
20 ated with research institutions located in the United
21 States;

22 (6) the term “science-technology center” has
23 the meaning given such term in section 231(f) of the
24 Excellence in Mathematics, Science, and Engineer-
25 ing Education Act of 1990, and shall include both

1 newly organized and established science-technology
2 centers; and

3 (7) the term “United States” means the several
4 States, the District of Columbia, the Commonwealth
5 of Puerto Rico, the Virgin Islands, Guam, American
6 Samoa, the Commonwealth of the Northern Mariana
7 Islands, and any other territory or possession of the
8 United States.

9 **TITLE I—NATIONAL SCIENCE**
10 **FOUNDATION AUTHORIZATION**

11 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) FINDING.—Congress finds that the programs of
13 the Foundation are important for the Nation to strength-
14 en basic research and develop human resources in science
15 and engineering, and that those programs should be fund-
16 ed at an adequate level.

17 (b) FISCAL YEAR 1995.—(1) There are authorized
18 to be appropriated to the Foundation \$3,150,000,000 for
19 fiscal year 1995, which shall be available for the following
20 categories:

21 (A) Research and Related Activities,
22 \$2,254,800,000, which shall be available for the fol-
23 lowing subcategories:

24 (i) Biological Sciences, \$298,800,000.

1 (ii) Computer and Information Science and
2 Engineering, \$260,600,000.

3 (iii) Engineering, \$311,500,000, of which
4 \$2,000,000 shall be expended for primary mate-
5 rials processing research.

6 (iv) Geosciences, \$421,300,000.

7 (v) Mathematical and Physical Sciences,
8 \$636,300,000.

9 (vi) Social, Behavioral, and Economic
10 Sciences, \$104,800,000.

11 (vii) United States Polar Research Pro-
12 grams, \$158,800,000.

13 (viii) United States Antarctic Logistical
14 Activities, \$62,600,000.

15 (B) Education and Human Resources,
16 \$586,000,000.

17 (C) Academic Research Facilities Modernization
18 Program, \$110,000,000.

19 (D) Major Research Equipment, \$70,000,000.

20 (E) Salaries and Expenses, \$120,000,000.

21 (F) Office of Inspector General, \$4,000,000.

22 (G) Headquarters Relocation, \$5,200,000.

23 (2) Of the amounts authorized under paragraph (1)

24 (A) and (B)—

1 (A) \$35,000,000 are authorized for activities
2 authorized by the Scientific and Advanced-Tech-
3 nology Act of 1992;

4 (B) \$30,000,000 are authorized for activities
5 authorized by section 305 of the High-Performance
6 Computing Act of 1991;

7 (C) \$45,000,000 are authorized for activities
8 authorized by section 307 of the High-Performance
9 Computing Act of 1991; and

10 (D) \$16,000,000 are authorized for activities
11 authorized by section 309 of the High-Performance
12 Computing Act of 1991.

13 (3) No funds shall be expended for fiscal year 1995
14 for the Critical Technologies Institute.

15 (c) FISCAL YEAR 1996.—(1) There are authorized to
16 be appropriated to the Foundation \$3,234,000,000 for fis-
17 cal year 1996, which shall be available for the following
18 categories:

19 (A) Research and Related Activities,
20 \$2,299,800,000, which shall be available for the fol-
21 lowing subcategories:

22 (i) Biological Sciences, \$304,100,000.

23 (ii) Computer and Information Science and
24 Engineering, \$273,600,000.

1 (iii) Engineering, \$324,500,000, of which
2 \$2,500,000 shall be expended for primary mate-
3 rials processing research.

4 (iv) Geosciences, \$426,200,000.

5 (v) Mathematical and Physical Sciences,
6 \$640,100,000.

7 (vi) Social, Behavioral, and Economic
8 Sciences, \$110,500,000.

9 (vii) United States Polar Research Pro-
10 grams, \$158,200,000.

11 (viii) United States Antarctic Logistical
12 Activities, \$62,600,000.

13 (B) Education and Human Resources,
14 \$586,000,000.

15 (C) Academic Research Facilities Modernization
16 Program, \$150,000,000.

17 (D) Major Research Equipment, \$67,000,000.

18 (E) Salaries and Expenses, \$122,000,000.

19 (F) Office of Inspector General, \$4,000,000.

20 (G) Headquarters Relocation, \$5,200,000.

21 (2) Of the amounts authorized under paragraph (1)

22 (A) and (B)—

23 (A) \$35,000,000 are authorized for activities
24 authorized by the Scientific Advanced-Technology
25 Act of 1992;

1 (B) \$50,000,000 are authorized for activities
2 authorized by section 305 of the High-Performance
3 Computing Act of 1991;

4 (C) \$60,000,000 are authorized for activities
5 authorized by section 307 of the High-Performance
6 Computing Act of 1991; and

7 (D) \$22,000,000 are authorized for activities
8 authorized by section 309 of the High-Performance
9 Computing Act of 1991.

10 (3) No funds shall be expended for fiscal year 1996
11 for the Critical Technologies Institute.

12 (d) MEETING FUNDING GOALS.—In allocating funds
13 authorized under subsections (b)(1)(A) and (c)(1)(A), the
14 Foundation shall give priority to meeting the funding
15 goals established for the Foundation for Presidential re-
16 search initiatives by the Federal Coordinating Council for
17 Science, Engineering, and Technology, or any successor
18 entity which assumes its responsibilities.

19 (e) EDUCATION SUPPORT FOR UNDERREPRESENTED
20 GROUPS.—In allocating funds authorized under sub-
21 sections (b)(1)(B) and (c)(1)(B), the Foundation shall
22 support education activities to encourage the participation
23 of women, minorities who are underrepresented in science,
24 engineering, and mathematics, and persons with disabil-

ities, and shall coordinate such activities with related efforts of other Federal agencies.

SEC. 102. PROPORTIONAL REDUCTION OF RESEARCH AND RELATED ACTIVITIES AMOUNTS.

If the amount appropriated pursuant to section 101(b)(1)(A) or (c)(1)(A) is less than the amount authorized under that subparagraph, the amount authorized for each subcategory under that subparagraph shall be reduced by the same proportion.

SEC. 103. CONSULTATION AND REPRESENTATION EXPENSES.

From appropriations made under authorizations provided in this Act, not more than \$10,000 may be used in each fiscal year for official consultation, representation, or other extraordinary expenses at the discretion of the Director. The determination of the Director shall be final and conclusive upon the accounting officers of the Government.

SEC. 104. TRANSFER OF FUNDS.

For any given fiscal year, the Director may propose transfers to or from any category described in section 101 up to a maximum of 10 percent of the amount authorized for that category. An explanation of any such proposed transfer must be transmitted in writing to the Committee on Science, Space, and Technology of the House of Rep-

1 representatives, and the Committees on Labor and Human
 2 Resources and Commerce, Science, and Transportation of
 3 the Senate. The proposed transfer may be made only after
 4 30 calendar days have passed after transmission of such
 5 written explanation.

6 **TITLE II—GENERAL PROVISIONS**

7 **SEC. 201. ANNUAL REPORT.**

8 Section 3 of the National Science Foundation Act of
 9 1950 (42 U.S.C. 1862) is amended by striking subsection
 10 (f) and inserting in lieu thereof the following new sub-
 11 section:

12 “(f) The Foundation shall provide an annual report
 13 to the President which shall be submitted by the Director
 14 to the Congress at the time of the President’s annual
 15 budget submission. The report shall—

16 “(1) contain a strategic plan which—

17 “(A) defines for a three-year period the
 18 overall goals for the Foundation and specific
 19 goals for each major activity of the Foundation,
 20 including each scientific directorate, the edu-
 21 cation directorate, and the polar programs of-
 22 fice; and

23 “(B) describes how the identified goals re-
 24 late to national needs and will exploit new op-
 25 portunities in science and technology;

1 “(2) identify the criteria and describe the proce-
2 dures which the Foundation will use to assess
3 progress toward achieving the goals identified in ac-
4 cordance with paragraph (1);

5 “(3) review the activities of the Foundation
6 during the preceding year which have contributed to-
7 ward achievement of goals identified in accordance
8 with paragraph (1) and summarize planned activities
9 for the coming three years in the context of the
10 identified goals, with particular emphasis on the
11 Foundation’s planned contributions to major multi-
12 agency research and education initiatives;

13 “(4) contain such recommendations as the
14 Foundation considers appropriate; and

15 “(5) include information on the acquisition and
16 disposition by the Foundation of any patents and
17 patent rights.”.

18 **SEC. 202. NATIONAL RESEARCH FACILITIES.**

19 (a) **FACILITIES PLAN.**—The Director shall provide to
20 Congress annually, at the time of the President’s budget
21 submission, a plan for construction of, and repair and up-
22 grades to, national research facilities. The plan shall in-
23 clude estimates of the cost for such construction, repairs,
24 and upgrades, and estimates of the cost for the operation
25 and maintenance of existing and proposed new facilities.

1 For proposed new construction and for major upgrades
2 to existing facilities, the plan shall include funding profiles
3 by fiscal year and milestones for major phases of the con-
4 struction. The plan shall include cost estimates in the cat-
5 egories of construction, repair, and upgrades for the year
6 in which the plan is submitted to Congress and for not
7 fewer than the succeeding 4 years.

8 (b) LIMITATION ON OBLIGATION OF UNAUTHORIZED
9 APPROPRIATIONS.—No funds appropriated for any project
10 which involves construction of new national research facili-
11 ties or construction necessary for upgrading the capabili-
12 ties of existing national research facilities shall be obli-
13 gated unless the funds are specifically authorized for such
14 purpose by this Act or any other Act which is not an ap-
15 propriations Act, or unless the total estimated cost to the
16 Foundation of the construction project is less than
17 \$50,000,000. This subsection shall not apply to construc-
18 tion projects approved by the National Science Board
19 prior to June 30, 1993.

20 **SEC. 203. ELIGIBILITY FOR RESEARCH FACILITY AWARDS.**

21 Section 203(b) of the Academic Research Facilities
22 Modernization Act of 1988 is amended by striking the
23 final sentence of paragraph (3) and inserting in lieu there-
24 of the following: “The Director shall give priority to insti-
25 tutions or consortia that have not received such funds in

1 the preceding 5 years, except that this sentence shall not
2 apply to previous funding received for the same multiyear
3 project. The Director shall exclude from consideration for
4 awards to be made under the Program after fiscal year
5 1995 any institutions or consortia which received funds,
6 appropriated for a fiscal year after fiscal year 1994, for
7 the repair, renovation, construction, or replacement of
8 academic facilities, from any Federal funding source for
9 projects that were not subjected to a competitive, merit-
10 based award process.”.

11 **SEC. 204. ELIGIBILITY FOR PARTICIPATION IN INFORMAL**
12 **SCIENCE EDUCATION ACTIVITIES.**

13 No science-technology center shall be disqualified
14 from competing for funding support under the informal
15 science education programs included within the Education
16 and Human Resources activities of the Foundation on the
17 basis of the geographic location of the center, the size of
18 the population served by the center, or the date on which
19 the center commences operation.

20 **SEC. 205. SCIENCE AND ENGINEERING EQUAL OPPORTUNI-**
21 **TIES ACT AMENDMENTS.**

22 The Science and Engineering Equal Opportunities
23 Act (42 U.S.C. 1885 et seq.) is amended—

24 (1) by amending section 32 to read as follows:

1 “FINDINGS AND POLICY

2 “SEC. 32. The national security and economic com-
3 petitiveness of the United States demand the full develop-
4 ment and use of the engineering, mathematical, and sci-
5 entific talents and skills of all its citizens. Past discrimina-
6 tion, cultural barriers, unequal educational opportunities,
7 and other factors discourage women, minorities, and per-
8 sons with disabilities from studying and working in engi-
9 neering, mathematics, and science. The Congress declares
10 it is the policy of the United States to encourage the par-
11 ticipation in engineering, mathematics, and science of
12 members of the groups that are underrepresented.”;

13 (2) in section 33—

14 (A) by amending the section head to read
15 as follows:

16 “EQUAL OPPORTUNITIES IN SCIENCE AND
17 ENGINEERING”;

18 (B) in paragraph (1)(A), by striking
19 “women” and inserting in lieu thereof “women,
20 minorities who are underrepresented in science,
21 engineering, and mathematics, and persons with
22 disabilities (collectively referred to in this sec-
23 tion as ‘members of underrepresented
24 groups’)”;

25 (C) in paragraph (2), by striking “female
26 students and to increase female student aware-

1 ness” and inserting in lieu thereof “students
2 who are members of underrepresented groups
3 and to make those students aware”;

4 (D) in paragraph (4), by striking “re-
5 search”;

6 (E) by amending paragraph (5) to read as
7 follows:

8 “(5) support programs under which scientists
9 and engineers who are members of underrepresented
10 groups interact with elementary, secondary, and un-
11 dergraduate students;”;

12 (F) in paragraph (8), by striking “, to be
13 known as the National Research Opportunity
14 Grants, to women scientists and engineers” and
15 inserting in lieu thereof “to scientists and engi-
16 neers who are members of underrepresented
17 groups”;

18 (G) in paragraph (9), by striking “such
19 women” and inserting in lieu thereof “such per-
20 sons”;

21 (H) by striking “and” at the end of para-
22 graph (10);

23 (I) by striking the period at the end of
24 paragraph (11) and inserting in lieu thereof “;
25 and”;

1 (J) by adding at the end the following:

2 “(12) support efforts to initiate and expand re-
3 search opportunities at institutions serving members
4 of underrepresented groups.

5 “(b) In carrying out activities under this section, the
6 Foundation may conduct or support activities in which
7 participation is limited to members of one or more
8 underrepresented groups.”;

9 (K) by inserting “(a)” after “SEC. 33.”;
10 and

11 (L) except as otherwise provided in this
12 paragraph, by striking “women” each place it
13 appears and inserting in lieu thereof “members
14 of underrepresented groups”;

15 (3) by striking section 34;

16 (4) in section 36(a), by inserting “, persons
17 with disabilities” after “minorities”;

18 (5) in section 36(b), by striking the second sen-
19 tence and inserting in lieu the following: “The
20 Chairpersons of relevant committees or subcommit-
21 tees of the National Science Board, as designated by
22 the Chairperson of the Board, shall be ex officio
23 members of the Committee.”;

1 (6) in section 36 by striking subsections (c) and
2 (d) and redesignating subsections (e) and (f) as sub-
3 sections (d) and (e), respectively;

4 (7) in section 36 by inserting after subsection
5 (b) the following new subsection:

6 “(c) The Committee shall be responsible for reviewing
7 and evaluating all Foundation matters relating to partici-
8 pation in, opportunities for, and advancement in edu-
9 cation, training, and research in science and engineering
10 of members of underrepresented groups.”; and

11 (8) in section 36(d), as redesignated by para-
12 graph (6) of this section, by striking “additional”.

13 **SEC. 206. ROLE OF THE FOUNDATION IN ECONOMIC COM-**
14 **PETITIVENESS.**

15 The Foundation’s efforts to improve the economic
16 competitiveness of the United States shall be in accord
17 with the functions of the Foundation as specified by sec-
18 tion 3 of the National Science Foundation Act of 1950.
19 The primary mission of the Foundation continues to be
20 the support of basic scientific research and science edu-
21 cation and the support of research fundamental to the en-
22 gineering process and engineering education.

1 **SEC. 207. ADMINISTRATIVE AMENDMENTS.**

2 (a) NATIONAL SCIENCE FOUNDATION ACT OF 1950
3 AMENDMENTS.—The National Science Foundation Act of
4 1950 is amended—

5 (1) in section 4(e) (42 U.S.C. 1863(e)) by
6 striking the second and third sentences and insert-
7 ing in lieu thereof the following: “The Board shall
8 adopt procedures governing the conduct of its meet-
9 ings, including definition of a quorum and delivery
10 of notice of meetings to members of the Board.”;

11 (2) in section 5(e) (42 U.S.C. 1864(e)) by
12 amending paragraph (2) to read as follows:

13 “(2) Any delegation of authority or imposition of con-
14 ditions under paragraph (1) shall be promptly published
15 in the Federal Register and reported to the Committees
16 on Labor and Human Resources and Commerce, Science,
17 and Transportation of the Senate and the Committee on
18 Science, Space, and Technology of the House of Rep-
19 resentatives.”;

20 (3) in section 14 (42 U.S.C. 1873) by striking
21 subsection (j); and

22 (4) in section 15(a) (42 U.S.C. 1874(a)) by
23 striking “Atomic Energy Commission” and inserting
24 in lieu thereof “Secretary of Energy”.

25 (b) NATIONAL SCIENCE FOUNDATION AUTHORIZA-
26 TION ACT OF 1988 AMENDMENTS.—Section

1 117(a)(1)(B)(v) of the National Science Foundation Au-
2 thorization Act of 1988 is amended to read as follows:

3 “(v) from schools established outside the several
4 States and the District of Columbia by any agency
5 of the Federal Government for dependents of its em-
6 ployees.”.

7 (c) NATIONAL SCIENCE FOUNDATION AUTHORIZA-
8 TION ACT, 1977 AMENDMENT.—Section 8 of the National
9 Science Foundation Authorization Act, 1977, is repealed.

10 **SEC. 208. RESEARCH INSTRUMENTATION AND FACILITIES.**

11 The Foundation shall incorporate the guidelines set
12 forth in Important Notice No. 91, dated March 11, 1983
13 (48 Fed. Reg. 15754, April 12, 1983) relating to the use
14 and operation of Foundation-supported research instru-
15 mentation and facilities, in its notice of Grant General
16 Conditions, and shall examine more closely the adherence
17 of grantee organizations to such guidelines.

18 **SEC. 209. ENVIRONMENTALLY ADVANCED EDUCATION.**

19 (a) FINDINGS.—The Congress finds the following:

20 (1) Improving the general understanding of the
21 relationships between economic and technical activi-
22 ties and the environment, and the opportunities for
23 improvements in such relations, is essential for the
24 effective realization of sustainable economic develop-
25 ment.

1 (2) In post-secondary education, with the excep-
2 tion of environmental specialists, environmental con-
3 siderations are typically not integrated into the re-
4 quired coursework for technical, engineering, science,
5 and related professions.

6 (3) The integration of environmental consider-
7 ations into all technical, engineering, science, and re-
8 lated professions in a timely fashion is essential to
9 better achieving sustainable economic development.

10 (b) IN GENERAL.—The Director shall establish a
11 program to promote the development and distribution of
12 curriculum and materials—

13 (1) at the primary and secondary levels that
14 will improve the understanding of the relationships
15 between economic and technical activities and the
16 environment and the opportunities for improving
17 those relationships; and

18 (2) at the post-secondary level that will incor-
19 porate the principles and practices of environmental
20 soundness and total cost accounting into all tech-
21 nical, engineering, design, scientific, and related dis-
22 ciplines.

23 (c) TECHNICAL PROGRAMS.—(1) The Director shall
24 ensure that the special needs of technical programs of in-
25 stitutions described in paragraph (2) are addressed in exe-

1 cutting this section, including disseminating information
2 about practices that exemplify environmentally sound
3 practices.

4 (2)(A) Except as provided in subparagraph (B), insti-
5 tutions referred to in paragraph (1) are institutions of
6 higher education (as determined under section 1201(a) of
7 the Higher Education Act of 1965 (20 U.S.C. 1141(a)))
8 that offer a 2-year associate-degree program, 2-year cer-
9 tificate program, or other shorter program described in
10 such section 1201(a).

11 (B) Notwithstanding section 1201(a)(4) of the High-
12 er Education Act of 1965, institutions referred to in para-
13 graph (1) may include proprietary institutions.

14 (d) COORDINATION.—The Director shall consult with
15 the heads of other agencies of the Federal Government,
16 State and local governments, educational institutions, and
17 appropriate private sector organizations, including accred-
18 itation boards for engineering, technology, and design edu-
19 cational institutions in executing this section.

20 **SEC. 210. LIMITATION ON APPROPRIATIONS.**

21 Notwithstanding any other provision of this Act, no
22 funds are authorized to be appropriated for any fiscal year
23 after fiscal year 1996 for carrying out the programs and
24 activities for which funds are authorized by this Act, or
25 the amendments made by this Act.

1 **SEC. 211. INDIRECT COST REIMBURSEMENT.**

2 (a) LIMITATION.—None of the funds authorized
3 under section 101(b) may be awarded to any grantee who
4 reported Federal research grant outlays in excess of
5 \$10,000,000 in fiscal year 1994, unless such grantee—

6 (1) agrees to notify the Foundation of the
7 amount of any increased indirect expense; and

8 (2) agrees to the permanent cancellation, in an
9 amount that equals the increased indirect expense,
10 of its claims for the portion of unliquidated obliga-
11 tions from prior year research grants that comprise
12 the indirect expense allocated to the Foundation.

13 (b) DEFINITION.—For purposes of this section, the
14 term “increased indirect expense” means the amount by
15 which the grantee’s claim for indirect expense allocated
16 to the Foundation for research grants for fiscal year 1995
17 exceeds the amount of such claim for fiscal year 1994.

18 **SEC. 212. AWARD OF GRANTS AND CONTRACTS: REQUIRE-**
19 **MENT OF COMPETITION.**

20 (a) The Director may not make a grant or award a
21 contract to any institutions or consortia for the perform-
22 ance of research and development, or for the construction
23 of any research or other facility, unless such grant or
24 award is made using a competitive, merit-based evaluation
25 process.

1 (b)(1) A provision of law may not be construed as
2 modifying or superseding the provisions of subsection (a),
3 or as requiring funds to be made available by the Director
4 to a particular institution or consortium by grant or con-
5 tract, unless that provision of law—

6 (A) specifically refers to this section;

7 (B) specifically states that such provision of law
8 modifies or supersedes the provisions of this section;
9 and

10 (C) specifically identifies the particular institu-
11 tion or consortium involved and states that the grant
12 to be made or the contract to be awarded, as the
13 case may be, pursuant to such provision of law, is
14 being made or awarded in contravention to sub-
15 section (a).

16 (2) A grant may not be made, or a contract awarded,
17 pursuant to a provision of law that authorizes or requires
18 the making of the grant, or the awarding of the contract,
19 in a manner that is inconsistent with subsection (a)
20 until—

21 (A) the Director submits to Congress a notice
22 in writing of the intent to make the grant or award
23 the contract; and

24 (B) a period of 180 days has elapsed after the
25 date on which the notice is received by Congress.

1 **SEC. 213. DENIAL OF AWARDS OF GRANTS OR CONTRACTS**
2 **TO EDUCATIONAL INSTITUTIONS WHICH PRE-**
3 **VENT MILITARY RECRUITING.**

4 (a) DENIAL OF FUNDS.—The Director may not make
5 a grant or award a contract to any educational institution
6 that has a policy of denying, or which effectively prevents,
7 any of the military services of the United States from ob-
8 taining for military recruiting purposes—

9 (1) entry to campuses or access to students on
10 campuses; or

11 (2) access to directory information pertaining to
12 students; consistent with applicable law.

13 (b) PROCEDURES FOR DETERMINATION.—In deter-
14 mining compliance with subsection (a), the Director
15 shall—

16 (1) include on any grant or contract application
17 questions as to whether the educational institution
18 has, by policy or practice, effectively denied such
19 entry or access for recruiting purposes; and

20 (2) inquire of the Department of Defense
21 whether such entry or access has been denied by an
22 institution before awarding such grant or contract to
23 it.

24 (c) DEFINITIONS.—For purposes of this section—

1 (1) the term “student” means an individual en-
2 rolled in an educational institution who is 17 years
3 of age or older; and

4 (2) the term “directory information” means,
5 with respect to a student, the student’s name, ad-
6 dress, telephone listing, date and place of birth, level
7 of education, degrees received, and the most recent
8 educational institution enrolled in by the student.

9 **SEC. 214. SENSE OF CONGRESS REQUIREMENT REGARDING**
10 **NOTICE.**

11 (a) PURCHASE OF AMERICAN-MADE EQUIPMENT
12 AND PRODUCTS.—In the case of any equipment or prod-
13 ucts that may be authorized to be purchased with financial
14 assistance provided under this Act, it is the sense of the
15 Congress that entities receiving such assistance should, in
16 expending the assistance, purchase only American-made
17 equipment and products.

18 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
19 providing financial assistance under this Act, the Director
20 shall provide to each recipient of assistance a notice de-
21 scribing the statement made in subsection (a) by the Con-
22 gress.

1 **TITLE III—ACADEMIC RE-**
2 **SEARCH FACILITIES MOD-**
3 **ERNIZATION**

4 **SEC. 301. FINDINGS.**

5 The Congress finds that—

6 (1) the deficiencies in the condition of buildings
7 and equipment used for the conduct of fundamental
8 research and related education programs at many
9 universities and colleges which are cited in section
10 202 of the Academic Research Facilities Moderniza-
11 tion Act of 1988 are substantially unchanged;

12 (2) a national effort, involving the participation
13 of Federal and State governments and the private
14 sector, is required to make progress in improving the
15 state of academic research facilities; and

16 (3) because of the scale of the problem, the
17 Federal effort to upgrade academic research facili-
18 ties must involve a coordinated program among all
19 Federal agencies which sponsor research at academic
20 institutions.

21 **SEC. 302. FACILITIES MODERNIZATION PLAN.**

22 The Director of the Office of Science and Technology
23 Policy, through the Federal Coordinating Council for
24 Science, Engineering, and Technology, or any successor
25 entity which assumes its responsibilities, shall develop a

1 plan for a multiagency Federal program to provide finan-
2 cial support to institutions of higher education for the re-
3 pair, renovation, or replacement of obsolete science and
4 engineering facilities primarily devoted to research. The
5 plan shall—

6 (1) include participation by all Federal depart-
7 ments and agencies which provide substantial Fed-
8 eral support for research and development activities
9 at institutions of higher education;

10 (2) provide estimates of the level of funding re-
11 quired, by department and agency, and period for
12 which funding should be provided to relieve substan-
13 tially the backlog of research facilities needs and to
14 ensure that, at the conclusion of the period pro-
15 posed, the facilities available will be satisfactory to
16 support national research needs;

17 (3) take into consideration, for determining the
18 requirements of paragraph (2), ongoing efforts by
19 Federal departments and agencies, State govern-
20 ments, and the private sector to upgrade research
21 facilities;

22 (4) be designed to address the needs of the cat-
23 egories of institutions eligible for awards under the
24 Academic Research Facilities Modernization Act of
25 1988;

1 (5) detail administrative procedures and guide-
2 lines for the implementation of the modernization
3 program; and

4 (6) state procedures and data collection steps
5 which have been implemented to assess the state of
6 academic research facilities and to measure the rate
7 of progress in improving the condition of the facili-
8 ties.

9 Within 18 months after the date of enactment of this Act,
10 the Director of the Office of Science and Technology Pol-
11 icy shall transmit to the Congress the plan developed
12 under this section.

13 **SEC. 303. LIMITATION ON OBLIGATION OF UNAUTHORIZED**
14 **APPROPRIATIONS.**

15 No funds appropriated to the Foundation for con-
16 struction of new facilities or construction necessary for up-
17 grading the capabilities of existing facilities at institutions
18 eligible for awards under the Academic Research Facilities
19 Modernization Act of 1988 shall be obligated unless the
20 funds are awarded in accordance with the requirements
21 of the Academic Research Facilities Modernization Act of
22 1988 or are specifically authorized for such purpose by
23 this Act or any other Act which is not an appropriations
24 Act.

1 **TITLE IV—INTERNATIONAL**
2 **SCIENTIFIC COOPERATION**

3 **SEC. 401. FINDINGS.**

4 The Congress finds the following:

5 (1) Debt-for-science exchanges can provide an
6 innovative means to enhance scientific cooperation
7 with countries whose external debt burden prevents
8 them from allocating sufficient resources to their sci-
9 entific and technological infrastructures.

10 (2) Debt-for-science exchanges have been dem-
11 onstrated to improve the state of scientific research
12 and education in several countries, including Bolivia,
13 Costa Rica, Ecuador, Chile, and Mexico.

14 **SEC. 402. DEBT-FOR-SCIENCE EXCHANGES.**

15 (a) DEBT-FOR-SCIENCE EXCHANGE GRANTS.—The
16 Director is authorized to make grants to organizations
17 within the United States, including colleges and univer-
18 sities, for the purpose of debt-for-science exchanges. Be-
19 fore making any grant under this section, the Director
20 shall ascertain that—

21 (1) funds resulting from the debt-for-science ex-
22 change will be expended only for purposes of inter-
23 national cooperative scientific research and develop-
24 ment projects;

1 (2) the debt-for-science exchange will make
2 funds available for such projects which otherwise
3 would not be available;

4 (3) the amount of local currency provided as a
5 result of the debt-for-science exchange will be sub-
6 stantially greater than the United States dollar pur-
7 chase price of the debt;

8 (4) the grantee certifies that the debtor govern-
9 ment has accepted the terms of the exchange and
10 that an agreement has been reached to cancel the
11 commercial debt; and

12 (5) Federal grants made under this section will
13 be equally matched by non-Federal contributions to
14 purchase debt.

15 (b) INVESTMENT OF GOVERNMENT ASSISTANCE.—
16 Grantees or subgrantees of funds provided under this sec-
17 tion may retain, without deposit in the Treasury of the
18 United States and without further appropriation by Con-
19 gress, interest earned on the proceeds of any resulting
20 debt-for-science exchange pending disbursements of such
21 proceeds and interest for approved program purposes,
22 which may include the establishment of an endowment, the
23 income of which is used for such purposes.

24 (c) COORDINATION.—In carrying out subsection (a)
25 the Director shall coordinate with Federal agencies, such

1 as the Agency for International Development, that have
2 expertise in debt exchanges.

3 **SEC. 403. NATIONAL SCIENCE FOUNDATION PARTICIPA-**
4 **TION IN BINATIONAL AND MULTINATIONAL**
5 **ENDOWED SCIENCE FOUNDATIONS.**

6 The Director, in consultation with appropriate offi-
7 cials of the United States and foreign countries, may en-
8 courage and facilitate the establishment of binational and
9 multinational endowed science foundations, and may par-
10 ticipate in the operation and governance of such founda-
11 tions, including serving as a member of or designating
12 members to the Boards of Governors, if such founda-
13 tions—

14 (1) have Boards of Governors whose members
15 are chosen to represent participating countries and
16 possess expertise in international scientific coopera-
17 tion;

18 (2) have a structure and operational character-
19 istics determined exclusively by their Boards of Gov-
20 ernors, consistent with paragraph (3); and

21 (3) are established and governed in accordance
22 with charters which include provisions—

23 (A) to ensure that the funding of the en-
24 dowment is shared equitably among the partici-

1 pating nations, appropriate to their economic
2 resources;

3 (B) to protect the endowment's principal
4 from loss of value due to inflation;

5 (C) to define the range of scientific and
6 educational activities to be funded;

7 (D) to define criteria for application, merit
8 review, and awarding of funds which encom-
9 pass, at a minimum, consideration of scientific
10 merit, strength of collaborative arrangements,
11 and potential benefit to participants;

12 (E) to limit administrative costs to those
13 that are prudent and necessary; and

14 (F) to engage an independent auditor to
15 perform an annual organization-wide audit of
16 such foundations, in accordance with generally
17 accepted auditing standards, and to make the
18 results of the audit immediately available to the
19 Director and the Board of Governors.

20 **SEC. 404. REPORT.**

21 Within one year after the date of enactment of this
22 Act, the Director shall submit to the Congress a strategic
23 plan for international scientific cooperation activities un-
24 dertaken by the Foundation which—

1 (1) describes and evaluates all activities involv-
2 ing international scientific cooperation currently car-
3 ried out by the Foundation;

4 (2) describes how these activities relate to ongo-
5 ing and prospective Foundation research and edu-
6 cational activities;

7 (3) details research activities and geographic
8 areas where international scientific cooperation has
9 been most effective and where it has been least ef-
10 fective;

11 (4) describes plans for future cooperative inter-
12 national scientific projects; and

13 (5) assesses the research activities and geo-
14 graphic areas where future international scientific
15 cooperation would be most effective.

16 **TITLE V—UNDERGRADUATE**
17 **EDUCATION**

18 **SEC. 501. REQUIREMENT FOR FUNDING.**

19 Each educational institution that receives a research
20 grant from the Foundation in fiscal year 1995 shall, as
21 a condition of receiving such grant, provide to the Founda-
22 tion the following information on its undergraduate math-
23 ematics, science, and engineering activities:

1 (1) A description of teacher training programs
2 mandated by the institution for teaching assistants,
3 including the number of training hours required.

4 (2) The institution's policy regarding the rel-
5 ative importance of teaching and research duties in
6 decisions on promotion, tenure, and salary for fac-
7 ulty, including any written policy with specific cri-
8 teria.

9 (3) Any policy allowing faculty to replace uni-
10 versity salary with funds from outside sources, along
11 with any policy allowing faculty to replace all or part
12 of the teaching load with increased research.

13 (4) The number of faculty released from some
14 or all of their teaching responsibilities pursuant to a
15 policy described in paragraph (3), with the number
16 replacing all or some of their salary with Federal
17 funds reported separately.

18 (5) The number and percentage of faculty, not
19 including those on regular sabbatical leave, teaching
20 no undergraduate courses.

21 (6) The number and percentage of faculty sup-
22 ported by active Federal research grants teaching
23 freshman or sophomore lecture courses.

24 (7) The number and percentage of lecture
25 sources taught by individuals other than faculty.

1 (8) The number of students per course in each
2 introductory course.

3 Information shall be provided for the most recent aca-
4 demic year for which it is available. For purposes of this
5 section, the term “educational institution” means an insti-
6 tution of higher education that is ranked among the top
7 100 of the institutions receiving Federal research and de-
8 velopment funding, as documented in the latest annual re-
9 port of the Foundation entitled “Federal Support to Uni-
10 versities, Colleges, and Selected Non-Profit Institutions”.
11 The term “faculty” means tenured or tenure-track em-
12 ployees not serving in full-time administrative positions.
13 The Foundation shall compile this information and submit
14 it to the Congress no later than December 31, 1995.

15 **SEC. 502. RECOMMENDATIONS.**

16 The Director shall transmit to the Congress, at the
17 time of the President’s budget request for fiscal year
18 1997, recommendations as to how Foundation research
19 funds could be used to increase the focus on undergradu-
20 ate education at institutions of higher education.

Passed the House of Representatives May 4, 1994.

Attest: DONNALD K. ANDERSON,
Clerk.

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