

Union Calendar No. 46

105TH CONGRESS
1ST Session

H. R. 1273

[Report No. 105-63]

A BILL

To authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes.

APRIL 21, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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To authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1997

Mr. SCHIFF introduced the following bill; which was referred to the Committee on Science

APRIL 21, 1997

Additional sponsors: Mr. BROWN of California, Mr. CAPPS, Ms. JACKSON-LEE of Texas, Mr. BARCIA, Mrs. MORELLA, Mr. PICKERING, Mr. SESSIONS, and Mr. EHLERS

APRIL 21, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 10, 1997]

A BILL

To authorize appropriations for fiscal years 1998 and 1999 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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “National Science Foun-*
3 *ation Authorization Act of 1997”.*

4 **SEC. 2. DEFINITIONS.**

5 *For purposes of this Act—*

6 *(1) the term “Director” means the Director of the*
7 *Foundation;*

8 *(2) the term “Foundation” means the National*
9 *Science Foundation;*

10 *(3) the term “institution of higher education”*
11 *has the meaning given such term in section 1201(a)*
12 *of the Higher Education Act of 1965;*

13 *(4) the term “national research facility” means*
14 *a research facility funded by the Foundation which is*
15 *available, subject to appropriate policies allocating*
16 *access, for use by all scientists and engineers affiliated*
17 *with research institutions located in the United*
18 *States; and*

19 *(5) the term “United States” means the several*
20 *States, the District of Columbia, the Commonwealth*
21 *of Puerto Rico, the Virgin Islands, Guam, American*
22 *Samoa, the Commonwealth of the Northern Mariana*
23 *Islands, and any other territory or possession of the*
24 *United States.*

1 **TITLE I—NATIONAL SCIENCE**
2 **FOUNDATION AUTHORIZATION**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) *FINDINGS.*—*The Congress finds that—*

5 (1) *the programs of the Foundation are impor-*
6 *tant for the Nation to strengthen basic research and*
7 *develop human resources in science and engineering,*
8 *and that those programs should be funded at an ade-*
9 *quate level;*

10 (2) *the primary mission of the Foundation con-*
11 *tinues to be the support of basic scientific research*
12 *and science education and the support of research*
13 *fundamental to the engineering process and engineer-*
14 *ing education; and*

15 (3) *the Foundation's efforts to contribute to the*
16 *economic competitiveness of the United States should*
17 *be in accord with that primary mission.*

18 (b) *FISCAL YEAR 1998.*—*There are authorized to be*
19 *appropriated to the Foundation \$3,505,630,000 for fiscal*
20 *year 1998, which shall be available for the following cat-*
21 *egories:*

22 (1) *Research and Related Activities,*
23 *\$2,563,330,000, of which—*

24 (A) *\$330,820,000 shall be for Biological*
25 *Sciences;*

1 (B) \$289,170,000 shall be for Computer and
2 Information Science and Engineering;

3 (C) \$360,470,000 shall be for Engineering;

4 (D) \$452,610,000 shall be for Geosciences;

5 (E) \$715,710,000 shall be for Mathematical
6 and Physical Sciences;

7 (F) \$130,660,000 shall be for Social, Behav-
8 ioral, and Economic Sciences, including
9 \$1,000,000 for the United States-Mexico Founda-
10 tion for Science;

11 (G) \$165,930,000 shall be for United States
12 Polar Research Programs;

13 (H) \$62,600,000 shall be for United States
14 Antarctic Logistical Support Activities; and

15 (I) \$2,730,000 shall be for the Critical Tech-
16 nologies Institute.

17 (2) Education and Human Resources Activities,
18 \$625,500,000.

19 (3) Major Research Equipment, \$175,000,000.

20 (4) Salaries and Expenses, \$136,950,000, of
21 which \$5,200,000 shall be for Headquarters Reloca-
22 tion.

23 (5) Office of Inspector General, \$4,850,000.

24 (c) FISCAL YEAR 1999.—There are authorized to be
25 appropriated to the Foundation \$3,613,630,000 for fiscal

1 year 1999, which shall be available for the following cat-
2 egories:

3 (1) *Research and Related Activities,*
4 \$2,740,000,000, including \$1,000,000 for the United
5 *States-Mexico Foundation for Science.*

6 (2) *Education and Human Resources Activities,*
7 \$644,245,000.

8 (3) *Major Research Equipment, \$90,000,000, of*
9 *which no funds are authorized for the Large Hadron*
10 *Collider project at the European Organization for*
11 *Nuclear Research (CERN) unless the Director, in con-*
12 *sultation with the Secretary of Energy, has transmit-*
13 *ted to the Committee on Science of the House of Rep-*
14 *resentatives and the Committees on Labor and*
15 *Human Resources and Commerce, Science, and*
16 *Transportation of the Senate a report on the impacts*
17 *of such funding on the operations and viability of*
18 *United States high energy and nuclear physics*
19 *facilities.*

20 (4) *Salaries and Expenses, \$134,385,000.*

21 (5) *Office of Inspector General, \$5,000,000.*

22 **SEC. 102. PROPORTIONAL REDUCTION OF RESEARCH AND**
23 **RELATED ACTIVITIES AMOUNTS.**

24 *If the amount appropriated pursuant to section 101*
25 *(b)(1) or (c)(1) is less than the amount authorized under*

1 *that paragraph, the amount available for each scientific di-*
2 *rectorate under that paragraph shall be reduced by the same*
3 *proportion.*

4 **SEC. 103. CONSULTATION AND REPRESENTATION EX-**
5 **PENSES.**

6 *From appropriations made under authorizations pro-*
7 *vided in this Act, not more than \$10,000 may be used in*
8 *each fiscal year for official consultation, representation, or*
9 *other extraordinary expenses at the discretion of the Direc-*
10 *tor. The determination of the Director shall be final and*
11 *conclusive upon the accounting officers of the Government.*

12 **TITLE II—GENERAL PROVISIONS**

13 **SEC. 201. NATIONAL RESEARCH FACILITIES.**

14 *(a) FACILITIES PLAN.—The Director shall provide to*
15 *Congress, not later than December 1 of each year, a plan*
16 *for the proposed construction of, and repair and upgrades*
17 *to, national research facilities. The plan shall include esti-*
18 *mates of the cost for such construction, repairs, and up-*
19 *grades, and estimates of the cost for the operation and*
20 *maintenance of existing and proposed new facilities. For*
21 *proposed new construction and for major upgrades to exist-*
22 *ing facilities, the plan shall include funding profiles by fis-*
23 *cal year and milestones for major phases of the construc-*
24 *tion. The plan shall include cost estimates in the categories*
25 *of construction, repair, and upgrades for the year in which*

1 *the plan is submitted to Congress and for not fewer than*
2 *the succeeding 4 years.*

3 *(b) STATUS OF FACILITIES UNDER CONSTRUCTION.—*

4 *The plan required under subsection (a) shall include a sta-*
5 *tus report for each uncompleted construction project in-*
6 *cluded in the current and previous plans. The status report*
7 *shall include data on cumulative construction costs by*
8 *project compared with estimated costs, and shall compare*
9 *the current and original schedules for achievement of mile-*
10 *stones for major phases of the construction.*

11 *(c) LIMITATION ON OBLIGATION OF UNAUTHORIZED*

12 *APPROPRIATIONS.—No funds appropriated for any project*
13 *which involves construction of new national research facili-*
14 *ties or construction necessary for upgrading the capabilities*
15 *of existing national research facilities shall be obligated un-*
16 *less the funds are specifically authorized for such purpose*
17 *by this Act or any other Act which is not an appropriations*
18 *Act, or unless the total estimated cost to the Foundation*
19 *of the construction project is less than \$50,000,000. This*
20 *subsection shall not apply to construction projects approved*
21 *by the National Science Board prior to June 30, 1997.*

22 **SEC. 202. ADMINISTRATIVE AMENDMENTS.**

23 *(a) NATIONAL SCIENCE FOUNDATION ACT OF 1950*
24 *AMENDMENTS.—The National Science Foundation Act of*
25 *1950 (42 U.S.C. 1861 et seq.) is amended—*

1 (1) *in section 4 (42 U.S.C. 1863)—*

2 (A) *by striking “the appropriate rate pro-*
3 *vided for individuals in grade GS–18 of the Gen-*
4 *eral Schedule under section 5332” in subsection*
5 *(g) and inserting in lieu thereof “the maximum*
6 *rate payable under section 5376”; and*

7 (B) *by redesignating the subsection (k) that*
8 *was added by section 108 of the National Science*
9 *Foundation Authorization Act of 1988 as sub-*
10 *section (l);*

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 on*
16 *Labor and Human Resources and Commerce, Science, and*
17 *Transportation of the Senate and the Committee on Science*
18 *of the House of Representatives.”;*

19 (3) *in section 14(c) (42 U.S.C. 1873(c))—*

20 (A) *by inserting “be entitled to” between*
21 *“shall” and “receive”;*

22 (B) *by inserting “, including traveltime,”*
23 *after “Foundation”;*

24 (C) *by striking “the rate specified for the*
25 *daily rate for GS–18 of the General Schedule*

1 *under section 5332” and inserting in lieu thereof*
2 *“the maximum rate payable under section*
3 *5376”; and*

4 *(D) by adding at the end the following new*
5 *sentence: “Members of the Board and special*
6 *commissions may waive compensation and reim-*
7 *bursement for travel expenses.”; and*

8 *(4) by striking “Atomic Energy Commission” in*
9 *section 15(a) (42 U.S.C. 1874(a)) and inserting in*
10 *lieu thereof “Secretary of Energy”.*

11 *(b) NATIONAL SCIENCE FOUNDATION AUTHORIZATION*
12 *ACT, 1976 AMENDMENTS.—Section 6(a) of the National*
13 *Science Foundation Authorization Act, 1976 (42 U.S.C.*
14 *1881a(a)) is amended by striking “social,” the first place*
15 *it appears.*

16 *(c) NATIONAL SCIENCE FOUNDATION AUTHORIZATION*
17 *ACT OF 1988 AMENDMENTS.—(1) Section 117(a)(1)(B)(v)*
18 *of the National Science Foundation Authorization Act of*
19 *1988 (42 U.S.C. 1881b(1)(B)(v)) is amended to read as fol-*
20 *lows:*

21 *“(v) from schools established outside the several*
22 *States and the District of Columbia by any agency of*
23 *the Federal Government for dependents of its employ-*
24 *ees.”.*

1 (2) *Section 117(a)(3)(A) of such Act (42 U.S.C.*
2 *1881b(3)(A)) is amended by striking “Science and Engi-*
3 *neering Education” and inserting in lieu thereof “Edu-*
4 *cation and Human Resources”.*

5 (d) *SCIENCE AND ENGINEERING EQUAL OPPORTUNI-*
6 *TIES ACT AMENDMENTS.—The Science and Engineering*
7 *Equal Opportunities Act is amended—*

8 (1) *in section 34 (42 U.S.C. 1885b)—*

9 (A) *by amending the section heading to*
10 *read as follows: “PARTICIPATION IN SCIENCE AND*
11 *ENGINEERING OF MINORITIES AND PERSONS*
12 *WITH DISABILITIES”;* and

13 (B) *by amending subsection (b) to read as*
14 *follows:*

15 “(b) *The Foundation is authorized to undertake or*
16 *support programs and activities to encourage the participa-*
17 *tion of persons with disabilities in the science and engineer-*
18 *ing professions.”;* and

19 (2) *in section 36 (42 U.S.C. 1885c)—*

20 (A) *by striking “minorities,” and all that*
21 *follows through “in scientific” in subsection (a)*
22 *and inserting in lieu thereof “minorities, and*
23 *persons with disabilities in scientific”;*

24 (B) *in subsection (b)—*

1 (i) by striking “with the concurrence of
2 the National Science Board”; and

3 (ii) by amending the second sentence
4 thereof to read as follows: “In addition, the
5 Chairman of the National Science Board
6 may designate a member of the Board as a
7 member of the Committee.”;

8 (C) by striking subsections (c) and (d);

9 (D) by redesignating subsections (e) and (f)
10 as subsections (d) and (e), respectively;

11 (E) by inserting after subsection (b) the fol-
12 lowing new subsection:

13 “(c) The Committee shall be responsible for reviewing
14 and evaluating all Foundation matters relating to partici-
15 pation in, opportunities for, and advancement in edu-
16 cation, training, and research in science and engineering
17 of women, minorities, and persons with disabilities.”; and

18 (F) in subsection (d), as so redesignated by
19 subparagraph (D) of this paragraph, by striking
20 “additional”.

21 (e) *TECHNICAL AMENDMENT.*—The second subsection
22 (g) of section 3 of the National Science Foundation Act of
23 1950 is repealed.

1 **SEC. 203. INDIRECT COSTS.**

2 (a) *MATCHING FUNDS.*—*Matching funds required pur-*
3 *suant to section 204(a)(2)(C) of the Academic Research Fa-*
4 *cilities Modernization Act of 1988 (42 U.S.C.*
5 *1862c(a)(2)(C)) shall not be considered facilities costs for*
6 *purposes of determining indirect cost rates.*

7 (b) *REPORT.*—*The Director of the Office of Science and*
8 *Technology Policy, in consultation with other relevant*
9 *agencies, shall prepare a report analyzing what steps would*
10 *be needed to—*

11 (1) *reduce by 10 percent the proportion of Fed-*
12 *eral assistance to institutions of higher education that*
13 *are allocated for indirect costs; and*

14 (2) *reduce the variance among indirect cost rates*
15 *of different institutions of higher education, including*
16 *an evaluation of the relative benefits and burdens of*
17 *each option on institutions of higher education. Such*
18 *report shall be transmitted to the Congress no later*
19 *than December 31, 1997.*

20 **SEC. 204. FINANCIAL DISCLOSURE.**

21 *Persons temporarily employed by or at the Foundation*
22 *shall be subject to the same financial disclosure require-*
23 *ments and related sanctions under the Ethics in Govern-*
24 *ment Act of 1978 as are permanent employees of the Foun-*
25 *dation in equivalent positions.*

1 **SEC. 205. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE**
2 **DUTY.**

3 *In order to be eligible to receive funds from the Foun-*
4 *dation after September 30, 1997, an institution of higher*
5 *education must provide that whenever any student of the*
6 *institution who is a member of the National Guard, or other*
7 *reserve component of the Armed Forces of the United States,*
8 *is called or ordered to active duty, other than active duty*
9 *for training, the institution shall grant the member a mili-*
10 *tary leave of absence from their education. Persons on mili-*
11 *tary leave of absence from their institution shall be entitled,*
12 *upon release from military duty, to be restored to the edu-*
13 *cational status they had attained prior to their being or-*
14 *dered to military duty without loss of academic credits*
15 *earned, scholarships or grants awarded, or tuition and*
16 *other fees paid prior to the commencement of the military*
17 *duty. It shall be the duty of the institution to refund tuition*
18 *or fees paid or to credit the tuition and fees to the next*
19 *semester or term after the termination of the educational*
20 *military leave of absence at the option of the student.*

21 **SEC. 206. SCIENCE AND TECHNOLOGY POLICY INSTITUTE.**

22 *(a) AMENDMENT.—Section 822 of the National Defense*
23 *Authorization Act for Fiscal Year 1991 (42 U.S.C. 6686)*
24 *is amended—*

25 *(1) by striking “Critical Technologies Institute”*
26 *in the section heading and in subsection (a), and in-*

1 serting in lieu thereof “Science and Technology Policy
2 Institute”;

3 (2) in subsection (b) by striking “As determined
4 by the chairman of the committee referred to in sub-
5 section (c), the” and inserting in lieu thereof “The”;

6 (3) by striking subsection (c), and redesignating
7 subsections (d), (e), (f), and (g) as subsections (c), (d),
8 (e), and (f), respectively;

9 (4) in subsection (c), as so redesignated by para-
10 graph (3) of this subsection—

11 (A) by inserting “science and” after “devel-
12 opments and trends in” in paragraph (1);

13 (B) by striking “with particular emphasis”
14 in paragraph (1) and all that follows through
15 the end of such paragraph and inserting in lieu
16 thereof “and developing and maintaining rel-
17 evant informational and analytical tools.”;

18 (C) by striking “to determine” and all that
19 follows through “technology policies” in para-
20 graph (2) and inserting in lieu thereof “with
21 particular attention to the scope and content of
22 the Federal science and technology research and
23 develop portfolio as it affects interagency and
24 national issues”;

1 (D) by amending paragraph (3) to read as
2 *follows:*

3 “(3) *Initiation of studies and analysis of alter-*
4 *natives available for ensuring the long-term strength*
5 *of the United States in the development and applica-*
6 *tion of science and technology, including appropriate*
7 *roles for the Federal Government, State governments,*
8 *private industry, and institutions of higher education*
9 *in the development and application of science and*
10 *technology.”;*

11 (E) by inserting “science and” after “Exec-
12 utive branch on” in paragraph (4)(A); and

13 (F) by amending paragraph (4)(B) to read
14 *as follows:*

15 “(B) *to the interagency committees and*
16 *panels of the Federal Government concerned with*
17 *science and technology.”;*

18 (5) *in subsection (d), as so redesignated by para-*
19 *graph (3) of this subsection, by striking “subsection*
20 *(d)” and inserting in lieu thereof “subsection (c)”;*
21 *and*

22 (6) *by amending subsection (f), as so redesign-*
23 *ated by paragraph (3) of this subsection, to read as*
24 *follows:*

1 “(f) *SPONSORSHIP.*—*The Director of the Office of*
2 *Science and Technology Policy shall be the sponsor of the*
3 *Institute.*”.

4 (b) *CONFORMING USAGE.*—*All references in Federal*
5 *law or regulations to the Critical Technologies Institute*
6 *shall be considered to be references to the Science and Tech-*
7 *nology Policy Institute.*

8 **SEC. 207. NEXT GENERATION INTERNET.**

9 *None of the funds authorized by this Act, or any other*
10 *Act enacted before the date of the enactment of this Act,*
11 *may be used for the Next Generation Internet. Notwith-*
12 *standing the previous sentence, funds may be used for the*
13 *continuation of programs and activities that were funded*
14 *and carried out during fiscal year 1997.*

15 **SEC. 208. LIMITATIONS.**

16 (a) *PROHIBITION OF LOBBYING ACTIVITIES.*—*None of*
17 *the funds authorized by this Act shall be available for any*
18 *activity whose purpose is to influence legislation pending*
19 *before the Congress, except that this subsection shall not pre-*
20 *vent officers or employees of the United States or of its de-*
21 *partments or agencies from communicating to Members of*
22 *Congress on the request of any Member or to Congress,*
23 *through the proper channels, requests for legislation or ap-*
24 *propriations which they deem necessary for the efficient*
25 *conduct of the public business.*

1 (b) *LIMITATION ON APPROPRIATIONS.*—No sums are
2 authorized to be appropriated to the Director for fiscal
3 years 1998 and 1999 for the activities for which sums are
4 authorized by this Act, unless such sums are specifically au-
5 thorized to be appropriated by this Act.

6 (c) *ELIGIBILITY FOR AWARDS.*—

7 (1) *IN GENERAL.*—The Director shall exclude
8 from consideration for grant agreements made by the
9 Foundation after fiscal year 1997 any person who re-
10 ceived funds, other than those described in paragraph
11 (2), appropriated for a fiscal year after fiscal year
12 1997, under a grant agreement from any Federal
13 funding source for a project that was not subjected to
14 a competitive, merit-based award process. Any exclu-
15 sion from consideration pursuant to this subsection
16 shall be effective for a period of 5 years after the per-
17 son receives such Federal funds.

18 (2) *EXCEPTION.*—Paragraph (1) shall not apply
19 to the receipt of Federal funds by a person due to the
20 membership of that person in a class specified by law
21 for which assistance is awarded to members of the
22 class according to a formula provided by law.

23 (3) *DEFINITION.*—For purposes of this sub-
24 section, the term “grant agreement” means a legal in-
25 strument whose principal purpose is to transfer a

1 *thing of value to the recipient to carry out a public*
2 *purpose of support or stimulation authorized by a*
3 *law of the United States, and does not include the ac-*
4 *quisition (by purchase, lease, or barter) of property or*
5 *services for the direct benefit or use of the United*
6 *States Government. Such term does not include a co-*
7 *operative agreement (as such term is used in section*
8 *6305 of title 31, United States Code) or a cooperative*
9 *research and development agreement (as such term is*
10 *defined in section 12(d)(1) of the Stevenson-Wydler*
11 *Technology Innovation Act of 1980 (15 U.S.C.*
12 *3710a(d)(1))).*

13 **SEC. 209. NOTICE.**

14 *(a) NOTICE OF REPROGRAMMING.—If any funds au-*
15 *thorized by this Act are subject to a reprogramming action*
16 *that requires notice to be provided to the Appropriations*
17 *Committees of the House of Representatives and the Senate,*
18 *notice of such action shall concurrently be provided to the*
19 *Committee on Science of the House of Representatives and*
20 *the Committees on Labor and Human Resources and Com-*
21 *merce, Science, and Transportation of the Senate.*

22 *(b) NOTICE OF REORGANIZATION.—The Director shall*
23 *provide notice to the Committees on Science and Appro-*
24 *priations of the House of Representatives, and the Commit-*
25 *tees on Labor and Human Resources, Commerce, Science,*

1 *and Transportation, and Appropriations of the Senate, not*
2 *later than 15 days before any major reorganization of any*
3 *program, project, or activity of the Foundation.*

4 **SEC. 210. SENSE OF CONGRESS ON THE YEAR 2000**
5 **PROBLEM.**

6 *With the year 2000 fast approaching, it is the sense*
7 *of Congress that the Foundation should—*

8 *(1) give high priority to correcting all 2-digit*
9 *date-related problems in its computer systems to en-*
10 *sure that those systems continue to operate effectively*
11 *in the year 2000 and beyond;*

12 *(2) assess immediately the extent of the risk to*
13 *the operations of the Foundation posed by the prob-*
14 *lems referred to in paragraph (1), and plan and*
15 *budget for achieving Year 2000 compliance for all of*
16 *its mission-critical systems; and*

17 *(3) develop contingency plans for those systems*
18 *that the Foundation is unable to correct in time.*

19 **SEC. 211. NATIONAL OCEANOGRAPHIC PARTNERSHIP**
20 **PROGRAM.**

21 *The National Science Foundation is authorized to par-*
22 *ticipate in the National Oceanic Partnership Program es-*
23 *tablished by the National Oceanic Partnership Act (Public*
24 *Law 104–201).*

1 **SEC. 212. BUY AMERICAN.**

2 (a) *COMPLIANCE WITH BUY AMERICAN ACT.*—No
3 *funds appropriated pursuant to this Act may be expended*
4 *by an entity unless the entity agrees that in expending the*
5 *assistance the entity will comply with sections 2 through*
6 *4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popu-*
7 *larly known as the “Buy American Act”).*

8 (b) *SENSE OF CONGRESS.*—*In the case of any equip-*
9 *ment or products that may be authorized to be purchased*
10 *with financial assistance provided under this Act, it is the*
11 *sense of Congress that entities receiving such assistance*
12 *should, in expending the assistance, purchase only Amer-*
13 *ican-made equipment and products.*

14 (c) *NOTICE TO RECIPIENTS OF ASSISTANCE.*—*In pro-*
15 *viding financial assistance under this Act, the Director*
16 *shall provide to each recipient of the assistance a notice*
17 *describing the statement made in subsection (a) by the*
18 *Congress.*