

104TH CONGRESS
1ST SESSION

H. R. 1852

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 1995

Mr. SCHIFF (for himself and Mr. PETE GEREN of Texas) introduced the following bill; which was referred to the Committee on Science

A BILL

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 1995”.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act—

8 (1) the term “Director” means the Director of
9 the Foundation;

1 (2) the term “Foundation” means the National
2 Science Foundation;

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

6 (4) the term “national research facility” means
7 a research facility funded by the Foundation which
8 is available, subject to appropriate policies allocating
9 access, for use by all scientists and engineers affili-
10 ated with research institutions located in the United
11 States; and

12 (5) the term “United States” means the several
13 States, the District of Columbia, the Commonwealth
14 of Puerto Rico, the Virgin Islands, Guam, American
15 Samoa, the Commonwealth of the Northern Mariana
16 Islands, and any other territory or possession of the
17 United States.

18 **TITLE I—NATIONAL SCIENCE**

19 **FOUNDATION AUTHORIZATION**

20 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) FINDINGS.—The Congress finds that—

22 (1) the programs of the Foundation are impor-
23 tant for the Nation to strengthen basic research and
24 develop human resources in science and engineering,

1 and that those programs should be funded at an
2 adequate level;

3 (2) the primary mission of the Foundation con-
4 tinues to be the support of basic scientific research
5 and science education and the support of research
6 fundamental to the engineering process and engi-
7 neering education; and

8 (3) the Foundation's efforts to contribute to the
9 economic competitiveness of the United States
10 should be in accord with that primary mission.

11 (b) FISCAL YEAR 1996.—There are authorized to be
12 appropriated to the Foundation \$3,126,000,000 for fiscal
13 year 1996, which shall be available for the following cat-
14 egories:

15 (1) Research and Related Activities,
16 \$2,226,300,000, which shall be available for the fol-
17 lowing subcategories:

18 (A) Mathematical and Physical Sciences,
19 \$632,200,000.

20 (B) Engineering, \$311,600,000.

21 (C) Biological Sciences, \$293,300,000.

22 (D) Geosciences, \$408,800,000.

23 (E) Computer and Information Science
24 and Engineering, \$249,500,000.

1 (F) Social, Behavioral, and Economic
2 Sciences, \$111,300,000.

3 (G) United States Polar Research Pro-
4 grams, \$156,000,000.

5 (H) United States Antarctic Logistical Ac-
6 tivities, \$62,600,000.

7 (I) Critical Technologies Institute,
8 \$1,000,000.

9 (2) Education and Human Resources Activities,
10 \$600,000,000.

11 (3) Major Research Equipment, \$70,000,000.

12 (4) Academic Research Facilities Moderniza-
13 tion, \$100,000,000.

14 (5) Salaries and Expenses, \$120,000,000.

15 (6) Office of Inspector General, \$4,500,000.

16 (7) Headquarters Relocation, \$5,200,000.

17 (c) FISCAL YEAR 1997.—There are authorized to be
18 appropriated to the Foundation \$3,171,400,000 for fiscal
19 year 1997, which shall be available for the following cat-
20 egories:

21 (1) Research and Related Activities,
22 \$2,286,200,000.

23 (2) Education and Human Resources Activities,
24 \$600,000,000.

25 (3) Major Research Equipment, \$55,000,000.

1 (4) Academic Research Facilities Moderniza-
2 tion, \$100,000,000.

3 (5) Salaries and Expenses, \$120,000,000.

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

5 (7) Headquarters Relocation, \$5,200,000.

6 **SEC. 102. PROPORTIONAL REDUCTION OF RESEARCH AND**
7 **RELATED ACTIVITIES AMOUNTS.**

8 If the amount appropriated pursuant to section
9 101(b)(1) is less than the amount authorized under that
10 paragraph, the amount authorized for each subcategory
11 under that paragraph shall be reduced by the same pro-
12 portion.

13 **SEC. 103. CONSULTATION AND REPRESENTATION EX-**
14 **PENSES.**

15 From appropriations made under authorizations pro-
16 vided in this Act, not more than \$10,000 may be used
17 in each fiscal year for official consultation, representation,
18 or other extraordinary expenses at the discretion of the
19 Director. The determination of the Director shall be final
20 and conclusive upon the accounting officers of the Govern-
21 ment.

22 **SEC. 104. REPROGRAMMING.**

23 (a) \$500,000 OR LESS.—In any given fiscal year, the
24 Director may transfer appropriated funds among the
25 subcategories of Research and Related Activities, so long

1 as the net funds transferred to or from any subcategory
2 do not exceed \$500,000.

3 (b) GREATER THAN \$500,000.—In addition, the Di-
4 rector may propose transfers to or from any subcategory
5 exceeding \$500,000. An explanation of any proposed
6 transfer under this subsection must be transmitted in
7 writing to the Committee on Science of the House of Rep-
8 resentatives, and the Committees on Labor and Human
9 Resources and Commerce, Science, and Transportation of
10 the Senate. The proposed transfer may be made only when
11 30 calendar days have passed after transmission of such
12 written explanation.

13 **SEC. 105. FURTHER AUTHORIZATIONS.**

14 Nothing in this Act shall preclude further authoriza-
15 tion of appropriations for the National Science Founda-
16 tion for fiscal year 1996: *Provided*, That authorization al-
17 locations adopted by the Conference Committee on House
18 Concurrent Resolution 67, and approved by Congress,
19 allow for such further authorizations.

20 **TITLE II—GENERAL PROVISIONS**

21 **SEC. 201. ANNUAL REPORT.**

22 Section 3(f) of the National Science Foundation Act
23 of 1950 (42 U.S.C. 1862(f)) is amended to read as fol-
24 lows:

1 “(f) The Foundation shall provide an annual report
2 to the President which shall be submitted by the Director
3 to the Congress at the time of the President’s annual
4 budget submission. The report shall—

5 “(1) contain a strategic plan, or an update to
6 a previous strategic plan, which—

7 “(A) defines for a three-year period the
8 overall goals for the Foundation and specific
9 goals for each major activity of the Foundation,
10 including each scientific directorate, the edu-
11 cation directorate, and the polar programs of-
12 fice; and

13 “(B) describe how the identified goals re-
14 late to national needs and will exploit new op-
15 portunities in science and technology;

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

20 “(3) review the activities of the Foundation
21 during the preceding year which have contributed to-
22 ward achievement of goals identified in accordance
23 with paragraph (1) and summarize planned activities
24 for the coming three years in the context of the
25 identified goals, with particular emphasis on the

1 Foundation's planned contributions to major multi-
2 agency research and education initiatives;

3 "(4) contain such recommendations as the
4 Foundation considers appropriate; and

5 "(5) include information on the acquisition and
6 disposition by the Foundation of any patents and
7 patent rights.".

8 **SEC. 202. NATIONAL RESEARCH FACILITIES.**

9 (a) FACILITIES PLAN.—The Director shall provide to
10 Congress annually, as a part of the report required under
11 section 3(f) of the National Science Foundation Act of
12 1950, a plan for the proposed construction of, and repair
13 and upgrades to, national research facilities. The plan
14 shall include estimates of the cost for such construction,
15 repairs, and upgrades, and estimates of the cost for the
16 operation and maintenance of existing and proposed new
17 facilities. For proposed new construction and for major
18 upgrades to existing facilities, the plan shall include fund-
19 ing profiles by fiscal year and milestones for major phases
20 of the construction. The plan shall include cost estimates
21 in the categories of construction, repair, and upgrades for
22 the year in which the plan is submitted to Congress and
23 for not fewer than the succeeding 4 years.

24 (b) LIMITATION ON OBLIGATION OF UNAUTHORIZED
25 APPROPRIATIONS.—No funds appropriated for any project

1 which involves construction of new national research facili-
2 ties or construction necessary for upgrading the capabili-
3 ties of existing national research facilities shall be obli-
4 gated unless the funds are specifically authorized for such
5 purpose by this Act or any other Act which is not an ap-
6 propriations Act, or unless the total estimated cost to the
7 Foundation of the construction project is less than
8 \$50,000,000. This subsection shall not apply to construc-
9 tion projects approved by the National Science Board
10 prior to June 30, 1994.

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

12 Section 203(b) of the Academic Research Facilities
13 Modernization Act of 1988 is amended by striking the
14 final sentence of paragraph (3) and inserting in lieu there-
15 of the following: “The Director shall give priority to insti-
16 tutions or consortia that have not received such funds in
17 the preceding 5 years, except that this sentence shall not
18 apply to previous funding received for the same multiyear
19 project.”.

20 **SEC. 204. ADMINISTRATIVE AMENDMENTS.**

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

24 (1) by redesignating the subsection (k) of sec-
25 tion 4 (42 U.S.C. 1863(k)) that was added by sec-

1 tion 108 of the National Science Foundation Au-
2 thorization Act of 1988 as subsection (l);

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

5 “(2) Any delegation of authority or imposition of con-
6 ditions under paragraph (1) shall be promptly published
7 in the Federal Register and reported to the Committees
8 on Labor and Human Resources and Commerce, Science,
9 and Transportation of the Senate and the Committee on
10 Science of the House of Representatives.”;

11 (3) by inserting “be entitled to” between
12 “shall” and “receive”, and by inserting “, including
13 traveltime,” after “Foundation” in section 14(c) (42
14 U.S.C. 1873(c));

15 (4) by striking section 14(j) (42 U.S.C.
16 1873(j)); and

17 (5) by striking “Atomic Energy Commission” in
18 section 15(a) (42 U.S.C. 1874(a)) and inserting in
19 lieu thereof “Secretary of Energy”.

20 (b) NATIONAL SCIENCE FOUNDATION AUTHORIZA-
21 TION ACT, 1976 AMENDMENTS.—Section 6(a) of the Na-
22 tional Science Foundation Authorization Act, 1976 (42
23 U.S.C. 1881a(a)) is amended by striking “social,” the
24 first place it appears.

1 (c) NATIONAL SCIENCE FOUNDATION AUTHORIZA-
2 TION ACT OF 1988 AMENDMENTS.—(1) Section
3 117(a)(1)(B)(v) of the National Science Founda-
4 tion Act of 1988 (42 U.S.C. 1881b(1)(B)(v)) is
5 amended to read as follows:

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

10 (2) Section 117(a)(3)(A) of such Act (42 U.S.C.
11 1881b(3)(A)) is amended by striking “Science and Engi-
12 neering Education” and inserting in lieu thereof “Edu-
13 cation and Human Resources”.

14 (d) EDUCATION FOR ECONOMIC SECURITY ACT
15 AMENDMENTS.—Section 107 of Education for Economic
16 Security Act (20 U.S.C. 3917) is repealed.

17 (e) NATIONAL AERONAUTICS AND SPACE ADMINIS-
18 TRATION AUTHORIZATION ACT, FISCAL YEAR 1993 RE-
19 PEAL.—Section 217 of the National Aeronautics and
20 Space Administration Authorization Act, Fiscal Year
21 1993 is repealed.

22 **SEC. 205. INDIRECT COSTS.**

23 Matching funds required pursuant to section
24 204(a)(2)(C) of the Academic Research Facilities Mod-
25 ernization Act of 1988 (42 U.S.C. 1862c(a)(2)(C)) shall

1 not be considered facilities costs for purposes of determin-
2 ing indirect cost rates.

3 **SEC. 206. RESEARCH INSTRUMENTATION AND FACILITIES.**

4 The Foundation shall incorporate the guidelines set
5 forth in Important Notice No. 91, dated March 11, 1983
6 (48 Fed. Reg. 15754, April 12, 1983), relating to the use
7 and operation of Foundation-supported research instru-
8 mentation and facilities, in its notice of Grant General
9 Conditions, and shall examine more closely the adherence
10 of grantee organizations to such guidelines.

11 **SEC. 207. FINANCIAL DISCLOSURE.**

12 Persons temporarily employed by or at the Founda-
13 tion shall be subject to the same financial disclosure re-
14 quirements and related sanctions under the Ethics in Gov-
15 ernment Act of 1978 as are permanent employees of the
16 Foundation in equivalent positions.

17 **SEC. 208. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE**
18 **DUTY.**

19 In order to be eligible to receive funds from the Foun-
20 dation after September 30, 1995, an institution of higher
21 education must provide that whenever any student of the
22 institution who is a member of the National Guard, or
23 other reserve component of the Armed Forces of the Unit-
24 ed States, is called or ordered to active duty, other than
25 active duty for training, the institution shall grant the

1 member a military leave of absence from their education.
2 Persons on military leave of absence from their institution
3 shall be entitled, upon release from military duty, to be
4 restored to the educational status they had attained prior
5 to their being ordered to military duty without loss of aca-
6 demic credits earned, scholarships or grants awarded, or
7 tuition and other fees paid prior to the commencement of
8 the military duty. It shall be the duty of the institution
9 to refund tuition or fees paid or to credit the tuition and
10 fees to the next semester or term after the termination
11 of the educational military leave of absence at the option
12 of the student.

13 **SEC. 209. PROHIBITION OF LOBBYING ACTIVITIES.**

14 None of the funds authorized by this Act shall be
15 used to pay the salaries or expenses of any grant or con-
16 tract recipient, or agent acting for such recipient, relating
17 to any activity designed to influence legislation pending
18 before the Congress.

19 **SEC. 210. SCIENCE AND TECHNOLOGY POLICY INSTITUTE.**

20 The Critical Technologies Institute is hereby renamed
21 the “Science and Technology Policy Institute”.

22 **SEC. 211. EDUCATIONAL IMPACT.**

23 (a) FINDINGS.—The Congress finds that—

24 (1) Federal research funds made available to
25 institutions of higher education often create incen-

1 tives for such institutions to emphasize research over
2 undergraduate teaching and to narrow the focus of
3 their graduate programs; and

4 (2) National Science Foundation funds for Re-
5 search and Related Activities should be spent in the
6 manner most likely to improve the quality of under-
7 graduate and graduate education in institutions of
8 higher education.

9 (b) EDUCATIONAL IMPACT.—(1) The impact that a
10 grant or cooperative agreement by the National Science
11 Foundation would have on undergraduate and graduate
12 education at an institution of higher education shall be
13 a factor in any decision whether to award such grant or
14 agreement to that institution.

15 (2) Paragraph (1) shall be effective with respect to
16 any grant or cooperative agreement awarded after Sep-
17 tember 30, 1996.

18 (c) REPORT.—The Director shall provide a plan for
19 the implementation of subsection (b) of this section, no
20 later than December 31, 1995, to the Committee on
21 Science of the House of Representatives and the Commit-
22 tee on Commerce, Science, and Transportation and the
23 Committee on Labor and Human Resources of the Senate.

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