

105TH CONGRESS  
1ST SESSION

# S. 1046

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

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## IN THE SENATE OF THE UNITED STATES

JULY 22, 1997

Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. FRIST, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## 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,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “National Science  
5        Foundation Authorization Act of 1997”.

6        **SEC. 2. DEFINITIONS.**

7        In this Act:

8                (1) DIRECTOR.—The term “Director” means  
9        the Director of the National Science Foundation es-

1        established under section 2 of the National Science  
2        Foundation Act of 1950 (42 U.S.C. 1861).

3            (2) FOUNDATION.—The term “Foundation”  
4        means the National Science Foundation established  
5        under section 2 of the National Science Foundation  
6        Act of 1950 (42 U.S.C. 1861).

7            (3) BOARD.—The term “Board” means the Na-  
8        tional Science Board established under section 2 of  
9        the National Science Foundation Act of 1950 (42  
10       U.S.C. 1861).

11           (4) UNITED STATES.—The term “United  
12        States” means the several States, the District of Co-  
13        lumbia, the Commonwealth of Puerto Rico, the Vir-  
14        gin Islands, Guam, American Samoa, the Common-  
15        wealth of the Northern Mariana Islands, and any  
16        other territory or possession of the United States.

17        **TITLE I—NATIONAL SCIENCE**  
18        **FOUNDATION AUTHORIZATION**

19        **SEC. 101. FINDINGS; CORE STRATEGIES.**

20           (a) FINDINGS.—Congress finds the following:

21            (1) The United States depends upon its sci-  
22        entific and technological capabilities to preserve the  
23        military and economic security of the United States.

1           (2) America’s leadership in the global market-  
2 place is dependent upon a strong commitment to  
3 education, basic research, and development.

4           (3) A nation that is not technologically literate  
5 cannot compete in the emerging global economy.

6           (4) A coordinated commitment to mathematics  
7 and science instruction at all levels of education is  
8 a necessary component of successful efforts to  
9 produce technologically literate citizens.

10          (5) Professional development is a necessary  
11 component of efforts to produce system wide im-  
12 provements in mathematics, engineering, and science  
13 education in secondary, elementary, and postsecond-  
14 ary settings.

15          (6)(A) The mission of the National Science  
16 Foundation is to provide Federal support for basic  
17 scientific and engineering research, and to be a pri-  
18 mary contributor to mathematics, science, and engi-  
19 neering education at academic institutions in the  
20 United States.

21          (B) In accordance with such mission, the long-  
22 term goals of the National Science Foundation in-  
23 clude providing leadership to—

24                 (i) enable the United States to maintain a  
25 position of world leadership in all aspects of

1 science, mathematics, engineering, and tech-  
2 nology;

3 (ii) promote the discovery, integration, dis-  
4 semination, and application of new knowledge  
5 in service to society; and

6 (iii) achieve excellence in United States  
7 science, mathematics, engineering, and tech-  
8 nology education at all levels.

9 (b) CORE STRATEGIES.—In carrying out activities  
10 designed to achieve the goals described in subsection (a),  
11 the Foundation shall use the following core strategies:

12 (1) Develop intellectual capital, both people and  
13 ideas, with particular emphasis on groups and re-  
14 gions that traditionally have not participated fully in  
15 science, mathematics, and engineering.

16 (2) Strengthen the scientific infrastructure by  
17 investing in facilities planning and modernization,  
18 instrument acquisition, instrument design and devel-  
19 opment, and shared-use research platforms.

20 (3) Integrate research and education through  
21 activities that emphasize and strengthen the natural  
22 connections between learning and inquiry.

23 (4) Promote partnerships with industry, ele-  
24 mentary and secondary schools, community colleges,  
25 colleges and universities, other agencies, State and

1 local governments, and other institutions involved in  
2 science, mathematics, and engineering to enhance  
3 the delivery of math and science education and im-  
4 prove the technological literacy of the citizens of the  
5 United States.

6 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) FISCAL YEAR 1998.—

8 (1) IN GENERAL.—There are authorized to be  
9 appropriated to the Foundation \$3,505,630,000 for  
10 fiscal year 1998.

11 (2) SPECIFIC ALLOCATIONS.—Of the amount  
12 authorized under paragraph (1)—

13 (A) \$2,563,330,000 shall be made avail-  
14 able to carry out Research and Related Activi-  
15 ties, of which—

16 (i) \$330,820,000 shall be made avail-  
17 able for Biological Sciences;

18 (ii) \$289,170,000 shall be made avail-  
19 able for Computer and Information Science  
20 and Engineering;

21 (iii) \$360,470,000 shall be made  
22 available for Engineering;

23 (iv) \$452,610,000 shall be made avail-  
24 able for Geosciences;

1 (v) \$715,710,000 shall be made avail-  
2 able for Mathematical and Physical  
3 Sciences;

4 (vi) \$129,660,000 shall be made avail-  
5 able for Social, Behavioral, and Economic  
6 Sciences;

7 (vii) \$165,930,000 shall be made  
8 available for United States Polar Research  
9 Programs;

10 (viii) \$62,600,000 shall be made avail-  
11 able for United States Antarctic Logistical  
12 Support Activities;

13 (ix) \$2,730,000 shall be made avail-  
14 able for the Critical Technologies Institute;  
15 and

16 (x) \$20,000,000 shall be made avail-  
17 able for the Next Generation Internet pro-  
18 gram;

19 (B) \$645,500,000 shall be made available  
20 to carry out Education and Human Resources  
21 Activities;

22 (C) \$155,000,000 shall be made available  
23 for Major Research Equipment;

24 (D) \$136,950,000 shall be made available  
25 for Salaries and Expenses; and

1 (E) \$4,850,000 shall be made available for  
 2 the Office of Inspector General.

3 (b) FISCAL YEAR 1999.—

4 (1) IN GENERAL.—There are authorized to be  
 5 appropriated to the Foundation \$3,636,245,000 for  
 6 fiscal year 1999.

7 (2) SPECIFIC ALLOCATIONS.—Of the amount  
 8 authorized under paragraph (1)—

9 (A) \$2,720,000,000 shall be made avail-  
 10 able to carry out Research and Related Activi-  
 11 ties, including \$25,000,000 for the Next Gen-  
 12 eration Internet program;

13 (B) \$684,245,000 shall be made available  
 14 to carry out Education and Human Resources  
 15 Activities;

16 (C) \$90,000,000 shall be made available  
 17 for Major Research Equipment;

18 (D) \$137,000,000 shall be made available  
 19 for Salaries and Expenses; and

20 (E) \$5,000,000 shall be made available for  
 21 the Office of Inspector General.

22 **SEC. 103. PROPORTIONAL REDUCTION OF RESEARCH AND**  
 23 **RELATED ACTIVITIES AMOUNTS.**

24 If the amount appropriated pursuant to subsection  
 25 (a)(1)(A) or (b)(1)(A) of section 102 is less than the

1 amount authorized under that subsection, the amount  
2 available for each of the activities described in clauses (i)  
3 through (x) of subsection (a)(2)(A) of section 102 shall  
4 be reduced by the same proportion.

5 **SEC. 104. CONSULTATION AND REPRESENTATION EX-**  
6 **PENSES.**

7 From appropriations made under authorizations pro-  
8 vided in this Act, not more than \$10,000 may be used  
9 in each fiscal year for official consultation, representation,  
10 or other extraordinary expenses. The Director shall have  
11 the discretion to determine the expenses (as described in  
12 this section) for which the funds described in this section  
13 shall be used. Such a determination by the Director shall  
14 be final and binding on the accounting officers of the Fed-  
15 eral Government.

16 **TITLE II—GENERAL PROVISIONS**

17 **SEC. 201. NATIONAL RESEARCH FACILITIES.**

18 (a) FACILITIES PLAN.—

19 (1) IN GENERAL.—Not later than February 1,  
20 of each year, the Director shall, as part of the an-  
21 nual budget request, prepare and submit to Con-  
22 gress a plan for the proposed construction of, and  
23 repair and upgrades to, national research facilities.

24 (2) CONTENTS OF THE PLAN.—The plan shall  
25 include—

1 (A) estimates of the costs for the construc-  
2 tion, repairs, and upgrades described in para-  
3 graph (1);

4 (B) estimates of the costs for the operation  
5 and maintenance of existing and proposed new  
6 facilities; and

7 (C) in the case of proposed new construc-  
8 tion and for major upgrades to existing facili-  
9 ties, funding profiles, by fiscal year, and mile-  
10 stones for major phases of the construction.

11 (3) SPECIAL RULE.—The plan shall include cost  
12 estimates in the categories of construction, repair,  
13 and upgrades—

14 (A) for the year in which the plan is sub-  
15 mitted to Congress; and

16 (B) for not fewer than the succeeding 4  
17 years.

18 (b) STATUS OF FACILITIES UNDER CONSTRUC-  
19 TION.—The plan required under subsection (a) shall in-  
20 clude a status report for each uncompleted construction  
21 project. The status report shall include data on cumulative  
22 construction costs by project compared with estimated  
23 costs, and shall compare the current and original sched-  
24 ules for achievement of milestones for the major phases  
25 of the construction.

1 (c) LIMITATION ON OBLIGATION OF UNAUTHORIZED  
2 APPROPRIATIONS.—

3 (1) IN GENERAL.—No funds appropriated for  
4 any major research equipment project that involves  
5 construction of new national research facilities or  
6 construction necessary for upgrading the capabilities  
7 of existing national research facilities shall be obli-  
8 gated—

9 (A) unless the funds are specifically au-  
10 thorized for such purpose by this Act or any  
11 other Act which is not an appropriations Act; or

12 (B) unless the total estimated cost to the  
13 Foundation of the construction project is less  
14 than \$50,000,000.

15 (2) APPLICATION.—This subsection shall not  
16 apply to construction projects approved by the  
17 Board prior to June 30, 1997.

18 **SEC. 202. ADMINISTRATIVE AMENDMENTS.**

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

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

23 (A) by striking “the appropriate rate pro-  
24 vided for individuals in grade GS–18 of the  
25 General Schedule under section 5332” and in-

1           serting “the maximum rate payable under sec-  
2           tion 5376”; and

3                   (B) by redesignating the second subsection  
4           (k) as subsection (l);

5           (2) in section 5(e) (42 U.S.C. 1864(e)) by  
6           striking paragraph (2), and inserting the following:

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

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

15                   (A) by striking “shall receive” and insert-  
16           ing “shall be entitled to receive”;

17                   (B) by striking “the rate specified for the  
18           daily rate for GS–18 of the General Schedule  
19           under section 5332” and inserting “the maxi-  
20           mum rate payable under section 5376”; and

21                   (C) by adding at the end the following:

22           “For the purposes of determining the payment  
23           of compensation under this subsection, the time  
24           spent in travel by any member of the Board or  
25           any member of a special commission shall be

1           deemed as time engaged in the business of the  
2           Foundation. Members of the Board and mem-  
3           bers of special commissions may waive com-  
4           pensation and reimbursement for traveling ex-  
5           penses.”; and

6           (4) in section 15(a) (42 U.S.C. 1874(a)), by  
7           striking “Atomic Energy Commission” and inserting  
8           “Secretary of Energy”.

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

14          (c) NATIONAL SCIENCE FOUNDATION AUTHORIZA-  
15          TION ACT OF 1988 AMENDMENTS.—Section 117(a) of the  
16          National Science Foundation Authorization Act of 1988  
17          (42 U.S.C. 1881b(a)) is amended—

18                 (1) by striking paragraph (1)(B)(v) and insert-  
19                 ing the following:

20                         “(v) from schools established outside the several  
21                         States and the District of Columbia by any agency  
22                         of the Federal Government for dependents of the  
23                         employees of such agency.”; and

1           (2) in paragraph (3)(A) by striking “Science  
2           and Engineering Education” and inserting “Edu-  
3           cation and Human Resources”.

4           (d) SCIENCE AND ENGINEERING EQUAL OPPORTUNI-  
5 TIES ACT AMENDMENTS.—The Science and Engineering  
6 Equal Opportunities Act (42 U.S.C. 1885 et seq.) is  
7 amended—

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

9                   (A) by striking the section heading and in-  
10                   serting the following:

11           “PARTICIPATION IN SCIENCE AND ENGINEERING OF  
12           MINORITIES AND PERSONS WITH DISABILITIES”; and

13                   (B) by striking subsection (b) and insert-  
14                   ing the following:

15           “(b) The Foundation is authorized to undertake or  
16           support programs and activities to encourage the partici-  
17           pation of persons with disabilities in the science and engi-  
18           neering professions.”; and

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

20                   (A) in subsection (a), by striking “minori-  
21                   ties,” and all that follows through “in sci-  
22                   entific” and inserting “minorities, and persons  
23                   with disabilities in scientific”;

24                   (B) in subsection (b)—

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

3 (ii) by striking the second sentence  
4 and inserting the following: “In addition,  
5 the Chairman of the National Science  
6 Board may designate a member of the  
7 Board as a member of the Committee.”;

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

9 (D) by inserting after subsection (b) the  
10 following:

11 “(c) The Committee shall be responsible for reviewing  
12 and evaluating all Foundation matters relating to opportu-  
13 nities for the participation in, and the advancement of,  
14 women, minorities, and persons with disabilities in edu-  
15 cation, training, and science and engineering research pro-  
16 grams.”;

17 (E) by redesignating subsections (e) and  
18 (f) as subsections (d) and (e), respectively; and

19 (F) in subsection (d), as so redesignated  
20 by subparagraph (E), by striking “additional”.

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

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

2 (a) **MATCHING FUNDS.**—Matching funds required  
3 pursuant to section 204(a)(2)(C) of the Academic Re-  
4 search Facilities 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 under Office  
7 of Management and Budget Circular A–21.

8 (b) **REPORT.**—

9 (1) **IN GENERAL.**—The Director of the Office of  
10 Science and Technology Policy, in consultation with  
11 other Federal agencies the Director deems appro-  
12 priate, shall prepare a report—

13 (A) analyzing the Federal indirect cost re-  
14 imbursement rates (as the term is defined in  
15 Office of Management and Budget Circular A–  
16 21) paid to universities in comparison with  
17 Federal indirect cost reimbursement rates paid  
18 to other entities, such as industry, government  
19 laboratories, research hospitals, and non-profit  
20 institutions;

21 (B)(i) analyzing the distribution of the  
22 Federal indirect cost reimbursement rates by  
23 category (such as administration, facilities, util-  
24 ities, and libraries), and by the type of entity;  
25 and

1 (ii) determining what factors, including the  
2 type of research, influence the distribution;

3 (C) analyzing the impact, if any, that  
4 changes in Office of Management and Budget  
5 Circular A-21 have had on—

6 (i) the Federal indirect cost reim-  
7 bursement rates, the rate of change of the  
8 Federal indirect cost reimbursement rates,  
9 the distribution by category of the Federal  
10 indirect cost reimbursement rates, and the  
11 distribution by type of entity of the Fed-  
12 eral indirect cost reimbursement rates; and

13 (ii) the Federal indirect cost reim-  
14 bursement (as calculated in accordance  
15 with Office of Management and Budget  
16 Circular A-21), the rate of change of the  
17 Federal indirect cost reimbursement, the  
18 distribution by category of the Federal in-  
19 direct cost reimbursement, and the dis-  
20 tribution by type of entity of the Federal  
21 indirect cost reimbursement;

22 (D) analyzing the impact, if any, of Fed-  
23 eral and State law on the Federal indirect cost  
24 reimbursement rates;

1           (E)(i) analyzing options to reduce or con-  
2           trol the rate of growth of the Federal indirect  
3           cost reimbursement rates, including options  
4           such as benchmarking of facilities and equip-  
5           ment cost, elimination of cost studies, man-  
6           dated percentage reductions in the Federal indi-  
7           rect cost reimbursement; and

8           (ii) assessing the benefits and burdens of  
9           the options to the Federal Government, re-  
10          search institutions, and researchers; and

11          (F) analyzing options for creating a  
12          database—

13               (i) for tracking the Federal indirect  
14               cost reimbursement rates and the Federal  
15               indirect cost reimbursement; and

16               (ii) for analyzing the impact that  
17               changes in policies with respect to Federal  
18               indirect cost reimbursement will have on  
19               the Federal Government, researchers, and  
20               research institutions.

21          (2) REPORT TO CONGRESS.—The report pre-  
22          pared under paragraph (1) shall be submitted to  
23          Congress not later than 1 year after the date of en-  
24          actment of this Act.

1 **SEC. 204. FINANCIAL DISCLOSURE.**

2 Persons temporarily employed by or at the Founda-  
3 tion shall be subject to the same financial disclosure re-  
4 quirements and related sanctions under the Ethics in Gov-  
5 ernment Act of 1978 (5 U.S.C. App) as are permanent  
6 employees of the Foundation in equivalent positions.

7 **SEC. 205. PROHIBITION ON LOBBYING.**

8 (a) IN GENERAL.—None of the funds authorized by  
9 this Act shall be made available for any activity whose pur-  
10 pose is to influence legislation pending before Congress.

11 (b) CONSTRUCTION.—Nothing in this section shall be  
12 construed as preventing officers or employees of the Fed-  
13 eral Government or of departments or agencies of the Fed-  
14 eral Government from communicating—

15 (1) to Members of Congress on the request of  
16 any Member; or

17 (2) to Congress, through the appropriate proce-  
18 dures, requests for legislation or appropriations  
19 which the officers or employees deem necessary for  
20 the efficient conduct of the business of the Federal  
21 Government.

22 **SEC. 206. NOTICE.**

23 (a) NOTICE OF REPROGRAMMING.—If any funds au-  
24 thorized by this Act are subject to a reprogramming action  
25 that requires notice to be provided to the Committee on  
26 Appropriations of the House of Representatives and the

1 Committee on Appropriations of the Senate, notice of such  
2 action shall concurrently be provided to the Committee on  
3 Science of the House of Representatives and the Commit-  
4 tee on Labor and Human Resources, and the Committee  
5 on Commerce, Science, and Transportation, of the Senate.

6 (b) NOTICE OF REORGANIZATION.—The Director  
7 shall provide notice to the Committee on Science, and the  
8 Committee on Appropriations, of the House of Represent-  
9 atives, and the Committee on Labor and Human Re-  
10 sources, the Committee on Commerce, Science, and Trans-  
11 portation, and the Committee on Appropriations, of the  
12 Senate, not later than 15 days before any major reorga-  
13 nization of any program, project, or activity of the Foun-  
14 dation.

15 **SEC. 207. ENHANCEMENT OF SCIENCE AND MATHEMATICS**  
16 **PROGRAMS.**

17 The Director shall, to the greatest extent practicable  
18 and consistent with governmentwide procedures or pro-  
19 grams, donate surplus computers and other research  
20 equipment to elementary and secondary education schools  
21 to enhance the science and mathematics programs of such  
22 schools. The Director shall report annually to the appro-  
23 priate committees of Congress on the donations made by  
24 the Director pursuant to this section.

○