

Calendar No. 310

105TH CONGRESS
1ST SESSION

S. 1046

[Report No. 105-110]

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

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

OCTOBER 15, 1997

Reported under authority of the order of the Senate of October 9, 1997, by Mr. JEFFORDS, without amendment

OCTOBER 20, 1997

Referred to the Committee on Commerce, Science, and Transportation pursuant to the order of March 3, 1988 for a period not to exceed 30 session days

FEBRUARY 12, 1998

Committee Discharged pursuant to the order of October 20, 1997; ordered to be placed on the calendar

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-
10 tablished under section 2 of the National Science
11 Foundation Act of 1950 (42 U.S.C. 1861).

12 (2) FOUNDATION.—The term “Foundation”
13 means the National Science Foundation established
14 under section 2 of the National Science Foundation
15 Act of 1950 (42 U.S.C. 1861).

16 (3) BOARD.—The term “Board” means the Na-
17 tional Science Board established under section 2 of
18 the National Science Foundation Act of 1950 (42
19 U.S.C. 1861).

20 (4) UNITED STATES.—The term “United
21 States” means the several States, the District of Co-
22 lumbia, the Commonwealth of Puerto Rico, the Vir-
23 gin Islands, Guam, American Samoa, the Common-
24 wealth of the Northern Mariana Islands, and any
25 other territory or possession of the United States.

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

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

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

5 (1) The United States depends upon its sci-
6 entific and technological capabilities to preserve the
7 military and economic security of the United States.

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

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

13 (4) A coordinated commitment to mathematics
14 and science instruction at all levels of education is
15 a necessary component of successful efforts to
16 produce technologically literate citizens.

17 (5) Professional development is a necessary
18 component of efforts to produce system wide im-
19 provements in mathematics, engineering, and science
20 education in secondary, elementary, and postsecond-
21 ary settings.

22 (6)(A) The mission of the National Science
23 Foundation is to provide Federal support for basic
24 scientific and engineering research, and to be a pri-
25 mary contributor to mathematics, science, and engi-

1 neering education at academic institutions in the
2 United States.

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

6 (i) enable the United States to maintain a
7 position of world leadership in all aspects of
8 science, mathematics, engineering, and tech-
9 nology;

10 (ii) promote the discovery, integration, dis-
11 semination, and application of new knowledge
12 in service to society; and

13 (iii) achieve excellence in United States
14 science, mathematics, engineering, and tech-
15 nology education at all levels.

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

19 (1) Develop intellectual capital, both people and
20 ideas, with particular emphasis on groups and re-
21 gions that traditionally have not participated fully in
22 science, mathematics, and engineering.

23 (2) Strengthen the scientific infrastructure by
24 investing in facilities planning and modernization,

1 instrument acquisition, instrument design and devel-
2 opment, and shared-use research platforms.

3 (3) Integrate research and education through
4 activities that emphasize and strengthen the natural
5 connections between learning and inquiry.

6 (4) Promote partnerships with industry, ele-
7 mentary and secondary schools, community colleges,
8 colleges and universities, other agencies, State and
9 local governments, and other institutions involved in
10 science, mathematics, and engineering to enhance
11 the delivery of math and science education and im-
12 prove the technological literacy of the citizens of the
13 United States.

14 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) FISCAL YEAR 1998.—

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

19 (2) SPECIFIC ALLOCATIONS.—Of the amount
20 authorized under paragraph (1)—

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

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

1 (ii) \$289,170,000 shall be made avail-
2 able for Computer and Information Science
3 and Engineering;

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

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

8 (v) \$715,710,000 shall be made avail-
9 able for Mathematical and Physical
10 Sciences;

11 (vi) \$129,660,000 shall be made avail-
12 able for Social, Behavioral, and Economic
13 Sciences;

14 (vii) \$165,930,000 shall be made
15 available for United States Polar Research
16 Programs;

17 (viii) \$62,600,000 shall be made avail-
18 able for United States Antarctic Logistical
19 Support Activities;

20 (ix) \$2,730,000 shall be made avail-
21 able for the Critical Technologies Institute;
22 and

23 (x) \$20,000,000 shall be made avail-
24 able for the Next Generation Internet pro-
25 gram;

1 (B) \$645,500,000 shall be made available
2 to carry out Education and Human Resources
3 Activities;

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

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

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

10 (b) FISCAL YEAR 1999.—

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

14 (2) SPECIFIC ALLOCATIONS.—Of the amount
15 authorized under paragraph (1)—

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

20 (B) \$684,245,000 shall be made available
21 to carry out Education and Human Resources
22 Activities;

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

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

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

5 **SEC. 103. PROPORTIONAL REDUCTION OF RESEARCH AND**
6 **RELATED ACTIVITIES AMOUNTS.**

7 If the amount appropriated pursuant to subsection
8 (a)(1)(A) or (b)(1)(A) of section 102 is less than the
9 amount authorized under that subsection, the amount
10 available for each of the activities described in clauses (i)
11 through (x) of subsection (a)(2)(A) of section 102 shall
12 be reduced by the same proportion.

13 **SEC. 104. 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. The Director shall have
19 the discretion to determine the expenses (as described in
20 this section) for which the funds described in this section
21 shall be used. Such a determination by the Director shall
22 be final and binding on the accounting officers of the Fed-
23 eral Government.

1 **TITLE II—GENERAL PROVISIONS**

2 **SEC. 201. NATIONAL RESEARCH FACILITIES.**

3 (a) FACILITIES PLAN.—

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

9 (2) CONTENTS OF THE PLAN.—The plan shall
10 include—

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

14 (B) estimates of the costs for the operation
15 and maintenance of existing and proposed new
16 facilities; and

17 (C) in the case of proposed new construc-
18 tion and for major upgrades to existing facili-
19 ties, funding profiles, by fiscal year, and mile-
20 stones for major phases of the construction.

21 (3) SPECIAL RULE.—The plan shall include cost
22 estimates in the categories of construction, repair,
23 and upgrades—

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

1 (B) for not fewer than the succeeding 4
2 years.

3 (b) STATUS OF FACILITIES UNDER CONSTRUC-
4 TION.—The plan required under subsection (a) shall in-
5 clude a status report for each uncompleted construction
6 project. The status report shall include data on cumulative
7 construction costs by project compared with estimated
8 costs, and shall compare the current and original sched-
9 ules for achievement of milestones for the major phases
10 of the construction.

11 (c) LIMITATION ON OBLIGATION OF UNAUTHORIZED
12 APPROPRIATIONS.—

13 (1) IN GENERAL.—No funds appropriated for
14 any major research equipment project that involves
15 construction of new national research facilities or
16 construction necessary for upgrading the capabilities
17 of existing national research facilities shall be obli-
18 gated—

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

22 (B) unless the total estimated cost to the
23 Foundation of the construction project is less
24 than \$50,000,000.

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

4 **SEC. 202. ADMINISTRATIVE AMENDMENTS.**

5 (a) NATIONAL SCIENCE FOUNDATION ACT OF 1950
6 AMENDMENTS.—The National Science Foundation Act of
7 1950 (42 U.S.C. 1861 et seq.) is amended—

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

9 (A) by striking “the appropriate rate pro-
10 vided for individuals in grade GS–18 of the
11 General Schedule under section 5332” and in-
12 serting “the maximum rate payable under sec-
13 tion 5376”; and

14 (B) by redesignating the second subsection
15 (k) as subsection (l);

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

18 “(2) Any delegation of authority or imposition of con-
19 ditions under paragraph (1) shall be promptly published
20 in the Federal Register and reported to the Committee
21 on Labor and Human Resources, and the Committee on
22 Commerce, Science, and Transportation, of the Senate
23 and the Committee on Science of the House of Represent-
24 atives.”;

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

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

3 (B) by striking “the rate specified for the
4 daily rate for GS-18 of the General Schedule
5 under section 5332” and inserting “the maxi-
6 mum rate payable under section 5376”; and

7 (C) by adding at the end the following:
8 “For the purposes of determining the payment
9 of compensation under this subsection, the time
10 spent in travel by any member of the Board or
11 any member of a special commission shall be
12 deemed as time engaged in the business of the
13 Foundation. Members of the Board and mem-
14 bers of special commissions may waive com-
15 pensation and reimbursement for traveling ex-
16 penses.”; and

17 (4) in section 15(a) (42 U.S.C. 1874(a)), by
18 striking “Atomic Energy Commission” and inserting
19 “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.—Section 117(a) of the
3 National Science Foundation Authorization Act of 1988
4 (42 U.S.C. 1881b(a)) is amended—

5 (1) by striking paragraph (1)(B)(v) and insert-
6 ing the following:

7 “(v) from schools established outside the several
8 States and the District of Columbia by any agency
9 of the Federal Government for dependents of the
10 employees of such agency.”; and

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

14 (d) SCIENCE AND ENGINEERING EQUAL OPPORTUNI-
15 TIES ACT AMENDMENTS.—The Science and Engineering
16 Equal Opportunities Act (42 U.S.C. 1885 et seq.) is
17 amended—

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

19 (A) by striking the section heading and in-
20 serting the following:

21 “PARTICIPATION IN SCIENCE AND ENGINEERING OF
22 MINORITIES AND PERSONS WITH DISABILITIES”;

23 and

24 (B) by striking subsection (b) and insert-
25 ing the following:

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

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

6 (A) in subsection (a), by striking “minoriti-
7 ties,” and all that follows through “in sci-
8 entific” and inserting “minorities, and persons
9 with disabilities in scientific”;

10 (B) in subsection (b)—

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

13 (ii) by striking the second sentence
14 and inserting the following: “In addition,
15 the Chairman of the National Science
16 Board may designate a member of the
17 Board as a member of the Committee.”;

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

19 (D) by inserting after subsection (b) the
20 following:

21 “(c) The Committee shall be responsible for reviewing
22 and evaluating all Foundation matters relating to opportu-
23 nities for the participation in, and the advancement of,
24 women, minorities, and persons with disabilities in edu-

1 cation, training, and science and engineering research pro-
2 grams.”;

3 (E) by redesignating subsections (e) and
4 (f) as subsections (d) and (e), respectively; and
5 (F) in subsection (d), as so redesignated
6 by subparagraph (E), by striking “additional”.

7 (e) TECHNICAL AMENDMENT.—The second sub-
8 section (g) of section 3 of the National Science Foundation
9 Act of 1950 is repealed.

10 **SEC. 203. INDIRECT COSTS.**

11 (a) MATCHING FUNDS.—Matching funds required
12 pursuant to section 204(a)(2)(C) of the Academic Re-
13 search Facilities Modernization Act of 1988 (42 U.S.C.
14 1862c(a)(2)(C)) shall not be considered facilities costs for
15 purposes of determining indirect cost rates under Office
16 of Management and Budget Circular A–21.

17 (b) REPORT.—

18 (1) IN GENERAL.—The Director of the Office of
19 Science and Technology Policy, in consultation with
20 other Federal agencies the Director deems appro-
21 priate, shall prepare a report—

22 (A) analyzing the Federal indirect cost re-
23 imbursement rates (as the term is defined in
24 Office of Management and Budget Circular A–
25 21) paid to universities in comparison with

1 Federal indirect cost reimbursement rates paid
2 to other entities, such as industry, government
3 laboratories, research hospitals, and non-profit
4 institutions;

5 (B)(i) analyzing the distribution of the
6 Federal indirect cost reimbursement rates by
7 category (such as administration, facilities, util-
8 ities, and libraries), and by the type of entity;
9 and

10 (ii) determining what factors, including the
11 type of research, influence the distribution;

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

15 (i) the Federal indirect cost reim-
16 bursement rates, the rate of change of the
17 Federal indirect cost reimbursement rates,
18 the distribution by category of the Federal
19 indirect cost reimbursement rates, and the
20 distribution by type of entity of the Fed-
21 eral indirect cost reimbursement rates; and

22 (ii) the Federal indirect cost reim-
23 bursement (as calculated in accordance
24 with Office of Management and Budget
25 Circular A-21), the rate of change of the

1 Federal indirect cost reimbursement, the
2 distribution by category of the Federal in-
3 direct cost reimbursement, and the dis-
4 tribution by type of entity of the Federal
5 indirect cost reimbursement;

6 (D) analyzing the impact, if any, of Fed-
7 eral and State law on the Federal indirect cost
8 reimbursement rates;

9 (E)(i) analyzing options to reduce or con-
10 trol the rate of growth of the Federal indirect
11 cost reimbursement rates, including options
12 such as benchmarking of facilities and equip-
13 ment cost, elimination of cost studies, man-
14 dated percentage reductions in the Federal indi-
15 rect cost reimbursement; and

16 (ii) assessing the benefits and burdens of
17 the options to the Federal Government, re-
18 search institutions, and researchers; and

19 (F) analyzing options for creating a data-
20 base—

21 (i) for tracking the Federal indirect
22 cost reimbursement rates and the Federal
23 indirect cost reimbursement; and

24 (ii) for analyzing the impact that
25 changes in policies with respect to Federal

1 indirect cost reimbursement will have on
2 the Federal Government, researchers, and
3 research institutions.

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

8 **SEC. 204. FINANCIAL DISCLOSURE.**

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

14 **SEC. 205. PROHIBITION ON LOBBYING.**

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

18 (b) CONSTRUCTION.—Nothing in this section shall be
19 construed as preventing officers or employees of the Fed-
20 eral Government or of departments or agencies of the Fed-
21 eral Government from communicating—

22 (1) to Members of Congress on the request of
23 any Member; or

24 (2) to Congress, through the appropriate proce-
25 dures, requests for legislation or appropriations

1 which the officers or employees deem necessary for
2 the efficient conduct of the business of the Federal
3 Government.

4 **SEC. 206. NOTICE.**

5 (a) NOTICE OF REPROGRAMMING.—If any funds au-
6 thorized by this Act are subject to a reprogramming action
7 that requires notice to be provided to the Committee on
8 Appropriations of the House of Representatives and the
9 Committee on Appropriations of the Senate, notice of such
10 action shall concurrently be provided to the Committee on
11 Science of the House of Representatives and the Commit-
12 tee on Labor and Human Resources, and the Committee
13 on Commerce, Science, and Transportation, of the Senate.

14 (b) NOTICE OF REORGANIZATION.—The Director
15 shall provide notice to the Committee on Science, and the
16 Committee on Appropriations, of the House of Represent-
17 atives, and the Committee on Labor and Human Re-
18 sources, the Committee on Commerce, Science, and Trans-
19 portation, and the Committee on Appropriations, of the
20 Senate, not later than 15 days before any major reorga-
21 nization of any program, project, or activity of the Foun-
22 dation.

1 **SEC. 207. ENHANCEMENT OF SCIENCE AND MATHEMATICS**
2 **PROGRAMS.**

3 The Director shall, to the greatest extent practicable
4 and consistent with governmentwide procedures or pro-
5 grams, donate surplus computers and other research
6 equipment to elementary and secondary education schools
7 to enhance the science and mathematics programs of such
8 schools. The Director shall report annually to the appro-
9 priate committees of Congress on the donations made by
10 the Director pursuant to this section.

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