

**Union Calendar No. 124**

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 1852**

[Report No. 104-231]

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**A BILL**

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

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AUGUST 4, 1995

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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## 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

AUGUST 4, 1995

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 June 15, 1995]

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## 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 Foun-*  
5 *dation Authorization Act of 1995”.*

1 **SEC. 2. DEFINITIONS.**

2 *For purposes of this Act—*

3 *(1) the term “Director” means the Director of the*  
4 *Foundation;*

5 *(2) the term “Foundation” means the National*  
6 *Science Foundation;*

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

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

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

22 **TITLE I—NATIONAL SCIENCE**  
23 **FOUNDATION AUTHORIZATION**

24 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

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

6           (2) *the primary mission of the Foundation con-*  
7 *tinues to be the support of basic scientific research*  
8 *and science education and the support of research*  
9 *fundamental to the engineering process and engineer-*  
10 *ing education; and*

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

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

18           (1) *Research and Related Activities,*  
19 *\$2,226,300,000, which shall be available for the fol-*  
20 *lowing subcategories:*

21                   (A) *Mathematical and Physical Sciences,*  
22 *\$632,200,000.*

23                   (B) *Engineering, \$311,600,000.*

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

25                   (D) *Geosciences, \$408,800,000.*

1                   (E) *Computer and Information Science and*  
2                   *Engineering, \$249,500,000.*

3                   (F) *Social, Behavioral, and Economic*  
4                   *Sciences, \$111,300,000.*

5                   (G) *United States Polar Research Pro-*  
6                   *grams, \$156,000,000.*

7                   (H) *United States Antarctic Logistical*  
8                   *Support Activities, \$62,600,000.*

9                   (I) *Critical Technologies Institute,*  
10                  *\$1,000,000.*

11                  (2) *Education and Human Resources Activities,*  
12                  *\$600,000,000.*

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

14                  (4) *Academic Research Facilities Modernization,*  
15                  *\$100,000,000.*

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

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

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

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

23                  (1) *Research and Related Activities,*  
24                  *\$2,286,200,000.*

1           (2) *Education and Human Resources Activities,*  
2           *\$600,000,000.*

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

4           (4) *Academic Research Facilities Modernization,*  
5           *\$100,000,000.*

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

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

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

9   **SEC. 102. PROPORTIONAL REDUCTION OF RESEARCH AND**  
10                                   **RELATED ACTIVITIES AMOUNTS.**

11       *If the amount appropriated pursuant to section*  
12 *101(b)(1) is less than the amount authorized under that*  
13 *paragraph, the amount authorized for each subcategory*  
14 *under that paragraph shall be reduced by the same propor-*  
15 *tion.*

16   **SEC. 103. CONSULTATION AND REPRESENTATION EX-**  
17                                   **PENSES.**

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

1 **SEC. 104. REPROGRAMMING.**

2       (a) *\$500,000 OR LESS.*—In any given fiscal year, the  
3 Director may transfer appropriated funds among the  
4 subcategories of Research and Related Activities, so long as  
5 the net funds transferred to or from any subcategory do not  
6 exceed \$500,000.

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

17 **SEC. 105. FURTHER AUTHORIZATIONS.**

18       *Nothing in this Act shall preclude further authoriza-*  
19 *tion of appropriations for the National Science Foundation*  
20 *for fiscal year 1996: Provided, That authorization alloca-*  
21 *tions adopted by the Conference Committee on House Con-*  
22 *current Resolution 67, and approved by Congress, allow for*  
23 *such further authorizations.*

1 **TITLE II—GENERAL PROVISIONS**

2 **SEC. 201. ANNUAL REPORT.**

3 *Section 3(f) of the National Science Foundation Act*  
4 *of 1950 (42 U.S.C. 1862(f)) is amended to read as follows:*

5 *“(f) The Foundation shall provide an annual report*  
6 *to the President which shall be submitted by the Director*  
7 *to the Congress at the time of the President’s annual budget*  
8 *submission. The report shall—*

9 *“(1) contain a strategic plan, or an update to a*  
10 *previous strategic plan, which—*

11 *“(A) defines for a three-year period the*  
12 *overall goals for the Foundation and specific*  
13 *goals for each major activity of the Foundation,*  
14 *including each scientific directorate, the edu-*  
15 *cation directorate, and the polar programs office;*  
16 *and*

17 *“(B) describe how the identified goals relate*  
18 *to national needs and will exploit new opportu-*  
19 *nities in science and technology;*

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

24 *“(3) review the activities of the Foundation dur-*  
25 *ing the preceding year which have contributed toward*

1        *achievement of goals identified in accordance with*  
2        *paragraph (1) and summarize planned activities for*  
3        *the coming three years in the context of the identified*  
4        *goals, with particular emphasis on the Foundation’s*  
5        *planned contributions to major multi-agency research*  
6        *and education initiatives;*

7                *“(4) contain such recommendations as the Foun-*  
8        *dation considers appropriate; and*

9                *“(5) include information on the acquisition and*  
10        *disposition by the Foundation of any patents and*  
11        *patent rights.”.*

12        **SEC. 202. NATIONAL RESEARCH FACILITIES.**

13                *(a) FACILITIES PLAN.—The Director shall provide to*  
14        *Congress annually, as a part of the report required under*  
15        *section 3(f) of the National Science Foundation Act of 1950,*  
16        *a plan for the proposed construction of, and repair and up-*  
17        *grades to, national research facilities. The plan shall in-*  
18        *clude estimates of the cost for such construction, repairs,*  
19        *and upgrades, and estimates of the cost for the operation*  
20        *and maintenance of existing and proposed new facilities.*  
21        *For proposed new construction and for major upgrades to*  
22        *existing facilities, the plan shall include funding profiles*  
23        *by fiscal year and milestones for major phases of the con-*  
24        *struction. The plan shall include cost estimates in the cat-*  
25        *egories of construction, repair, and upgrades for the year*

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

3 *(b) LIMITATION ON OBLIGATION OF UNAUTHORIZED*  
4 *APPROPRIATIONS.—No funds appropriated for any project*  
5 *which involves construction of new national research facili-*  
6 *ties or construction necessary for upgrading the capabilities*  
7 *of existing national research facilities shall be obligated un-*  
8 *less the funds are specifically authorized for such purpose*  
9 *by this Act or any other Act which is not an appropriations*  
10 *Act, or unless the total estimated cost to the Foundation*  
11 *of the construction project is less than \$50,000,000. This*  
12 *subsection shall not apply to construction projects approved*  
13 *by the National Science Board prior to June 30, 1994.*

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

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

22 **SEC. 204. 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) by redesignating the subsection (k) of section  
2           4 (42 U.S.C. 1863(k)) that was added by section 108  
3           of the National Science Foundation Authorization Act  
4           of 1988 as subsection (l);

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

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 Committees on  
10          Labor and Human Resources and Commerce, Science, and  
11          Transportation of the Senate and the Committee on Science  
12          of the House of Representatives.”;

13          (3) by inserting “be entitled to” between “shall”  
14          and “receive”, and by inserting “, including travel-  
15          time,” after “Foundation” in section 14(c) (42 U.S.C.  
16          1873(c));

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

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

22          (b) NATIONAL SCIENCE FOUNDATION AUTHORIZATION  
23          ACT, 1976 AMENDMENTS.—Section 6(a) of the National  
24          Science Foundation Authorization Act, 1976 (42 U.S.C.

1 1881a(a)) is amended by striking “social,” the first place  
2 it appears.

3 (c) NATIONAL SCIENCE FOUNDATION AUTHORIZATION  
4 ACT OF 1988 AMENDMENTS.—(1) Section 117(a)(1)(B)(v)  
5 of the National Science Foundation Authorization Act of  
6 1988 (42 U.S.C. 1881b(1)(B)(v)) is amended to read as  
7 follows:

8 “(v) from schools established outside the several  
9 States and the District of Columbia by any agency of  
10 the Federal Government for dependents of its employ-  
11 ees.”.

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

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

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

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

23 (a) MATCHING FUNDS.—Matching funds required pur-  
24 suant to section 204(a)(2)(C) of the Academic Research Fa-  
25 cilities Modernization Act of 1988 (42 U.S.C.

1 1862c(a)(2)(C)) shall not be considered facilities costs for  
2 purposes of determining indirect cost rates.

3 (b) REPORT.—The Director of the Office of Science and  
4 Technology Policy, in consultation with other relevant  
5 agencies, shall prepare a report analyzing what steps would  
6 be needed to—

7 (1) reduce by 10 percent the proportion of Fed-  
8 eral assistance to institutions of higher education that  
9 are allocated for indirect costs; and

10 (2) reduce the variance among indirect cost rates  
11 of different institutions of higher education,  
12 including an evaluation of the relative benefits and burdens  
13 of each option on institutions of higher education. Such re-  
14 port shall be transmitted to the Congress no later than De-  
15 cember 31, 1995.

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

17 The Foundation shall incorporate the guidelines set  
18 forth in Important Notice No. 91, dated March 11, 1983  
19 (48 Fed. Reg. 15754, April 12, 1983), relating to the use  
20 and operation of Foundation-supported research instru-  
21 mentation and facilities, in its notice of Grant General  
22 Conditions, and shall examine more closely the adherence  
23 of grantee organizations to such guidelines.

1 **SEC. 207. FINANCIAL DISCLOSURE.**

2 *Persons temporarily employed by or at the Foundation*  
3 *shall be subject to the same financial disclosure require-*  
4 *ments and related sanctions under the Ethics in Govern-*  
5 *ment Act of 1978 as are permanent employees of the Foun-*  
6 *dation in equivalent positions.*

7 **SEC. 208. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE**  
8 **DUTY.**

9 *In order to be eligible to receive funds from the Foun-*  
10 *dation after September 30, 1995, an institution of higher*  
11 *education must provide that whenever any student of the*  
12 *institution who is a member of the National Guard, or other*  
13 *reserve component of the Armed Forces of the United States,*  
14 *is called or ordered to active duty, other than active duty*  
15 *for training, the institution shall grant the member a mili-*  
16 *tary leave of absence from their education. Persons on mili-*  
17 *tary leave of absence from their institution shall be entitled,*  
18 *upon release from military duty, to be restored to the edu-*  
19 *cational status they had attained prior to their being or-*  
20 *dered to military duty without loss of academic credits*  
21 *earned, scholarships or grants awarded, or tuition and*  
22 *other fees paid prior to the commencement of the military*  
23 *duty. It shall be the duty of the institution to refund tuition*  
24 *or fees paid or to credit the tuition and fees to the next*  
25 *semester or term after the termination of the educational*  
26 *military leave of absence at the option of the student.*

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

2 *None of the funds authorized by this Act shall be avail-*  
3 *able for any activity whose purpose is to influence legisla-*  
4 *tion pending before the Congress, provided that this shall*  
5 *not prevent officers or employees of the United States or*  
6 *of its departments or agencies from communicating to Mem-*  
7 *bers of Congress on the request of any Member or to Con-*  
8 *gress, through the proper channels, requests for legislation*  
9 *or appropriations which they deem necessary for the effi-*  
10 *cient conduct of the public business.*

11 **SEC. 210. SCIENCE STUDIES INSTITUTE.**

12 *(a) AMENDMENT.—Section 822 of the National Defense*  
13 *Authorization Act for Fiscal 1991 (42 U.S.C. 6686) is*  
14 *amended—*

15 *(1) by striking “Critical Technologies Institute”*  
16 *in the section heading and in subsection (a), and in-*  
17 *serting in lieu thereof “Science Studies Institute”;*

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

21 *(3) by striking subsection (c), and redesignating*  
22 *subsections (d), (e), (f), and (g) as subsections (c), (d),*  
23 *(e), and (f), respectively;*

24 *(4) in subsection (c), as so redesignated by para-*  
25 *graph (3) of this subsection—*

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

3           (B) by striking “with particular emphasis”  
4           in paragraph (1) and all that follows through  
5           the end of such paragraph and inserting in lieu  
6           thereof “and developing and maintaining rel-  
7           evant informational and analytical tools.”;

8           (C) by striking “to determine” and all that  
9           follows through “technology policies” in para-  
10          graph (2) and inserting in lieu thereof “with  
11          particular attention to the scope and content of  
12          the Federal science and technology research and  
13          develop portfolio as it affects interagency and  
14          national issues”;

15          (D) by amending paragraph (3) to read as  
16          follows:

17          “(3) Initiation of studies and analysis of alter-  
18          natives available for ensuring the long-term strength  
19          of the United States in the development and applica-  
20          tion of science and technology, including appropriate  
21          roles for the Federal Government, State governments,  
22          private industry, and institutions of higher education  
23          in the development and application of science and  
24          technology.”;

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

3           (F) by amending paragraph (4)(B) to read  
4           as follows:

5           “(B) to the interagency committees and  
6           panels of the Federal Government concerned with  
7           science and technology.”;

8           (5) in subsection (d), as so redesignated by para-  
9           graph (3) of this subsection, by striking “subsection  
10          (d)” and inserting in lieu thereof “subsection (c)”;  
11          and

12          (6) by amending subsection (f), as so redesign-  
13          ated by paragraph (3) of this subsection, to read as  
14          follows:

15          “(f) *SPONSORSHIP.*—The Director of the Office of  
16          Science and Technology Policy shall be the sponsor of the  
17          Institute.”.

18          (b) *CONFORMING USAGE.*—All references in Federal  
19          law or regulations to the Critical Technologies Institute  
20          shall be considered to be references to the Science Studies  
21          Institute.

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

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

24                  (1) Federal research funds made available to in-  
25                  stitutions of higher education often create incentives

1        *for such institutions to emphasize research over un-*  
2        *dergraduate teaching and to narrow the focus of their*  
3        *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 a*  
13       *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 any*  
16       *grant or cooperative agreement awarded after September*  
17       *30, 1996.*

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

1 **SEC. 212. DIVISIONS OF THE FOUNDATION.**

2 (a) *AMENDMENT.*—Section 8 of the National Science  
3 Foundation Act of 1950 (42 U.S.C. 1866) is amended by  
4 inserting “The Director may appoint, in consultation with  
5 the Board, not more than 6 Assistant Directors to assist  
6 in managing the Divisions.” after “time to time deter-  
7 mine.”.

8 (b) *REPORT.*—By November 15, 1995, the Director  
9 shall transmit to the Congress a report on the reorganiza-  
10 tion of the National Science Foundation required as a re-  
11 sult of the amendment made by subsection (a).

12 **SEC. 213. LIMITATION ON APPROPRIATIONS.**

13 (a) *EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR*  
14 *1996.*—Notwithstanding any other provision of law, no  
15 sums are authorized to be appropriated for fiscal year 1996  
16 for the activities of the National Science Foundation unless  
17 such sums are specifically authorized to be appropriated by  
18 this Act.

19 (b) *SUBSEQUENT FISCAL YEARS.*—No sums are au-  
20 thorized to be appropriated for any fiscal year after fiscal  
21 year 1996 for the activities of the National Science Founda-  
22 tion unless such sums are specifically authorized to be ap-  
23 propriated by Act of Congress with respect to such fiscal  
24 year.

1 **SEC. 214. ELIGIBILITY FOR AWARDS.**

2       (a) *IN GENERAL.*—The Director shall exclude from  
3 consideration for awards of financial assistance made by  
4 the National Science Foundation after fiscal year 1995 any  
5 person who received funds, other than those described in  
6 subsection (b), appropriated for a fiscal year after fiscal  
7 year 1995, from any Federal funding source for a project  
8 that was not subjected to a competitive, merit-based award  
9 process. Any exclusion from consideration pursuant to this  
10 section shall be effective for a period of 5 years after the  
11 person receives such Federal funds.

12       (b) *EXCEPTION.*—Subsection (a) shall not apply to  
13 awards to persons who are members of a class specified by  
14 law for which assistance is awarded to members of the class  
15 according to a formula provided by law.

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