

laborative Consortia, transfer of technology to private sector and others, reports on activities, and authorization of appropriations.

1995—Subsec. (d). Pub. L. 104-66 amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “Within one year after December 9, 1991, and every year thereafter, the Secretary of Energy shall transmit to the Congress a report on activities taken to carry out this chapter.”

§ 5524. Department of Commerce activities

(a) General responsibilities

As part of the Program described in subchapter I of this chapter—

(1) the National Institute of Standards and Technology shall—

(A) conduct basic and applied measurement research needed to support various high-performance computing systems and networks;

(B) develop and propose standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computing systems in networks and for common user interfaces to systems; and

(C) be responsible for developing benchmark tests and standards for high-performance computing systems and software; and

(2) the National Oceanic and Atmospheric Administration shall conduct basic and applied research in weather prediction and ocean sciences, particularly in development of new forecast models, in computational fluid dynamics, and in the incorporation of evolving computer architectures and networks into the systems that carry out agency missions.

(b) High-performance computing and network security

Pursuant to the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724), the National Institute of Standards and Technology shall be responsible for developing and proposing standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems.

(c) Study of impact of Federal procurement regulations

(1) The Secretary of Commerce shall conduct a study to—

(A) evaluate the impact of Federal procurement regulations that require that contractors providing software to the Federal Government share the rights to proprietary software development tools that the contractors use to develop the software; and

(B) determine whether such regulations discourage development of improved software development tools and techniques.

(2) The Secretary of Commerce shall, within one year after December 9, 1991, report to the Congress regarding the results of the study conducted under paragraph (1).

(d) Authorization of appropriations

From sums otherwise authorized to be appropriated, there are authorized to be appropriated—

(1) to the National Institute of Standards and Technology for the purposes of the Pro-

gram \$3,000,000 for fiscal year 1992; \$4,000,000 for fiscal year 1993; \$5,000,000 for fiscal year 1994; \$6,000,000 for fiscal year 1995; and \$7,000,000 for fiscal year 1996; and

(2) to the National Oceanic and Atmospheric Administration for the purposes of the Program \$2,500,000 for fiscal year 1992; \$3,000,000 for fiscal year 1993; \$3,500,000 for fiscal year 1994; \$4,000,000 for fiscal year 1995; and \$4,500,000 for fiscal year 1996.

(Pub. L. 102-194, title II, §204, Dec. 9, 1991, 105 Stat. 1601.)

REFERENCES IN TEXT

The Computer Security Act of 1987, referred to in subsec. (b), is Pub. L. 100-235, Jan. 8, 1988, 101 Stat. 1724, which enacted sections 278g-3 and 278g-4 of this title, amended section 272 of this title and section 759 of former Title 40, Public Buildings, Property, and Works, and enacted provisions set out as notes under section 271 of this title and section 1441 of former Title 40. For complete classification of this Act to the Code, see Tables.

§ 5525. Environmental Protection Agency activities

(a) General responsibilities

As part of the Program described in subchapter I of this chapter, the Environmental Protection Agency shall conduct basic and applied research directed toward the advancement and dissemination of computational techniques and software tools which form the core of ecosystem, atmospheric chemistry, and atmospheric dynamics models.

(b) Authorization of appropriations

From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the Environmental Protection Agency for the purposes of the Program \$5,000,000 for fiscal year 1992; \$5,500,000 for fiscal year 1993; \$6,000,000 for fiscal year 1994; \$6,500,000 for fiscal year 1995; and \$7,000,000 for fiscal year 1996.

(Pub. L. 102-194, title II, §205, Dec. 9, 1991, 105 Stat. 1602.)

§ 5526. Role of Department of Education

(a) General responsibilities

As part of the Program described in subchapter I of this chapter, the Secretary of Education is authorized to conduct basic and applied research in computational research with an emphasis on the coordination of activities with libraries, school facilities, and education research groups with respect to the advancement and dissemination of computational science and the development, evaluation and application of software capabilities.

(b) Authorization of appropriations

From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the Department of Education for the purposes of this section \$1,500,000 for fiscal year 1992; \$1,700,000 for fiscal year 1993; \$1,900,000 for fiscal year 1994; \$2,100,000 for fiscal year 1995; and \$2,300,000 for fiscal year 1996.

(Pub. L. 102-194, title II, §206, Dec. 9, 1991, 105 Stat. 1602.)

§ 5527. Miscellaneous provisions**(a) Nonapplicability**

Except to the extent the appropriate Federal agency or department head determines, the provisions of this chapter shall not apply to—

(1) programs or activities regarding computer systems that process classified information; or

(2) computer systems the function, operation, or use of which are those delineated in paragraphs (1) through (5) of section 2315(a) of title 10.¹

(b) Acquisition of prototype and early production models

In accordance with Federal contracting law, Federal agencies and departments participating in the Program may acquire prototype or early production models of new high-performance computing systems and subsystems to stimulate hardware and software development. Items of computing equipment acquired under this subsection shall be considered research computers for purposes of applicable acquisition regulations.

(Pub. L. 102–194, title II, §207, Dec. 9, 1991, 105 Stat. 1602.)

§ 5528. Fostering United States competitiveness in high-performance computing and related activities**(a) Findings**

The Congress finds the following:

(1) High-performance computing and associated technologies are critical to the United States economy.

(2) While the United States has led the development of high-performance computing, United States industry is facing increasing global competition.

(3) Despite existing international agreements on fair competition and nondiscrimination in government procurements, there is increasing concern that such agreements are not being honored, that more aggressive enforcement of such agreements is needed, and that additional steps may be required to ensure fair global competition, particularly in high-technology fields such as high-performance computing and associated technologies.

(4) It is appropriate for Federal agencies and departments to use the funds authorized for the Program in a manner which most effectively fosters the maintenance and development of United States leadership in high-performance computers and associated technologies in and for the benefit of the United States.

(5) It is appropriate for Federal agencies and departments to use the funds authorized for the Program in a manner, consistent with the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.), which most effectively fosters reciprocal competitive procurement treatment by foreign governments for United States high-performance computing and associated technology products and suppliers.

¹ So in original. Section 2315 of title 10 does not contain a subsection. (a).

(b) Annual report**(1) Report**

The Director shall submit an annual report to Congress that identifies—

(A) any grant, contract, cooperative agreement, or cooperative research and development agreement (as defined under section 3710a(d)(1) of this title) made or entered into by any Federal agency or department for research and development under the Program with—

(i) any company other than a company that is either incorporated or located in the United States, and that has majority ownership by individuals who are citizens of the United States; or

(ii) any educational institution or non-profit institution located outside the United States; and

(B) any procurement exceeding \$1,000,000 by any Federal agency or department under the Program for—

(i) unmanufactured articles, materials, or supplies mined or produced outside the United States; or

(ii) manufactured articles, materials, or supplies other than those manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States,

under the meaning of chapter 83 of title 41.

(2) Consolidation of reports

The report required by this subsection may be included with the report required by section 5511(a)(3)(A)¹ of this title.

(c) Application of Buy American Act

This chapter does not affect the applicability of chapter 83 of title 41 to procurements by Federal agencies and departments undertaken as a part of the Program.

(Pub. L. 102–194, title II, §208, Dec. 9, 1991, 105 Stat. 1603; Pub. L. 110–69, title III, §3002(c)(6), Aug. 9, 2007, 121 Stat. 587.)

REFERENCES IN TEXT

The Trade Agreements Act of 1979, referred to in subsection. (a)(5), is Pub. L. 96–39, July 26, 1979, 93 Stat. 144, as amended. For complete classification of this Act to the Code, see References in Text note set out under section 2501 of Title 19, Customs Duties, and Tables.

Section 5511(a)(3)(A) of this title, referred to in subsection. (b)(2), was redesignated section 5511(a)(2)(D) of this title by Pub. L. 110–69, title VII, §7024(a)(1)(B)(ii), (iii)(II), Aug. 9, 2007, 121 Stat. 687.

CODIFICATION

In subsection. (b)(1)(B), “chapter 83 of title 41” substituted for “title III of the Act of March 3, 1933 (41 U.S.C. 10a–10d; popularly known as the Buy American Act) as amended by the Buy American Act of 1988” on authority of Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsection. (c), “chapter 83 of title 41” substituted for “title III of the Act of March 3, 1933 (41 U.S.C. 10a–10d; popularly known as the Buy American Act), as amended by the Buy American Act of 1988,” on authority of Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

¹ See References in Text note below.