

purposes of this chapter. The reports submitted at the close of fiscal years 1993, 1995, and 1997 shall also contain a complete summary of activities under the management plan and the research plan from the first year of their operation, along with an analysis of the extent to which they have succeeded in accomplishing the purposes of this chapter.

(Pub. L. 100-680, § 8, Nov. 17, 1988, 102 Stat. 4076; Pub. L. 102-486, title XXI, § 2106(a)(2), Oct. 24, 1992, 106 Stat. 3070; Pub. L. 110-229, title VI, § 602(c)(2), May 8, 2008, 122 Stat. 853.)

#### AMENDMENTS

2008—Pub. L. 110-229 inserted “, beginning with fiscal year 2008,” after “close of each fiscal year”.

1992—Pub. L. 102-486 inserted sentence at end relating to reports submitted at the close of fiscal years 1993, 1995, and 1997.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section relating to submitting annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 90 of House Document No. 103-7.

### § 5108. Authorization of appropriations

There are authorized to be appropriated to the Secretary to carry out this chapter \$12,000,000 for each of the fiscal years 2008 through 2012.

(Pub. L. 100-680, § 9, Nov. 17, 1988, 102 Stat. 4076; Pub. L. 102-486, title XXI, § 2106(a)(3), (4), Oct. 24, 1992, 106 Stat. 3070; Pub. L. 110-229, title VI, § 602(a), May 8, 2008, 122 Stat. 853.)

#### AMENDMENTS

2008—Pub. L. 110-229 amended section generally. Prior to amendment, section authorized appropriations to the Secretary and to the Director of the National Institute of Standards and Technology to carry out functions under this chapter.

1992—Subsec. (a)(1). Pub. L. 102-486, § 2106(3), substituted “\$25,000,000 for fiscal year 1991, \$17,968,000 for fiscal year 1992, and \$18,091,000 for each of the fiscal years 1993 through 1997, to be derived from sums authorized under section 13451(e) of title 42” for “and \$25,000,000 for fiscal year 1991”.

Subsec. (b). Pub. L. 102-486, § 2106(4), substituted “1991, 1992, 1993, 1994, 1995, 1996, and 1997, to be derived from sums otherwise authorized to be appropriated to the Institute” for “and 1991”.

### § 5109. Relation of existing program

Proposals received by the Department of Energy before November 17, 1988, may be carried out without regard to changes in the management plan and research plan required by this chapter.

(Pub. L. 100-680, § 10, Nov. 17, 1988, 102 Stat. 4076.)

### § 5110. Drug-free workplace

(a) No department, agency, or instrumentality of the United States receiving funds authorized to be appropriated under this chapter for fiscal year 1989, fiscal year 1990, fiscal year 1991, fiscal year 1992, fiscal year 1993, fiscal year 1994, fiscal year 1995, fiscal year 1996, and fiscal year 1997, or under any other Act authorizing appropriations for fiscal year 1989, fiscal year 1990, fiscal year 1991, fiscal year 1992, fiscal year 1993, fiscal year

1994, fiscal year 1995, fiscal year 1996, and fiscal year 1997, shall obligate or spend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its work places are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act [21 U.S.C. 801 et seq.]) by the officers and employees of such department, agency, or instrumentality.

(b) No funds so authorized to be appropriated to any such department, agency, or instrumentality shall be available for payment in connection with any grant, contract, or other agreement, unless the recipient of such grant, contract, or party to such agreement, as the case may be, has in place and will continue to administer in good faith a written policy, adopted by such recipient, contractor, or party’s board of directors or other governing authority, satisfactory to the head of the department, agency, or instrumentality making such payment, designed to ensure that all of the workplace of such recipient, contractor, or party are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act [21 U.S.C. 801 et seq.]) by the officers and employees of such recipient, contractor, or party.

(Pub. L. 100-680, § 11, Nov. 17, 1988, 102 Stat. 4077; Pub. L. 102-486, title XXI, § 2106(a)(5), Oct. 24, 1992, 106 Stat. 3070.)

#### REFERENCES IN TEXT

The Controlled Substances Act, referred to in text, is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§ 801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

#### AMENDMENTS

1992—Subsec. (a). Pub. L. 102-486 substituted “fiscal year 1991, fiscal year 1992, fiscal year 1993, fiscal year 1994, fiscal year 1995, fiscal year 1996, and fiscal year 1997” for “or fiscal year 1991” in two places.

#### EFFECTIVE DATE

Pub. L. 100-685, title II, § 215, Nov. 17, 1988, 102 Stat. 4093, provided that:

“(a) No funds authorized to be appropriated under this Act, or under any other Act authorizing appropriations for fiscal year 1989 through 1993 for the [National Aeronautics and Space] Administration, shall be obligated or expended unless the Administration has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act [21 U.S.C. 801 et seq.]) by the officers and employees of the Administration.

“(b) No funds authorized to be appropriated to the Administration for fiscal years 1989 through 1993 shall be available for payment in connection with any grant, contract, or other agreement, unless the recipient of such grant, contractor, or party to such agreement, as the case may be, has in place and will continue to administer in good faith a written policy, adopted by the board of directors or other government authority of such recipient, contractor, or party, satisfactory to the Administrator of the [National Aeronautics and Space] Administration, designed to ensure that all of the

workplaces of such recipient, contractor, or party are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such recipient, contractor, or party.

“(c) The provisions of this section, and the provisions of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 [15 U.S.C. 5101 et seq.], the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989 [Pub. L. 100-519, title I, Oct. 24, 1988, 102 Stat. 2589], the National Science Foundation Authorization Act for Fiscal Years 1989 and 1990 [probably means Pub. L. 100-570, Oct. 31, 1988, 102 Stat. 2865], and the National Nutrition Monitoring and Related Research Act of 1988 [probably means S. 1081, One Hundredth Congress, which was pocket vetoed], relating to a drug-free workplace, shall not be effective until January 16, 1989.”

## CHAPTER 78—SUPERCONDUCTIVITY AND COMPETITIVENESS

Sec.	
5201.	Findings and purposes.
5202.	National Action Plan on Advanced Superconductivity Research and Development.
5203.	Department of Energy.
5204.	National Institute of Standards and Technology.
5205.	National Science Foundation.
5206.	National Aeronautics and Space Administration.
5207.	Department of Defense.
5208.	International cooperation.
5209.	Technology transfer.

### § 5201. Findings and purposes

#### (a) Findings

The Congress finds that—

(1) recent discoveries of high-temperature superconducting materials could result in significant new applications of these materials in such areas as microelectronics, computers, power systems, transportation, medical imaging, and nuclear fusion, yet most potential applications may well lie beyond our ability to predict them;

(2) full application of the new superconductors is expected to require 10 to 20 years, thus calling for long-term commitments by the public and private sector to appropriate research and development programs;

(3) the Nation's economic competitiveness and strategic well-being depend greatly on the development and application of critical advanced technologies such as those anticipated to evolve from the new superconducting materials;

(4) the United States manufacturing industries confront strong competition in both domestic and world markets as other countries are increasingly taking advantage of modern technology and production techniques and innovative management focused on quality;

(5) whereas we have as a Nation been highly successful in the conduct of basic research in a variety of scientific areas, including superconductivity, other nations have been highly successful in the commercial and military application of the results of such fundamental research;

(6) if the United States is to begin its competitive advantage, it must commit sufficient long-term resources to solving processing and

manufacturing problems in parallel with basic research and development;

(7) Federal agencies have responded aggressively to this exciting challenge by reprogramming funds to basic superconductivity research while informally coordinating their efforts to avoid unnecessary duplication; and further commitment of Federal funding and efforts directed to developing manufacturing, materials processing, and fabrication technologies is essential so that these activities may be conducted in parallel;

(8) successful development and application of the new superconducting materials will require close collaboration between the Federal Government and the industrial and academic components of the private sector, as well as coordinating among the Federal departments and agencies involved in research and development on superconductors;

(9) a committed Federal program effort with appropriate long-term goals, priorities, and adequate resources is necessary for the rapid development and application of the new superconducting materials; and

(10) a national program should serve as a test of new agency authorities directed at technological competitiveness such as those provided to the Department of Energy.

#### (b) Purposes

The purposes of this chapter are—

(1) to establish a 5-year national action plan to research and develop new high-temperature superconducting materials with appropriate goals and priorities;<sup>1</sup>

(2) to designate the appropriate roles, mechanisms, and responsibilities of various Federal departments and agencies in implementing such a national research and development action plan.

(Pub. L. 100-697, § 2, Nov. 19, 1988, 102 Stat. 4613.)

#### SHORT TITLE

Pub. L. 100-697, § 1, Nov. 19, 1988, 102 Stat. 4613, provided that: “This Act [enacting this chapter] may be cited as the ‘National Superconductivity and Competitiveness Act of 1988’.”

### § 5202. National Action Plan on Advanced Superconductivity Research and Development

#### (a) Establishment

(1) The Director of the Office of Science and Technology Policy shall establish a 5-year National Action Plan on Advanced Superconductivity Research and Development (hereinafter in this chapter referred to as the “Superconductivity Action Plan”).

(2) The Office of Science and Technology Policy shall coordinate the development of the Superconductivity Action Plan and any recommendations required by this chapter with the National Critical Materials Council and the National Commission on Superconductivity.

#### (b) Content and scope

The Superconductivity Action Plan shall include—

(1) goals and priorities for advanced superconductivity research and development to be

<sup>1</sup> So in original. Probably should be followed by “and”.