

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.

(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.

(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 title III of the Act of March 3, 1933 (41 U.S.C. 10a-10d;¹ popularly known as the Buy American Act) as amended by the Buy American Act of 1988.

(2) Consolidation of reports

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

(c) Review of Supercomputer Agreement

(1) Report

The Under Secretary for Technology Administration of the Department of Commerce (in this subsection referred to as the “Under Secretary”) shall conduct a comprehensive study of the revised “Procedures to Introduce Supercomputers” and the accompanying exchange of letters between the United States and Japan dated June 15, 1990 (commonly referred to as the “Supercomputer Agreement”) to determine whether the goals and objectives of such Agreement have been met and to analyze the effects of such Agreement on United States and Japanese supercomputer manufacturers. Within 180 days after December 9, 1991, the Under Secretary shall submit a report to Congress containing the results of such study.

(2) Consultation

In conducting the comprehensive study under this subsection, the Under Secretary shall consult with appropriate² Federal agencies and departments and with United States manufacturers of supercomputers and other appropriate private sector entities.

(d) Application of Buy American Act

This chapter does not affect the applicability of title III of the Act of March 3, 1933 (41 U.S.C. 10a-10d;¹ popularly known as the Buy American Act), as amended by the Buy American Act of 1988, 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.)

REFERENCES IN TEXT

The Trade Agreements Act of 1979, referred to in subsec. (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.

Title III of the Act of March 3, 1933, referred to in subsecs. (b)(1)(B) and (d), is title III of act Mar. 3, 1933, ch. 212, 47 Stat. 1520, as amended, known as the Buy American Act, which is classified generally to sections 10a, 10b, and 10c of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 10a of Title 41 and Tables. Section 10d, included within the reference to 41 U.S.C. 10a-10d, was enacted by act Oct. 29, 1949, ch. 787, title VI, §633, 63 Stat. 1024, as amended, and was not part of title III of act Mar. 3, 1933.

The Buy American Act of 1988, referred to in subsecs. (b)(1)(B) and (d), is title VII of Pub. L. 100-418, Aug. 23, 1988, 102 Stat. 1545, which enacted section 10b-1 of Title 41, Public Contracts, amended sections 2511 and 2515 of Title 19, Customs Duties, and sections 10a, 10b, 10c, and 10d of Title 41, enacted provisions set out as notes

under section 10a of Title 41, and amended provisions set out as notes under section 10c of Title 41. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 10a of Title 41 and Tables. For termination of amendments made by this Act, see section 7004 of Pub. L. 100-418, set out as an Effective and Termination Dates of 1988 Amendment note under section 10a of Title 41.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report required under subsec. (b)(1) of this section is listed on page 185), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

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¹ See References in Text note below.

² So in original. Probably should be “appropriate”.