

## TITLE 42 - THE PUBLIC HEALTH AND WELFARE

### CHAPTER 16 - NATIONAL SCIENCE FOUNDATION

#### § 1874. Security provisions

##### (a) Nuclear energy research and development

The Foundation shall not support any research or development activity in the field of nuclear energy, nor shall it exercise any authority pursuant to section 1870 (e) of this title in respect to that field, without first having obtained the concurrence of the Secretary of Energy that such activity will not adversely affect the common defense and security. To the extent that such activity involves restricted data as defined in the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.] the provisions of that Act regarding the control of the dissemination of restricted data and the security clearance of those individuals to be given access to restricted data shall be applicable. Nothing in this chapter shall supersede or modify any provision of the Atomic Energy Act of 1954.

##### (b) Research relating to national defense

(1) In the case of scientific or engineering research activities under this chapter in connection with matters relating to the national defense, with respect to which funds have been transferred to the Foundation from the Department of Defense in accordance with the provisions of section 1873 (f) of this title, the Secretary of Defense shall establish such security requirements and safeguards, including restrictions with respect to access to information and property, as he deems necessary.

(2) In the case of scientific or engineering research activities under this chapter in connection with matters relating to the national defense other than research activities referred to in paragraph (1) of this subsection, the Foundation shall establish such security requirements and safeguards, including restrictions with respect to access to information and property, as it deems necessary.

(3) Any agency of the Government exercising investigatory functions is authorized to make such investigations and reports as may be requested by the Foundation in connection with the enforcement of security requirements and safeguards, including restrictions with respect to access to information and property, established under paragraph (1) or (2) of this subsection.

(May 10, 1950, ch. 171, § 15, 64 Stat. 156; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43; renumbered § 16, Pub. L. 85–510, § 2, July 11, 1958, 72 Stat. 353; amended Pub. L. 87–835, § 1, Oct. 16, 1962, 76 Stat. 1069; renumbered § 15 and amended Pub. L. 90–407, §§ 11(2), 13, July 18, 1968, 82 Stat. 365, 366; Pub. L. 96–516, § 21(b), Dec. 12, 1980, 94 Stat. 3010; Pub. L. 99–159, title I, §§ 109(e)(2), 110 (a)(19), Nov. 22, 1985, 99 Stat. 890, 891; Pub. L. 100–570, title I, § 105(b), Oct. 31, 1988, 102 Stat. 2868; Pub. L. 105–207, title II, § 202(a)(4), July 29, 1998, 112 Stat. 874.)

#### References in Text

The Atomic Energy Act of 1954, referred to in subsec. (a), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 921, and amended, which is classified principally to chapter 23 (§ 2011 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of this title and Tables.

#### Amendments

1998—Subsec. (a). Pub. L. 105–207 substituted “Secretary of Energy” for “Atomic Energy Commission”.

1988—Subsec. (c). Pub. L. 100–570 struck out subsec. (c) which related to oath and statement prerequisite to acceptance of scholarship or fellowship, ineligibility of Communist organization members, and penalties for violation.

1985—Subsec. (b)(1). Pub. L. 99–159, §§ 109(e)(2), 110 (a)(19)(A), substituted “engineering” for “technical” and “1873(f)” for “1873(g)”.

Subsec. (b)(2). Pub. L. 99–159, § 110(a)(19)(B), inserted applicability to engineering.

1980—Subsecs. (c), (d). Pub. L. 96–516 redesignated subsec. (d) as (c), and struck out former subsec. (c) relating to clearance of personnel by the Civil Service Commission.

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

1968—Subsec. (a). Pub. L. 90–407, § 13, substituted “1954” for “1946”.

Subsec. (b)(1). Pub. L. 90–407, § 13, substituted “section 1873 (g) of this title” for section 1873 (h) of this title”.

1962—Subsec. (d). Pub. L. 87–835 designated existing provisions as par. (1), inserted reference to section 1869 of this title, and substituted the requirement, for applications made on or after Oct. 1, 1962, of a full statement regarding convictions for crimes, other than any committed before age 16 or for minor traffic violations, and any criminal charges punishable by thirty days confinement, or more, pending at time of application for scholarship or fellowship, for the requirement of an affidavit stating the affiant did not believe in, and was not a member or supporter of any organization believing in, or teaching, the violent overthrow of the United States Government, or by any illegal means, in such par. (1), and added par. (2).

1952—Subsec. (c). Act Apr. 5, 1952, substituted “Civil Service Commission” for “Federal Bureau of Investigation”.

### **Subversive Activities Control Board**

The Subversive Activities Control Board, established by act Sept. 23, 1950, ch. 1024, title I, § 12, 64 Stat. 997, ceased to operate as of June 30, 1973, due to lack of funding.

### **Basic Scientific Research; Increase in Government Support; National Science Foundation**

Pub. L. 91–441, title II, § 205, Oct. 7, 1970, 84 Stat. 908, provided that: “It is the sense of the Congress that—

“(1) an increase in Government support of basic scientific research is necessary to preserve and strengthen the sound technological base essential both to protection of the national security and the solution of unmet domestic needs; and

“(2) a larger share of such support should be provided hereafter through the National Science Foundation.”

### **Continuation of Existing Offices, Procedures, and Organization of the National Science Foundation**

Amendment by Pub. L. 90–407 intended to continue in effect the existing offices, procedures, and organization of the Foundation, see section 16 of Pub. L. 90–407, set out as a note under section 1862 of this title.