

DEFINITIONS

For definitions of terms used in this section, see section 4 of Pub. L. 107-368, set out as a note under section 1862n of this title.

§ 1862n-3. Duplication of programs**(a) In general**

The Director shall review the education programs of the Foundation that are in operation as of December 19, 2002, to determine whether any of such programs duplicate the programs authorized under this Act.

(b) Implementation

As programs authorized under this Act are implemented, the Director shall—

(1) terminate any duplicative program being carried out by the Foundation or merge the duplicative program into a program authorized under this Act; and

(2) not establish any new program that duplicates a program that has been implemented pursuant to this Act.

(c) Report**(1) Review**

The Director of the Office of Science and Technology Policy shall review the education programs of the Foundation to ensure compliance with the provisions of this section.

(2) Submission

Not later than 1 year after December 19, 2002, and annually thereafter as part of the annual Office of Science and Technology Policy's budget submission to Congress, the Director of the Office of Science and Technology Policy shall complete a report on the review carried out under this subsection and shall submit the report to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.

(Pub. L. 107-368, §12, Dec. 19, 2002, 116 Stat. 3054.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (b), is Pub. L. 107-368, Dec. 19, 2002, 116 Stat. 3034, known as the National Science Foundation Authorization Act of 2002. For complete classification of this Act to the Code, see Short Title of 2002 Amendment note set out under section 1861 of this title and Tables.

CODIFICATION

Section was enacted as part of the National Science Foundation Authorization Act of 2002, and not as part of the National Science Foundation Act of 1950 which comprises this chapter.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives

changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

DEFINITIONS

For definitions of terms used in this section, see section 4 of Pub. L. 107-368, set out as a note under section 1862n of this title.

§ 1862n-4. Major research equipment and facilities construction plan**(a) Prioritization of proposed major research equipment and facilities construction****(1) Development of priorities**

The Director shall—

(A) develop a list indicating by number the relative priority for funding under the major research equipment and facilities construction account that the Director assigns to each project the Board has approved for inclusion in a future budget request; and

(B) submit the list described in subparagraph (A) to the Board for approval.

(2) Criteria

The Director shall include in the criteria for developing the list under paragraph (1) the readiness of plans for construction and operation, including confidence in the estimates of the full life-cycle cost (as defined in section 2 of the National Science Foundation Authorization Act of 1998 (42 U.S.C. 1862k note)) and the proposed schedule of completion.

(3) Updates

The Director shall update the list prepared under paragraph (1) each time the Board approves a new project that would receive funding under the major research equipment and facilities construction account and periodically submit any updated list to the Board for approval.

(b) Project management

No national research facility project funded under the major research equipment and facilities construction account shall be managed by an individual whose appointment to the Foundation is temporary.

(c) Board approval of major research equipment and facilities projects

The Board shall explicitly approve any project to be funded out of the major research equipment and facilities construction account before any funds may be obligated from such account for such project.

(Pub. L. 107-368, §14, Dec. 19, 2002, 116 Stat. 3056; Pub. L. 114-329, title II, §204(c), Jan. 6, 2017, 130 Stat. 3000.)

Editorial Notes

REFERENCES IN TEXT

Section 2 of the National Science Foundation Authorization Act of 1998, referred to in subsec. (a)(2), is section 2 of Pub. L. 105-207, July 29, 1998, 112 Stat. 869, which is set out as a note under section 1862k of this title.

CODIFICATION

Section is comprised of section 14 of Pub. L. 107-368. As originally enacted, subsec. (b)(1), (2) of section 14 of

Pub. L. 107-368 amended section 1862l of this title, and subsec. (b)(3) of section 14 of Pub. L. 107-368 amended provisions set out as a note under section 1862k of this title. Subsec. (c) of section 14 of Pub. L. 107-368 was redesignated subsec. (b) by section 204(c)(3) of Pub. L. 114-329 without reference to the original amendments made by subsec. (b) of section 14 of Pub. L. 107-368.

Section was enacted as part of the National Science Foundation Authorization Act of 2002, and not as part of the National Science Foundation Act of 1950 which comprises this chapter.

AMENDMENTS

2017—Subsec. (a). Pub. L. 114-329, § 204(c)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) related to prioritization of proposed major research equipment and facilities construction and annual reports.

Subsec. (b). Pub. L. 114-329, § 204(c)(3), redesignated subsec. (c) as (b). Prior to amendment, subsec. (b) had been omitted from this section, see Codification note above.

Subsecs. (c), (d). Pub. L. 114-329, § 204(c)(3), (4), redesignated subsec. (d) as (c) and amended it generally. Prior to amendment, subsec. (c) related to Board approval of major research equipment and facilities projects. Former subsec. (c) redesignated (b).

Subsec. (e). Pub. L. 114-329, § 204(c)(2), struck out subsec. (e) which related to National Academy of Sciences study on major research equipment and facilities construction.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of terms used in this section, see section 4 of Pub. L. 107-368, set out as a note under section 1862n of this title.

§ 1862n-5. Board meetings; audits; reports; scholarship eligibility

(a) Board meetings

(1) Omitted

(2) Open meetings

To ensure transparency of the Board's entire decision-making process, including deliberations on Board business occurring within its various subdivisions, the Board and all of its committees, subcommittees, and task forces (and any other entity consisting of members of the Board and reporting to the Board) shall be subject to section 552b of title 5. The preceding requirement will apply to meetings of the full Board, whenever a quorum is present; and to meetings of its subdivisions, whenever a quorum of the subdivision is present.

(3) Compliance review

The Inspector General of the Foundation shall conduct a review of the compliance by the Board with the requirements described in paragraph (2) as necessary based on a triennial risk assessment. Any review deemed necessary shall examine the proposed and actual content of closed meetings and determine whether the closure of the meetings was consistent with section 552b of title 5.

(4) Materials relating to closed portions of meeting

To facilitate the risk assessment required under paragraph (3) of this subsection, and any subsequent review conducted by the Inspector

General, the Office of the National Science Board shall maintain the General Counsel's certificate, the presiding officer's statement, and a transcript or recording of any closed meeting, for at least 3 years after such meeting.

(b), (c) Omitted

(d) Scholarship eligibility

The Director shall not exclude part-time students from eligibility for scholarships under the Computer Science, Engineering, and Mathematics Scholarship program.

(Pub. L. 107-368, § 15, Dec. 19, 2002, 116 Stat. 3058; Pub. L. 110-69, title VII, § 7015(a), Aug. 9, 2007, 121 Stat. 683; Pub. L. 111-358, title V, § 504(c), Jan. 4, 2011, 124 Stat. 4006; Pub. L. 117-167, div. B, title III, § 10399E, Aug. 9, 2022, 136 Stat. 1599.)

Editorial Notes

CODIFICATION

Section is comprised of section 15 of Pub. L. 107-368. Subsecs. (a)(1) and (c) of section 15 of Pub. L. 107-368 amended section 1863 of this title, and subsec. (b) of section 15 of Pub. L. 107-368 amended section 1873 of this title.

Section was enacted as part of the National Science Foundation Authorization Act of 2002, and not as part of the National Science Foundation Act of 1950 which comprises this chapter.

AMENDMENTS

2022—Subsec. (a)(3). Pub. L. 117-167, § 10399E(1), amended par. (3) generally. Prior to amendment, text read as follows: "The Inspector General of the Foundation shall conduct an audit every three years of the compliance by the Board with the requirements described in paragraph (2). The audit shall examine the proposed and actual content of closed meetings and determine whether the closure of the meetings was consistent with section 552b of title 5."

Subsec. (a)(4), (5). Pub. L. 117-167, § 10399E(2), added par. (4) and struck out former pars. (4) and (5) which related to transmission of audit report every three years by the Inspector General and maintenance of materials relating to closed portions of meeting, respectively.

2011—Subsec. (a)(2). Pub. L. 111-358 substituted "To ensure transparency of the Board's entire decision-making process, including deliberations on Board business occurring within its various subdivisions, the Board" for "The Board" and inserted at end "The preceding requirement will apply to meetings of the full Board, whenever a quorum is present; and to meetings of its subdivisions, whenever a quorum of the subdivision is present."

2007—Subsec. (a)(3). Pub. L. 110-69, § 7015(a)(1), substituted "an audit every three years" for "an annual audit".

Subsec. (a)(4). Pub. L. 110-69, § 7015(a)(2), substituted "every third year" for "each year".

Subsec. (a)(5). Pub. L. 110-69, § 7015(a)(3), added par. (5).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.