

### § 1862n-9. Astronomy and Astrophysics Advisory Committee

#### (a) Establishment

The Foundation, the National Aeronautics and Space Administration, and the Department of Energy shall jointly establish an Astronomy and Astrophysics Advisory Committee (in this section referred to as the “Advisory Committee”).

#### (b) Duties

The Advisory Committee shall—

(1) assess, and make recommendations regarding, the coordination of astronomy and astrophysics programs of the Foundation, the National Aeronautics and Space Administration, and the Department of Energy;

(2) assess, and make recommendations regarding, the status of the activities of the Foundation, the National Aeronautics and Space Administration, and the Department of Energy as they relate to the recommendations contained in the National Research Council’s 2001 report entitled “Astronomy and Astrophysics in the New Millennium”, and the recommendations contained in subsequent National Research Council reports of a similar nature; and

(3) not later than March 15 of each year, transmit a report to the Director, the Administrator of the National Aeronautics and Space Administration, the Secretary of Energy, the Committee on Science of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Health, Education, Labor, and Pensions of the Senate on the Advisory Committee’s findings and recommendations under paragraphs (1) and (2).

#### (c) Membership

The Advisory Committee shall consist of 13 members, none of whom shall be a Federal employee, including—

(1) 4 members selected by the Director;

(2) 4 members selected by the Administrator of the National Aeronautics and Space Administration;

(3) 3 members selected by the Secretary of Energy; and

(4) 2 members selected by the Director of the Office of Science and Technology Policy.

#### (d) Selection process

Initial selections under subsection (c) shall be made within 3 months after December 19, 2002. Vacancies shall be filled in the same manner as provided in subsection (c).

#### (e) Chairperson

The Advisory Committee shall select a chairperson from among its members.

#### (f) Coordination

The Advisory Committee shall coordinate with other Federal advisory committees that advise Federal agencies that engage in related research activities.

#### (g) Compensation

The members of the Advisory Committee shall serve without compensation, but shall receive travel expenses, including per diem in lieu of

subsistence, in accordance with sections 5702 and 5703 of title 5.

#### (h) Meetings

The Advisory Committee shall convene, in person or by electronic means, at least 4 times a year.

#### (i) Quorum

A majority of the members serving on the Advisory Committee shall constitute a quorum for purposes of conducting the business of the Advisory Committee.

#### (j) Duration

Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

(Pub. L. 107-368, §23, Dec. 19, 2002, 116 Stat. 3065; Pub. L. 108-423, §5(a), Nov. 30, 2004, 118 Stat. 2402.)

#### REFERENCES IN TEXT

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (j), is section 14 of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### 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.

#### AMENDMENTS

2004—Subsecs. (a), (b)(1), (2). Pub. L. 108-423, §5(a)(1), substituted “, the National Aeronautics and Space Administration, and the Department of Energy” for “and the National Aeronautics and Space Administration”.

Subsec. (b)(3). Pub. L. 108-423, §5(a)(2), substituted “Administration, the Secretary of Energy,” for “Administration, and”.

Subsec. (c)(1), (2). Pub. L. 108-423, §5(a)(3)(A), substituted “4” for “5”.

Subsec. (c)(3), (4). Pub. L. 108-423, §5(a)(3)(B)–(D), added par. (3) and redesignated former par. (3) as (4) and substituted “2” for “3”.

Subsec. (f). Pub. L. 108-423, §5(a)(4), substituted “other Federal advisory committees that advise Federal agencies that engage in related research activities” for “the advisory bodies of other Federal agencies, such as the Department of Energy, which may engage in related research activities”.

#### 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.

#### EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-423, §5(b), Nov. 30, 2004, 118 Stat. 2402, provided that: “The amendments made by subsection (a) [amending this section] take effect on March 15, 2005.”

#### 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-10. Minority-serving institutions undergraduate program

#### (a) In general

The Director is authorized to establish a new program to award grants on a competitive,

merit-reviewed basis to Hispanic-serving institutions, Alaska Native-serving institutions, Native Hawaiian-serving institutions, and other institutions of higher education serving a substantial number of minority students to enhance the quality of undergraduate science, mathematics, and engineering education at such institutions and to increase the retention and graduation rates of students pursuing associate's or baccalaureate degrees in science, mathematics, engineering, or technology.

**(b) Program components**

Grants awarded under this section shall support—

- (1) activities to improve courses and curriculum in science, mathematics, and engineering;
- (2) faculty development;
- (3) stipends for undergraduate students participating in research; and
- (4) other activities consistent with subsection (a), as determined by the Director.

**(c) Program coordination**

This program shall be coordinated with and in addition to the ongoing Historically Black Colleges and Universities Undergraduate Program and the Tribal Colleges and Universities Program.

**(d) Instrumentation**

Funding for instrumentation is an allowed use of grants awarded under this section and under the ongoing Historically Black Colleges and Universities Undergraduate Program and the Tribal Colleges and Universities Program.

(Pub. L. 107-368, § 24, Dec. 19, 2002, 116 Stat. 3066.)

**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.

**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.

**§ 1862o. Postdoctoral research fellows**

**(a) Mentoring**

The Director shall require that all grant applications that include funding to support postdoctoral researchers include a description of the mentoring activities that will be provided for such individuals, and shall ensure that this part of the application is evaluated under the Foundation's broader impacts merit review criterion. Mentoring activities may include career counseling, training in preparing grant applications, guidance on ways to improve teaching skills, and training in research ethics.

**(b) Reports**

The Director shall require that annual reports and the final report for research grants that include funding to support postdoctoral researchers include a description of the mentoring activities provided to such researchers.

(Pub. L. 110-69, title VII, § 7008, Aug. 9, 2007, 121 Stat. 680.)

**CODIFICATION**

Section was enacted as part of the America COMPETES Act, also known as the America Creating Op-

portunities to Meaningfully Promote Excellence in Technology, Education, and Science Act, and not as part of the National Science Foundation Act of 1950 which comprises this chapter.

**REAFFIRMATION OF THE MERIT-REVIEW PROCESS OF THE NATIONAL SCIENCE FOUNDATION**

Pub. L. 110-69, title VII, § 7003, Aug. 9, 2007, 121 Stat. 679, provided that: "Nothing in this title [enacting this section and sections 1862n-1a and 1862o-1 to 1862o-15 of this title, amending sections 1862i, 1862j, 1862n, 1862n-1, 1862n-2, 1862n-5, 1863, 1870, and 1881a of this title, sections 5503 and 5511 of Title 15, Commerce and Trade, and section 3801 of Title 31, Money and Finance, enacting provisions set out as notes under this section and section 1862n-2 of this title, and amending provisions set out as a note under section 1113 of Title 31] or title I [enacting sections 6603, 6619, and 6620 of this title and section 3718 of Title 15 and amending section 3711 of Title 15], or the amendments made by this title or title I, shall be interpreted to require or recommend that the Foundation—

- "(1) alter or modify its merit-review system or peer-review process; or
- "(2) exclude the awarding of any proposal by means of the merit-review or peer-review process."

**CURRICULA**

Pub. L. 110-69, title VII, § 7005, Aug. 9, 2007, 121 Stat. 679, provided that: "Nothing in this title [enacting this section and sections 1862n-1a and 1862o-1 to 1862o-15 of this title, amending sections 1862i, 1862j, 1862n, 1862n-1, 1862n-2, 1862n-5, 1863, 1870, and 1881a of this title, sections 5503 and 5511 of Title 15, Commerce and Trade, and section 3801 of Title 31, Money and Finance, enacting provisions set out as notes under this section and section 1862n-2 of this title, and amending provisions set out as a note under section 1113 of Title 31], or the amendments made by this title, shall be construed to limit the authority of State governments or local school boards to determine the curricula of their students."

**DEFINITIONS**

Pub. L. 110-69, title VII, § 7001, Aug. 9, 2007, 121 Stat. 675, as amended by Pub. L. 114-95, title IX, § 9215(i)(5), Dec. 10, 2015, 129 Stat. 2168, provided that: "In this title [enacting this section and sections 1862n-1a and 1862o-1 to 1862o-15 of this title, amending sections 1862i, 1862j, 1862n, 1862n-1, 1862n-2, 1862n-5, 1863, 1870, and 1881a of this title, sections 5503 and 5511 of Title 15, Commerce and Trade, and section 3801 of Title 31, Money and Finance, enacting provisions set out as notes under this section and section 1862n-2 of this title, and amending provisions set out as a note under section 1113 of Title 31]:

"(1) **BASIC RESEARCH.**—The term 'basic research' has the meaning given such term in the Office of Management and Budget circular No. A-11.

"(2) **BOARD.**—The term 'Board' means the National Science Board established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

"(3) **DIRECTOR.**—The term 'Director' means the Director of the Foundation.

"(4) **ELEMENTARY SCHOOL.**—The term 'elementary school' has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7801].

"(5) **FOUNDATION.**—The term 'Foundation' means the National Science Foundation.

"(6) **INSTITUTION OF HIGHER EDUCATION.**—The term 'institution of higher education' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(7) **SECONDARY SCHOOL.**—The term 'secondary school' has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7801]."