

“(B) CONTENTS OF REPORT.—The report prepared by the Director under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.”

#### DEFINITIONS

Pub. L. 105-207, §2, July 29, 1998, 112 Stat. 869, as amended by Pub. L. 107-368, §14(b)(3), Dec. 19, 2002, 116 Stat. 3057, provided that: “In this Act [see Short Title of 1998 Amendment note set out under section 1861 of this title]:

“(1) DIRECTOR.—The term ‘Director’ means the Director of the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

“(2) FOUNDATION.—The term ‘Foundation’ means the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

“(3) FULL LIFE-CYCLE COST.—The term ‘full life-cycle cost’ means all costs of planning, development, procurement, construction, operations and support, and shut-down costs, without regard to funding source and without regard to what entity manages the project or facility involved.

“(4) 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).

“(5) UNITED STATES.—The term ‘United States’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

“(6) NATIONAL RESEARCH FACILITY.—The term ‘national research facility’ means a research facility funded by the Foundation which is available, subject to appropriate policies allocating access, for use by all scientists and engineers affiliated with research institutions located in the United States.”

### § 1862l. National research facilities

#### (a) Facilities plan

##### (1) In general

The Director shall prepare, and include as part of the Foundation’s annual budget request to Congress, a plan for the proposed construction of, and repair and upgrades to, national research facilities, including full life-cycle cost information.

##### (2) Contents of the plan

The plan shall include—

(A) estimates of the costs for the construction, repairs, and upgrades described in paragraph (1), including costs for instrumentation development;

(B) estimates of the costs for the operation and maintenance of existing and proposed new facilities;

(C) in the case of proposed new construction and for major upgrades to existing facilities, funding profiles, by fiscal year, and milestones for major phases of the construction;

(D) for each project funded under the major research equipment and facilities construction account and for major upgrades of facilities in support of Antarctic research programs—

(i) estimates of the total project cost (from planning to commissioning); and

(ii) the source of funds, including Federal funding identified by appropriations category and non-Federal funding;

(E) estimates of the full life-cycle cost of each national research facility;

(F) information on any plans to retire national research facilities; and

(G) estimates of funding levels for grants supporting research that will be conducted using each national research facility.

#### (3) Special rule

The plan shall include cost estimates in the categories of construction, repair, and upgrades—

(A) for the year in which the plan is submitted to Congress; and

(B) for not fewer than the succeeding 4 years.

#### (b) Status of facilities under construction

The plan required under subsection (a) shall include a status report for each uncompleted construction project included in current and previous plans. The status report shall include data on cumulative construction costs by project compared with estimated costs, and shall compare the current and original schedules for achievement of milestones for the major phases of the construction.

(Pub. L. 105-207, title II, §201, July 29, 1998, 112 Stat. 872; Pub. L. 107-368, §14(b)(1), (2), Dec. 19, 2002, 116 Stat. 3056, 3057; Pub. L. 110-69, title VII, §7014(b), Aug. 9, 2007, 121 Stat. 682.)

#### CODIFICATION

Section was enacted as part of the National Science Foundation Authorization Act of 1998, and not as part of the National Science Foundation Act of 1950 which comprises this chapter.

#### AMENDMENTS

2007—Subsec. (a)(2)(D). Pub. L. 110-69 inserted “and for major upgrades of facilities in support of Antarctic research programs” after “facilities construction account” in introductory provisions.

2002—Subsec. (a)(1). Pub. L. 107-368, §14(b)(1), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “Not later than December 1, of each year, the Director shall, as part of the annual budget request, prepare and submit to Congress a plan for the proposed construction of, and repair and upgrades to, national research facilities.”

Subsec. (a)(2)(A). Pub. L. 107-368, §14(b)(2)(A), substituted “(1), including costs for instrumentation development;” for “(1);”.

Subsec. (a)(2)(D) to (G). Pub. L. 107-368, §14(b)(2)(B)–(D), added subpars. (D) to (G).

#### § 1862m. Financial disclosure

Persons temporarily employed by or at the Foundation shall be subject to the same financial disclosure requirements and related sanctions under the Ethics in Government Act of 1978 (5 U.S.C. App.) as are permanent employees of the Foundation in equivalent positions.

(Pub. L. 105-207, title II, §204, July 29, 1998, 112 Stat. 876.)

#### REFERENCES IN TEXT

The Ethics in Government Act of 1978, referred to in text, is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95-521 in the Appendix to Title 5, Government Organization and Employees, and Tables.