

tor at such time, in such manner, and containing such information as the Director may require.

(Pub. L. 114-329, title VI, § 602, Jan. 6, 2017, 130 Stat. 3035.)

#### CODIFICATION

Section was enacted as part of the American Innovation and Competitiveness Act, 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 2 of Pub. L. 114-329, set out as a note under section 1862s of this title.

### § 1863. National Science Board

#### (a) Composition; appointment; establishment of policies of the Foundation

The Board shall consist of twenty-four members to be appointed by the President and of the Director ex officio. In addition to any powers and functions otherwise granted to it by this chapter, the Board shall establish the policies of the Foundation, within the framework of applicable national policies as set forth by the President and the Congress.

#### (b) Executive Committee; delegation of powers and functions

The Board shall have an Executive Committee as provided in section 1865 of this title, and may delegate to it or to the Director or both such of the powers and functions granted to the Board by this chapter as it deems appropriate.

#### (c) Meetings; nominations; quorum; notice

The persons nominated for appointment as members of the Board (1) shall be eminent in the fields of the basic, medical, or social sciences, engineering, agriculture, education, research management, or public affairs; (2) shall be selected solely on the basis of established records of distinguished service; and (3) shall be so selected as to provide representation of the views of scientific and engineering leaders in all areas of the Nation. In making nominations under this section, the President shall give due regard to equitable representation of scientists and engineers who are women or who represent minority groups. The President is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by the National Academy of Sciences, the National Academy of Engineering, the National Association of State Universities and Land Grant Colleges, the Association of American Universities, the Association of American Colleges, the Association of State Colleges and Universities, or by other scientific, engineering, or educational organizations.

#### (d) Term of office; reappointment

The term of office of each member of the Board shall be six years; except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Any person, other than the Director, who has been a member of the

Board for twelve consecutive years shall thereafter be ineligible for appointment during the two-year period following the expiration of such twelfth year.

#### (e) Meetings; quorum; notice

The Board shall meet annually on the third Monday in May unless, prior to May 10 in any year, the Chairman has set the annual meeting for a day in May other than the third Monday, and at such other times as the Chairman may determine, but he shall also call a meeting whenever one-third of the members so request in writing. The Board shall adopt procedures governing the conduct of its meetings, including delivery of notice and a definition of a quorum, which in no case shall be less than one-half plus one of the confirmed members of the Board.

#### (f) Election of Chairman and Vice Chairman; vacancy

The election of the Chairman and Vice Chairman of the Board shall take place at each annual meeting occurring in an even-numbered year. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect a member to fill such vacancy.

#### (g) Appointment and assignment of staff; compensation; security requirements

The Board may, with the concurrence of a majority of its members, permit the appointment of a staff consisting of professional staff members, technical and professional personnel on leave of absence from academic, industrial, or research institutions for a limited term, and such operations and support staff members as may be necessary. Such staff shall be appointed by the Chairman and assigned at the direction of the Board. The professional members and limited term technical and professional personnel of such staff may be appointed without regard to the provisions of title 5 governing appointments in the competitive service, and the provisions of chapter 51 of such title relating to classification, and shall be compensated at a rate not exceeding the maximum rate payable under section 5376 of such title, as may be necessary to provide for the performance of such duties as may be prescribed by the Board in connection with the exercise of its powers and functions under this chapter. Section 1873(a)(3) of this title shall apply to each limited term appointment of technical and professional personnel under this subsection. Each appointment under this subsection shall be subject to the same security requirements as those required for personnel of the Foundation appointed under section 1873(a) of this title.

#### (h) Special commissions

The Board is authorized to establish such special commissions as it may from time to time deem necessary for the purposes of this chapter.

#### (i) Committees; survey and advisory functions

The Board is also authorized to appoint from among its members such committees as it deems necessary, and to assign to committees so appointed such survey and advisory functions as the Board deems appropriate to assist it in exer-

cising its powers and functions under this chapter.

**(j) Report to President; submittal to Congress**

(1) The Board shall render to the President and the Congress no later than January 15 of each even numbered year, a report on indicators of the state of science and engineering in the United States.

(2) The Board shall render to the President and the Congress reports on specific, individual policy matters within the authority of the Foundation (or otherwise as requested by the Congress or the President) related to science and engineering and education in science and engineering, as the Board, the President, or the Congress determines the need for such reports.

**(k) Closed meetings**

Portions of Board meetings in which the Board considers proposed Foundation budgets for a particular fiscal year may be closed to the public until the President's budget for that fiscal year has been submitted to the Congress.

**(l) Financial disclosure report for Board members**

Members of the Board shall be required to file a financial disclosure report under title II of the Ethics in Government Act of 1978 (5 U.S.C. App.; 92 Stat. 1836), except that such reports shall be held confidential and exempt from any law otherwise requiring their public disclosure.

(May 10, 1950, ch. 171, § 4, 64 Stat. 150; Pub. L. 86-232, § 2, Sept. 8, 1959, 73 Stat. 467; Pub. L. 86-507, § 1(36), June 11, 1960, 74 Stat. 202; Pub. L. 90-407, § 2, July 18, 1968, 82 Stat. 361; Pub. L. 94-273, § 11(3), Apr. 21, 1976, 90 Stat. 378; Pub. L. 94-282, title V, § 503, May 11, 1976, 90 Stat. 473; Pub. L. 94-471, § 9, Oct. 11, 1976, 90 Stat. 2057; Pub. L. 95-99, § 12(b), formerly § 14(b), Aug. 15, 1977, 91 Stat. 835, renumbered § 12(b), Pub. L. 99-159, title I, § 109(h), Nov. 22, 1985, 99 Stat. 890; Pub. L. 96-516, § 21(a), Dec. 31, 1980, 94 Stat. 3010; Pub. L. 97-375, title II, § 214, Dec. 21, 1982, 96 Stat. 1826; Pub. L. 99-159, title I, §§ 109(a), 110(a)(12), Nov. 22, 1985, 99 Stat. 889, 891; Pub. L. 100-570, title I, §§ 105(a), 108, Oct. 31, 1988, 102 Stat. 2868, 2869; Pub. L. 105-207, title II, § 202(a)(1), July 29, 1998, 112 Stat. 873; Pub. L. 107-368, § 15(a)(1), (c), Dec. 19, 2002, 116 Stat. 3058, 3059; Pub. L. 110-69, title VII, §§ 7015(b), 7016, Aug. 9, 2007, 121 Stat. 683, 684; Pub. L. 111-358, title V, § 504(a), (b), Jan. 4, 2011, 124 Stat. 4006; Pub. L. 112-166, § 2(s), Aug. 10, 2012, 126 Stat. 1288.)

REFERENCES IN TEXT

The Ethics in Government Act of 1978, referred to in subsec. (l), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824. Title II of the Ethics in Government Act of 1978 was set out in the Appendix to Title 5, Government Organization and Employees, prior to repeal by Pub. L. 101-194, title II, § 201, Nov. 30, 1989, 103 Stat. 1724. 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 and Tables.

AMENDMENTS

2012—Subsec. (a). Pub. L. 112-166 struck out “, by and with the advice and consent of the Senate,” after “appointed by the President”.

2011—Subsec. (g). Pub. L. 111-358, § 504(a), struck out “not more than 5” before “professional staff members”.

Subsec. (j)(2). Pub. L. 111-358, § 504(b), inserted “within the authority of the Foundation (or otherwise as requested by the Congress or the President)” after “individual policy matters”.

2007—Subsec. (g). Pub. L. 110-69, § 7015(b), amended subsec. (g) generally. Prior to amendment, subsec. (g) related to the appointment of a Board staff of not more than five professional staff members and any necessary clerical staff members and the compensation and security requirements for such staff.

Subsec. (j). Pub. L. 110-69, § 7016, substituted “President and” for “President, for submission to” in par. (1) and for “President for submission to” in par. (2).

2002—Subsec. (e). Pub. L. 107-368, § 15(a)(1), substituted “The Board shall adopt procedures governing the conduct of its meetings, including delivery of notice and a definition of a quorum, which in no case shall be less than one-half plus one of the confirmed members of the Board.” for “A majority of the members of the Board shall constitute a quorum. Each member shall be given notice, not less than fifteen days prior to any meeting, of the call of such meeting.”

Subsec. (g). Pub. L. 107-368, § 15(c), substituted “Such staff shall be appointed by the Chairman and assigned at the direction of the Board.” for “Such staff shall be appointed by the Director, after consultation with the chairman of the Board and assigned at the direction of the Board.”

1998—Subsec. (g). Pub. L. 105-207, § 202(a)(1)(A), substituted “the maximum rate payable under section 5376” for “the appropriate rate provided for individuals in grade GS-18 of the General Schedule under section 5332”.

Subsecs. (k), (l). Pub. L. 105-207, § 202(a)(1)(B), redesignated subsec. (k), relating to requirement of Board members to file financial disclosure report, as (l).

1988—Subsec. (k). Pub. L. 100-570, § 108, added subsec. (k) relating to requirement of Board members to file financial disclosure report.

Pub. L. 100-570, § 105(a), added subsec. (k) relating to closed meetings.

1985—Subsec. (c). Pub. L. 99-159, § 110(a)(12), inserted “and engineering”, “and engineers”, and “the National Academy of Engineering,” and inserted “, engineering,” after “other scientific”.

Subsec. (e). Pub. L. 99-159, § 109(a), struck out requirement that notice be made to members by registered or certified mail mailed to the last known address of record.

1982—Subsec. (j). Pub. L. 97-375 substituted provisions requiring a report in each even numbered year on the state of science and engineering, and reports on specific policy matters, as needed, for provisions requiring the Board to render an annual report to the President, for submission to the Congress on or before March 31 in each year, to deal essentially, though not necessarily exclusively, with policy issues or matters affecting the Foundation or with which the Board in its official role as the policymaking body of the Foundation was concerned.

1980—Subsec. (c). Pub. L. 96-516 inserted provisions respecting nominations of women and minority groups.

1977—Subsec. (j). Pub. L. 95-99 added subsec. (j).

1976—Subsec. (a). Pub. L. 94-471, § 9(a), inserted reference to the framework of applicable national policies as set forth by the President and the Congress.

Subsec. (g). Pub. L. 94-471, § 9(b), inserted reference to consultation of the Director with the Chairman of the Board and substituted “GS-18” for “GS-15”.

Pub. L. 94-282 redesignated subsec. (h), and all references thereto, as subsec. (g). Former subsec. (g), concerning the annual report by the National Science Board to the President and Congress, was deleted.

Pub. L. 94-273 substituted “April” for “January”.

Subsecs. (h) to (j). Pub. L. 94-282 redesignated subsecs. (h) to (j) as (g) to (i), respectively.

1968—Subsec. (a). Pub. L. 90-407 substituted provisions which authorized the Board to establish the policies of the Foundation in addition to any powers and functions otherwise granted to it by this chapter, for

provisions which authorized the Board, except as otherwise provided by this chapter, to exercise the authority granted to the Foundation by this chapter. Provisions of this subsection, which enumerated the qualifications of persons nominated for appointment to the Board and provided for the specified organizations to make recommendations to the President of individuals qualified for nomination, were designated as subsec. (c).

Subsec. (b). Pub. L. 90-407 added subsec. (b). Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 90-407 redesignated provisions of former subsec. (a) as (c) and added social science and research management to the enumerated fields of eminence, and substituted “the National Association of State Universities and Land Grant Colleges, the Association of American Universities, the Association of American Colleges, the Association of State Colleges and Universities” for “the Association of Land Grant Colleges and Universities, the National Association of State Universities, the Association of American Colleges”. Former subsec. (c), which provided that “The President shall call the first meeting of the Board, at which the first order of business shall be the election of a chairman and a vice chairman”, was struck out as executed.

Subsec. (d). Pub. L. 90-407 redesignated former subsec. (b) as (d), substituted “term of office of each member” for “term of office of each voting member”, struck out “the terms of office of the members first taking office after May 10, 1950, shall expire, as designated by the President at the time of appointment, eight at the end of two years, eight at the end of four years, and eight at the end of six years, after May 10, 1950”, and provided for exemption of Director from prohibition against reappointment within two years following twelve consecutive years of Board membership. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 90-407 redesignated former subsec. (d) as (e) and substituted “A majority of the members of the Board shall constitute a quorum” for “A majority of the voting members of the Board shall constitute a quorum”. Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 90-407 redesignated former subsec. (e) as (f) and substituted provisions that the election of the Chairman and Vice Chairman take place at each annual meeting occurring in an even-numbered year for provisions that their election take place at the first meeting of the National Science Board following the enactment of Pub. L. 86-232, and that thereafter such election take place at the second annual meeting occurring after each such election.

Subsecs. (g) to (j). Pub. L. 90-407 added subsecs. (g) to (j).

1960—Subsec. (d). Pub. L. 86-507 inserted “or by certified mail” after “registered mail”.

1959—Subsec. (d). Pub. L. 86-232 changed annual meeting of Board from first Monday in December to third Monday or other designated day in May.

Subsec. (e). Pub. L. 86-232 substituted provision for an election of a Chairman and Vice Chairman of the Board at first meeting of Board following enactment of Pub. L. 86-232 and at each second annual meeting thereafter in place of provision for election of the first Chairman and Vice Chairman to serve until first Monday in December next succeeding date of election and for election of subsequent officers for terms of two years thereafter.

#### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

#### REFERENCES TO MAXIMUM RATE UNDER 5 U.S.C. 5376

For reference to maximum rate under section 5376 of Title 5, Government Organization and Employees, see

section 2(d)(3) of Pub. L. 110-372, set out as an Effective Date of 2008 Amendment note under section 5376 of Title 5.

#### TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

#### 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.

### § 1864. Director of Foundation

#### (a) Appointment; compensation; term of office

The Director of the Foundation (referred to in this chapter as the “Director”) shall be appointed by the President, by and with the advice and consent of the Senate. Before any person is appointed as Director, the President shall afford the Board an opportunity to make recommendations to him with respect to such appointment. The Director shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5313 of title 5, and shall serve for a term of six years unless sooner removed by the President.

#### (b) Exercise of authority of Foundation; actions as final and binding upon the Foundation

Except as otherwise specifically provided in this chapter (1) the Director shall exercise all of the authority granted to the Foundation by this chapter (including any powers and functions which may be delegated to him by the Board), and (2) all actions taken by the Director pursuant to the provisions of this chapter (or pursuant to the terms of a delegation from the Board) shall be final and binding upon the Foundation.

#### (c) Delegation and redelegation of functions

The Director may from time to time make such provisions as he deems appropriate authorizing the performance by any other officer, agency, or employee of the Foundation of any of his functions under this chapter, including functions delegated to him by the Board; except that the Director may not redelegate policymaking functions delegated to him by the Board.

#### (d) Formulation of programs

The formulation of programs in conformance with the policies of the Foundation shall be carried out by the Director in consultation with the Board.