

**§ 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.)

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 As originally enacted, subsec.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.

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 audit**

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.

**(4) Report**

Not later than February 15 of every third year, the Inspector General of the Foundation shall transmit to 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 the audit required under paragraph (3) along with recommendations for corrective actions that need to be taken to achieve fuller compliance with the requirements described in paragraph (2), and recommendations on how to ensure public access to the Board's deliberations.

**(5) Materials relating to closed portions of meetings**

To facilitate the audit required under paragraph (3) of this subsection, the Office of the