

110TH CONGRESS  
1ST SESSION

# H. R. 1867

To authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2007

Mr. BAIRD (for himself, Mr. EHLERS, Mr. GORDON of Tennessee, Ms. HOOLEY, Mr. BILBRAY, Mr. MCNERNEY, and Mr. HILL) introduced the following bill; which was referred to the Committee on Science and Technology

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## A BILL

To authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Science  
5 Foundation Authorization Act of 2007”.

### 6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) BOARD.—The term “Board” means the Na-  
9 tional Science Board established under section 2 of

1 the National Science Foundation Act of 1950 (42  
2 U.S.C. 1861).

3 (2) DIRECTOR.—The term “Director” means  
4 the Director of the Foundation.

5 (3) ELEMENTARY SCHOOL.—The term “elemen-  
6 tary school” has the meaning given that term by  
7 section 9101(18) of the Elementary and Secondary  
8 Education Act of 1965 (20 U.S.C. 7801(18)).

9 (4) FOUNDATION.—The term “Foundation”  
10 means the National Science Foundation.

11 (5) INSTITUTION OF HIGHER EDUCATION.—The  
12 term “institution of higher education” has the  
13 meaning given such term in section 101(a) of the  
14 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

15 (6) SECONDARY SCHOOL.—The term “sec-  
16 ondary school” has the meaning given that term by  
17 section 9101(38) of the Elementary and Secondary  
18 Education Act of 1965 (20 U.S.C. 7801(38)).

19 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) FISCAL YEAR 2008.—

21 (1) IN GENERAL.—There are authorized to be  
22 appropriated to the Foundation \$6,500,000,000 for  
23 fiscal year 2008.

24 (2) SPECIFIC ALLOCATIONS.—Of the amount  
25 authorized under paragraph (1)—

1 (A) \$5,080,000,000 shall be made avail-  
2 able for research and related activities, of which  
3 \$115,000,000 shall be made available for the  
4 Major Research Instrumentation program;

5 (B) \$873,000,000 shall be made available  
6 for education and human resources, of which—

7 (i) \$94,000,000 shall be for Mathe-  
8 matics and Science Education Partner-  
9 ships established under section 9 of the  
10 National Science Foundation Authorization  
11 Act of 2002 (42 U.S.C. 1862n);

12 (ii) \$70,000,000 shall be for the Rob-  
13 ert Noyce Scholarship Program established  
14 under section 10 of the National Science  
15 Foundation Authorization Act of 2002 (42  
16 U.S.C. 1862n–1);

17 (iii) \$44,000,000 shall be for the  
18 Science, Mathematics, Engineering, and  
19 Technology Talent Expansion Program es-  
20 tablished under section 8(7) of the Na-  
21 tional Science Foundation Authorization  
22 Act of 2002 (Public Law 107–368); and

23 (iv) \$51,620,000 shall be for the Ad-  
24 vanced Technological Education program  
25 established by section 3(a) of the Scientific

1 and Advanced-Technology Act of 1992  
2 (Public Law 102–476);

3 (C) \$245,000,000 shall be made available  
4 for major research equipment and facilities con-  
5 struction;

6 (D) \$285,600,000 shall be made available  
7 for agency operations and award management;

8 (E) \$4,050,000 shall be made available for  
9 the Office of the National Science Board; and

10 (F) \$12,350,000 shall be made available  
11 for the Office of Inspector General.

12 (b) FISCAL YEAR 2009.—

13 (1) IN GENERAL.—There are authorized to be  
14 appropriated to the Foundation \$6,980,000,000 for  
15 fiscal year 2009.

16 (2) SPECIFIC ALLOCATIONS.—Of the amount  
17 authorized under paragraph (1)—

18 (A) \$5,457,400,000 shall be made avail-  
19 able for research and related activities, of which  
20 \$123,100,000 shall be made available for the  
21 Major Research Instrumentation program;

22 (B) \$934,000,000 shall be made available  
23 for education and human resources, of which—

24 (i) \$100,600,000 shall be for Mathe-  
25 matics and Science Education Partner-

1 ships established under section 9 of the  
2 National Science Foundation Authorization  
3 Act of 2002 (42 U.S.C. 1862n);

4 (ii) \$101,000,000 shall be for the  
5 Robert Noyce Scholarship Program estab-  
6 lished under section 10 of the National  
7 Science Foundation Authorization Act of  
8 2002 (42 U.S.C. 1862n-1);

9 (iii) \$55,000,000 shall be for the  
10 Science, Mathematics, Engineering, and  
11 Technology Talent Expansion Program es-  
12 tablished under section 8(7) of the Na-  
13 tional Science Foundation Authorization  
14 Act of 2002 (Public Law 107-368); and

15 (iv) \$55,200,000 shall be for the Ad-  
16 vanced Technological Education program  
17 as established by section 3(a) of the Sci-  
18 entific and Advanced-Technology Act of  
19 1992 (Public Law 102-476);

20 (C) \$262,000,000 shall be made available  
21 for major research equipment and facilities con-  
22 struction;

23 (D) \$309,760,000 shall be made available  
24 for agency operations and award management;

1 (E) \$4,120,000 shall be made available for  
2 the Office of the National Science Board; and

3 (F) \$12,720,000 shall be made available  
4 for the Office of Inspector General.

5 (c) FISCAL YEAR 2010.—

6 (1) IN GENERAL.—There are authorized to be  
7 appropriated to the Foundation \$7,493,000,000 for  
8 fiscal year 2010.

9 (2) SPECIFIC ALLOCATIONS.—Of the amount  
10 authorized under paragraph (1)—

11 (A) \$5,863,200,000 shall be made avail-  
12 able for research and related activities, of which  
13 \$131,700,000 shall be made available for the  
14 Major Research Instrumentation program;

15 (B) \$1,003,000,000 shall be made avail-  
16 able for education and human resources, of  
17 which—

18 (i) \$107,600,000 shall be for Mathe-  
19 matics and Science Education Partner-  
20 ships established under section 9 of the  
21 National Science Foundation Authorization  
22 Act of 2002 (42 U.S.C. 1862n);

23 (ii) \$133,000,000 shall be for the  
24 Robert Noyce Scholarship Program estab-  
25 lished under section 10 of the National

1 Science Foundation Authorization Act of  
2 2002 (42 U.S.C. 1862n-1);

3 (iii) \$60,000,000 shall be for the  
4 Science, Mathematics, Engineering, and  
5 Technology Talent Expansion Program es-  
6 tablished under section 8(7) of the Na-  
7 tional Science Foundation Authorization  
8 Act of 2002 (Public Law 107-368); and

9 (iv) \$59,100,000 shall be for the Ad-  
10 vanced Technological Education program  
11 as established by section 3(a) of the Sci-  
12 entific and Advanced-Technology Act of  
13 1992 (Public Law 102-476);

14 (C) \$280,000,000 shall be made available  
15 for major research equipment and facilities con-  
16 struction;

17 (D) \$329,450,000 shall be made available  
18 for agency operations and award management;

19 (E) \$4,250,000 shall be made available for  
20 the Office of the National Science Board; and

21 (F) \$13,100,000 shall be made available  
22 for the Office of Inspector General.

23 (d) MAJOR RESEARCH INSTRUMENTATION.—

24 (1) AWARD AMOUNT.—The minimum amount  
25 of an award under the Major Research Instrumenta-

tion program shall be \$100,000. The maximum amount of an award under the program shall be \$6,000,000, except—

(A) if the total amount appropriated for the program for a fiscal year exceeds \$125,000,000, in which case the maximum amount of an award shall be \$8,000,000; or

(B) if the total amount appropriated for the program for a fiscal year exceeds \$200,000,000, in which case the maximum amount of an award shall be \$12,000,000.

(2) USE OF FUNDS.—In addition to the acquisition of instrumentation and equipment, funds made available by awards under the Major Research Instrumentation program may be used to support the operations and maintenance of such instrumentation and equipment.

(3) COST SHARING.—

(A) IN GENERAL.—An institution of higher education receiving an award shall provide at least 30 percent of the cost from private or non-Federal sources.

(B) EXCEPTIONS.—Institutions of higher education that are not Ph.D.-granting institutions are exempt from the cost sharing require-



1           ment in subparagraph (A), and the Director  
2           may reduce or waive the cost sharing require-  
3           ment for institutions—

4                   (i) which are not ranked among the  
5                   top 100 institutions receiving Federal re-  
6                   search and development funding, as docu-  
7                   mented by the statistical data published by  
8                   the Foundation; and

9                   (ii) for which the proposed project will  
10                  make a substantial improvement in the in-  
11                  stitution’s capabilities to conduct leading  
12                  edge research, to provide research experi-  
13                  ences for undergraduate students using  
14                  leading edge facilities, and to broaden the  
15                  participation in science and engineering re-  
16                  search by individuals identified in section  
17                  33 or 34 of the Science and Engineering  
18                  Equal Opportunities Act (42 U.S.C. 1885a  
19                  or 1885b).

20           (e) UNDERGRADUATE EDUCATION PROGRAMS.—The  
21   Director shall continue to carry out programs in support  
22   of undergraduate education, including those authorized in  
23   section 17 of the National Science Foundation Authoriza-  
24   tion Act of 2002 (42 U.S.C. 1862n–6). Funding for these  
25   programs shall increase in proportion to the increase in

1 the total amount appropriated to the Foundation in any  
2 year for which appropriations are authorized by this Act.

3 (f) LIMIT ON PROPOSALS.—

4 (1) POLICY.—For programs that require as  
5 part of the selection process for awards the submis-  
6 sion of preproposals and that also limit the number  
7 of preproposals that may be submitted by an institu-  
8 tion, the Director shall allow the subsequent submis-  
9 sion of a full proposal based on each preproposal  
10 that is determined to have merit following the Foun-  
11 dation's merit review process.

12 (2) REVIEW AND ASSESSMENT OF POLICIES.—

13 The Board shall review and assess the effects on in-  
14 stitutions of higher education of the policies of the  
15 Foundation regarding the imposition of limitations  
16 on the number of proposals that may be submitted  
17 by a single institution for programs supported by the  
18 Foundation. The Board shall determine whether cur-  
19 rent policies are well justified and appropriate for  
20 the types of programs that limit the number of pro-  
21 posal submissions. Not later than 1 year after the  
22 date of enactment of this Act, the Board shall sum-  
23 marize its findings and any recommendations re-  
24 garding changes to the current policy on the restric-  
25 tion of proposal submissions in a report to the Com-

1        mittee on Science and Technology of the House of  
2        Representatives and to the Committee on Commerce,  
3        Science, and Transportation and the Committee on  
4        Health, Education, Labor, and Pensions of the Sen-  
5        ate.

6    **SEC. 4. CENTERS FOR RESEARCH ON LEARNING AND EDU-**  
7                                    **CATION IMPROVEMENT.**

8        The Director shall continue to carry out the program  
9        of Centers for Research on Learning and Education Im-  
10       provement as established in section 11 of the National  
11       Science Foundation Authorization Act of 2002 (42 U.S.C.  
12       1862n-2).

13   **SEC. 5. INTERDISCIPLINARY RESEARCH.**

14        (a) IN GENERAL.—The Board shall evaluate the role  
15       of the Foundation in supporting interdisciplinary research,  
16       including through the Major Research Instrumentation  
17       program, the effectiveness of the Foundation’s efforts in  
18       providing information to the scientific community about  
19       opportunities for funding of interdisciplinary research pro-  
20       posals, and the process through which interdisciplinary  
21       proposals are selected for support. The Board shall also  
22       evaluate the effectiveness of the Foundation’s efforts to  
23       engage undergraduate students in research experiences in  
24       interdisciplinary settings, including through the Research

1 in Undergraduate Institutions program and the Research  
2 Experiences for Undergraduates program.

3 (b) REPORT.—Not later than 1 year after the date  
4 of enactment of this Act, the Board shall provide the re-  
5 sults of its evaluation under subsection (a), including a  
6 recommendation for the proportion of the Foundation’s re-  
7 search and related activities that should be allocated for  
8 interdisciplinary research, to the Committee on Science  
9 and Technology of the House of Representatives and the  
10 Committee on Commerce, Science, and Transportation  
11 and the Committee on Health, Education, Labor, and  
12 Pensions of the Senate.

13 **SEC. 6. PILOT PROGRAM OF GRANTS FOR NEW INVESTIGA-**  
14 **TORS.**

15 (a) IN GENERAL.—The Director shall carry out a  
16 pilot program to award one-year grants to individuals to  
17 assist them in improving research proposals that were pre-  
18 viously submitted to the Foundation but not selected for  
19 funding.

20 (b) USE OF FUNDS.—Grants awarded under this sec-  
21 tion shall be used to support the generation of new data  
22 and the performance of additional analysis to enable an  
23 individual to resubmit an updated research proposal for  
24 review by the Foundation through the agency’s competi-  
25 tive merit review process.

1       (c) ELIGIBILITY.—To be eligible to receive a grant  
2 under this section, an individual shall—

3           (1) not have previously received funding as the  
4 principal investigator of a research grant from the  
5 Foundation; and

6           (2) have submitted a proposal to the Founda-  
7 tion, which may include a proposal submitted to the  
8 Research in Undergraduate Institutions program,  
9 that was rated very good or excellent under the  
10 Foundation’s competitive merit review process.

11       (d) SELECTION PROCESS.—The Director shall make  
12 awards under this section based on the advice of the pro-  
13 gram officers of the Foundation.

14       (e) PROGRAM ADMINISTRATION.—The Director may  
15 carry out this section through the Small Grants for Ex-  
16 ploratory Research program.

17       (f) NATIONAL SCIENCE BOARD REVIEW.—The  
18 Board shall conduct a review and assessment of the pilot  
19 program under this section, including the number of new  
20 investigators funded, the distribution of awards by type  
21 of institution of higher education, and the success rate  
22 upon resubmittal of proposals by new investigators funded  
23 through this pilot program. Not later than 3 years after  
24 the date of enactment of this Act, the Board shall summa-  
25 rize its findings and any recommendations regarding

1 changes to or the continuation of the pilot program in a  
2 report to the Committee on Science and Technology of the  
3 House of Representatives and the Committee on Com-  
4 merce, Science, and Transportation and the Committee on  
5 Health, Education, Labor, and Pensions of the Senate.

6 **SEC. 7. BROADER IMPACTS MERIT REVIEW CRITERION.**

7 (a) IN GENERAL.—In evaluating research proposals  
8 under the Foundation’s broader impacts criterion, the Di-  
9 rector shall give special consideration to proposals that in-  
10 volve partnerships between academic researchers and in-  
11 dustrial scientists and engineers that address research  
12 areas that have been identified as having high importance  
13 for future national economic competitiveness, such as  
14 nanotechnology.

15 (b) PARTNERSHIPS WITH INDUSTRY.—The Director  
16 shall encourage research proposals from institutions of  
17 higher education that involve partnerships with businesses  
18 and organizations representing businesses in fields that  
19 have been identified as having high importance for future  
20 national economic competitiveness and that include input  
21 on the research agenda from and cost-sharing by the in-  
22 dustry partners.

23 (c) REPORT ON BROADER IMPACTS CRITERION.—  
24 Not later than 1 year after the date of enactment of this  
25 Act, the Director shall transmit to Congress a report on

1 the impact of the broader impacts grant criterion used by  
2 the Foundation. The report shall—

3 (1) identify the criteria that each division and  
4 directorate of the Foundation uses to evaluate the  
5 broader impacts aspects of research proposals;

6 (2) provide a breakdown of the types of activi-  
7 ties by division that awardees have proposed to carry  
8 out to meet the broader impacts criterion;

9 (3) provide any evaluations performed by the  
10 Foundation to assess the degree to which the broad-  
11 er impacts aspects of research proposals were car-  
12 ried out and how effective they have been at meeting  
13 the goals described in the research proposals;

14 (4) describe what national goals, such as im-  
15 proving undergraduate science, mathematics, and  
16 engineering education, improving K–12 science and  
17 mathematics education, promoting university-indus-  
18 try collaboration and technology transfer, and broad-  
19 ening participation of underrepresented groups, the  
20 broader impacts criterion is best suited to promote;  
21 and

22 (5) describe what steps the Foundation is tak-  
23 ing and should take to use the broader impacts cri-  
24 terion to improve undergraduate science, mathe-  
25 matics, and engineering education.

1 **SEC. 8. POSTDOCTORAL RESEARCH FELLOWS.**

2 (a) MENTORING.—The Director shall require that all  
3 grant applications that include funding to support  
4 postdoctoral researchers include a description of the men-  
5 toring activities that will be provided for such individuals,  
6 and shall ensure that this part of the application is evalu-  
7 ated under the Foundation’s broader impacts merit review  
8 criterion. Mentoring activities may include career coun-  
9 seling, training in preparing grant applications, guidance  
10 on ways to improve teaching skills, and training in re-  
11 search ethics.

12 (b) REPORTS.—The Director shall require that an-  
13 nual reports and the final report for research grants that  
14 include funding to support postdoctoral researchers in-  
15 clude a description of the mentoring activities provided to  
16 such researchers.

17 **SEC. 9. RESPONSIBLE CONDUCT OF RESEARCH.**

18 The Director shall require that each institution that  
19 applies for financial assistance from the Foundation for  
20 science and engineering research or education describe in  
21 its grant proposal a plan to provide appropriate training  
22 and oversight in the responsible and ethical conduct of re-  
23 search to undergraduate students, graduate students, and  
24 postdoctoral researchers participating in the proposed re-  
25 search project.



1 **SEC. 10. REPORTING OF RESEARCH RESULTS.**

2       The Director shall ensure that all final project re-  
3 ports and citations of published research documents re-  
4 sulting from research funded, in whole or in part, by the  
5 Foundation, are made available to the public in a timely  
6 manner and in electronic form through the Foundation's  
7 Web site.

8 **SEC. 11. SHARING RESEARCH RESULTS.**

9       An investigator supported under a Foundation  
10 award, whom the Director determines has failed to comply  
11 with the provisions of section 734 of the Foundation Grant  
12 Policy Manual, shall be ineligible for a future award under  
13 any Foundation supported program or activity. The Direc-  
14 tor may restore the eligibility of such an investigator on  
15 the basis of the investigator's subsequent compliance with  
16 the provisions of section 734 of the Foundation Grant Pol-  
17 icy Manual and with such other terms and conditions as  
18 the Director may impose.

19 **SEC. 12. FUNDING FOR SUCCESSFUL STEM EDUCATION**  
20 **PROGRAMS.**

21       (a) EVALUATION OF PROGRAMS.—The Director shall,  
22 on an annual basis, evaluate all of the Foundation's grants  
23 that are scheduled to expire within one year and—

24           (1) that have the primary purpose of meeting  
25 the objectives of the Science and Engineering Equal  
26 Opportunity Act (42 U.S.C. 1885 et seq.); or

1           (2) that have the primary purpose of providing  
2       teacher professional development.

3       (b) CONTINUATION OF FUNDING.—For grants that  
4       are identified under subsection (a) and that are deemed  
5       by the Director to be successful in meeting the objectives  
6       of the initial grant solicitation, the Director may extend  
7       the duration of those grants for up to 3 additional years  
8       beyond their scheduled expiration without the requirement  
9       for a recompetition. The Director may extend such grants  
10      for an additional 3 years following a second review within  
11      1 year before the extended completion date, in accordance  
12      with subsection (a), and the determination by the Director  
13      that the objectives of the grant are being achieved.

14      (c) REPORT TO CONGRESS.—Not later than 2 years  
15      after the date of enactment of this Act, the Director shall  
16      submit a report to the Committee on Science and Tech-  
17      nology of the House of Representatives and to the Com-  
18      mittee on Commerce, Science, and Transportation and the  
19      Committee on Health, Education, Labor, and Pensions of  
20      the Senate that—

21           (1) lists the grants which have been extended in  
22      duration by the authority provided under this sec-  
23      tion; and

24           (2) provides any recommendations the Director  
25      may have regarding the extension of the authority

1 provided under this section to programs other than  
2 those specified in subsection (a).

3 **SEC. 13. COST SHARING.**

4 (a) IN GENERAL.—The Board shall evaluate the im-  
5 pact of its policy to eliminate cost sharing for research  
6 grants and cooperative agreements for existing programs  
7 that were developed around industry partnerships and his-  
8 torically required industry cost sharing, such as the Engi-  
9 neering Research Centers and Industry/University Coop-  
10 erative Research Centers. The Board shall also consider  
11 the impact that the cost sharing policy has on initiating  
12 new programs for which industry interest and participa-  
13 tion are sought.

14 (b) REPORT.—Not later than 6 months after the date  
15 of enactment of this Act, the Board shall report to the  
16 Committee on Science and Technology and the Committee  
17 on Appropriations of the House of Representatives, and  
18 the Committee on Commerce, Science, and Transpor-  
19 tation, the Committee on Health, Education, Labor, and  
20 Pensions, and the Committee on Appropriations of the  
21 Senate, on the results of the evaluation under subsection  
22 (a).

23 **SEC. 14. DONATIONS.**

24 Section 11(f) of the National Science Foundation Act  
25 of 1950 (42 U.S.C. 1870(f)) is amended by inserting at

1 the end before the semicolon “, except that funds may be  
 2 donated for specific prize competitions”.

3 **SEC. 15. ADDITIONAL REPORTS.**

4 (a) REPORT ON FUNDING FOR MAJOR FACILITIES.—

5 (1) PRECONSTRUCTION FUNDING.—The Board  
 6 shall evaluate the appropriateness of the require-  
 7 ment that funding for detailed design work and  
 8 other preconstruction activities for major research  
 9 equipment and facilities come exclusively from the  
 10 sponsoring research division rather than being avail-  
 11 able, at least in part, from the Major Research  
 12 Equipment and Facilities Construction account.

13 (2) MAINTENANCE AND OPERATION COSTS.—

14 The Board shall evaluate the appropriateness of the  
 15 Foundation’s policies for allocation of costs for, and  
 16 oversight of, maintenance and operation of major re-  
 17 search equipment and facilities.

18 (3) REPORT.—Not later than 6 months after  
 19 the date of enactment of this Act, the Board shall  
 20 report on the results of the evaluations under para-  
 21 graphs (1) and (2) and on any recommendations for  
 22 modifying the current policies related to allocation of  
 23 funding for major research equipment and facilities  
 24 to the Committee on Science and Technology and  
 25 the Committee on Appropriations of the House of

1 Representatives, and to the Committee on Com-  
2 merce, Science, and Transportation, the Committee  
3 on Health, Education, Labor, and Pensions, and the  
4 Committee on Appropriations of the Senate.

5 (b) INCLUSION OF POLAR FACILITIES UPGRADES IN  
6 MAJOR RESEARCH EQUIPMENT AND FACILITIES CON-  
7 STRUCTION PLAN.—Section 201(a)(2)(D) of the National  
8 Science Foundation Authorization Act of 1998 (42 U.S.C.  
9 1862l(a)(2)(D)) is amended by inserting “and for major  
10 upgrades of facilities in support of Antarctic research pro-  
11 grams” after “facilities construction account”.

12 (c) REPORT ON EDUCATION PROGRAMS WITHIN THE  
13 RESEARCH DIRECTORATES.—Not later than 6 months  
14 after the date of enactment of this Act, the Director shall  
15 transmit to the Committee on Science and Technology of  
16 the House of Representative and the Committee on Com-  
17 merce, Science, and Transportation and the Committee on  
18 Health, Education, Labor, and Pensions of the Senate a  
19 report cataloging all elementary and secondary school, in-  
20 formal, and undergraduate educational programs and ac-  
21 tivities supported through appropriations for Research  
22 and Related Activities. The report shall display the pro-  
23 grams and activities by directorate, along with estimated  
24 funding levels for the fiscal years 2006, 2007, and 2008,  
25 and shall provide a description of the goals of each pro-

1 gram and activity. The report shall also describe how the  
 2 programs and activities relate to or are coordinated with  
 3 the programs supported by the Education and Human Re-  
 4 sources Directorate.

5 (d) REPORT ON RESEARCH IN UNDERGRADUATE IN-  
 6 STITUTIONS PROGRAM.—The Director shall transmit to  
 7 Congress along with the fiscal year 2011 budget request  
 8 a report listing the funding success rates and distribution  
 9 of awards for the Research in Undergraduate Institutions  
 10 program, by type of institution based on the highest aca-  
 11 demic degree conferred by the institution, for fiscal years  
 12 2008, 2009, and 2010.

13 **SEC. 16. ADMINISTRATIVE AMENDMENTS.**

14 (a) TRIANNUAL AUDIT OF THE OFFICE OF THE NA-  
 15 TIONAL SCIENCE BOARD.—Section 15(a) of the National  
 16 Science Foundation Authorization Act of 2002 (42 U.S.C.  
 17 4862n–5) is amended—

18 (1) in paragraph (3), by striking “an annual  
 19 audit” and inserting “an audit every three years”;

20 (2) in paragraph (4), by striking “each year”  
 21 and inserting “every third year”; and

22 (3) by inserting after paragraph (4) the fol-  
 23 lowing new paragraph:

24 “(5) MATERIALS RELATING TO CLOSED POR-  
 25 TIONS OF MEETINGS.—To facilitate the audit re-

1       quired under paragraph (3) of this subsection, the  
 2       Office of the National Science Board shall maintain  
 3       the General Counsel's certificate, the presiding offi-  
 4       cer's statement, and a transcript or recording of any  
 5       closed meeting, for at least 3 years after such meet-  
 6       ing.”.

7       (b) LIMITED TERM PERSONNEL FOR THE NATIONAL  
 8       SCIENCE BOARD.—Subsection (g) of section 4 of the Na-  
 9       tional Science Foundation Act of 1950 (42 U.S.C.  
 10      1863(g)) is amended to read as follows:

11       “(g) The Board may, with the concurrence of a ma-  
 12      jority of its members, permit the appointment of a staff  
 13      consisting of not more than 5 professional staff members,  
 14      technical and professional personnel on leave of absence  
 15      from academic, industrial, or research institutions for a  
 16      limited term and such operations and support staff mem-  
 17      bers as may be necessary. Such staff shall be appointed  
 18      by the Chairman and assigned at the direction of the  
 19      Board. The professional members and limited term tech-  
 20      nical and professional personnel of such staff may be ap-  
 21      pointed without regard to the provisions of title 5, United  
 22      States Code, governing appointments in the competitive  
 23      service, and the provisions of chapter 51 of such title relat-  
 24      ing to classification, and shall be compensated at a rate  
 25      not exceeding the maximum rate payable under section

1 5376 of such title, as may be necessary to provide for the  
2 performance of such duties as may be prescribed by the  
3 Board in connection with the exercise of its powers and  
4 functions under this Act. Section 14(a)(3) shall apply to  
5 each limited term appointment of technical and profes-  
6 sional personnel under this subsection. Each appointment  
7 under this subsection shall be subject to the same security  
8 requirements as those required for personnel of the Foun-  
9 dation appointed under section 14(a).”.

10 **SEC. 17. NATIONAL SCIENCE BOARD REPORTS.**

11 Paragraphs (1) and (2) of section 4(j) of the National  
12 Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)  
13 and (2)) are each amended by striking “, for submission  
14 to” and inserting “and”.

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