

**Counsel Certification**  
**Closure Vote Notice**  
**National Science Board Meetings on May 5-6, 2020**

On Sunday, April 26, 2020 the Executive Committee of the National Science Board voted to close portions of the May 2020 meetings of the National Science Board and its committees. Executive Committee members Drs. Droegemeier, Souvaine, Ochoa, Phillips, and Zuber participated in the e-mail polling of the Executive Committee. All members voted “yes” to close the meetings. The justification for closing the meetings is provided in the attached certificate.

For the closed meetings of the Board and its subdivisions, the NSF Chief Operating Officer, Assistant Directors, senior O/D staff members, Office Heads including O/D Office Heads, Board Executive Officer, Board Counsel, the applicable Executive Secretary and NSBO staff may attend in addition to the Board members. For closed committee meetings, staff preparing a presentation or who are needed to answer questions may also attend. For the CSB closed meeting involving future budgets, the NSF CFO, the heads of the Budget Office and of OLPA and applicable senior staff from those offices may also attend. For the executive closed meeting of the Board, only the NSF Chief Operating Officer, Board Executive Officer, Board Counsel, and Executive Secretary may attend. The Board Chair or Committee Chair may allow other necessary or appropriate attendees or restrict attendance further.

## **CERTIFICATE**

It is my opinion that the discussions in the following meetings of the National Science Board and its subdivisions may properly be closed for the reasons given.

1. A&F meeting to be held on May 6, 2020. Closed agenda items include: Committee Chair's remarks; Approval of prior minutes; Action Item – Mid-scale Research Infrastructure Track 2 Portfolio; Context Item – NSF's National Optical-Infrared Astronomy Research Laboratory (NOIR Lab); Financial and personnel issues regarding research facilities – items to be closed pursuant to 5 USC § 552b (c) (4), (c) (6).
2. CS meeting to be held on May 6, 2020. Closed agenda items include: Committee chair's remarks; Approval of prior minutes; Update on FY 2020 Current Plan, COVID-19 Spending, FY 2022 Planning – items to be closed pursuant to 5 USC § 552b (c) (3) and 42 USC § 1863 (k).
3. Plenary NSB meeting (closed session), to be held May 6, 2020. Closed agenda items include: NSB Chair's remarks; Approval of prior minutes; Acting Director's remarks; Closed committee reports; and Vote – Mid-scale Research Infrastructure Track 2 Portfolio. Items to be closed pursuant to 5 USC § 552b (c) (4), and 5 USC § 552b (c) (3) and 42 USC § 1863 (k).
4. Plenary NSB meeting (executive closed session), to be held May 6, 2020. Closed agenda items include: NSB Chair's remarks; Approval of prior minutes; Acting Director's remarks; NSF Deputy Director discussion; Board member Award; Board Elections for Chair, Vice-chair, and two Executive Committee Members – items to be closed pursuant to 5 USC § 552b (c) (4) and (6).

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Lawrence Rudolph  
General Counsel  
National Science Foundation