

**Audit of National Science Board  
Compliance with the Government in the  
Sunshine Act for 2007 - 2009**

**National Science Foundation  
Office of Inspector General**

**February 12, 2010  
OIG 10-2-008**



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## Executive Summary

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### BACKGROUND

In the early 1970s, Congress enacted the Government in the Sunshine Act (Sunshine Act) in order to open the government's deliberation processes to public scrutiny. The Sunshine Act applies to the National Science Board (NSB or Board) and requires that its meetings be open to the public, with the exception of meetings that qualify for ten narrow exemptions. While the Sunshine Act does not require an agency to hold meetings, it does contain a number of requirements that must be followed when an agency decides to meet either in closed or open session.

To help ensure greater openness in Board meetings, the National Science Foundation (NSF) Office of Inspector General (OIG) is statutorily required to conduct periodic audits of the Board's compliance with the Sunshine Act.

### AUDIT OBJECTIVES

In keeping with the statutory audit requirement, the objectives of our audit were to:

- Determine whether the Board's closures of meetings were consistent with the exemptions contained in the Government in the Sunshine Act; and,
- Determine whether the Board and its subdivisions were in compliance with the procedural requirements of the Government in the Sunshine Act.

### RESULTS IN BRIEF

In addition to implementing policies and procedures that address all previous audit recommendations, the Board was in full compliance with the Sunshine Act, from January 2007 to August 6, 2009, when it made decisions to close upcoming Board meetings. In our review of available closed-meeting transcripts, we did not find any instance where the Board had specifically decided to close a meeting that instead should have been held open to the public. In addition, for most open meetings, the Board continues to show compliance with the Sunshine Act's procedural requirements, including proper public announcement of meetings within the statutory time frames.

However, our audit raises some concerns. Most notably, the Board could not produce complete transcripts or recordings, as required under the Sunshine Act, for 9 of the 28 closed meetings we reviewed. When transcripts are incomplete or

unavailable, the public cannot obtain information from these closed meetings and public trust in the decision-making process may be diminished. A combination of insufficient knowledge of Sunshine Act requirements and technical problems contributed to the Board not having complete transcripts.

Further, we found several instances where the Board made impromptu adjustments to meetings by adding items to the discussions without following all of the Sunshine Act requirements for such changes. Adherence to these procedural requirements helps ensure the fullest amount of openness in government and not following them can diminish Board transparency and accountability. These instances of non-compliance appears to have occurred because of the Board's process for setting meeting agendas, which may not provide all Board members with the opportunity for input into the planned topics for discussion and because Board members, Board Office staff, and Executive Secretaries may not have the knowledge needed to properly handle impromptu meeting changes.

Finally, we noted a few minor instances of non-compliance for which we are notifying the Board Office under separate cover.

**RECOMMENDATIONS** In order to demonstrate the Board's continued commitment to both the requirements and the intent of the Sunshine Act, we recommend that the Executive Officer of the National Science Board 1) ensure that closed meetings are properly recorded and transcribed; 2) evaluate ways to improve the current process for setting agenda items to decrease the instances of impromptu changes; 3) update the Board Office's Sunshine Act policies and procedures and processes to facilitate compliance; and 4) ensure that all Board members and pertinent staff receive continuing periodic training on Sunshine Act requirements.

**AGENCY RESPONSE** The Board reviewed a draft of this report and generally agrees with our findings and recommendations. In addition, the Board stated it is working to increase its transparency and openness.

We have included the Board's response to this report in its entirety as an appendix.

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### Acronyms

A&O	Audit and Oversight Committee
CPP	Committee on Programs and Plans
CSB	Committee on Strategy and Budget
EC	Executive Committee
NOM	Committee on Nominating for NSB Elections
NSB or Board	National Science Board
NSB (PL)	NSB Plenary Open
NSB (PLE/PL)	NSB Plenary Executive/Plenary Closed
NSF	National Science Foundation
OIG	Office of Inspector General
VBA	Vannevar Bush Award Committee

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## Introduction

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### Background

The National Science Board (Board or NSB) is the governing entity of the National Science Foundation (NSF), an independent Federal agency established by the National Science Foundation Act of 1950.<sup>1</sup> The Board is composed of 24 part-time, Presidentially-appointed members, who are selected on the basis of their eminence in fields such as the sciences, engineering, and education. The NSF Director is also an *ex officio* member of the Board.

The Board has the responsibility for providing national science policy advice to the President and Congress, and for establishing the policies of NSF. The Board primarily conducts its business during two-day meetings, which are generally held five times a year. Much of the background work in preparation for Board discussion and action is done through its committees.

Currently, the Board has six standing committees: Executive, Audit and Oversight, Education and Human Resources, Programs and Plans, Science and Engineering Indicators, and Strategy and Budget. These committees, and other subcommittees and task forces, generally meet during the same two-day period as the full Board. In addition, the committees may meet at other times throughout the year on an as-needed basis.

Board meeting administration and other day-to-day operations for the Board are managed through the National Science Board Office (Board Office). This office is headed by an Executive Officer, who oversees a staff that includes policy, science and administrative personnel. In addition to supporting the operations of the Board, the responsibilities of the Board Office include compliance with the Sunshine Act. The Board and its committees are also assigned executive secretaries. These are generally drawn from Board Office or other senior NSF staff. The executive secretaries provide policy and administrative support for the Board's committees, as well as facilitate information flow among the committees, the Board Office, and NSF management.

### The Government in the Sunshine Act

In the early 1970s, partially in response to the Watergate scandal, Congress enacted the Government in the Sunshine Act (Sunshine Act)

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<sup>1</sup> 42 U.S.C. §1861 (2006).

along with other anti-secrecy legislation. Congress intended the Sunshine Act to open the government's deliberation processes to public scrutiny.

The Sunshine Act applies to agencies "headed by a collegial body composed of two or more individual members . . . and any subdivision thereof authorized to act on behalf of the agency,"<sup>2</sup> and covers some 50 Federal agencies, including the National Science Board. The Sunshine Act requires that "every portion of every meeting of an agency shall be open to public observation"<sup>3</sup> with the exception of meetings that qualify for ten narrow exemptions for discussions of material that are likely to disclose:

- (1) National Defense and foreign policy;
- (2) Internal personnel rules and practices;
- (3) Statutory exemptions;
- (4) Proprietary information;
- (5) Accusation of crime or formal censure;
- (6) Personal privacy;
- (7) Investigatory records;
- (8) Financial institution reports;
- (9)(A) Financial speculation and stability;
- (9)(B) Frustration of proposed agency action; and
- (10) Issuance of subpoena, participation in civil action or proceeding, or formal agency adjudications.<sup>4</sup>

While the Sunshine Act does not require an agency to hold meetings, it does contain a number of procedural requirements that must be followed when an agency decides to meet for either a closed or open session. First, at least one week prior to each meeting, the agency must make a public announcement regarding the time, place, and subject matter of the meeting, the name and phone number of a designated contact official, and whether the meeting is to be open or closed.

Additionally, to close all or a portion of a meeting, an agency must vote to do so and make publicly available a written copy of the vote and a "full written explanation of its action closing the portion [of the meeting]."<sup>5</sup> Also, for a closed meeting, the agency's General Counsel, or chief legal officer, must publicly certify that the meeting may be closed under one of the Sunshine Act's exemptions. Further, aside from a few limited exceptions, the agency must maintain a complete transcript or electronic recording of closed meetings that can be requested by the public.

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<sup>2</sup> 5 U.S.C. § 552b(a)(1) (2007).

<sup>3</sup> *Id.* § 552b(b).

<sup>4</sup> *Id.* § 552b(c).

<sup>5</sup> *Id.* § 552b(d)(3).

Finally, the agency must annually report to the Congress: any changes in the agency's policies and procedures under the Sunshine Act; a tabulation of the number of meetings held, exemptions applied, and the days of public notice provided to close a meeting; a brief description of litigation or formal complaints concerning the implementation of the Sunshine Act; and any changes in law that have affected the open-meeting responsibilities of the agency.

### **Open Meetings of the National Science Board**

In accordance with the Government in the Sunshine Act, the National Science Board has traditionally opened its full-Board meetings to the public. However, prior to 2003, the Board did not provide public access to the meetings of its committees, subcommittees, taskforces, or other subdivisions.

The National Science Foundation Authorization Act of 2002, which became effective in December 2002, contained administrative amendments to the National Science Foundation Act pertaining to Board meetings. As part of these amendments, the Congress specified that in addition to meetings of the full Board, "all of its subcommittees, and task forces (and any other entity consisting of members of the Board and reporting to the Board) shall be subject to [the Sunshine Act]."<sup>6</sup> Consequently, in 2003, the Board opened to the public, for the first time, its committee and other subdivision meetings. Such meetings continued to be open to the public through the time period covered by this audit.

### **Audit Requirement**

In keeping with its interest for greater openness in Board meetings, the Congress placed another requirement in the 2002 Authorization Act directing that the NSF Office of Inspector General (OIG) conduct audits of the Board's compliance with the Sunshine Act.<sup>7</sup> These audits are to "examine the proposed and actual content of closed meetings and determine whether the closure of the meetings was consistent with [the Act]."<sup>8</sup> In a report submitted to the Congress by February 15th of each audit period, the OIG is to make "recommendations for corrective actions that need to be taken to achieve fuller compliance with [the Sunshine Act] and recommendations on how to ensure public access to the Board's deliberations."<sup>9</sup>

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<sup>6</sup> Pub. L. No. 107-368 (2002).

<sup>7</sup> While these audits were initially required to be conducted annually, the National Science Foundation Authorization Act of 2007 changed the audit requirement to at least tri-annually. See Pub. L. No. 110-69 (2007).

<sup>8</sup> Pub. L. No. 107-368 (2002).

<sup>9</sup> *Id.*

This is the fifth audit of the Board's Sunshine Act activities. Prior audits found intent on the part of the Board to provide for greater access to and increased openness in its meetings. Regarding the Board's decisions to close meetings, we found in past audits that the Board generally closed its meetings consistent with the Sunshine Act's exemptions. However, we noted instances where the Board included agenda items in its closed meetings that should have been more properly included in open sessions. As a result of our audits, we recommended that the Board develop and implement formal policies, processes, and procedures for complying with the Sunshine Act's closure requirements and that it provide training to pertinent staff. The Board agreed with and implemented these recommendations. We also found that, from 2003 through 2005, the Board faced challenges in meeting the Sunshine Act's numerous procedural requirements but greatly improved its compliance in 2006 due to the Board Office's new process for tracking due dates. However, we also found that the Board did not comply with the Sunshine Act's procedural requirements to vote on and publicly announce changes to its already publicly announced agendas. As a result of our 2006 audit, the Board Office developed and implemented formal policies and procedures to ensure that the Board conducts the required vote for agenda changes and that such changes are publicly announced.

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## Results of Audit

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In addition to implementing policies and procedures that address all previous audit recommendations, the Board was in full compliance with the Sunshine Act, from January 2007 to August 6, 2009, when it made decisions to close upcoming Board meetings. In our review of available closed-meeting transcripts, we did not find any instance where the Board had specifically decided to close a meeting that instead should have been held open to the public. In addition, for most open meetings, the Board continues to show compliance with the Sunshine Act's procedural requirements, including proper public announcement of meetings within the statutory time frames.

However, our audit raises some concerns. Most notably, the Board could not produce complete transcripts, as required under the Sunshine Act, for 9 of the 28 closed meetings we reviewed. When transcripts are incomplete or unavailable, the public cannot obtain information from these closed meetings and public trust in the decision-making process may be diminished. A combination of insufficient knowledge of Sunshine Act requirements and technical problems contributed to the Board not having complete transcripts.

Further, we found several instances where the Board made impromptu adjustments to meetings without following all of the Sunshine Act requirements for such changes. Adherence to these procedural requirements is necessary to ensure the fullest amount of openness in government; not following them can diminish Board transparency and accountability. These instances of non-compliance with requirements appear to have occurred because the Board's process for setting meeting agendas may not provide all Board members with the opportunity for input into the planned topics for discussion and because Board members and Executive Secretaries may not have the knowledge needed to properly handle impromptu meeting changes.

Finally, we noted a few minor instances of non-compliance for which we are notifying the Board Office under separate cover.

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## Board Demonstrates Compliance with Most Sunshine Act Requirements

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From January 2007 to August 6, 2009, the Board was in full compliance with most of the Sunshine Act's many requirements and procedures. First, when making decisions to close upcoming Board meetings, the Board continued to improve over prior years and was in full compliance with the Sunshine Act. Under the Sunshine Act, to close a meeting or a

portion of a meeting, the Board must decide, in advance, whether a proposed topic is likely to raise discussions covered by one of the ten exemptions contained in the Act. Our review of available closed-meeting transcripts did not identify any instance where the Board had specifically decided to close a meeting that instead should have been held open to the public.

In addition, for most open meetings, the Board continues to show compliance with the Sunshine Act's procedural requirements, including proper public announcement of meetings within the statutory time frames. For the 40 open meetings included in our sample, 33 (83 percent) fully complied with all the Sunshine Act's requirements, which require that various pieces of meeting information be made public so that interested parties can make informed and timely decisions on whether to attend.

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## **Board Needs to Maintain Complete Transcripts of Closed Meetings**

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The most notable of the non-compliance issues was the lack of complete transcripts or recordings that are required for the Board's closed meetings. For 9 of the 28 closed meetings in our sample, or 32 percent, the Board could not produce either complete transcripts or recordings.

For five of these closed meetings, the Board had no transcript or recording. These included three closed meetings of the Nominations Committee for Board Elections (NOM), one closed meeting of the Vannevar Bush Award (VBA) Committee, and one closed meeting of the Audit and Oversight (A&O) Committee. During our audit, Board Office staff stated that no transcripts or recordings were taken for any of the closed VBA or NOM meetings held from 2007 through August 2009, although there were limited meeting minutes. When asked for an explanation, one Board Office staff member stated he understood that transcripts or recordings were not required for these meetings. He also stated that transcripts had never been taken for closed meetings of the NOM Committee. In the past, however, prior audits found Board transcripts or recordings for both closed VBA and closed NOM meetings. With respect to the closed A&O meeting, Board Office staff properly stated and we concur, that the failure to maintain a transcript of that session resulted from discussions between the Board Office and the OIG regarding the conduct of such meetings involving the OIG. Those discussions contained incorrect information about the need for a transcript and the misunderstanding of both parties on this point was corrected subsequently.

In addition, for four closed meetings in our sample the Board could only provide incomplete recordings or transcripts. These were electronic audio

or video recordings that encountered a technical malfunction. For example, for one of the audio recordings, one side of the cassette tape ran out before the meeting discussions ended. On the second side of the cassette tape, the discussion begins mid-conversation with no indication of how much of the meeting was lost. For another meeting, the full transcript was made up of two separate video recordings but the video for the first half of the meeting was blank. The Board Office indicated that the tape was blank due to a technical problem.

While the Sunshine Act does allow for the closure of meetings under certain circumstances, it also requires agencies to maintain verbatim transcripts or recordings, in most instances, of closed meetings so that the public may still have access to this information. If those transcripts or recordings are unavailable, the public is, in essence, denied access to information from these closed meetings and public trust in the decision-making process may be diminished.

According to Board Office staff, some of the problems resulting in missing and/or incomplete transcripts or recordings were due to malfunctioning recording equipment. In the past, the Board Office has primarily relied on court reporters to ensure closed Sunshine Act meetings were fully transcribed. However, according to Board Office staff, they stopped using court reporters when the Board started meeting in parallel sessions and the costs became too high.

Conversations with the Board Office indicate that they are in the process of procuring new recording equipment. This new equipment will include digital recorders and microphones that will identify the speaker. The recorders run for a sufficient length of time to allow meetings to be captured in their entirety. However, the Board Office will still need to ensure that the new equipment is working as intended, because the lack of a transcript or recording, if requested by the public or other stakeholders, could be problematic for the Board.

In addition, missing transcripts were also caused by a lack of full knowledge regarding Sunshine Act requirements by many of the parties involved. As noted previously, one of the instances we identified in which there was no transcript resulted from a misunderstanding by Board Office and OIG staff as to the need for a transcript in certain A&O Committee closed sessions.

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## **Process Improvements Needed for Impromptu Agenda Changes**

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The Sunshine Act recognizes the realities of how meetings can evolve and includes within it a process to follow to provide for meeting flexibility while

also ensuring the most amount of transparency possible. For agenda changes to open meetings, the Board needs to decide whether agency business requires the proposed topic to be discussed during the meeting, without the benefit of advance notice to the public, and this decision must be recorded through a vote. Further, the change and the vote on the change must still be publicly announced as soon as possible. For agenda changes to closed meetings, the same process applies in regards to the public notice requirements. Further, there is also the added step that requires the Board to decide whether the proposed discussion “is likely” to fall under one of the Sunshine Act’s ten exemptions. Cancellations of meetings are also agenda changes and require the same public notice as other changes.

For the total 68 open and closed meetings we reviewed, we found 10 meetings that did not go as planned. Sometimes, the Board added topics to its already announced agendas. In other instances, meetings were cancelled entirely. However, the Board properly followed the Sunshine Act’s process for handling changes for only one of these meetings. In the other nine meetings, the Board had one or more instances of non-compliance relating to the changed circumstances:

- 2 open meetings in 2007 and 2009 had unannounced agenda changes without the necessary vote to add the agenda items;
- 2 open meetings in 2007 were cancelled without public notice; and
- 5 closed meetings in 2007 and 2008 had unannounced agenda items with no vote to add the agenda items, no vote to close the discussion for these items, and no determination whether the items for discussion met a Sunshine Act exemption.

Following the Sunshine Act procedures for unplanned changes to meetings helps ensure the fullest amount of transparency in government deliberations. While the public may not have enough notice to make a decision regarding attending a changed meeting, it would be assured that the Board has decided that this was an important enough item to merit discussion during the meeting in question and not later. Further, the public would see the results of the Board’s votes when they are publicly announced. Finally, for closed meetings, the public could see that the Board has made the decision not only to hold the meeting now rather than later, but also that the Board determined its discussion is likely to fall within one of the Act’s ten exemptions and it is appropriate to discuss this unplanned subject in a closed session. Further, for closed meetings, the public, once notified of the change in agenda, could request a copy of the closed transcript. Not following these procedures, in turn, could diminish Board transparency and accountability.

While it may be impossible to eliminate all unplanned meeting changes, the timing of the Board's development of meeting agendas may contribute to an increase in such changes. For example, according to Board Office staff, Board members are not always consulted on what agenda topics should be discussed at the upcoming Board meetings because not all of the Committee Chairs poll their members for proposed agenda topics. Our comparison of publicly announced agendas to closed transcripts and meeting minutes demonstrates that impromptu topics come up during the Board meetings. Further, during meetings, Board members and Executive Secretaries may not have the knowledge of and experience with the technical requirements of the Sunshine Act in order to assure full compliance in managing these changes. Providing a readily-available checklist of steps for Executive Secretaries to follow in the event of an impromptu meeting change could help alleviate this situation.

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## **Conclusions and Recommendations**

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In order to demonstrate the National Science Board's continued commitment to both the requirements and the intent of the Sunshine Act, we recommend that the Executive Officer of the National Science Board:

- Ensure that all closed meetings are completely recorded and/or transcribed;
- Evaluate ways to improve the current process for setting agenda items to enable Board members to contribute to the development of the agenda in advance and help reduce the number of impromptu meeting changes. This could include sending out proposed agenda items and allowing the Board members to voice their opinion on these agenda items, as well as propose adding items they may wish to discuss;
- Consider updating the Board Office's Sunshine Act policies and procedures to include checklists to help staff comply with the numerous Sunshine Act requirements. Specific checklists could be prepared for given situations, such as how to handle impromptu agenda changes both before and during a Board meeting; and
- Ensure that all Board members, Board Office staff, and Executive Secretaries receive continuing periodic training on Sunshine Act requirements. This training should be tailored to meet the various needs of the different groups, and could also include any other NSF and OIG staff that may periodically be involved in Board meetings. For example, the training to the Board staff should specifically include information on how to properly implement and provide notice for agenda changes.

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## Other Matter

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On September 24, 2009, the Board released a *Statement on Open Board Meetings*, which reflects new parameters for opening its committee and subcommittee meetings to the public. While the *Statement* indicates that the Board may continue to open these discussions to the public, it does not state the Board will continue to follow Sunshine Act procedures for announcing and conducting these discussions. Consequently, this *Statement* may be in conflict with the National Science Foundation Authorization Act of 2002, which states that all of the Board's committees and subcommittees would be subject to the Sunshine Act.<sup>10</sup> Board Office officials have indicated they plan to discuss this proposed change in practice with interested stakeholders before implementation. We agree with this course of action and suggest the Board Office hold these discussions as soon as possible.

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## Agency Response

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The Board reviewed a draft of this report and generally agrees with our findings and recommendations. In addition, the Board stated it is working to increase its transparency and openness.

We have included the Board's response to this report in its entirety as an appendix.

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## OIG Contact and Staff Acknowledgements

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(703) 292-7966 or kscott@nsf.gov

In addition to Ms. Scott, Kristen Cutforth, Elizabeth Goebels, and Monica Radcliffe made key contributions to this report.

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<sup>10</sup> See Pub. L. No. 107-368 (2002).

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## Appendix A: Agency Response

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February 10, 2010

### MEMORANDUM

**TO:** Mr. James J. Noeth  
Acting Associate Inspector General for Audit

**FROM:** Dr. Craig R. Robinson  
Acting NSB Executive Officer

A handwritten signature in black ink that reads 'Craig R. Robinson'.

**SUBJECT:** Audit on the NSB Compliance with the Government in the Sunshine Act 2007-2009

Thank you for the opportunity to comment on the draft audit report regarding National Science Board (Board) compliance with the Sunshine Act. I am pleased that your audit found that “[i]n addition to implementing policies and procedures that address all previous audit recommendations, the Board was in full compliance with the Sunshine Act, from January 2007 to August 2009, when it made decisions to close upcoming Board meetings.”

The Board needs a reliable recording system that will eliminate gaps and errors due to technicians swapping or flipping over tapes. Therefore, we have procured and plan to implement, prior to the next Board Meeting, a digital recording system for the Board Room. This system will permit complete recordings by eliminating tapes. The system also has the capability of identifying the names of individual speakers in real-time on the digital recordings.

I also appreciate the thoughtful recommendation by the auditors to include checklists within the Board Office Sunshine Act manual. These checklists will assist Executive Secretaries and other Board staff members when responding to a variety of different situations and circumstances. The checklists will also play a prominent role in our continuing training sessions.

The National Academy of Public Administration, in a report<sup>1</sup> to Congress and NSF, recommended that the Board work with stakeholders to better define when a Board gathering is a meeting. With significant expense to taxpayers, the Board has simply attempted compliance with the Sunshine Act over the last seven years for nearly all of its gatherings, a total of 592 meetings according to OIG audits. Out of these hundreds of gatherings, the Board has not received a single request from the public for a transcript despite the extensive efforts to record and/or transcribe them.

Nevertheless, the Board is working in other ways to increase transparency and openness by placing many Board documents, including 60 years of meeting minutes, on the web. The Board did webcast our off-site meeting in Alaska to the public and is studying expenses and staffing requirements to expand webcasts to cover other Board meetings and events. We look forward to working with OIG, Congress and other stakeholders to discuss all of these matters.

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<sup>1</sup> *National Science Foundation: Governance and Management for the Future*, National Academy of Public Administration, April 2004

## Appendix B: Objectives, Scope, and Methodology

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In keeping with the statutory audit requirement, the objectives of our audit were to:

- Determine whether the Board's closures of meetings were consistent with the exemptions contained in the Government in the Sunshine Act; and
- Determine whether the Board and its subdivisions were in compliance with the procedural requirements of the Government in the Sunshine Act.

Our audit covered Board meetings held from January 2007 through August 6, 2009.<sup>11</sup> During this timeframe, the Board conducted 217 separate meetings of which 69, or 32 percent, were closed. For the purposes of this audit, we counted each of the various committee, subcommittee, and task force meetings separately, although they typically occur during the same two-day time period.<sup>12</sup> Also, we considered a committee meeting with both an open and closed portion on the same day as two separate meetings: one open and one closed. However, we considered a committee meeting that met for more than one non-consecutive time frame during a single day, and was either entirely open or entirely closed, as one meeting. For example, an open Task Force on Polar Issues meeting from 1:00pm to 3:00pm, with a closed portion from 1:30pm to 2:00pm would count as two meetings. Likewise, an open Education and Human Resources Committee meeting from 9:00am to 10:00am and again from 1:00pm to 2:00pm on the same day, with no closed session, would count as one meeting.

To determine whether the Board complied with the procedural requirements of the Sunshine Act, we interviewed agency personnel and gathered and reviewed documentation for a random sample of 40 (27 percent) of 148 open meetings and 28 (41 percent) of 69 closed meetings. For both the open and closed meetings in our sample, we determined whether the Board met the Sunshine Act's procedures for public notice. For each of the closed meetings in our sample, we reviewed documentation to determine whether the Board met the applicable Sunshine Act requirements, including voting to close and maintaining a closed transcript for each meeting.

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<sup>11</sup> We chose to limit meetings to August 6, 2009 to ensure the OIG had adequate time to conduct its audit. The remainder of the 2009 meetings will be included in a subsequent audit.

<sup>12</sup> In August 2008 the NSB started holding subcommittee meetings and task force meetings within committee meetings. We counted these subcommittee and task force meetings as separate meetings for the purposes of our audit.

To determine whether the Board closed its meetings in accordance with the Sunshine Act's exemptions, we reviewed the random sample of 28 closed-meeting transcripts and compared them with meeting agendas, General Counsel certifications, and the Board's explanations for closing the meetings.

We conducted our work during the period of August 2009 through January 2010 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.