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APPROVED
AUG 9 - 1975

THE WHITE HOUSE
WASHINGTON

ACTION

Last Day: August 14

August 8, 1975

Postal (Vail Col.)

8/11

MEMORANDUM FOR THE PRESIDENT

J. Archibald

FROM: JIM CANNON

8/12

SUBJECT: H.R. 4723 - National Science Foundation Appropriations Authorization

Attached for your consideration is H.R. 4723, sponsored by Representatives Teague, Mosher and Symington, which authorizes the appropriation of \$791 million for the National Science Foundation for fiscal year 1976.

The enrolled bill is \$15.6 million above your budget request of \$775.4 million and does not include a requested authorization for fiscal year 1977. However, as detailed in the OMB enrolled bill report at Tab A, H.R. 8070, the NSF appropriation bill which has been passed by the House and is awaiting conference, would appropriate amounts well below your budget request.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) Bill Seidman and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 4723 at Tab B.



APPROVED
AUG 9 - 1975



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

AUG 8 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 4723 - National Science Foundation
appropriation authorization
Sponsors - Rep. Teague (D) Texas, Rep. Mosher (R)
Ohio and Rep. Symington (D) Missouri

Last Day for Action

August 14, 1975 - Thursday

Purpose

To authorize the appropriation of \$791 million for the National Science Foundation (NSF) for fiscal year 1976.

Agency Recommendations

Office of Management and Budget	Approval
National Science Foundation	Approval
Department of Commerce	No objection
National Aeronautics and Space Administration	No objection
Department of Health, Education, and Welfare	Defers <u>(Informally)</u>
Energy Research and Development Administration	No comment (Informally)
Office of Telecommunications Policy	No recommendation

Discussion

The enrolled bill would authorize the appropriation of \$791 million for fiscal year 1976 (including \$4 million in excess foreign currencies) for the programs of NSF. This is \$15.6 million above your budget request of \$775.4 million. The bill does not include a requested authorization for fiscal year 1977.

While the enrolled bill thus contains an authorization somewhat in excess of that provided in your budget, H.R. 8070, the NSF appropriation bill which has been passed by the House and the Senate and is awaiting conference, would appropriate amounts well below your budget request. As passed by the House, H.R. 8070 would appropriate for NSF \$711.1 million, including \$4 million in excess foreign currencies; as passed by the Senate, the bill would appropriate \$717.1 million, including \$4 million in excess foreign currencies. Your budget provided for NSF \$775.4 million of which \$20 million is already available in unobligated balances from fiscal year 1975. Accordingly, funds available to NSF in 1976 will be approximately \$40 million below your budget request notwithstanding the higher authorization contained in the enrolled bill.

The specific differences between your budget for NSF programs and the authorization levels in H.R. 4723 for fiscal year 1976 are as follows:

	<u>(Millions of \$)</u>
- Scientific Research (small grants)	- 2.4
- National and Special Research (polar, ocean, atmospheric programs)	+ 2.3
- National Research Centers (mostly astronomy)	- 2.0
- Research Applied to National Need (resources, environment and productivity)	- 9.0
- Science Education Innovation	+22.7
- Miscellaneous (international, intergovernmental, science policy analysis)	+ 4.0
	<u>+15.6</u>

As it has for the last several years, Congress added to the NSF authorization a number of minimum dollar amounts that must be made available by NSF for specific programs. In its views letter on the enrolled bill, NSF states that these provisions force increased expenditures for some NSF programs above levels considered appropriate by the Foundation. Furthermore, the NSF is forced to divert funds from programs not subject to minimum expenditure requirements to make up the difference between the budget estimate and the statutory minima. The result is that some programs are under funded while others are over funded in relation to NSF's view of the quality of the grant requests received.

The attachment to NSF's views letter provides a section-by-section comparison of the enrolled bill and the Administration bill.

Although the statutory minimum requirements and the increasing practice of mandating specific new and unrequested programs in NSF's annual authorization legislation create, in NSF's view, difficult management problems and can lead to program distortions, we concur in NSF's recommendation that the bill be approved.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

August 5, 1975

SECTION BY SECTION COMPARISON

ENROLLED BILL H.R. 4723

Section 1: Authorizes by line item amounts (12 line items) NSF appropriations for FY 1976 totalling \$787 million.

Section 2(a): Sets minimum amounts to be available for certain NSF programs, as follows: Of the total amount authorized under §1 of the Enrolled Bill, not less than \$39.8 million for "Science Education Innovation", not less than \$35.3 million for "Science Education Support", not less than \$16.4 million for "Graduate Student Support", and not less than \$6.6 million for "Science Information Activities; of the amount authorized in §1(4), RANN, not less than \$25 million for environmental research, including \$5.5 million for earthquake engineering, not less than \$23 million for "Applied Social Research" and for "Policy-Sciences Research", not less than \$1 million for "Fire Research", and not less than 7.5% of amounts authorized in §1(4) to be expended to "small business concerns"; of the amount authorized in §1(6), Science Education Support, not less than \$3 million for "Undergraduate Research Participation", not less than \$2.5 million for "Secondary School Student Science Projects", not less than \$2 million for "Science Faculty Fellowships", and not less than \$7 million for "Ethnic Minorities and Women in Science Program" (with not less than \$1.5 million thereof to be available to develop and test methods of increasing the flow of women into science careers); of the amount authorized in §1(10), Intergovernmental Science and R&D Incentives Program, not less than \$8 million for

ADMINISTRATION BILL S. 1478

Section 1: Authorizes NSF appropriations for FY 1976 in the amount of \$751.4 million (with no line item amounts) and for FY 1977 in the amount of \$748.4 million (no line items)

No comparable section.

ENROLLED BILL H.R. 4723ADMINISTRATION BILL S. 1478

"Intergovernmental Science Program"; and of the amount authorized under §1(11), Science Assessment, Policy, and Advisory Activities, not less than \$1.5 million for programs related to ethical and human value implications.

Section 2(b): Directs that NSF require as a condition of any award for pre-college science curricula development activities that the awardee and its subcontractors include in any agreement a provision that all instructional materials be made available for inspection by parents and guardians; also that NSF shall modify existing awards, when feasible, along the same lines.

No comparable section.

Section 2(c): Authorizes and directs NSF to conduct a "Research Initiation and Support" program to strengthen programs of training and research for young scientists at the graduate and post-graduate levels. Not less than \$5.0 million authorized under §1(6) shall be available for this program.

No comparable section.

Section 2(d): Authorizes and directs NSF to conduct a "Comprehensive Assistance to Undergraduate Science Education" program to strengthen the science education capabilities of predominantly undergraduate institutions. Not less than \$15 million authorized under §1(6) shall be available for the program, \$3.5 million of which shall be awarded to two-year institutions.

No comparable section.

Section 3: Directs NSF to prepare a comprehensive plan for the establishment and conduct of a "Science for Citizens Program" and to submit the plan to the NSF oversight committees within 6 months.

No comparable section.

ENROLLED BILL H.R. 4723

Section 4: Directs NSF to prepare a comprehensive plan to facilitate the participation of the public in the formulation, development and conduct of NSF's programs, policies, and priorities and to submit the results to the NSF oversight committees within 120 days.

Section 5: Directs NSF to coordinate with ERDA all new project awards involving energy R&D in the RANN category.

Section 6: Authorizes NSF to establish the Alan T. Waterman Award for research and advanced study in the sciences, to consist of a medal and a grant not to exceed \$50,000 per year for not more than 3 years.

See §9, below.

Section 7: Permits appropriations made pursuant to the Act to be used in amounts not to exceed \$5,000 for official consultation, representation, or other extraordinary expenses, to be expended at the discretion of the Director.

Section 8: Authorizes, in addition to funds authorized by section 1, an authorization not to exceed \$4 million for FY 1976 for expenses of the Foundation incurred outside the United States, to be financed from foreign currencies which are determined to be in excess of the normal requirements of the United States.

Section 9: Provides that appropriations made pursuant to sections 1 and 8 shall remain available for obligation and expenditure for the period of time specified in appropriations acts.

ADMINISTRATION BILL S. 1478

No comparable section.

No comparable section.

No comparable section.

Section 2: Identical to §9 of the Enrolled Bill, except for section references therein.

Section 3: Comparable to §7 of the Enrolled Bill.

Section 4: Comparable to §8 of the Enrolled Bill.

Section 2: Identical to §9 of the Enrolled Bill, except for section references therein.

SECTION BY SECTION COMPARISON (Contd.)

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ENROLLED BILL H.R. 4723

ADMINISTRATION BILL S. 1478

Section 10: Provides that no funds may be transferred to or from any line item listed in section 1 from or to any other line item in section 1 if the total so transferred would exceed 10% of either, unless:

No comparable section.

- A. 30 legislative days have passed after the Director has notified, in writing, the Speaker of the House, the Vice President, and the Senate and House NSF Authorization Committees of the nature of the transfer and the reason therefor, or
- B. each authorization committee, before the above 30 day period expires, has notified the Director in writing that the Committee has no objection to the proposed action.

Section 11: The Director of NSF is required to keep the NSF Congressional oversight committees "fully and currently" informed of all NSF activities.

No comparable section.

Section 12: Permits citation of the authorization act as "The National Science Foundation Authorization Act, 1976."

Section 5: Comparable to section 12 of the Enrolled Bill.



NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

WASHINGTON, D.C. 20546

OFFICE OF THE ADMINISTRATOR

AUG 6 1975

Director
Office of Management and Budget
Executive Office of the President
Washington, DC 20503

Attention: Assistant Director
for Legislative Reference

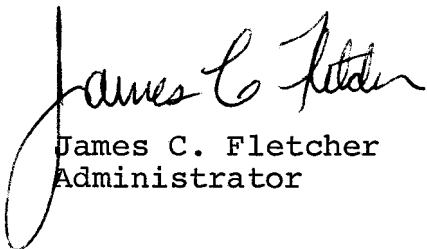
Subject: Enrolled Enactment Report on H.R. 4723, 94th Congress

This is an Enrolled Enactment report on H.R. 4723, "Authorizing Appropriations to the National Science Foundation for fiscal year 1976." It is submitted pursuant to Mr. James M. Frey's memorandum of August 4, 1975.

The Enrolled Bill would authorize appropriations to the National Science Foundation in the amount of \$787,000,000, plus \$4,000,000 in excess foreign currencies, for fiscal year 1976.

The National Aeronautics and Space Administration, of course, defers to the National Science Foundation for an analysis of the Bill and its relationship to the President's Budget.

From NASA's viewpoint, we would have no objection to approval of the Enrolled Bill H.R. 4723.


James C. Fletcher
Administrator

OFFICE OF TELECOMMUNICATIONS POLICY
EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON, D.C. 20504

August 6, 1975

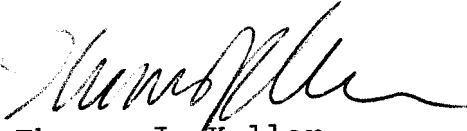
DEPUTY DIRECTOR

MEMORANDUM FOR JAMES M. FREY

ATTENTION: MS. RAMSEY

SUBJECT: OTP comments on H.R. 4723

H.R. 4723, the "National Science Foundation Act, 1976," bears no direct relevance to the programs and activities of the Office of Telecommunications Policy. Accordingly, this Office has no views or recommendations regarding the subject bill.


Thomas J. Keller
Acting General Counsel

NATIONAL SCIENCE FOUNDATION
WASHINGTON, D.C. 20550



OFFICE OF THE
DIRECTOR

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

August 6, 1975

Dear Mr. Frey:

This is in reply to your request of August 4, 1975, for the comments of the National Science Foundation on Enrolled Bill H. R. 4723, the "National Science Foundation Act, 1976."

The Enrolled Bill, H. R. 4723, authorizes an appropriation of \$791 million, including \$4 million in excess foreign currencies, for the NSF for FY 76. This compares to the \$755.4 million, including \$4 million in excess foreign currencies, that would have been authorized by S. 1478, the Administration bill as introduced by Senator Javits. While the Enrolled Bill thus contains an authorization in excess of that provided in the President's Budget, H. R. 8070, the appropriation bill containing the NSF appropriation which has been passed by the House and the Senate in differing versions and is awaiting Conference, appropriates amounts below the President's Budget. As passed by the House on June 24, 1974, H. R. 8070 appropriates \$711.1 million, including \$4 million in excess foreign currencies, to NSF for FY 76; the bill as passed by the Senate on July 26, 1975, appropriates \$717.1 million, including \$4 million in excess foreign currencies. Thus it is clear that the total FY 76 appropriation to the Foundation will be substantially below the President's Budget.

As it has for the last several years, the NSF Authorization Act contains a number of minimum dollar amounts that would be available for specified purposes. This number has been growing with each passing year. Limiting the use of funds to not less than certain amounts for particular purposes, provisions which we have consistently opposed, has two major undesirable effects. It forces the increase in expenditures for some of the NSF program elements above the levels considered appropriate by the Foundation. The second effect is that when the appropriation act is passed at a figure invariably below the total originally requested, the Foundation is forced to divert funds from programs not subject to minimum expenditure requirements to make up the difference between the budget estimate and statutory minima. The result of these two

effects is that some important science is penalized in order to over-support other programs initially considered less important.

The Foundation is further constrained by the introduction in its appropriations acts of specific maximum expenditure limits as well as minimum expenditure limits which differ from those in the authorization act. These limits exacerbate the effects of the minimum limitations contained in the authorization act by further distorting the balance and interrelationships of our programs. (Such an impact, however, has been reduced this year by a provision which appears in both the Senate and House versions of the appropriation act, although slightly different in wording, which provides that the ratio of the amounts made available under the appropriation for a program or minima to the amounts specified for a program or minima in any other Act, i. e., the authorization act, shall not exceed the ratio that the total funds appropriated in the appropriations act bear to the total funds authorized in the authorization act. While such a provision reduces the impact discussed above, it nevertheless does not eliminate the distortion in Foundation programming and the priorities established in the FY 76 Budget.)

Several sections of the Enrolled Bill authorize and direct the Foundation to establish new programs not otherwise provided for in the budget as requested by the Foundation. Sections 2(c) and 2(d) direct and authorize the Foundation to conduct a "Research Initiation Support Program" and a "Comprehensive Assistance to Undergraduate Science Program", respectively. Section 3 directs the Foundation to prepare a "comprehensive plan" for the establishment and conduct of a "Science for Citizens Program", and section 4 directs NSF to prepare a "comprehensive plan" to facilitate the participation of members of the public in the formulation, development, and conduct of NSF's programs, policies and priorities. While Section 3 and 4 do not direct the Foundation to establish these new programs but merely to design plans for them and to report to the Foundation's oversight committees, it is nevertheless clear that the Congressional intent is that such programs ultimately be established. The Foundation has consistently opposed amendments to its organic act, the National Science Foundation Act of 1950, which would establish by law permanent specific programs. The use of the words "authorized and directed" in subsections 2(c) and (d) of H. R. 4723 may have the effect of making the RIAS and CAUSE programs permanent. Special legislation establishing permanent programs tend to encourage and bring about other special legislation which could lead to a multitude of special and fixed programs. Because of their statutory nature,

Mr. James M. Frey

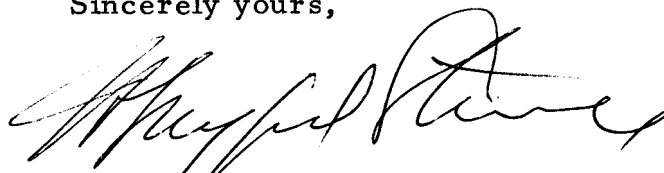
3

special programs cannot be easily terminated and, having outlived their usefulness, may continue on. This situation could make it more difficult for NSF to adopt new and innovative programs which are responsive to changing needs and priorities in science. We feel that having the Foundation oversight committees and the NSF agree upon establishment of new programs and priorities in the process of budget considerations and reflected in the legislative committee reports and other legislative history documents is sufficient without embodying such programs in permanent legislation.

Despite the existence of the statutory minimum requirements and the directive that the Foundation establish new and unrequested programs, and to prepare plans for the establishment of new and unrequested activities, we recommend that the President approve H. R. 4723.

A section by section comparison of the Enrolled Bill and the Administration bill, S. 1478, is enclosed.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "H. Guyford Stever".

H. Guyford Stever
Director

Enclosure



**GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

August 8, 1975

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D.C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of this
Department concerning H.R. 4723, an enrolled enactment

"Authorizing appropriations to the National
Science Foundation for fiscal year 1976."

This Department would have no objection to approval by the
President of H.R. 4723, which authorizes appropriations to
the National Science Foundation for fiscal year 1976.

Enactment of this legislation is not expected to involve any
increase in appropriations of this Department.

Sincerely,

Karl E. Bakke

General Counsel



To
J. Cummings
8-8-75
3:30 p.m.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

AUG 8 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 4723 - National Science Foundation
appropriation authorization
Sponsors - Rep. Teague (D) Texas, Rep. Mosher (R)
Ohio and Rep. Symington (D) Missouri

Last Day for Action

August 14, 1975 - Thursday

Purpose

To authorize the appropriation of \$791 million for the National Science Foundation (NSF) for fiscal year 1976.

Agency Recommendations

Office of Management and Budget	Approval
National Science Foundation	Approval
Department of Commerce	No objection
National Aeronautics and Space Administration	No objection
Department of Health, Education, and Welfare	Defers (Informally)
Energy Research and Development Administration	No comment (Informally)
Office of Telecommunications Policy	No recommendation

Discussion

The enrolled bill would authorize the appropriation of \$791 million for fiscal year 1976 (including \$4 million in excess foreign currencies) for the programs of NSF. This is \$15.6 million above your budget request of \$775.4 million. The bill does not include a requested authorization for fiscal year 1977.

While the enrolled bill thus contains an authorization somewhat in excess of that provided in your budget, H.R. 8070, the NSF appropriation bill which has been passed by the House and the Senate and is awaiting conference, would appropriate amounts well below your budget request. As passed by the House, H.R. 8070 would appropriate for NSF \$711.1 million, including \$4 million in excess foreign currencies; as passed by the Senate, the bill would appropriate \$717.1 million, including \$4 million in excess foreign currencies. Your budget provided for NSF \$775.4 million of which \$20 million is already available in unobligated balances from fiscal year 1975. Accordingly, funds available to NSF in 1976 will be approximately \$40 million below your budget request notwithstanding the higher authorization contained in the enrolled bill.

The specific differences between your budget for NSF programs and the authorization levels in H.R. 4723 for fiscal year 1976 are as follows:

	<u>(Millions of \$)</u>
- Scientific Research (small grants)	- 2.4
- National and Special Research (polar, ocean, atmospheric programs)	+ 2.3
- National Research Centers (mostly astronomy)	- 2.0
- Research Applied to National Need (resources, environment and productivity)	- 9.0
- Science Education Innovation	+22.7
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	<u>+15.6</u>

As it has for the last several years, Congress added to the NSF authorization a number of minimum dollar amounts that must be made available by NSF for specific programs. In its views letter on the enrolled bill, NSF states that these provisions force increased expenditures for some NSF programs above levels considered appropriate by the Foundation. Furthermore, the NSF is forced to divert funds from programs not subject to minimum expenditure requirements to make up the difference between the budget estimate and the statutory minima. The result is that some programs are under funded while others are over funded in relation to NSF's view of the quality of the grant requests received.

The attachment to NSF's views letter provides a section-by-section comparison of the enrolled bill and the Administration bill.

Although the statutory minimum requirements and the increasing practice of mandating specific new and unrequested programs in NSF's annual authorization legislation create, in NSF's view, difficult management problems and can lead to program distortions, we concur in NSF's recommendation that the bill be approved.

(Signed) James M. Frey

Assistant Director for
Legislative Reference

Enclosures .

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 9

Time: 500

FOR ACTION:

Glenn Schleede *ok Duval*
Max Friedersdorf *ok*
Ken Lazarus *ok*
Paul Leach *ok*
Bill Seidman ok

cc (for information):

Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: August 9

Time: 1100am

SUBJECT:

H.R. 4723 - National Science Foundation Appropriations

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 8

Time: 500

FOR ACTION: Glenn Schleede
Max Friedersdorf
Ken Lazarus
Paul Leach

cc (for information): Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: August 9

Time: 1100am

SUBJECT:

H.R. 4723 - National Science Foundation Appropriations

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection

Ken Lazarus

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Stamp: For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 8

Time: 500

FOR ACTION: Glenn Schleede
Max Friedersdorf
Ken Lazarus
Paul Leach

cc (for information): Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: August 9

Time: 1100am

SUBJECT:

H.R. 4723 - National Science Foundation Appropriations

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*O.K. - P.L. - Called 8-8-75
Send to J.J.*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

CLASS. BY: [unclear]
FOR THE PRESIDENT

Date: August 8

Time: 500

FOR ACTION: *L W Seidman*
Glenn Schleede
Max Friedersdorf
Ken Lazarus
Paul Leach

cc (for information): Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: August 9

Time: 1100am

SUBJECT:

H.R. 4723 - National Science Foundation Appropriations

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*No comment
JWS*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Stamp: *SENDER'S SIGNATURE FOR THE PRESIDENT*

THE WHITE HOUSE


WASHINGTON

August 12, 1975

MEMORANDUM FOR:

JIM CAVANAUGH

FROM:

MAX L. FRIEDERSDORF 

SUBJECT:

H.R. 4723 - National Science Foundation
Appropriations

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments