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APPROVED
JUN 4 - 1976

6/4/76

THE WHITE HOUSE
WASHINGTON
June 3, 1976

ACTION
Last Day: June 7

1 Bred 6/4/76

archives
6/4/76

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

H.R. 12453 - National Aeronautics
and Space Administration
Authorization Act, 1977

Attached for your consideration is H.R. 12453, sponsored by Representative Teague and 24 others.

The enrolled bill would authorize 1977 appropriations for NASA of \$3,695,170,000, which is \$1,830,000 less than requested by the Administration. Also, the bill would increase to seven the number of Associate Administrators authorized NASA and which are included in Level V of the Executive Schedule and would adjust per diem compensation rates for members of NASA's Aerospace Safety Advisory Panel.

A detailed discussion of the provisions of the enrolled bill is provided in OMB's bill report at Tab A.

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

RECOMMENDATION

That you sign H.R. 12453 at Tab B.





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

JUN 1 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 12453 - National Aeronautics and
Space Administration Authorization Act, 1977
Sponsor - Rep. Teague (D) Texas and 24 others

Last Day for Action

June 7, 1976 - Monday

Purpose

To authorize appropriations for the National Aeronautics and Space Administration (NASA) in 1977, to authorize an additional position of "Associate Administrator" in NASA, and to adjust per diem compensation rates for members of NASA's Aerospace Safety Advisory Panel.

Agency Recommendations

Office of Management and Budget	Approval
National Aeronautics and Space Administration	Approval
Energy Research and Development Administration	No comment (informal)
Department of Justice	No comment

Discussion

H.R. 12453 would authorize 1977 appropriations for NASA of \$3,695,170,000 which is \$1,830,000 less than the \$3,697,000,000 requested by the Administration. Within the three NASA budget categories of "Research and development; Construction of facilities, and Research and program management," comparisons

of the enrolled bill's appropriations authorizations with the Administration's request are as follows:

	<u>Budget Request</u>	<u>H.R. 12453</u>	<u>Difference</u>
Research and development	\$2,758,925,000	\$2,761,425,000	+\$2.5M
Construction of facilities	124,020,000	120,290,000	-\$3.73M
Research and program management	814,055,000	813,455,000	-\$0.6M


Although several of the line-item authorizations are at variance with levels requested by the Administration, these differences, from a programmatic viewpoint, are not of major significance, except for the following:

- The Space Research and Technology request is increased from \$82 million to \$86.3 million which includes \$3.5 million for NASA energy R & D activities. The Conference Report directs NASA to continue efforts to identify and verify potential applications of space technology that may contribute to the energy self-sufficiency of the United States. In developing the 1977 Budget you concurred in our policy recommendation that funding energy research should be the responsibility of ERDA and that NASA should engage in energy research in support of ERDA only through reimburseable agreements. Although the authorization for this activity contradicts Administration policy, the issue can be dealt with in the appropriation and apportionment process.
- A new line item entitled "Earth Resources Operational Systems" is established with an appropriations authorization of \$200,000. Although the authorization is not of major dollar significance, it does indicate Congressional intention that the Federal government should undertake an operational earth resources survey satellite (LANDSAT) program in the near future -- and that NASA should manage such an operational satellite system. Establishing a line-item authorization for this system conflicts with current Administration policy that commitment to such an operational satellite system would be premature because of uncertainties in the experimental program being conducted by NASA.
- The enrolled bill does not include the Administration requested authorization for NASA of \$3.7 billion for 1978; that request was dropped by the House Committee on Science and Technology.

Other minor provisions of the enrolled bill would:

- Increase by one (from six to seven) the number of "Associate Administrators" authorized NASA and which are included in Level V of the Executive Schedule. This authorization was requested by the Administration and will permit NASA to elevate its Comptroller to the position of "Associate Administrator/Comptroller," because the Comptroller's roles and responsibilities are comparable in importance and authority to other NASA Level V positions.
- Remove the limit of \$100 per diem payable to members of the Aerospace Safety Advisory Panel and permit their payment at a rate not in excess of the daily rate paid to a GS-18.

A more detailed analysis of the differences between the Administration's proposals and the amounts provided in this bill is contained in the enclosed NASA enrolled bill views letter.


Assistant Director for
Legislative Reference

Enclosures



National Aeronautics and
Space Administration

Washington, D.C.
20546

Office of the Administrator

MAY 26 1976

Director
Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Attention: Assistant Director for
Legislative Reference

Subject: Enrolled Enactment report on H.R. 12453, 94th Congress

This is an Enrolled Enactment report on H.R. 12453, "To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes." It is submitted in accordance with OMB Circular A-19 and Mr. James M. Frey's request of May 24, 1976. The National Aeronautics and Space Administration is the agency in the Executive Branch of the Government with the principal interest in enactment of the legislation.

The Authorization bill submitted to Congress by NASA supported the President's budget for fiscal year 1977 which recommended appropriations for NASA totaling \$3,697,000,000, of which \$2,758,925,000 was to be for "Research and development," \$124,020,000 for the "Construction of facilities," and \$814,055,000 for "Research and program management."

The Enrolled Enactment would authorize appropriations in the total amount of \$3,695,170,000. The authorization for "Research and development" would be \$2,500,000 more than recommended by the President; the total authorization for "Construction of facilities" would be \$3,730,000 less than recommended by the President; and the authorization for "Research and program management" would be \$600,000 less than recommended by the President.

The net increase of \$2,500,000 in the "Research and development" funds that would be authorized compared to the amounts included in the President's Budget reflects the following changes:

1. The Space Flight Operations request is reduced from \$205,200,000 to \$202,700,000. The Conference report indicates that NASA should apply \$500,000 additional to its planned effort for advanced programs to improve the structuring and development of this activity in support of future space programs thereby increasing the total amount for fiscal year 1977 from \$18,000,000 to \$18,500,000.
2. The Physics and Astronomy request is increased from \$165,800,000 to \$166,300,000. The Conference report indicates that, recognizing the significance of the Space Telescope to ongoing research in astronomy, the initiation of this project has the highest priority in the space science program and, therefore, authorizes NASA to complete the competitive detailed design phase and to proceed with development activities, the latter subject to the availability of appropriations. The Conference report indicates further that an additional \$500,000 is to be applied to supporting research and technology activities to help assure the viability of future research in physics and astronomy.
3. The Lunar and Planetary Exploration request is increased from \$191,100,000 to \$192,100,000. The Conference report indicates that NASA should give particular attention to formulating and presenting new initiatives to reverse the "going out of business" trend apparent in this program and accordingly added \$1,000,000 to be applied to studies for this purpose.
4. The Space Applications request is reduced from \$198,200,000 to \$198,000,000.
5. A new line item entitled "Earth Resources Operational Systems" is established and \$200,000 is authorized therefor. The Conference report indicates that this new program is established to facilitate arrangements for an operational version of the Landsat system and provide for early activities that would initiate transition to an operational mode.
6. The Aeronautical Research and Technology request is increased from \$189,100,000 to \$191,100,000.

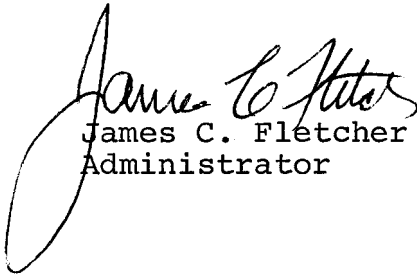
7. The Space Research and Technology request is increased from \$82,000,000 to \$86,300,000. The Conference report directs NASA to continue its basic effort to identify and verify those initiatives that may have a potential contribution to the Nation's program to achieve energy self-sufficiency and indicates that \$3,500,000 is to be allocated to this activity. The Conference report also indicates that \$800,000 of additional effort should be applied to advanced rocket engine propulsion technology.
8. The Tracking and Data Acquisition request is reduced from \$258,000,000 to \$255,000,000.
9. The Technology Utilization request is increased from \$7,900,000 to \$8,100,000. The Conference report indicates that this increase is for the purpose of initiating one additional regional application center.

The decrease of \$3,730,000 from the "Construction of facilities" authorizations recommended in the President's Budget consists of the following changes:

1. A reduction of \$600,000 in the \$2,800,000 requested for an addition to the lunar sample curatorial facility at the Lyndon B. Johnson Space Center.
2. A reduction of \$1,000,000 in the \$19,855,000 requested for modifications to Launch Complex 39 at the John F. Kennedy Space Center.
3. A reduction of \$1,000,000 in the \$9,700,000 requested for modifications to solid rocket booster processing facilities at the John F. Kennedy Space Center.
4. A reduction of \$350,000 in the \$2,050,000 requested for construction of a Shuttle/Carrier aircraft facility at the John F. Kennedy Space Center.
5. Deletion of the request for \$780,000 for modifications for crew training facilities at the Lyndon B. Johnson Space Center.

The proposed Authorization bill as submitted to Congress by NASA includes authorizations totaling \$3,700,000,000 for FY 1978, in compliance with OMB Bulletin No. 76-7. This proposal was not included in the bills reported by the House and Senate Committees leading to the Enrolled Enactment. The Enrolled Enactment makes no reference to fiscal year 1978.

Aside from the differences discussed above, the Enrolled Enactment provides authorization of appropriations for the NASA fiscal year 1977 program as recommended by the President in the FY 1977 Budget. The National Aeronautics and Space Administration recommends its approval.



James C. Fletcher
Administrator

Department of Justice
Washington, D.C. 20530

May 28, 1976

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

Dear Mr. Lynn:

This is in response to your request for the views of the Department of Justice on H.R. 12453, an enrolled bill to authorize appropriations for the National Aeronautics and Space Administration.

We have focused our attention on Sections 3 and 4 of the bill. Both make provision for variations in spending from the amounts appropriated for programs under the bill. In both cases 30 days notice must be given to the Speaker of the House, the President of the Senate and designated congressional committees. The 30 day period can be shortened if the committees give notice sooner that they have no objection to the proposed action.

If the committees were given the power to disapprove the proposed action then a serious constitutional question would, of course, be raised. See, e.g., 41 Op. A.G. 300, 308-09 (1957). However, where, as here, there is no opportunity for exercise of a committee veto and the Administrator of NASA is not required to seek committee approval, there is no reason to raise a constitutional objection.

The Department of Justice expresses no view as to whether the President should approve the bill.

Sincerely,



Michael M. Uhlmann
Assistant Attorney General
Office of Legislative Affairs

To -
J. Conaway
6-1-76
4:30 p.m.



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

JUN 1 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 12453 - National Aeronautics and
Space Administration Authorization Act, 1977
Sponsor - Rep. Teague (D) Texas and 24 others

Last Day for Action

June 7, 1976 - Monday

Purpose

To authorize appropriations for the National Aeronautics and Space Administration (NASA) in 1977, to authorize an additional position of "Associate Administrator" in NASA, and to adjust per diem compensation rates for members of NASA's Aerospace Safety Advisory Panel.

Agency Recommendations

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A more detailed analysis of the differences between the Administration's proposals and the amounts provided in this bill is contained in the enclosed NASA enrolled bill views letter.


Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 2

Time: 730am

FOR ACTION:

Glenn Schleede *OK*
Max Friedersdorf
Ken Lazarus *KL*

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date:

June 2

Time:

500pm

SUBJECT:

12453

H.R. ~~21453~~ - National Aeronautics and Space
Administration Authorization Act, 1977

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: June 2

Time: 730am

FOR ACTION: Glenn Schleede
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 2

Time: 500pm

SUBJECT:

12453

H.R. 21453 - National Aeronautics and Space
Administration Authorization Act, 1977

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 objection -- Ken Lazarus 6/2/76

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.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 2

Time: 730am

FOR ACTION:

Glenn Schleede
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date:

June 2

Time:

500pm

SUBJECT:

12453

H.R. 21453 - National Aeronautics and Space
Administration Authorization Act, 1977

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

James M. Cannon
Glenn Schleede

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.

James M. Cannon
For the President

THE WHITE HOUSE
WASHINGTON

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M. L. F.*
SUBJECT: ^{*12453*}HR 21453 - National Aeronautics and Space
Administration Authorization Act, 1977

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

Attachments