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8/10/11/76

**APPROVED**  
OCT 11 1976

THE WHITE HOUSE  
WASHINGTON

ACTION

Last Day: October 12

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *Jim Cannon*

SUBJECT: H.R. 12566 - National Science Foundation Authorization Act, 1977

*Has led  
10/11/76*

Attached for your consideration is H.R. 12566, sponsored by Representative Teague and 22 others.

*attached  
10/12/76*

The enrolled bill authorizes a total of \$816.7 million for the National Science Foundation in 1977.

In addition, the enrolled bill contains a number of program, policy and administrative provisions which are detailed in OMB's enrolled bill report at Tab A.

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

RECOMMENDATION

That you sign H.R. 12566 at Tab B.





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

OCT 7 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 12566 - National Science  
Foundation Authorization Act, 1977  
Sponsors - Rep. Teague (D) Texas and 22 others

Last Day for Action

October 12, 1976 - Tuesday

Purpose

Authorizes appropriations of \$816.7 million in 1977 for the National Science Foundation (NSF); establishes several new programs; and directs NSF to plan other new programs.

Agency Recommendations

Office of Management and Budget	Approval
National Science Foundation	Approval
Office of Science and Technology Policy	Approval
Department of State	Approval
Small Business Administration	Approval
Agency for International Development	Approval
Department of Defense	Approval
Civil Service Commission	Approval
Department of Agriculture	No objection
Department of Commerce	No objection
Energy Research and Development Administration	Defers to NSF (Informally)
Department of Health, Education, and Welfare	No comment (Informally)
Commission on Civil Rights	No position (Informally)

Discussion

The National Science Foundation (NSF) was established in 1950 for the primary purpose of supporting fundamental long-range research in all fields of science. NSF also supports research in areas of specific national need (e.g.,

earthquake engineering), and programs to improve science education at all educational levels.

The enrolled bill would authorize a total of \$816.7 million for the Foundation's programs in 1977. The Administration requested \$802 million, and \$773.6 million has already been appropriated by the Congress.

In addition to authorizing appropriations, H.R. 12566 contains a number of program, policy and administrative provisions. The most significant of these would:

--establish an experimental \$1.2 million "Science for Citizens" program supporting pilot projects to (1) improve public understanding of science and technology and their impact on public policy issues; (2) facilitate participation of scientists and engineers in public debate of issues; and (3) assist "nationally recognized professional societies and groups serving important public purposes" in conducting forums and conferences on public policy issues.

--authorize a total of \$1 million in study grants to be awarded on a competitive basis to educational institutions for the purpose of drawing up plans for Minority Centers for Graduate Education in Science and Engineering.

--establish an Office of Small Business Research and Development to assist businesses in obtaining information about the Foundation's programs, to insure that the 10 percent set-aside for small businesses in the Foundation's Research Applied to National Needs program is effectively used, and to recommend changes in Foundation policies and procedures that would "better enable the Foundation to draw on the resources of the small business research and development community."

--direct NSF to plan a program for "Continuing Education in Science and Engineering" to enable experienced scientists to further their education, or transfer among fields of science.

--instruct NSF to "initiate an intensive search" for qualified women, members of minority groups, and handicapped individuals to fill executive level positions.

The conference committee report specifies that \$2.5 million is to be made available for \$50,000 study grants to each State to develop ways to increase the use of science and technology at State and local levels, including planning for the establishment of science policy offices in State executive and legislative branches.

### Comment

The versions of the bill initially passed by the House and the Senate differed in several respects, particularly with regard to two issues of interest to the Administration--the "Science for Citizens" program, and the provision of assistance to State and local governments for science advisory offices. The Administration supported House efforts to moderate and limit these programs and other features of the legislation. The House conferees prevailed on these issues in the conference, and changes have been incorporated to control these programs, as discussed below.

Science for Citizens. The claim by "public interest groups" that they do not possess the necessary scientific expertise to deal adequately with complex public policy issues (e.g., nuclear safety), led the Congress to consider ways in which NSF could support development of such expertise. The enrolled bill establishes a limited program which would support workshops, conferences and forums. The conference committee report states that no grant is to be made to any person required to register as a lobbyist. Further, the report directs NSF to evaluate the implications of such assistance with regard to its impact on the Foundation and on governmental processes.

State Science and Technology Policy Offices. A program of NSF grants to States to establish science advisory offices in their legislative and executive branches was once contained in legislation to authorize the newly-established Office of Science and Technology Policy (OSTP), but was removed to meet Administration objections to having an operational grant program of this sort in the Foundation. An \$8 million program for that purpose subsequently appeared in the Senate-passed version of the NSF authorization.

In the conference report accompanying the bill, but not in the bill itself, is a directive to NSF to allocate \$2.5 million for \$50,000 study grants to each State to plan ways in which science and technology can better be utilized. The results of the grants are to be submitted to NSF and to the OSTP for evaluation, following which "a determination will be made by the Administration and by the Congress as to the scope and size of future programs in this area."

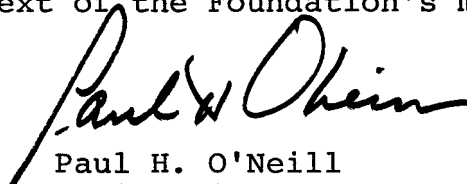
Clearly, instructions in a committee report do not carry the full weight of law, but we understand that NSF intends to proceed with the program, and we agree--not carrying out this committee directive will result in even more objectionable provisions being placed in the 1978 authorization bill.

While we would have preferred not to have a State grant program, we feel that the one described above at least meets our major objection, and allows an opportunity for fuller discussion of this issue based on an evaluation of the State proposals.

As mentioned earlier, the bill would also direct NSF to plan a program of continuing education, and to award grants for planning Minority Centers for Graduate Education in Science and Engineering. In its enrolled bill letter recommending approval, the Office of Science and Technology Policy notes that these and other features of the bill are controversial within the scientific community as well as the Congress and that the Administration should proceed with great caution. We agree, and have discussed this point with Foundation officials. We do not object to program planning provisions of the type found in the bill, but have reminded the Foundation that any such plans should be fully discussed with OSTP and OMB before being proposed to the Congress.

#### Recommendation

We concur in OSTP's conclusion in its attached views letter that "The NSF authorization bill follows a long and difficult negotiation in which the Science and Technology Committee worked strongly for the limitation of the Senate views. I believe that the House view, reflected in this bill, together with a cautious approach by the Administration (based on well-founded budget proposals), will succeed in keeping the newly authorized programs in perspective in relation to the total context of the Foundation's mission."



Paul H. O'Neill  
Acting Director

Enclosures



DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20250

October 5, 1976

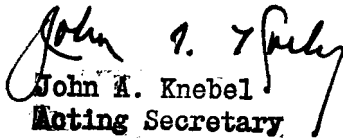
Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Executive Office Building  
Washington, D.C. 20503

Dear Mr. Lynn:

This is in reply to the request of your office for a report on the enrolled enactment of H.R. 12566, "An Act Authorizing appropriations to the National Science Foundation for fiscal year 1977."

This Department has no objections to the President approving the Act but defers to the National Science Foundation for recommendation.

Sincerely,

  
John A. Knebel  
Acting Secretary



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D. C. 20301

5 October 1976

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

Dear Mr. Lynn:

Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 12566, 94th Congress, an enrolled bill, "Authorizing appropriations to the National Science Foundation for fiscal year 1977."

The Department of Defense recommends the approval and signature by the President of H.R. 12566.

The approval of this enactment will cause no apparent increase in budgetary requirements of the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

Sincerely,

A handwritten signature in cursive script, reading "Richard A. Wiley", is positioned above the typed name.

Richard A. Wiley





UNITED STATES CIVIL SERVICE COMMISSION

IN REPLY PLEASE REFER TO

WASHINGTON, D.C. 20415

October 6, 1976

YOUR REFERENCE

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 Commission to express its views on the personnel provisions of Enrolled H.R. 12566, "National Science Foundation Authorization Act, 1977."

Section 7(a) of the enrolled bill directs the Director of the National Science Foundation to initiate an intensive search for qualified women, members of minority groups, and handicapped individuals to fill executive level positions in the National Science Foundation. It also directs the improvement of the representation of minorities, women, and handicapped individuals on advisory committees, review panels, and all other mechanisms by which the scientific community provides assistance to the Foundation.

Section 9(b) effects two amendments to the provisions of Section 4(h) (by error, referred to in the enrolled bill as Section 4(g)) of the National Science Foundation Act of 1950, as amended. This subsection now permits the appointment of a staff:

"...consisting of not more than five professional staff members and such clerical staff members as may be necessary. Such staff shall be appointed by the Director and assigned at the direction of the Board. The professional members of such staff may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 of such title relating to classification, and compensated at a rate not exceeding the appropriate rate provided for individuals in grade GS-15 of the General Schedule under section 5332 of such title..."

The first amendment requires the Director to make such appointments "after consultation with the Chairman of the Board."



1883-1973

MERIT PRINCIPLES ASSURE QUALITY AND EQUAL OPPORTUNITY

The second amendment raises the highest compensable rate of pay for the professional members of the staff from that provided for grade GS-15 to that provided for grade GS-18. In line with standing Commission policy, we would ordinarily recommend an objection to the extension of an exception to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 relating to classification. However, Section 14(a) of the National Science Foundation Act of 1950, as amended still provides that:

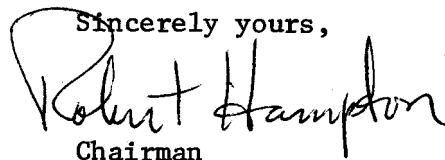
"... the Director may, in accordance with such policies as the Board shall from time to time prescribe, employ such technical and professional personnel and fix their compensation, without regard to such provisions, as he may deem necessary for the discharge of the responsibilities of the Foundation under this Act...."

This second amendment to Section 4(h) of the Act simply extends in full to the professional members of the staff of the National Science Board the general exceptions provided for the Foundation's technical and professional personnel in Section 14(a) of the Act. In view of this, and also in view of the fact that this is an enrolled bill authorizing appropriations for Fiscal Year 1977, the Commission does not object to this second amendment.

Therefore, insofar as these provisions are concerned, the Commission recommends that the President sign H.R. 12566.

By direction of the Commission:

Sincerely yours,

A handwritten signature in cursive script that reads "Robert Hampton". The signature is written in dark ink and is positioned above the printed name "Chairman".

Chairman



U.S. GOVERNMENT  
SMALL BUSINESS ADMINISTRATION  
WASHINGTON, D.C. 20416

OFFICE OF THE ADMINISTRATOR

OCT 5 1976

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

Dear Mr. Frey:

This is in response to your request for the comments of the Small Business Administration regarding H.R. 12566, an Enrolled Bill, entitled "Authorizing appropriations to the National Science Foundation for fiscal year 1977."

H. R. 12566, the National Science Foundation (NSF) authorization bill provides for full participation by small business in NSF supported programs. The bill authorizes a total appropriation of \$810.7 million dollars for NSF of which \$69 million is for research applied to national needs. Section 2(d) directs that at least 10 percent, or \$6.9 million of this amount, must be expended to small business concerns.

Section 8 of the bill directs NSF to establish, in consultation and cooperation with the Small Business Administration, an Office of Small Business Research and Development to monitor all awards made to small business and to insure that the 10 percent set-aside is fully and effectively used. This Office will collect and disseminate information concerning grants awarded to small business; analyze the scientific and technical expertise which exists in the small business community; assist individual small companies in obtaining NSF information; and recommend such changes in procedures to the Director of the Foundation and the National Science Board as may be appropriate to meet the needs of the small business community.

The Small Business Administration supports Sections 2(d) and 8 of H.R. 12566 as helping to assure small business participation in NSF's research and educational activities.

Thank you for the opportunity to comment on this legislation.

Sincerely,

A handwritten signature in black ink, reading "Mitchell P. Kobelinski". The signature is written in a cursive style with a large, prominent initial "M".

Mitchell P. Kobelinski  
Administrator

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF SCIENCE AND TECHNOLOGY POLICY  
WASHINGTON, D.C. 20500

October 5, 1976

MEMORANDUM FOR: James M. Frey  
Assistant Director  
Legislative Reference  
Office of Management and Budget

SUBJECT: H.R. 12566, NSF Authorization for Appropriation  
for Fiscal Year 1977

I recommend that the President sign H.R. 12566, the NSF authorization bill for Fiscal Year 1977. In so doing, I would make the following observations:

- The authorization bill has a very desirable feature when studied in relation to the recent authorizations that have been provided for the NSF. The Administration, with strong support of the House Science and Technology Committee, was successful in removing a great number of program area minima and maxima which, when joined with the language of the annual appropriations acts, resulted in the over-direction of the Foundation's program by the Congress. The removal of many of these minima and maxima will in the end result in the conduct of a program more nearly tuned to the desires of the Administration.
- The Senate Committee on Labor and Public Welfare has had a strong interest in several areas that are reflected in the authorization bill; namely, international scientific research, education and policy analysis; science for citizens; continuing education in science and engineering; small business research and development; and, minorities, women and the handicapped individual. Some of these interests, continuing education in science and engineering, for example, represent "left over" elements of the legislation that led to P.L. 94-282, the science policy act establishing the Office of Science and Technology Policy.
- In the case of many of these newly authorized programs, there is wide division of view in the science and engineering communities and in the Congress about them. In general, I think the Administration would proceed with great caution in several of the areas; their incorporation into the NSF activity would more properly be initiated following a legislative proposal by the Administration and full hearings that would amend the statutory authority of the NSF.

- The present authorization has reduced the scope of proposed programs to the area of feasibility studies and planning and the conduct of experimental programs. In the case of the Office of Small Business Research and Development, the basic concept has been retained and the undesirable provision of the Senate bill locating the office specifically within the Office of Government and Public Programs at NSF has been dropped. Thus, the force of the original Senate authorization has been greatly moderated through the conference process.
- . There is a provision to provide the National Science Board additional staff at a higher grade. If the Board is to exercise its policy role regarding periodic review of the status of fundamental research, such staff may be necessary and I would support the provision.
- . There are two provisions that reflect widely held interests in the Congress:
  - Sec. 101 e(1) and (2) regarding dissemination of reports.
  - Sec. 101 f regarding experimentation with "blind" peer reviews of proposals for research.

Both of these interests should be supported by the Administration in my view.

- . The NSF authorization bill follows a long and difficult negotiation in which the Science and Technology Committee worked strongly for the limitation of the Senate views. I believe that the House view, reflected in this bill, together with a cautious approach by the Administration (based on well-founded budget proposals), will succeed in keeping the newly authorized programs in perspective in relation to the total context of the Foundation's mission.

  
H. Guyford Stever  
Director



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

OCT 6 1976

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 response to your request for the views of this Department on H. R. 12566, an enrolled enactment

"Authorizing appropriations to the National  
Science Foundation for fiscal year 1977,"

to be cited as the "National Science Foundation Authorization Act, 1977."

H. R. 12566 would authorize approximately \$811 million to be appropriated to fund the principal research activities of the National Science Foundation (NSF) for fiscal year 1977. In addition, NSF would be authorized and directed to conduct various other activities and programs, including: (1) an experimental "Science for Citizens Program", and an augmented Public Understanding of Science Program; (2) the development of a program plan for continuing the education of scientists and engineers; (3) the initiation of an intensive search for qualified women, minorities, and handicapped individuals to fill executive level positions at NSF, and to improve the representation of these groups on advisory committees; (4) making available planning and study grants for the development of Minority Centers for Graduate Education in Science and Engineering at educational institutions; and (5) the establishment, within the Foundation, of an Office of Small Business Research and Development.

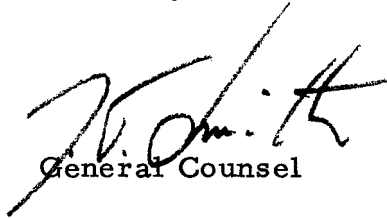
Section 2 (e) (2) of the bill would require NSF to arrange for the dissemination of all substantive technical reports through the National Technical Information Service (NTIS) of the Department of Commerce.

The Department of Commerce has no objection to the President's approval of H. R. 12566.



Although section 2 (e) 2 of H. R. 12566 would mandate greater utilization by NSF of NTIS services, we believe that this would not involve the expenditure of any additional funds by this Department.

Sincerely,



Handwritten signature of J. O. Smith in black ink, written in a cursive style.

General Counsel





DEPARTMENT OF STATE

Washington, D.C. 20520

OCT 6 1976

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

Dear Mr. Lynn:

I am replying to Mr. James M. Frey's request of October 1, 1976 for the views and recommendations of the Department of State on the enrolled bill H.R. 12566.

The bill authorizes appropriations to the National Science Foundation for Fiscal Year 1977. Included in the authorization is an amount specified in Section 2 (a) (6) for Scientific, Technological, and International Affairs, \$22 million. In addition, Section 10.(a) authorizes a further sum not to exceed \$6 million in "excess foreign currencies" for expenses of the National Science Foundation incurred outside the United States.

In both cases the authorized appropriations will be used for programs supportive of important foreign policy objectives. The amounts authorized are in accordance with requirements to meet these objectives. Therefore, the Department of State recommends approval by the President of the "National Science Foundation Authorization Act, 1977".

Sincerely,

A handwritten signature in black ink, appearing to read "Kempton B. Jenkins", written in a cursive style.

Kempton B. Jenkins  
Acting Assistant Secretary  
for Congressional Relations

NATIONAL SCIENCE FOUNDATION

WASHINGTON, D.C. 20550

October 6, 1976



OFFICE OF THE  
DIRECTOR

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

Dear Mr. Frey:

This is in reply to your request of October 1, 1976, for the comments of the National Science Foundation (NSF) on Enrolled Bill H. R. 12566, the National Science Foundation Authorization Act, 1977.

We recommend that the President approve H. R. 12566. Despite some concerns noted below, we believe that approval of the Enrolled Bill by the President will be of advantage to the activities of the National Science Foundation.

The Enrolled Bill authorizes an appropriation of \$810.7 million, plus \$6 million in excess foreign currencies for FY 1977. This compares to the \$796 million, plus \$6 million in excess foreign currencies that would have been authorized by S. 3068, 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, the relevant FY 1977 appropriation act (P.L. 94-378) appropriates amounts below the President's Budget: \$710 million is appropriated for Foundation activities other than for its Science Education programs and activities, \$59 million is appropriated for its Science Education programs and activities, and \$4.6 million in excess foreign currencies is appropriated. Thus, the total FY 1977 appropriation to the Foundation is below the President's Budget and the authorization Enrolled Bill.

Several sections of the Enrolled Bill authorize and direct the Foundation to undertake programs and other activities that have been proposed in the Foundation's budget to the Congress and that are already otherwise authorized pursuant to the authority contained in the National Science Foundation Act of 1950, as amended. Other sections authorize and direct the Foundation to initiate planning activities, programs, or other activities not contained in the Foundation's budget to the Congress but falling within the authority of the Foundation. We are somewhat concerned about the establishment

Mr. James M. Frey

Page Two

of such statutory special programs since they cannot be easily terminated and may outlive their usefulness. We believe it would be preferable for the Oversight Committees and the National Science Foundation to agree on the establishment of new programs and priorities in the process of budget considerations without embodying such programs in permanent legislation. Such agreements could be reflected in committee reports or other legislative history. Despite these concerns, however, we do not feel that the programs specified in this Enrolled Bill are seriously objectionable.

Section 9 of the Enrolled Bill would make several changes affecting the National Science Board. The Foundation accepts these amendments and particularly supports the amendment that increases the grade of the top professional Board staff position from GS-15 to GS-18.

A section-by-section comparison of the Enrolled Bill and the Administration bill, S. 3068, is enclosed.

Sincerely yours,

Handwritten signature of Richard C. Atkinson in black ink.

Richard C. Atkinson  
Acting Director

Enclosure

October 1, 1976

SECTION BY SECTION COMPARISON

ENROLLED BILL H.R. 12566

Section 1: Permits citation of the authorization act as the "National Science Foundation Authorization Act, 1977."

Section 2(a): Authorizes by line item amounts (12 line items) NSF appropriations for FY 1977 totalling \$810.7 million.

Section 2(b): Directs NSF to recommend and encourage the pursuit of national policies to foster science research and education and to apply science to solving national/international problems.

Section 2(c): Directs NSF to provide assistance to the Office of Science and Technology Policy.

Section 2(d): Directs not less than 10% of RANN funds be expended to small business concerns.

Section 2(e)(1): Directs NSF to establish uniform procedures to establish "responsibility for materials published" under Foundation sponsorship; also directs NSF to establish procedures for reporting on utilization of RANN sponsored research.

Section 2(e)(2): Directs NSF to have all "substantive" technical reports disseminated through DOC National Technical Information Service.

Section 2(e)(3): Directs NSF to coordinate with ERDA all new project awards involving energy R&D in the RANN category.

Section 2(f): Directs the Director to conduct a feasibility study on operating the peer review system so as to eliminate the identity of the proposer to the reviewers.

Section 2(g): Provides that no funds may be transferred to or from any line item listed in section 2(a) from or to any other line item in section 2(a) if the total so transferred would exceed 10% of either, unless:

ADMINISTRATION BILL S. 3068

Section 6 is comparable.

Section 1: Authorizes NSF appropriations for FY 1977 in the amount of \$796 million (with no line item amounts).

No comparable section.

No comparable section.

No comparable section.

No comparable section.

No comparable section.

No comparable section.

No comparable section.

No comparable section.

ENROLLED BILL H.R. 12566

- (1) 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
- (2) 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 3: Directs NSF to support basic and applied research and education programs, to conduct and support policy analyses, information dissemination, and cooperative programs in the international area, consistent with national foreign policy objectives. The Department of State must be consulted.

Section 4: Directs NSF to encourage and promote interdisciplinary research through various enumerated means, including fellowship and research projects.

Section 5: Directs NSF to conduct an experimental "Science for Citizens Program" and an augmented Public Understanding of Science Program.

Section 6: Directs NSF to develop a program plan for continuing education in science and engineering and to report to the NSF oversight committees by March 1, 1977.

Section 7(a): Directs NSF to initiate an "intensive search" for qualified women, minorities, and handicapped to fill executive level NSF positions, and to report quarterly to Congress.

Section 7(b): Directs NSF to conduct experimental conferences, workshops, and other activities designed to improve scientific literacy and to encourage and assist women, minorities, and the handicapped to undertake and to advance in science careers.

ADMINISTRATION BILL S. 3068

No comparable section.

No comparable section.

No comparable section.

No comparable section.

No comparable section.

No comparable section.

No comparable section.

ENROLLED BILL H.R. 12566

Section 7(c): Directs NSF to make planning and study grants for minority programs, including Minority Centers for Graduate Education in Science and Engineering. Grants for such Minority Centers shall be made for determining the need for and feasibility of developing the Centers.

Section 8: Directs NSF to establish an Office of Small Business Research and Development within the Foundation.

Section 9: Amends section 4 of the National Science Foundation Act --

- (1) to require that policies adopted by the National Science Board are within the framework of national policies established by Congress and the President;
- (2) to require that the Director consult with the National Science Board before appointing staff to the Board; and
- (3) to raise the maximum grade level for National Science Board staff from GS-15 to GS-18.

Section 10(a): Authorizes, in addition to funds authorized by section 2 an authorization not to exceed \$6 million for FY 1977 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 10(b): 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 10(c): Provides that appropriations made pursuant to this Act shall remain available for obligation and expenditure for the period of time specified in appropriations acts.

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

ADMINISTRATION BILL S. 3068

No comparable section.

No comparable section.

No comparable section.

Comparable to section 4.

Comparable to section 3.

Comparable to section 2.

No comparable section.

ENROLLED BILL H.R. 12566

No comparable section.

ADMINISTRATION BILL S. 3068

Section 5: Repeals 1) sections 1869 and 1882 of Title 42, U.S. Code, 2) section 2(b) of P.L. 94-86, and 3) notes appearing at 42 USC §1864 and 42 USC §5820. (These sections were inappropriately codified in the U.S. Code, and NSF requested their repeal.)

DEPARTMENT OF STATE  
AGENCY FOR INTERNATIONAL DEVELOPMENT  
WASHINGTON, D.C. 20523

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

Dear Mr. Frey:

This letter replies to your request for comments from the Agency for International Development on the Enrolled Bill, H.R. 12566, the National Science Foundation Authorization Act, 1977.

Section 3 of H.R. 12566, entitled International Scientific Research, Education, and Policy Analysis, authorizes and directs the National Science Foundation (NSF) "to assist in the resolution of critical and emerging problems with significant scientific or technical components, such as world food and population problems, and to insure full coordination of these programs with related activities conducted by other Federal agencies and organizations."

Although section 3 also provides that the international activities of the NSF should be conducted after consultation with the Secretary of State to assure that NSF programs are consistent with the foreign policy objectives of the U.S., the broad authorization of functions to the NSF could be interpreted to conflict with the mandate of the Agency for International Development in this area as stated in Executive Order 10973, as amended, and State Department Delegation of Authority No. 104(a), as amended. Accordingly, if the President signs this bill, we believe it would be appropriate to indicate in his signing statement that programs authorized under section 3 of the bill should also be coordinated with A.I.D.



Other than our concern with the possibility that the mandate contained in section 3 of the bill be misinterpreted, we have no objection to the enactment of this bill. We do, however, recommend that a Presidential signing statement clarify the fact that NSF programs conducted pursuant to section 3 must be coordinated with the programs of A.I.D.

Sincerely yours,

*Walter E. Warren for*  
Gerald D. Morgan, Jr.  
General Counsel

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 12

Date: October 7

Time: 4:15pm

FOR ACTION: Glenn Schleede *MS* cc (for information): Jack Marsh  
 Max Friedersdorf *MS* Jim Connor  
~~Dick Parsons~~ Lynn May Ed Schmults  
 NSC/S *MS* Bobbie Kilberg *MS*  
 David Lipsy *MS*

FROM THE STAFF SECRETARY

DUE: Date: October 8

Time: noon

SUBJECT: HR. 12566-National Science Foundation Authorization Act, 1977

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 checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> 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

ACT MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 7

Time: 415pm

FOR ACTION:

Glenn Schleede  
Max Friedersdorf  
Dick Parsons  
NSC/S  
David Lissy

cc (for information):

Lynn May  
Bobbie Kilberg

Jack Marsh  
Jim Connor  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 9

Time: noon

SUBJECT:

HR. 12566-National Science Foundation 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

*Removal  
Approval  
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.

K. R. COLE, JR.  
For the President

Date: October 7

Time: 4:15pm

FOR ACTION:

Glenn Schleede  
Max Friedersdorf  
Dick Parsons  
NSC/S  
David Lissy

cc (for information):

Jack Marsh  
Jim Connor  
Ed Schmults  
Lynn May  
Bobbie Kilberg ✓

FROM THE STAFF SECRETARY

DUE: Date: October 9

Time: noon

SUBJECT:

HR. 12566-National Science Foundation 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

*approve Kelly 10/9/76*

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.

K. R. COLE, JR.  
For the President

ON MEMORANDUM

THE WHITE HOUSE

WASHINGTON

LOG NO.:

Date: October 7

Time: 415pm

FOR ACTION: Glenn Schleede cc (for information): Jack Marsh  
 Max Friedersdorf Jim Connor  
 Dick Parsons Lynn May Ed Schmults  
 NSC/S Bobbie Kilberg  
 David Lissy

FROM THE STAFF SECRETARY

DUE: Date: October 9

Time: noon

SUBJECT: HR. 12566-National Science Foundation 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

*APPROVAL  
WMD*

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

WASHINGTON

October 8, 1976

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX L. FRIEDERSDORF *M.L.F.*  
SUBJECT: H.R. 12566 - National Science Foundation  
Authorization Act, 1977

The Office of Legislative Affairs concurs with the agencies that the National Science Foundation Authorization Act, 1977 be signed.

Passed House on March 25, 358-33

Attachments