Public Law 90-407

July 18, 1968
[H. R. 5404]

AN ACT

To amend the National Science Foundation Act of 1950 to make changes and improvements in the organization and operation of the Foundation, and for other purposes.

National Science Foundation Act of 1950, amendments.
64 Stat. 149.
42 USC 1862.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the National Science Foundation Act of 1950 is amended to read as follows:

"FUNCTIONS OF THE FOUNDATION

"SEC. 3. (a) The Foundation is authorized and directed—

"(1) to initiate and support basic scientific research and programs to strengthen scientific research potential in the mathematical, physical, medical, biological, engineering, social, and other sciences, by making contracts or other arrangements (including grants, loans, and other forms of assistance) to support such scientific activities and to appraise the impact of research upon industrial development and upon the general welfare;

"(2) to award, as provided in section 10, scholarships and graduate fellowships in the mathematical, physical, medical, biological, engineering, social, and other sciences;

"(3) to foster the interchange of scientific information among scientists in the United States and foreign countries;

"(4) to foster and support the development and use of computer and other scientific methods and technologies, primarily for research and education in the sciences;

"(5) to evaluate the status and needs of the various sciences as evidenced by programs, projects, and studies undertaken by agencies of the Federal Government, by individuals, and by public and private research groups, employing by grant or contract such consulting services as it may deem necessary for the purpose of such evaluations; and to take into consideration the results of such evaluations in correlating the research and educational programs undertaken or supported by the Foundation with programs, projects, and studies undertaken by agencies of the Federal Government, by individuals, and by public and private research groups;

"(6) to maintain a current register of scientific and technical personnel, and in other ways to provide a central clearinghouse for the collection, interpretation, and analysis of data on the availability of, and the current and projected need for, scientific and technical resources in the United States, and to provide a source of information for policy formulation by other agencies of the Federal Government; and

"(7) to initiate and maintain a program for the determination of the total amount of money for scientific research, including money allocated for the construction of the facilities wherein such research is conducted, received by each educational institution and appropriate nonprofit organization in the United States, by grant, contract, or other arrangement from agencies of the Federal Government, and to report annually thereon to the President and the Congress.

Reports to President and Congress.

"(b) The Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation or national security by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such scientific activities. Such activities when initiated or supported pursuant to requests made by the Secretary of State or

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the Secretary of Defense shall be financed solely from funds transferred to the Foundation by the requesting Secretary as provided in section 15(g), and any such activities shall be unclassified and shall be identified by the Foundation as being undertaken at the request of the appropriate Secretary.

Post, p. 366.

"(c) In addition to the authority contained in subsections (a) and (b), the Foundation is authorized to initiate and support scientific research, including applied research, at academic and other nonprofit institutions. When so directed by the President, the Foundation is further authorized to support, through other appropriate organizations, applied scientific research relevant to national problems involving the public interest. In exercising the authority contained in this subsection, the Foundation may employ by grant or contract such consulting services as it deems necessary, and shall coordinate and correlate its activities with respect to any such problem with other agencies of the Federal Government undertaking similar programs in that field.

"(d) The Board and the Director shall recommend and encourage the pursuit of national policies for the promotion of basic research and education in the sciences.

"(e) In exercising the authority and discharging the functions referred to in the foregoing subsections, it shall be one of the objectives of the Foundation to strengthen research and education in the sciences, including independent research by individuals, throughout the United States, and to avoid undue concentration of such research and education.

"(f) The Foundation shall render an annual report to the President for submission on or before the 15th day of January of each year to the Congress, summarizing the activities of the Foundation and making such recommendations as it may deem appropriate. Such report shall include information as to the acquisition and disposition by the Foundation of any patents and patent rights."

Report to President.

SEC. 2. Section 4 of the National Science Foundation Act of 1950 is amended to read as follows:

National Science Board.
64 Stat. 150.
42 USC 1863.

"NATIONAL SCIENCE BOARD

"SEC. 4. (a) The Board shall consist of twenty-four members to be appointed by the President, by and with the advice and consent of the Senate, and of the Director ex officio. In addition to any powers and functions otherwise granted to it by this Act, the Board shall establish the policies of the Foundation.

Membership.

"(b) The Board shall have an Executive Committee as provided in section 7, and may delegate to it or to the Director or both such of the powers and functions granted to the Board by this Act as it deems appropriate.

Post, p. 364.

"(c) The persons nominated for appointment as members of the Board (1) shall be eminent in the fields of the basic, medical, or social sciences, engineering, agriculture, education, research management, or public affairs; (2) shall be selected solely on the basis of established records of distinguished service; and (3) shall be so selected as to provide representation of the views of scientific leaders in all areas of the Nation. The President is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by the National Academy of Sciences, the National Association of State Universities and Land Grant Colleges, the Association of American Universities, the Association of American Colleges, the Association of State Colleges and Universities, or by other scientific or educational organizations.

Term of office.

"(d) The term of office of each member of the Board shall be six years; except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Any person, other than the Director, who has been a member of the Board for twelve consecutive years shall thereafter be ineligible for appointment during the two-year period following the expiration of such twelfth year.

Meetings.

"(e) The Board shall meet annually on the third Monday in May unless, prior to May 10 in any year, the Chairman has set the annual meeting for a day in May other than the third Monday, and at such other times as the Chairman may determine, but he shall also call a meeting whenever one-third of the members so request in writing. A majority of the members of the Board shall constitute a quorum. Each member shall be given notice, by registered mail or certified mail mailed to his last known address of record not less than fifteen days prior to any meeting, of the call of such meeting.

Chairman and Vice Chairman.

"(f) The election of the Chairman and Vice Chairman of the Board shall take place at each annual meeting occurring in an even-numbered year. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect a member to fill such vacancy.

Report to President.

"(g) The Board shall render an annual report to the President, for submission on or before the 31st day of January of each year to the Congress, on the status and health of science and its various disciplines. Such report shall include an assessment of such matters as national scientific resources and trained manpower, progress in selected areas of basic scientific research, and an indication of those aspects of such progress which might be applied to the needs of American society. The report may include such recommendations as the Board may deem timely and appropriate.

Staff.

"(h) The Board may, with the concurrence of a majority of its members, permit 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, as may be necessary to provide for the performance of such duties as may be prescribed by the Board in connection with the exercise of its powers and functions under this Act. Each appointment under this subsection shall be subject to the same security requirements as those required for personnel of the Foundation appointed under section 15(a).

80 Stat. 443.
5 USC 5101.

5 USC 5332 note.

Post, p. 365.

"(i) The Board is authorized to establish such special commissions as it may from time to time deem necessary for the purposes of this Act.

"(j) The Board is also authorized to appoint from among its members such committees as it deems necessary, and to assign to committees so appointed such survey and advisory functions as the Board deems appropriate to assist it in exercising its powers and functions under this Act."

64 Stat. 151; 73 Stat. 467. 42 USC 1864.

SEC. 3. Section 5 of the National Science Foundation Act of 1950 is amended to read as follows:

"DIRECTOR OF THE FOUNDATION

"SEC. 5. (a) The Director of the Foundation (referred to in this Act as the 'Director') shall be appointed by the President, by and with the advice and consent of the Senate. Before any person is appointed as Director, the President shall afford the Board an opportunity to make recommendations to him with respect to such appointment. The Director shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, and shall serve for a term of six years unless sooner removed by the President. Appointment, compensation. 80 Stat. 460.

"(b) Except as otherwise specifically provided in this Act (1) the Director shall exercise all of the authority granted to the Foundation by this Act (including any powers and functions which may be delegated to him by the Board), and (2) all actions taken by the Director pursuant to the provisions of this Act (or pursuant to the terms of a delegation from the Board) shall be final and binding upon the Foundation.

"(c) The Director may from time to time make such provisions as he deems appropriate authorizing the performance by any other officer, agency, or employee of the Foundation of any of his functions under this Act, including functions delegated to him by the Board; except that the Director may not redelegate policymaking functions delegated to him by the Board.

"(d) The formulation of programs in conformance with the policies of the Foundation shall be carried out by the Director in consultation with the Board.

"(e) The Director shall not make any contract, grant, or other arrangement pursuant to section 11(c) without the prior approval of the Board, except that a grant, contract, or other arrangement involving a total commitment of less than $2,000,000, or less than $500,000 in any one year, or a commitment of such lesser amount or amounts and subject to such other conditions as the Board in its discretion may from time to time determine to be appropriate and publish in the Federal Register, may be made if such action is taken pursuant to the terms and conditions set forth by the Board, and if each such action is reported to the Board at the Board meeting next following such action. *Post*, p. 365. Publication in Federal Register.

"(f) The Director, in his capacity as ex officio member of the Board, shall, except with respect to compensation and tenure, be coordinate with the other members of the Board. He shall be a voting member of the Board and shall be eligible for election by the Board as Chairman or Vice Chairman of the Board."

SEC. 4. The National Science Foundation Act of 1950 is further amended by striking out section 8, by redesignating sections 6 and 7 as sections 7 and 8, respectively, and by inserting after section 5 the following new section: 64 Stat. 151, 152. 42 USC 1865-1867.

"DEPUTY DIRECTOR AND ASSISTANT DIRECTORS

"SEC. 6. (a) There shall be a Deputy Director of the Foundation (referred to in this Act as the 'Deputy Director'), who shall be appointed by the President, by and with the advice and consent of the Senate. Before any person is appointed as Deputy Director, the President shall afford the Board and the Director an opportunity to make recommendations to him with respect to such appointment. The Deputy Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code, and shall perform such duties and exercise such powers Appointment, compensation. 81 Stat. 638.

as the Director may prescribe. The Deputy Director shall act for, and exercise the powers of, the Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

"(b) There shall be four Assistant Directors of the Foundation (each referred to in this Act as an 'Assistant Director'), who shall be appointed by the President, by and with the advice and consent of the Senate. Before any person is appointed as an Assistant Director, the President shall afford the Board and the Director an opportunity to make recommendations to him with respect to such appointment. Each Assistant Director shall receive basic pay at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code, and shall perform such duties and exercise such powers as the Director may prescribe."

81 Stat. 638.

SEC. 5. The section of the National Science Foundation Act of 1950 redesignated as section 7 by section 4 of this Act is amended to read as follows:

64 Stat. 151; 73 Stat. 467. 42 USC 1865.

"EXECUTIVE COMMITTEE

"SEC. 7. (a) There shall be an Executive Committee of the Board (referred to in this Act as the 'Executive Committee'), which shall be composed of five members and shall exercise such powers and functions as may be delegated to it by the Board. Four of the members shall be elected as provided in subsection (b), and the Director ex officio shall be the fifth member and the chairman of the Executive Committee.

"(b) At each of its annual meetings the Board shall elect two of its members as members of the Executive Committee, and the Executive Committee members so elected shall hold office for two years from the date of their election. Any person, other than the Director, who has been a member of the Executive Committee for six consecutive years shall thereafter be ineligible for service as a member thereof during the two-year period following the expiration of such sixth year. For the purposes of this subsection, the period between any two consecutive annual meetings of the Board shall be deemed to be one year.

"(c) Any person elected as a member of the Executive Committee to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected for the remainder of such term.

Report.

"(d) The Executive Committee shall render an annual report to the Board, and such other reports as it may deem necessary, summarizing its activities and making such recommendations as it may deem appropriate. Minority views and recommendations, if any, of members of the Executive Committee shall be included in such reports."

SEC. 6. The section of the National Science Foundation Act of 1950 redesignated as section 8 by section 4 of this Act is amended to read as follows:

64 Stat. 152. 42 USC 1866.

"DIVISIONS WITHIN THE FOUNDATION

"SEC. 8. There shall be within the Foundation such Divisions as the Director, in consultation with the Board, may from time to time determine."

SEC. 7. Section 9(a) of the National Science Foundation Act of 1950 is amended by striking out "section 3(a)(7)" and inserting in lieu thereof "section 4(i)".

42 USC 1868.

SEC. 8. Section 10 of the National Science Foundation Act of 1950 is amended—

73 Stat. 468. 42 USC 1869.

(1) by inserting "social," after "engineering,"; and

(2) by striking out "among the States, Territories, possessions, and the District of Columbia" and inserting in lieu thereof "throughout the United States".

SEC. 9. (a) Section 11(c) of the National Science Foundation Act of 1950 is amended— 64 Stat. 153. 42 USC 1870.

(1) by striking out "basic";

(2) by striking out "research" each place it appears;

(3) by inserting "Secretary of State or" before "Secretary of Defense"; and

(4) by striking out "the national defense" and inserting in lieu thereof "international cooperation or national security".

(b) Section 11(d) of such Act is amended by striking out "research" and inserting in lieu thereof "activities".

(c) Section 11(h) of such Act is amended by striking out "section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2)" and inserting in lieu thereof "section 5703 of title 5, United States Code,". 80 Stat. 499.

(d) Section 11 of such Act is further amended by striking out the word "and" at the end of clause (h), by striking out the period at the end of clause (i) and inserting in lieu thereof a semicolon and the word "and", and by inserting at the end thereof a new clause as follows:

"(j) to arrange with and reimburse the heads of other Federal agencies for the performance of any activity which the Foundation is authorized to conduct."

SEC. 10. Section 13(a) of the National Science Foundation Act of 1950 is amended— 73 Stat. 468. 42 USC 1872.

(1) by striking out ", with the approval of the Board,"; and

(2) by striking out "section 16(d)(2)" and inserting in lieu thereof "section 15(d)(2)".

SEC. 11. Effective September 1, 1968—

(1) section 14 of the National Science Foundation Act of 1950 is repealed, and notwithstanding the provisions of the first section of this Act, until such date the provisions of section 3(a)(9) of such Act of 1950 shall remain in effect for the purposes of such section 14; and Repeal. 72 Stat. 353. 42 USC 1872a. 42 USC 1862.

(2) sections 15, 16, and 17 of such Act, and all references thereto in such Act, are redesignated as sections 14, 15, and 16, respectively. 64 Stat. 156; 72 Stat. 353. 42 USC 1873-1875.

SEC. 12. (a) Section 15 of the National Science Foundation Act of 1950 is amended to read as follows:

"MISCELLANEOUS PROVISIONS

"SEC. 15. (a) The Director shall, in accordance with such policies as the Board shall from time to time prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act. Except as provided in section 4(h), such *Ante*, p. 362. appointments shall be made and such compensation shall be fixed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates: *Provided*, 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. The members of the special commissions shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. 80 Stat. 443, 467. 5 USC 5101-5115, 5331-5338.

"(b) Neither the Director, the Deputy Director, nor any Assistant Director shall engage in any other business, vocation, or employment while serving in such position; nor shall the Director, the Deputy

Director, or any Assistant Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any grant, contract, or other arrangement under this Act.

"(c) The Foundation shall not, itself, operate any laboratories or pilot plants.

Compensation; travel expenses.

"(d) The members of the Board and the members of each special commission shall receive compensation at the rate of $100 for each day engaged in the business of the Foundation pursuant to authorization of the Foundation and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

80 Stat. 499.

"(e) Persons holding other offices in the executive branch of the Federal Government may serve as members of special commissions, but they shall not receive remuneration for their services as such members during any period for which they receive compensation for their services in such other offices.

"(f) In making contracts or other arrangements for scientific research, the Foundation shall utilize appropriations available therefor in such manner as will in its discretion best realize the objectives of (1) having the work performed by organizations, agencies, and institutions, or individuals in the United States or foreign countries, including Government agencies of the United States and of foreign countries, qualified by training and experience to achieve the results desired, (2) strengthening the research staff of organizations, particularly nonprofit organizations, in the United States, (3) aiding institutions, agencies, or organizations which, if aided, will advance scientific research, and (4) encouraging independent scientific research by individuals.

"(g) Funds available to any department or agency of the Government for scientific or technical research, or the provision of facilities therefor, shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Foundation for such use as is consistent with the purposes for which such funds were provided, and funds so transferred shall be expendable by the Foundation for the purposes for which the transfer was made.

"United States."

"(h) For purposes of this Act, the term 'United States' when used in a geographical sense means the States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States."

64 Stat. 156; 72 Stat. 353. 42 USC 1874.

SEC. 13. Section 16 of the National Science Foundation Act of 1950 is amended by striking out "1946" each place it appears and inserting in lieu thereof "1954". Subsection (b) of such section is amended by striking out "section 15(h)" in paragraph (1) and inserting in lieu thereof "section 15(g)".

Appropriations.

42 USC 1875.

SEC. 14. Subsection (a) of section 17 of the National Science Foundation Act of 1950 is amended to read as follows:

"(a) To enable the Foundation to carry out its powers and duties, there is hereby authorized to be appropriated to the Foundation for the fiscal year ending June 30, 1969, the sum of $525,000,000; but for the fiscal year ending June 30, 1970, and each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. Sums authorized by this subsection shall be in addition to sums authorized by section 201(b)(1) of the Marine Resources and Engineering Development Act of 1966."

80 Stat. 998. 33 USC 1121-1124.

80 Stat. 460.

SEC. 15. (a)(1) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(19) Director of the National Science Foundation."

(2) Section 5314 of such title is amended by striking out paragraph 40, and by inserting in lieu thereof the following new paragraph: 80 Stat. 461. 5 USC 5314.

"(40) Deputy Director, National Science Foundation."

(3) Section 5316 of such title is amended by striking out paragraph (66), and by inserting in lieu thereof the following new paragraph: 80 Stat. 465.

"(66) Assistant Directors, National Science Foundation (4)."

(4) The amendments made by this subsection (and the amendments made by sections 3 and 4 of this Act insofar as they relate to rates of basic pay) shall take effect on the first day of the first calendar month which begins on or after the date of the enactment of this Act. Effective date.

(b) Section 902(c) of the National Defense Education Act of 1958 is amended by striking out "$50" and inserting in lieu thereof "$100". 72 Stat. 1601. 42 USC 1877.

SEC. 16. Except as otherwise specifically provided therein, the amendments made by this Act are intended to continue in effect under the National Science Foundation Act of 1950 the existing offices, procedures, and organization of the National Science Foundation as provided by such Act, part II of Reorganization Plan Numbered 2 of 1962, and Reorganization Plan Numbered 5 of 1965. From and after the date of the enactment of this Act, part II of Reorganization Plan Numbered 2 of 1962, and Reorganization Plan Numbered 5 of 1965, shall be of no force or effect; but nothing in this Act shall alter or affect any transfers of functions made by part I of such Reorganization Plan Numbered 2 of 1962. 76 Stat. 1254. 42 USC 1861 note. 79 Stat. 1323. 42 USC 1867 note.

Approved July 18, 1968.

Public Law 90-408

AN ACT

To authorize certain construction at military installations, and for other purposes.

July 21, 1968
[H. R. 16703]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Military Construction and Reserve Forces Facilities Authorization Acts, 1969.

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects: Army.

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia: Operational and training facilities, research, development, and test facilities, and medical facilities, $2,175,000.