

Proposed National Science Foundation Act, 1947: S. 526

*A bill introduced into the Senate of the United States on February 7, 1947,
by H. Alexander Smith, Guy Cordon, Chapman Revercomb, Leverett
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SEC. 2. THERE IS HEREBY ESTABLISHED in the executive branch of the Government an independent agency to be known as the National Science Foundation.

MEMBERSHIP OF FOUNDATION

SEC. 3. (a) The Foundation shall have forty-eight members to be appointed by the President, by and with the advice and consent of the Senate. The persons nominated for appointment as members (1) shall be outstanding men and women who are recognized leaders in the fields of the fundamental sciences, medical science, engineering, education, or public affairs; (2) shall be selected solely on the basis of established records of distinguished service and without regard to political, social, or religious factors; 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 or by other scientific or educational organizations.

(b) The term of office of each member of the Foundation shall be eight years, except that (1) 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; and (2) the terms of office of the members first taking office after the date of enactment of this Act shall expire, as designated by the President at the time of appointment, twelve at the end of two years, twelve at the end of four years, twelve at the end of six years, and twelve at the end of eight years, after the date of enactment of this Act. No person who has served as a member of the Foundation for more than four years shall be eligible for reappointment as a member until the expiration of four years after the termination of his previous term.

(c) The President shall designate one of the original members of the Foundation to act as chairman of the Foundation until such time as the executive committee referred to in Section 5 (a) is elected and chooses its chairman as provided for by Section 5 (b). The member so designated shall call the first meeting of the members of the Foundation and shall preside over such meeting until a chairman has been chosen.

POWERS AND DUTIES OF THE FOUNDATION

SEC. 4. (a) The Foundation is authorized: (1) to develop, and to encourage the pursuit of, a national

policy for scientific research and scientific education; (2) to initiate and support basic scientific research in the mathematical, physical, medical, biological, engineering, and other sciences, by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such basic scientific research; (3) to initiate and support scientific research in connection with matters relating to the national defense by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such scientific research; (4) to grant scholarships and graduate fellowships in the mathematical, physical, medical, biological, engineering, and other sciences; (5) to foster the interchange of scientific information among scientists in the United States and foreign countries; and (6) to correlate the Foundation's scientific research programs with those undertaken by individuals and by public and private research groups.

(b) The members of the Foundation shall meet at the call of the Chairman but not less frequently than once each year. A majority of the members of the Foundation shall constitute a quorum. Each member shall be given notice, by registered mail mailed to his last-known address of record not less than fifteen days prior to any meeting, of the call of such meeting.

CREATION AND POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE

SEC 5. (a) The Foundation shall elect biennially from its own membership an executive committee composed of nine members which shall, except as otherwise provided in this Act, exercise the powers and duties of the Foundation. The executive committee may delegate or assign to officers, employees, and divisions, within the Foundation, any of its powers, duties, and functions.

(b) The executive committee shall choose its own chairman and vice-chairman biennially, who shall also serve as chairman and vice-chairman of the Foundation. The vice-chairman shall perform the duties of the chairman in his absence.

(c) The executive committee shall meet at the call of the chairman or at such times as may be fixed by itself, but not less than six times each year.

(d) Five members of the executive committee shall constitute a quorum.

(e) The executive committee may establish such advisory committees as it may determine to be necessary or desirable for the consideration of programs administered by the Foundation.

(f) The executive committee shall render an annual report to the Foundation, for submission to the President and the Congress, summarizing the activities of the Foundation and making such recommendations as it may deem appropriate.

DIRECTOR OF FOUNDATION

SEC. 6. The Foundation shall have a chief executive officer, who shall be known as the Director of the Foundation. The powers and duties of the Director shall be prescribed by the executive committee and shall be exercised and performed by him under the supervision of such committee. The Director shall be appointed by the executive committee, with the approval of a majority of the members of the Foundation. The Director shall receive compensation at the rate of \$15,000 per annum.

DIVISIONS WITHIN THE FOUNDATION

SEC. 7. (a) There shall be within the Foundation a Division of National Defense and such other divisions as the Foundation may, from time to time, deem necessary. Each such division shall exercise such powers and perform such duties of the Foundation as may be prescribed by the Foundation.

(b) Until otherwise provided by the Foundation, there shall be within the Foundation: (1) a Division of Medical Research, which shall administer programs of the Foundation relating to research in the medical sciences; (2) a Division of Mathematical, Physical, and Engineering Sciences, which shall administer programs of the Foundation relating to research in the mathematical, physical, and engineering sciences; (3) a Division of Biological Sciences, which shall administer programs of the Foundation relating to research in the biological sciences; (4) a Division of National Defense, which shall administer programs of the Foundation relating to research on military and naval matters; and (5) a Division of Scientific Personnel and Education, which shall administer programs of the Foundation relating to the granting of scholarships and graduate fellowships in the mathematical, physical, medical, biological, engineering, and other sciences.

DIVISIONAL COMMITTEES

SEC. 8. (a) There shall be a committee for each division of the Foundation.

(b) Each divisional committee, except the Committee for the Division of National Defense, shall be appointed by the Foundation and shall consist of not less than five persons who may be members or nonmembers of the Foundation.

(c) The Committee for the Division of National Defense shall consist of members in a number which is a multiple of four, to be fixed by the Foundation, but which shall be not less than eight and not more than forty. One-half of the members of such committee shall

be civilians appointed by the Foundation, and the remaining half shall be representatives of the War and Navy Departments, designated in equal numbers by the Secretary of War and the Secretary of the Navy, respectively. There shall be within the divisional committee for the Division of National Defense an executive committee of five, consisting of the chairman of the divisional committee, as chairman; two civilian members of such committee elected annually by the civilian members thereof; one member of such committee representing the War Department and designated by the Secretary of War, and one member of such committee representing the Navy Department and designated by the Secretary of the Navy. Such executive committee shall perform such functions as may be prescribed by the Committee for the Division of National Defense with the approval of the Foundation.

(d) The term of each member of each divisional committee shall be fixed by the appointing or designating authority. Each divisional committee shall annually elect its own chairman from among its own members, and shall prescribe its own rules of procedure.

(e) Each divisional committee shall have the power and duty to make recommendations to, and advise and consult with, the executive committee and the Director with respect to matters relating to the program of its division, and shall have such additional powers and duties as the Foundation may delegate or assign to it.

(f) The Committee for the Division of National Defense shall establish regulations and procedures for the security classification of information or property in connection with scientific research (having military significance) under this Act, and for the proper safeguarding of any information or property so classified.

SCHOLARSHIPS AND GRADUATE FELLOWSHIPS; REGISTER OF SCIENTIFIC PERSONNEL

SEC. 9. (a) The Foundation is authorized to award scholarships and graduate fellowships for scientific study or scientific work in the mathematical, physical, medical, biological, engineering, and other sciences at accredited nonprofit American or foreign institutions of higher education, selected by the recipient of such aid, for such periods as the Foundation may determine. Persons shall be selected for such scholarships and fellowships solely on the basis of ability; but in any case in which two or more applicants for scholarships or fellowships, as the case may be, are deemed by the Foundation to be possessed of equal ability and there are not sufficient scholarships or fellowships, as the case may be, available to grant one to each of such applicants, the Foundation shall award the available scholarship or scholarships or fellowship or fellowships to the applicants in such manner as will tend to result in a wide distribution of scholarships and fellowships among the States, Territories, possessions, and the District of Columbia.

(b) The Foundation shall maintain a register of scientific and technical personnel and in other ways provide a central clearinghouse for information covering all scientific and technical personnel in the United States and its possessions. No individual shall be listed in such register without his consent.

AUTHORITY OF FOUNDATION

SEC. 10. The Foundation is empowered to do all things necessary to carry out the provisions of this Act and, without being limited thereby, the Foundation is specifically authorized: (a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel; (b) to make such expenditures as may be necessary for carrying out the provisions of this Act; (c) to enter into contracts or other arrangements for the carrying on, by organizations or individuals, including other Government agencies, of such scientific research activities as the Foundation deems necessary to carry out the purposes of this Act; (d) to enter into such contracts or other arrangements, or modifications thereof, without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U. S. C., Sec. 5); (e) to make advance, progress, and other payments which relate to scientific research without regard to the provisions of Section 3648 of the Revised Statutes (31 U. S. C., Sec. 529); (f) to acquire by purchase, or otherwise, hold and dispose of by sale, lease, loan, or otherwise, real and personal property of all kinds necessary for, or resulting from, scientific research without regard to the provisions of law relating to the acquisition, holding, or disposition of property by the United States; (g) to receive and use funds donated by others, if such funds are donated, without restriction, other than that they be used in furtherance of one or more of the general purposes of the Foundation; (h) to publish or arrange for the publication of scientific and technical information so as to further the full dissemination of information of scientific value consistent with the national interest, without regard to the provisions of Section 87 of the Act of January 12, 1895 (28 Stat. 622), and Section 11 of the Act of March 1, 1919 (40 Stat. 1270; 44 U. S. C., Sec. 111); (i) to accept and utilize the services of voluntary and uncompensated personnel and to pay the actual and necessary traveling and subsistence expenses (including, in lieu of subsistence, per diem allowances at a rate not in excess of \$10) of such personnel incurred in the course of such services; and (j) to prescribe, with the approval of the Comptroller General of the United States, the extent to which vouchers for funds expended under contracts for scientific research shall be subject to itemization or substantiation prior to payment, without regard to the limitations of other laws relating to the expenditure of public funds and accounting therefor.

PATENT RIGHTS

SEC. 11. (a) Each contract or other arrangement executed by the Foundation which relates to scientific research shall contain provisions governing the disposition of inventions produced thereunder in a manner calculated to protect the public interest and the equities of the individual or organization with which the contract or other arrangement is executed.

(b) All inventions produced by employees of the Foundation in the course of their assigned activities for the Foundation shall be made freely available to the public, or, if patented, shall be freely dedicated to the public.

INTERNATIONAL COOPERATION

SEC. 12. (a) The Foundation is hereby authorized, with the approval of the President and through the Department of State, to cooperate in any international scientific research activities consistent with the purposes or provisions of this Act and to expend for such international scientific research activities such sums within the limit of appropriated funds as the Foundation may deem desirable.

(b) The Foundation may defray the expenses of representatives of Government agencies and other organizations and of individual scientists to accredited international scientific congresses and meetings whenever it deems it necessary in the promotion of the objectives of this Act.

APPROPRIATIONS

SEC. 13. (a) To enable the Foundation to carry out its powers and duties, there is hereby authorized to be appropriated annually to the Foundation, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

(b) The funds hereafter appropriated to the Foundation, as herein authorized, shall, if obligated during the fiscal year for which appropriated, remain available for expenditure for four years following the expiration of the fiscal year for which appropriated. After such four-year period, the unexpended balances of appropriations shall be carried to the surplus fund and covered into the Treasury.

INTERDEPARTMENTAL COMMITTEE ON SCIENCE

SEC. 14. (a) There is hereby established an Interdepartmental Committee on Science, to consist of the Director of the Foundation, as chairman, and the heads (or their designees) of such Government agencies engaged in or concerned with the support of scientific activity to a substantial degree as the President may from time to time determine. The interdepartmental committee shall meet whenever the chairman so determines, but not less than once a month.

(b) The Interdepartmental Committee on Science shall gather and correlate data relating to the scientific research and scientific development activities of the Federal Government; and shall make such recommendations to the President, the Foundation, and other governmental agencies as in the opinion of the committee will serve to aid in effectuating the objectives of this Act and of other legislation providing for Federal support of scientific research and scientific development.

GENERAL PROVISIONS

SEC. 15. (a) The Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of the civil service laws and regulations and the Classification Act of 1923, as amended, except that, when deemed desirable by the Director, technical and professional personnel may be employed without regard to the civil service laws or regulations, and their compensation may be fixed without regard to the provisions of the Classification Act of 1923, as amended. The Deputy Director hereinafter provided for, and the members of the divisional committees and advisory committees, shall be appointed without regard to the civil service laws or regulations.

(b) The Director may appoint with the approval of the executive committee a Deputy Director who shall receive compensation at a rate of not to exceed \$12,000 per annum.

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

(d) The members of the Foundation, and the members of each divisional committee and of each advisory committee appointed by the Foundation, shall receive compensation at the rate of \$50 for each day engaged in the business of the Foundation, and shall be allowed actual and necessary traveling and subsistence expenses (including, in lieu of subsistence, per diem allowances at a rate not in excess of \$10) when engaged, away from home, in the duties of their offices.

(e) Persons holding other offices in the executive branch of the Federal Government may serve as members of

the divisional committees or of any advisory committee appointed by the Foundation, 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) Service of an individual as a member of the Foundation or of a divisional committee or of an advisory committee shall not be considered as service bringing him within the provisions of Section 109 or Section 113 of the Criminal Code (U. S. C., 1940 edition, Title 18, Secs. 198 and 203) or Section 19 (c) of the Contract Settlement Act of 1944, unless the act of such individual, which by some section is made unlawful when performed by an individual referred to in such section, is with respect to any particular matter which directly involves the Foundation or in which the Foundation is directly interested.

(g) The Office of Scientific Research and Development is abolished, and its affairs shall be liquidated by the Foundation, which shall be its successor agency. The property, records, funds (including all unexpended balances of appropriations or other funds now available), and contracts (and rights and obligations thereunder) of the Office of Scientific Research and Development are transferred to the Foundation. Such abolition and transfer shall take effect as of the date upon which five members of the executive committee provided for in Section 5 have qualified and taken office.

(h) 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 the organizations or individuals, including Government agencies, best qualified by training and experience to achieve the results desired, and (2) strengthening the research staff of organizations, particularly nonprofit organizations, in the States and Territories and the District of Columbia.

(i) The activities of the Foundation shall be construed as supplementing and not superseding, curtailing, or limiting any of the functions or activities of other Government agencies (except the Office of Scientific Research and Development) authorized to engage in scientific research or scientific development.

On January 14 Representative Emanuel Celler introduced a bill, now called H. R. 942, which is identical with S. 1850 of the last session as it passed the Senate Military Affairs Committee. Simultaneously, on February 10, Representatives Case, Mills, and Priest introduced into the House bills now numbered H. R. 1815, 1830, and 1834. These three bills are identical to the Smith measure, S. 526, the text of which is given above.