

Public Law 91-119

AN ACT

November 18, 1969
[H. R. 11271]

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.

National Aeronautics and Space Administration Authorization Act, 1970.

Research and development.

Construction of facilities.

Research and program management.

Program specifications.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

- (1) Apollo, \$1,691,100,000;
- (2) Space flight operations, \$225,627,000;
- (3) Advanced missions, \$2,500,000;
- (4) Physics and astronomy, \$117,600,000;
- (5) Lunar and planetary exploration, \$138,800,000;
- (6) Bioscience, \$20,400,000;
- (7) Space applications, \$128,400,000;
- (8) Launch vehicle procurement, \$112,600,000;
- (9) Sustaining university program, \$9,000,000;
- (10) Space vehicle systems, \$27,500,000;
- (11) Electronics systems, \$33,550,000;
- (12) Human factor systems, \$22,100,000;
- (13) Basic research, \$20,250,000;
- (14) Space power and electric propulsion systems, \$36,950,000;
- (15) Nuclear rockets, \$50,000,000;
- (16) Chemical propulsion, \$22,850,000;
- (17) Aeronautical vehicles, \$77,700,000;
- (18) Tracking and data acquisition, \$278,000,000;
- (19) Technology utilization, \$5,000,000.

(b) For "Construction of facilities," including land acquisitions, as follows:

- (1) Electronics Research Center, Cambridge, Massachusetts \$8,088,000;
- (2) Goddard Space Flight Center, Greenbelt, Maryland, \$670,000;
- (3) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, \$12,500,000;
- (4) Langley Research Center, Hampton, Virginia, \$4,767,000;
- (5) Manned Spacecraft Center, Houston, Texas, \$1,750,000;
- (6) Wallops Station, Wallops Island, Virginia, \$500,000;
- (7) Various locations, \$26,425,000;
- (8) Facility planning and design not otherwise provided for, \$3,500,000.

(c) For "Research and program management," \$637,400,000.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and

space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

Notice to congressional committees.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed \$35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

Scientific consultations.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds \$100,000.

Funds, limitation.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

Grants, prohibition.

(i) Notwithstanding any other provision of law, authorizations to the National Aeronautics and Space Administration, enacted for fiscal years 1967, 1968, and 1969, for which appropriations have not been made, totaling \$327,070,000, are hereby canceled, effective June 30, 1969, or the date of this Act, whichever is later.

Report to Administrator.

Previous authorizations, cancellation.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward

5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Transfer of
funds.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with \$10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (8) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Report to
congressional
committees.

Use of funds,
restrictions.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

Notice to
congressional
committees.

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal

research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) As used in this section—

Definitions.

(1) The term "aerospace contractor" means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to or for the National Aeronautics and Space Administration in connection with any aerospace system.

(2) The term "services and materials" means either services or materials or services and materials which are provided as a part of or in connection with any aerospace system.

(3) The term "aerospace system" includes, but is not limited to, any rocket, launch vehicle, rocket engine, propellant, spacecraft, command module, service module, landing module, tracking device, communications device, or any part or component thereof, which is used in either manned or unmanned spaceflight operations.

(b) Any former employee of the National Aeronautics and Space Administration who at any time during the five-year period immediately preceding his termination of employment with the National Aeronautics and Space Administration was directly engaged in the procurement of any aerospace system or directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any aerospace system; or who served during the five-year period immediately preceding his termination of employment with the National Aeronautics and Space Administration at the factory or plant of an aerospace contractor in connection with work performed by such contractor or any aerospace system; or who was employed by the National Aeronautics and Space Administration during the five-year period preceding the termination of his employment at an annual salary rate of GS-15 or higher, and who

Former NASA employees, report requirements.

(1) was employed for any period of time during any calendar year by an aerospace contractor,

(2) represented any aerospace contractor during any calendar year at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the United States by such contractor, or

(3) represented any such contractor in any transaction with the National Aeronautics and Space Administration involving services or materials provided or to be provided by such contractor to the National Aeronautics and Space Administration,

shall file with the Administrator, in such form and manner as the Administrator may prescribe, not later than March 1 of the next succeeding calendar year, a report containing the following information:

(1) His name and address.

(2) The name and address of the aerospace contractor by whom he was employed or whom he represented.

(3) The title of the position held by him with the aerospace contractor.

(4) A brief description of his duties with the aerospace contractor.

(5) A brief description of his duties while employed by the National Aeronautics and Space Administration during the

three-year period immediately preceding his termination of employment.

(6) A description of any work performed by him in connection with any aerospace system while employed by the National Aeronautics and Space Administration, if the aerospace contractor by whom he is employed is providing substantial services or materials for such aerospace system, or is negotiating or bidding to provide substantial services or materials for such aerospace system.

(7) The date of the termination of his employment with the National Aeronautics and Space Administration, and the date on which his employment with the aerospace contractor began and, if no longer employed by such aerospace contractor, the date on which his employment with such aerospace contractor terminated.

(8) Such other pertinent information as the Administrator may require.

(c) Any employee of the National Aeronautics and Space Administration who was previously employed by an aerospace contractor in any calendar year and—

(1) who is directly engaged in the procurement of any aerospace system or is directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any aerospace system, or

(2) who is serving or has served as a representative of the National Aeronautics and Space Administration at the factory or plant of an aerospace contractor in connection with work being performed by such contractor on any aerospace system, shall file with the Administrator, in such form and manner as the Administrator may prescribe, not later than March 1 of the next succeeding calendar year, a report containing the following information:

(1) His name and address.

(2) The title of his position with the National Aeronautics and Space Administration.

(3) A brief description of his duties with the National Aeronautics and Space Administration.

(4) The name and address of the aerospace contractor by whom he was employed.

(5) The title of his position with such aerospace contractor.

(6) A brief description of his duties at the time he was employed by such aerospace contractor.

(7) A description of any work performed by him in connection with any aerospace system while he was employed by the aerospace contractor or while performing any legal services for such contractor, if such contractor is providing substantial services or materials for such aerospace system or is negotiating or bidding to provide substantial services or materials for such aerospace system.

(8) The date on which his employment with such contractor terminated and the date on which his employment with the National Aeronautics and Space Administration began thereafter.

(9) Such other pertinent information as the Administrator may require.

(d) (1) No former employee of the National Aeronautics and Space Administration shall be required to file a report under this section for

Employees formerly employed by aerospace contractor, report requirements.

Report requirements, exceptions.

any year in which he was employed by an aerospace contractor if the total cost to the United States of services and materials provided the United States by such contractor during such year was less than \$10,000,000; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section if the total cost to the United States of services and materials provided the United States by the aerospace contractor by whom such employee was employed was less than \$10,000,000 in each of the applicable calendar years that he was employed by such contractor.

(2) No former National Aeronautics and Space Administration employee shall be required to file a report under this section for any calendar year on account of employment with the National Aeronautics and Space Administration if such active duty or employment was terminated three years or more prior to the beginning of such calendar year; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any calendar year on account of employment with or services performed for an aerospace contractor if such employment was terminated or such services were performed three years or more prior to the beginning of such calendar year.

(e) The Administrator shall, not later than May 1 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding calendar year pursuant to subsections (b) and (c) of this section. The Administrator shall include after each name so much information as he deems appropriate, and shall list the names of such persons under the aerospace contractor for whom they worked or for whom they performed services.

Report to
President of
the Senate and
Speaker of the
House.

(f) Any former employee of the National Aeronautics and Space Administration whose employment with an aerospace contractor terminated during any calendar year shall be required to file a report pursuant to subsection (b) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with the National Aeronautics and Space Administration terminated during any calendar year shall be required to file a report pursuant to subsection (c) of this section for such year if he would otherwise be required to file under such subsection.

(g) The Administrator shall maintain a file containing the information filed with him pursuant to subsections (b) and (c) of this section and such file shall be open for public inspection at all times during the regular workday.

Recordkeeping.
Availability of
information.

(h) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than \$1,000, or both.

Penalty.

(i) No person shall be required to file a report pursuant to this section for any year prior to the calendar year 1970.

SEC. 7. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or

the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c) (1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 8. The flag of the United States, and no other flag, shall be implanted or otherwise placed on the surface of the moon, or on the surface of any planet, by the members of the crew of any spacecraft making a lunar or planetary landing as a part of a mission under the Apollo program or as a part of a mission under any subsequent program, the funds for which are provided entirely by the Government of the United States. This act is intended as a symbolic gesture of national pride in achievement and is not to be construed as a declaration of national appropriation by claim of sovereignty.

SEC. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1970".

Approved November 18, 1969.

72 Stat. 426.
42 USC 2451
note.

Refusal to
obey regula-
tions, denial of
payment.

U.S. flag,
implantation on
moon or planet.

Short title.