

Public Law 94-39
94th Congress

An Act

June 19, 1975
[H.R. 4700]

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, 1976.

Research and
development.

Construction of
facilities.

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) Space Shuttle, \$1,206,000,000;
- (2) Space flight operations, \$203,100,000;
- (3) Advanced missions, \$2,000,000;
- (4) Physics and astronomy, \$162,800,000;
- (5) Lunar and planetary exploration, \$259,900,000;
- (6) Launch vehicle procurement, \$166,900,000;
- (7) Space applications, \$181,530,000;
- (8) Aeronautical research and technology, \$175,350,000;
- (9) Space and nuclear research and technology, \$74,900,000;
- (10) Energy technology applications, \$5,900,000;
- (11) Tracking and data acquisition, \$240,800,000;
- (12) Technology utilization, \$8,000,000;

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

- (1) Modification of 11- by 11-foot transonic wind tunnel, Ames Research Center, \$2,695,000.
- (2) Addition for composite model and metal finishing shops, Langley Research Center, \$1,940,000;
- (3) Space shuttle facilities at various locations as follows:
 - (A) Modifications to launch complex 39, John F. Kennedy Space Center, \$13,110,000;
 - (B) Construction of Orbiter processing facility, John F. Kennedy Space Center, \$8,160,000;
 - (C) Modifications for solid rocket booster processing facilities, John F. Kennedy Space Center, \$5,240,000;
 - (D) Modifications for hypergolic checkout and refurbishment facilities, John F. Kennedy Space Center, \$6,940,000;
 - (E) Modifications for launch equipment test facilities, John F. Kennedy Space Center, \$1,960,000;
 - (F) Construction of Orbiter approach and landing test facilities, Flight Research Center, and Air Force Plant #42, Palmdale, California, \$1,680,000;
 - (G) Construction of Shuttle/Carrier aircraft mating facilities, Flight Research Center, and Air Force Plant #42, Palmdale, California, \$3,890,000;
 - (H) Modifications for crew training facilities, Lyndon B. Johnson Space Center, \$830,000;
 - (I) Modification of the vibration and acoustic test facility, Lyndon B. Johnson Space Center, \$2,410,000;
 - (J) Modifications for solid rocket booster component manufacturing and assembly facilities (location to be designated), \$3,000,000;

(4) Modification of 40-by-80 foot subsonic wind tunnel, Ames Research Center, \$12,500,000;

(5) Rehabilitation and modification of facilities at various locations, not in excess of \$500,000 per project, \$16,000,000;

(6) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$250,000 per project, \$5,000,000;

(7) Facility planning and design not otherwise provided for, \$13,775,000.

(c) For "Research and program management," \$776,000,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Research and
program
management.

(d) Notwithstanding the provisions of subsection 1(g), 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 at locations other than installations of the Administration 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 in accordance with this subsection for the 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 Technology 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.

Program
specifications.

Notice to Speaker
of the House,
President of the
Senate, and
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 of 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.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of \$25,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of \$50,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection 1(a), not in excess of \$250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

Limitations.

Construction cost variations.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (6), inclusive, of subsection 1(b)—

Report to congressional committees.

(1) in the discretion of the Administrator or his designee, may be varied upward 10 per centum, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate on the circumstances of such action, may be varied upward 25 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 (7) 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 Technology 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 Speaker of the House, President of the Senate, and congressional committees.

Use of funds, restriction.

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 Technology or the Senate Committee on Aeronautical and Space Sciences,

(2) no amounts 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.

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. The National Aeronautics and Space Administration is authorized, when so provided in an appropriation Act, to enter into a contract for tracking and data relay satellite services. Such services shall be furnished to the National Aeronautics and Space Administration in accordance with applicable authorization and appropriation Acts. The Government shall incur no costs under such contract prior to the furnishing of such services except that the contract may provide for the payment for contingent liability of the Government which may accrue in the event the Government should decide for its convenience to terminate the contract before the end of the period of the contract. Facilities which may be required in the performance of the contract may be constructed on Government-owned lands if there is included in the contract a provision under which the Government may acquire title to the facilities, under terms and conditions agreed upon in the contract, upon termination of the contract.

The Administrator shall in January of each year report to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives and the Committee on Aeronautical and Space Sciences and the Committee on Appropriations of the Senate the projected aggregate contingent liability of the Government under termination provisions of any contract authorized in this section through the next fiscal year. The authority of the National Aeronautics and Space Administration to enter into and to maintain the contract authorized hereunder shall remain in effect as long as provision therefor is included in Acts authorizing appropriations to the National Aeronautics and Space Administration for subsequent fiscal years.

SEC. 7. In addition to the amounts authorized to be appropriated under section 1 of this Act, there is hereby authorized to be appropriated to the National Aeronautics and Space Administration, to be available no earlier than July 1, 1976:

(a) For "Research and development," for the programs specified in the following paragraphs, \$700,600,000, of which no more shall be available for any such program than the amount stipulated (for that program) in the applicable paragraph:

- (1) Space Shuttle, \$321,000,000;
- (2) Space flight operations, \$55,100,000;
- (3) Advanced missions, \$500,000;
- (4) Physics and astronomy, \$46,600,000;
- (5) Lunar and planetary exploration, \$73,300,000;
- (6) Launch vehicle procurement, \$40,400,000;
- (7) Space applications, \$54,700,000;
- (8) Aeronautical research and technology, \$46,800,000;
- (9) Space and nuclear research and technology, \$22,300,000;

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

Research funds, geographical distribution.
42 USC 2459 note.

Satellite services, contract authorization.
42 USC 2463.

Report to congressional committees.

Additional authorizations.

Research and development.

- (10) Energy technology applications, \$1,500,000;
 (11) Tracking and data acquisition, \$66,400,000;
 (12) Technology utilization, \$2,000,000.
- Construction of facilities. (b) For "Construction of facilities," including land acquisition, as follows:
- (1) Rehabilitation and modification of facilities at various locations, not in excess of \$500,000 per project, \$7,000,000;
 (2) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$250,000 per project, \$1,250,000;
 (3) Facility planning and design not otherwise provided for, \$2,500,000.
- Research and program management. (c) For "Research and program management," \$213,800,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

All of the limitations and other provisions of this Act which are applicable to amounts appropriated pursuant to subsections (a), (b), and (c) of section 1 of this Act shall apply in the same manner to amounts appropriated pursuant to subsections (a), (b), and (c), respectively, of this section.

42 USC 2451
 note.

SEC. 8. The National Aeronautics and Space Act of 1958, as amended, is amended by adding at the end thereof the following new title:

"TITLE IV—UPPER ATMOSPHERIC RESEARCH

"PURPOSE AND POLICY

42 USC 2481.

"SEC. 401. (a) The purpose of this title is to authorize and direct the Administration to develop and carry out a comprehensive program of research, technology, and monitoring of the phenomena of the upper atmosphere so as to provide for an understanding of and to maintain the chemical and physical integrity of the Earth's upper atmosphere.

"(b) The Congress declares that it is the policy of the United States to undertake an immediate and appropriate research, technology, and monitoring program that will provide for understanding the physics and chemistry of the Earth's upper atmosphere.

"DEFINITIONS

42 USC 2482.

"SEC. 402. For the purpose of this title the term 'upper atmosphere' means that portion of the Earth's sensible atmosphere above the troposphere.

"PROGRAM AUTHORIZED

42 USC 2483.

"SEC. 403. (a) In order to carry out the purposes of this title the Administration in cooperation with other Federal agencies, shall initiate and carry out a program of research, technology, monitoring, and other appropriate activities directed to understand the physics and chemistry of the upper atmosphere.

"(b) In carrying out the provisions of this title the Administration shall—

"(1) arrange for participation by the scientific and engineering community, of both the Nation's industrial organizations and

institutions of higher education, in planning and carrying out appropriate research, in developing necessary technology and in making necessary observations and measurements;

“(2) provide, by way of grant, contract, scholarships or other arrangements, to the maximum extent practicable and consistent with other laws, for the widest practicable and appropriate participation of the scientific and engineering community in the program authorized by this title; and

“(3) make all results of the program authorized by this title available to the appropriate regulatory agencies and provide for the widest practicable dissemination of such results.

“INTERNATIONAL COOPERATION

“SEC. 404. In carrying out the provisions of this title, the Administration, subject to the direction of the President and after consultation with the Secretary of State, shall make every effort to enlist the support and cooperation of appropriate scientists and engineers of other countries and international organizations.” 42 USC 2484.

SEC. 9. This Act may be cited as the “National Aeronautics and Space Administration Authorization Act, 1976”. Short title.

Approved June 19, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-63 (Comm. on Science and Technology) and No. 94-259 (Comm. of Conference).

SENATE REPORT No. 94-103 (Comm. on Aeronautical and Space Sciences).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Apr. 9, considered and passed House.

May 12, considered and passed Senate, amended.

June 9, House agreed to conference report.

June 10, Senate agreed to conference report.