

Public Law 95-76
95th Congress

An Act

July 30, 1977
[H.R. 4088]

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, 1978.
Research and
development.

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 to become available October 1, 1977:

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

- (1) Space Shuttle, \$1,354,200,000;
- (2) Space flight operations, \$267,800,000;
- (3) Expendable launch vehicles, \$134,500,000;
- (4) Physics and astronomy, \$228,200,000;
- (5) Lunar and planetary exploration, \$153,200,000;
- (6) Life sciences, \$33,300,000;
- (7) Space applications, \$239,800,000;
- (8) Aeronautical research and technology, \$234,000,000;
- (9) Space research and technology, \$99,700,000;
- (10) Energy technology applications, \$7,500,000;
- (11) Tracking and data acquisition, \$280,200,000;
- (12) Technology utilization, \$9,100,000.

Facilities,
construction.

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

- (1) Construction of central hydraulic system, Hugh L. Dryden Flight Research Center, \$420,000;
- (2) Construction of additional technical processing facilities, Goddard Space Flight Center, \$3,100,000;
- (3) Modifications to various buildings for seismic protection, Jet Propulsion Laboratory, \$2,830,000;
- (4) Modification of chillers in central heating and cooling plant, Lyndon B. Johnson Space Center, \$2,540,000;
- (5) Modifications for utility control system, John F. Kennedy Space Center, \$2,130,000;
- (6) Rehabilitation of main heating plant, Langley Research Center, \$790,000;
- (7) Rehabilitation of unitary plan wind tunnel, Langley Research Center, \$980,000;
- (8) Modification of central chilled water system, Lewis Research Center, \$860,000;
- (9) Modifications for utility control system, National Space Technology Laboratories, \$620,000;
- (10) Large aeronautical facility: construction of national transonic facility, Langley Research Center, \$23,500,000;
- (11) Large aeronautical facility: modification of 40- by 80-foot subsonic wind tunnel, Ames Research Center, \$13,500,000;
- (12) Various locations: rehabilitation and modification of 64-meter antenna components, \$1,750,000;
- (13) Space Shuttle facilities at various locations as follows:
 - (A) Modifications to launch complex 39, John F. Kennedy Space Center, \$40,700,000;

(B) Modifications for solid rocket booster processing facilities, John F. Kennedy Space Center, \$1,730,000;

(C) Rehabilitation of barge channels, John F. Kennedy Space Center, \$2,090,000;

(D) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, \$18,610,000;

(E) Rehabilitation and modification of Shuttle facilities, at various locations, \$1,750,000;

(14) Space Shuttle payload facility: modifications and addition for Shuttle payload vertical processing, John F. Kennedy Space Center, \$6,410,000;

(15) Rehabilitation and modification of facilities at various locations, not in excess of \$500,000 per project, \$18,900,000;

(16) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$250,000 per project, \$5,950,000;

(17) Facility planning and design not otherwise provided for, \$11,780,000.

(c) For "Research and program management," \$846,989,000, 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 Commerce, Science, and Transportation 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 and to the extent provided 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 12 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

Scientific consultations or extraordinary expenses.

determination shall be final and conclusive upon the accounting officers of the Government.

Limitations.

(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.

Ames Research Center.

(h) The authorization for appropriation to the National Aeronautics and Space Administration of \$6,500,000, which amount represents that part of the authorization provided for in section 1(b)(4) of the National Aeronautics and Space Administration Authorization Act, 1976, for which appropriations have not been made, shall expire on the date of the enactment of this Act.

89 Stat. 218.

John F. Kennedy Space Center.

(i) The authorization for appropriation to the National Aeronautics and Space Administration of \$6,000,000, which amount represents that part of the authorization provided for in section 1(b)(14)(B) of the National Aeronautics and Space Administration Authorization Act, 1977, for which appropriations have not been made, shall expire on the date of the enactment of this Act.

90 Stat. 677.

Use of funds, restriction.

(j) No part of any funds available to the Administrator may be used for the design or procurement of a prototype supersonic transport aircraft.

Cost variations.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (16), inclusive, of subsection 1(b)—

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

Report to congressional committees.

(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 Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent.

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.

Unforeseen program changes, transfer of funds, authorization.

SEC. 3. Not to exceed one-half of 1 percent 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 (17) 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

Report to Speaker of the House, President of the Senate and congressional committees.

modify laboratories and other installations unless (A) a period of 30 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 Commerce, Science, and Transportation 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.

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 Commerce, Science, and Transportation,

(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,

unless (A) a period of 30 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 and to maintain 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 appropriations 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 Com-

Use of funds,
restrictions.

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

Research funds,
geographical
distribution.
42 USC 2459
note.

Satellite services,
contract
authorization.
42 USC 2463.

Report to
congressional
committees.

mittee on Science and Technology and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation 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 unless repealed by legislation hereafter enacted by the Congress.

Space shuttle.

SEC. 7. Paragraph (1) of subsection 1(a) of the National Aeronautics and Space Administration Authorization Act, 1977 (Public Law 94-307), is amended by striking out "\$1,288,100,000" and inserting in lieu thereof "\$1,383,100,000".

90 Stat. 677.

Short title.

SEC. 8. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1978".

Approved July 30, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-67 (Comm. on Science and Technology) and No. 95-448 (Comm. of Conference).

SENATE REPORTS: No. 95-120 (Comm. on Commerce, Science, and Transportation) and No. 95-281 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 17, considered and passed House.

May 13, considered and passed Senate, amended.

June 21, Senate agreed to conference report.

July 19, House agreed to conference report.