

Public Law 95-401
95th Congress

An Act

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.

Sept. 30, 1978
[H.R. 11401]

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, 1978:

- (a) For "Research and development", for the following programs:
- (1) Space Shuttle, \$1,443,300,000;
 - (2) Space flight operations, \$315,900,000;
 - (3) Expendable launch vehicles, \$74,000,000;
 - (4) Physics and astronomy, \$285,500,000;
 - (5) Lunar and planetary exploration, \$187,100,000;
 - (6) Life sciences, \$42,600,000;
 - (7) Space applications, \$280,300,000;
 - (8) Technology utilization, \$12,100,000;
 - (9) Aeronautical research and technology, \$275,100,000;
 - (10) Space research and technology, \$111,300,000;
 - (11) Energy technology applications, \$5,000,000; and
 - (12) Tracking and data acquisition, \$305,400,000;
- (b) For "Construction of facilities", including land acquisition, as follows:
- (1) Modification of unitary plan wind tunnel, Ames Research Center, \$5,390,000;
 - (2) Modification of 3.5-foot wind tunnel, Ames Research Center, \$1,870,000;
 - (3) Modification of 12-foot pressure wind tunnel, Ames Research Center, \$2,510,000;
 - (4) Modifications and additions for logistic and supply functions, Goddard Space Flight Center, \$5,640,000;
 - (5) Modifications and addition to the space flight operations facility, Jet Propulsion Laboratory, \$3,060,000;
 - (6) Modifications to various buildings for seismic protection, Jet Propulsion Laboratory, \$1,570,000;
 - (7) Modifications for utility control system, Langley Research Center, \$1,980,000;
 - (8) Rehabilitation of unitary plan wind tunnel, Langley Research Center, \$4,520,000;
 - (9) Construction of research analysis center, Lewis Research Center, \$6,140,000;
 - (10) Large aeronautical facility; construction of national transonic facility, Langley Research Center, \$24,500,000;
 - (11) Large aeronautical facility; modification of 40- by 80-foot subsonic wind tunnel, Ames Research Center, \$31,600,000;
 - (12) Space Shuttle facilities at various locations as follows:
 - (A) Modifications to launch complex 39, John F. Kennedy Space Center, \$13,570,000;

National
Aeronautics and
Space
Administration
Authorization
Act, 1979.
Research and
development.

Construction
of facilities.

(B) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, \$13,980,000;

(C) Modifications to solid rocket motor manufacturing and assembly facilities, Thiokol Plant, Wasatch, Utah, \$1,920,000;

(D) Minor Shuttle-unique projects, various locations, \$1,600,000;

(13) Rehabilitation and modification of facilities at various locations, not in excess of \$500,000 per project, \$15,300,000;

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$250,000 per project, \$4,200,000; and

(15) Facility planning and design not otherwise provided for, \$10,650,000;

Research and
program
management.

(c) For "Research and program management", \$914,000,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Program
specifications.

(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.

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.

Scientific
consultations or
extraordinary
expenses.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed \$25,000, 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.

(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.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive, of subsection 1(b)—

Construction cost variations.

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, 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 Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

Report to congressional committees.

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.

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 (15) 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 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.

Transfer of funds.

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

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.

Research funds,
geographical
distribution.
42 USC 2459
note.

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. Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473) is amended—

42 USC 2473.

(1) by inserting "(1)" after "(b)" in the subsection which was added by section 15(c) of Public Law 94-413; and

42 USC 2473.

(2) by redesignating the subsection which was added by section 4 of Public Law 93-409 (and redesignated by section 15(c) of Public Law 94-413) as paragraph (2) of subsection (b).

SEC. 7. (a) Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended (1) by redesignating subsection (f) as subsection (g) thereof; and (2) by inserting immediately after subsection (e) thereof the following new subsection.

Bioengineering
research,
development, and
demonstration
programs.

"(f) The Congress declares that the general welfare of the United States requires that the unique competence of the National Aeronautics and Space Administration in science and engineering systems be directed to assisting in bioengineering research, development, and demonstration programs designed to alleviate and minimize the effects of disability."

(b) The subsection of section 102 of such Act redesignated as subsection (g) by subsection (a) of this section is amended by striking out "and (e)" and inserting in lieu thereof "(e), and (f)".

Report to
congressional
committees.
42 USC 2462
note.

SEC. 8. The Administrator of the National Aeronautics and Space Administration will report to the House Committee on Science and Technology and the Senate Committee on Commerce, Science, and Transportation no later than December 31, 1978, on the Administration policy regarding conflicts of interest, standards of conduct and financial disclosure and the implementation of that policy.

SEC. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1979". Short title.

Approved September 30, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-973 (Comm. on Science and Technology) and No. 95-1509 (Comm. of Conference).

SENATE REPORTS: No. 95-799 (Comm. on Commerce, Science, and Transportation) and No. 95-1123 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 124 (1978):

Apr. 25, considered and passed House.

May 18, considered and passed Senate, amended.

Aug. 17, Senate agreed to conference report.

Sept. 19, House agreed to conference report.