

Public Law 96-48
96th 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.

Aug. 8, 1979

[H.R. 1786]

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, 1979:

National
Aeronautics and
Space
Administration
Authorization
Act, 1980.

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

- (1) Space Shuttle, \$1,586,000,000;
- (2) Space flight operations, \$463,300,000;
- (3) Expendable launch vehicles, \$70,700,000;
- (4) Physics and astronomy, \$337,500,000;
- (5) Planetary exploration, \$220,200,000;
- (6) Life sciences, \$43,900,000;
- (7) Space applications, \$338,300,000;
- (8) Technology utilization, \$12,100,000;
- (9) Aeronautical research and technology, \$309,300,000;
- (10) Space research and technology, \$119,400,000;
- (11) Energy technology, \$5,000,000; and
- (12) Tracking and data acquisition, \$332,800,000.

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

- (1) Modification of static test facility, Ames Research Center, \$2,900,000;
- (2) Construction of large aircraft maintenance dock, Hugh L. Dryden Flight Research Center, \$1,500,000;
- (3) Rehabilitation and modification of flight operations facilities, Ellington Air Force Base, \$1,760,000;
- (4) Modifications to central instrumentation facility, John F. Kennedy Space Center, \$1,260,000;
- (5) Modifications to operations and checkout building, John F. Kennedy Space Center, \$950,000;
- (6) Rehabilitation of roof, launch control center, John F. Kennedy Space Center, \$600,000;
- (7) Modifications of model support system 8-foot high temperature structures tunnel, Langley Research Center, \$1,410,000;
- (8) Modifications to 8-foot transonic pressure tunnel, Langley Research Center, \$2,000,000;
- (9) Modification of transonic dynamics tunnel, Langley Research Center, \$970,000;
- (10) Rehabilitation and modification of gas dynamics laboratory, Langley Research Center, \$3,600,000;
- (11) Modifications to central air system, various buildings, Lewis Research Center, \$5,720,000;
- (12) Modifications to various buildings, Marshall Space Flight Center, \$2,640,000;
- (13) Rehabilitation of roofs, various buildings, Marshall Space Flight Center, \$900,000;

(14) Rehabilitation of roof, Phase I, building 103, Michoud Assembly Facility, \$3,100,000;

(15) Construction of facilities operations shop building, Wallops Flight Center, \$1,100,000;

(16) Large aeronautical facility: construction of national transonic facility, Langley Research Center, \$12,000,000;

(17) Large aeronautical facility: modification of 40- by 80-foot subsonic wind tunnel, Ames Research Center, \$33,900,000;

(18) Space Shuttle facilities at various locations as follows:

(A) Modifications to launch complex 39, John F. Kennedy Space Center, \$17,100,000;

(B) Modifications to crawler transporter maintenance facility, John F. Kennedy Space Center, \$1,250,000;

(C) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, \$6,900,000;

(D) Minor Shuttle-unique projects, various locations, \$2,500,000;

(19) Space Shuttle payload facilities at various locations as follows:

(A) Rehabilitation and modification for payload ground support operations, John F. Kennedy Space Center, \$2,610,000;

(B) Modification and addition to materials sciences laboratory, Ames Research Center, \$1,640,000;

(20) Repair of facilities at various locations, not in excess of \$500,000 per project, \$12,000,000;

(21) Rehabilitation and modification of facilities at various locations, not in excess of \$500,000 per project, \$19,790,000;

(22) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$250,000 per project, \$3,500,000; and

(23) Facility planning and design not otherwise provided for, \$14,000,000.

Research and
program
management.

(c) For "Research and program management," \$964,900,000, 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
development.

(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.

(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 \$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.

Scientific consultations or extraordinary expenses.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of \$75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, 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.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (22), inclusive, of subsection 1(b)—

(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.

Limitations.

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 (23) 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

Transfer of funds.

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 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,

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. (a) Paragraph 13 of subsection (c) of section 203 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(c)(13)), is amended by striking out "\$5,000" where it appears and inserting in lieu thereof "\$25,000".

(b) The National Aeronautics and Space Act of 1958, as amended, is amended (1) by redesignating section 308 as section 309 thereof; and (2) by inserting the following new section:

"INSURANCE AND INDEMNIFICATION

"SEC. 308. (a) The Administration is authorized on such terms and to the extent it may deem appropriate to provide liability insurance for any user of a space vehicle to compensate all or a portion of claims by third parties for death, bodily injury, or loss of or damage to property resulting from activities carried on in connection with the launch, operations or recovery of the space vehicle. Appropriations available to the Administration may be used to acquire such insurance, but such appropriations shall be reimbursed to the maximum

Federal research
funds,
geographical
distribution.
42 USC 2459
note.

42 USC 2459.

Liability
insurance.
42 USC 2458b.

extent practicable by the users under reimbursement policies established pursuant to section 203(c) of this Act.

Ante, p. 348.

“(b) Under such regulations in conformity with this section as the Administrator shall prescribe taking into account the availability, cost and terms of liability insurance, any agreement between the Administration and a user of a space vehicle may provide that the United States will indemnify the user against claims (including reasonable expenses of litigation or settlement) by third parties for death, bodily injury, or loss of or damage to property resulting from activities carried on in connection with the launch, operations or recovery of the space vehicle, but only to the extent that such claims are not compensated by liability insurance of the user: *Provided*, That such indemnification may be limited to claims resulting from other than the actual negligence or willful misconduct of the user.

“(c) An agreement made under subsection (b) that provides indemnification must also provide for—

“(1) notice to the United States of any claim or suit against the user for the death, bodily injury, or loss of or damage to the property; and

“(2) control of or assistance in the defense by the United States, at its election, of that suit or claim.

“(d) No payment may be made under subsection (b) unless the Administrator or his designee certifies that the amount is just and reasonable.

“(e) Upon the approval by the Administrator, payments under subsection (b) may be made, at the Administrator's election, either from funds available for research and development not otherwise obligated or from funds appropriated for such payments.

“(f) As used in this section—

Definitions.

“(1) the term ‘space vehicle’ means an object intended for launch, launched or assembled in outer space, including the Space Shuttle and other components of a space transportation system, together with related equipment, devices, components and parts;

“(2) the term ‘user’ includes anyone who enters into an agreement with the Administration for use of all or a portion of a space vehicle, who owns or provides property to be flown on a space vehicle, or who employs a person to be flown on a space vehicle; and

Effective date.
42 USC 2458b
note.
Short title.

"(3) the term 'third party' means any person who may institute a claim against a user for death, bodily injury or loss of or damage to property."

(c) This section shall be effective October 1, 1979.

SEC. 7. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1980".

Approved August 8, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-52 (Comm. on Science and Technology) and No. 96-371 (Comm. of Conference).

SENATE REPORTS: No. 96-207 (Comm. on Commerce, Science, and Transportation) and No. 96-252 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

Mar. 28, considered and passed House.

June 14, considered and passed Senate, amended.

July 23, Senate agreed to conference report.

July 27, House agreed to conference report.