

Public Law 97-96
97th 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.

Dec. 21, 1981
[S. 1098]

Be it enacted by the Senate of 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, 1981:

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

- (1) Space Shuttle, \$2,189,000,000;
- (2) Space flight operations, \$907,900,000;
- (3) Expendable launch vehicles, \$31,200,000;
- (4) Physics and astronomy, \$333,400,000;
- (5) Planetary exploration, \$215,300,000;
- (6) Life sciences, \$43,500,000;
- (7) Space applications, \$398,600,000;
- (8) Technology utilization, \$12,600,000;
- (9) Aeronautical research and technology, \$284,800,000;
- (10) Space research and technology, \$129,300,000; and
- (11) Tracking and data acquisition, \$408,180,000.

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

- (1) Modification of 12-foot pressure wind tunnel, Ames Research Center, \$18,500,000;
- (2) Modifications to space flight operations facility, Jet Propulsion Laboratory, \$9,300,000;
- (3) Rehabilitation of utility control system, various buildings, Lyndon B. Johnson Space Center, \$680,000;
- (4) Construction of waste material incinerator, John F. Kennedy Space Center, \$895,000;
- (5) Repair of operations and checkout building roof, John F. Kennedy Space Center, \$825,000;
- (6) Modifications for enhanced 20-inch supersonic wind tunnel, Langley Research Center, \$2,950,000;
- (7) Modifications for high pressure turbine corrosion and thermal fatigue testing, Lewis Research Center, \$1,200,000;
- (8) Modification and relocation of 26-meter antenna, STDN, Goldstone, California, \$4,700,000;
- (9) Relocation of DSS-44 antenna to Tidbinbilla, Australia, \$2,200,000;
- (10) Space Shuttle facilities at various locations as follows:
 - (A) Construction of solid rocket booster processing and segment storage facilities, John F. Kennedy Space Center, \$12,400,000;
 - (B) Modifications to firing rooms, John F. Kennedy Space Center, \$3,100,000;
 - (C) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, \$2,785,000;

National
Aeronautics
and Space
Administration
Authorization
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Facilities
construction.

(D) Modifications to Building 30 for Shuttle operations, Lyndon B. Johnson Space Center, \$650,000;

(E) Minor Shuttle-unique projects, various locations, \$1,115,000;

(11) Repair of facilities at various locations, not in excess of \$500,000 per project, \$12,800,000;

(12) Rehabilitation and modification of facilities at various locations, not in excess of \$500,000 per project, \$17,700,000;

(13) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$250,000 per project, \$2,320,000; and

(14) Facility planning and design not otherwise provided for, \$10,000,000.

Research and
program
management.

(c) For "Research and program management", \$1,114,300,000 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 hereby authorized 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.

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 \$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 (13), 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.

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 (14) 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 (i) the nature of such construction, expansion, or modification, (ii) the cost thereof including the cost of any real estate action pertaining thereto, and (iii) 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 congressional committees.

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,

Notification to 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.

Federal 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 7 of title 18, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(6) Any vehicle used or designed for flight or navigation in space and on the registry of the United States pursuant to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies and the Convention on Registration of Objects Launched into Outer Space, while that vehicle is in flight, which is from the moment when all external doors are closed on Earth following embarkation until the moment when one such door is opened on Earth for disembarkation or in the case of a forced landing, until the competent authorities take over the responsibility for the vehicle and for persons and property aboard."

42 USC 2451 note.
42 USC 2457.

SEC. 7. The National Aeronautics and Space Act of 1958, as amended, is amended by inserting at the end of section 305, the following new subsections:

"(k) Any object intended for launch, launched, or assembled in outer space shall be considered a vehicle for the purpose of section 272 of title 35, United States Code.

"(l) The use or manufacture of any patented invention incorporated in a space vehicle launched by the United States Government for a person other than the United States shall not be considered to be a use or manufacture by or for the United States within the meaning of section 1498(a) of title 28, United States Code, unless the Administration gives an express authorization or consent for such use or manufacture."

SEC. 8. Section 6 of the National Aeronautics and Space Administration Authorization Act, 1970, as amended (42 U.S.C. 2462), is repealed. Repeal.

SEC. 9. Appropriations hereby authorized for space transportation system upper stages in section 1(a)(2) shall not be used to initiate sole-source procurement of a new upper stage until NASA in cooperation with other agencies has reviewed alternative systems and assessed competitive procurement of a new upper stage to satisfy national requirements, and until 30 days after reporting its findings to the authorizing committees of the House of Representatives and the Senate.

SEC. 10. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1982". Short title.

Approved December 21, 1981.

LEGISLATIVE HISTORY—S. 1098 (H.R. 1257):

HOUSE REPORTS: No. 97-32 accompanying H.R. 1257 (Comm. on Science and Technology) and No. 97-351 (Comm. of Conference).

SENATE REPORT No. 97-100 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 127 (1981):

May 21, considered and passed Senate.

June 23, H.R. 1257 considered and passed House; proceedings vacated and S. 1098, amended, passed in lieu.

Nov. 23, Senate agreed to conference report.

Dec. 8, House agreed to conference report.