

Appendix I

National Aeronautics and Space
Act of 1958, as Amended

**NATIONAL AERONAUTICS AND SPACE ACT OF
1958 & AS AMENDED**

AN ACT To provide for research into problems of flight within and outside the earth's atmosphere, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**TITLE I—SHORT TITLE, DECLARATION OF
POLICY, AND DEFINITIONS**

Public Law
85-568,
85th Congress
H. R. 12576,
July 29, 1958,
72 Stat. 426.

SHORT TITLE

SEC. 101. This Act may be cited as the "National Aeronautics and Space Act of 1958".

DECLARATION OF POLICY AND PURPOSE

SEC. 102. (a) The Congress hereby declares that it is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind. 42 U.S.C. 2451

(b) The Congress declares that the general welfare and security of the United States require that adequate provision be made for aeronautical and space activities. The Congress further declares that such activities shall be the responsibility of, and shall be directed by, a civilian agency exercising control over aeronautical and space activities sponsored by the United States, except that activities peculiar to or primarily associated with the development of weapons systems, military operations, or the defense of the United States (including the research and development necessary to make effective provision for the defense of the United States) shall be the responsibility of, and shall be directed by, the Department of Defense; and that determination as to which such agency has responsibility for and direction of any such activity shall be made by the President in conformity with section 201(e).

(c) The aeronautical and space activities of the United States shall be conducted so as to contribute materially to one or more of the following objectives:

(1) The expansion of human knowledge of phenomena in the atmosphere and space;

(499)

(2) The improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and space vehicles;

(3) The development and operation of vehicles capable of carrying instruments, equipment, supplies, and living organisms through space;

(4) The establishment of long-range studies of the potential benefits to be gained from, the opportunities for, and the problems involved in the utilization of aeronautical and space activities for peaceful and scientific purposes;

(5) The preservation of the role of the United States as a leader in aeronautical and space science and technology and in the application thereof to the conduct of peaceful activities within and outside the atmosphere;

(6) The making available to agencies directly concerned with national defense of discoveries that have military value or significance, and the furnishing by such agencies, to the civilian agency established to direct and control nonmilitary aeronautical and space activities, of information as to discoveries which have value or significance to that agency;

(7) Cooperation by the United States with other nations and groups of nations in work done pursuant to this Act and in the peaceful application of the results thereof; and

(8) The most effective utilization of the scientific and engineering resources of the United States, with close cooperation among all interested agencies of the United States in order to avoid unnecessary duplication of effort, facilities, and equipment.

(d) It is the purpose of this Act to carry out and effectuate the policies declared in subsections (a), (b), and (c).

DEFINITIONS

42 U.S.C. 2452.

Sec. 103. As used in this Act—

(1) the term "aeronautical and space activities" means (A) research into, and the solution of, problems of flight within and outside the earth's atmosphere, (B) the development, construction, testing, and operation for research purposes of aeronautical and space vehicles, and (C) such other activities as may be required for the exploration of space: and

(2) the term "aeronautical and space vehicles" means aircraft, missiles, satellites, and other space vehicles, manned and unmanned, together with related equipment, devices, components, and parts.

TITLE II-COORDINATION OF AERONAUTICAL AND SPACE ACTIVITIES

NATIONAL AERONAUTICS AND SPACE COUNCIL

Sec. 201¹ (a) There is hereby established, in the Executive Office of the President, the National Aeronautics and Space Council (hereinafter called the "Council") which shall be composed of—

42 U.S.C. 2471.
Establishment:
membership.

(1) the Vice President, who shall be Chairman of the Council;

(2) the Secretary of State;

(3) the Secretary of Defense;

(4) the Administrator of the National Aeronautics and Space Administration; and

(5) the Chairman of the Atomic Energy Commission.

(b) The President shall from time to time designate one of the members of the Council to preside over meetings of the Council during the absence, disability, or unavailability of the Chairman.

Alternate
presiding
officer.

(c) Each member of the Council may designate another officer of his department or agency to serve on the Council as his alternate in his unavoidable absence.

Alternate
members.

(d) Each alternate member designated under subsection (c) of this section shall be designated to serve as such by and with the advice and consent of the Senate unless at the time of his designation he holds an office in the Federal Government to which he was appointed by and with the advice and consent of the Senate.

(e) It shall be the function of the Council to advise and assist the President, as he may request, with respect to the performance of functions in the aeronautics and space field, including the following functions:

Functions.

(1) survey all significant aeronautical and space activities, including the policies, plans, programs, and accomplishments of all departments and agencies of the United States engaged in such activities;

(2) develop a comprehensive program of aeronautical and space activities to be conducted by departments and agencies of the United States;

(3) designate and fix responsibility for the direction of major aeronautical and space activities;

(4) provide for effective cooperation among all departments and agencies of the United States engaged in aeronautical and space activities, and specify, in any case in which primary responsibility for

¹ Reorganization Plan No. 1 of 1973 (38 Federal Register 9579, April 18, 1973), abolished the National Aeronautics and Space Council together with its functions, effective July 1, 1973.

Executive secretary. Appointment and compensation of staff.

Security check.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

42 U.S.C. 4314. Establishment; Administrator.

SEC. 202.* (a) There is hereby established the National Aeronautics and Space Administration (hereinafter called the "Administration"). The Administration shall be headed by an Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate. Under the supervision and direction of the President, the Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration, and shall have

* The Federal Executive Salary Act of 1964, P.L. 88-426 (sec. 305(12), 78 Stat. 423), repealed the language in sec. 202 (72 Stat. 429) fixing the compensation of the Administrator and Deputy Administrator at per annum rates of \$22,500 and \$21,500, respectively. In lieu thereof, the positions of Administrator and Deputy Administrator were placed in level II and level III, respectively, of the Federal Executive Salary schedule. In addition, the Federal Executive Salary Act of 1964 placed on other NASA positions in designated levels of the Federal Executive Salary Schedule (78 Stat. 416 as amended, 5 U.S.C. 5311-5317). See appendix B.

authority and control over all personnel and activities thereof.

(b) There shall be in the Administration a Deputy Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate and shall perform such duties and exercise such powers as the Administrator may prescribe. The Deputy Administrator shall act for, and exercise the powers of, the Administrator during his absence or disability.

Deputy Administrator.

(c) The Administrator and the Deputy Administrator shall not engage in any other business, vocation, or employment while serving as such.

Restriction.

FUNCTIONS OF THE ADMINISTRATION

SEC. 203. (a) The Administration, in order to carry out the purpose of this Act, shall—

42 U.S.C. 2473.

(1) plan, direct, and conduct aeronautical and space activities;

(2) arrange for participation by the scientific community in planning scientific measurements and observations to be made through use of aeronautical and space vehicles, and conduct or arrange for the conduct of such measurements and observations; and

(3) provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof.

(b) The Administration shall initiate, support, and carry out such research, development, demonstrations, and other related activities in solar heating and cooling technologies (to the extent that funds are appropriated therefor) as are provided for in sections 5, 6, and 9 of the Solar Heating and Cooling Demonstration Act of 1974.^{2a}

(c) In the performance of its functions the Administration is authorized—

Functions.

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law;

Rules and regulations.

(2) to appoint and fix the compensation of such officers and employees as may be necessary to carry out such functions. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1949, except that (A) to the extent the Administrator deems such action necessary to the discharge of his responsibilities, he may appoint not more than four hundred and twenty-five

Employees: appointment and compensation.

Excepted positions.

^{2a} Public Law 93-409 September 3, 1974, Section 4, added this new subsection (b) and redesignated old subsection (b) as subsection (c).

Entrance grades: scientific and engineering personnel.

Acquisition, construction, maintenance, etc., of property.

Lease of building

Disposal of property.

Cafeterias and other facilities for employees.

Gifts.

of the scientific, engineering, and administrative personnel of the Administration without regard to such laws, and may fix the compensation of such personnel not in excess of the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended, and ³ (B) to the extent the Administrator deems such action necessary to recruit specially qualified scientific and engineering talent, he may establish the entrance grade for scientific and engineering personnel without previous service in the Federal Government at a level up to two grade higher than the grade provided for such personnel under the General Schedule established by the Classification Act of 1949, and fix their compensation accordingly;

(3) to acquire (by purchase, lease, condemnation or otherwise), construct, improve, repair, operate and maintain laboratories, research and testing sites and facilities, aeronautical and space vehicles quarters and related accommodations for employees and dependents of employees of the Administration, and such other real and personal property (including patents), or any interest therein as the Administration deems necessary within and outside the continental United States; to acquire by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia for the use of the Administration for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34); ⁴ to lease to others such real and personal property; to sell and otherwise dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of the Federal Property and Administrative Service Act of 1949, as amended (40 U.S.C. 471 et seq.) and to provide by contract or otherwise for cafeterias and other necessary facilities for the welfare of employees of the Administration at its installations and purchase and maintain equipment therefor;

(4) to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed tangible or intangible;

³ Clause (A) of sec. 203(b)(2), as amended, was further amended August 14, 1964, to read as above by sec. 306(d) (78 Stat. 429) of the Federal Executive Salary Act of 1964, *supra*. Original language of clause (A) appeared at 72 Stat. 429, and previous amendments thereto appear in Public Law 86-481 (74 Stat. 153); Public Law 87-367 (75 Stat. 791); Public Law 87-793 (76 Stat. 864). For annual report to Congress, see Appendix A.

⁴ Authority to lease buildings in the District of Columbia was added to sec. 202(h) (3), 72 Stat. 430, by Public Law 86-20, May 13, 1959 (73 Stat. 21). The effect of 40 U.S.C. 34 has been modified by Public Law 90-350 October 4, 1968 (82 Stat. 944).

(5) without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State Territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution. To the maximum extent practicable and consistent with the accomplishment of the purpose of this Act, such contracts, leases, agreements, and other transactions shall be allocated by the Administrator in a manner which will enable small-business concerns to participate equitably and proportionately in the conduct of the work of the Administration;

(6) to use, with their consent, the service, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities. Each department and agency of the Federal Government shall cooperate fully with the Administration in making its services, equipment, personnel, and facilities available to the Administration, and any such department or agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, aeronautical and space vehicles, and supplies and equipment other than administrative supplies or equipment;

(7) to appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Administration in the performance of its functions;

(8) to establish within the Administration such relations with aliens without regard to statutory provisions provide for the greatest possible coordination of its activities under this Act with related scientific and other activities being carried on by other public and private agencies and organizations;

(9) to obtain services as authorized by section 310 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18;⁵

Contracts, leases, and other transactions.

Small-business participation

Agency cooperation in use of services, equipment, etc.

Advisory committees.

Coordination with related activities.

Experts and consultants.

⁵ A authorization to pay at rate not to exceed \$100 per diem for individuals was amended by Public Law 93-316, June 22, 1974, SECTION 6 (88 Stat. 243).

Employment
of aliens.

(10) when determined by the Administrator to be necessary, and subject to such security investigations as he may determine to be appropriate, to employ aliens without regard to statutory provisions prohibiting payment of compensation to aliens;

(11) to provide by concession, without regard to section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), on such terms as the Administrator may deem to be appropriate and to be necessary to protect the concessioner against loss of his investment in property (but not anticipated profits) resulting from the Administration's discretionary acts and decisions, for the construction, maintenance, and operation of all manner of facilities and equipment for visitors to the several installations of the Administration and, in connection therewith, to provide services incident to the dissemination of information concerning its activities to such visitors, without charge or with a reasonable charge therefor (with this authority being in addition to any other authority which the Administration may have to provide facilities, equipment, and services for visitors to its installations). A concession agreement under this paragraph may be negotiated with any qualified proposer following due consideration of all proposals received after reasonable public notice of the intention to contract. The concessioner shall be afforded a reasonable opportunity to make a profit commensurate with the capital invested and the obligations assumed, and the consideration paid by him for the concession shall be based on the probable value of such opportunity and not on maximizing revenue to the United States. Each concession agreement shall specify the manner in which the concessioner's records are to be maintained, and shall provide for access to any such records by the Administration and the Comptroller General of the United States for a period of five years after the close of the business year to which such records relate. A concessioner may be accorded a possessory interest, consisting of all incidents of ownership except legal title (which shall vest in the United States), in any structure, fixture, or improvement he constructs or locates upon land owned by the United States; and, with the approval of the Administration, such possessory interest may be assigned, transferred, encumbered, or relinquished by him, and, unless otherwise provided by contract, shall not be extinguished by the expiration or other termination

NASA installations, visitor facilities, concessions.

of the concession and may not be taken for public use without just compensation; *

(12) with the approval of the President, to enter into cooperative agreements under which members of the Army, Navy, Air Force, and Marine Corps may be detailed by the appropriate Secretary for services in the performance of functions under this Act to the same extent as that to which they might be lawfully assigned in the Department of Defense;

(13) (A) to consider, ascertain, adjust, determine, settle, and pay, on behalf of the United States, in full satisfaction thereof, any claim for \$5,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from the conduct of the Administration's functions as specified in subsection (a) of this section, where such claim is presented to the Administration in writing within two years after the accident or incident out of which the claim arises; and

(B) if the Administration considers that a claim in excess of \$5,000 is meritorious and would otherwise be covered by this paragraph, to report the facts and circumstances thereof to the Congress for its consideration; ' and

[(14)] Repealed.*

Claims against
United States.

CIVILIAN-MILITARY LIAISON COMMITTEE*

Sec. 204. (a) There shall be a Civilian-Military Liaison Committee consisting of—

42 U.S.C. 2674.
Establishment;
membership.

(1) a Chairman, who shall be the head thereof and who shall be appointed by the President, shall serve at the pleasure of the President.¹⁰

* Public Law 93-74, July 23, 1973, section 6 (87 Stat. 174) added paragraph 11. Previously, sec. 402(a)(24) of the Dual Compensation Act (Public Law 88-448, August 19, 1964, 78 Stat. 498) repealed sec. 203(b) (11), 72 Stat. 431, which formerly authorized NASA "to employ retired commissioned officers of the armed forces of the United States and compensate them at the rate established for the positions occupied by them within the Administration, subject only to the limitations in pay set forth in sec. 212 of the Act of June 30, 1932 as amended (5 U.S.C. 38a)." The Dual Compensation Act (5 U.S.C. 3328, 3501, 3502, 3531-3533, 6303), effective Dec. 1, 1964, was designed to simplify, modernize and consolidate the laws concerning the civilian employment of retired members of the uniformed services. * * * Pertinent portions of the Dual Compensation Act are set forth in Appendix B.

* NASA, like other Federal agencies can settle claims under the Federal Tort Claims Act as amended (28 U.S.C. 2671-2650).

* Public Law 91-646, January 2, 1971, section 220(a)(2) (84 Stat. 1903), repealed section 203(b)(14).

* The Committee was abolished by Reorganization Plan No. 4 of 1965, effective July 27, 1965 (30 Federal Register 9353, July 23, 1965, 70 Stat. 1319), and its functions were transferred to the President.

* Previous language in sec. 204(a)(1) (72 Stat. 431) providing for compensation of the Chairman at the rate of \$20,000 per annum was repealed on August 14, 1964, by the Federal Executive Salary Act of 1964, supra, sec. 305(13)(B) (78 Stat. 423). No substitute provision was made to replace the language repealed.

Resolution of differences by President.

Chairman, service of active or retired officer.

201(e).

(d) Notwithstanding the provisions of any other law, any active or retired officer of the Army, Navy, or Air Force may serve as Chairman of the Liaison Committee without prejudice to his active or retired status as such officer. Any such active officer serving as Chairman of the Liaison Committee shall receive, in addition to his pay and allowances, including special incentive pays, an amount equal to the difference between such pay and allowances, including special and incentive pays, and the compensation fixed by subsection (a) (1) for such Chairman. Any such retired officer serving as Chairman of the Liaison Committee shall receive the compensation fixed by subsection (a) (1) for such Chairman and his retired pay, subject to section 201 of the Dual Compensation Act.¹¹

¹¹ Sec. 304(d), 72 Stat. 432, was amended to read as above by the Dual Compensation Act, sec. 401(g), August 19, 1964 (78 Stat. 490). That part of sec. 204(d) which had referred to the compensation "fixed by subsec. (a) (1)" was repealed by sec. 305(13)(B) of the Federal Executive Salary Act of 1964, *supra* (78 Stat. 423), but it was reenacted by sec. 401(g) of the Dual Compensation Act. As noted above in footnote 10, there now is no provision fixing compensation in sec. 204(a) (1).

INTERNATIONAL COOPERATION

SEC. 205. The Administration, under the foreign policy guidance of the President, may engage in a program of international cooperation in work done pursuant to this Act, and in the peaceful application of the results thereof, pursuant to agreements made by the President with the advice and consent of the Senate. 42 U.S.C. 2475

REPORTS TO THE CONGRESS

SEC. 206. (a) The President shall transmit to the Congress in January of each year a report, which shall include (1) a comprehensive description of the programmed activities and the accomplishments of all agencies of the United States in the field of aeronautics and space activities during the preceding calendar year, and (2) an evaluation of such activities and accomplishments in terms of the attainment of, or the failure to attain, the objectives described in section 102(c) of this Act. President's annual report of activities of all agencies.

(b) Any report made under this section shall contain such recommendations for additional legislation as the Administrator or the President may consider necessary or desirable for the attainment of the objectives described in section 102(c) of this Act.

(c) No information which has been classified for reasons of national security shall be included in any report made under this section, unless such information has been declassified by, or pursuant to authorization given by, the President.¹²

SEC. 207. Notwithstanding the provisions of this or any other law, the Administration may not report to a disposal agency as excess to the needs of the Administration any land having an estimated value in excess of \$50,000 which is owned by the United States and under the jurisdiction and control of the Administration, unless (A) a period of thirty days has passed after the receipt by the Speaker and the Committee on Science and Astronautics* of the House of Representatives and the President and the Committee on Aeronautical and Space Sciences of the Senate of a report 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 action, or (B)

Approval by congressional committees.

¹² Public Law 92-68, August 6, 1971, section 7 (85 Stat. 177), repealed subsection (a) of section 206 and renumbered the remaining subsections.

* Note: The "Committee Reform Amendments of 1974," enacted October 8, 1974, changed the name of the Committee on Science and Astronautics of the House of Representatives to the Committee on Science and Technology.

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.¹⁵

TITLE III—MISCELLANEOUS

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Note under
42 U.S.C. 2472.
Termination.
Transfer of
functions.

SEC. 301. (a) The National Advisory Committee for Aeronautics, on the effective date of this section, shall cease to exist. On such date all functions, powers, duties, and obligations, and all real and personal property, personnel (other than members of the Committee), funds, and records of that organization, shall be transferred to the Administration.

Procurement.

(b) Section 2302 of title 10 of the United States Code is amended by striking out "or the Executive Secretary of the National Advisory Committee for Aeronautics." and inserting in lieu thereof "or the Administrator of the National Aeronautics and Space Administration."; and section 2303 of such title 10 is amended by striking out "The National Advisory Committee for Aeronautics." and inserting in lieu thereof "The National Aeronautics and Space Administration."

National
security;
suspension of
employees.

(c) The first section of the Act of August 26, 1950 (5 U.S.C. 22-1),¹⁶ is amended by striking out "the Director, National Advisory Committee for Aeronautics" and inserting in lieu thereof "the Administration of the National Aeronautics and Space Administration", and by striking out "or National Advisory Committee for Aeronautics" and inserting in lieu thereof "or National Aeronautics and Space Administration".

Unitary Wind
Tunnel Plan
Act of 1949.

(d) The Unitary Wind Tunnel Plan Act of 1949 (50 U.S.C. 511-515) is amended (1) by striking out "The National Advisory Committee for Aeronautics (hereinafter referred to as the 'Committee')" and inserting in lieu thereof "The Administrator of the National Aeronautics and Space Administration (hereinafter referred to as the 'Administrator')"; (2) by striking out "Committee" or "Committee's" wherever they appear and inserting in lieu thereof "Administrator" and "Administrators", respectively; and (3) by striking out "its" wherever it appears and inserting in lieu thereof "his".

Effective date.

(e)¹⁵ This section shall take effect ninety days after

¹⁵ Public Law 98-74, *supra*, section 7 (87 Stat. 175), added section 207.
¹⁶ The last part of the third proviso of the first section of the Act of August 26, 1950 (64 Stat. 476) was repealed by sec. 5 of Public Law 89-380, March 30, 1966 (80 Stat. 95). Other portions of the Act of August 26, 1950 (64 Stat. 476) were repealed by sec. 3(a) of Public Law 89-554 (80 Stat. 832) and replaced by 5 U.S.C. 3571, 5594, 7312, 7501(c), 7512(c), 7532). 5 U.S.C. 5594 was repealed by sec. 1(34)(B) of Public Law 90-83, September 11, 1967 (81 Stat. 201).
¹⁷ Effective close of business September 30, 1958, by virtue of proclamation of September 25, 1958. (23 Federal Register 7596, September 30, 1958.)

the date of the enactment of this Act, or on any earlier date on which the Administrator shall determine, and announce by proclamation published in the Federal Register, that the Administration has been organized and is prepared to discharge the duties and exercise the powers conferred upon it by this Act.

Publication
in F.R.

TRANSFER OF RELATED FUNCTIONS

SEC. 302. (a) Subject to the provisions of this section, the President, for a period of four years after the date of enactment of this Act, may transfer to the Administration any functions (including powers, duties, activities, facilities, and parts of functions) of any other department or agency of the United States, or of any officer or organizational entity thereof, which relate primarily to the functions, powers, and duties of the Administration as prescribed by section 203 of this Act. In connection with any such transfer, the President may, under this section or other applicable authority, provide for appropriate transfers of records, property, civilian personnel, and funds.¹⁶

42 U.S.C. 2453.
Transfers to
NASA.

(b) Whenever any such transfer is made before January 1, 1959, the President shall transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate a full and complete report concerning the nature and effect of such transfer.

Reports to
Congress.

(c) After December 31, 1958, no transfer shall be made under this section until (1) a full and complete report concerning the nature and effect of such proposed transfer has been transmitted by the President to the Congress, and (2) the first period of sixty calendar days of regular session of the Congress following the date of receipt of such report by the Congress has expired without the adoption by the Congress of a concurrent resolution stating that the Congress does not favor such transfer.

ACCESS TO INFORMATION

SEC. 303. Information obtained or developed by the Administrator in the performance of his functions under this Act shall be made available for public inspection, except (A) information authorized or required by Federal statute to be withheld, and (B) information classified to protect the national security: Provided, That

42 U.S.C. 2454.
Public inspection;
exceptions.

¹⁶ Transfers pursuant to sec. 302 have been: Executive Order 10783, October 1, 1958, transferring from the Department of Defense the Project VANGUARD and other projects of Advanced Research Projects Agency and of Department of the Air Force relating to space activities; Executive Order 10793, December 3, 1958, transferring from Department of the Army the Jet Propulsion Laboratory (near Pasadena, California); Transfer Plan, delivered to Congress January 14, 1960, effective March 15, 1960, transferring from the Department of Defense the activities of development and research of space vehicle systems and specifically the Development Operations Division of the Army Ballistic Missile Agency (near Huntsville, Alabama).

nothing in this Act shall authorize the withholding of information by the Administrator from the duly authorized committees of the Congress.

SECURITY

42 U.S.C. 2455. Requirements.

Investigations.

Referral to F.B.I.

Access to AEC restricted data.

SEC. 304. (a) The Administrator shall establish such security requirements, restrictions, and safeguards as he deems necessary in the interest of the national security. The Administrator may arrange with the Civil Service Commission for the conduct of such security or other personnel investigations of the Administration's officers, employees, and consultants, and its contractors and subcontractors and their officers and employees, actual or prospective, as he deems appropriate; and if any such investigation develops any data reflecting that the individual who is the subject thereof is of questionable loyalty, the matter shall be referred to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Administrator.

(b) The Atomic Energy Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee of the Atomic Energy Commission or any other person authorized to have access to Restricted Data by the Atomic Energy Commission under subsection 145b. of the Atomic Energy Act of 1954 (42 U.S.C. 2165(b)), to permit any member, officer, or employee of the Council, or the Administrator, or any officer, employee, member of any advisory committee, contractor, subcontractor, or officer or employee of a contractor or subcontractor of the Administration, to have access to Restricted Data relating to aeronautical and space activities which is required in the performance of his duties and so certified by the Council or the Administrator, as the case may be, but only if (1) the Council or Administrator or designee thereof has determined, in accordance with the established personnel security procedures and standards of the Council or Administration, that permitting such individual to have access to such Restricted Data will not endanger the common defense and security, and (2) the Council or Administrator or designee thereof finds that the established personnel and other security procedures and standards of the Council or Administration are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165). Any individual granted access to such Restricted Data pursuant to this subsection may exchange such Data with any individual who (A) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the armed forces, or a contractor or subcontractor of any such department, agency, or armed

force, or an officer or employee of any such contractor or subcontractor, and (B) has been authorized to have access to Restricted Data under the provisions of section 143 of the Atomic Energy Act of 1954 (42 U.S.C. 2163).

(c) Chapter 37 of title 18 of the United States Code (entitled Espionage and Censorship) is amended by—

(1) adding at the end thereof the following new section:

"§ 799. Violation of regulations of National Aeronautics and Space Administration

"Whoever willfully shall violate, attempt to violate, or conspire to violate any regulation or order promulgated by the Administrator of the National Aeronautics and Space Administration for the protection or security of any laboratory, station, base or other facility, or part thereof, or any aircraft, missile, spacecraft, or similar vehicle, or part thereof, or other property or equipment in the custody of the Administration, or any real or personal property or equipment in the custody of any contractor under any contract with the Administration or any subcontractor of any such contractor, shall be fined not more than \$5,000, or imprisoned not more than one year, or both."

(2) adding at the end of the sectional analysis thereof the following new item:

"§ 799. Violation of regulations of National Aeronautics and Space Administration."

(d) Section 1114 of title 18 of the United States Code is amended by inserting immediately before "while engaged in the performance of his official duties" the following: "or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration."

(e) The Administrator may direct such of the officers and employees of the Administration as he deems necessary in the public interest to carry firearms while in the conduct of their official duties. The Administrator may also authorize such of those employees of the contractors and subcontractors of the Administration engaged in the protection of property owned by the United States and located at facilities owned by or contracted to the United States as he deems necessary in the public interest, to carry firearms while in the conduct of their official duties.

PROPERTY RIGHTS IN INVENTIONS

SEC. 305. (a) Whenever any invention is made in the performance of any work under any contract of the Administration, and the Administrator determines that—

(1) the person who made the invention was employed or assigned to perform research, development,

Espionage and Censorship.

Violation of regulations.

Penalty.

Protection of NASA officers and employees.

42 U.S.C. 2456. Permission to use firearms.

42 U.S.C. 2457. Inventions made in performance of work under contract.

or exploration work and the invention is related to the work he was employed or assigned to perform, or that it was within the scope of his employment duties, whether or not it was made during working hours, or with a contribution by the Government of the use of Government facilities, equipment, materials, allocated funds, information proprietary to the Government, or services of Government employees during working hours; or

(2) the person who made the invention was not employed or assigned to perform research, development, or exploration work, but the invention is nevertheless related to the contract, or to the work or duties he was employed or assigned to perform, and was made during working hours, or with a contribution from the Government of the sort referred to in clause (1),

such invention shall be the exclusive property of the United States, and if such invention is patentable, a patent therefor shall be issued to the United States upon application made by the Administrator, unless the Administrator waives all or any part of the rights of the United States to such invention in conformity with the provisions of subsection (f) of this section.

(b) Each contract entered into by the Administrator with any party for the performance of any work shall contain effective provisions under which such party shall furnish promptly to the Administrator a written report containing full and complete technical information concerning any invention, discovery, improvement, or innovation which may be made in the performance of any such work.

(c) No patent may be issued to any applicant other than the Administrator for any invention which appears to the Commissioner of Patents to have significant utility in the conduct of aeronautical and space activities unless the applicant files with the Commissioner, with the application or within thirty days after request therefor by the Commissioner, a written statement executed under oath setting forth the full facts concerning the circumstances under which such invention was made and stating the relationship (if any) of such invention to the performance of any work under any contract of the Administration. Copies of each such statement and the application to which it relates shall be transmitted forthwith by the Commissioner to the Administrator.

(d) Upon any application as to which any such statement has been transmitted to the Administrator, the Commissioner may, if the invention is patentable, issue a patent to the applicant unless the Administrator, within ninety days after receipt of such application and statement, requests that such patent be issued to him on behalf

of the United States. If, within such time, the Administrator files such a request with the Commissioner, the Commissioner shall transmit notice thereof to the applicant, and shall issue such patent to the Administrator unless the applicant within thirty days after receipt of such notice requests a hearing before a Board of Patent Interferences on the question whether the Administrator is entitled under this section to receive such patent. The Board may hear and determine, in accordance with rules and procedures established for interference cases, the question so presented, and its determination shall be subject to appeal by the applicant or by the Administrator to the Court of Customs and Patent Appeals in accordance with procedures governing appeals from decisions of the Board of Patent Interferences in other proceedings.

Board of
Patent
Interferences.

(e) Whenever any patent has been issued to any applicant in conformity with subsection (d), and the Administrator thereafter has reason to believe that the statement filed by the applicant in connection therewith contained any false representation of any material fact, the Administrator within five years after the date of issuance of such patent may file with the Commissioner a request for the transfer to the Administrator of title to such patent on the records of the Commissioner. Notice of any such request shall be transmitted by the Commissioner to the owner of record of such patent, and title to such patent shall be so transferred to the Administrator unless within thirty days after receipt of such notice such owner of record requests a hearing before a Board of Patent Interferences on the question whether any such false representation was contained in such statement. Such question shall be heard and determined, and determination thereof shall be subject to review, in the manner prescribed by subsection (d) for questions arising thereunder. No request made by the Administrator under this subsection for the transfer of title to any patent, and no prosecution for the violation of any criminal statute, shall be barred by any failure of the Administrator to make a request under subsection (d) for the issuance of such patent to him, or by any notice previously given by the Administrator stating that he had no objection to the issuance of such patent to the applicant therefor.

False representations, request for transfer of title to patent.

(f) Under such regulations in conformity with this subsection as the Administrator shall prescribe, he may waive all or any part of the rights of the United States under this section with respect to any invention or class of inventions made or which may be made by any person or class of persons in the performance of any work required by any contract of the Administration of the Administrator determines that the interests of the United

Waiver of right to inventions.

States will be served thereby. Any such waiver may be made upon such terms and under such conditions as the Administrator shall determine to be required for the protection of the interests of the United States. Each such waiver made with respect to any invention shall be subject to the reservation by the Administrator of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States or any foreign government pursuant to any treaty or agreement with the United States. Each proposal for any waiver under this subsection shall be referred to an Inventions and Contributions Board which shall be established by the Administrator within the Administration. Such Board shall accord to each interested party an opportunity for hearing, and shall transmit to the Administrator its findings of fact with respect to such proposal and its recommendations for action to be taken with respect thereto.

Inventions and Contributions Board.

License regulations.

Protection of title.

Defense agency.

Definitions.

(g) The Administrator shall determine, and promulgate regulations specifying the terms and conditions upon which licenses will be granted by the Administration for the practice by any person (other than an agency of the United States) of any invention for which the Administrator holds a patent on behalf of the United States.

(h) The Administrator is authorized to take all suitable and necessary steps to protect any invention or discovery to which he has title, and to require that contractors or persons who retain title to inventions or discoveries under this section protect the inventions or discoveries to which the Administration has or may acquire a license of use.

(i) The Administration shall be considered a defense agency of the United States for the purpose of chapter 17 of title 35 of the United States Code.

(j) As used in this section—

(1) the term "people" means any individual, partnership, corporation, association, institution, or other entity.

(2) the term "contract" means any actual or proposed contract, agreement, understanding, or other arrangement, and includes any assignment, substitution of parties, or subcontract executed or entered into thereunder; and

(3) the term "made", when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

CONTRIBUTIONS AWARDS

42 U.S.C. 2458.

SEC. 306. (a) Subject to the provisions of this section, the Administrator is authorized, upon his own initiative

or upon application of any person, to make a monetary award, in such amount and upon such terms as he shall determine to be warranted, to any person (as defined by section 305) for any scientific or technical contribution to the Administration which is determined by the Administrator to have significant value in the conduct of aeronautical and space activities. Each application made for any such award shall be referred to the Inventions and Contributions Board established under section 305 of this Act. Such Board shall accord to each such applicant an opportunity for hearing upon such application, and shall transmit to the Administrator its recommendation as to the terms of the award, if any, to be made to such applicant for such contribution. In determining the terms and conditions of any award the Administrator shall take into account—

(1) the value of the contribution to the United States;

(2) the aggregate amount of any sums which have been expended by the applicant for the development of such contribution;

(3) the amount of any compensation (other than salary received for services rendered as an officer or employee of the Government) previously received by the applicant for or on account of the use of such contribution by the United States; and

(4) such other factors as the Administrator shall determine to be material.

(b) If more than one applicant under subsection (a) claims an interest in the same contribution, the Administrator shall ascertain and determine the respective interest of such applicants, and shall apportion any award to be made with respect to such contribution among such applicants in such proportions as he shall determine to be equitable. No award may be made under subsection (a) with respect to any contribution—

(1) unless the applicant surrenders, by such means as the Administrator shall determine to be effective, all claims which such applicant may have to receive any compensation (other than the award made under this section) for the use of such contribution or any element thereof at any time by or on behalf of the United States or by or on behalf of any foreign government pursuant to any treaty or agreement with the United States, within the United States or at any other place;

(2) in any amount exceeding \$100,000, unless the Administrator has transmitted to the appropriate committees of the Congress a full and complete report concerning the amount and terms of, and the basis for, such proposed award, and thirty calendar days of regular session of the Congress have expired after receipt of such report by such committees.

Application.

Referral to Inventions and Contributions Board; hearing and recommendation.

Determination by Administrator.

Apportionment of award.

Surrender of claims to compensation.

Limitation of amount; report to Congress.

42 U.S.C. 2459. Authorization of appropriations.

Funds for emergency repairs.

Expiration of authorizations.

Sec. 307 appropriated sums for the construction of facilities and the repair of facilities in instances where the facilities are damaged or destroyed. (b) An appropriation shall not be made for the construction of facilities unless the Administrator has determined that such construction is necessary for the national health, safety, interest or defense. (c) Notwithstanding any other provision of law, no appropriation shall be made for the construction of facilities unless the Administrator has determined that such construction is necessary for the national health, safety, interest or defense.

¹⁷ For requirement of prior authorizing legislation, see Appendix A, Public Law 88-45, June 15, 1959 (73 Stat. 75, 42 U.S.C. 2480).
¹⁸ Subsec. (C) of sec. 307, added by sec. 6 of Public Law 88-113, September 6, 1968 (77 Stat. 144).

"TITLE IV—UPPER ATMOSPHERIC RESEARCH

"PURPOSE AND POLICY

"SIX. 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. 42 USC 2481.

"(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

"Sec. 402. For the purpose of this title the term 'upper atmosphere' means that portion of the Earth's sensible atmosphere above the troposphere. 42 USC 2482.

"PROGRAM AUTHORIZED

"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. 42 USC 2483.

"(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, scholarship 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.