to the availability of appropriations, to enable the agency head or its representative to carry out his responsibilities.

SEC. 8. *Report*. The Council shall submit an annual report setting forth its assessment of and recommendations for the space policy and strategy of the United States Government.

§ 20112. Functions of the Administration

(a) PLANNING, DIRECTING, AND CONDUCTING AERONAUTICAL AND SPACE ACTIVITIES.—The Administration, in order to carry out the purpose of this chapter, shall—

(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;

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

(4) seek and encourage, to the maximum extent possible, the fullest commercial use of space; and

(5) encourage and provide for Federal Government use of commercially provided space services and hardware, consistent with the requirements of the Federal Government.

(b) RESEARCH AND DEVELOPMENT IN CERTAIN TECHNOLOGIES.—

(1) GROUND PROPULSION TECHNOLOGIES.—The Administration shall, to the extent of appropriated funds, initiate, support, and carry out such research, development, demonstration, and other related activities in ground propulsion technologies as are provided for in sections 4 to 10 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2503 to 2509).

(2) SOLAR HEATING AND COOLING TECHNOLOGIES.—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 (42 U.S.C. 5503, 5504, 5507).

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3333.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20112	42 U.S.C. 2473(a), (b).	Pub. L. 85–568, title II, § 203(a), (b), July 29, 1958, 72 Stat. 429; Pub. L. 93–409, § 4, Sept. 3, 1974, 88 Stat. 1070; Pub. L. 94–413, § 15(c), Sept. 17, 1976, 90 Stat. 1270; Pub. L. 95–401, § 6, Sept. 30, 1978, 92 Stat. 860; Pub. L. 101–611, title I, § 107, Nov. 16, 1990, 104 Stat. 3197.

§ 20113. Powers of the Administration in performance of functions

(a) RULES AND REGULATIONS.—In the performance of its functions, the Administration is authorized 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.

(b) OFFICERS AND EMPLOYEES.—In the performance of its functions, the Administration is authorized to appoint and fix the compensation of officers and employees as may be necessary to carry out such functions. The officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with chapter 51 and subchapter III of chapter 53 of title 5, except that—

(1) to the extent the Administrator deems such action necessary to the discharge of the Administrator's responsibilities, the Administrator may appoint not more than 425 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 rate of basic pay payable for level III of the Executive Schedule; and

(2) to the extent the Administrator deems such action necessary to recruit specially qualified scientific and engineering talent, the Administrator may establish the entrance grade for scientific and engineering personnel without previous service in the Federal Government at a level up to 2 grades higher than the grade provided for such personnel under the General Schedule, and fix their compensation accordingly.

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

(1) 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;

(2) 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 10 years without regard to section 8141 of title 40;

(3) to lease to others such real and personal property;

(4) to sell and otherwise dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of chapters 1 to 11 of title 40 and in accordance with title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.);[1] and

(5) 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.

(d) GIFTS.—In the performance of its functions, the Administration is authorized to accept unconditional gifts or donations of services,

[1] See References in Text note below.

money, or property, real, personal, or mixed, tangible or intangible.

(e) CONTRACTS, LEASES, AND AGREEMENTS.—In the performance of its functions, the Administration is authorized, without regard to subsections (a) and (b) of section 3324 of title 31, 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 chapter, 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.

(f) COOPERATION WITH FEDERAL AGENCIES AND OTHERS.—In the performance of its functions, the Administration is authorized to use, with their consent, the services, 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.

(g) ADVISORY COMMITTEES.—In the performance of its functions, the Administration is authorized to appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Administration.

(h) OFFICES AND PROCEDURES.—In the performance of its functions, the Administration is authorized to establish within the Administration such offices and procedures as may be appropriate to provide for the greatest possible coordination of its activities under this chapter with related scientific and other activities being carried on by other public and private agencies and organizations.

(i) TEMPORARY OR INTERMITTENT SERVICES OF EXPERTS OR CONSULTANTS.—In the performance of its functions, the Administration is authorized to obtain services as provided by section 3109 of title 5, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under section 5376 of title 5.

(j) ALIENS.—In the performance of its functions, the Administration is authorized, when determined by the Administrator to be necessary, and subject to such security investigations as the Administrator may determine to be appropriate, to employ aliens without regard to statutory provisions prohibiting payment of compensation to aliens.

(k) CONCESSIONS FOR VISITORS' FACILITIES.—

(1) IN GENERAL.—In the performance of its functions, the Administration is authorized to provide by concession, without regard to section 1302 of title 40, on such terms as the Administrator may deem to be appropriate and necessary to protect the concessioner against loss of the concessioner's 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 that the Administration may have to provide facilities, equipment, and services for visitors to its installations).

(2) PUBLIC NOTICE AND DUE CONSIDERATION OF PROPOSALS.—A concession agreement under this subsection may be negotiated with any qualified proposer following due consideration of all proposals received after reasonable public notice of the intention to contract.

(3) REASONABLE OPPORTUNITY FOR PROFIT.—The concessioner shall be afforded a reasonable opportunity to make a profit commensurate with the capital invested and the obligations assumed. The consideration paid by the concessioner for the concession shall be based on the probable value of the opportunity and not on maximizing revenue to the United States.

(4) RECORDS AND ACCESS TO RECORDS.—Each concession agreement shall specify the manner in which the concessioner's records are to be maintained, and shall provide for access to the records by the Administration and the Comptroller General of the United States for a period of 5 years after the close of the business year to which the records relate.

(5) POSSESSORY INTERESTS.—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 the concessioner constructs or locates upon land owned by the United States. With the approval of the Administration, such possessory interest may be assigned, transferred, encumbered, or relinquished by the concessioner, and, unless otherwise provided by contract, shall not be extinguished by the expiration or other termination of the concession and may not be taken for public use without just compensation.

(*l*) DETAILING MEMBERS OF ARMED SERVICES.—In the performance of its functions, the Administration is authorized, 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 chapter to the same extent as that to which they might be lawfully assigned in the Department of Defense.

(m) CLAIMS AGAINST THE UNITED STATES.—In the performance of its functions, the Administration is authorized—

(1) to consider, ascertain, adjust, determine, settle, and pay, on behalf of the United States, in full satisfaction thereof, any claim for $25,000 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 section 20112(a) of this title, where such claim is presented to the Administration in writing within 2 years after the accident or incident out of which the claim arises; and

(2) if the Administration considers that a claim in excess of $25,000 is meritorious and would otherwise be covered by this subsection, to report the facts and circumstances to Congress for its consideration.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3333.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20113	42 U.S.C. 2473(c).	Pub. L. 85–568, title II, § 203(c), formerly § 203(b), July 29, 1958, 72 Stat. 429; Pub. L. 86–20, May 13, 1959, 73 Stat. 21; Pub. L. 86–481, § 5, June 1, 1960, 74 Stat. 153; Pub. L. 87–367, title II, § 206(a), Oct. 4, 1961, 75 Stat. 791; Pub. L. 87–584, § 6, Aug. 14, 1962, 76 Stat. 384; Pub. L. 87–793, § 1001(f), Oct. 11, 1962, 76 Stat. 864; Pub. L. 88–426, title III, § 306(d), Aug. 14, 1964, 78 Stat. 429; Pub. L. 88–448, title IV, § 402(a)(34), Aug. 10, 1964, 78 Stat. 495; Pub. L. 91–646, title II, § 220(a)(2), Jan. 2, 1971, 84 Stat. 1903; Pub. L. 93–74, § 6, July 23, 1973, 87 Stat. 174; Pub. L. 93–316, § 6, June 22, 1974, 88 Stat. 243; renumbered § 203(c), Pub. L. 93–409, § 4, Sept. 3, 1974, 88 Stat. 1070; Pub. L. 96–48, § 6(a), Aug. 8, 1979, 93 Stat. 348; Pub. L. 108–201, § 2(a), Feb. 24, 2004, 118 Stat. 461.

In subsection (b), in the matter before paragraph (1), the words ''chapter 51 and subchapter III of chapter 53 of title 5'' are substituted for ''the Classification Act of 1949, as amended'' on authority of section 7(b) of Public Law 89–554 (80 Stat. 631), the first section of which enacted Title 5, Government Organization and Employees.

In subsection (c)(2), the words ''section 8141 of title 40'' are substituted for ''the Act of March 3, 1877 (40 U.S.C. 34)'' on authority of section 5(c) of Public Law 107–217 (116 Stat. 1303), the first section of which enacted Title 40, Public Buildings, Property, and Works.

In subsection (c)(4), the words ''in accordance with the provisions of chapters 1 to 11 of title 40 and in accordance with title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)'' are substituted for ''in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.)'' on authority of section 5(c) of Public Law 107–217 (116 Stat. 1303), the first section of which enacted Title 40, Public Buildings, Property, and Works.

In subsection (e), the words ''subsections (a) and (b) of section 3324 of title 31'' are substituted for ''section 3648 of the Revised Statutes, as amended (31 U.S.C. 529)'' on authority of section 4(b) of Public Law 97–258 (96 Stat. 1067), the first section of which enacted Title 31, Money and Finance.

In subsection (i), the words ''maximum rate payable under section 5376 of title 5'' are substituted for ''rate for GS–18'' because of section 101(c) of the Federal Employees Pay Comparability Act of 1990 (enacted by § 529 of Public Law 101–509, 5 U.S.C. 5376 note).

In subsection (k)(1), the words ''section 1302 of title 40'' are substituted for ''section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b)'' on authority of section 5(c) of Public Law 107–217 (116 Stat. 1303), the first section of which enacted Title 40, Public Buildings, Property, and Works.

REFERENCES IN TEXT

Level III of the Executive Schedule, referred to in subsec. (b)(1), is set out in section 5314 of Title 5, Government Organization and Employees.

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (c)(4), is act June 30, 1949, ch. 288, 63 Stat. 377. Title III of the Act was classified generally to subchapter IV (§ 251 et seq.) of chapter 4 of former Title 41, Public Contracts, and was substantially repealed and restated in division C (§ 3101 et seq.) of subtitle I of Title 41, Public Contracts, by Pub. L. 111–350, §§ 3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855. For complete classification of this Act to the Code, see Short Title of 1949 Act note set out under section 101 of Title 41 and Tables. For disposition of sections of former Title 41, see Disposition Table preceding section 101 of Title 41.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

Pub. L. 106–391, title III, § 319, Oct. 30, 2000, 114 Stat. 1597, provided that:

''(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act [see Tables for classification], it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

''(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Administrator [of the National Aeronautics and Space Administration] shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.''

ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS

Pub. L. 106–391, title III, § 321, Oct. 30, 2000, 114 Stat. 1597, provided that:

''(a) DEFINITIONS.—In this section:

''(1) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term 'educationally useful Federal equipment' means computers and related peripheral tools and research equipment that is appropriate for use in schools.

''(2) SCHOOL.—The term 'school' means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

''(b) SENSE OF THE CONGRESS.—

''(1) IN GENERAL.—It is the sense of the Congress that the Administrator [of the National Aeronautics and Space Administration] should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999 [40 U.S.C. 549 note]), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

''(2) REPORTS.—Not later than 1 year after the date of the enactment of this Act [Oct. 30, 2000], and annually thereafter, the Administrator shall prepare and submit to Congress a report describing any donations of educationally useful Federal equipment to schools made during the period covered by the report.''

§ 20114. Administration and Department of Defense coordination

(a) ADVISE AND CONSULT.—The Administration and the Department of Defense, through the