

§ 20304. Basic research enhancement

(a) DEFINITION OF BASIC RESEARCH.—In this section, the term “basic research” has the meaning given the term in Office of Management and Budget Circular No. A-11.

(b) COORDINATION.—The Administrator, the Director of the National Science Foundation, the Secretary of Energy, the Secretary of Defense, and the Secretary of Commerce shall, to the extent practicable, coordinate basic research activities related to physical sciences, technology, engineering, and mathematics.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3357.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 20304, 42 U.S.C. 16658, Pub. L. 110-69, title II, § 2003, Aug. 9, 2007, 121 Stat. 583.

§ 20305. National Academies decadal surveys

(a) IN GENERAL.—The Administrator shall enter into agreements on a periodic basis with the National Academies for independent assessments, also known as decadal surveys, to take stock of the status and opportunities for Earth and space science discipline fields and Aeronautics research and to recommend priorities for research and programmatic areas over the next decade.

(b) INDEPENDENT COST ESTIMATES.—The agreements described in subsection (a) shall include independent estimates of the life cycle costs and technical readiness of missions assessed in the decadal surveys whenever possible.

(c) REEXAMINATION.—The Administrator shall request that each National Academies decadal survey committee identify any conditions or surveys, such as significant cost growth or scientific or technological advances, that would warrant the Administration asking the National Academies to reexamine the priorities that the decadal survey had established.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3357.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 20305, 42 U.S.C. 17823, Pub. L. 110-422, title XI, § 1104, Oct. 15, 2008, 122 Stat. 4809.

Subtitle III—Administrative Provisions

CHAPTER 301—APPROPRIATIONS, BUDGETS, AND ACCOUNTING

Table with 2 columns: Sec., Description. Rows: 30101. Prior authorization of appropriations required. 30102. Working capital fund. 30103. Budgets. 30104. Baselines and cost controls.

§ 30101. Prior authorization of appropriations required

Notwithstanding the provisions of any other law, no appropriation may be made to the Ad-

ministration unless previously authorized by legislation enacted by Congress.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3357.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30101, 42 U.S.C. 2460, Pub. L. 86-45, § 4, June 15, 1959, 73 Stat. 75.

The word “hereafter” is omitted as unnecessary.

§ 30102. Working capital fund

(a) ESTABLISHMENT.—There is hereby established in the United States Treasury an Administration working capital fund.

(b) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—Amounts in the fund are available for financing activities, services, equipment, information, and facilities as authorized by law to be provided—

- (A) within the Administration;
(B) to other agencies or instrumentalities of the United States;
(C) to any State, territory, or possession or political subdivision thereof;
(D) to other public or private agencies; or
(E) to any person, firm, association, corporation, or educational institution on a reimbursable basis.

(2) CAPITAL REPAIRS.—The fund shall also be available for the purpose of funding capital repairs, renovations, rehabilitation, sustainment, demolition, or replacement of Administration real property, on a reimbursable basis within the Administration.

(3) NO FISCAL YEAR LIMITATION.—Amounts in the fund are available without regard to fiscal year limitation.

(c) CONTENTS.—The capital of the fund consists of—

- (1) amounts appropriated to the fund;
(2) the reasonable value of stocks of supplies, equipment, and other assets and inventories on order that the Administrator transfers to the fund, less the related liabilities and unpaid obligations; and
(3) payments received for loss or damage to property of the fund.

(d) REIMBURSEMENT.—The fund shall be reimbursed, in advance, for supplies and services at rates that will approximate the expenses of operation, such as the accrual of annual leave, depreciation of plant, property, and equipment, and overhead.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3357.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30102, 42 U.S.C. 24591, Pub. L. 108-7, div. K, title III, (last par. under heading “Administrative Provisions”, at 117 Stat. 520), Feb. 20, 2003, 117 Stat. 520.

§ 30103. Budgets

(a) CATEGORIES.—The proposed budget for the Administration submitted by the President for

each fiscal year shall be accompanied by documents showing—

- (1) by program—
 - (A) the budget for space operations, including the International Space Station and the space shuttle;
 - (B) the budget for exploration systems;
 - (C) the budget for aeronautics;
 - (D) the budget for space science;
 - (E) the budget for Earth science;
 - (F) the budget for microgravity science;
 - (G) the budget for education;
 - (H) the budget for safety oversight; and
 - (I) the budget for public relations;
- (2) the budget for technology transfer programs;
- (3) the budget for the Integrated Enterprise Management Program, by individual element;
- (4) the budget for the Independent Technical Authority, both total and by center;
- (5) the total budget for the prize program under section 20144 of this title, and the administrative budget for that program; and
- (6) the comparable figures for at least the 2 previous fiscal years for each item in the proposed budget.

(b) ADDITIONAL BUDGET INFORMATION UPON REQUEST BY COMMITTEES.—The Administration shall make available, upon request from the Committee on Science and Technology of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate—

- (1) information on corporate and center general and administrative costs and service pool costs, including—
 - (A) the total amount of funds being allocated for those purposes for any fiscal year for which the President has submitted an annual budget request to Congress;
 - (B) the amount of funds being allocated for those purposes for each center, for headquarters, and for each directorate; and
 - (C) the major activities included in each cost category; and
- (2) the figures on the amount of unobligated funds and unexpended funds, by appropriations account—
 - (A) that remained at the end of the fiscal year prior to the fiscal year in which the budget is being presented that were carried over into the fiscal year in which the budget is being presented;
 - (B) that are estimated will remain at the end of the fiscal year in which the budget is being presented that are proposed to be carried over into the fiscal year for which the budget is being presented; and
 - (C) that are estimated will remain at the end of the fiscal year for which the budget is being presented.

(c) INFORMATION IN ANNUAL BUDGET JUSTIFICATION.—The Administration shall provide, at a minimum, the following information in its annual budget justification:

- (1) The actual, current, proposed funding level, and estimated budgets for the next 5 fiscal years by directorate, theme, program, project and activity within each appropriations account.

(2) The proposed programmatic and non-programmatic construction of facilities.

- (3) The budget for headquarters including—
 - (A) the budget by office, and any division thereof, for the actual, current, proposed funding level, and estimated budgets for the next 5 fiscal years;
 - (B) the travel budget for each office, and any division thereof, for the actual, current, and proposed funding level; and
 - (C) the civil service full time equivalent assignments per headquarters office, and any division thereof, including the number of Senior Executive Service, noncareer, detailee, and contract personnel per office.

(4) Within 14 days of the submission of the budget to Congress an accompanying volume shall be provided to the Committees on Appropriations containing the following information for each center, facility managed by any center, and federally funded research and development center operated on behalf of the Administration:

- (A) The actual, current, proposed funding level, and estimated budgets for the next 5 fiscal years by directorate, theme, program, project, and activity.
- (B) The proposed programmatic and non-programmatic construction of facilities.
- (C) The number of civil service full time equivalent positions per center for each identified fiscal year.
- (D) The number of civil service full time equivalent positions considered to be uncovered capacity at each location for each identified fiscal year.

(5) The proposed budget as designated by object class for each directorate, theme, and program.

(6) Sufficient narrative shall be provided to explain the request for each program, project, and activity, and an explanation for any deviation to previously adopted baselines for all justification materials provided to the Committees.

(d) ESTIMATE OF GROSS RECEIPTS AND PROPOSED USE OF FUNDS RELATED TO LEASE OF PROPERTY.—Each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of this title.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3358.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30103(a)	42 U.S.C. 16611(h)(1).	Pub. L. 109-155, title I, §101(h)(1), (i), Dec. 30, 2005, 119 Stat. 2903.
30103(b)	42 U.S.C. 16611(i).	Pub. L. 110-161, div. B, title III, (7th par. under heading "Administrative Provisions", at 121 Stat. 1919), Dec. 26, 2007, 121 Stat. 1919.
30103(c)	42 U.S.C. 16611b.	
30103(d)	42 U.S.C. 16611b note.	Pub. L. 111-8, div. B, title III, (3d proviso in par. under heading "Cross Agency Support", at 123 Stat. 589), Mar. 11, 2009, 123 Stat. 589.

In subsection (a)(5), the source law's reference to "section 104" of the National Aeronautics and Space

Administration Authorization Act of 2005 (Public Law 109-155, 119 Stat. 2910) is translated as “section 20144” of title 51. Section 104 of the National Aeronautics and Space Administration Authorization Act of 2005 amended the National Aeronautics and Space Act of 1958 (Public Law 85-568, 72 Stat. 426) by inserting a new section 314, which is restated as section 20144 of title 51.

In subsection (b), in the matter before paragraph (1), the words “Committee on Science and Technology” are substituted for “Committee on Science” on authority of Rule X(1)(o) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

In subsection (c), in the matter before paragraph (1), the words “For fiscal year 2009 and hereafter” are omitted as unnecessary.

ESTIMATES OF RECEIPTS AND COLLECTIONS AND PROPOSED USE OF FUNDS FROM LEASES OF NON-EXCESS PROPERTY

Pub. L. 111-117, div. B, title III, Dec. 16, 2009, 123 Stat. 3144, provided in part: “That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 315 of the National Aeronautics and Space Act of 1958 ([former] 42 U.S.C. 2459j) [now 51 U.S.C. 20145].”

TRANSMISSION OF BUDGET ESTIMATES

Pub. L. 102-588, title II, §210, Nov. 4, 1992, 106 Stat. 5115, provided that: “The Administrator [of the National Aeronautics and Space Administration] shall, at the time of submission of the President’s annual budget, transmit to the Congress—

“(1) a five-year budget detailing the estimated development costs for each individual program under the jurisdiction of the National Aeronautics and Space Administration for which development costs are expected to exceed \$200,000,000; and

“(2) an estimate of the life-cycle costs associated with each such program.”

Similar provisions were contained in the following prior appropriation authorization act:

Pub. L. 102-195, §11, Dec. 9, 1991, 105 Stat. 1612.

§ 30104. Baselines and cost controls

(a) **DEFINITIONS.**—In this section:

(1) **DEVELOPMENT.**—The term “development” means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation, as defined in the Administration’s Procedural Requirements 7120.5c, dated March 22, 2005.

(2) **DEVELOPMENT COST.**—The term “development cost” means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program.

(3) **LIFE-CYCLE COST.**—The term “life-cycle cost” means the total of the direct, indirect, recurring, and nonrecurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control.

(4) **MAJOR PROGRAM.**—The term “major program” means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than \$250,000,000.

(b) **CONDITIONS FOR DEVELOPMENT.**—

(1) **IN GENERAL.**—The Administration shall not enter into a contract for the development of a major program unless the Administrator determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks;

(B) the technologies required for the program have been demonstrated in a relevant laboratory or test environment; and

(C) the program complies with all relevant policies, regulations, and directives of the Administration.

(2) **REPORT.**—The Administrator shall transmit a report describing the basis for the determination required under paragraph (1) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 30 days before entering into a contract for development under a major program.

(3) **NONDELEGATION.**—The Administrator may not delegate the determination requirement under this subsection, except in cases in which the Administrator has a conflict of interest.

(c) **MAJOR PROGRAM ANNUAL REPORTS.**—

(1) **REQUIREMENT.**—Annually, at the same time as the President’s annual budget submission to Congress, the Administrator shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes the information required by this section for each major program for which the Administration proposes to expend funds in the subsequent fiscal year. Reports under this paragraph shall be known as Major Program Annual Reports.

(2) **BASELINE REPORT.**—The first Major Program Annual Report for each major program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until development is completed;

(C) the schedule for development, including key program milestones;

(D) the plan for mitigating technical, cost, and schedule risks identified in accordance with subsection (b)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (d), who shall be an individual whose primary responsibility is overseeing the program.

(3) **INFORMATION UPDATES.**—For major programs for which a Baseline Report has been submitted, each subsequent Major Program Annual Report shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.