

## EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-358, title II, §205(c), Jan. 4, 2011, 124 Stat. 3996, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 12, 2010.”

## SUBCHAPTER X—RE-SCOPING AND REVITALIZING INSTITUTIONAL CAPABILITIES

**§ 18431. Workforce stabilization and critical skills preservation**

Prior to receipt by the Congress of the study, recommendations, and implementation strategy developed pursuant to section 1103,<sup>1</sup> none of the funds authorized for use under this Act may be used to transfer the functions, missions, or activities, and associated civil service and contractor positions, from any NASA facility without authorization by the Congress to implement the proposed strategy. The Administrator shall preserve the critical skills and competencies in place at NASA centers prior to October 11, 2010, in order to facilitate timely implementation of the requirements of this chapter and to minimize disruption to the workforce. The Administrator may not implement any reduction-in-force or other involuntary separations of permanent, non-Senior-Executive-Service, civil servant employees before September 30, 2013, except for cause on charges of misconduct, delinquency, or inefficiency.

(Pub. L. 111-267, title XI, §1105, Oct. 11, 2010, 124 Stat. 2840.)

## REFERENCES IN TEXT

Section 1103, referred to in text, is Pub. L. 111-267, title XI, §1103, Oct. 11, 2010, 124 Stat. 2840, which is not classified to the Code.

This Act, referred to in text, is Pub. L. 111-267, Oct. 11, 2010, 124 Stat. 2805, known as the National Aeronautics and Space Administration Authorization Act of 2010, which enacted this chapter (§18301 et seq.) and various other provisions, including provisions authorizing appropriations, which were not classified to the Code. For complete classification of this Act to the Code, see Short Title note set out under section 18301 of this title and Tables.

## SUBCHAPTER XI—OTHER MATTERS

**§ 18441. National and international orbital debris mitigation****(a) Findings**

Congress makes the following findings:

(1) A national and international effort is needed to develop a coordinated approach towards the prevention, negation, and removal of orbital debris.

(2) The guidelines issued by the Inter-Agency Space Debris Coordination Committee provide a consensus understanding of 10 national space agencies (including NASA) plus the European Space Agency on the necessity of mitigating the creation of space debris and measures for doing so. NASA’s participation on the Committee should be robust, and NASA should urge other space-relevant Federal agencies (including the Departments of State, Defense, and Commerce) to work to ensure that their

counterpart agencies in foreign governments are aware of these national commitments and the importance in which the United States holds them.

(3) Key components of such an approach should include—

(A) a process for debris prevention through agreements regarding spacecraft design, operations, and end-of-life disposition plans to minimize orbiting vehicles or elements which are nonfunctional;

(B) the development of a robust Space Situational Awareness network that can identify potential collisions and provide sufficient trajectory and orbital data to enable avoidance maneuvers;

(C) the interagency development of an overall strategy for review by the President, with recommendations for proposed international collaborative efforts to address this challenge.

**(b) International discussion****(1) In general**

The Administrator shall, in consultation with such other departments and agencies of the Federal Government as the Administrator considers appropriate, continue and strengthen discussions with the representatives of other space-faring countries, within the Inter-Agency Space Debris Coordination Committee and elsewhere, to deal with this orbital debris mitigation.

**(2) Interagency effort**

For purposes of carrying out this subsection, the Director of OSTP, in coordination with the Director of the National Security Council and using the President’s Council of Advisors on Science and Technology coordinating mechanism, shall develop an overall strategy for review by the President, with recommendations for proposed international collaborative efforts to address this challenge.

(Pub. L. 111-267, title XII, §1202, Oct. 11, 2010, 124 Stat. 2841.)

**§ 18442. Reports on program and cost assessment and control assessment****(a) Findings**

Congress makes the following findings:

(1) The adherence of NASA to program cost and schedule targets and discipline across NASA programs remains a concern.

(2) The James Webb Space Telescope has exceeded its cost estimate.

(3) In 2007 the Government Accountability Office issued a report on NASA’s high risk acquisition performance.

(4) In response, NASA prepared a corrective action plan two years ago.

**(b) Reports****(1) Reports required**

Not later than 90 days after October 11, 2010, and not later than April 30 of each year thereafter, the Administrator shall submit to the appropriate committees of Congress a report on the implementation during the preceding year for the corrective action plan referred to in subsection (a)(4).

<sup>1</sup> See References in Text note below.

**(2) Elements**

Each report under this subsection shall set forth, for the year covered by such report, the following:

(A) A description of each NASA program that has exceeded its cost baseline by 15 percent or more or is more than 2 years behind its projected development schedule.

(B) For each program specified under subparagraph (A), a plan for such decrease in scope or requirements, or other measures, to be undertaken to control cost and schedule, including any cost monitoring or corrective actions undertaken pursuant to the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155),<sup>1</sup> and the amendments made by that Act.

(Pub. L. 111-267, title XII, §1203, Oct. 11, 2010, 124 Stat. 2841.)

## REFERENCES IN TEXT

The National Aeronautics and Space Administration Authorization Act of 2005, referred to in subsec. (b)(2)(B), is Pub. L. 109-155, Dec. 30, 2005, 119 Stat. 2895, which was classified principally to chapter 150 (§16601 et seq.) of this title and was substantially repealed and restated in chapters 305 (§30501 et seq.), 401 (§40101 et seq.), 603 (§60301 et seq.) and 707 (§70701 et seq.) and sections 20301, 20302, 30103(a), (b), 30104, 30306, 30703, 30704, 30902, 31301, 31501, 40701, 40904 to 40909, 50505, 50116, 60505, 70501 to 70503, and 70902 to 70905 of Title 51, National and Commercial Space Programs, by Pub. L. 111-314, §§3, 6, Dec. 18, 2010, 124 Stat. 3328, 3444. For complete classification of this Act to the Code, see Short Title of 2005 Act note set out under section 10101 of Title 51 and Tables.

**§ 18443. Eligibility for service of individual currently serving as Administrator of NASA**

The individual serving in the position of Administrator of the National Aeronautics and Space Administration as of October 11, 2010, comes from civilian life and is therefore eligible to serve in such position, in conformance with section 20111 of title 51.

(Pub. L. 111-267, title XII, §1204, Oct. 11, 2010, 124 Stat. 2842.)

## CODIFICATION

In text, “section 20111 of title 51” substituted for “section 202 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2472(a))” on authority of Pub. L. 111-314, §5(e), Dec. 18, 2010, 124 Stat. 3443, which Act enacted Title 51, National and Commercial Space Programs.

**§ 18444. Counterfeit parts****(a) In general**

The Administrator shall plan, develop, and implement a program, in coordination with other Federal agencies, to detect, track, catalog, and reduce the number of counterfeit electronic parts in the NASA supply chain.

**(b) Requirements**

In carrying out the program, the Administrator shall establish—

(1) counterfeit part identification training for all employees that procure, process, distribute, and install electronic parts that will—

(A) teach employees how to identify counterfeit parts;

(B) educate employees on procedures to follow if they suspect a part is counterfeit;

(C) regularly update employees on new threats, identification techniques, and reporting requirements; and

(D) integrate industry associations, manufacturers, suppliers, and other Federal agencies, as appropriate;

(2) an internal database to track all suspected and confirmed counterfeit electronic parts that will maintain, at a minimum—

(A) companies and individuals known and suspected of selling counterfeit parts;

(B) parts known and suspected of being counterfeit, including lot and date codes, part numbers, and part images;

(C) countries of origin;

(D) sources of reporting;

(E) United States Customs seizures; and

(F) Government-Industry Data Exchange Program reports and other public or private sector database notifications; and

(3) a mechanism to report all information on suspected and confirmed counterfeit electronic parts to law enforcement agencies, industry associations, and other databases, and to issue bulletins to industry on counterfeit electronic parts and related counterfeit activity.

**(c) Review of procurement and acquisition policy****(1) In general**

In establishing the program, the Administrator shall amend existing acquisition and procurement policy to purchase electronic parts from trusted or approved manufacturers. To determine trusted or approved manufacturers, the Administrator shall establish a list, assessed and adjusted at least annually, and create criteria for manufacturers to meet in order to be placed onto the list.

**(2) Criteria**

The criteria may include—

(A) authentication or encryption codes;

(B) embedded security markings in parts;

(C) unique, harder to copy labels and markings;

(D) identifying distinct lot and serial codes on external packaging;

(E) radio frequency identification embedded into high-value parts;

(F) physical destruction of all defective, damaged, and sub-standard parts that are by-products of the manufacturing process;

(G) testing certifications;

(H) maintenance of procedures for handling any counterfeit parts that slip through;

(I) maintenance of secure facilities to prevent unauthorized access to proprietary information; and

(J) maintenance of product return, buy back, and inventory control practices that limit counterfeiting.

**(d) Report to Congress**

Within one year after October 11, 2010, the Administrator shall report on the progress of im-

<sup>1</sup> See References in Text note below.