

ter of the Smithsonian Astrophysical Observatory.

(3) NEAR-EARTH ASTEROID.—The term “near-Earth asteroid” means an asteroid with a perihelion distance of less than 1.3 Astronomical Units from the Sun.

(4) PROGRAM.—The term “Program” means the Charles “Pete” Conrad Astronomy Awards Program established under subsection (c).

(c) CHARLES “PETE” CONRAD ASTRONOMY AWARDS PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish the Charles “Pete” Conrad Astronomy Awards Program.

(2) AWARDS.—The Administrator shall make awards under the Program based on the recommendations of the Minor Planet Center.

(3) AWARD CATEGORIES.—The Administrator shall make one annual award, unless there are no eligible discoveries or contributions, for each of the following categories:

(A) DISCOVERY OF BRIGHTEST NEAR-EARTH ASTEROID.—The amateur astronomer or group of amateur astronomers who in the preceding calendar year discovered the intrinsically brightest near-Earth asteroid among the near-Earth asteroids that were discovered during that year by amateur astronomers or groups of amateur astronomers.

(B) GREATEST CONTRIBUTION TO CATALOGUING NEAR-EARTH ASTEROIDS.—The amateur astronomer or group of amateur astronomers who made the greatest contribution to the Minor Planet Center’s mission of cataloguing near-Earth asteroids during the preceding year.

(4) AWARD AMOUNT.—An award under the Program shall be in the amount of \$3,000.

(5) GUIDELINES.—

(A) CITIZEN OR PERMANENT RESIDENT.—No individual who is not a citizen or permanent resident of the United States at the time of the individual’s discovery or contribution may receive an award under this section.

(B) FINALITY.—The decisions of the Administrator in making awards under this section are final.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3372.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30902 .....	42 U.S.C. 16792.	Pub. L. 109–155, title VI, §613, Dec. 30, 2005, 119 Stat. 2932.

CHAPTER 311—SAFETY

- Sec. 31101. Aerospace Safety Advisory Panel.
- 31102. Drug and alcohol testing.

§ 31101. Aerospace Safety Advisory Panel

(a) ESTABLISHMENT AND MEMBERS.—There is established an Aerospace Safety Advisory Panel consisting of a maximum of 9 members who shall be appointed by the Administrator for terms of 6 years each. Not more than 4 such members shall be chosen from among the officers and employees of the Administration.

(b) CHAIRMAN.—One member shall be designated by the Panel as its Chairman.

(c) DUTIES.—The Panel shall—

(1) review safety studies and operations plans referred to it, including evaluating the Administration’s compliance with the return-to-flight and continue-to-fly recommendations of the Columbia Accident Investigation Board, and make reports thereon;

(2) advise the Administrator and Congress with respect to—

- (A) the hazards of proposed or existing facilities and proposed operations;
- (B) the adequacy of proposed or existing safety standards; and
- (C) management and culture related to safety; and

(3) perform such other duties as the Administrator may request.

(d) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—

(A) FEDERAL OFFICERS AND EMPLOYEES.—A member of the Panel who is an officer or employee of the Federal Government shall receive no compensation for the member’s services as such.

(B) MEMBERS APPOINTED FROM OUTSIDE THE FEDERAL GOVERNMENT.—A member of the Panel appointed from outside the Federal Government shall receive compensation, at a rate not to exceed the per diem rate equivalent to the maximum rate payable under section 5376 of title 5, for each day the member is engaged in the actual performance of duties vested in the Panel.

(2) EXPENSES.—A member of the Panel shall be allowed necessary travel expenses (or in the alternative, mileage for use of a privately owned vehicle and a per diem in lieu of subsistence not to exceed the rate and amount prescribed in sections 5702 and 5704 of title 5), and other necessary expenses incurred by the member in the performance of duties vested in the Panel, without regard to the provisions of subchapter I of chapter 57 of title 5, the Standardized Government Travel Regulations, or section 5731 of title 5.

(e) ANNUAL REPORT.—The Panel shall submit an annual report to the Administrator and to Congress. In the first annual report submitted after December 30, 2005, the Panel shall include an evaluation of the Administration’s management and culture related to safety. Each annual report shall include an evaluation of the Administration’s compliance with the recommendations of the Columbia Accident Investigation Board through retirement of the space shuttle.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3373.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31101(a) .....	42 U.S.C. 2477(a) (1st, last sentences).	Pub. L. 90–67, § 6, Aug. 21, 1967, 81 Stat. 170; Pub. L. 94–307, § 8, June 4, 1976, 90 Stat. 681; Pub. L. 99–234, title I, §107(f), Jan. 2, 1986, 99 Stat. 1759; Pub. L. 109–155, title I, §106, Dec. 30, 2005, 119 Stat. 2912.
31101(b) .....	42 U.S.C. 2477(a) (3d sentence).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31101(c) .....	42 U.S.C. 2477(a) (2d sentence).	
31101(d) .....	42 U.S.C. 2477(a) (4th, 5th sentences).	
31101(e) .....	42 U.S.C. 2477(b).	

In subsection (d)(1)(B), 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 (Public Law 101-509, 5 U.S.C. 5376 note).

In subsection (e), the date “December 30, 2005” is substituted for “the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005” to reflect the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155, 119 Stat. 2895).

**§ 31102. Drug and alcohol testing**

(a) DEFINITION OF CONTROLLED SUBSTANCE.—In this section, the term “controlled substance” means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) specified by the Administrator.

(b) TESTING PROGRAM.—

(1) EMPLOYEES OF ADMINISTRATION.—The Administrator shall establish a program applicable to employees of the Administration whose duties include responsibility for safety-sensitive, security, or national security functions. Such program shall provide for pre-employment, reasonable suspicion, random, and post-accident testing for use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regulations, as the Administrator considers appropriate in the interest of safety, security, and national security, for the conduct of periodic recurring testing of such employees for such use in violation of applicable law or Federal regulation.

(2) EMPLOYEES OF CONTRACTORS.—The Administrator shall, in the interest of safety, security, and national security, prescribe regulations. Such regulations shall establish a program that requires Administration contractors to conduct preemployment, reasonable suspicion, random, and post-accident testing of contractor employees responsible for safety-sensitive, security, or national security functions (as determined by the Administrator) for use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regulations, as the Administrator considers appropriate in the interest of safety, security, and national security, for the conduct of periodic recurring testing of such employees for such use in violation of applicable law or Federal regulation.

(3) SUSPENSION, DISQUALIFICATION, OR DISMISSAL.—In prescribing regulations under the programs required by this subsection, the Administrator shall require, as the Administrator considers appropriate, the suspension, disqualification, or dismissal of any employee to which paragraph (1) or (2) applies, in accordance with the provisions of this section, in any instance where a test conducted and confirmed

under this section indicates that such employee has used, in violation of applicable law or Federal regulation, alcohol or a controlled substance.

(c) PROHIBITION ON SERVICE.—

(1) PROHIBITION UNLESS PROGRAM OF REHABILITATION COMPLETED.—No individual who is determined by the Administrator under this section to have used, in violation of applicable law or Federal regulation, alcohol or a controlled substance after December 9, 1991, shall serve as an Administration employee with responsibility for safety-sensitive, security, or national security functions (as determined by the Administrator), or as an Administration contractor employee with such responsibility, unless such individual has completed a program of rehabilitation described in subsection (d).

(2) UNCONDITIONAL PROHIBITION.—Any such individual determined by the Administrator under this section to have used, in violation of applicable law or Federal regulation, alcohol or a controlled substance after December 9, 1991, shall not be permitted to perform the duties that the individual performed prior to the date of the determination, if the individual—

(A) engaged in such use while on duty;

(B) prior to such use had undertaken or completed a rehabilitation program described in subsection (d);

(C) following such determination refuses to undertake such a rehabilitation program; or

(D) following such determination fails to complete such a rehabilitation program.

(d) PROGRAM FOR REHABILITATION.—

(1) REGULATIONS AND AVAILABILITY OF PROGRAM FOR CONTRACTOR EMPLOYEES.—The Administrator shall prescribe regulations setting forth requirements for rehabilitation programs which at a minimum provide for the identification and opportunity for treatment of employees referred to in subsection (b) in need of assistance in resolving problems with the use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. Each contractor is encouraged to make such a program available to all of its employees in addition to those employees referred to in subsection (b)(2). The Administrator shall determine the circumstances under which such employees shall be required to participate in such a program. Nothing in this subsection shall preclude any Administration contractor from establishing a program under this subsection in cooperation with any other such contractor.

(2) ESTABLISHMENT AND MAINTENANCE OF PROGRAM FOR ADMINISTRATION EMPLOYEES.—The Administrator shall establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of those employees of the Administration whose duties include responsibility for safety-sensitive, security, or national security functions who are in need of assistance in resolving problems with the use of alcohol or controlled substances.

(e) PROCEDURES FOR TESTING.—In establishing the programs required under subsection (b), the