

- (C) \$300,000,000 for fiscal year 2011;
- (D) \$306,000,000 for fiscal year 2012; and
- (E) \$312,000,000 for fiscal year 2013.

(3) Separate budget and appropriation

(A) Budget request

The budget request for ARPA-E shall be separate from the rest of the budget of the Department.

(B) Appropriations

Appropriations to the Fund shall be separate and distinct from the rest of the budget for the Department.

(4) Allocation

Of the amounts appropriated for a fiscal year under paragraph (2)—

(A) not more than 50 percent of the amount shall be used to carry out subsection (e)(3)(D);

(B) at least 5 percent of the amount shall be used for technology transfer and outreach activities, consistent with the goal described in subsection (c)(2)(D) and within the responsibilities of program directors described in subsection (g)(2)(B)(vii); and

(C) no funds may be used for construction of new buildings or facilities during the 5-year period beginning on August 9, 2007.

(Pub. L. 110-69, title V, § 5012, Aug. 9, 2007, 121 Stat. 621; Pub. L. 111-358, title IX, § 904, Jan. 4, 2011, 124 Stat. 4045; Pub. L. 115-246, title II, § 202, Sept. 28, 2018, 132 Stat. 3134.)

REFERENCES IN TEXT

Level II of the Executive Schedule, referred to in subsec. (g)(3)(A)(ii), is set out in section 5313 of Title 5, Government Organization and Employees.

Par. (5), referred to in subsec. (o)(2), was redesignated par. (4) of this section and former par. (4) was struck out by Pub. L. 111-358, title IX, § 904(10)(B), (C), Jan. 4, 2011, 124 Stat. 4048.

AMENDMENTS

2018—Subsec. (a)(3). Pub. L. 115-246, § 202(1), substituted “subsection (o)(1)” for “subsection (n)(1)”.

Subsecs. (n), (o). Pub. L. 115-246, § 202(2), (3), added subsec. (n) and redesignated former subsec. (n) as (o).

2011—Subsec. (a)(3). Pub. L. 111-358, § 904(1), substituted “subsection (n)(1)” for “subsection (m)(1)”.

Subsec. (c)(2)(A). Pub. L. 111-358, § 904(2), inserted “and applied” after “advances in fundamental”.

Subsec. (e)(3)(C). Pub. L. 111-358, § 904(3)(A)(i), added subpar. (C) and struck out former subpar. (C) which read as follows: “research and development of manufacturing processes for novel energy technologies; and”.

Subsec. (e)(5). Pub. L. 111-358, § 904(3)(A)(ii)-(C), added par. (5).

Subsec. (f). Pub. L. 111-358, § 904(5), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 111-358, § 904(4), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (g)(1). Pub. L. 111-358, § 904(6)(B), added par. (1). Former par. (1) redesignated (2).

Subsec. (g)(2). Pub. L. 111-358, § 904(6)(A),(C)(i), redesignated par. (1) as (2) and substituted “Program directors” for “Program managers” in heading.

Subsec. (g)(2)(A). Pub. L. 111-358, § 904(6)(C)(ii), substituted “program directors for” for “program managers for each of”.

Subsec. (g)(2)(B). Pub. L. 111-358, § 904(6)(C)(iii)(I), substituted “program director” for “program manager” in introductory provisions.

Subsec. (g)(2)(B)(iv). Pub. L. 111-358, § 904(6)(C)(iii)(II), struck out “, with advice under subsection (j) as appro-

priate,” after “basis of merit” in introductory provisions.

Subsec. (g)(2)(B)(v) to (viii). Pub. L. 111-358, § 904(6)(C)(iii)(III)-(VI), added cls. (v) and (vii) and redesignated former cls. (v) and (vi) as (vi) and (viii), respectively.

Subsec. (g)(2)(C). Pub. L. 111-358, § 904(6)(C)(iv), inserted “not more than” after “shall be”.

Subsec. (g)(3). Pub. L. 111-358, § 904(6)(A), redesignated par. (2) as (3).

Subsec. (g)(3)(A)(ii), (iii). Pub. L. 111-358, § 904(6)(D)(i), added cls. (ii) and (iii) and struck out former cl. (ii) which read as follows: “fix the compensation of such personnel at a rate to be determined by the Director.”

Subsec. (g)(3)(B). Pub. L. 111-358, § 904(6)(D)(ii), substituted “not more than 120” for “not less than 70, and not more than 120.”

Subsec. (h). Pub. L. 111-358, § 904(4), redesignated subsec. (g) as (h). Former subsec. (h) redesignated (i).

Subsec. (h)(2). Pub. L. 111-358, § 904(7), substituted “2010” for “2008” and “2013” for “2011”.

Subsec. (i). Pub. L. 111-358, § 904(4), redesignated subsec. (h) as (i). Former subsec. (i) redesignated (j).

Subsec. (j). Pub. L. 111-358, § 904(8), added subsec. (j) and struck out former subsec. (j). Prior to amendment, text read as follows: “The Secretary shall make information available to purchasing and procurement programs of Federal agencies regarding the potential to demonstrate technologies resulting from activities funded through ARPA-E.”

Pub. L. 111-358, § 904(4), redesignated subsec. (i) as (j). Former subsec. (j) redesignated (k).

Subsecs. (k), (l). Pub. L. 111-358, § 904(4), redesignated subsecs. (j) and (k) as (k) and (l), respectively. Former subsec. (l) redesignated (m).

Subsec. (l)(1). Pub. L. 111-358, § 904(9)(A), substituted “6 years” for “4 years”.

Subsec. (l)(2)(B). Pub. L. 111-358, § 904(9)(B), inserted “, and the manner in which those lessons may apply to the operation of other programs of the Department” after “ARPA-E”.

Subsecs. (m), (n). Pub. L. 111-358, § 904(4), redesignated subsecs. (l) and (m) as (m) and (n), respectively.

Subsec. (n)(2)(C) to (E). Pub. L. 111-358, § 904(10)(A), added subpars. (C) to (E).

Subsec. (n)(4). Pub. L. 111-358, § 904(10)(B), (C), redesignated par. (5) as (4) and struck out former par. (4). Prior to amendment, text read as follows: “No amounts may be appropriated for ARPA-E for fiscal year 2008 unless the amount appropriated for the activities of the Office of Science of the Department for fiscal year 2008 exceeds the amount appropriated for the Office for fiscal year 2007, as adjusted for inflation in accordance with the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.”

Subsec. (n)(4)(B). Pub. L. 111-358, § 904(10)(D), substituted “5 percent” for “2.5 percent” and inserted “, consistent with the goal described in subsection (c)(2)(D) and within the responsibilities of program directors described in subsection (g)(2)(B)(vii)” after “outreach activities”.

Subsec. (n)(5). Pub. L. 111-358, § 904(10)(C), redesignated par. (5) as (4).

CHAPTER 150—NATIONAL AERONAUTICS AND SPACE PROGRAMS, 2005

§ 16601. Transferred

CODIFICATION

Section, Pub. L. 109-155, § 2, Dec. 30, 2005, 119 Stat. 2897, which related to definitions, was transferred and is set out as a note under section 10101 of Title 51, National and Commercial Space Programs.

SUBCHAPTER I—GENERAL PRINCIPLES AND REPORTS

§§ 16611, 16611a. Repealed or Omitted

CODIFICATION

Section 16611, Pub. L. 109-155, title I, § 101, Dec. 30, 2005, 119 Stat. 2897, which related to responsibilities,

policies, and plans, was repealed in part and omitted in part. Subsecs. (a) and (b) were repealed and reenacted as sections 20301 and 20302, respectively, of Title 51, National and Commercial Space Programs, by Pub. L. 111-314, §§3, 6, Dec. 18, 2010, 124 Stat. 3328, 3444, which Act enacted Title 51. Subsecs. (c) to (g), requiring certain reports and studies by past dates, were omitted from the Code following the enactment of Title 51. Subsec. (h)(1) was repealed and reenacted as subsec. (a) of section 30103 of Title 51. Subsec. (h)(2), providing sense of Congress regarding budget evaluation, was omitted from the Code following the enactment of Title 51. Subsec. (i) was repealed and reenacted as subsec. (b) of section 30103 of Title 51. Subsec. (j), providing for independent review of strategic need for aeronautics test facilities, was omitted from the Code following the enactment of Title 51.

Section 16611a, Pub. L. 110-69, title II, §2001, Aug. 9, 2007, 121 Stat. 582, which related to NASA's contribution to innovation, was repealed in part and omitted in part. Subsecs. (a), (b), (c), and (e) were repealed and reenacted as subsecs. (a), (b), (c), and (d), respectively, of section 20303 of Title 51 by Pub. L. 111-314, §§3, 6, Dec. 18, 2010, 124 Stat. 3328, 3444, which Act enacted Title 51. Subsec. (d), which provided sense of Congress regarding NASA funding, and subsec. (f), requiring report by Administrator regarding assessments of educational program effectiveness not later than one year after Aug. 9, 2007, were omitted from the Code following the enactment of Title 51.

§ 16611b. Repealed. Pub. L. 111-314, § 6, Dec. 18, 2010, 124 Stat. 3444

Section, Pub. L. 110-161, div. B, title III, Dec. 26, 2007, 121 Stat. 1919, related to NASA annual budget justification. See subsec. (c) of section 30103 of Title 51, National and Commercial Space Programs.

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

Pub. L. 111-8, div. B, title III, Mar. 11, 2009, 123 Stat. 589, which 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), was repealed and reenacted as subsec. (d) of section 30103 of Title 51, National and Commercial Space Programs, by Pub. L. 111-314, §§3, 6, Dec. 18, 2010, 124 Stat. 3328, 3444, which Act enacted Title 51.

§ 16612. Transferred

CODIFICATION

Section, Pub. L. 109-155, title I, §102, Dec. 30, 2005, 119 Stat. 2905, which related to national awareness campaign to encourage young Americans to enter the fields of science, mathematics, and engineering, budget information, space communications plan, Joint Dark Energy Mission, and Office of Science and Technology Policy, and related reports, was transferred and is set out as a note preceding section 40901 of Title 51, National and Commercial Space Programs.

§§ 16613 to 16615. Repealed. Pub. L. 111-314, § 6, Dec. 18, 2010, 124 Stat. 3444

Section 16613, Pub. L. 109-155, title I, §103, Dec. 30, 2005, 119 Stat. 2907, related to baselines and cost controls. See section 30104 of Title 51, National and Commercial Space Programs.

Section 16614, Pub. L. 109-155, title I, §105, Dec. 30, 2005, 119 Stat. 2912, related to foreign launch vehicles. See section 30703 of Title 51.

Section 16615, Pub. L. 109-155, title I, §107, Dec. 30, 2005, 119 Stat. 2912, related to implementation plan describing lessons learned and best practices for major programs and projects. See section 30501 of Title 51.

§§ 16616, 16617. Omitted

CODIFICATION

Section 16616, Pub. L. 109-155, title I, §108, Dec. 30, 2005, 119 Stat. 2913, which related to commercialization plan for missions to the Moon and Mars, and required plan submission to Congress not later than 180 days after Dec. 30, 2005, was omitted from the Code following the enactment of Title 51, National and Commercial Space Programs, by Pub. L. 111-314.

Section 16617, Pub. L. 109-155, title I, §109, Dec. 30, 2005, 119 Stat. 2913, which related to study on the feasibility of use of ground source heat pumps and required study transmission to Congress not later than one year after Dec. 30, 2005, was omitted from the Code following the enactment of Title 51.

§ 16618. Repealed. Pub. L. 111-314, § 6, Dec. 18, 2010, 124 Stat. 3444

Section, Pub. L. 109-155, title I, §110, Dec. 30, 2005, 119 Stat. 2914, related to whistleblower protection. See section 30502 of Title 51, National and Commercial Space Programs.

SUBCHAPTER II—AUTHORIZATION OF APPROPRIATIONS

§§ 16631 to 16634. Repealed. Pub. L. 111-314, § 6, Dec. 18, 2010, 124 Stat. 3444

Section 16631, Pub. L. 109-155, title II, §202, Dec. 30, 2005, 119 Stat. 2915, related to appropriations for fiscal year 2007.

Section 16632, Pub. L. 109-155, title II, §203, Dec. 30, 2005, 119 Stat. 2915, related to appropriations for fiscal year 2008.

Section 16633, Pub. L. 109-155, title II, §204, Dec. 30, 2005, 119 Stat. 2916, related to ISS research. See section 70902 of Title 51, National and Commercial Space Programs.

Section 16634, Pub. L. 109-155, title II, §205, Dec. 30, 2005, 119 Stat. 2916, related to charges and funding account for test facilities. See section 50505 of Title 51.

§§ 16635, 16636. Omitted

Section 16635, Pub. L. 109-155, title II, §206, Dec. 30, 2005, 119 Stat. 2916, which related to limitation on use of appropriated funds for official representation, was omitted from the Code following the enactment of Title 51, National and Commercial Space Programs, by Pub. L. 111-314.

Section 16636, Pub. L. 109-155, title II, §207, Dec. 30, 2005, 119 Stat. 2916, which required Administrator to report ISS development costs and related matters to Congress and provided for repeal of section 202 of Pub. L. 106-391 thirty days after transmission of report, was omitted from the Code following the enactment of Title 51.

SUBCHAPTER III—SCIENCE

PART A—GENERAL PROVISIONS

§ 16651. Repealed. Pub. L. 111-314, § 6, Dec. 18, 2010, 124 Stat. 3444

Section, Pub. L. 109-155, title III, §301, Dec. 30, 2005, 119 Stat. 2916, related to performance assessments. See section 30503 of Title 51, National and Commercial Space Programs.

§§ 16652, 16653. Omitted

Section 16652, Pub. L. 109-155, title III, §302, Dec. 30, 2005, 119 Stat. 2917, which related to status of Hubble Space Telescope servicing mission and required Administrator's report to Congress not later than 60 days after second Space Shuttle mission, was omitted from