

tiveness and efficiency of research performed by both the Administration and industry participants making use of Administration facilities, thus harming the competitiveness of the United States aerospace industry;

“(2) the Administration has a role in providing laboratory capabilities to industry participants that are not economically viable as commercial entities and thus are not available elsewhere;

“(3) to ensure continued access to reliable and efficient world-class facilities by researchers, the Administration should establish strategic partnerships with other Federal agencies, State agencies, FAA-licensed spaceports, institutions of higher education, and industry, as appropriate; and

“(4) decisions on whether to dispose of, maintain, or modernize existing facilities must be made in the context of meeting Administration and other needs, including those required to meet the activities supporting the human exploration roadmap under section 432 of this Act [set out in a note under section 20302 of this title], considering other national laboratory needs as the Administrator [of the National Aeronautics and Space Administration] deems appropriate.

“(b) POLICY.—It is the policy of the United States that the Administration maintain reliable and efficient facilities and infrastructure and that decisions on whether to dispose of, maintain, or modernize existing facilities or infrastructure be made in the context of meeting future Administration needs.

“(c) PLAN.—

“(1) IN GENERAL.—The Administrator shall develop a facilities and infrastructure plan.

“(2) GOAL.—The goal of the plan is to position the Administration to have the facilities and infrastructure, including laboratories, tools, and approaches, necessary to meet future Administration and other Federal agencies’ laboratory needs.

“(3) CONTENTS.—The plan shall identify—

“(A) current Administration and other Federal agency laboratory needs;

“(B) future Administration research and development and testing needs;

“(C) a strategy for identifying facilities and infrastructure that are candidates for disposal, that is consistent with the national strategic direction set forth in—

“(i) the National Space Policy;

“(ii) the National Aeronautics Research, Development, Test, and Evaluation Infrastructure Plan;

“(iii) the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155; 119 Stat. 2895) [see Tables for classification], National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110-422; 122 Stat. 4779) [see Tables for classification], and National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.); and

“(iv) the human exploration roadmap under section 432 of this Act [set out in a note under section 20302 of this title];

“(D) a strategy for the maintenance, repair, upgrading, and modernization of Administration facilities and infrastructure, including laboratories and equipment;

“(E) criteria for—

“(i) prioritizing deferred maintenance tasks;

“(ii) maintaining, repairing, upgrading, or modernizing Administration facilities and infrastructure; and

“(iii) implementing processes, plans, and policies for guiding the Administration’s Centers on whether to maintain, repair, upgrade, or modernize a facility or infrastructure and for determining the type of instrument to be used;

“(F) an assessment of modifications needed to maximize usage of facilities that offer unique and

highly specialized benefits to the aerospace industry and the American public; and

“(G) implementation steps, including a timeline, milestones, and an estimate of resources required for carrying out the plan.

“(d) REQUIREMENT TO ESTABLISH POLICY.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Mar. 21, 2017], the Administrator shall establish and make publicly available a policy that guides the Administration’s use of existing authorities to out-grant, lease, excess to the General Services Administration, sell, decommission, demolish, or otherwise transfer property, facilities, or infrastructure.

“(2) CRITERIA.—The policy shall include criteria for the use of authorities, best practices, standardized procedures, and guidelines for how to appropriately manage property, facilities, and infrastructure.

“(e) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Science, Space, and Technology of the House of Representatives] the plan developed under subsection (c).”

§ 31503. Laboratory productivity

The Administration’s laboratories are a critical component of the Administration’s research capabilities, and the Administrator shall ensure that those laboratories remain productive.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3377.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31503	42 U.S.C. 17812(a).	Pub. L. 110-422, title X, §1003(a), Oct. 15, 2008, 122 Stat. 4807.

§ 31504. Cooperative unmanned aerial vehicle activities

The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration and in coordination with other agencies that have existing civil capabilities, shall continue to utilize the capabilities of unmanned aerial vehicles as appropriate in support of Administration and interagency cooperative missions. The Administrator may enter into cooperative agreements with universities with unmanned aerial vehicle programs and related assets to conduct collaborative research and development activities, including development of appropriate applications of small unmanned aerial vehicle technologies and systems in remote areas.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3377.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31504	42 U.S.C. 17828.	Pub. L. 110-422, title XI, §1116, Oct. 15, 2008, 122 Stat. 4813.

§ 31505. Development of enhanced-use lease policy

(a) IN GENERAL.—The Administrator shall develop an agency-wide enhanced-use lease policy that—

(1) is based upon sound business practices and lessons learned from the demonstration centers; and

(2) establishes controls and procedures to ensure accountability and protect the interests of the Government.

(b) CONTENTS.—The policy required by subsection (a) shall include the following:

(1) CRITERIA FOR DETERMINING ECONOMIC VALUE.—Criteria for determining whether enhanced-use lease provides better economic value to the Government than other options, such as—

- (A) Federal financing through appropriations; or
- (B) sale of the property.

(2) SECURITY AND ACCESS.—Requirement for the identification of proposed physical and procedural changes needed to ensure security and restrict access to specified areas, coordination of proposed changes with existing site tenants, and development of estimated costs of such changes.

(3) MEASURES OF EFFECTIVENESS.—Measures of effectiveness for the enhanced-use lease program.

(4) ACCOUNTING CONTROLS.—Accounting controls and procedures to ensure accountability, such as an audit trail and documentation to readily support financial transactions.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3377.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31505	42 U.S.C. 17829.	Pub. L. 110–422, title XI, §1117, Oct. 15, 2008, 122 Stat. 4813.

Subtitle IV—Aeronautics and Space Research and Education

CHAPTER 401—AERONAUTICS

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SUBCHAPTER I—GENERAL

§ 40101. Definition of institution of higher education

In this chapter, the term “institution of higher education” has the meaning given the term

by section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3378.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40101	42 U.S.C. 16701.	Pub. L. 109–155, title IV, §401, Dec. 30, 2005, 119 Stat. 2923.

§ 40102. Governmental interest in aeronautics research and development

Congress reaffirms the national commitment to aeronautics research made in chapter 201 of this title. Aeronautics research and development remains a core mission of the Administration. The Administration is the lead agency for civil aeronautics research. Further, the government of the United States shall promote aeronautics research and development that will expand the capacity, ensure the safety, and increase the efficiency of the Nation’s air transportation system, promote the security of the Nation, protect the environment, and retain the leadership of the United States in global aviation.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3379.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40102	42 U.S.C. 16711.	Pub. L. 109–155, title IV, §411, Dec. 30, 2005, 119 Stat. 2923.

EX. ORD. NO. 13419. NATIONAL AERONAUTICS RESEARCH AND DEVELOPMENT

Ex. Ord. No. 13419, Dec. 20, 2006, 71 F.R. 77565, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 204 of the National Science and Technology Policy, Organization, and Priorities Act of 1976, as amended (42 U.S.C. 6613), section 101(c) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155), and section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. *National Aeronautics Research and Development Policy.* Continued progress in aeronautics, the science of flight, is essential to America’s economic success and the protection of America’s security interests at home and around the globe. Accordingly, it shall be the policy of the United States to facilitate progress in aeronautics research and development (R&D) through appropriate funding and activities of the Federal Government, in cooperation with State, territorial, tribal, local, and foreign governments, international organizations, academic and research institutions, private organizations, and other entities, as appropriate. The Federal Government shall only undertake roles in supporting aeronautics R&D that are not more appropriately performed by the private sector. The National Aeronautics Research and Development Policy prepared by the National Science and Technology Council should, to the extent consistent with this order and its implementation, guide the aeronautics R&D programs of the United States through 2020.

SEC. 2. *Functions of the Director of the Office of Science and Technology Policy.* To implement the policy set forth in section 1 of this order, the Director of the Office of Science and Technology Policy (the “Director”) shall: