

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20139 .....	42 U.S.C. 2458c.	Pub. L. 85-568, title III, § 309, formerly title III, as added Pub. L. 106-74, title IV, § 435(a), Oct. 20, 1999, 113 Stat. 1097; designated § 309 and amended Pub. L. 106-391, title III, § 324(a)(2), (b), Oct. 30, 2000, 114 Stat. 1599, 1600; Pub. L. 109-155, title VII, § 702, Dec. 30, 2005, 119 Stat. 2936.

In subsection (d)(3), the words “without regard to the date on which the Administration entered into the waiver” are substituted for “without regard to whether it was entered into before, on, or after the date of enactment of this Act” to avoid an ambiguity in the law. Literally, the words “the date of enactment of this Act” mean July 29, 1958, the date of enactment of Public Law 85-568. However, the intended meaning of the words “the date of enactment of this Act” is probably October 20, 1999, the date of enactment of Public Law 106-74. The question as to which date is actually intended is rendered inconsequential by the words “before, on, or after”.

**§ 20140. Appropriations**

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this chapter, except that nothing in this chapter shall authorize the appropriation of any amount for—

(A) the acquisition or condemnation of any real property; or

(B) any other item of a capital nature (such as plant or facility acquisition, construction, or expansion) which exceeds \$250,000.

(2) AVAILABILITY.—Sums appropriated pursuant to this subsection for the construction of facilities, or for research and development activities, shall remain available until expended.

(b) USE OF FUNDS FOR EMERGENCY REPAIRS OF EXISTING FACILITIES.—Any funds appropriated for the construction of facilities may be used for emergency repairs of existing facilities when such existing facilities are made inoperative by major breakdown, accident, or other circumstances and such repairs are deemed by the Administrator to be of greater urgency than the construction of new facilities.

(c) TERMINATION.—Notwithstanding any other provision of law, the authorization of any appropriation to the Administration shall expire (unless an earlier expiration is specifically provided) at the close of the third fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3347.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20140 .....	42 U.S.C. 2459.	Pub. L. 85-568, title III, § 310, formerly § 307, July 29, 1958, 72 Stat. 438; Pub. L. 88-113, § 6, Sept. 6, 1963, 77 Stat. 144; renumbered § 308, Pub. L. 94-464, § 3, Oct. 8, 1976, 90 Stat. 1988; renumbered § 309, Pub. L. 96-48, § 6(b)(1), Aug. 8, 1979, 93 Stat. 348; renumbered § 310, Pub. L. 106-391, title III, § 324(a)(1), Oct. 30, 2000, 114 Stat. 1599.

**§ 20141. Misuse of agency name and initials**

(a) IN GENERAL.—No person (as defined by section 20135(a) of this title) may knowingly use the words “National Aeronautics and Space Administration” or the letters “NASA”, or any combination, variation, or colorable imitation of those words or letters either alone or in combination with other words or letters—

(1) as a firm or business name in a manner reasonably calculated to convey the impression that the firm or business has some connection with, endorsement of, or authorization from, the Administration which does not, in fact, exist; or

(2) in connection with any product or service being offered or made available to the public in a manner reasonably calculated to convey the impression that the product or service has the authorization, support, sponsorship, or endorsement of, or the development, use, or manufacture by or on behalf of the Administration which does not, in fact, exist.

(b) CIVIL PROCEEDING TO ENJOIN.—Whenever it appears to the Attorney General that any person is engaged in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3348.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20141 .....	42 U.S.C. 2459b.	Pub. L. 85-568, title III, § 311, formerly § 310, as added Pub. L. 98-52, title I, § 107, July 15, 1983, 97 Stat. 284; renumbered § 311, Pub. L. 106-391, title III, § 324(a)(1), Oct. 30, 2000, 114 Stat. 1599.

**§ 20142. Contracts regarding expendable launch vehicles**

(a) COMMITMENTS BEYOND AVAILABLE APPROPRIATIONS.—The Administrator may enter into contracts for expendable launch vehicle services that are for periods in excess of the period for which funds are otherwise available for obligation, provide for the payment for contingent liability which may accrue in excess of available appropriations in the event the Federal Government for its convenience terminates such contracts, and provide for advance payments reasonably related to launch vehicle and related

equipment, fabrication, and acquisition costs, if any such contract limits the amount of the payments that the Government is allowed to make under such contract to amounts provided in advance in appropriation Acts. Such contracts may be limited to sources within the United States when the Administrator determines that such limitation is in the public interest.

(b) **TERMINATION IF FUNDS NOT AVAILABLE.**—If funds are not available to continue any such contract, the contract shall be terminated for the convenience of the Government, and the costs of such contract shall be paid from appropriations originally available for performance of the contract, from other unobligated appropriations currently available for the procurement of launch services, or from funds appropriated for such payments.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3348.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20142 .....	42 U.S.C. 2459c.	Pub. L. 85-568, title III, §312, formerly §311, as added Pub. L. 100-147, title I, §117, Oct. 30, 1987, 101 Stat. 867; renumbered §312, Pub. L. 106-391, title III, §324(a)(1), Oct. 30, 2000, 114 Stat. 1599.

In subsection (a), the word “expendable” is substituted for “expendable” to correct an error in the law.

**§ 20143. Full cost appropriations account structure**

(a) **ACCOUNTS FOR APPROPRIATIONS.**—

(1) **DESIGNATION OF 3 ACCOUNTS.**—Appropriations for the Administration shall be made in 3 accounts, “Science, Aeronautics, and Education”, “Exploration Systems and Space Operations”, and an account for amounts appropriated for the necessary expenses of the Office of the Inspector General.

(2) **REPROGRAMMING.**—Within the Exploration Systems and Space Operations account, no more than 10 percent of the funds for a fiscal year for Exploration Systems may be reprogrammed for Space Operations, and no more than 10 percent of the funds for a fiscal year for Space Operations may be reprogrammed for Exploration Systems. This paragraph shall not apply to reprogramming for the purposes described in subsection (b)(2).

(3) **AVAILABILITY.**—Appropriations shall remain available for 2 fiscal years, unless otherwise specified in law. Each account shall include the planned full costs of Administration activities.

(b) **TRANSFERS AMONG ACCOUNTS.**—

(1) **IN GENERAL.**—To ensure the safe, timely, and successful accomplishment of Administration missions, the Administration may transfer among accounts as necessary, amounts for—

- (A) Federal salaries and benefits;
- (B) training, travel, and awards;
- (C) facility and related costs;
- (D) information technology services;
- (E) publishing services;
- (F) science, engineering, fabricating, and testing services; and

(G) other administrative services.

(2) **DISASTER, ACT OF TERRORISM, EMERGENCY RESCUE.**—The Administration may also transfer amounts among accounts for the immediate costs of recovering from damage caused by a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or by an act of terrorism, or for the immediate costs associated with an emergency rescue of astronauts.

(c) **TRANSFER OF UNEXPIRED BALANCES.**—The unexpired balances of prior appropriations to the Administration for activities authorized under this chapter may be transferred to the new account established for such activity in subsection (a). Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund under the same terms and conditions.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3349.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20143 .....	42 U.S.C. 2459f.	Pub. L. 85-568, title III, §313, formerly §312, as added Pub. L. 106-377, §1(a)(1) [title IV, §431], Oct. 27, 2000, 114 Stat. 1441, 1441A-56; renumbered §313 and amended, Pub. L. 108-199, div. G, title IV, §417, Jan. 23, 2004, 118 Stat. 415; Pub. L. 108-447, div. I, title IV, §417, Dec. 8, 2004, 118 Stat. 3339; Pub. L. 109-155, title II, §201, Dec. 30, 2005, 119 Stat. 2915.

In subsection (a)(1), the words “for fiscal year 2007 and thereafter” are omitted as unnecessary.

**Statutory Notes and Related Subsidiaries**

**NOTICE OF REPROGRAMMING OR REORGANIZATION**

Pub. L. 106-391, title III, §311, Oct. 30, 2000, 114 Stat. 1594, provided that:

“(a) **NOTICE OF REPROGRAMMING.**—If any funds authorized by this Act [see Tables for classification] are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science [now Committee on Science, Space, and Technology] of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(b) **NOTICE OF REORGANIZATION.**—The Administrator [of the National Aeronautics and Space Administration] shall provide notice to the Committees on Science [now Science, Space, and Technology] and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization of any program, project, or activity of the National Aeronautics and Space Administration.”

**§ 20144. Prize authority**

(a) **IN GENERAL.**—The Administration may carry out a program to competitively award cash prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the