HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30103(a)	42 U.S.C. 16611(h)(1).	Pub. L. 109–155, title I, § 101(h)(1), (i), Dec. 30, 2005, 119 Stat. 2903.
30103(b)	42 U.S.C. 16611(i).	
30103(c)	42 U.S.C. 16611b.	Pub. L. 110–161, div. B, title III, (7th par. under heading ''Administrative Provisions'', at 121 Stat. 1919), Dec. 26, 2007, 121 Stat. 1919.
30103(d)	42 U.S.C. 16611b note.	Pub. L. 111–8, div. B, title III, (3d proviso in par. under heading ''Cross Agency Support'', at 123 Stat. 589), Mar. 11, 2009, 123 Stat. 589.

In subsection (a)(5), the source law's reference to ''section 104'' of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155, 119 Stat. 2910) is translated as ''section 20144'' of title 51. Section 104 of the National Aeronautics and Space Administration Authorization Act of 2005 amended the National Aeronautics and Space Act of 1958 (Public Law 85–568, 72 Stat. 426) by inserting a new section 314, which is restated as section 20144 of title 51.

In subsection (b), in the matter before paragraph (1), the words ''Committee on Science and Technology'' are substituted for ''Committee on Science'' on authority of Rule X(1)(*o*) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

In subsection (c), in the matter before paragraph (1), the words ''For fiscal year 2009 and hereafter'' are omitted as unnecessary.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

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

Pub. L. 116–260, div. B, title III, Dec. 27, 2020, 134 Stat. 1270, 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 20145 of title 51, United States Code.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 116–93, div. B, title III, Dec. 20, 2019, 133 Stat. 2418.

Pub. L. 116–6, div. C, title III, Feb. 15, 2019, 133 Stat. 123.

Pub. L. 115–141, div. B, title III, Mar. 23, 2018, 132 Stat. 431.

Pub. L. 115–31, div. B, title III, May 5, 2017, 131 Stat. 214.

Pub. L. 114–113, div. B, title III, Dec. 18, 2015, 129 Stat. 2318.

Pub. L. 113–235, div. B, title III, Dec. 16, 2014, 128 Stat. 2203.

Pub. L. 113–76, div. B, title III, Jan. 17, 2014, 128 Stat. 72.

Pub. L. 113–6, div. B, title III, Mar. 26, 2013, 127 Stat. 263.

Pub. L. 112–55, div. B, title III, Nov. 18, 2011, 125 Stat. 625.

Pub. L. 111–117, div. B, title III, Dec. 16, 2009, 123 Stat. 3144.

TRANSMISSION OF BUDGET ESTIMATES

Pub. L. 102–588, title II, § 210, Nov. 4, 1992, 106 Stat. 5115, provided that: ''The Administrator [of the National Aeronautics and Space Administration] shall, at the time of submission of the President's annual budget, transmit to the Congress—

''(1) a five-year budget detailing the estimated development costs for each individual program under the jurisdiction of the National Aeronautics and Space Administration for which development costs are expected to exceed $200,000,000; and

''(2) an estimate of the life-cycle costs associated with each such program.''

Similar provisions were contained in the following prior appropriation authorization act:

Pub. L. 102–195, § 11, Dec. 9, 1991, 105 Stat. 1612.

§ 30104. Baselines and cost controls

(a) DEFINITIONS.—In this section:

(1) DEVELOPMENT.—The term ''development'' means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation, as defined in the Administration's Procedural Requirements 7120.5E, dated August 14, 2012.

(2) DEVELOPMENT COST.—The term ''development cost'' means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program.

(3) LIFE-CYCLE COST.—The term ''life-cycle cost'' means the total of the direct, indirect, recurring, and nonrecurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control.

(4) MAJOR PROGRAM.—The term ''major program'' means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than $250,000,000.

(b) CONDITIONS FOR DEVELOPMENT.—

(1) IN GENERAL.—The Administration shall not enter into a contract for the development of a major program unless the Administrator determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks;

(B) the technologies required for the program have been demonstrated in a relevant laboratory or test environment; and

(C) the program complies with all relevant policies, regulations, and directives of the Administration.

(2) REPORT.—The Administrator shall transmit a report describing the basis for the determination required under paragraph (1) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 30 days before entering into a contract for development under a major program.

(3) NONDELEGATION.—The Administrator may not delegate the determination requirement

under this subsection, except in cases in which the Administrator has a conflict of interest.

(c) MAJOR PROGRAM ANNUAL REPORTS.—

(1) REQUIREMENT.—Annually, at the same time as the President's annual budget submission to Congress, the Administrator shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes the information required by this section for each major program for which the Administration proposes to expend funds in the subsequent fiscal year. Reports under this paragraph shall be known as Major Program Annual Reports.

(2) BASELINE REPORT.—The first Major Program Annual Report for each major program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until development is completed;

(C) the schedule for development, including key program milestones;

(D) the plan for mitigating technical, cost, and schedule risks identified in accordance with subsection (b)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (d), who shall be an individual whose primary responsibility is overseeing the program.

(3) INFORMATION UPDATES.—For major programs for which a Baseline Report has been submitted, each subsequent Major Program Annual Report shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(d) NOTIFICATION.—

(1) REQUIREMENT.—The individual identified under subsection (c)(2)(E) shall immediately notify the Administrator any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible—

(A) the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more; or

(B) a milestone of the program is likely to be delayed by 6 months or more from the date provided for it in the Baseline Report of the program.

(2) REASONS.—Not later than 30 days after the notification required under paragraph (1), the individual identified under subsection (c)(2)(E) shall transmit to the Administrator a written notification explaining the reasons for the change in the cost or milestone of the program for which notification was provided under paragraph (1).

(3) NOTIFICATION OF CONGRESS.—Not later than 15 days after the Administrator receives a written notification under paragraph (2), the Administrator shall transmit the notification to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(e) FIFTEEN PERCENT THRESHOLD.—

(1) DETERMINATION, REPORT, AND INITIATION OF ANALYSIS.—Not later than 30 days after receiving a written notification under subsection (d)(2), the Administrator shall determine whether the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more, or whether a milestone is likely to be delayed by 6 months or more. If the determination is affirmative, the Administrator shall—

(A) transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 15 days after making the determination, a report that includes—

(i) a description of the increase in cost or delay in schedule and a detailed explanation for the increase or delay;

(ii) a description of actions taken or proposed to be taken in response to the cost increase or delay; and

(iii) a description of any impacts the cost increase or schedule delay, or the actions described under clause (ii), will have on any other program within the Administration; and

(B) if the Administrator intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(i) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(ii) the projected cost and the schedule for completing the program after instituting the actions described under subparagraph (A)(ii); and

(iii) a description of, and the projected cost and schedule for, a broad range of alternatives to the program.

(2) COMPLETION OF ANALYSIS AND TRANSMITTAL TO COMMITTEES.—The Administration shall complete an analysis initiated under paragraph (1)(B) not later than 6 months after the Administrator makes a determination under this subsection. The Administrator shall transmit the analysis to the Committee on Science and Technology of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after its completion.

(f) THIRTY PERCENT THRESHOLD.—If the Administrator determines under subsection (e) that the development cost of a program will exceed the estimate provided in the Baseline Report of the program by more than 30 percent, then, beginning 18 months after the date the Administrator transmits a report under subsection (e)(1)(A), the Administrator shall not expend any additional funds on the program, other than

termination costs, unless Congress has subsequently authorized continuation of the program by law. An appropriation for the specific program enacted subsequent to a report being transmitted shall be considered an authorization for purposes of this subsection. If the program is continued, the Administrator shall submit a new Baseline Report for the program no later than 90 days after the date of enactment of the Act under which Congress has authorized continuation of the program.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3360; Pub. L. 115–10, title VIII, § 828, Mar. 21, 2017, 131 Stat. 66.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30104	42 U.S.C. 16613.	Pub. L. 109–155, title I, § 103, Dec. 30, 2005, 119 Stat. 2907.

In subsections (b)(2), (c)(1), (d)(3), and (e)(1)(A), (2), the words ''Committee on Science and Technology'' are substituted for ''Committee on Science'' on authority of Rule X(1)(*o*) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

Editorial Notes

AMENDMENTS

2017—Subsec. (a)(1). Pub. L. 115–10 substituted ''Procedural Requirements 7120.5E, dated August 14, 2012'' for ''Procedural Requirements 7120.5c, dated March 22, 2005''.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

CHAPTER 303—CONTRACTING AND PROCUREMENT

Sec.

Statutory Notes and Related Subsidiaries

ONE SMALL STEP TO PROTECT HUMAN HERITAGE IN SPACE

Pub. L. 116–275, Dec. 31, 2020, 134 Stat. 3358, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'One Small Step to Protect Human Heritage in Space Act'.

''SEC. 2. FINDINGS; SENSE OF CONGRESS.

''(a) Findings.—Congress makes the following findings:

''(1) On July 16, 1969, the Apollo 11 spacecraft launched from the John F. Kennedy Space Center carrying Neil A. Armstrong, Edwin E. 'Buzz' Aldrin, Jr., and Michael Collins.

''(2) July 20, 2019, marked the 50th anniversary of the date on which the Apollo 11 spacecraft landed on the Moon and Neil Armstrong and Buzz Aldrin became the first humans to set foot on a celestial body off the Earth.

''(3) The landing of the Apollo 11 spacecraft and humanity's first off-world footprints are achievements unparalleled in history, a direct product of the work and perseverance of the more than 400,000 individuals who contributed to the development of the Apollo missions on the shoulders of centuries of science and engineering pioneers from all corners of the world.

''(4) Among the thousands of individuals who have contributed to the achievements of the National Aeronautics and Space Administration (in this section referred to as 'NASA') are African-American women such as Katherine Johnson, Dorothy Vaughn, Mary Jackson, and Dr. Christine Darden, who made critical contributions to NASA space programs. Katherine Johnson worked at NASA for 35 years and calculated the trajectory of the Apollo 11 landing and the trajectories for the spaceflights of astronauts Alan Shepard and John Glenn. Katherine Johnson, together with many other individuals the work of whom often went unacknowledged, helped broaden the scope of space travel and charted new frontiers for humanity's exploration of space.

''(5) The landing of the Apollo 11 spacecraft was made on behalf of all humankind, and Neil Armstrong and Buzz Aldrin were accompanied by messages of peace from the leaders of more than 70 countries.

''(6) The lunar landing sites of the Apollo 11 spacecraft, the robotic spacecraft that preceded the Apollo 11 mission, and the crewed and robotic spacecraft that followed, are of outstanding universal value to humanity.

''(7) Such landing sites—

''(A) are the first archaeological sites with human activity that are not on Earth;

''(B) provide evidence of the first achievements of humankind in the realm of space travel and exploration; and

''(C) contain artifacts and other evidence of human exploration activities that remain a potential source of cultural, historical, archaeological, anthropological, scientific, and engineering knowledge.

''(8) On July 20, 2011, NASA published the voluntary guidance entitled 'NASA's Recommendations to Space-Faring Entities: How to Protect and Preserve the Historic and Scientific Value of U.S. Government Lunar Artifacts'.

''(9) In March 2018, the Office of Science and Technology Policy published a report entitled 'Protecting & Preserving Apollo Program Lunar Landing Sites & Artifacts'.

''(10) Article one of the 'Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,' commonly known as the 'Outer Space Treaty,' states '[o]uter space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.'

''(11) Article eight of the Outer Space Treaty states, '[a] State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body. Ownership of objects launched into outer space, including objects landed or constructed on a celestial body, and of their component parts, is not affected by their presence in outer space or on a celestial body or by their return to the Earth.'