

HR 1085

NASA Flexibility Act of 2003

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Mar 5, 2003

Current Status: Placed on the Union Calendar, Calendar No. 134.

Latest Action: Placed on the Union Calendar, Calendar No. 134. (Aug 4, 2003)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/1085>

Sponsor

Name: Rep. Boehlert, Sherwood [R-NY-24]

Party: Republican • State: NY • Chamber: House

Cosponsors (8 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bishop, Rob [R-UT-1]	R · UT		Mar 19, 2003
Rep. Burgess, Michael C. [R-TX-26]	R · TX		Mar 20, 2003
Rep. Rohrabacher, Dana [R-CA-46]	R · CA		Mar 27, 2003
Rep. Baker, Richard H. [R-LA-6]	R · LA		May 13, 2003
Rep. Schrock, Edward L. [R-VA-2]	R · VA		May 13, 2003
Rep. Cramer, Robert E. (Bud), Jr. [D-AL-5]	D · AL		Jul 10, 2003
Rep. Eshoo, Anna G. [D-CA-14]	D · CA		Jul 10, 2003
Rep. Wicker, Roger F. [R-MS-1]	R · MS		Jul 10, 2003

Committee Activity

Committee	Chamber	Activity	Date
Oversight and Government Reform Committee	House	Referred to	Mar 25, 2003
Science, Space, and Technology Committee	House	Reported by	Jun 26, 2003

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
108 S 610	Related bill	Feb 24, 2004: Became Public Law No: 108-201.
108 HR 1836	Text similarities	Jul 25, 2003: Placed on the Union Calendar, Calendar No. 131.

NASA Flexibility Act of 2003 - (Sec. 2) Amends the National Aeronautics and Space Act of 1958 to provide the Administrator of the National Aeronautics and Space Administration the authority to compensate certain excepted personnel at the basic rate payable for level III of the Executive Schedule.

(Sec. 3) Amends Federal employee provisions to establish separate workforce authorities and personnel provisions for NASA.

Requires the NASA Administrator, before exercising any such authorities, to submit to specified congressional committees a written workforce plan that shall be developed in consultation with the Office of Personnel Management (OPM). Requires the plan to, among other things, describe: (1) NASA's critical needs (important requirements that NASA is unable to fulfill because it lacks the appropriate employees); (2) the employee functions or positions needed to address those critical needs; (3) the methods to determine if the newly established workforce authorities have successfully addressed each critical need; (4) changes to improve NASA recruitment of highly qualified individuals for fulfilling critical needs; and (5) any reforms to NASA's workforce management practices recommended by the Columbia Accident Investigation Board. Requires the plan, as well as plan modifications, to be submitted to all NASA employees 60 days in advance of implementation. Requires plans to also be submitted to NASA employee representatives and the Administrator to give recommendations from such representatives full and fair consideration. Requires: (1) the current workforce plan to be submitted to the Office of Management and Budget whenever a NASA performance plan is so submitted for any year; and (2) the Administrator, within six years, to submit to the Committees on Government Reform, Science, and Appropriations of the House of Representatives and the Committees on Governmental Affairs, Commerce, Science, and Transportation of the Senate (the appropriate committees of Congress) an evaluation and analysis of the actions taken under this section.

Includes among NASA workforce authorities the authority to: (1) pay recruitment, redesignation, relocation, and retention bonuses in exchange for service agreements; (2) make term appointments of one to six years and permanent conversions; (3) fix basic rates of pay for critical positions; and (4) extend intergovernmental personnel act assignments to up to four years.

Provides the Administrator the authority to involve in demonstration projects not more than 8,000 individuals (currently, not more than 5,000 individuals).

Directs the Administrator to establish a National Aeronautics and Space Administration Science and Technology Scholarship Program to award scholarships to individuals in return for contractual agreements under which such individuals agree to serve as full-time NASA employees for two years for each year of such scholarships. Requires such students to be U.S. citizens and not Federal employees. Prohibits: (1) the scholarship from lasting more than four academic years, unless the Administrator grants a waiver; and (2) scholarship amounts from exceeding college or university attendance costs. Requires repayment of full scholarship amounts for students who fail to maintain a high level of academic standing, who are dismissed for disciplinary reasons, or who do not successfully complete their program of study. Requires the student to begin the required service period within 60 days after obtaining the educational degree, unless the Administrator defers such obligation. Authorizes appropriations for such Program.

Authorizes the Administrator to appoint directly to the General Schedule of Compensation for Federal Employees in GS-7 through 12 positions individuals in professional and research fields who meet specified educational requirements. Provides for the consideration of veterans' preference eligibles who meet the criteria for appointment ahead of non-

preference eligibles and requires public notice of vacancies.

Authorizes the Administrator to pay the travel, transportation, and relocation expenses of certain new appointees to the same extent and in the same manner as the payment of such expenses for transferred employees.

Allows the Administrator to deem a period of qualified non-Federal career service of an individual as an equal period of service performed as a Federal employee for purposes of annual leave eligibility. Continues to apply such a period of non-Federal service as if it were service performed as an employee so long as that individual serves in or under NASA. Requires that all NASA senior executives and other senior-level employees accrue annual leave at the maximum rate of one day for each bi-weekly period.

Permits the appointment of temporary Senior Executive Service (SES) appointees to career reserved positions, but only if: (1) such a position is vacant as a result of the separation of the incumbent or the temporary absence of the incumbent due to illness, training, or reassignment; or (2) such position is or would be difficult to fill in any other manner because it is likely to be eliminated within the next two years. Prohibits such appointments from exceeding two years. Permits the extension of such an appointment for as long as necessary to meet such a vacancy, but not to exceed one year, and not if the position is or would be difficult to fill in any other manner because it is likely to be eliminated within the next two years. Limits, at any time, the number of NASA career reserved positions that are filled by limited SES emergency appointees to ten percent of the total number of SES positions authorized for NASA. Entitles such an appointee who was so temporarily appointed from a civil service position held under a career or career-conditional appointment to be reemployed, upon completion of the temporary appointment, in the position from which such individual was so appointed (or an equivalent position). Disallows appointments of temporary SES appointees to NASA career reserved positions without the prior approval of OPM if the appointee is to be appointed from: (1) outside the Federal Government; or (2) a civil service position held under an appointment other than a career or career-conditional appointment; or (3) is a senior executive, but not a career appointee.

Authorizes the Administrator, with the approval of OPM, to set the pay of an employee paid under the General Schedule at any step within the pay range for the grade of the position if such employee possesses unusually high or unique qualifications and is assigned new duties (without a change of position) or to a new position. Requires the Administrator, before setting any employee's pay under this section, to submit a pay plan to OPM and the appropriate committees of Congress.

(Sec. 4) Expresses the sense of Congress that NASA should conduct, in accordance with current antidiscrimination law, a continuing program for the recruitment of members of minority groups for positions in NASA to carry out the policy set forth in such law.

## Actions Timeline

---

- **Aug 4, 2003:** Reported (Amended) by the Committee on Science. H. Rept. 108-244, Part I.
- **Aug 4, 2003:** Reported (Amended) by the Committee on Science. H. Rept. 108-244, Part I.
- **Aug 4, 2003:** House Committee on Government Reform Granted an extension for further consideration ending not later than Aug. 4, 2003.
- **Aug 4, 2003:** Committee on Government Reform discharged.
- **Aug 4, 2003:** Committee on Government Reform discharged.
- **Aug 4, 2003:** Placed on the Union Calendar, Calendar No. 134.
- **Jul 25, 2003:** Mr. Boehlert asked unanimous consent that the Committee on Science, Space and Technology have until 4:00 p.m. on Aug. 29 to file a report on H.R. 1085. Agreed to without objection.
- **Jul 22, 2003:** Committee Consideration and Mark-up Session Held.
- **Jul 22, 2003:** Ordered to be Reported (Amended) by the Yeas and Nays: 21 - 14.
- **Jun 26, 2003:** Subcommittee Consideration and Mark-up Session Held.
- **Jun 26, 2003:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote.
- **Mar 25, 2003:** Referred to the Subcommittee on Civil Service and Agency Organization.
- **Mar 12, 2003:** Referred to the Subcommittee on Space and Aeronautics.
- **Mar 5, 2003:** Introduced in House
- **Mar 5, 2003:** Introduced in House
- **Mar 5, 2003:** Referred to the Committee on Science, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Mar 5, 2003:** Referred to the Committee on Science, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Mar 5, 2003:** Referred to the Committee on Science, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.