

S 610

NASA Flexibility Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Mar 13, 2003

Current Status: Became Public Law No: 108-201.

Latest Action: Became Public Law No: 108-201. (Feb 24, 2004)

Law: 108-201 (Enacted Feb 24, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/610>

Sponsor

Name: Sen. Voinovich, George V. [R-OH]

Party: Republican • State: OH • Chamber: Senate

Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Nelson, Bill [D-FL]	D · FL		Apr 29, 2003
Sen. Lott, Trent [R-MS]	R · MS		Jun 5, 2003
Sen. Cochran, Thad [R-MS]	R · MS		Jun 10, 2003
Sen. Stevens, Ted [R-AK]	R · AK		Jun 17, 2003
Sen. Sessions, Jeff [R-AL]	R · AL		Jun 25, 2003
Sen. Shelby, Richard C. [R-AL]	R · AL		Jul 10, 2003
Sen. Allen, George [R-VA]	R · VA		Jul 14, 2003
Sen. Coleman, Norm [R-MN]	R · MN		Jul 16, 2003
Sen. Carper, Thomas R. [D-DE]	D · DE		Sep 3, 2003

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred to	Apr 30, 2003

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
108 HCONRES 354	Related bill	Feb 11, 2004: Message on Senate action sent to the House.
108 HRES 502	Procedurally related	Jan 28, 2004: Motion to reconsider laid on the table Agreed to without objection.
108 HR 1085	Related bill	Aug 4, 2003: Placed on the Union Calendar, Calendar No. 134.

**(This measure has not been amended since it was passed by the House on January 28, 2004. The summary of that version is repeated here, with an updated short title.)**

NASA Flexibility Act of 2004 - (Sec. 2) Amends the National Aeronautics and Space Act of 1958 to provide the Administrator of the National Aeronautics and Space Administration (NASA) 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 and to obtain plan approval from the Office of Personnel Management (OPM). Requires the plan to, among other things, describe: (1) NASA's critical needs (important safety, management, engineering, science, research, or operations 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 workforce-related reforms required to resolve the findings and recommendations of the Columbia Accident Investigation Board. Requires the plan, as well as plan modifications, to be submitted to all NASA employees 60 in advance of implementation. Requires plans to also be submitted to NASA employee representatives and requires 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.

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. Limits the total period of obligated service to four years. 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 the Administrator to appoint directly to the General Schedule of Compensation for Federal Employees in GS-7 through GS-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 limited SES appointees to career reserved positions as long as the limited appointee, immediately before the limited appointment, was serving under a career or career-conditional appointment outside the SES (or an appointment of equivalent tenure). Limits the number of NASA career-reserved positions that are filled by limited Senior Executive Service (SES) emergency appointees to ten percent of the total number of SES positions allocated to NASA.

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 in 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.

Requires the Administrator to submit to such committees, not later than February 28 of each of the next six years, a report on the effectiveness of exercising such separate workforce authorities.

## Actions Timeline

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- **Feb 24, 2004:** Signed by President.
- **Feb 24, 2004:** Signed by President.
- **Feb 24, 2004:** Became Public Law No: 108-201.
- **Feb 24, 2004:** Became Public Law No: 108-201.
- **Feb 12, 2004:** Presented to President.
- **Feb 12, 2004:** Presented to President.
- **Feb 10, 2004:** Pursuant to the provisions of H. Con. Res. 354, enrollment corrections on S. 610 have been made.
- **Jan 28, 2004:** Rule H. Res. 502 passed House.
- **Jan 28, 2004:** Considered under the provisions of rule H. Res. 502. (consideration: CR H132-143)
- **Jan 28, 2004:** Rule provides for consideration of S. 610 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is open to amendments.
- **Jan 28, 2004:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 502 and Rule XVIII.
- **Jan 28, 2004:** The Speaker designated the Honorable Johnny Isakson to act as Chairman of the Committee.
- **Jan 28, 2004:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on S. 610.
- **Jan 28, 2004:** DEBATE - The Committee of the Whole proceeded with debate on the Flake amendment under the five-minute rule.
- **Jan 28, 2004:** The House rose from the Committee of the Whole House on the state of the Union to report S. 610.
- **Jan 28, 2004:** The previous question was ordered pursuant to the rule.
- **Jan 28, 2004:** Passed/agreed to in House: On passage Passed by voice vote.
- **Jan 28, 2004:** On passage Passed by voice vote.
- **Jan 28, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Jan 27, 2004:** Rules Committee Resolution H. Res. 502 Reported to House. Rule provides for consideration of S. 610 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is open to amendments.
- **Nov 25, 2003:** Message on Senate action sent to the House.
- **Nov 25, 2003:** Received in the House.
- **Nov 25, 2003:** Held at the desk.
- **Nov 24, 2003:** Measure laid before Senate. (consideration: CR S15863; text of measure as reported in Senate: CR S15853-15863)
- **Nov 24, 2003:** The committee substitute as amended agreed to by Unanimous Consent.
- **Nov 24, 2003:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Nov 24, 2003:** Passed Senate with an amendment by Unanimous Consent.
- **Sep 9, 2003:** Star Print ordered on Senate Report 108-113.
- **Jul 28, 2003:** Committee on Governmental Affairs. Reported by Senator Collins with an amendment in the nature of a substitute. With written report No. 108-113. Additional views filed.
- **Jul 28, 2003:** Committee on Governmental Affairs. Reported by Senator Collins with an amendment in the nature of a substitute. With written report No. 108-113. Additional views filed.
- **Jul 28, 2003:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 236.
- **Jun 17, 2003:** Committee on Governmental Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Apr 30, 2003:** Committee on Governmental Affairs referred to Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia.
- **Mar 13, 2003:** Introduced in Senate
- **Mar 13, 2003:** Read twice and referred to the Committee on Governmental Affairs.