National Aeronautics and
Space Administration
Office of the Administrator
Washington, DC 20546-0001

April 2, 2007

TO: Officials-in-Charge of Headquarters Offices
Directors, NASA Centers

FROM: Associate Administrator

SUBJECT: Interim Policy Regarding Headquarters Review of Proposed Space Act Agreement Activities

My January 18, 2007, memorandum provided some fundamental guiding principles regarding Space Act Agreements and announced a related joint review by the Office of Program and Institutional Integration (OPII) and Program Analysis and Evaluation (PA&E). The review will result in options for improving NASA's Space Act Agreement policies, procedures, and systems.

Among many aspects, the review team is examining NASA's protocols and procedures for coordinating Space Act Agreement activities between the Centers and Headquarters. This is a critical issue in ensuring that agreements are effectively utilized and strategically managed from an Agency-wide perspective. Pending the results from the OPII/PA&E review, I am implementing interim coordination procedures applicable to agreements entered into under NASA's "other transactions" authority under the Space Act (including Reimbursable and Nonreimbursable Space Act Agreements, Memoranda of Understanding, and Memoranda of Agreement).

Effective immediately, OPII is the designated Headquarters office for reviewing proposed Space Act Agreement activities on my behalf. Centers and Headquarters offices initiating Space Act Agreement activities shall forward abstracts of key information (described in the Enclosure) for the proposed activities to OPII (Attn: Joe Kroener, Mail Suite 8R11, joe.kroener@nasa.gov) for review prior to negotiating or committing to any agreements. For this preliminary review, only abstracts are required.

Upon receipt of the abstract, OPII (in coordination with other affected or interested Headquarters organizations such as the Mission Directorates, the Office of External Relations, and the Office of the General Counsel) will review the proposed activity. OPII will then either approve proceeding with the activity or communicate any areas of concern to the initiating office, as well as to me, and will facilitate timely resolution of any issues. OPII will endeavor to review abstracts within five (5) business days of receipt. Any material changes to the proposed activity, parties, or terms and conditions after the preliminary OPII review should be brought to OPII's attention prior to the initiating office entering into a final agreement.

The OPII preliminary review is in addition to required reviews of the actual resultant agreements pursuant to other applicable policy and procedural guidance [e.g., NASA Policy Directive (NPD) 1050.1H, "Authority to Enter Into Space Act Agreements," NASA Advisory Implementing Instruction (NAII) 1050-1, "Space Act Agreements Guide," Volume 16 of the "Financial Management Requirements"]. Also, this interim policy in no way modifies the Agency's existing policy regarding the Assistant Administrator for External Relations' responsibility for the negotiation and execution of International Agreements (unless delegated pursuant to NPD 1050.1H) and for the review of all Interagency Agreements.

This interim policy pertains to all proposed Space Act Agreement activities that could have a material impact on the Agency. In determining which activities may have a material impact on the Agency, initiating offices should consider the guidelines contained in the Enclosure. These guidelines are intended to minimize the burden on Centers by excluding certain types of activities wherein the risk from those activities is minimal. Centers are expected to use their judgment, based on the guidelines, in determining when OPII's review is required.

Please contact Joe Kroener at (202) 358-2558, if you have any questions regarding this interim policy.

Rex D. Geveden

Enclosure

Required Content for Abstracts

Abstracts should include the following information, to the extent applicable, in addition to any other information the initiator considers relevant to facilitate OPII's review:

(1) overall description of proposed activity/activities, responsible NASA personnel, and proposed Agreement Partner (including beneficiaries of the subject activity);

(2) responsibilities of NASA and the Agreement Partner;

(3) performance or other milestones;

(4) financial commitments by NASA or the Agreement Partner;

(5) resource commitments (personnel, facilities, and equipment) by NASA or the Agreement Partner;

(6) proposed term of Agreement;

(7) affected NASA Mission Directorate(s), if any; and;

(8) a description of how the proposed activities support NASA missions.

OPII Review Guidelines

Will always require OPII review:

- Foreign entities are involved.

Will generally require OPII review:

- Activities are likely to be newsworthy.
- Press release anticipated by NASA or Agreement Partner.
- Activities may receive industry attention.
- Has a direct impact on a NASA Mission Directorate's activities or assets.
- Other government entities are involved or likely to be affected.
- Large dollar amounts involved.
- Resultant agreement anticipated to include unusual waivers (cost or policies).
- Novel agreement types or activities.

Will generally not require OPII review:

- Renewals or extensions of existing agreements with U.S. partners.
- Agreements with U.S. partners with whom NASA has worked repeatedly before.
- Certain categories of historical or long-established activities (for example, astronaut appearances, GSFC-NOAA work, wind tunnel test services for American industry or non-Federal governmental entities). For any proposed categories to be waived, Centers should send waiver requests to OPII for consideration, explaining their rationale for why those categories present minimal risk and should not require preliminary Headquarters/OPII review.

As a "rule of thumb," when in doubt, initiating offices should forward abstracts to OPII for review.

Distribution:
Deputy Administrator/Ms. Dale
Associate Administrator/Mr. Geveden
Chief of Staff/Mr. Morrell
Deputy Chief of Staff and White House Liaison/Mr. Jezierski
Assistant Administrator for External Relations/Mr. O'Brien
Associate Administrator for Aeronautics Research Mission Directorate/Dr. Porter
Associate Administrator for Exploration Systems Mission Directorate/Dr. Horowitz
Associate Administrator for Institutions and Management/Mr. Scales

- Assistant Administrator for Diversity and Equal Opportunity/Ms. Manuel
- Assistant Administrator for Human Capital Management/Ms. Dawsey
- Assistant Administrator for Infrastructure and Administration/Ms. Dominguez
- Assistant Administrator for Internal Controls and Management Systems/ Mr. Henn (Acting)
- Assistant Administrator for Procurement/Mr. Luedtke
- Assistant Administrator for Security and Program Protection/Mr. Saleeba
- Assistant Administrator for Small Business Programs/Mr. Delgado
- Executive Director, NSSC/Mr. Arbuthnot

Associate Administrator for Program Analysis and Evaluation/Dr. Pace
Associate Administrator for Science Mission Directorate/Dr. Hartman (Acting)
Associate Administrator for Space Operations Mission Directorate/Mr. Gerstenmaier
Chief Engineer/Mr. Scolese
Chief Financial Officer/Ms. Sykes
Chief Health and Medical Officer/Dr. Williams
Chief Information Officer/Dr. Pettus (Acting)
Chief Safety and Mission Assurance/Mr. O'Connor
Chief of Strategic Communications/Mr. Sterner

- Assistant Administrator for Communications Planning/Mr. Hopkins
- Assistant Administrator for Education/Dr. Winterton
- Assistant Administrator for Legislative and Intergovernmental Affairs/Mr. Chase
- Assistant Administrator for Public Affairs/Mr. Mould

Director, Innovative Partnerships Program Office/Mr. Comstock
Director, Integrated Enterprise Management Program/Mr. German
Director, Office of Program and Institutional Integration/Mr. Keegan
General Counsel/Mr. Wholley
Inspector General/Mr. Cobb

Directors, NASA Centers:
Ames Research Center/Dr. Worden
Dryden Flight Research Center/Mr. Petersen
Glenn Research Center/Dr. Whitlow
Goddard Space Flight Center/Dr. Weiler
Jet Propulsion Laboratory/Dr. Elachi
Johnson Space Center/Mr. Coats
Kennedy Space Center/Mr. Parsons
Langley Research Center/Ms. Roe

Marshall Space Flight Center/Mr. King
Stennis Space Center/Dr. Gilbrech

cc:
Assistant Associate Administrator/Ms. Johnson
Director, Strategic Investments/Mr. Shank