

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)
AND THE DEPARTMENT OF DEFENSE (DOD)
LANDSAT 7 TRANSITION PLAN**

INTRODUCTION

On February 7, 1994, the President's National Science and Technology Council (NSTC) Deputies Committee forwarded a recommendation to the President's Science Advisor to continue the Landsat 7 program and restructure responsibilities among the agencies involved. Under the proposed plan, responsibility for the Landsat 7 space segment, including both the spacecraft and the instrument, would be transferred from the DoD to NASA. This action would transfer a DoD contract and associated FY94 Landsat funding to NASA. However, under P.L. 102-555, the DoD remains part of the Landsat Program Management until appropriate legislative changes can be adopted. Accordingly, the NSTC's recommendation also requested a transition plan describing the actions necessary to transfer the contract and the associated FY94 Landsat funds from DoD to NASA. Under the terms of P.L. 103-211, NASA is required to certify prior to an actual transfer of funds that sufficient budget exists within the NASA budget for fiscal year 1995 and beyond to execute the Landsat 7 program. The following addresses the NASA/DoD actions necessary to effectuate the transfer of responsibility for development of the Landsat 7 space segment from the DoD to NASA.

TRANSITION TIMETABLE AND PROCEDURES:

In expectation of an Administration adoption of the NSTC recommendation regarding transfer of the Landsat 7 space segment responsibilities, the DoD and NASA agree to take the following steps.

1) NASA will provide a letter from the Associate Administrator, Office of Mission to Planet Earth to the Principal Deputy Assistant Secretary of the Air Force (Space) requesting transfer to NASA of the current Landsat 7 contract between the DoD and Martin Marietta Astro Space (MMAS). However, no transfer will take place until NASA provides the certification to Congress mentioned above that sufficient budget exists to execute the Landsat 7 program. Therefore, NASA will submit to appropriate Congressional oversight committees a plan that fully funds the Landsat 7 program within the NASA budget for fiscal year 1995 and beyond. The projected completion date for these actions is February 25.

2) The DoD agrees that at the contract transfer date, the MMAS contract will include \$50 million of obligated funds to: a) assure the contractor is adequately funded for continued work through the transition period and b) fully cover contract termination liabilities as of the date of transfer. The DoD will continue as the contract payment office for these DoD obligated funds. From the point of contract transfer, MMAS will deliver all

payment vouchers to NASA, and NASA will certify these vouchers for payment from the DoD contract payment office. When all obligated DoD funds have been expended, NASA will execute a contract modification to change the contract payment office to NASA.

3) The DoD will transfer \$40 million of the associated FY94 Landsat funds to NASA via an appropriate interagency funds transfer mechanism. The projected completion date is February 28. The funds transfer mechanism will specify that funds transferred will be used exclusively for acquisition of the Landsat 7 satellite, its associated Enhanced Thematic Mapper Plus (ETM+) payload, related tasks, and/or contract termination(s). The total of this amount and the funds obligated per (2) above will equal \$90 million. NASA will assume all contract funding responsibilities and liabilities beyond the total defined above.

4) Immediately upon completion of items (1), (2) and (3), the DoD will execute a contract modification to transfer the MMAS contract to NASA, including all contract management responsibilities and liabilities. The projected completion date is February 28.

5) Should contract transfer be delayed, NASA agrees that any costs incurred by DoD on the MMAS contract subsequent to February 28, 1994 will reduce the amount of funds available under items (2) and (3) above. DoD will provide NASA a full accounting of any reductions from the \$90 million total described above. Should the DoD reach a point where the total available funds from the above \$90 million equal the extant contract termination liabilities, the DoD will immediately terminate the MMAS contract.

6) The DoD will provide transition support to NASA for 30 days after the contract transfer. This support will consist as a minimum of: provision of the contract file including all change orders, status reports and open technical and management issues with the contractor; participation in a handover Program Management Review with NASA and the contractor; and provision of an interim contractor performance report for use by NASA in preparing the contractor evaluation for fee determination for the current period of performance.

TRANSITION FEATURES:

These steps are designed to enable transfer of the MMAS contract to NASA with minimum disruption to on-going work and to diminish the risk of transition period cost claims by the contractor. The funding transfer steps meet the need to fund the contractor in this period while retaining flexibility for NASA in redirecting the contractor in FY94, consistent with P.L. 102-555, and the purposes for which the funds were appropriated. Implementation of the obligation and transfer actions by the DoD and NASA will follow established procedures existing for those mechanisms. Any changes to the contract associated with the program option recommended by the NSTC will be executed by NASA after transfer of the contract from the DoD.

TRANSFER OF RESPONSIBILITY:

Effective upon completion of item (4) above, the DoD transfers responsibility for development of the Landsat space segment, as defined in the Landsat Management Plan, to NASA. This plan was mandated by P.L. 102-555. The actions defined in this transition plan are within the scope of P.L. 102-555.

LEGISLATIVE LIAISON:

The DoD and NASA will notify and inform their respective Congressional oversight committees of the actions underway to implement this plan and the recommendation of the NSTC.

EFFECTIVITY

This transition plan becomes effective by signature of the officials of the DoD and NASA named below, and adoption by the Administration of the Landsat program recommendation of the NSTC.



for Dr. Charles F. Kennel
Associate Administrator
Office of Mission to Planet Earth
National Aeronautics and Space Admin.

Keith R. Hall
Deputy Assistant Secretary
of Defense (Intelligence)

2/22/94
Date

2/24/94
Date