

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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**H. R. 1275**

**AN ACT**

To authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes.

105TH CONGRESS  
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## AN ACT

To authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Civilian Space Authorization Act, Fiscal Years 1998 and  
 4 1999”.

5 (b) **TABLE OF CONTENTS.**—

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

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- Sec. 103. Mission support.
- Sec. 104. Inspector General.
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- Sec. 106. Office of Commercial Space Transportation authorization.
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1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) The National Aeronautics and Space Ad-  
 4 ministration should aggressively pursue actions and  
 5 reforms directed at reducing institutional costs, in-  
 6 cluding management restructuring, facility consoli-  
 7 dation, procurement reform, personnel base  
 8 downsizing, and convergence with other defense and  
 9 commercial sector systems.

10 (2) The National Aeronautics and Space Ad-  
 11 ministration must reverse its current trend toward  
 12 becoming an operational agency, and return to its  
 13 proud history as the Nation's leader in basic sci-  
 14 entific, air, and space research.

1           (3) The United States is on the verge of creat-  
2           ing and using new technologies in microsattellites, in-  
3           formation processing, and space launches that could  
4           radically alter the manner in which the Federal Gov-  
5           ernment approaches its space mission.

6           (4) The overwhelming preponderance of the  
7           Federal Government's requirements for routine, non-  
8           emergency manned and unmanned space transpor-  
9           tation can be met most effectively, efficiently, and  
10          economically by a free and competitive market in  
11          privately developed and operated space transpor-  
12          tation services.

13          (5) In formulating a national space transpor-  
14          tation service policy, the National Aeronautics and  
15          Space Administration should aggressively promote  
16          the pursuit by commercial providers of development  
17          of advanced space transportation technologies in-  
18          cluding reusable space vehicles, single-stage-to-orbit  
19          vehicles, and human space systems.

20          (6) The Federal Government should invest in  
21          the types of research and innovative technology in  
22          which United States commercial providers do not in-  
23          vest, while avoiding competition with the activities in  
24          which United States commercial providers do invest.

1           (7) International cooperation in space explo-  
2           ration and science activities serves the United States  
3           national interest—

4                   (A) when it—

5                           (i) reduces the cost of undertaking  
6                           missions the United States Government  
7                           would pursue unilaterally;

8                           (ii) enables the United States to pur-  
9                           sue missions that it could not otherwise af-  
10                          ford to pursue unilaterally; or

11                          (iii) enhances United States capabili-  
12                          ties to use and develop space for the bene-  
13                          fit of United States citizens; and

14                   (B) when it does not—

15                           (i) otherwise harm or interfere with  
16                           the ability of United States commercial  
17                           providers to develop or explore space com-  
18                           mercially;

19                           (ii) interfere with the ability of Fed-  
20                           eral agencies to use space to complete their  
21                           missions;

22                           (iii) undermine the ability of United  
23                           States commercial providers to compete fa-  
24                           vorably with foreign entities in the com-  
25                           mercial space arena; or

1                   (iv) transfer sensitive or commercially  
2                   advantageous technologies or knowledge  
3                   from the United States to other countries  
4                   or foreign entities except as required by  
5                   those countries or entities to make their  
6                   contribution to a multilateral space project  
7                   in partnership with the United States, or  
8                   on a quid pro quo basis.

9                   (8) The National Aeronautics and Space Ad-  
10                  ministration and the Department of Defense can co-  
11                  operate more effectively in leveraging their mutual  
12                  capabilities to conduct joint space missions that im-  
13                  prove United States space capabilities and reduce  
14                  the cost of conducting space missions.

15 **SEC. 3. DEFINITIONS.**

16                  For purposes of this Act—

17                   (1) the term “Administrator” means the Ad-  
18                   ministrator of the National Aeronautics and Space  
19                   Administration;

20                   (2) the term “commercial provider” means any  
21                   person providing space transportation services or  
22                   other space-related activities, primary control of  
23                   which is held by persons other than Federal, State,  
24                   local, and foreign governments;

1           (3) the term “institution of higher education”  
2           has the meaning given such term in section 1201(a)  
3           of the Higher Education Act of 1965 (20 U.S.C.  
4           1141(a));

5           (4) the term “State” means each of the several  
6           States of the Union, the District of Columbia, the  
7           Commonwealth of Puerto Rico, the Virgin Islands,  
8           Guam, American Samoa, the Commonwealth of the  
9           Northern Mariana Islands, and any other common-  
10          wealth, territory, or possession of the United States;  
11          and

12          (5) the term “United States commercial pro-  
13          vider” means a commercial provider, organized  
14          under the laws of the United States or of a State,  
15          which is—

16                (A) more than 50 percent owned by United  
17                States nationals; or

18                (B) a subsidiary of a foreign company and  
19                the Secretary of Transportation finds that—

20                   (i) such subsidiary has in the past evi-  
21                   denced a substantial commitment to the  
22                   United States market through—

23                        (I) investments in the United  
24                        States in long-term research, develop-  
25                        ment, and manufacturing (including

1 the manufacture of major components  
2 and subassemblies); and

3 (II) significant contributions to  
4 employment in the United States; and

5 (ii) the country or countries in which  
6 such foreign company is incorporated or  
7 organized, and, if appropriate, in which it  
8 principally conducts its business, affords  
9 reciprocal treatment to companies de-  
10 scribed in subparagraph (A) comparable to  
11 that afforded to such foreign company's  
12 subsidiary in the United States, as evi-  
13 denced by—

14 (I) providing comparable oppor-  
15 tunities for companies described in  
16 subparagraph (A) to participate in  
17 Government sponsored research and  
18 development similar to that authorized  
19 under this Act;

20 (II) providing no barriers to com-  
21 panies described in subparagraph (A)  
22 with respect to local investment op-  
23 portunities that are not provided to  
24 foreign companies in the United  
25 States; and

1 (III) providing adequate and ef-  
2 fective protection for the intellectual  
3 property rights of companies de-  
4 scribed in subparagraph (A).

5 **TITLE I—AUTHORIZATION OF**  
6 **APPROPRIATIONS**

7 **Subtitle A—Authorizations**

8 **SEC. 101. HUMAN SPACE FLIGHT.**

9 There are authorized to be appropriated to the Na-  
10 tional Aeronautics and Space Administration for Human  
11 Space Flight the following amounts:

12 (1) For the Space Station—

13 (A) for fiscal year 1998, \$2,121,300,000,  
14 of which \$400,500,000, notwithstanding section  
15 121(a)—

16 (i) shall only be for Space Station re-  
17 search or for the purposes described in sec-  
18 tion 102(2); and

19 (ii) shall be administered by the Office  
20 of Life and Microgravity Sciences and Ap-  
21 plications; and

22 (B) for fiscal year 1999, \$2,109,200,000,  
23 of which \$496,200,000, notwithstanding section  
24 121(a)—

1 (i) shall only be for Space Station re-  
2 search or for the purposes described in sec-  
3 tion 102(2); and

4 (ii) shall be administered by the Office  
5 of Life and Microgravity Sciences and Ap-  
6 plications.

7 (2) For Space Shuttle Operations—

8 (A) for fiscal year 1998, \$2,494,400,000;  
9 and

10 (B) for fiscal year 1999, \$2,625,600,000.

11 (3) For Space Shuttle Safety and Performance  
12 Upgrades—

13 (A) for fiscal year 1998, \$483,400,000, in-  
14 cluding related Construction of Facilities for—

15 (i) Repair of Payload Changeout  
16 Room Wall in Ceiling, Pad A, Kennedy  
17 Space Center, \$2,200,000;

18 (ii) Restoration of Pad Surface and  
19 Slope, Kennedy Space Center, \$1,800,000;  
20 and

21 (iii) Rehabilitation of 480V Electrical  
22 Distribution System, Kennedy Space Cen-  
23 ter, \$2,800,000; and

24 (B) for fiscal year 1999, \$392,900,000.

25 (4) For Payload and Utilization Operations—

1 (A) for fiscal year 1998, \$247,400,000;

2 and

3 (B) for fiscal year 1999, \$178,600,000.

4 **SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.**

5 There are authorized to be appropriated to the Na-  
6 tional Aeronautics and Space Administration for Science,  
7 Aeronautics, and Technology the following amounts:

8 (1) For Space Science—

9 (A) for fiscal year 1998, \$2,079,800,000,  
10 of which—

11 (i) \$47,600,000 shall be for the Grav-  
12 ity Probe B;

13 (ii) \$5,000,000 shall be for participa-  
14 tion in Clementine 2 (Air Force Program  
15 Element 0603401F “Advanced Spacecraft  
16 Technology”);

17 (iii) \$3,400,000 shall be for the Near  
18 Earth Object Survey;

19 (iv) \$529,400,000 shall be for Mission  
20 Operations and Data Analysis, of which  
21 \$150,000,000 shall be for data analysis;

22 and

23 (v) \$5,000,000 shall be for the Solar  
24 B program; and

1 (B) for fiscal year 1999, \$2,085,400,000,  
2 of which—

3 (i) \$5,000,000 shall be for participa-  
4 tion in Clementine 2 (Air Force Program  
5 Element 0603401F “Advanced Spacecraft  
6 Technology”);

7 (ii) \$3,400,000 shall be for the Near  
8 Earth Object Survey;

9 (iii) \$561,100,000 shall be for Mission  
10 Operations and Data Analysis, of which  
11 \$184,400,000 shall be for data analysis;  
12 and

13 (iv) \$15,000,000 shall be for the Solar  
14 B program.

15 (2) For Life and Microgravity Sciences and Ap-  
16 plications—

17 (A) for fiscal year 1998, \$234,200,000, of  
18 which—

19 (i) \$2,000,000 shall be for research  
20 and early detection systems for breast and  
21 ovarian cancer and other women’s health  
22 issues; and

23 (ii) \$2,000,000, shall be for modifica-  
24 tions for the installation of the Bio-Plex,  
25 Johnson Space Center; and

1 (B) for fiscal year 1999, \$249,800,000, of  
2 which \$2,000,000 shall be for research and  
3 early detection systems for breast and ovarian  
4 cancer and other women's health issues.

5 (3) For Mission to Planet Earth, subject to the  
6 limitations set forth in section 127—

7 (A) for fiscal year 1998, \$1,417,300,000,  
8 of which—

9 (i) \$50,000,000 shall be for commer-  
10 cial Earth science data purchases under  
11 section 308(a);

12 (ii) \$8,000,000 shall be for continuing  
13 operations of the Midcourse Space Experi-  
14 ment spacecraft constructed for the Ballis-  
15 tic Missile Defense Organization, except  
16 that such funds may not be obligated un-  
17 less the Administrator receives independent  
18 validation of the scientific requirements for  
19 Midcourse Space Experiment data; and

20 (iii) \$10,000,000 shall be for the  
21 lightning mapper, except that such funds  
22 may not be obligated unless the Adminis-  
23 trator receives independent validation of  
24 the scientific requirements for lightning  
25 mapper data; and

1 (B) for fiscal year 1999, \$1,446,300,000,  
2 of which—

3 (i) \$50,000,000 shall be for commer-  
4 cial Earth science data purchases under  
5 section 308(a); and

6 (ii) \$10,000,000 shall be for the light-  
7 ning mapper, except that such funds may  
8 not be obligated unless the Administrator  
9 receives independent validation of the sci-  
10 entific requirements for lightning mapper  
11 data.

12 (4) For Aeronautics and Space Transportation  
13 Technology—

14 (A) for fiscal year 1998, \$1,769,500,000,  
15 of which—

16 (i) \$920,100,000 shall be for Aero-  
17 nautical Research and Technology, of  
18 which not more than \$35,700,000 shall be  
19 for High Performance Computing and  
20 Communications;

21 (ii) \$696,600,000 shall be for Ad-  
22 vanced Space Transportation Technology,  
23 including—

24 (I) \$333,500,000, which shall  
25 only be for the X-33 advanced tech-

1 nology demonstration vehicle program,  
2 including \$3,700,000 for rehabilita-  
3 tion and modification of the B2 test  
4 stand, Stennis Space Center;

5 (II) \$150,000,000, which shall  
6 only be for a program of focused tech-  
7 nology demonstrations to support the  
8 competitive awarding of a contract to  
9 develop, build, and flight test an ex-  
10 perimental single-stage-to-orbit dem-  
11 onstration vehicle, which will be a  
12 complementary follow-on to the X-33,  
13 and which uses design concepts dif-  
14 ferent from, and technologies more  
15 advanced than, the design concepts  
16 and technologies used for the X-33  
17 program; and

18 (III) \$150,000,000, which shall  
19 only be for the procurement of an ex-  
20 perimental vehicle described in sub-  
21 clause (II), after the expiration of 30  
22 days after the Administrator has  
23 transmitted to the Committee on  
24 Science of the House of Representa-  
25 tives and the Committee on Com-

1 merce, Science, and Transportation of  
2 the Senate a written report including  
3 a plan for the experimental vehicle  
4 program and the projected costs  
5 thereof; and

6 (iii) 152,800,000 shall be for Com-  
7 mercial Technology, of which \$5,000,000  
8 shall be for business facilitators, selected  
9 by the National Aeronautics and Space Ad-  
10 ministration from among candidates who  
11 receive at least 25 percent of their re-  
12 sources from non-Federal sources; and

13 (B) for fiscal year 1999, \$1,816,400,000,  
14 of which—

15 (i) \$837,400,000 shall be for Aero-  
16 nautical Research and Technology;

17 (ii) \$818,600,000 shall be for Ad-  
18 vanced Space Transportation Technology,  
19 including—

20 (I) \$313,900,000, which shall  
21 only be for the X-33 advanced tech-  
22 nology demonstration vehicle program;

23 (II) \$425,000,000, which shall  
24 only be for the procurement of an ex-

- 1                   peripheral vehicle described in sub-
- 2                   paragraph (A)(ii)(II); and
- 3                   (III) \$40,770,000, which shall
- 4                   only be for the Advanced Space
- 5                   Transportation program; and
- 6                   (iii) \$160,400,000 shall be for Com-
- 7                   mercial Technology, of which \$5,000,000
- 8                   shall be for business facilitators, selected
- 9                   by the National Aeronautics and Space Ad-
- 10                  ministration from among candidates who
- 11                  receive at least 25 percent of their re-
- 12                  sources from non-Federal sources.
- 13                  (5) For Mission Communication Services—
- 14                   (A) for fiscal year 1998, \$400,800,000;
- 15                  and
- 16                   (B) for fiscal year 1999, \$436,100,000.
- 17                  (6) For Academic Programs—
- 18                   (A) for fiscal year 1998, \$102,200,000, of
- 19                  which—
- 20                   (i) \$15,300,000 shall be for the Na-
- 21                   tional Space Grant College and Fellowship
- 22                   Program; and
- 23                   (ii) \$46,700,000 shall be for minority
- 24                  university research and education, includ-

1           ing \$31,300,000 for Historically Black  
2           Colleges and Universities; and

3           (B) for fiscal year 1999, \$108,000,000, of  
4           which \$51,700,000 shall be for minority univer-  
5           sity research and education, including  
6           \$33,800,000 for Historically Black Colleges and  
7           Universities.

8 **SEC. 103. MISSION SUPPORT.**

9           There are authorized to be appropriated to the Na-  
10          tional Aeronautics and Space Administration for Mission  
11          Support the following amounts:

12           (1) For Safety, Reliability, and Quality Assur-  
13          ance—

14           (A) for fiscal year 1998, \$37,800,000; and

15           (B) for fiscal year 1999, \$43,000,000.

16           (2) For Space Communication Services—

17           (A) for fiscal year 1998, \$245,700,000;

18          and

19           (B) for fiscal year 1999, \$204,400,000.

20           (3)(A) For Construction of Facilities, including

21          land acquisition, for fiscal year 1998, \$159,400,000,

22          including the following:

23           (i) Modernization of Process Cooling Sys-

24          tem, Numerical Aerodynamic Simulation Facil-

25          ity, Ames Research Center, \$2,700,000.

1           (ii) Rehabilitation and Modification of  
2 Hangar and Shop, Dryden Flight Research  
3 Center, \$2,800,000.

4           (iii) Restoration of Chilled Water Distribu-  
5 tion System, Goddard Space Flight Center,  
6 \$2,400,000.

7           (iv) Restoration of Space/Terrestrial Appli-  
8 cation Facility, Goddard Space Flight Center,  
9 \$4,600,000.

10          (v) Construction of Emergency Services  
11 Facility, Jet Propulsion Laboratory,  
12 \$4,800,000.

13          (vi) Upgrade of Utility Annex Chilled  
14 Water Plant, Kennedy Space Center,  
15 \$5,900,000.

16          (vii) Rehabilitation of High-Voltage Sys-  
17 tem, Lewis Research Center, \$9,400,000.

18          (viii) Modification of Chilled Water Sys-  
19 tem, Marshall Space Flight Center, \$7,000,000.

20          (ix) Minor Revitalization of Facilities at  
21 Various Locations, not in excess of \$1,500,000  
22 per project, \$65,700,000.

23          (x) Minor construction of new facilities and  
24 additions to existing facilities at various loca-  
25 tions, \$1,100,000.

1 (xi) Facility planning and design, not oth-  
2 erwise provided for, \$19,000,000.

3 (xii) Environmental compliance and res-  
4 toration, \$34,000,000.

5 (B) For Construction of Facilities, including  
6 land acquisition, for fiscal year 1999, \$188,900,000.

7 (4) For Research and Program Management,  
8 including personnel and related costs, travel, and re-  
9 search operations support—

10 (A) for fiscal year 1998, \$2,070,300,000;

11 and

12 (B) for fiscal year 1999, \$2,022,600,000.

13 **SEC. 104. INSPECTOR GENERAL.**

14 There are authorized to be appropriated to the Na-  
15 tional Aeronautics and Space Administration for Inspector  
16 General—

17 (1) for fiscal year 1998, \$18,300,000; and

18 (2) for fiscal year 1999, \$18,600,000.

19 **SEC. 105. TOTAL AUTHORIZATION.**

20 Notwithstanding any other provision of this title, the  
21 total amount authorized to be appropriated to the Na-  
22 tional Aeronautics and Space Administration under this  
23 Act shall not exceed—

24 (1) for fiscal year 1998, \$13,881,800,000; and

25 (2) for fiscal year 1999, \$13,925,800,000.

1 **SEC. 106. OFFICE OF COMMERCIAL SPACE TRANSPOR-**  
2 **TATION AUTHORIZATION.**

3 There are authorized to be appropriated to the Sec-  
4 retary of Transportation for the activities of the Office  
5 of Commercial Space Transportation—

6 (1) for fiscal year 1998, \$6,000,000; and

7 (2) for fiscal year 1999, \$6,000,000.

8 **SEC. 107. OFFICE OF SPACE COMMERCE.**

9 There are authorized to be appropriated to the Sec-  
10 retary of Commerce for the activities of the Office of  
11 Space Commerce established by section 303 of this Act—

12 (1) for fiscal year 1998, \$500,000; and

13 (2) for fiscal year 1999, \$500,000.

14 **SEC. 108. UNITED STATES-MEXICO FOUNDATION FOR**  
15 **SCIENCE.**

16 There are authorized to be appropriated to the Na-  
17 tional Aeronautics and Space Administration for the Unit-  
18 ed States-Mexico Foundation for Science—

19 (1) \$1,000,000 for fiscal year 1998; and

20 (2) \$1,000,000 for fiscal year 1999.

21 **Subtitle B—Restructuring the Na-**  
22 **tional Aeronautics and Space**  
23 **Administration**

24 **SEC. 111. FINDINGS.**

25 The Congress finds that—

1           (1) the restructuring of the National Aero-  
2           nautics and Space Administration is essential to ac-  
3           complishing the space missions of the United States  
4           while simultaneously balancing the Federal budget;

5           (2) to restructure the National Aeronautics and  
6           Space Administration rapidly without reducing mis-  
7           sion content and safety requires objective financial  
8           judgment; and

9           (3) a formal economic review of its missions  
10          and the Federal assets that support them is required  
11          in order to plan and implement needed restructuring  
12          of the National Aeronautics and Space Administra-  
13          tion.

14 **SEC. 112. RESTRUCTURING REPORTS.**

15          (a) IMPLEMENTATION REPORT.—The Administrator  
16          shall transmit to Congress, no later than 90 days after  
17          the date of the enactment of this Act, a report—

18               (1) describing its restructuring activities by fis-  
19               cal year, including, at a minimum, a description of  
20               all actions taken or planned to be taken after July  
21               31, 1995, and before October 1, 2002, including  
22               contracts terminated or consolidated; reductions in  
23               force; relocations of personnel and facilities; sales,  
24               closures, or mothballing of capital assets or facilities;

1 and net savings to be realized from such actions by  
2 fiscal year; and

3 (2) describing the status of the implementation  
4 of recommendations resulting from the Zero Base  
5 Review, particularly with respect to the designation  
6 of lead Centers and any increases and decreases in  
7 the roles and responsibilities of all Centers.

8 (b) PROPOSED LEGISLATION.—The President shall  
9 propose to Congress, not later than 180 days after the  
10 date of the enactment of this Act, all enabling legislation  
11 required to carry out actions described by the Administra-  
12 tor’s report under subsection (a).

## 13 **Subtitle C—Limitations and** 14 **Special Authority**

### 15 **SEC. 121. USE OF FUNDS FOR CONSTRUCTION.**

16 (a) AUTHORIZED USES.—Funds appropriated under  
17 sections 101 (1) through (4), 102, and 103 (1) and (2),  
18 and funds appropriated for research operations support  
19 under section 103(4), may be used for the construction  
20 of new facilities and additions to, repair of, rehabilitation  
21 of, or modification of existing facilities at any location in  
22 support of the purposes for which such funds are author-  
23 ized.

24 (b) LIMITATION.—No funds may be expended pursu-  
25 ant to subsection (a) for a project, the estimated cost of

1 which to the National Aeronautics and Space Administra-  
2 tion, including collateral equipment, exceeds \$500,000,  
3 until 30 days have passed after the Administrator has no-  
4 tified the Committee on Science of the House of Rep-  
5 resentatives and the Committee on Commerce, Science,  
6 and Transportation of the Senate of the nature, location,  
7 and estimated cost to the National Aeronautics and Space  
8 Administration of such project.

9 (c) TITLE TO FACILITIES.—If funds are used pursu-  
10 ant to subsection (a) for grants to institutions of higher  
11 education, or to nonprofit organizations whose primary  
12 purpose is the conduct of scientific research, for purchase  
13 or construction of additional research facilities, title to  
14 such facilities shall be vested in the United States unless  
15 the Administrator determines that the national program  
16 of aeronautical and space activities will best be served by  
17 vesting title in the grantee institution or organization.  
18 Each such grant shall be made under such conditions as  
19 the Administrator shall determine to be required to ensure  
20 that the United States will receive therefrom benefits ade-  
21 quate to justify the making of that grant.

22 **SEC. 122. AVAILABILITY OF APPROPRIATED AMOUNTS.**

23 To the extent provided in appropriations Acts, appro-  
24 priations authorized under subtitle A may remain avail-  
25 able without fiscal year limitation.

1 **SEC. 123. REPROGRAMMING FOR CONSTRUCTION OF FA-**  
2 **CILITIES.**

3 (a) IN GENERAL.—Appropriations authorized for  
4 construction of facilities under section 101(3)(A) (i)  
5 through (iii), 102 (2)(A)(ii) and (4)(A)(ii)(I), or 103(3)—

6 (1) may be varied upward by 10 percent in the  
7 discretion of the Administrator; or

8 (2) may be varied upward by 25 percent, to  
9 meet unusual cost variations, after the expiration of  
10 15 days following a report on the circumstances of  
11 such action by the Administrator to the Committee  
12 on Science of the House of Representatives and the  
13 Committee on Commerce, Science, and Transpor-  
14 tation of the Senate.

15 The aggregate amount authorized to be appropriated for  
16 construction of facilities under sections 101(3)(A) (i)  
17 through (iii), 102 (2)(A)(ii) and (4)(A)(ii)(I), and 103(3)  
18 shall not be increased as a result of actions authorized  
19 under paragraphs (1) and (2) of this subsection.

20 (b) SPECIAL RULE.—Where the Administrator deter-  
21 mines that new developments in the national program of  
22 aeronautical and space activities have occurred; and that  
23 such developments require the use of additional funds for  
24 the purposes of construction, expansion, or modification  
25 of facilities at any location; and that deferral of such ac-  
26 tion until the enactment of the next National Aeronautics

1 and Space Administration authorization Act would be in-  
2 consistent with the interest of the Nation in aeronautical  
3 and space activities, the Administrator may use up to  
4 \$10,000,000 of the amounts authorized under sections  
5 101(3)(A) (i) through (iii), 102 (2)(A)(ii) and  
6 (4)(A)(ii)(I), and 103(3) for each fiscal year for such pur-  
7 poses. No such funds may be obligated until a period of  
8 30 days has passed after the Administrator has transmit-  
9 ted to the Committee on Commerce, Science, and Trans-  
10 portation of the Senate and the Committee on Science of  
11 the House of Representatives a written report describing  
12 the nature of the construction, its costs, and the reasons  
13 therefor.

14 **SEC. 124. CONSIDERATION BY COMMITTEES.**

15 Notwithstanding any other provision of law—

16 (1) no amount appropriated to the National  
17 Aeronautics and Space Administration may be used  
18 for any program for which the President's annual  
19 budget request included a request for funding, but  
20 for which the Congress denied or did not provide  
21 funding;

22 (2) no amount appropriated to the National  
23 Aeronautics and Space Administration may be used  
24 for any program in excess of the amount actually

1 authorized for the particular program under this  
2 title; and

3 (3) no amount appropriated to the National  
4 Aeronautics and Space Administration may be used  
5 for any program which has not been presented to  
6 the Congress in the President's annual budget re-  
7 quest or the supporting and ancillary documents  
8 thereto,

9 unless a period of 30 days has passed after the receipt  
10 by the Committee on Science of the House of Representa-  
11 tives and the Committee on Commerce, Science, and  
12 Transportation of the Senate of notice given by the Ad-  
13 ministrator containing a full and complete statement of  
14 the action proposed to be taken and the facts and cir-  
15 cumstances relied upon in support of such proposed ac-  
16 tion. The National Aeronautics and Space Administration  
17 shall keep the Committee on Science of the House of Rep-  
18 resentatives and the Committee on Commerce, Science,  
19 and Transportation of the Senate fully and currently in-  
20 formed with respect to all activities and responsibilities  
21 within the jurisdiction of those committees. Except as oth-  
22 erwise provided by law, any Federal department, agency,  
23 or independent establishment shall furnish any informa-  
24 tion requested by either committee relating to any such  
25 activity or responsibility.

1 **SEC. 125. LIMITATION ON OBLIGATION OF UNAUTHORIZED**  
2 **APPROPRIATIONS.**

3 (a) **REPORTS TO CONGRESS.—**

4 (1) **REQUIREMENT.—**Not later than—

5 (A) 30 days after the later of the date of  
6 the enactment of an Act making appropriations  
7 to the National Aeronautics and Space Admin-  
8 istration for fiscal year 1998 and the date of  
9 the enactment of this Act; and

10 (B) 30 days after the date of the enact-  
11 ment of an Act making appropriations to the  
12 National Aeronautics and Space Administration  
13 for fiscal year 1999,

14 the Administrator shall submit a report to Congress  
15 and to the Comptroller General.

16 (2) **CONTENTS.—**The reports required by para-  
17 graph (1) shall specify—

18 (A) the portion of such appropriations  
19 which are for programs, projects, or activities  
20 not authorized under subtitle A of this title, or  
21 which are in excess of amounts authorized for  
22 the relevant program, project, or activity under  
23 this Act; and

24 (B) the portion of such appropriations  
25 which are authorized under this Act.

1 (b) FEDERAL REGISTER NOTICE.—The Adminis-  
2 trator shall, coincident with the submission of each report  
3 required by subsection (a), publish in the Federal Register  
4 a notice of all programs, projects, or activities for which  
5 funds are appropriated but which were not authorized  
6 under this Act, and solicit public comment thereon regard-  
7 ing the impact of such programs, projects, or activities on  
8 the conduct and effectiveness of the national aeronautics  
9 and space program.

10 (c) LIMITATION.—Notwithstanding any other provi-  
11 sion of law, no funds may be obligated for any programs,  
12 projects, or activities of the National Aeronautics and  
13 Space Administration for fiscal year 1998 or 1999 not au-  
14 thorized under this Act until 30 days have passed after  
15 the close of the public comment period contained in a no-  
16 tice required by subsection (b).

17 **SEC. 126. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS**  
18 **OR EXTRAORDINARY EXPENSES.**

19 Not more than \$30,000 of the funds appropriated  
20 under section 102 may be used for scientific consultations  
21 or extraordinary expenses, upon the authority of the Ad-  
22 ministrator.

23 **SEC. 127. MISSION TO PLANET EARTH LIMITATION.**

24 No funds appropriated pursuant to this Act shall be  
25 used for Earth System Science Pathfinders for a fiscal

1 year unless the Administrator has certified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that at least \$50,000,000 are available for that fiscal year for obligations by the Commercial Remote Sensing Program at Stennis Space Center for commercial data purchases under section 308(a). No funds appropriated pursuant to section 102(3) shall—

9 (1) be transferred to any museum; or

10 (2) be used for the United States Man and the  
11 Biosphere Program, or related projects.

12 **SEC. 128. SPACE OPERATIONS.**

13 No funds appropriated pursuant to this Act shall be  
14 used for Phase Two of the Consolidated Space Operations  
15 Contract until a period of 30 days has passed after the  
16 Administrator has transmitted to the Committee on  
17 Science of the House of Representatives and the Committee  
18 on Commerce, Science, and Transportation of the Senate  
19 a written report which—

20 (1) compares the cost-effectiveness of the single  
21 cost-plus contract approach of the Consolidated  
22 Space Operations Contract and a multiple fixed-price  
23 contracts approach;

24 (2) analyzes the differences in the competition  
25 generated through the bidding process used for the

1 Consolidated Space Operations Contract as opposed  
2 to multiple fixed-price contracts; and

3 (3) describes how the Consolidated Space Oper-  
4 ations Contract can be transformed into fixed-price  
5 contracts, and whether the National Aeronautics and  
6 Space Administration intends to make such a transi-  
7 tion.

8 **SEC. 129. INTERNATIONAL SPACE UNIVERSITY.**

9 Funds appropriated pursuant to this Act may be used  
10 by the National Aeronautics and Space Administration to  
11 pay the tuition expenses of any National Aeronautics and  
12 Space Administration employee attending programs of the  
13 International Space University held in the United States.  
14 Funds appropriated pursuant to this Act may not be used  
15 to pay tuition costs of the National Aeronautics and Space  
16 Administration employees attending programs of the  
17 International Space University outside of the United  
18 States.

19 **TITLE II—INTERNATIONAL**  
20 **SPACE STATION**

21 **SEC. 201. FINDINGS.**

22 The Congress finds that—

23 (1) the development, assembly, and operation of  
24 the International Space Station is in the national in-  
25 terest of the United States;

1           (2) the significant involvement by commercial  
2 providers in marketing and using, competitively serv-  
3 icing, and commercially augmenting the operational  
4 capabilities of the International Space Station dur-  
5 ing its assembly and operational phases will lower  
6 costs and increase benefits to the international part-  
7 ners; and

8           (3) when completed, the International Space  
9 Station will be the largest, most capable micro-  
10 gravity research facility ever developed. It will pro-  
11 vide a lasting framework for conducting large-scale  
12 science programs with international partners and it  
13 is the next step in the human exploration of space.  
14 The United States should commit to completing this  
15 program, thereby reaping the benefits of scientific  
16 research and international cooperation.

17 **SEC. 202. COMMERCIALIZATION OF SPACE STATION.**

18       (a) **POLICY.**—The Congress declares that a priority  
19 goal of constructing the International Space Station is the  
20 economic development of Earth orbital space. The Con-  
21 gress further declares that free and competitive markets  
22 create the most efficient conditions for promoting eco-  
23 nomic development, and should therefore govern the eco-  
24 nomic development of Earth orbital space. The Congress  
25 further declares that the use of free market principles in

1 operating, servicing, allocating the use of, and adding ca-  
2 pabilities to the Space Station, and the resulting fullest  
3 possible engagement of commercial providers and partici-  
4 pation of commercial users, will reduce Space Station  
5 operational costs for all partners and the Federal Govern-  
6 ment's share of the United States burden to fund oper-  
7 ations.

8 (b) REPORTS.—(1) The Administrator shall deliver to  
9 the Committee on Science of the House of Representatives  
10 and the Committee on Commerce, Science, and Transpor-  
11 tation of the Senate, within 90 days after the date of the  
12 enactment of this Act, a study that identifies and exam-  
13 ines—

14 (A) the opportunities for commercial providers  
15 to play a role in International Space Station activi-  
16 ties, including operation, use, servicing, and aug-  
17 mentation;

18 (B) the potential cost savings to be derived  
19 from commercial providers playing a role in each of  
20 these activities;

21 (C) which of the opportunities described in sub-  
22 paragraph (A) the Administrator plans to make  
23 available to commercial providers in fiscal year 1998  
24 and 1999;

1           (D) the specific policies and initiatives the Ad-  
2           ministrator is advancing to encourage and facilitate  
3           these commercial opportunities; and

4           (E) the revenues and cost reimbursements to  
5           the Federal Government from commercial users of  
6           the Space Station.

7           (2) The Administrator shall deliver to the Committee  
8           on Science of the House of Representatives and the Com-  
9           mittee on Commerce, Science, and Transportation of the  
10          Senate, within 180 days after the date of the enactment  
11          of this Act, an independently-conducted market study that  
12          examines and evaluates potential industry interest in pro-  
13          viding commercial goods and services for the operation,  
14          servicing, and augmentation of the International Space  
15          Station, and in the commercial use of the International  
16          Space Station. This study shall also include updates to  
17          the cost savings and revenue estimates made in the study  
18          described in paragraph (1) based on the external market  
19          assessment.

20          (3) The Administrator shall deliver to the Congress,  
21          no later than the submission of the President's annual  
22          budget request for fiscal year 1999, a report detailing how  
23          many proposals (whether solicited or not) the National  
24          Aeronautics and Space Administration received during  
25          calendar year 1997 regarding commercial operation, serv-

1 icing, utilization, or augmentation of the International  
2 Space Station, broken down by each of these four cat-  
3 egories, and specifying how many agreements the National  
4 Aeronautics and Space Administration has entered into in  
5 response to these proposals, also broken down by these  
6 four categories.

7 **SEC. 203. SPACE STATION ACCOUNTING REPORTS.**

8 (a) INITIAL REPORT.—Not later than 90 days after  
9 the date of the enactment of this Act, the Administrator  
10 shall transmit to the Congress a report containing a de-  
11 scription of all Space Station-related agreements entered  
12 into by the United States with a foreign entity after Sep-  
13 tember 30, 1993, along with—

14 (1) a complete accounting of all costs to the  
15 United States incurred during fiscal years 1994  
16 through 1996 pursuant to each such agreement; and

17 (2) an estimate of future costs to the United  
18 States pursuant to each such agreement.

19 (b) ANNUAL REPORTS.—Not later than 60 days after  
20 the end of each fiscal year beginning with fiscal year 1997,  
21 the Administrator shall transmit to the Congress a report  
22 containing a description of all Space Station-related agree-  
23 ments entered into by the United States with a foreign  
24 entity during the preceding fiscal year, along with—

1           (1) a complete accounting of all costs to the  
2           United States incurred during that fiscal year pur-  
3           suant to each such agreement; and

4           (2) an estimate of future costs to the United  
5           States pursuant to each such agreement.

6 **SEC. 204. REPORT ON INTERNATIONAL HARDWARE AGREE-**  
7 **MENTS.**

8           Not later than 90 days after the date of the enact-  
9           ment of this Act, the Administrator shall transmit to the  
10          Committee on Science of the House of Representatives  
11          and the Committee on Commerce, Science, and Transpor-  
12          tation of the Senate a report on—

13           (1) agreements that have been reached with for-  
14           eign entities to transfer to a foreign entity the devel-  
15           opment and manufacture of International Space Sta-  
16           tion hardware baselined to be provided by the Unit-  
17           ed States; and

18           (2) the impact of those agreements on United  
19           States operating costs and United States utilization  
20           shares of the International Space Station.

21          At least 90 days before entering into any additional agree-  
22          ments of the type described in paragraph (1), the Admin-  
23          istrator shall report to the Committee on Science of the  
24          House of Representatives and the Committee on Com-  
25          merce, Science, and Transportation of the Senate the na-

1 ture of the proposed agreement and the anticipated cost,  
2 schedule, commercial, and utilization impacts of the pro-  
3 posed agreement.

4 **SEC. 205. INTERNATIONAL SPACE STATION LIMITATIONS.**

5 (a) TRANSFER OF FUNDS TO RUSSIA.—No funds or  
6 in-kind payments shall be transferred to any entity of the  
7 Russian Government or any Russian contractor to per-  
8 form work on the International Space Station which the  
9 Russian Government pledged, at any time, to provide at  
10 its expense. This section shall not apply to the purchase  
11 or modification of the Russian built, United States owned  
12 Functional Cargo Block, known as the “FGB”.

13 (b) CONTINGENCY PLAN FOR RUSSIAN ELEMENTS IN  
14 CRITICAL PATH.—The Administrator shall develop and  
15 deliver to Congress, within 30 days after the date of the  
16 enactment of this Act, a contingency plan for the removal  
17 or replacement of each Russian Government element of  
18 the International Space Station that lies in the Station’s  
19 critical path. Such plan shall include—

20 (1) decision points for removing or replacing  
21 those elements if the International Space Station is  
22 to be completed by the end of the calendar year  
23 2002;

24 (2) the cost of implementing each such decision;  
25 and

1           (3) the cost of removing or replacing a Russian  
2           Government critical path element after its decision  
3           point has passed, if—

4                   (A) the decision at that point was not to  
5           remove or replace the Russian Government ele-  
6           ment; and

7                   (B) the National Aeronautics and Space  
8           Administration later determines that the Rus-  
9           sian Government will be unable to provide the  
10          critical path element in a manner to allow com-  
11          pletion of the International Space Station by  
12          the end of calendar year 2002.

13          (c) MONTHLY CERTIFICATION ON RUSSIAN STA-  
14          TUS.—The Administrator shall certify to the Congress on  
15          the first day of each month whether or not the Russians  
16          have performed work expected of them and necessary to  
17          complete the International Space Station by the end of  
18          calendar year 2002. Such certification shall also include  
19          a statement of the Administrator’s judgment concerning  
20          Russia’s ability to perform work anticipated and required  
21          to complete the International Space Station by the end  
22          of 2002 before the next certification under this subsection.  
23          Each certification under this subsection shall include a  
24          judgment that the first element launch will or will not take  
25          place by October 31, 1998.

1           (d) DECISION ON RUSSIAN CRITICAL PATH ITEMS.—  
2 The President shall provide to Congress a decision, by Au-  
3 gust 1, 1997, on whether or not to proceed with perma-  
4 nent replacement of the Service Module, and each other  
5 Russian element in the critical path for completing the  
6 International Space Station by the end of calendar year  
7 2002. The President shall certify to Congress the reasons  
8 and justification for the decision and the costs associated  
9 with the decision. Such decision shall include a judgment  
10 that the first element launch will or will not take place  
11 by October 31, 1998, and that the stage of assembly com-  
12 plete will or will not take place by December 31, 2002.  
13 If the President decides, after August 1, 1997, to proceed  
14 with a permanent replacement of the Service Module or  
15 any other Russian element in the critical path, the Presi-  
16 dent shall certify to Congress the reasons and justification  
17 for the decision to proceed with permanent replacement,  
18 and the costs associated with that decision, including the  
19 cost difference between making such decision by August  
20 1, 1997, and any later date at which it is made. Such  
21 certification shall include a description of the costs of re-  
22 moving or replacing each critical path item, and the sched-  
23 ule for completing the International Space Station by the  
24 end of calendar year 2002.



1 (A) by inserting “microgravity research,”  
2 after “information services,” in subsection  
3 (a)(3);

4 (B) by inserting “, reentry,” after “launch-  
5 ing” both places it appears in subsection (a)(4);

6 (C) by inserting “, reentry vehicles,” after  
7 “launch vehicles” in subsection (a)(5);

8 (D) by inserting “and reentry services”  
9 after “launch services” in subsection (a)(6);

10 (E) by inserting “, reentries,” after  
11 “launches” both places it appears in subsection  
12 (a)(7);

13 (F) by inserting “, reentry sites,” after  
14 “launch sites” in subsection (a)(8);

15 (G) by inserting “and reentry services”  
16 after “launch services” in subsection (a)(8);

17 (H) by inserting “reentry sites,” after  
18 “launch sites,” in subsection (a)(9);

19 (I) by inserting “and reentry site” after  
20 “launch site” in subsection (a)(9);

21 (J) by inserting “, reentry vehicles,” after  
22 “launch vehicles” in subsection (b)(2);

23 (K) by striking “launch” in subsection  
24 (b)(2)(A);

1 (L) by inserting “and reentry” after “com-  
2 mercial launch” in subsection (b)(3);

3 (M) by striking “launch” after “and trans-  
4 fer commercial” in subsection (b)(3); and

5 (N) by inserting “and development of re-  
6 entry sites,” after “launch-site support facili-  
7 ties,” in subsection (b)(4);

8 (3) in section 70102—

9 (A) by striking “and any payload” and in-  
10 sserting in lieu thereof “or reentry vehicle and  
11 any payload from Earth” in paragraph (3);

12 (B) by inserting “or reentry vehicle” after  
13 “means of a launch vehicle” in paragraph (8);

14 (C) by redesignating paragraphs (10)  
15 through (12) as paragraphs (14) through (16),  
16 respectively;

17 (D) by inserting after paragraph (9) the  
18 following new paragraphs:

19 “(10) ‘reenter’ and ‘reentry’ mean to return or  
20 attempt to return, purposefully, a reentry vehicle  
21 and its payload, if any, from Earth orbit or from  
22 outer space to Earth.

23 “(11) ‘reentry services’ means—

1           “(A) activities involved in the preparation  
2           of a reentry vehicle and its payload, if any, for  
3           reentry; and

4           “(B) the conduct of a reentry.

5           “(12) ‘reentry site’ means the location on Earth  
6           to which a reentry vehicle is intended to return (as  
7           defined in a license the Secretary issues or transfers  
8           under this chapter).

9           “(13) ‘reentry vehicle’ means a vehicle designed  
10          to return from Earth orbit or outer space to Earth,  
11          or a reusable launch vehicle designed to return from  
12          outer space substantially intact.”; and

13                 (E) by inserting “or reentry services” after  
14          “launch services” each place it appears in para-  
15          graph (15), as so redesignated by subparagraph  
16          (C) of this paragraph;

17          (4) in section 70103(b)—

18                 (A) by inserting “AND REENTRIES” after  
19          “LAUNCHES” in the subsection heading;

20                 (B) by inserting “and reentries” after  
21          “space launches” in paragraph (1); and

22                 (C) by inserting “and reentry” after  
23          “space launch” in paragraph (2);

24          (5) in section 70104—

1 (A) by amending the section designation  
2 and heading to read as follows:

3 **“§ 70104. Restrictions on launches, operations, and**  
4 **reentries”;**

5 (B) by inserting “or reentry site, or to re-  
6 enter a reentry vehicle,” after “operate a  
7 launch site” each place it appears in subsection  
8 (a);

9 by inserting “or reentry” after “launch or  
10 operation” in subsection (a) (3) and (4);

11 (D) in subsection (b)—

12 (i) by striking “launch license” and  
13 inserting in lieu thereof “license”;

14 (ii) by inserting “or reenter” after  
15 “may launch”; and

16 (iii) by inserting “or reentering” after  
17 “related to launching”; and

18 (E) in subsection (c)—

19 (i) by amending the subsection head-  
20 ing to read as follows: “PREVENTING  
21 LAUNCHES AND REENTRIES.—”;

22 (ii) by inserting “or reentry” after  
23 “prevent the launch”; and

24 (iii) by inserting “or reentry” after  
25 “decides the launch”;

1 (6) in section 70105—

2 (A) by inserting “or a reentry site, or the  
3 reentry of a reentry vehicle,” after “operation  
4 of a launch site” in subsection (b)(1); and

5 (B) by striking “or operation” and insert-  
6 ing in lieu thereof “, operation, or reentry” in  
7 subsection (b)(2)(A);

8 (7) in section 70106(a)—

9 (A) by inserting “or reentry site” after  
10 “observer at a launch site”;

11 (B) by inserting “or reentry vehicle” after  
12 “assemble a launch vehicle”; and

13 (C) by inserting “or reentry vehicle” after  
14 “with a launch vehicle”;

15 (8) in section 70108—

16 (A) by amending the section designation  
17 and heading to read as follows:

18 **“§ 70108. Prohibition, suspension, and end of**  
19 **launches, operation of launch sites and**  
20 **reentry sites, and reentries”;**

21 and

22 (B) in subsection (a)—

23 (i) by inserting “or reentry site, or re-  
24 entry of a reentry vehicle,” after “oper-  
25 ation of a launch site”; and

1 (ii) by inserting “or reentry” after  
2 “launch or operation”;

3 (9) in section 70109—

4 (A) by amending the section designation  
5 and heading to read as follows:

6 **“§ 70109. Preemption of scheduled launches or reen-**  
7 **tries”;**

8 (B) in subsection (a)—

9 (i) by inserting “or reentry” after  
10 “ensure that a launch”;

11 (ii) by inserting “, reentry site,” after  
12 “United States Government launch site”;

13 (iii) by inserting “or reentry date  
14 commitment” after “launch date commit-  
15 ment”;

16 (iv) by inserting “or reentry” after  
17 “obtained for a launch”;

18 (v) by inserting “, reentry site,” after  
19 “access to a launch site”;

20 (vi) by inserting “, or services related  
21 to a reentry,” after “amount for launch  
22 services”; and

23 (vii) by inserting “or reentry” after  
24 “the scheduled launch”; and

1 (C) in subsection (c), by inserting “or re-  
2 entry” after “prompt launching”;

3 (10) in section 70110—

4 (A) by inserting “or reentry” after “pre-  
5 vent the launch” in subsection (a)(2); and

6 (B) by inserting “or reentry site, or re-  
7 entry of a reentry vehicle,” after “operation of  
8 a launch site” in subsection (a)(3)(B);

9 (11) in section 70111—

10 (A) by inserting “or reentry” after  
11 “launch” in subsection (a)(1)(A);

12 (B) by inserting “and reentry services”  
13 after “launch services” in subsection (a)(1)(B);

14 (C) by inserting “or reentry services” after  
15 “or launch services” in subsection (a)(2);

16 (D) by inserting “or reentry” after “com-  
17 mercial launch” both places it appears in sub-  
18 section (b)(1);

19 (E) by inserting “or reentry services” after  
20 “launch services” in subsection (b)(2)(C);

21 (F) by striking “or its payload for launch”  
22 in subsection (d) and inserting in lieu thereof  
23 “or reentry vehicle, or the payload of either, for  
24 launch or reentry”; and

1 (G) by inserting “, reentry vehicle,” after  
2 “manufacturer of the launch vehicle” in sub-  
3 section (d);

4 (12) in section 70112—

5 (A) by inserting “or reentry” after “one  
6 launch” in subsection (a)(3);

7 (B) by inserting “or reentry services” after  
8 “launch services” in subsection (a)(4);

9 (C) by inserting “or reentry services” after  
10 “launch services” each place it appears in sub-  
11 section (b);

12 (D) by inserting “applicable” after “car-  
13 ried out under the” in paragraphs (1) and (2)  
14 of subsection (b);

15 (E) by inserting “OR REENTRIES” after  
16 “LAUNCHES” in the heading for subsection (e);  
17 and

18 (F) by inserting “or reentry site or a re-  
19 entry” after “launch site” in subsection (e);

20 (13) in section 70113 (a)(1) and (d) (1) and  
21 (2), by inserting “or reentry” after “one launch”  
22 each place it appears;

23 (14) in section 70115(b)(1)(D)(i)—

24 (A) by inserting “reentry site,” after  
25 “launch site,”; and

1 (B) by inserting “or reentry vehicle” after  
2 “launch vehicle” both places it appears; and  
3 (15) in section 70117—

4 (A) by inserting “or reentry site, or to re-  
5 enter a reentry vehicle” after “operate a launch  
6 site” in subsection (a);

7 (B) by inserting “or reentry” after “ap-  
8 proval of a space launch” in subsection (d);

9 (C) by amending subsection (f) to read as  
10 follows:

11 “(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN  
12 IMPORT.—A launch vehicle, reentry vehicle, or payload  
13 that is launched or reentered is not, because of the launch  
14 or reentry, an export or import, respectively, for purposes  
15 of a law controlling exports or imports.”; and

16 (D) in subsection (g)—

17 (i) by striking “operation of a launch  
18 vehicle or launch site,” in paragraph (1)  
19 and inserting in lieu thereof “reentry, op-  
20 eration of a launch vehicle or reentry vehi-  
21 cle, or operation of a launch site or reentry  
22 site,”; and

23 (ii) by inserting “reentry,” after  
24 “launch,” in paragraph (2).

1 (b) ADDITIONAL AMENDMENTS.—(1) Section 70105  
2 of title 49, United States Code, is amended—

3 (A) by inserting “(1)” before “A person may  
4 apply” in subsection (a);

5 (B) by striking “receiving an application” both  
6 places it appears in subsection (a) and inserting in  
7 lieu thereof “accepting an application in accordance  
8 with criteria established pursuant to subsection  
9 (b)(2)(D)”;

10 (C) by adding at the end of subsection (a) the  
11 following new paragraph:

12 “(2) In carrying out paragraph (1), the Secretary  
13 may establish procedures for certification of the safety of  
14 a launch vehicle, reentry vehicle, or safety system, proce-  
15 dure, service, or personnel that may be used in conducting  
16 licensed commercial space launch or reentry activities.”;

17 (D) by striking “and” at the end of subsection  
18 (b)(2)(B);

19 (E) by striking the period at the end of sub-  
20 section (b)(2)(C) and inserting in lieu thereof  
21 “; and”;

22 (F) by adding at the end of subsection (b)(2)  
23 the following new subparagraph:

24 “(D) regulations establishing criteria for ac-  
25 cepting or rejecting an application for a license

1 under this chapter within 60 days after receipt of  
2 such application.”; and

3 (G) by inserting “, or the requirement to obtain  
4 a license,” after “waive a requirement” in subsection  
5 (b)(3).

6 (2) The amendment made by paragraph (1)(B) shall  
7 take effect upon the effective date of final regulations is-  
8 sued pursuant to section 70105(b)(2)(D) of title 49, Unit-  
9 ed States Code, as added by paragraph (1)(F) of this sub-  
10 section.

11 (3) Section 70102(5) of title 49, United States Code,  
12 is amended—

13 (A) by redesignating subparagraphs (A) and  
14 (B) as subparagraphs (B) and (C), respectively; and

15 (B) by inserting before subparagraph (B), as so  
16 redesignated by subparagraph (A) of this paragraph,  
17 the following new subparagraph:

18 “(A) activities directly related to the prep-  
19 aration of a launch site or payload facility for  
20 one or more launches;”.

21 (4) Section 70103(b) of title 49, United States Code,  
22 is amended—

23 (A) in the subsection heading, as amended by  
24 subsection (a)(4)(A) of this section, by inserting

1 “AND STATE SPONSORED SPACEPORTS” after “AND  
2 REENTRIES”; and

3 (B) in paragraph (1), by inserting “and State  
4 sponsored spaceports” after “private sector”.

5 (5) Section 70105(a)(1) of title 49, United States  
6 Code, as amended by subsection (b)(1) of this section, is  
7 amended by inserting at the end the following: “The Sec-  
8 retary shall submit to the Committee on Science of the  
9 House of Representatives and the Committee on Com-  
10 merce, Science, and Transportation of the Senate a writ-  
11 ten notice not later than 7 days after any occurrence when  
12 a license is not issued within the deadline established by  
13 this subsection.”.

14 (6) Section 70111 of title 49, United States Code,  
15 is amended—

16 (A) in subsection (a)(1), by inserting after sub-  
17 paragraph (B) the following:

18 “The Secretary shall establish criteria and procedures for  
19 determining the priority of competing requests from the  
20 private sector and State governments for property and  
21 services under this section.”;

22 (B) by striking “actual costs” in subsection  
23 (b)(1) and inserting in lieu thereof “additive costs  
24 only”; and

1 (C) by inserting after subsection (b)(2) the fol-  
2 lowing new paragraph:

3 “(3) The Secretary shall ensure the establishment of  
4 uniform guidelines for, and consistent implementation of,  
5 this section by all Federal agencies.”.

6 (7) Section 70112 of title 49, United States Code,  
7 is amended—

8 (A) in subsection (a)(1), by inserting “launch,  
9 reentry, or site operator” after “(1) When a”;

10 (B) in subsection (b)(1), by inserting “launch,  
11 reentry, or site operator” after “(1) A”; and

12 (C) in subsection (f), by inserting “launch, re-  
13 entry, or site operator” after “carried out under a”.

14 (c) REGULATIONS.—(1) Chapter 701 of title 49,  
15 United States Code, is amended by adding at the end the  
16 following new section:

17 **“§ 70120. Regulations**

18 “The Secretary of Transportation, within 6 months  
19 after the date of the enactment of this section, shall issue  
20 regulations to carry out this chapter that include—

21 “(1) guidelines for industry to obtain sufficient  
22 insurance coverage for potential damages to third  
23 parties;

1           “(2) procedures for requesting and obtaining li-  
2           censes to operate a commercial launch vehicle and  
3           reentry vehicle;

4           “(3) procedures for requesting and obtaining  
5           operator licenses for launch and reentry; and

6           “(4) procedures for the application of govern-  
7           ment indemnification.”.

8           (2) The table of sections for such chapter 701 is  
9           amended by adding after the item relating to section  
10          70119 the following new item:

          “70120. Regulations.”.

11          (d) REPORT TO CONGRESS.—(1) Chapter 701 of title  
12          49, United States Code, is further amended by adding at  
13          the end the following new section:

14          **“§ 70121. Report to Congress**

15                 “The Secretary of Transportation shall submit to  
16          Congress an annual report to accompany the President’s  
17          budget request that—

18                 “(1) describes all activities undertaken under  
19                 this chapter, including a description of the process  
20                 for the application for and approval of licenses under  
21                 this chapter and recommendations for legislation  
22                 that may further commercial launches and reentries;  
23                 and

1           “(2) reviews the performance of the regulatory  
2           activities and the effectiveness of the Office of Com-  
3           mercial Space Transportation.”.

4           (2) The table of sections for such chapter 701 is fur-  
5           ther amended by adding after the item relating to section  
6           70120, as added by subsection (c)(2) of this section, the  
7           following new item:

          “70121. Report to Congress.”.

8   **SEC. 302. REQUIREMENT FOR INDEPENDENT COST ANALY-**  
9                                   **SIS.**

10          Before any funds may be obligated for Phase C of  
11          a project that is projected to cost more than \$75,000,000  
12          in total project costs, the Chief Financial Officer for the  
13          National Aeronautics and Space Administration shall con-  
14          duct an independent cost analysis of such project and shall  
15          report the results to Congress. In developing cost account-  
16          ing and reporting standards for carrying out this section,  
17          the Chief Financial Officer shall, to the extent practicable  
18          and consistent with other laws, solicit the advice of exper-  
19          tise outside of the National Aeronautics and Space Admin-  
20          istration.

21   **SEC. 303. OFFICE OF SPACE COMMERCE.**

22          (a) **ESTABLISHMENT.**—There is established within  
23          the Department of Commerce an Office of Space Com-  
24          merce.

1           (b) FUNCTIONS.—The Office of Space Commerce  
2 shall be the principal unit for the coordination of space-  
3 related issues, programs, and initiatives within the De-  
4 partment of Commerce. The Office’s primary responsibil-  
5 ities shall include—

6           (1) promoting commercial provider investment  
7 in space activities by collecting, analyzing, and dis-  
8 seminating information on space markets, and con-  
9 ducting workshops and seminars to increase aware-  
10 ness of commercial space opportunities;

11           (2) assisting United States commercial provid-  
12 ers in their efforts to do business with the United  
13 States Government, and acting as an industry advo-  
14 cate within the executive branch to ensure that the  
15 Federal Government meets its space-related require-  
16 ment, to the fullest extent feasible, with commer-  
17 cially available space goods and services;

18           (3) ensuring that the United States Govern-  
19 ment does not compete with United States commer-  
20 cial providers in the provision of space hardware and  
21 services otherwise available from United States com-  
22 mercial providers;

23           (4) promoting the export of space-related goods  
24 and services;

1           (5) representing the Department of Commerce  
2           in the development of United States policies and in  
3           negotiations with foreign countries to ensure free  
4           and fair trade internationally in the area of space  
5           commerce; and

6           (6) seeking the removal of legal, policy, and in-  
7           stitutional impediments to space commerce.

8 **SEC. 304. NATIONAL AERONAUTICS AND SPACE ACT OF 1958**  
9 **AMENDMENTS.**

10       (a) DECLARATION OF POLICY AND PURPOSE.—Sec-  
11 tion 102 of the National Aeronautics and Space Act of  
12 1958 (42 U.S.C. 2451) is amended—

13           (1) by striking subsection (f) and redesignating  
14           subsections (g) and (h) as subsections (f) and (g),  
15           respectively; and

16           (2) in subsection (g), as so redesignated by  
17           paragraph (1) of this subsection, by striking “(f),  
18           and (g)” and inserting in lieu thereof “and (f)”.

19       (b) REPORTS TO THE CONGRESS.—Section 206(a) of  
20 the National Aeronautics and Space Act of 1958 (42  
21 U.S.C. 2476(a)) is amended—

22           (1) by striking “January” and inserting in lieu  
23           thereof “May”; and

24           (2) by striking “calendar” and inserting in lieu  
25           thereof “fiscal”.

1           (c) DISCLOSURE OF TECHNICAL DATA.—Section 303  
2 of the National Aeronautics and Space Act of 1958 (42  
3 U.S.C. 2454) is amended—

4           (1) in subsection (a)(C), by inserting “or (c)”  
5 after “subsection (b)”; and

6           (2) by adding at the end the following new sub-  
7 section:

8           “(c)(1) The Administrator may, and at the request  
9 of a private sector entity shall, delay for a period of at  
10 least one day, but not to exceed 5 years, the unrestricted  
11 public disclosure of technical data in the possession of, or  
12 under the control of, the Administration that has been  
13 generated in the performance of experimental, devel-  
14 opmental, or research activities or programs funded jointly  
15 by the Administration and such private sector entity.

16           “(2) Within 1 year after the date of the enactment  
17 of the Civilian Space Authorization Act, Fiscal Years 1998  
18 and 1999, the Administrator shall issue regulations to  
19 carry out this subsection. Paragraph (1) shall not take ef-  
20 fect until such regulations are issued.

21           “(3) Regulations issued pursuant to paragraph (2)  
22 shall include—

23           “(A) guidelines for a determination of whether  
24 data is technical data within the meaning of this  
25 subsection;

1           “(B) provisions to ensure that technical data is  
2           available for dissemination within the United States  
3           to United States persons and entities in furtherance  
4           of the objective of maintaining leadership or com-  
5           petitiveness in civil and governmental aeronautical  
6           and space activities by the United States industrial  
7           base; and

8           “(C) a specification of the period or periods for  
9           which the delay in unrestricted public disclosure of  
10          technical data is to apply to various categories of  
11          such data, and the restrictions on disclosure of such  
12          data during such period or periods, including a re-  
13          quirement that the maximum 5-year protection  
14          under this subsection shall not be provided unless at  
15          least 50 percent of the funding for the activities or  
16          programs is provided by the private sector.

17          “(4) The Administrator shall annually report to the  
18          Congress all determinations made under paragraph (1).

19          “(5) For purposes of this subsection, the term ‘tech-  
20          nical data’ means any recorded information, including  
21          computer software, that is or may be directly applicable  
22          to the design, engineering, development, production, man-  
23          ufacture, or operation of products or processes that may  
24          have significant value in maintaining leadership or com-

1 petitiveness in civil and governmental aeronautical and  
2 space activities by the United States industrial base.”.

3 **SEC. 305. PROCUREMENT.**

4 (a) **PROCUREMENT DEMONSTRATION PROGRAM.**—

5 (1) **IN GENERAL.**—The Administrator shall es-  
6 tablish a program of expedited technology procure-  
7 ment for the purpose of demonstrating how innova-  
8 tive technology concepts can rapidly be brought to  
9 bear upon space missions of the National Aero-  
10 nautics and Space Administration.

11 (2) **PROCEDURES AND EVALUATION.**—The Ad-  
12 ministrator shall establish procedures for actively  
13 seeking from persons outside the National Aero-  
14 nautics and Space Administration innovative tech-  
15 nology concepts, relating to the provision of space  
16 hardware, technology, or service to the National Aer-  
17 onautics and Space Administration.

18 (3) **SPECIAL AUTHORITY.**—In order to carry  
19 out this subsection the Administrator shall recruit  
20 and hire for limited term appointments persons from  
21 outside the National Aeronautics and Space Admin-  
22 istration with special expertise and experience relat-  
23 ed to the innovative technology concepts with respect  
24 to which procurements are made under this sub-  
25 section.

1           (4) SUNSET.—This subsection shall cease to be  
2 effective 10 years after the date of its enactment.

3           (b) TECHNOLOGY PROCUREMENT INITIATIVE.—

4           (1) IN GENERAL.—The Administrator shall co-  
5 ordinate National Aeronautics and Space Adminis-  
6 tration resources in the areas of procurement, com-  
7 mercial programs, and advanced technology in order  
8 to—

9           (A) fairly assess and procure commercially  
10 available technology from the marketplace in  
11 the most efficient manner practicable;

12           (B) achieve a continuous pattern of inte-  
13 grating advanced technology from the commer-  
14 cial sector, and from Federal sources outside  
15 the National Aeronautics and Space Adminis-  
16 tration, into the missions and programs of the  
17 National Aeronautics and Space Administra-  
18 tion;

19           (C) incorporate private sector buying and  
20 bidding procedures, including fixed price con-  
21 tracts, into procurements; and

22           (D) provide incentives for cost-plus con-  
23 tractors of the National Aeronautics and Space  
24 Administration to integrate commercially avail-

1           able technology in subsystem contracts on a  
2           fixed-price basis.

3           (2) CERTIFICATION.—Upon solicitation of any  
4           procurement for space hardware, technology, or serv-  
5           ices that are not commercially available, the Admin-  
6           istrator shall certify, by publication of a notice and  
7           opportunity to comment in the Commerce Business  
8           Daily, for each such procurement action, that no  
9           functional equivalent, commercially, available space  
10          hardware, technology, or service exists and that no  
11          commercial method of procurement is available.

12 **SEC. 306. ACQUISITION OF SPACE SCIENCE DATA.**

13          (a) ACQUISITION FROM COMMERCIAL PROVIDERS.—  
14          The Administrator shall, to the maximum extent possible  
15          and while satisfying the scientific requirements of the Na-  
16          tional Aeronautics and Space Administration, acquire,  
17          where cost effective, space science data from a commercial  
18          provider.

19          (b) TREATMENT OF SPACE SCIENCE DATA AS COM-  
20          MERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions  
21          of space science data by the Administrator shall be carried  
22          out in accordance with applicable acquisition laws and reg-  
23          ulations (including chapters 137 and 140 of title 10, Unit-  
24          ed States Code), except that space science data shall be  
25          considered to be a commercial item for purposes of such

1 laws and regulations (including section 2306a of title 10,  
2 United States Code (relating to cost or pricing data), sec-  
3 tion 2320 of such title (relating to rights in technical data)  
4 and section 2321 of such title (relating to validation of  
5 proprietary data restrictions)).

6 (c) DEFINITION.—For purposes of this section, the  
7 term “space science data” includes scientific data concern-  
8 ing the elemental and mineralogical resources of the moon,  
9 asteroids, planets and their moons, and comets, Earth en-  
10 vironmental data obtained through remote sensing obser-  
11 vations, and solar storm monitoring.

12 (d) SAFETY STANDARDS.—Nothing in this section  
13 shall be construed to prohibit the Federal Government  
14 from requiring compliance with applicable safety stand-  
15 ards.

16 (e) LIMITATION.—This section does not authorize the  
17 National Aeronautics and Space Administration to provide  
18 financial assistance for the development of commercial  
19 systems for the collection of space science data.

20 **SEC. 307. COMMERCIAL SPACE GOODS AND SERVICES.**

21 The National Aeronautics and Space Administration  
22 shall purchase commercially available space goods and  
23 services to the fullest extent feasible, and shall not conduct  
24 activities that preclude or deter commercial space activi-  
25 ties except for reasons of national security or public safety.

1 A space good or service shall be deemed commercially  
2 available if it is offered by a United States commercial  
3 provider, or if it could be supplied by a United States com-  
4 mercial provider in response to a Government procurement  
5 request. For purposes of this section, a purchase is fea-  
6 sible if it meets mission requirements in a cost-effective  
7 manner.

8 **SEC. 308. ACQUISITION OF EARTH SCIENCE DATA.**

9 (a) ACQUISITION.—For purposes of meeting Govern-  
10 ment goals for Mission to Planet Earth, the Administrator  
11 shall, to the maximum extent possible and while satisfying  
12 the scientific requirements of the National Aeronautics  
13 and Space Administration, acquire, where cost-effective,  
14 space-based and airborne Earth remote sensing data, serv-  
15 ices, distribution, and applications from a commercial pro-  
16 vider.

17 (b) TREATMENT AS COMMERCIAL ITEM UNDER AC-  
18 QUISITION LAWS.—Acquisitions by the Administrator of  
19 the data, services, distribution, and applications referred  
20 to in subsection (a) shall be carried out in accordance with  
21 applicable acquisition laws and regulations (including  
22 chapters 137 and 140 of title 10, United States Code),  
23 except that such data, services, distribution, and applica-  
24 tions shall be considered to be a commercial item for pur-  
25 poses of such laws and regulations (including section

1 2306a of title 10, United States Code (relating to cost  
2 or pricing data), section 2320 of such title (relating to  
3 rights in technical data) and section 2321 of such title  
4 (relating to validation of proprietary data restrictions)).

5 (c) STUDY.—(1) The Administrator shall conduct a  
6 study to determine the extent to which the baseline sci-  
7 entific requirements of Mission to Planet Earth can be  
8 met by commercial providers, and how the National Aero-  
9 nautics and Space Administration will meet such require-  
10 ments which cannot be met by commercial providers.

11 (2) The study conducted under this subsection  
12 shall—

13 (A) make recommendations to promote the  
14 availability of information from the National Aero-  
15 nautics and Space Administration to commercial  
16 providers to enable commercial providers to better  
17 meet the baseline scientific requirements of Mission  
18 to Planet Earth;

19 (B) make recommendations to promote the dis-  
20 semination to commercial providers of information  
21 on advanced technology research and development  
22 performed by or for the National Aeronautics and  
23 Space Administration; and

1           (C) identify policy, regulatory, and legislative  
2           barriers to the implementation of the recommenda-  
3           tions made under this subsection.

4           (3) The results of the study conducted under this  
5           subsection shall be transmitted to the Congress within 6  
6           months after the date of the enactment of this Act.

7           (d) SAFETY STANDARDS.—Nothing in this section  
8           shall be construed to prohibit the Federal Government  
9           from requiring compliance with applicable safety stand-  
10          ards.

11          (e) ADMINISTRATION AND EXECUTION.—This section  
12          shall be carried out as part of the Commercial Remote  
13          Sensing Program at the Stennis Space Center.

14          **SEC. 309. EOSDIS REPORT.**

15          Not later than 90 days after the date of the enact-  
16          ment of this Act, the Administrator shall transmit to the  
17          Committee on Science of the House of Representatives  
18          and the Committee on Commerce, Science, and Transpor-  
19          tation of the Senate a report which contains—

20                  (1) an analysis of the scientific capabilities,  
21                  costs, and schedule of the Earth Observing System  
22                  Data and Information System (EOSDIS);

23                  (2) an identification and analysis of the threats  
24                  to the success of the EOSDIS Core System; and

1           (3) a plan and cost estimates for resolving the  
2           threats identified under paragraph (2) to the  
3           EOSDIS Core System before the launch of the  
4           Earth Observing System satellite known as PM-1.

5 **SEC. 310. SHUTTLE PRIVATIZATION.**

6           (a) **POLICY AND PREPARATION.**—The Administrator  
7           shall prepare for an orderly transition from the Federal  
8           operation, or Federal management of contracted oper-  
9           ation, of space transportation systems to the Federal pur-  
10          chase of commercial space transportation services for all  
11          nonemergency launch requirements, including human,  
12          cargo, and mixed payloads. In those preparations, the Ad-  
13          ministrator shall take into account the need for short-term  
14          economies, as well as the goal of restoring the National  
15          Aeronautics and Space Administration’s research focus  
16          and its mandate to promote the fullest possible commercial  
17          use of space. As part of those preparations, the Adminis-  
18          trator shall plan for the potential privatization of the  
19          Space Shuttle program. Such plan shall keep safety and  
20          cost effectiveness as high priorities. Nothing in this section  
21          shall prohibit the National Aeronautics and Space Admin-  
22          istration from studying, designing, developing, or funding  
23          upgrades or modifications essential to the safe and eco-  
24          nomical operation of the Space Shuttle fleet.

1 (b) FEASIBILITY STUDY.—The Administrator shall  
2 conduct a study of the feasibility of implementing the rec-  
3 ommendation of the Independent Shuttle Management Re-  
4 view Team that the National Aeronautics and Space Ad-  
5 ministration transition toward the privatization of the  
6 Space Shuttle. The study shall identify, discuss, and,  
7 where possible, present options for resolving, the major  
8 policy and legal issues that must be addressed before the  
9 Space Shuttle is privatized, including—

10 (1) whether the Federal Government or the  
11 Space Shuttle contractor should own the Space  
12 Shuttle orbiters and ground facilities;

13 (2) whether the Federal Government should in-  
14 demnify the contractor for any third party liability  
15 arising from Space Shuttle operations, and, if so,  
16 under what terms and conditions;

17 (3) whether payloads other than National Aero-  
18 nautics and Space Administration payloads should  
19 be allowed to be launched on the Space Shuttle, how  
20 missions will be prioritized, and who will decide  
21 which mission flies and when;

22 (4) whether commercial payloads should be al-  
23 lowed to be launched on the Space Shuttle and  
24 whether any classes of payloads should be made in-  
25 eligible for launch consideration;

1           (5) whether National Aeronautics and Space  
2           Administration and other Federal Government pay-  
3           loads should have priority over non-Federal payloads  
4           in the Space Shuttle launch assignments, and what  
5           policies should be developed to prioritize among pay-  
6           loads generally;

7           (6) whether the public interest requires that  
8           certain Space Shuttle functions continue to be per-  
9           formed by the Federal Government; and

10          (7) how much cost savings, if any, will be gen-  
11          erated by privatization of the Space Shuttle.

12          (c) REPORT TO CONGRESS.—Within 60 days after  
13 the date of the enactment of this Act, the National Aero-  
14 nautics and Space Administration shall complete the study  
15 required under subsection (b) and shall submit a report  
16 on the study to the Committee on Commerce, Science, and  
17 Transportation of the Senate and the Committee on  
18 Science of the House of Representatives.

19 **SEC. 311. LAUNCH VOUCHER DEMONSTRATION PROGRAM**  
20 **AMENDMENTS.**

21          Section 504 of the National Aeronautics and Space  
22 Administration Authorization Act, Fiscal Year 1993 (15  
23 U.S.C. 5803) is amended—

24           (1) in subsection (a)—

1 (A) by striking “the Office of Commercial  
2 Programs within”; and

3 (B) by striking “Such program shall not  
4 be effective after September 30, 1995.”;

5 (2) by striking subsection (c); and

6 (3) by redesignating subsections (d) and (e) as  
7 subsections (c) and (d), respectively.

8 **SEC. 312. USE OF ABANDONED AND UNDERUTILIZED**  
9 **BUILDINGS, GROUNDS, AND FACILITIES.**

10 (a) IN GENERAL.—In meeting the needs of the Na-  
11 tional Aeronautics and Space Administration for addi-  
12 tional facilities, the Administrator, whenever feasible, shall  
13 select abandoned and underutilized buildings, grounds,  
14 and facilities in depressed communities that can be con-  
15 verted to National Aeronautics and Space Administration  
16 facilities at a reasonable cost, as determined by the Ad-  
17 ministrator.

18 (b) DEFINITIONS.—For purposes of this section, the  
19 term “depressed communities” means rural and urban  
20 communities that are relatively depressed, in terms of age  
21 of housing, extent of poverty, growth of per capita income,  
22 extent of unemployment, job lag, or surplus labor.

23 **SEC. 313. COST EFFECTIVENESS CALCULATIONS.**

24 In calculating the cost effectiveness of the cost of the  
25 National Aeronautics and Space Administration engaging

1 in an activity as compared to a commercial provider, the  
2 Administrator shall compare the cost of the National Aer-  
3 onautics and Space Administration engaging in the activ-  
4 ity using full cost accounting principles with the price the  
5 commercial provider will charge for such activity.

6 **SEC. 314. FOREIGN CONTRACT LIMITATION.**

7 The National Aeronautics and Space Administration  
8 shall not enter into any agreement or contract with a for-  
9 eign government that grants the foreign government the  
10 right to recover profit in the event that the agreement or  
11 contract is terminated.

12 **SEC. 315. AUTHORITY TO REDUCE OR SUSPEND CONTRACT**  
13 **PAYMENTS BASED ON SUBSTANTIAL EVI-**  
14 **DENCE OF FRAUD.**

15 Section 2307(h)(8) of title 10, United States Code,  
16 is amended by striking “and (4)” and inserting in lieu  
17 thereof “(4), and (6)”.

18 **SEC. 316. NEXT GENERATION INTERNET.**

19 None of the funds authorized by this Act, or any  
20 other Act enacted before the date of the enactment of this  
21 Act, may be used for the Next Generation Internet. Not-  
22 withstanding the previous sentence, funds may be used for  
23 the continuation of programs and activities that were  
24 funded and carried out during fiscal year 1997.

1 **SEC. 317. LIMITATIONS.**

2 (a) PROHIBITION OF LOBBYING ACTIVITIES.—None  
3 of the funds authorized by this Act and the amendments  
4 made by this Act shall be available for any activity whose  
5 purpose is to influence legislation pending before the Con-  
6 gress, except that this subsection shall not prevent officers  
7 or employees of the United States or of its departments  
8 or agencies from communicating to Members of Congress  
9 on the request of any Member or to Congress, through  
10 the proper channels, requests for legislation or appropria-  
11 tions which they deem necessary for the efficient conduct  
12 of the public business.

13 (b) LIMITATION ON APPROPRIATIONS.—No sums are  
14 authorized to be appropriated to the Administrator for fis-  
15 cal years 1998 and 1999 for the activities for which sums  
16 are authorized by this Act and the amendments made by  
17 this Act, unless such sums are specifically authorized to  
18 be appropriated by this Act or the amendments made by  
19 this Act.

20 (c) ELIGIBILITY FOR AWARDS.—

21 (1) IN GENERAL.—The Administrator shall ex-  
22 clude from consideration for grant agreements made  
23 by the National Aeronautics and Space Administra-  
24 tion after fiscal year 1997 any person who received  
25 funds, other than those described in paragraph (2),  
26 appropriated for a fiscal year after fiscal year 1997,

1 under a grant agreement from any Federal funding  
2 source for a project that was not subjected to a com-  
3 petitive, merit-based award process. Any exclusion  
4 from consideration pursuant to this subsection shall  
5 be effective for a period of 5 years after the person  
6 receives such Federal funds.

7 (2) EXCEPTION.—Paragraph (1) shall not  
8 apply to the receipt of Federal funds by a person  
9 due to the membership of that person in a class  
10 specified by law for which assistance is awarded to  
11 members of the class according to a formula pro-  
12 vided by law.

13 (3) DEFINITION.—For purposes of this sub-  
14 section, the term “grant agreement” means a legal  
15 instrument whose principal purpose is to transfer a  
16 thing of value to the recipient to carry out a public  
17 purpose of support or stimulation authorized by a  
18 law of the United States, and does not include the  
19 acquisition (by purchase, lease, or barter) of prop-  
20 erty or services for the direct benefit or use of the  
21 United States Government. Such term does not in-  
22 clude a cooperative agreement (as such term is used  
23 in section 6305 of title 31, United States Code) or  
24 a cooperative research and development agreement  
25 (as such term is defined in section 12(d)(1) of the

1 Stevenson-Wydler Technology Innovation Act of  
2 1980 (15 U.S.C. 3710a(d)(1))).

3 **SEC. 318. NOTICE.**

4 (a) NOTICE OF REPROGRAMMING.—If any funds au-  
5 thorized by this Act or the amendments made by this Act  
6 are subject to a reprogramming action that requires notice  
7 to be provided to the Appropriations Committees of the  
8 House of Representatives and the Senate, notice of such  
9 action shall concurrently be provided to the Committee on  
10 Science of the House of Representatives and the Commit-  
11 tee on Commerce, Science, and Transportation of the Sen-  
12 ate.

13 (b) NOTICE OF REORGANIZATION.—The Adminis-  
14 trator shall provide notice to the Committees on Science  
15 and Appropriations of the House of Representatives, and  
16 the Committees on Commerce, Science, and Transpor-  
17 tation and Appropriations of the Senate, not later than  
18 15 days before any major reorganization of any program,  
19 project, or activity of the National Aeronautics and Space  
20 Administration.

21 **SEC. 319. SENSE OF CONGRESS ON THE YEAR 2000 PROB-**  
22 **LEM.**

23 With the year 2000 fast approaching, it is the sense  
24 of Congress that the National Aeronautics and Space Ad-  
25 ministration should—

1           (1) give high priority to correcting all 2-digit  
2           date-related problems in its computer systems to en-  
3           sure that those systems continue to operate effec-  
4           tively in the year 2000 and beyond;

5           (2) assess immediately the extent of the risk to  
6           the operations of the National Aeronautics and  
7           Space Administration posed by the problems re-  
8           ferred to in paragraph (1), and plan and budget for  
9           achieving Year 2000 compliance for all of its mis-  
10          sion-critical systems; and

11          (3) develop contingency plans for those systems  
12          that the National Aeronautics and Space Adminis-  
13          tration is unable to correct in time.

14 **SEC. 320. NATIONAL OCEANOGRAPHIC PARTNERSHIP PRO-**  
15 **GRAM.**

16          The National Aeronautics and Space Administration  
17          is authorized to participate in the National Oceanic Part-  
18          nership Program established by the National Oceanic  
19          Partnership Act (Public Law 104–201).

20 **SEC. 321. NATIONAL SCIENCE FOUNDATION ANTARCTIC**  
21 **PROGRAM.**

22          If the Administrator determines that excess capacity  
23          is available on the Tracking Data Relay Satellite System  
24          (TDRSS), the Administrator shall give strong consider-

1 ation to meeting the needs of the National Science Foun-  
2 dation Antarctic Program.

3 **SEC. 322. BUY AMERICAN.**

4 (a) COMPLIANCE WITH BUY AMERICAN ACT.—No  
5 funds appropriated pursuant to this Act or the amend-  
6 ments made by this Act may be expended by an entity  
7 unless the entity agrees that in expending the assistance  
8 the entity will comply with sections 2 through 4 of the  
9 Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly  
10 known as the “Buy American Act”).

11 (b) SENSE OF CONGRESS.—In the case of any equip-  
12 ment or products that may be authorized to be purchased  
13 with financial assistance provided under this Act or the  
14 amendments made by this Act, it is the sense of Congress  
15 that entities receiving such assistance should, in expending  
16 the assistance, purchase only American-made equipment  
17 and products.

18 (c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In  
19 providing financial assistance under this Act or the  
20 amendments made by this Act, the Administrator shall  
21 provide to each recipient of the assistance a notice describ-  
22 ing the statement made in subsection (a) by the Congress.

1 **SEC. 323. UNITARY WIND TUNNEL PLAN ACT OF 1949**  
2 **AMENDMENTS.**

3 The Unitary Wind Tunnel Plan Act of 1949 is  
4 amended—

5 (1) in section 101 (50 U.S.C. 511) by striking  
6 “transsonic and supersonic” and inserting in lieu  
7 thereof “transsonic, supersonic, and hypersonic”;  
8 and

9 (2) in section 103 (50 U.S.C. 513)—

10 (A) by striking “laboratories” in sub-  
11 section (a) and inserting in lieu thereof “labora-  
12 tories and centers”;

13 (B) by striking “supersonic” in subsection  
14 (a) and inserting in lieu thereof “transsonic, su-  
15 personic, and hypersonic”; and

16 (C) by striking “laboratory” in subsection  
17 (c) and inserting in lieu thereof “facility”.

Passed the House of Representatives April 24, 1997.

Attest:

*Clerk.*