

105TH CONGRESS
1ST SESSION

H.R. 1275

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1997

Mr. ROHRABACHER introduced the following bill; which was referred to the Committee on Science

A BILL

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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Civilian Space Authorization Act, Fiscal Years 1998 and
6 1999”.

7 (b) TABLE OF CONTENTS.—

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

Subtitle A—Authorizations

- Sec. 101. Human space flight.
- Sec. 102. Science, aeronautics, and technology.
- Sec. 103. Mission support.
- Sec. 104. Inspector General.
- Sec. 105. Total authorization.
- Sec. 106. Office of Commercial Space Transportation authorization.
- Sec. 107. Office of Space Commerce.

Subtitle B—Restructuring the National Aeronautics and Space Administration

- Sec. 111. Findings.
- Sec. 112. Restructuring reports.

Subtitle C—Limitations and Special Authority

- Sec. 121. Use of funds for construction.
- Sec. 122. Availability of appropriated amounts.
- Sec. 123. Reprogramming for construction of facilities.
- Sec. 124. Consideration by committees.
- Sec. 125. Limitation on obligation of unauthorized appropriations.
- Sec. 126. Use of funds for scientific consultations or extraordinary expenses.
- Sec. 127. Mission to Planet Earth limitation.
- Sec. 128. Space operations.
- Sec. 129. International Space University Limitation.

TITLE II—INTERNATIONAL SPACE STATION

- Sec. 201. Findings.
- Sec. 202. Commercialization of Space Station.
- Sec. 203. Space Station accounting report.
- Sec. 204. Report on international hardware agreements.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Commercial space launch amendments.
- Sec. 302. Requirement for independent cost analysis.
- Sec. 303. Office of Space Commerce.
- Sec. 304. National Aeronautics and Space Act of 1958 amendments.
- Sec. 305. Procurement.
- Sec. 306. Acquisition of space science data.
- Sec. 307. Commercial space goods and services.
- Sec. 308. Acquisition of earth remote sensing data.
- Sec. 309. EOSDIS report.
- Sec. 310. Shuttle privatization.
- Sec. 311. Launch voucher demonstration program amendments.
- Sec. 312. Use of abandoned and underutilized buildings, grounds, and facilities.
- Sec. 313. Cost effectiveness calculations.
- Sec. 314. Foreign contract limitation.
- Sec. 315. Authority to reduce or suspend contract payments based on substantial evidence of fraud.
- Sec. 316. Next Generation Internet.
- Sec. 317. Limitations.
- Sec. 318. Notice.
- Sec. 319. Sense of Congress on the Year 2000 problem.

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.

15 (3) The United States is on the verge of creat-
16 ing and using new technologies in microsatellites, in-
17 formation processing, and space launches that could
18 radically alter the manner in which the Federal Gov-
19 ernment approaches its space mission.

20 (4) The overwhelming preponderance of the
21 Federal Government's requirements for routine, non-
22 emergency manned and unmanned space transpor-
23 tation can be met most effectively, efficiently, and
24 economically by a free and competitive market in
25 privately developed and operated space transpor-
26 tation services.

1 (5) In formulating a national space transpor-
2 tation service policy, the National Aeronautics and
3 Space Administration should aggressively promote
4 the pursuit by commercial providers of development
5 of advanced space transportation technologies in-
6 cluding reusable space vehicles, single-stage-to-orbit
7 vehicles, and human space systems.

8 (6) The Federal Government should invest in
9 the types of research and innovative technology in
10 which the United States private sector does not in-
11 vest, while avoiding competition with the activities in
12 which the United States private sector does invest.

13 (7) International cooperation in space explo-
14 ration and science activities serves the United States
15 national interest—

16 (A) when it—

17 (i) reduces the cost of undertaking
18 missions the United States Government
19 would pursue unilaterally;

20 (ii) enables the United States to pur-
21 sue missions that it could not otherwise af-
22 ford to pursue unilaterally; or

23 (iii) enhances United States capabili-
24 ties to use and develop space for the bene-
25 fit of United States citizens; and

1 (B) when it does not—

2 (i) otherwise harm or interfere with
3 the ability of United States private sector
4 firms to develop or explore space commer-
5 cially;

6 (ii) interfere with the ability of Fed-
7 eral agencies to use space to complete their
8 missions;

9 (iii) undermine the ability of United
10 States private enterprise to compete favor-
11 ably with foreign entities in the commercial
12 space arena; or

13 (iv) transfer sensitive or commercially
14 advantageous technologies or knowledge
15 from the United States to other countries
16 or foreign entities except as required by
17 those countries or entities to make their
18 contribution to a multilateral space project
19 in partnership with the United States, or
20 on a quid pro quo basis.

21 (8) The National Aeronautics and Space Ad-
22 ministration and the Department of Defense can co-
23 operate more effectively in leveraging their mutual
24 capabilities to conduct joint space missions that im-

1 prove United States space capabilities and reduce
2 the cost of conducting space missions.

3 **SEC. 3. DEFINITIONS.**

4 For purposes of this Act—

5 (1) the term “Administrator” means the Ad-
6 ministrator of the National Aeronautics and Space
7 Administration;

8 (2) the term “commercial provider” means any
9 person providing space transportation services or
10 other space-related activities, primary control of
11 which is held by persons other than Federal, State,
12 local, and foreign governments;

13 (3) the term “institution of higher education”
14 has the meaning given such term in section 1201(a)
15 of the Higher Education Act of 1965 (20 U.S.C.
16 1141(a));

17 (4) the term “State” means each of the several
18 States of the Union, the District of Columbia, the
19 Commonwealth of Puerto Rico, the Virgin Islands,
20 Guam, American Samoa, the Commonwealth of the
21 Northern Mariana Islands, and any other common-
22 wealth, territory, or possession of the United States;
23 and

24 (5) the term “United States commercial pro-
25 vider” means a commercial provider, organized

1 under the laws of the United States or of a State,
2 which is—

3 (A) more than 50 percent owned by United
4 States nationals; or

5 (B) a subsidiary of a foreign company and
6 the Secretary of Transportation finds that—

7 (i) such subsidiary has in the past evi-
8 denced a substantial commitment to the
9 United States market through—

10 (I) investments in the United
11 States in long-term research, develop-
12 ment, and manufacturing (including
13 the manufacture of major components
14 and subassemblies); and

15 (II) significant contributions to
16 employment in the United States; and

17 (ii) the country or countries in which
18 such foreign company is incorporated or
19 organized, and, if appropriate, in which it
20 principally conducts its business, affords
21 reciprocal treatment to companies de-
22 scribed in subparagraph (A) comparable to
23 that afforded to such foreign company's
24 subsidiary in the United States, as evi-
25 denced by—

1 (I) providing comparable oppor-
2 tunities for companies described in
3 subparagraph (A) to participate in
4 Government sponsored research and
5 development similar to that authorized
6 under this Act;

7 (II) providing no barriers to com-
8 panies described in subparagraph (A)
9 with respect to local investment op-
10 portunities that are not provided to
11 foreign companies in the United
12 States; and

13 (III) providing adequate and ef-
14 fective protection for the intellectual
15 property rights of companies de-
16 scribed in subparagraph (A).

17 **TITLE I—AUTHORIZATION OF**
18 **APPROPRIATIONS**

19 **Subtitle A—Authorizations**

20 **SEC. 101. HUMAN SPACE FLIGHT.**

21 There are authorized to be appropriated to the Na-
22 tional Aeronautics and Space Administration for Human
23 Space Flight the following amounts:

24 (1) For the Space Station—

1 (A) for fiscal year 1998, \$2,121,300,000,
2 of which \$400,500,000, notwithstanding section
3 121(a), shall only be for Space Station research
4 or for the purposes described in section 102(2);
5 and

6 (B) for fiscal year 1999, \$2,109,200,000,
7 of which \$496,200,000, notwithstanding section
8 121(a), shall only be for Space Station research
9 or for the purposes described in section 102(2).

10 (2) For Space Shuttle Operations—

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

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

14 (3) For Space Shuttle Safety and Performance
15 Upgrades—

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

18 (i) Repair of Payload Changeout
19 Room Wall in Ceiling, Pad A, Kennedy
20 Space Center, \$2,200,000;

21 (ii) Restoration of Pad Surface and
22 Slope, Kennedy Space Center, \$1,800,000;
23 and

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

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

5 (4) For Payload and Utilization Operations—

6 (A) for fiscal year 1998, \$227,400,000;

7 and

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

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

10 There are authorized to be appropriated to the Na-
11 tional Aeronautics and Space Administration for Science,
12 Aeronautics, and Technology the following amounts:

13 (1) For Space Science—

14 (A) for fiscal year 1998, \$2,079,800,000,

15 of which—

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

18 (ii) \$5,000,000 shall be for participa-
19 tion in Clementine 2 (Air Force Program
20 Element 0603401F “Advanced Spacecraft
21 Technology”);

22 (iii) \$3,000,000 shall be for the Near
23 Earth Orbit Survey;

24 (iv) \$529,400,000 shall be for Mission
25 Operations and Data Analysis; and

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

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

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

9 (ii) \$3,000,000 shall be for the Near
10 Earth Orbit Survey;

11 (iii) \$561,100,000 shall be for Mission
12 Operations and Data Analysis; 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, \$214,200,000, 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 data purchases under section 308(a);
11 and

12 (ii) \$8,000,000 shall be for continuing
13 operations of the Midcourse Space Experi-
14 ment spacecraft constructed by the Applied
15 Physics Laboratory of Johns Hopkins Uni-
16 versity,

17 (reduced by \$200,000,000 to reflect the use of
18 prior year balances); and

19 (B) for fiscal year 1999, \$1,446,300,000,
20 of which \$50,000,000 shall be for commercial
21 data purchases under section 308(a).

22 (4) For Aeronautics and Space Transportation
23 Technology—

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

1 (i) \$920,100,000 shall be for Aero-
2 nautical Research and Technology, of
3 which not more than \$35,700,000 shall be
4 for High Performance Computing and
5 Communications;

6 (ii) \$696,600,000 shall be for Ad-
7 vanced Space Transportation, including—

8 (I) \$333,500,000, which shall
9 only be for the X-33 advanced tech-
10 nology demonstration vehicle program,
11 including \$3,700,000 for rehabilita-
12 tion and modification of the B2 test
13 stand, Stennis Space Center;

14 (II) \$150,000,000, which shall
15 only be for a program of focused tech-
16 nology demonstrations to support the
17 competitive awarding of a contract to
18 develop, build, and flight test an ex-
19 perimental single-stage-to-orbit dem-
20 onstration vehicle using design con-
21 cepts different from, and technologies
22 more advanced than, the design con-
23 cepts and technologies used for the
24 X-33 program; and

1 (III) \$150,000,000, which shall
2 only be for the procurement of an ex-
3 perimental vehicle described in sub-
4 clause (II), after the expiration of 30
5 days after the Administrator has
6 transmitted to the Committee on
7 Science of the House of Representa-
8 tives and the Committee on Com-
9 merce, Science, and Transportation of
10 the Senate a written report including
11 a plan for the experimental vehicle
12 program and the projected costs
13 thereof; and

14 (iii) \$152,800,000 shall be for Com-
15 mercial Technology; and

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

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

20 (ii) \$818,600,000 shall be for Ad-
21 vanced Space Transportation, including—

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

1 (II) \$450,000,000, which shall
2 only be for the procurement of an ex-
3 perimental vehicle described in sub-
4 paragraph (A)(ii)(II); and
5 (iii) \$160,400,000 shall be for Com-
6 mercial Technology.

7 (5) For Mission Communication Services—
8 (A) for fiscal year 1998, \$400,800,000;
9 and
10 (B) for fiscal year 1999, \$436,100,000.

11 (6) For Academic Programs—
12 (A) for fiscal year 1998, \$96,400,000, of
13 which \$15,300,000 shall be for the National
14 Space Grant College and Fellowship Program;
15 and
16 (B) for fiscal year 1999, \$102,200,000.

17 **SEC. 103. MISSION SUPPORT.**

18 There are authorized to be appropriated to the Na-
19 tional Aeronautics and Space Administration for Mission
20 Support the following amounts:

21 (1) For Safety, Reliability, and Quality Assur-
22 ance—
23 (A) for fiscal year 1998, \$37,800,000; and
24 (B) for fiscal year 1999, \$43,000,000.

25 (2) For Space Communication Services—

1 (A) for fiscal year 1998, \$245,700,000;
2 and

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

4 (3)(A) For Construction of Facilities, including
5 land acquisition, for fiscal year 1998, \$159,400,000,
6 including the following:

7 (i) Modernization of Process Cooling Sys-
8 tem, Numerical Aerodynamic Simulation Facil-
9 ity, Ames Research Center, \$2,700,000.

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

13 (iii) Restoration of Chilled Water Distribu-
14 tion System, Goddard Space Flight Center,
15 \$2,400,000.

16 (iv) Restoration of Space/Terrestrial Appli-
17 cation Facility, Goddard Space Flight Center,
18 \$4,600,000.

19 (v) Construction of Emergency Services
20 Facility, Jet Propulsion Laboratory,
21 \$4,800,000.

22 (vi) Upgrade of Utility Annex Chilled
23 Water Plan, Kennedy Space Center,
24 \$5,900,000.

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

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

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

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

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

13 (xii) Environmental compliance and res-
14 toration, \$34,000,000.

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

17 (4) For Research and Program Management,
18 including personnel and related costs, travel, and re-
19 search operations support—

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

21 and

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

1 **SEC. 104. INSPECTOR GENERAL.**

2 There are authorized to be appropriated to the Na-
3 tional Aeronautics and Space Administration for Inspector
4 General—

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

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

7 **SEC. 105. TOTAL AUTHORIZATION.**

8 Notwithstanding any other provision of this title, the
9 total amount authorized to be appropriated to the Na-
10 tional Aeronautics and Space Administration under this
11 Act, combined with the amount of prior year balances de-
12 scribed in the matter after clause (ii) in section 102(3)(A),
13 shall not exceed—

14 (1) for fiscal year 1998, \$13,836,000,000; and

15 (2) for fiscal year 1999, \$13,920,000,000.

16 **SEC. 106. OFFICE OF COMMERCIAL SPACE TRANSPOR-**
17 **TATION AUTHORIZATION.**

18 There are authorized to be appropriated to the Sec-
19 retary of Transportation for the activities of the Office
20 of Commercial Space Transportation—

21 (1) for fiscal year 1998, \$5,800,000; and

22 (2) for fiscal year 1999, \$5,800,000.

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

24 There are authorized to be appropriated to the Sec-
25 retary of Commerce for the activities of the Office of
26 Space Commerce established by section 303 of this Act—

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

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

3 **Subtitle B—Restructuring the Na-**
4 **tional Aeronautics and Space**
5 **Administration**

6 **SEC. 111. FINDINGS.**

7 The Congress finds that—

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

12 (2) to restructure the National Aeronautics and
13 Space Administration rapidly without reducing mis-
14 sion content and safety requires objective financial
15 judgment; and

16 (3) a formal economic review of its missions
17 and the Federal assets that support them is required
18 in order to plan and implement needed restructuring
19 of the National Aeronautics and Space Administra-
20 tion.

21 **SEC. 112. RESTRUCTURING REPORTS.**

22 (a) IMPLEMENTATION REPORT.—The Administrator
23 shall transmit to Congress, no later than 90 days after
24 the date of the enactment of this Act, a report on its re-
25 structuring activities by fiscal year containing, at a mini-

1 mum, a description of all actions taken or planned to be
2 taken after July 31, 1995, and before October 1, 2002,
3 including contracts terminated or consolidated; reductions
4 in force; relocations of personnel and facilities; sales, clo-
5 sures, or mothballing of capital assets or facilities; and
6 net savings to be realized from such actions by fiscal year.

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

12 **Subtitle C—Limitations and** 13 **Special Authority**

14 **SEC. 121. USE OF FUNDS FOR CONSTRUCTION.**

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

23 (b) LIMITATION.—No funds may be expended pursu-
24 ant to subsection (a) for a project, the estimated cost of
25 which to the National Aeronautics and Space Administra-

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

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

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

22 To the extent provided in appropriations Acts, appro-
23 priations authorized under subtitle A may remain avail-
24 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 (4)(A)(ii)(I),
6 and 103(3) for each fiscal year for such purposes. No such
7 funds may be obligated until a period of 30 days has
8 passed after the Administrator has transmitted to the
9 Committee on Commerce, Science, and Transportation of
10 the Senate and the Committee on Science of the House
11 of Representatives a written report describing the nature
12 of the construction, its costs, and the reasons therefor.

13 **SEC. 124. CONSIDERATION BY COMMITTEES.**

14 Notwithstanding any other provision of law—

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

21 (2) no amount appropriated to the National
22 Aeronautics and Space Administration may be used
23 for any program in excess of the amount actually
24 authorized for the particular program under this
25 title; and

1 (3) no amount appropriated to the National
2 Aeronautics and Space Administration may be used
3 for any program which has not been presented to
4 the Congress in the President's annual budget re-
5 quest or the supporting and ancillary documents
6 thereto,
7 unless a period of 30 days has passed after the receipt
8 by the Committee on Science of the House of Representa-
9 tives and the Committee on Commerce, Science, and
10 Transportation of the Senate of notice given by the Ad-
11 ministrators containing a full and complete statement of
12 the action proposed to be taken and the facts and cir-
13 cumstances relied upon in support of such proposed ac-
14 tion. The National Aeronautics and Space Administration
15 shall keep the Committee on Science of the House of Rep-
16 resentatives and the Committee on Commerce, Science,
17 and Transportation of the Senate fully and currently in-
18 formed with respect to all activities and responsibilities
19 within the jurisdiction of those committees. Except as oth-
20 erwise provided by law, any Federal department, agency,
21 or independent establishment shall furnish any informa-
22 tion requested by either committee relating to any such
23 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 Commit-
2 tee on Science of the House of Representatives and the
3 Committee on Commerce, Science, and Transportation of
4 the Senate that at least \$50,000,000 are available for that
5 fiscal year for obligations by the Commercial Remote
6 Sensing Program at Stennis Space Center for commercial
7 data purchases under section 308(a).

8 **SEC. 128. SPACE OPERATIONS.**

9 No funds appropriated pursuant to this Act shall be
10 used for Phase Two of the Consolidated Space Operations
11 Contract until a period of 30 days has passed after the
12 Administrator has transmitted to the Committee on
13 Science of the House of Representatives and the Commit-
14 tee on Commerce, Science, and Transportation of the Sen-
15 ate a written report which—

16 (1) compares the cost-effectiveness of the single
17 cost-plus contract approach of the Consolidated
18 Space Operations Contract and a multiple fixed-
19 price contracts approach;

20 (2) analyzes the differences in the competition
21 generated through the bidding process used for the
22 Consolidated Space Operations Contract as opposed
23 to multiple fixed-price contracts; and

24 (3) describes how the Consolidated Space Oper-
25 ations Contract can be transformed into fixed-price

1 contracts, and whether the National Aeronautics and
2 Space Administration intends to make such a transi-
3 tion.

4 **SEC. 129. INTERNATIONAL SPACE UNIVERSITY LIMITATION.**

5 No funds appropriated pursuant to this Act shall be
6 used to pay the tuition or living expenses of any National
7 Aeronautics and Space Administration employee attending
8 the International Space University.

9 **TITLE II—INTERNATIONAL**
10 **SPACE STATION**

11 **SEC. 201. FINDINGS.**

12 The Congress finds that—

13 (1) the development, assembly, and operation of
14 the International Space Station is in the national in-
15 terest of the United States;

16 (2) the significant involvement by private ven-
17 tures in marketing and using, competitively servie-
18 ing, and commercially augmenting the operational
19 capabilities of the International Space Station dur-
20 ing its assembly and operational phases will lower
21 costs and increase benefits to the international part-
22 ners; and

23 (3) when completed, the International Space
24 Station will be the largest, most capable micro-
25 gravity research facility ever developed. It will pro-

1 vide a lasting framework for conducting large-scale
2 science programs with international partners and it
3 is the next step in the human exploration of space.
4 The United States should commit to completing this
5 program, thereby reaping the benefits of scientific
6 research and international cooperation.

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

8 (a) **POLICY.**—The Congress declares that a priority
9 goal of constructing the International Space Station is the
10 economic development of Earth orbital space. The Con-
11 gress further declares that free and competitive markets
12 create the most efficient conditions for promoting eco-
13 nomic development, and should therefore govern the eco-
14 nomic development of Earth orbital space. The Congress
15 further declares that the use of free market principles in
16 operating, servicing, allocating the use of, and adding ca-
17 pabilities to the Space Station, and the resulting fullest
18 possible engagement of commercial providers and partici-
19 pation of commercial users, will reduce Space Station
20 operational costs for all partners and the Federal Govern-
21 ment’s share of the United States burden to fund oper-
22 ations.

23 (b) **REPORTS.**—(1) The Administrator shall deliver to
24 the Committee on Science of the House of Representatives
25 and the Committee on Commerce, Science, and Transpor-

1 tation of the Senate, within 90 days after the date of the
2 enactment of this Act, a study that identifies and exam-
3 ines—

4 (A) the opportunities for commercial ventures
5 to play a role in International Space Station activi-
6 ties, including operation, use, servicing, and aug-
7 mentation;

8 (B) the potential cost savings to be derived
9 from commercial ventures playing a role in each of
10 these activities;

11 (C) which of the opportunities described in sub-
12 paragraph (A) the Administrator plans to make
13 available to commercial ventures in fiscal year 1998
14 and 1999;

15 (D) the specific policies and initiatives the Ad-
16 ministrator is advancing to encourage and facilitate
17 these commercial opportunities; and

18 (E) the revenues and cost reimbursements to
19 the Federal Government from commercial users of
20 the Space Station.

21 (2) The Administrator shall deliver to the Committee
22 on Science of the House of Representatives and the Com-
23 mittee on Commerce, Science, and Transportation of the
24 Senate, within 180 days after the date of the enactment
25 of this Act, an independently-conducted market study that

1 examines and evaluates potential industry interest in pro-
2 viding commercial goods and services for the operation,
3 servicing, and augmentation of the International Space
4 Station, and in the commercial use of the International
5 Space Station. This study shall also include updates to
6 the cost savings and revenue estimates made in the study
7 described in paragraph (1) based on the external market
8 assessment.

9 (3) The Administrator shall deliver to the Congress,
10 no later than the submission of the President's annual
11 budget request for fiscal year 1999, a report detailing how
12 many proposals (whether solicited or not) the National
13 Aeronautics and Space Administration received during
14 calendar year 1997 regarding commercial operation, serv-
15 icing, utilization, or augmentation of the International
16 Space Station, broken down by each of these four cat-
17 egories, and specifying how many agreements the National
18 Aeronautics and Space Administration has entered into in
19 response to these proposals, also broken down by these
20 four categories.

21 **SEC. 203. SPACE STATION ACCOUNTING REPORT.**

22 The Administrator shall transmit a report to the Con-
23 gress each year containing a complete accounting of all
24 costs to the United States of the space station, whether

1 made in cash or other payments, including barter arrange-
2 ments with foreign entities.

3 **SEC. 204. REPORT ON INTERNATIONAL HARDWARE AGREE-**
4 **MENTS.**

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

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

15 (2) the impact of those agreements on United
16 States operating costs and United States utilization
17 shares of the International Space Station.

18 At least 90 days before entering into any additional agree-
19 ments of the type described in paragraph (1), the Admin-
20 istrator shall report to the Committee on Science of the
21 House of Representatives and the Committee on Com-
22 merce, Science, and Transportation of the Senate the na-
23 ture of the proposed agreement and the anticipated cost,
24 schedule, commercial, and utilization impacts of the pro-
25 posed agreement.

1 **TITLE III—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 301. COMMERCIAL SPACE LAUNCH AMENDMENTS.**

4 (a) AMENDMENTS.—Chapter 701 of title 49, United
5 States Code, is amended—

6 (1) in the table of sections—

7 (A) by amending the item relating to sec-
8 tion 70104 to read as follows:

 “70104. Restrictions on launches, operations, and reentries.”;

9 (B) by amending the item relating to sec-
10 tion 70108 to read as follows:

 “70108. Prohibition, suspension, and end of launches, operation of launch sites
 and reentry sites, and reentries.”;

11 and

12 (C) by amending the item relating to sec-
13 tion 70109 to read as follows:

 “70109. Preemption of scheduled launches or reentries.”;

14 (2) in section 70101—

15 (A) by inserting “microgravity research,”
16 after “information services,” in subsection
17 (a)(3);

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

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

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

3 (E) by inserting “, reentries,” after
4 “launches” both places it appears in subsection
5 (a)(7);

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

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

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

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

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

16 (K) by striking “launch” in subsection
17 (b)(2)(A);

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

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

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

25 (3) in section 70102—

1 (A) by striking “and any payload” and in-
2 serting in lieu thereof “or reentry vehicle and
3 any payload from Earth” in paragraph (3);

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

6 (C) by redesignating paragraphs (10)
7 through (12) as paragraphs (14) through (16),
8 respectively;

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

11 “(10) ‘reenter’ and ‘reentry’ mean to return or
12 attempt to return, purposefully, a reentry vehicle
13 and its payload, if any, from Earth orbit or from
14 outer space to Earth.

15 “(11) ‘reentry services’ means—

16 “(A) activities involved in the preparation
17 of a reentry vehicle and its payload, if any, for
18 reentry; and

19 “(B) the conduct of a reentry.

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

24 “(13) ‘reentry vehicle’ means a vehicle designed
25 to return from Earth orbit or outer space to Earth,

1 or a reusable launch vehicle designed to return from
2 outer space substantially intact.”; and

3 (E) by inserting “or reentry services” after
4 “launch services” each place it appears in para-
5 graph (15), as so redesignated by subparagraph
6 (C) of this paragraph;
7 (4) in section 70103(b)—

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

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

12 (C) by inserting “and reentry” after
13 “space launch” in paragraph (2);
14 (5) in section 70104—

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

17 **“§ 70104. Restrictions on launches, operations, and**
18 **reentries”;**

19 (B) by inserting “or reentry site, or to re-
20 enter a reentry vehicle,” after “operate a
21 launch site” each place it appears in subsection
22 (a);

23 (C) by inserting “or reentry” after “launch
24 or operation” in subsection (a) (3) and (4);

25 (D) in subsection (b)—

1 (i) by striking “launch license” and
2 inserting in lieu thereof “license”;

3 (ii) by inserting “or reenter” after
4 “may launch”; and

5 (iii) by inserting “or reentering” after
6 “related to launching”; and

7 (E) in subsection (c)—

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

11 (ii) by inserting “or reentry” after
12 “prevent the launch”; and

13 (iii) by inserting “or reentry” after
14 “decides the launch”;

15 (6) in section 70105—

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

19 (B) by striking “or operation” and insert-
20 ing in lieu thereof “, operation, or reentry” in
21 subsection (b)(2)(A);

22 (7) in section 70106(a)—

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

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

3 (C) by inserting “or reentry vehicle” after
4 “with a launch vehicle”;

5 (8) in section 70108—

6 (A) by amending the section designation
7 and heading to read as follows:

8 **“§ 70108. Prohibition, suspension, and end of**
9 **launches, operation of launch sites and**
10 **reentry sites, and reentries”;**

11 and

12 (B) in subsection (a)—

13 (i) by inserting “or reentry site, or re-
14 entry of a reentry vehicle,” after “oper-
15 ation of a launch site”; and

16 (ii) by inserting “or reentry” after
17 “launch or operation”;

18 (9) in section 70109—

19 (A) by amending the section designation
20 and heading to read as follows:

21 **“§ 70109. Preemption of scheduled launches or reen-**
22 **tries”;**

23 (B) in subsection (a)—

24 (i) by inserting “or reentry” after
25 “ensure that a launch”;

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

3 (iii) by inserting “or reentry date
4 commitment” after “launch date commit-
5 ment”;

6 (iv) by inserting “or reentry” after
7 “obtained for a launch”;

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

10 (vi) by inserting “, or services related
11 to a reentry,” after “amount for launch
12 services”; and

13 (vii) by inserting “or reentry” after
14 “the scheduled launch”; and

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

17 (10) in section 70110—

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

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

23 (11) in section 70111—

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

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

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

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

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

10 (F) by striking “or its payload for launch”
11 in subsection (d) and inserting in lieu thereof
12 “or reentry vehicle, or the payload of either, for
13 launch or reentry”; and

14 (G) by inserting “, reentry vehicle,” after
15 “manufacturer of the launch vehicle” in sub-
16 section (d);

17 (12) in section 70112—

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

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

22 (C) by inserting “or reentry services” after
23 “launch services” each place it appears in sub-
24 section (b);

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

4 (E) by striking “, Space, and Technology”
5 in subsection (d)(1);

6 (F) by inserting “OR REENTRIES” after
7 “LAUNCHES” in the heading for subsection (e);
8 and

9 (G) by inserting “or reentry site or a re-
10 entry” after “launch site” in subsection (e);

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

14 (14) in section 70115(b)(1)(D)(i)—

15 (A) by inserting “reentry site,” after
16 “launch site,”; and

17 (B) by inserting “or reentry vehicle” after
18 “launch vehicle” both places it appears; and

19 (15) in section 70117—

20 (A) by inserting “or reentry site, or to re-
21 enter a reentry vehicle” after “operate a launch
22 site” in subsection (a);

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

1 (C) by amending subsection (f) to read as
2 follows:

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

8 (D) in subsection (g)—

9 (i) by striking “operation of a launch
10 vehicle or launch site,” in paragraph (1)
11 and inserting in lieu thereof “reentry, op-
12 eration of a launch vehicle or reentry vehi-
13 cle, or operation of a launch site or reentry
14 site,”; and

15 (ii) by inserting “reentry,” after
16 “launch,” in paragraph (2).

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

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

21 (B) by striking “receiving an application” both
22 places it appears in subsection (a) and inserting in
23 lieu thereof “accepting an application in accordance
24 with criteria established pursuant to subsection
25 (b)(2)(D)”;

1 (C) by adding at the end of subsection (a) the
2 following new paragraph:

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

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

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

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

15 “(D) regulations establishing criteria for ac-
16 cepting or rejecting an application for a license
17 under this chapter within 60 days after receipt of
18 such application.”; and

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

22 (2) The amendment made by paragraph (1)(B) shall
23 take effect upon the effective date of final regulations is-
24 sued pursuant to section 70105(b)(2)(D) of title 49, Unit-

1 ed States Code, as added by paragraph (1)(F) of this sub-
2 section.

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

5 (A) by redesignating subparagraphs (A) and
6 (B) as subparagraphs (B) and (C), respectively; and

7 (B) by inserting before subparagraph (B), as so
8 redesignated by subparagraph (A) of this paragraph,
9 the following new subparagraph:

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

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

15 (A) in the subsection heading, as amended by
16 subsection (a)(4)(A) of this section, by inserting
17 “AND STATE SPONSORED SPACEPORTS” after “AND
18 REENTRIES”; and

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

21 (5) Section 70105(a)(1) of title 49, United States
22 Code, as amended by subsection (b)(1) of this section, is
23 amended by inserting at the end the following: “The Sec-
24 retary shall submit to the Committee on Science of the
25 House of Representatives and the Committee on Com-

1 merce, Science, and Transportation of the Senate a writ-
2 ten notice not later than 7 days after any occurrence when
3 a license is not issued within the deadline established by
4 this subsection.”.

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

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

9 “The Secretary shall establish criteria and procedures for
10 determining the priority of competing requests from the
11 private sector and State governments for property and
12 services under this section.”;

13 (B) by striking “actual costs” in subsection
14 (b)(1) and inserting in lieu thereof “additive costs
15 only”; and

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

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

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

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

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

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

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

8 **“§ 70120. Regulations**

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

12 “(1) guidelines for industry to obtain sufficient
13 insurance coverage for potential damages to third
14 parties;

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

18 “(3) procedures for requesting and obtaining
19 operator licenses for launch and reentry; and

20 “(4) procedures for the application of govern-
21 ment indemnification.”.

22 (2) The table of sections for such chapter 701 is
23 amended by adding after the item relating to section
24 70119 the following new item:

“70120. Regulations.”.

1 (d) REPORT TO CONGRESS.—(1) Chapter 701 of title
2 49, United States Code, is further amended by adding at
3 the end the following new section:

4 **“§ 70121. Report to Congress**

5 “The Secretary of Transportation shall submit to
6 Congress an annual report to accompany the President’s
7 budget request that—

8 “(1) describes all activities undertaken under
9 this chapter, including a description of the process
10 for the application for and approval of licenses under
11 this chapter and recommendations for legislation
12 that may further commercial launches and reentries;
13 and

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

17 (2) The table of sections for such chapter 701 is fur-
18 ther amended by adding after the item relating to section
19 70120, as added by subsection (c)(2) of this section, the
20 following new item:

“70121. Report to Congress.”.

21 **SEC. 302. REQUIREMENT FOR INDEPENDENT COST ANALY-**
22 **SIS.**

23 Before any funds may be obligated for Phase C of
24 a project that is projected to cost more than \$75,000,000
25 in total project costs, the Chief Financial Officer for the

1 National Aeronautics and Space Administration shall con-
2 duct an independent cost analysis of such project and shall
3 report the results to Congress. In developing cost account-
4 ing and reporting standards for carrying out this section,
5 the Chief Financial Officer shall, to the extent practicable
6 and consistent with other laws, solicit the advice of exper-
7 tise outside of the National Aeronautics and Space Admin-
8 istration.

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

10 (a) ESTABLISHMENT.—There is established within
11 the Department of Commerce an Office of Space Com-
12 merce.

13 (b) FUNCTIONS.—The Office of Space Commerce
14 shall be the principal unit for the coordination of space-
15 related issues, programs, and initiatives within the De-
16 partment of Commerce. The Office’s primary responsibil-
17 ities shall include—

18 (1) promoting private sector investment in
19 space activities by collecting, analyzing, and dissemi-
20 nating information on space markets, and conduct-
21 ing workshops and seminars to increase awareness
22 of commercial space opportunities;

23 (2) assisting United States commercial provid-
24 ers in their efforts to do business with the United
25 States Government, and acting as an industry advo-

1 cate within the executive branch to ensure that the
2 Federal Government meets its space-related require-
3 ment, to the fullest extent feasible, with commer-
4 cially available space goods and services;

5 (3) ensuring that the United States Govern-
6 ment does not compete with the private sector in the
7 provision of space hardware and services otherwise
8 available from the private sector;

9 (4) promoting the export of space-related goods
10 and services;

11 (5) representing the Department of Commerce
12 in the development of United States policies and in
13 negotiations with foreign countries to ensure free
14 and fair trade internationally in the area of space
15 commerce; and

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

18 **SEC. 304. NATIONAL AERONAUTICS AND SPACE ACT OF 1958**

19 **AMENDMENTS.**

20 (a) **DECLARATION OF POLICY AND PURPOSE.**—Sec-
21 tion 102 of the National Aeronautics and Space Act of
22 1958 (42 U.S.C. 2451) is amended—

23 (1) by striking subsection (f) and redesignating
24 subsections (g) and (h) as subsections (f) and (g),
25 respectively; and

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

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

7 (1) by striking “January” and inserting in lieu
8 thereof “May”; and

9 (2) by striking “calendar” and inserting in lieu
10 thereof “fiscal”.

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

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

16 (2) by adding at the end the following new sub-
17 section:

18 “(c)(1) The Administrator may, and at the request
19 of a private sector entity shall, delay for a period of at
20 least one day, but not to exceed 5 years, the unrestricted
21 public disclosure of technical data in the possession of, or
22 under the control of, the Administration that has been
23 generated in the performance of experimental, devel-
24 opmental, or research activities or programs funded jointly
25 by the Administration and such private sector entity.

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

6 “(3) Regulations issued pursuant to paragraph (2)
7 shall include—

8 “(A) guidelines for a determination of whether
9 data is technical data within the meaning of this
10 subsection;

11 “(B) provisions to ensure that technical data is
12 available for dissemination within the United States
13 to United States persons and entities in furtherance
14 of the objective of maintaining leadership or com-
15 petitiveness in civil and governmental aeronautical
16 and space activities by the United States industrial
17 base; and

18 “(C) a specification of the period or periods for
19 which the delay in unrestricted public disclosure of
20 technical data is to apply to various categories of
21 such data, and the restrictions on disclosure of such
22 data during such period or periods, including a re-
23 quirement that the maximum 5-year protection
24 under this subsection shall not be provided unless at

1 least 50 percent of the funding for the activities or
2 programs is provided by the private sector.

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

5 “(5) For purposes of this subsection, the term ‘tech-
6 nical data’ means any recorded information, including
7 computer software, that is or may be directly applicable
8 to the design, engineering, development, production, man-
9 ufacture, or operation of products or processes that may
10 have significant value in maintaining leadership or com-
11 petitiveness in civil and governmental aeronautical and
12 space activities by the United States industrial base.”.

13 **SEC. 305. PROCUREMENT.**

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

15 (1) **IN GENERAL.**—The Administrator shall es-
16 tablish a program of expedited technology procure-
17 ment for the purpose of demonstrating how innova-
18 tive technology concepts can rapidly be brought to
19 bear upon space missions of the National Aero-
20 nautics and Space Administration.

21 (2) **PROCEDURES AND EVALUATION.**—The Ad-
22 ministrator shall establish procedures for actively
23 seeking from persons outside the National Aero-
24 nautics and Space Administration innovative tech-
25 nology concepts, relating to the provision of space

1 hardware, technology, or service to the National Aer-
2 onautics and Space Administration.

3 (3) SPECIAL AUTHORITY.—In order to carry
4 out this subsection the Administrator shall recruit
5 and hire for limited term appointments persons from
6 outside the National Aeronautics and Space Admin-
7 istration with special expertise and experience relat-
8 ed to the innovative technology concepts with respect
9 to which procurements are made under this sub-
10 section.

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

13 (b) TECHNOLOGY PROCUREMENT INITIATIVE.—

14 (1) IN GENERAL.—The Administrator shall co-
15 ordinate National Aeronautics and Space Adminis-
16 tration resources in the areas of procurement, com-
17 mercial programs, and advanced technology in order
18 to—

19 (A) fairly assess and procure commercially
20 available technology from the marketplace in
21 the most efficient manner practicable;

22 (B) achieve a continuous pattern of inte-
23 grating advanced technology from the commer-
24 cial sector, and from Federal sources outside
25 the National Aeronautics and Space Adminis-

1 tration, into the missions and programs of the
2 National Aeronautics and Space Administra-
3 tion;

4 (C) incorporate private sector buying and
5 bidding procedures, including fixed price con-
6 tracts, into procurements; and

7 (D) provide incentives for cost-plus con-
8 tractors of the National Aeronautics and Space
9 Administration to integrate commercially avail-
10 able technology in subsystem contracts on a
11 fixed-price basis.

12 (2) CERTIFICATION.—Upon solicitation of any
13 procurement for space hardware, technology, or serv-
14 ices that are not commercially available, the Admin-
15 istrator shall certify, by publication of a notice and
16 opportunity to comment in the Commerce Business
17 Daily, for each such procurement action, that no
18 functional equivalent, commercially, available space
19 hardware, technology, or service exists and that no
20 commercial method of procurement is available.

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

22 (a) ACQUISITION FROM PRIVATE SECTOR.—The Ad-
23 ministrators shall, to the maximum extent possible and
24 while satisfying the scientific requirements of the National

1 Aeronautics and Space Administration, acquire, where
2 cost effective, space science data from the private sector.

3 (b) TREATMENT OF SPACE SCIENCE DATA AS COM-
4 Mercial ITEM UNDER ACQUISITION LAWS.—Acquisitions
5 of space science data by the Administrator shall be carried
6 out in accordance with applicable acquisition laws and reg-
7 ulations (including chapters 137 and 140 of title 10, Unit-
8 ed States Code), except that space science data shall be
9 considered to be a commercial item for purposes of such
10 laws and regulations (including section 2306a of title 10,
11 United States Code (relating to cost or pricing data), sec-
12 tion 2320 of such title (relating to rights in technical data)
13 and section 2321 of such title (relating to validation of
14 proprietary data restrictions)).

15 (c) DEFINITION.—For purposes of this section, the
16 term “space science data” includes scientific data concern-
17 ing the elemental and mineralogical resources of the moon
18 and the planets, Earth environmental data obtained
19 through remote sensing observations, and solar storm
20 monitoring.

21 (d) SAFETY STANDARDS.—Nothing in this section
22 shall be construed to prohibit the Federal Government
23 from requiring compliance with applicable safety stand-
24 ards.

1 (e) LIMITATION.—This section does not authorize the
2 National Aeronautics and Space Administration to provide
3 financial assistance for the development of commercial
4 systems for the collection of space science data.

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

6 The National Aeronautics and Space Administration
7 shall purchase commercially available space goods and
8 services to the fullest extent feasible, and shall not conduct
9 activities that preclude or deter commercial space activi-
10 ties except for reasons of national security or public safety.
11 A space good or service shall be deemed commercially
12 available if it is offered by a United States commercial
13 provider, or if it could be supplied by a United States com-
14 mercial provider in response to a Government procurement
15 request. For purposes of this section, a purchase is fea-
16 sible if it meets mission requirements in a cost-effective
17 manner.

18 **SEC. 308. ACQUISITION OF EARTH REMOTE SENSING DATA.**

19 (a) ACQUISITION.—For purposes of meeting Govern-
20 ment goals for Mission to Planet Earth, the Administrator
21 shall, to the maximum extent possible and while satisfying
22 the scientific requirements of the National Aeronautics
23 and Space Administration, acquire, where cost-effective,
24 space-based and airborne Earth remote sensing data, serv-
25 ices, distribution, and applications from the private sector.

1 (b) TREATMENT AS COMMERCIAL ITEM UNDER AC-
2 QUISITION LAWS.—Acquisitions by the Administrator of
3 the data, services, distribution, and applications referred
4 to in subsection (a) shall be carried out in accordance with
5 applicable acquisition laws and regulations (including
6 chapters 137 and 140 of title 10, United States Code),
7 except that such data, services, distribution, and applica-
8 tions shall be considered to be a commercial item for pur-
9 poses of such laws and regulations (including section
10 2306a of title 10, United States Code (relating to cost
11 or pricing data), section 2320 of such title (relating to
12 rights in technical data) and section 2321 of such title
13 (relating to validation of proprietary data restrictions)).

14 (c) STUDY.—(1) The Administrator shall conduct a
15 study to determine the extent to which the baseline sci-
16 entific requirements of Mission to Planet Earth can be
17 met by the private sector, and how the National Aero-
18 nautics and Space Administration will meet such require-
19 ments which cannot be met by the private sector.

20 (2) The study conducted under this subsection
21 shall—

22 (A) make recommendations to promote the
23 availability of information from the National Aero-
24 nautics and Space Administration to the private sec-
25 tor to enable the private sector to better meet the

1 baseline scientific requirements of Mission to Planet
2 Earth;

3 (B) make recommendations to promote the dis-
4 semination to the private sector of information on
5 advanced technology research and development per-
6 formed by or for the National Aeronautics and
7 Space Administration; and

8 (C) identify policy, regulatory, and legislative
9 barriers to the implementation of the recommenda-
10 tions made under this subsection.

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

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

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

21 **SEC. 309. EOSDIS REPORT.**

22 Not later than 90 days after the date of the enact-
23 ment of this Act, the Administrator shall transmit to the
24 Committee on Science of the House of Representatives

1 and the Committee on Commerce, Science, and Transpor-
2 tation of the Senate a report which contains—

3 (1) an analysis of the scientific capabilities,
4 costs, and schedule of the Earth Observing System
5 Data and Information System (EOSDIS);

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

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

12 **SEC. 310. SHUTTLE PRIVATIZATION.**

13 (a) **POLICY AND PREPARATION.**—The Administrator
14 shall prepare for an orderly transition from the Federal
15 operation, or Federal management of contracted oper-
16 ation, of space transportation systems to the Federal pur-
17 chase of commercial space transportation services for all
18 nonemergency launch requirements, including human,
19 cargo, and mixed payloads. In those preparations, the Ad-
20 ministrator shall take into account the need for short-term
21 economies, as well as the goal of restoring the National
22 Aeronautics and Space Administration's research focus
23 and its mandate to promote the fullest possible commercial
24 use of space. As part of those preparations, the Adminis-
25 trator shall plan for the potential privatization of the

1 Space Shuttle program. Such plan shall keep safety and
2 cost effectiveness as high priorities. Nothing in this section
3 shall prohibit the National Aeronautics and Space Admin-
4 istration from studying, designing, developing, or funding
5 upgrades or modifications essential to the safe and eco-
6 nomical operation of the Space Shuttle fleet.

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

16 (1) whether the Federal Government or the
17 Space Shuttle contractor should own the Space
18 Shuttle orbiters and ground facilities;

19 (2) whether the Federal Government should in-
20 demnify the contractor for any third party liability
21 arising from Space Shuttle operations, and, if so,
22 under what terms and conditions;

23 (3) whether payloads other than National Aero-
24 nautics and Space Administration payloads should
25 be allowed to be launched on the Space Shuttle, how

1 missions will be prioritized, and who will decide
2 which mission flies and when;

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

7 (5) whether National Aeronautics and Space
8 Administration and other Federal Government pay-
9 loads should have priority over non-Federal payloads
10 in the Space Shuttle launch assignments, and what
11 policies should be developed to prioritize among pay-
12 loads generally;

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

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

18 (c) REPORT TO CONGRESS.—Within 60 days after
19 the date of the enactment of this Act, the National Aero-
20 nautics and Space Administration shall complete the study
21 required under subsection (b) and shall submit a report
22 on the study to the Committee on Commerce, Science, and
23 Transportation of the Senate and the Committee on
24 Science of the House of Representatives.

1 **SEC. 311. LAUNCH VOUCHER DEMONSTRATION PROGRAM**
2 **AMENDMENTS.**

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

6 (1) in subsection (a)—

7 (A) by striking “the Office of Commercial
8 Programs within”; and

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

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

12 (3) by redesignating subsections (d) and (e) as
13 subsections (c) and (d), respectively.

14 **SEC. 312. USE OF ABANDONED AND UNDERUTILIZED**
15 **BUILDINGS, GROUNDS, AND FACILITIES.**

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

24 (b) **DEFINITIONS.**—For purposes of this section, the
25 term “depressed communities” means rural and urban
26 communities that are relatively depressed, in terms of age

1 of housing, extent of poverty, growth of per capita income,
2 extent of unemployment, job lag, or surplus labor.

3 **SEC. 313. COST EFFECTIVENESS CALCULATIONS.**

4 In calculating the cost effectiveness of the cost of the
5 National Aeronautics and Space Administration engaging
6 in an activity as compared to the private sector, the com-
7 parison shall be made based only on the price the private
8 sector provider will charge for such activity.

9 **SEC. 314. FOREIGN CONTRACT LIMITATION.**

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

15 **SEC. 315. AUTHORITY TO REDUCE OR SUSPEND CONTRACT**
16 **PAYMENTS BASED ON SUBSTANTIAL EVI-**
17 **DENCE OF FRAUD.**

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

21 **SEC. 316. NEXT GENERATION INTERNET.**

22 None of the funds authorized by this Act, or any
23 other Act enacted before the date of the enactment of this
24 Act, may be used for the Next Generation Internet.

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.—Notwith-
14 standing any other provision of law, no sums are author-
15 ized to be appropriated for fiscal years 1998 and 1999
16 for the activities for which sums are authorized by this
17 Act and the amendments made by this Act, unless such
18 sums are specifically authorized to be appropriated by this
19 Act or the amendments made by 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.

22 **SEC. 318. NOTICE.**

23 (a) NOTICE OF REPROGRAMMING.—If any funds au-
24 thorized by this Act or the amendments made by this Act
25 are subject to a reprogramming action that requires notice

1 to be provided to the Appropriations Committees of the
2 House of Representatives and the Senate, notice of such
3 action shall concurrently be provided to the Committee on
4 Science of the House of Representatives and the Commit-
5 tee on Commerce, Science, and Transportation of the Sen-
6 ate.

7 (b) NOTICE OF REORGANIZATION.—The Adminis-
8 trator shall provide notice to the Committees on Science
9 and Appropriations of the House of Representatives, and
10 the Committees on Commerce, Science, and Transpor-
11 tation and Appropriations of the Senate, not later than
12 15 days before any major reorganization of any program,
13 project, or activity of the National Aeronautics and Space
14 Administration.

15 **SEC. 319. SENSE OF CONGRESS ON THE YEAR 2000 PROB-**
16 **LEM.**

17 With the year 2000 fast approaching, it is the sense
18 of Congress that the National Aeronautics and Space Ad-
19 ministration should—

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

24 (2) assess immediately the extent of the risk to
25 the operations of the National Aeronautics and

1 Space Administration posed by the problems re-
2 ferred to in paragraph (1), and plan and budget for
3 achieving Year 2000 compliance for all of its mis-
4 sion-critical systems; and

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

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