

104TH CONGRESS
1ST SESSION

H. R. 2405

To authorize appropriations for fiscal years 1996 and 1997 for civilian science activities of the Federal Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 1995

Mr. WALKER (for himself, Mr. SENSENBRENNER, Mrs. MORELLA, Mr. ROHRABACHER, and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on Science, and in addition to the Committees on Resources and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize appropriations for fiscal years 1996 and 1997 for civilian science activities of the Federal Government, 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 “Omnibus Civilian Science Authorization Act of 1995”.

6 (b) TABLE OF CONTENTS.—

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1 **TITLE I—NATIONAL SCIENCE**
2 **FOUNDATION**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “National Science
5 Foundation Authorization Act of 1995”.

6 **SEC. 102. DEFINITIONS.**

7 For purposes of this title—

8 (1) the term “Director” means the Director of
9 the Foundation;

10 (2) the term “Foundation” means the National
11 Science Foundation;

12 (3) the term “institution of higher education”
13 has the meaning given such term in section 1201(a)
14 of the Higher Education Act of 1965;

15 (4) the term “national research facility” means
16 a research facility funded by the Foundation which
17 is available, subject to appropriate policies allocating
18 access, for use by all scientists and engineers affili-
19 ated with research institutions located in the United
20 States; and

21 (5) the term “United States” means the several
22 States, the District of Columbia, the Commonwealth
23 of Puerto Rico, the Virgin Islands, Guam, American
24 Samoa, the Commonwealth of the Northern Mariana

1 Islands, and any other territory or possession of the
2 United States.

3 **Subtitle A—National Science**
4 **Foundation Authorization**

5 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) FINDINGS.—The Congress finds that—

7 (1) the programs of the Foundation are impor-
8 tant for the Nation to strengthen basic research and
9 develop human resources in science and engineering,
10 and that those programs should be funded at an
11 adequate level;

12 (2) the primary mission of the Foundation con-
13 tinues to be the support of basic scientific research
14 and science education and the support of research
15 fundamental to the engineering process and engi-
16 neering education; and

17 (3) the Foundation's efforts to contribute to the
18 economic competitiveness of the United States
19 should be in accord with that primary mission.

20 (b) FISCAL YEAR 1996.—There are authorized to be
21 appropriated to the Foundation \$3,126,000,000 for fiscal
22 year 1996, which shall be available for the following cat-
23 egories:

1 (1) Research and Related Activities,
2 \$2,226,300,000, which shall be available for the fol-
3 lowing subcategories:

4 (A) Mathematical and Physical Sciences,
5 \$632,200,000.

6 (B) Engineering, \$311,600,000.

7 (C) Biological Sciences, \$293,300,000.

8 (D) Geosciences, \$408,800,000.

9 (E) Computer and Information Science
10 and Engineering, \$249,500,000.

11 (F) Social, Behavioral, and Economic
12 Sciences, \$111,300,000.

13 (G) United States Polar Research Pro-
14 grams, \$156,000,000.

15 (H) United States Antarctic Logistical
16 Support Activities, \$62,600,000.

17 (I) Critical Technologies Institute,
18 \$1,000,000.

19 (2) Education and Human Resources Activities,
20 \$600,000,000.

21 (3) Major Research Equipment, \$70,000,000.

22 (4) Academic Research Facilities Moderniza-
23 tion, \$100,000,000.

24 (5) Salaries and Expenses, \$120,000,000.

25 (6) Office of Inspector General, \$4,500,000.

1 (7) Headquarters Relocation, \$5,200,000.

2 (c) FISCAL YEAR 1997.—There are authorized to be
3 appropriated to the Foundation \$3,171,400,000 for fiscal
4 year 1997, which shall be available for the following cat-
5 egories:

6 (1) Research and Related Activities,
7 \$2,286,200,000.

8 (2) Education and Human Resources Activities,
9 \$600,000,000.

10 (3) Major Research Equipment, \$55,000,000.

11 (4) Academic Research Facilities Moderniza-
12 tion, \$100,000,000.

13 (5) Salaries and Expenses, \$120,000,000.

14 (6) Office of Inspector General, \$5,000,000.

15 (7) Headquarters Relocation, \$5,200,000.

16 **SEC. 112. PROPORTIONAL REDUCTION OF RESEARCH AND**
17 **RELATED ACTIVITIES AMOUNTS.**

18 If the amount appropriated pursuant to section
19 111(b)(1) is less than the amount authorized under that
20 paragraph, the amount authorized for each subcategory
21 under that paragraph shall be reduced by the same pro-
22 portion.

1 **SEC. 113. CONSULTATION AND REPRESENTATION EX-**
2 **PENSES.**

3 From appropriations made under authorizations pro-
4 vided in this title, not more than \$10,000 may be used
5 in each fiscal year for official consultation, representation,
6 or other extraordinary expenses at the discretion of the
7 Director. The determination of the Director shall be final
8 and conclusive upon the accounting officers of the Govern-
9 ment.

10 **SEC. 114. REPROGRAMMING.**

11 (a) \$500,000 OR LESS.—In any given fiscal year, the
12 Director may transfer appropriated funds among the
13 subcategories of Research and Related Activities, so long
14 as the net funds transferred to or from any subcategory
15 do not exceed \$500,000.

16 (b) GREATER THAN \$500,000.—In addition, the Di-
17 rector may propose transfers to or from any subcategory
18 exceeding \$500,000. An explanation of any proposed
19 transfer under this subsection must be transmitted in
20 writing to the Committee on Science of the House of Rep-
21 resentatives, and the Committees on Labor and Human
22 Resources and Commerce, Science, and Transportation of
23 the Senate. The proposed transfer may be made only when
24 30 calendar days have passed after transmission of such
25 written explanation.

1 **SEC. 115. FURTHER AUTHORIZATIONS.**

2 Nothing in this title shall preclude further authoriza-
3 tion of appropriations for the National Science Founda-
4 tion for fiscal year 1996: *Provided*, That authorization al-
5 locations adopted by the Conference Committee on House
6 Concurrent Resolution 67, and approved by Congress,
7 allow for such further authorizations.

8 **Subtitle B—General Provisions**

9 **SEC. 121. ANNUAL REPORT.**

10 Section 3(f) of the National Science Foundation Act
11 of 1950 (42 U.S.C. 1862(f)) is amended to read as fol-
12 lows:

13 “(f) The Foundation shall provide an annual report
14 to the President which shall be submitted by the Director
15 to the Congress at the time of the President’s annual
16 budget submission. The report shall—

17 “(1) contain a strategic plan, or an update to
18 a previous strategic plan, which—

19 “(A) defines for a three-year period the
20 overall goals for the Foundation and specific
21 goals for each major activity of the Foundation,
22 including each scientific directorate, the edu-
23 cation directorate, and the polar programs of-
24 fice; and

1 “(B) describe how the identified goals re-
2 late to national needs and will exploit new op-
3 portunities in science and technology;

4 “(2) identify the criteria and describe the proce-
5 dures which the Foundation will use to assess
6 progress toward achieving the goals identified in ac-
7 cordance with paragraph (1);

8 “(3) review the activities of the Foundation
9 during the preceding year which have contributed to-
10 ward achievement of goals identified in accordance
11 with paragraph (1) and summarize planned activities
12 for the coming three years in the context of the
13 identified goals, with particular emphasis on the
14 Foundation’s planned contributions to major multi-
15 agency research and education initiatives;

16 “(4) contain such recommendations as the
17 Foundation considers appropriate; and

18 “(5) include information on the acquisition and
19 disposition by the Foundation of any patents and
20 patent rights.”.

21 **SEC. 122. NATIONAL RESEARCH FACILITIES.**

22 (a) FACILITIES PLAN.—The Director shall provide to
23 Congress annually, as a part of the report required under
24 section 3(f) of the National Science Foundation Act of
25 1950, a plan for the proposed construction of, and repair

1 and upgrades to, national research facilities. The plan
2 shall include estimates of the cost for such construction,
3 repairs, and upgrades, and estimates of the cost for the
4 operation and maintenance of existing and proposed new
5 facilities. For proposed new construction and for major
6 upgrades to existing facilities, the plan shall include fund-
7 ing profiles by fiscal year and milestones for major phases
8 of the construction. The plan shall include cost estimates
9 in the categories of construction, repair, and upgrades for
10 the year in which the plan is submitted to Congress and
11 for not fewer than the succeeding 4 years.

12 (b) LIMITATION ON OBLIGATION OF UNAUTHORIZED
13 APPROPRIATIONS.—No funds appropriated for any project
14 which involves construction of new national research facili-
15 ties or construction necessary for upgrading the capabili-
16 ties of existing national research facilities shall be obli-
17 gated unless the funds are specifically authorized for such
18 purpose by this title or any other Act which is not an ap-
19 propriations Act, or unless the total estimated cost to the
20 Foundation of the construction project is less than
21 \$50,000,000. This subsection shall not apply to construc-
22 tion projects approved by the National Science Board
23 prior to June 30, 1994.

1 **SEC. 123. ELIGIBILITY FOR RESEARCH FACILITY AWARDS.**

2 Section 203(b) of the Academic Research Facilities
3 Modernization Act of 1988 is amended by striking the
4 final sentence of paragraph (3) and inserting in lieu there-
5 of the following: “The Director shall give priority to insti-
6 tutions or consortia that have not received such funds in
7 the preceding 5 years, except that this sentence shall not
8 apply to previous funding received for the same multiyear
9 project.”.

10 **SEC. 124. ADMINISTRATIVE AMENDMENTS.**

11 (a) NATIONAL SCIENCE FOUNDATION ACT OF 1950
12 AMENDMENTS.—The National Science Foundation Act of
13 1950 (42 U.S.C. 1861 et seq.) is amended—

14 (1) by redesignating the subsection (k) of sec-
15 tion 4 (42 U.S.C. 1863(k)) that was added by sec-
16 tion 108 of the National Science Foundation Au-
17 thorization Act of 1988 as subsection (l);

18 (2) in section 5(e) (42 U.S.C. 1864(e)) by
19 amending paragraph (2) to read as follows:

20 “(2) Any delegation of authority or imposition of con-
21 ditions under paragraph (1) shall be promptly published
22 in the Federal Register and reported to the Committees
23 on Labor and Human Resources and Commerce, Science,
24 and Transportation of the Senate and the Committee on
25 Science of the House of Representatives.”;

1 (3) by inserting “be entitled to” between
2 “shall” and “receive”, and by inserting “, including
3 traveltime,” after “Foundation” in section 14(c) (42
4 U.S.C. 1873(c));

5 (4) by striking section 14(j) (42 U.S.C.
6 1873(j)); and

7 (5) by striking “Atomic Energy Commission” in
8 section 15(a) (42 U.S.C. 1874(a)) and inserting in
9 lieu thereof “Secretary of Energy”.

10 (b) NATIONAL SCIENCE FOUNDATION AUTHORIZA-
11 TION ACT, 1976 AMENDMENTS.—Section 6(a) of the Na-
12 tional Science Foundation Authorization Act, 1976 (42
13 U.S.C. 1881a(a)) is amended by striking “social,” the
14 first place it appears.

15 (c) NATIONAL SCIENCE FOUNDATION AUTHORIZA-
16 TION ACT OF 1988 AMENDMENTS.—(1) Section
17 117(a)(1)(B)(v) of the National Science Foundation Au-
18 thorization Act of 1988 (42 U.S.C. 1881b(1)(B)(v)) is
19 amended to read as follows:

20 “(v) from schools established outside the several
21 States and the District of Columbia by any agency
22 of the Federal Government for dependents of its em-
23 ployees.”.

24 (2) Section 117(a)(3)(A) of such Act (42 U.S.C.
25 1881b(3)(A)) is amended by striking “Science and Engi-

1 neering Education” and inserting in lieu thereof “Education and Human Resources”.

3 (d) EDUCATION FOR ECONOMIC SECURITY ACT
4 AMENDMENTS.—Section 107 of Education for Economic
5 Security Act (20 U.S.C. 3917) is repealed.

6 (e) TECHNICAL AMENDMENT.—The second sub-
7 section (g) of section 3 of the National Science Foundation
8 Act of 1950 is repealed.

9 **SEC. 125. INDIRECT COSTS.**

10 (a) MATCHING FUNDS.—Matching funds required
11 pursuant to section 204(a)(2)(C) of the Academic Re-
12 search Facilities Modernization Act of 1988 (42 U.S.C.
13 1862c(a)(2)(C)) shall not be considered facilities costs for
14 purposes of determining indirect cost rates.

15 (b) REPORT.—The Director of the Office of Science
16 and Technology Policy, in consultation with other relevant
17 agencies, shall prepare a report analyzing what steps
18 would be needed to—

19 (1) reduce by 10 percent the proportion of Fed-
20 eral assistance to institutions of higher education
21 that are allocated for indirect costs; and

22 (2) reduce the variance among indirect cost
23 rates of different institutions of higher education,
24 including an evaluation of the relative benefits and bur-
25 dens of each option on institutions of higher education.

1 Such report shall be transmitted to the Congress no later
2 than December 31, 1995.

3 **SEC. 126. RESEARCH INSTRUMENTATION AND FACILITIES.**

4 The Foundation shall incorporate the guidelines set
5 forth in Important Notice No. 91, dated March 11, 1983
6 (48 Fed. Reg. 15754, April 12, 1983), relating to the use
7 and operation of Foundation-supported research instru-
8 mentation and facilities, in its notice of Grant General
9 Conditions, and shall examine more closely the adherence
10 of grantee organizations to such guidelines.

11 **SEC. 127. FINANCIAL DISCLOSURE.**

12 Persons temporarily employed by or at the Founda-
13 tion shall be subject to the same financial disclosure re-
14 quirements and related sanctions under the Ethics in Gov-
15 ernment Act of 1978 as are permanent employees of the
16 Foundation in equivalent positions.

17 **SEC. 128. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE**
18 **DUTY.**

19 In order to be eligible to receive funds from the Foun-
20 dation after September 30, 1995, an institution of higher
21 education must provide that whenever any student of the
22 institution who is a member of the National Guard, or
23 other reserve component of the Armed Forces of the
24 United States, is called or ordered to active duty, other
25 than active duty for training, the institution shall grant

1 the member a military leave of absence from their edu-
2 cation. Persons on military leave of absence from their in-
3 stitution shall be entitled, upon release from military duty,
4 to be restored to the educational status they had attained
5 prior to their being ordered to military duty without loss
6 of academic credits earned, scholarships or grants award-
7 ed, or tuition and other fees paid prior to the commence-
8 ment of the military duty. It shall be the duty of the insti-
9 tution to refund tuition or fees paid or to credit the tuition
10 and fees to the next semester or term after the termi-
11 nation of the educational military leave of absence at the
12 option of the student.

13 **SEC. 129. PROHIBITION OF LOBBYING ACTIVITIES.**

14 None of the funds authorized by this title shall be
15 available for any activity whose purpose is to influence leg-
16 islation pending before the Congress, except that this shall
17 not prevent officers or employees of the United States or
18 of its departments or agencies from communicating to
19 Members of Congress on the request of any Member or
20 to Congress, through the proper channels, requests for leg-
21 islation or appropriations which they deem necessary for
22 the efficient conduct of the public business.

1 **SEC. 130. SCIENCE STUDIES INSTITUTE.**

2 (a) AMENDMENT.—Section 822 of the National De-
3 fense Authorization Act for Fiscal 1991 (42 U.S.C. 6686)
4 is amended—

5 (1) by striking “Critical Technologies Institute”
6 in the section heading and in subsection (a), and in-
7 serting in lieu thereof “Science Studies Institute”;

8 (2) in subsection (b) by striking “As deter-
9 mined by the chairman of the committee referred to
10 in subsection (c), the” and inserting in lieu thereof
11 “The”;

12 (3) by striking subsection (c), and redesignating
13 subsections (d), (e), (f), and (g) as subsections (c),
14 (d), (e), and (f), respectively;

15 (4) in subsection (c), as so redesignated by
16 paragraph (3) of this subsection—

17 (A) by inserting “science and” after “de-
18 velopments and trends in” in paragraph (1);

19 (B) by striking “with particular emphasis”
20 in paragraph (1) and all that follows through
21 the end of such paragraph and inserting in lieu
22 thereof “and developing and maintaining rel-
23 evant informational and analytical tools.”;

24 (C) by striking “to determine” and all that
25 follows through “technology policies” in para-
26 graph (2) and inserting in lieu thereof “with

1 particular attention to the scope and content of
2 the Federal science and technology research
3 and develop portfolio as it affects interagency
4 and national issues”;

5 (D) by amending paragraph (3) to read as
6 follows:

7 “(3) Initiation of studies and analysis of alter-
8 natives available for ensuring the long-term strength
9 of the United States in the development and applica-
10 tion of science and technology, including appropriate
11 roles for the Federal Government, State govern-
12 ments, private industry, and institutions of higher
13 education in the development and application of
14 science and technology.”;

15 (E) by inserting “science and” after “Ex-
16 ecutive branch on” in paragraph (4)(A); and

17 (F) by amending paragraph (4)(B) to read
18 as follows:

19 “(B) to the interagency committees and
20 panels of the Federal Government concerned
21 with science and technology.”;

22 (5) in subsection (d), as so redesignated by
23 paragraph (3) of this subsection, by striking “sub-
24 section (d)” and inserting in lieu thereof “subsection
25 (c)”;

1 (6) by amending subsection (f), as so redesign-
2 nated by paragraph (3) of this subsection, to read
3 as follows:

4 “(f) SPONSORSHIP.—The Director of the Office of
5 Science and Technology Policy shall be the sponsor of the
6 Institute.”.

7 (b) CONFORMING USAGE.—All references in Federal
8 law or regulations to the Critical Technologies Institute
9 shall be considered to be references to the Science Studies
10 Institute.

11 **SEC. 131. EDUCATIONAL IMPACT.**

12 (a) FINDINGS.—The Congress finds that—

13 (1) Federal research funds made available to
14 institutions of higher education often create incen-
15 tives for such institutions to emphasize research over
16 undergraduate teaching and to narrow the focus of
17 their graduate programs; and

18 (2) National Science Foundation funds for Re-
19 search and Related Activities should be spent in the
20 manner most likely to improve the quality of under-
21 graduate and graduate education in institutions of
22 higher education.

23 (b) EDUCATIONAL IMPACT.—(1) The impact that a
24 grant or cooperative agreement by the National Science
25 Foundation would have on undergraduate and graduate

1 education at an institution of higher education shall be
2 a factor in any decision whether to award such grant or
3 agreement to that institution.

4 (2) Paragraph (1) shall be effective with respect to
5 any grant or cooperative agreement awarded after Sep-
6 tember 30, 1996.

7 (c) REPORT.—The Director shall provide a plan for
8 the implementation of subsection (b) of this section, no
9 later than December 31, 1995, to the Committee on
10 Science of the House of Representatives and the Commit-
11 tee on Commerce, Science, and Transportation and the
12 Committee on Labor and Human Resources of the Senate.

13 **SEC. 132. DIVISIONS OF THE FOUNDATION.**

14 (a) AMENDMENT.—Section 8 of the National Science
15 Foundation Act of 1950 (42 U.S.C. 1866) is amended by
16 inserting “The Director may appoint, in consultation with
17 the Board, not more than 6 Assistant Directors to assist
18 in managing the Divisions.” after “time to time deter-
19 mine.”.

20 (b) REPORT.—By November 15, 1995, the Director
21 shall transmit to the Congress a report on the reorganiza-
22 tion of the National Science Foundation required as a re-
23 sult of the amendment made by subsection (a).

1 **SEC. 133. LIMITATION ON APPROPRIATIONS.**

2 (a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR
3 1996.—Notwithstanding any other provision of law, no
4 sums are authorized to be appropriated for fiscal year
5 1996 for the activities for which sums are authorized by
6 this title unless such sums are specifically authorized to
7 be appropriated by this title.

8 (b) SUBSEQUENT FISCAL YEARS.—No sums are au-
9 thorized to be appropriated for any fiscal year after fiscal
10 year 1996 for the activities for which sums are authorized
11 by this title unless such sums are specifically authorized
12 to be appropriated by an Act of Congress with respect to
13 such fiscal year.

14 **SEC. 134. ELIGIBILITY FOR AWARDS.**

15 (a) IN GENERAL.—The Director shall exclude from
16 consideration for awards of financial assistance made by
17 the Foundation after fiscal year 1995 any person who re-
18 ceived funds, other than those described in subsection (b),
19 appropriated for a fiscal year after fiscal year 1995, from
20 any Federal funding source for a project that was not sub-
21 jected to a competitive, merit-based award process. Any
22 exclusion from consideration pursuant to this section shall
23 be effective for a period of 5 years after the person re-
24 ceives such Federal funds.

25 (b) EXCEPTION.—Subsection (a) shall not apply to
26 awards to persons who are members of a class specified

1 by law for which assistance is awarded to members of the
2 class according to a formula provided by law.

3 **TITLE II—NATIONAL AERO-**
4 **NAUTICS AND SPACE ADMIN-**
5 **ISTRATION**

6 **Subtitle A—General Provisions**

7 **SEC. 201. SHORT TITLE.**

8 This title may be cited as the “National Aeronautics
9 and Space Administration Authorization Act, Fiscal Year
10 1996”.

11 **SEC. 202. FINDINGS.**

12 The Congress makes the following findings:

13 (1) The National Aeronautics and Space Ad-
14 ministration has failed to request sufficient funds to
15 perform all missions it has proposed in annual budg-
16 et requests. For fiscal year 1996, the budget re-
17 quested is \$140,000,000 below the amount required
18 to fulfill program commitments made by the fiscal
19 year 1995 budget approved by Congress. The re-
20 quest for fiscal year 1996 proposes continued
21 underfunding of the requirements of the National
22 Aeronautics and Space Administration by
23 \$439,000,000 for fiscal year 1997, \$847,000,000 for
24 fiscal year 1998, \$1,189,000,000 for fiscal year
25 1999, and \$1,532,000,000 for fiscal year 2000.

1 (2) In order to close the gap between projected
2 program requirements and the underfunding re-
3 quested, the National Aeronautics and Space Admin-
4 istration should aggressively pursue actions and re-
5 forms directed at reducing institutional costs, includ-
6 ing management restructuring, facility consolidation,
7 procurement reform, personnel base downsizing, and
8 convergence with other defense and private sector
9 systems.

10 (3) While institutional reforms, restructurings,
11 and downsizing hold the promise of comporting the
12 projected needs of the National Aeronautics and
13 Space Administration with funding levels requested
14 by the Administration, such reforms provide no
15 guarantee against cancellation of missions in the
16 event reform efforts fail to achieve cost reduction
17 targets.

18 (4) The National Aeronautics and Space Ad-
19 ministration must reverse its current trend toward
20 becoming an operational agency, and return to its
21 proud history as the Nation's leader in basic sci-
22 entific air and space research.

23 (5) Commercial space activity is in a delicate
24 state of growth but has the potential to eclipse Fed-

1 eral space activity in its economic return to the Na-
2 tion if not stifled.

3 (6) The United States is on the verge of creat-
4 ing and using new technologies in microsatellites, in-
5 formation processing, and space launch that could
6 radically alter the manner in which the Government
7 approaches its space mission.

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

14 (8) In formulating a national space transpor-
15 tation service policy, the National Aeronautics and
16 Space Administration should aggressively pursue re-
17 verse contracting opportunities to support the pri-
18 vate sector development of advanced space transpor-
19 tation technologies including reusable space vehicles,
20 single-stage-to-orbit vehicles, and manner space sys-
21 tems.

22 (9) International cooperation in space explo-
23 ration and science activities serves the United States
24 national interest—

25 (A) when it—

1 (i) reduces the cost of undertaking
2 missions the United States Government
3 would pursue unilaterally;

4 (ii) enables the United States to pur-
5 sue missions that it could not otherwise af-
6 ford to pursue unilaterally; or

7 (iii) enhances United States capabili-
8 ties to use and develop space for the bene-
9 fit of United States citizens; and

10 (B) when it does not—

11 (i) otherwise harm or interfere with
12 the ability of United States private sector
13 firms to develop or explore space commer-
14 cially;

15 (ii) interfere with the ability of Fed-
16 eral agencies to use space to complete their
17 missions;

18 (iii) undermine the ability of United
19 States private enterprise to compete favor-
20 ably with foreign entities in the commercial
21 space arena; or

22 (iv) transfer sensitive or commercially
23 advantageous technologies or knowledge
24 from the United States to other countries
25 or foreign entities except as required by

1 those countries or entities to make their
2 contribution to a multilateral space project
3 in partnership with the United States, or
4 on a quid pro quo basis.

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

11 **SEC. 203. DEFINITIONS.**

12 For purposes of this title—

13 (1) the term “Administrator” means the Ad-
14 ministrator of the National Aeronautics and Space
15 Administration; and

16 (2) the term “institution of higher education”
17 has the meaning given such term in section 1201(a)
18 of the Higher Education Act of 1965 (20 U.S.C.
19 1141(a)).

20 **Subtitle B—Authorization of**
21 **Appropriations**

22 **CHAPTER 1—AUTHORIZATIONS**

23 **SEC. 211. HUMAN SPACE FLIGHT.**

24 (a) AUTHORIZATIONS.—There are authorized to be
25 appropriated to the National Aeronautics and Space Ad-

1 ministration for fiscal year 1996 for Human Space Flight
2 the following amounts:

3 (1) For Space Shuttle Operations,
4 \$2,341,800,000.

5 (2) For Space Shuttle Safety and Performance
6 Upgrades, \$837,000,000.

7 (3) For Payload and Utilization Operations,
8 \$315,000,000.

9 (4) For Russian Cooperation, \$100,000,000.

10 (b) CONSTRUCTION OF FACILITIES.—(1) Of the
11 funds authorized to be appropriated under subsection
12 (a)(2), \$5,000,000 are authorized for modernization of the
13 Firex Systems, Pads A and B, Kennedy Space Center.

14 (2) Of the funds authorized to be appropriated under
15 subsection (a)(2), \$7,500,000 are authorize for replace-
16 ment of the Chemical Analysis Facility, Kennedy Space
17 Center.

18 (3) Of the funds authorized to be appropriated under
19 subsection (a)(2), \$4,900,000 are authorized for replace-
20 ment of the Space Shuttle Main Engine Processing Facil-
21 ity, Kennedy Space Center.

22 **SEC. 212. SCIENCE, AERONAUTICS, AND TECHNOLOGY.**

23 (a) AUTHORIZATIONS.—There are authorized to be
24 appropriated to the National Aeronautics and Space Ad-

1 ministration for fiscal year 1996 for Science, Aeronautics,
2 and Technology the following amounts:

3 (1) For Space Science, \$1,995,400,000, of
4 which—

5 (A) \$1,167,600,000 are authorized for
6 Physics and Astronomy, of which \$51,500,000
7 shall be for the Gravity Probe B, except that no
8 funds are authorized for the Space Infrared
9 Telescope Facility; and

10 (B) \$827,800,000 are authorized for Plan-
11 etary Exploration, of which \$30,000,000 shall
12 be for the New Millennium Spacecraft, includ-
13 ing \$5,000,000 for the National Aeronautics
14 and Space Administration's participation in
15 Clementine 2 (Air Force Program Element
16 0603401F Advanced Spacecraft Technology).

17 (2) For Life and Microgravity Sciences and Ap-
18 plications, \$293,200,000.

19 (3) For Mission to Planet Earth,
20 \$1,013,100,000, of which \$21,500,000 shall only be
21 for activities described in section 248(b)(7)(A), ex-
22 cept that no funds are authorized for the Consor-
23 tium for International Earth Science Information
24 Network (except as provided in section 217) or the
25 Topex Poseidon Follow-On mission. Funds author-

1 ized by this paragraph may not be expended to du-
2 plicate private sector or other Federal activities or to
3 procure systems to provide data unless the Adminis-
4 trator certifies to Congress that no private sector or
5 Federal entity can provide suitable data in a timely
6 manner. Notwithstanding any other provision of law,
7 funds in excess of those authorized by this para-
8 graph may not be obligated for Mission to Planet
9 Earth.

10 (4) For Space Access and Technology,
11 \$639,800,000 of which—

12 (A) \$193,000,000 are authorized for Ad-
13 vanced Space Transportation;

14 (B) \$10,000,000 are authorized to be
15 made available for defraying the costs of con-
16 verting or redesigning commercially inconsistent
17 elements of former Federal facilities or to take
18 actions required for conformance with Federal
19 laws or regulations relating to commercial space
20 transportation infrastructure, to remain avail-
21 able until expended;

22 (C) \$20,000,000 shall be for continuing
23 the Launch Voucher Demonstration Program
24 authorized under section 504 of the National
25 Aeronautics and Space Administration Author-

1 ization Act, Fiscal Year 1993(15 U.S.C. 5803);
2 and

3 (D) \$33,900,000 are authorized for the
4 Small Spacecraft Technology Initiative, except
5 that funds for such Initiative may not be ex-
6 pended to duplicate private sector activities or
7 to fund any activities that a private sector en-
8 tity is proposing to carry out for commercial
9 purposes. No funds are authorized under this
10 paragraph for the Partnership for Next Genera-
11 tion Vehicle.

12 (5) For Aeronautical Research and Technology,
13 \$826,900,000, of which—

14 (A) \$354,700,000 are authorized for Re-
15 search and Technology Base activities;

16 (B) \$245,500,000 are authorized for High
17 Speed Research;

18 (C) \$133,,000,000 are authorized for Ad-
19 vanced Subsonic Technology, except that no
20 funds are authorized for concept studies for Ad-
21 vanced Traffic Management and Affordable De-
22 sign and Manufacturing;

23 (D) \$40,200,000 are authorized for High-
24 Performance Computing and Communications;
25 and

1 (E) \$48,100,000 are authorized for Nu-
2 merical Aerodynamic Simulation.

3 (6) For Mission Communication Services,
4 \$461,300,000.

5 (7) For Academic Programs, \$102,200,000.

6 (b) CONSTRUCTION OF FACILITIES.—(1) Of the
7 funds authorized to be appropriated under subsection
8 (a)(3), \$17,000,000 are authorized for construction of the
9 Earth Systems Science Building, Goddard Space Flight
10 Center.

11 (2) Of the funds authorized to be appropriated under
12 subsection (a)(5), \$5,400,000 are authorized for mod-
13 ernization of the Unitary Plan Wind Tunnel Complex,
14 Ames Research Center.

15 (3) Of the funds authorized to be appropriated under
16 subsection (a)(2), \$3,000,000 are authorized for the con-
17 struction of an addition to the Microgravity and Develop-
18 ment Laboratory, Marshall Space Flight Center.

19 **SEC. 213. MISSION SUPPORT.**

20 There are authorized to be appropriated to the Na-
21 tional Aeronautics and Space Administration for fiscal
22 year 1996 for Mission Support the following amounts:

23 (1) For Safety, Reliability, and Quality Assur-
24 ance, \$37,600,000.

1 (2) For Space Communication Services,
2 \$319,400,000.

3 (3) For Construction of Facilities, including
4 land acquisition, \$152,600,000, of which—

5 (A) \$6,300,000 shall be for restoration of
6 Flight Systems Research Laboratory, Ames Re-
7 search Center;

8 (B) \$3,000,000 shall be for restoration of
9 chilled water distribution system, Goddard
10 Space Flight Center;

11 (C) \$4,800,000 shall be for replacing
12 chillers, various buildings, Jet Propulsion Lab-
13 oratory;

14 (D) \$1,100,000 shall be for rehabilitation
15 of electrical distribution system, White Sands
16 Test Facility, Johnson Space Center;

17 (E) \$4,200,000 shall be for replacement of
18 main substation switchgear and circuit break-
19 ers, Johnson Space Center;

20 (F) \$1,800,000 shall be for replacement of
21 15kV load break switches, Kennedy Space Cen-
22 ter;

23 (G) \$9,000,000 shall be for rehabilitation
24 of Central Air Equipment Building, Lewis Re-
25 search Center;

1 (H) \$4,700,000 shall be for restoration of
2 high pressure air compressor system, Marshall
3 Space Flight Center;

4 (I) \$6,800,000 shall be for restoration of
5 Information and Electronic Systems Labora-
6 tory, Marshall Space Flight Center;

7 (J) \$1,400,000 shall be for restoration of
8 canal lock, Stennis Space Center;

9 (K) \$2,500,000 shall be for restoration of
10 primary electrical distribution systems, Wallops
11 Flight Facility;

12 (L) \$30,000,000 shall be for repair of fa-
13 cilities at various locations, not in excess of
14 \$1,500,000 per project;

15 (M) \$30,000,000 shall be for rehabilitation
16 and modification of facilities at various loca-
17 tions, not in excess of \$1,500,000 per project;

18 (N) \$2,000,000 shall be for minor con-
19 struction of new facilities and additions to exist-
20 ing facilities at various locations, not in excess
21 of \$750,000 per project;

22 (O) \$10,000,000 shall be for facility plan-
23 ning and design not otherwise provided for; and

24 (P) \$35,000,000 shall be for environmental
25 compliance and restoration.

1 (4) For Research and Program Management,
2 including personnel and related costs, travel, and re-
3 search operations support, \$2,094,800,000.

4 **SEC. 214. INSPECTOR GENERAL.**

5 There are authorized to be appropriated to the Na-
6 tional Aeronautics and Space Administration for Inspector
7 General, \$17,300,000 for fiscal year 1996.

8 **SEC. 215. TOTAL AUTHORIZATION.**

9 Notwithstanding any other provision of this subtitle,
10 the total amount authorized to be appropriated to the Na-
11 tional Aeronautics and Space Administration under this
12 title shall not exceed \$11,547,400,000 for fiscal year
13 1996.

14 **SEC. 216. ADDITIONAL AUTHORIZATION AND CORRESPOND-**
15 **ING REDUCTION.**

16 (a) AUTHORIZATION.—In addition to amounts au-
17 thorized by section 212(a)(3), there are authorized to be
18 appropriated to the National Aeronautics and Space Ad-
19 ministration for fiscal year 1996 for Mission to Planet
20 Earth \$274,360,000, to be derived from amounts other-
21 wise authorized by this title.

22 (b) OPERATING PLAN.—The Administrator shall,
23 within 30 days after the later of—

24 (1) the date of the enactment of this Act; and

1 (2) the date of the enactment of the Act mak-
2 ing appropriations for the National Aeronautics and
3 Space Administration for fiscal year 1996,
4 transmit to the Committee on Science of the House of
5 Representatives and the Committee on Commerce,
6 Science, and Transportation of the Senate an operating
7 plan which identifies which amounts will be transferred
8 pursuant to subsection (a).

9 (c) LIMITATION ON OBLIGATION AND EXPENDI-
10 TURE.—None of the funds authorized by subsection (a)
11 shall be available for obligation or expenditure until—

12 (1) the National Academy of Sciences has con-
13 ducted a comprehensive review of the Mission to
14 Planet Earth program as part of its study of the
15 United States Global Change Research Program;

16 (2) the Administrator has reported to the Com-
17 mittee on Science of the House of Representatives
18 and the Committee on Commerce, Science, and
19 Transportation of the Senate a plan for implement-
20 ing the study's recommendations and a formal re-
21 quest for all or part of such funds; and

22 (3) 90 legislative days have passed after the re-
23 port is transmitted under paragraph (2).

1 **SEC. 217. LIMITED AVAILABILITY.**

2 Nothing in this title shall interfere with the rights
3 of any parties under contracts. Nothing in this title shall
4 preclude the Consortium for International Earth Science
5 Information Network from receiving a contract awarded
6 following a full and open competition.

7 **CHAPTER 2—RESTRUCTURING THE NA-**
8 **TIONAL AERONAUTICS AND SPACE AD-**
9 **MINISTRATION**

10 **SEC. 221. FINDINGS.**

11 The Congress finds that—

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

16 (2) to restructure the National Aeronautics and
17 Space Administration rapidly without reducing mis-
18 sion content and safety requires objective financial
19 judgment;

20 (3) no effort has been undertaken by the Na-
21 tional Aeronautics and Space Administration to per-
22 form a formal economic review of its missions and
23 the Federal assets that support them;

24 (4) therefore it is premature and unwarranted
25 to attempt closing any National Aeronautics and
26 Space Administration field center until an asset-

1 based review of United States space missions and
2 capabilities to support them is performed; and

3 (5) cost savings from the closing of National
4 Aeronautics and Space Administration field centers
5 are speculative and potentially injurious to mission
6 goals, unless derived from an asset-based analysis.

7 **SEC. 222. ASSET-BASED REVIEW.**

8 (a) REQUEST FOR PROPOSALS.—Not later than 30
9 days after the date of the enactment of this Act, the Ad-
10 ministrator shall publish in the Commerce Business Daily
11 a request for proposals to perform a National Aeronautics
12 and Space Administration asset-based review.

13 (b) QUALIFIED PROPOSALS.—Qualified proposals to
14 perform the asset-based review under this section shall be
15 from United States persons whose primary business is cor-
16 porate financial strategy, investment banking, accounting,
17 or asset management. All proposals shall, at a minimum,
18 propose to review, for each capital asset owned by the Na-
19 tional Aeronautics and Space Administration—

20 (1) its primary function or purpose in relation-
21 ship to a program, mission, or activity of the Na-
22 tional Aeronautics and Space Administration;

23 (2) the existence of other capital assets which
24 duplicate or overlap with such function or purpose;

1 (3) the Federal and non-Federal users thereof;
2 and

3 (4) its necessity to carry out a program, mis-
4 sion, or activity of the National Aeronautics and
5 Space Administration.

6 (c) REPORT.—The contractor selected to perform the
7 asset-based review under this section shall complete such
8 review and transmit to the Administrator and the Con-
9 gress, no later than July 31, 1996, a report containing,
10 at a minimum—

11 (1) for each National Aeronautics and Space
12 Administration field center facility—

13 (A) a list of capital assets that should be
14 permanently retired or disposed of;

15 (B) a list of capital assets that may be
16 transferred to non-Federal institutions and cor-
17 porations, if the transfer of such asset is cost
18 effective; and

19 (C) a list of capital assets essential to the
20 conduct of National Aeronautics and Space Ad-
21 ministration programs, missions, or activities,
22 and a justification for retaining the asset;

23 (2) for each National Aeronautics and Space
24 Administration program element—

1 (A) a list of capital assets essential to the
2 conduct of the program element; and

3 (B) a plan for achieving the most cost-ef-
4 fective consolidation and efficient use of nec-
5 essary capital assets to support such program
6 element, including the use of non-Federal assets
7 where appropriate; and

8 (3) for each National Aeronautics and Space
9 Administration capital asset—

10 (A) the total annual cost of maintaining
11 and operating such capital asset, including Fed-
12 eral employee and contractor costs;

13 (B) the depreciated cost, replacement cost,
14 and salvage value; and

15 (C) the most cost-effective strategy for
16 maintaining, replacing, upgrading, or disposing
17 of the capital asset, as appropriate.

18 (d) IMPLEMENTATION.—The Administrator shall
19 consider the results of the asset-based review conducted
20 under this section, and based on the Administrator's rec-
21 ommendations, the President shall propose to Congress
22 legislation required to implement those recommendations
23 no later than September 30, 1996.

24 (e) CLOSING OF FIELD CENTERS.—The Adminis-
25 trator shall not close any National Aeronautics and Space

1 Administration field center until after the asset-based re-
2 view report is transmitted under subsection (c), and may
3 only close field centers that would become obsolete as a
4 result of the implementation of the Administrator's rec-
5 ommendations, and may do so only after enactment of leg-
6 islation implementing those recommendations.

7 **CHAPTER 3—LIMITATIONS AND SPECIAL** 8 **AUTHORITY**

9 **SEC. 231. USE OF FUNDS FOR CONSTRUCTION.**

10 (a) AUTHORIZED USES.—Funds appropriated under
11 sections 211(a), 212(a), and 213 (1) and (2), and funds
12 appropriated for research operations support under sec-
13 tion 213(4), may be used for the construction of new fa-
14 cilities and additions to, repair of, rehabilitation of, or
15 modification of existing facilities at any location in support
16 of the purposes for which such funds are authorized.

17 (b) LIMITATION.—None of the funds pursuant to
18 subsection (a) may be expended for a project, the esti-
19 mated cost of which to the National Aeronautics and
20 Space Administration, including collateral equipment, ex-
21 ceeds \$500,000, until 30 days have passed after the Ad-
22 ministrator has notified the Committee on Science of the
23 House of Representatives and the Committee on Com-
24 merce, Science, and Transportation of the Senate of the

1 nature, location, and estimated cost to the National Aero-
2 nautics and Space Administration of such project.

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

16 **SEC. 232. AVAILABILITY OF APPROPRIATED AMOUNTS.**

17 To the extent provided in appropriations Acts, appro-
18 priations authorized under chapter 1 may remain available
19 without fiscal year limitation.

20 **SEC. 233. REPROGRAMMING FOR CONSTRUCTION OF FA-**
21 **CILITIES.**

22 (a) IN GENERAL.—Appropriations authorized under
23 any paragraph of section 211(b), 212(b), or 213(3)—

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

1 (2) may be varied upward by 25 percent, to
2 meet unusual cost variations, after the expiration of
3 15 days following a report on the circumstances of
4 such action by the Administrator to the Committee
5 on Science of the House of Representatives and the
6 Committee on Commerce, Science, and Transpor-
7 tation of the Senate.

8 The aggregate amount authorized to be appropriated
9 under sections 211(b), 212(b) and 213(3) shall not be in-
10 creased as a result of actions authorized under paragraphs
11 (1) and (2) of this subsection.

12 (b) SPECIAL RULE.—Where the Administrator deter-
13 mines that new developments in the national program of
14 aeronautical and space activities have occurred; and that
15 such developments require the use of additional funds for
16 the purposes of construction, expansion, or modification
17 of facilities at any location; and that deferral of such ac-
18 tion until the enactment of the next National Aeronautics
19 and Space Administration Authorization Act would be in-
20 consistent with the interest of the Nation in aeronautical
21 and space activities, the Administrator may use up to
22 \$10,000,000 of the amounts authorized under section
23 211(b), 212(b), or 213(3) for each fiscal year for such
24 purposes. No such funds may be obligated until a period
25 of 30 days has passed after the Administrator has trans-

1 mitted to the Committee on Commerce, Science, and
2 Transportation of the Senate and the Committee on
3 Science of the House of Representatives a written report
4 describing the nature of the construction, its costs, and
5 the reasons therefor.

6 **SEC. 234. CONSIDERATION BY COMMITTEES.**

7 Notwithstanding any other provision of law—

8 (1) no amount appropriated to the National
9 Aeronautics and Space Administration may be used
10 for any program for which the President's annual
11 budget request included a request for funding, but
12 for which the Congress denied or did not provide
13 funding;

14 (2) no amount appropriated to the National
15 Aeronautics and Space Administration may be used
16 for any program in excess of the amount actually
17 authorized for the particular program by October 1;
18 and

19 (3) no amount appropriated to the National
20 Aeronautics and Space Administration may be used
21 for any program which has not been presented to
22 the Congress in the President's annual budget re-
23 quest or the supporting and ancillary documents
24 thereto,

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

18 **SEC. 235. LIMITATION ON OBLIGATION OF UNAUTHORIZED**
19 **APPROPRIATIONS.**

20 (a) REPORTS TO CONGRESS.—Not later than 30 days
21 after the later of the date of enactment of an Act making
22 appropriations to the National Aeronautics and Space Ad-
23 ministration for fiscal year 1996 and the date of enact-
24 ment of this Act, the Administrator shall submit a report

1 to Congress and to the Comptroller General which speci-
2 fies—

3 (1) the portion of such appropriations which are
4 for programs, projects, or activities not authorized
5 under chapter 1 of this subtitle, or which are in ex-
6 cess of amounts authorized for the relevant program,
7 project, or activity under this title; and

8 (2) the portion of such appropriations which are
9 authorized under this title.

10 (b) FEDERAL REGISTER NOTICE.—The Adminis-
11 trator shall, coincident with the submission of the report
12 required by subsection (a), publish in the Federal Register
13 a notice of all programs, projects, or activities for which
14 funds are appropriated but which were not authorized
15 under this title, and solicit public comment thereon re-
16 garding the impact of such programs, projects, or activi-
17 ties on the conduct and effectiveness of the national aero-
18 nautics and space program.

19 (c) LIMITATION.—Notwithstanding any other provi-
20 sion of law, no funds may be obligated for any programs,
21 projects, or activities of the National Aeronautics and
22 Space Administration for fiscal year 1996 not authorized
23 under this title until 30 days have passed after the close
24 of the public comment period contained in the notice re-
25 quired in subsection (b).

1 **SEC. 236. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS**
2 **OR EXTRAORDINARY EXPENSES.**

3 Not more than \$30,000 of the funds appropriated
4 under section 212 may be used for scientific consultations
5 or extraordinary expenses, upon the authority of the Ad-
6 ministrator.

7 **SEC. 237. LIMITATION ON TRANSFERS TO RUSSIA.**

8 (a) LIMITATION.—No funds authorized to be appro-
9 priated to the National Aeronautics and Space Adminis-
10 tration for fiscal year 1996 may be paid or otherwise
11 transferred to Russia unless—

12 (1) the payment or transfer is authorized by
13 this title;

14 (2) the payment or transfer is made in ex-
15 change for goods or services that have been provided
16 to the National Aeronautics and Space Administra-
17 tion in accordance with a written agreement between
18 the National Aeronautics and Space Administration
19 and Russia;

20 (3) the Government of the Russian Federation
21 agrees to provide a monthly report to the National
22 Aeronautics and Space Administration during the
23 term of such written agreement, that fully accounts
24 for the disposition of the funds paid or transferred,
25 including information with respect to the preceding
26 month on—

1 (A) the amount of the funds received, and
2 the date of receipt;

3 (B) the amount of the funds converted
4 from United States currency, the currency into
5 which the funds have been converted, and the
6 date and rate of conversion;

7 (C) the amount of non-United States cur-
8 rency, and of United States currency, that is
9 disbursed to any contractor or subcontractor,
10 the identity of such contractor or subcontractor,
11 and the date of disbursement; and

12 (D) the balance of the funds not disbursed
13 as of the date of the report;

14 (4) Russia has provided all monthly reports
15 with respect to which an agreement was made pur-
16 suant to paragraph (3); and

17 (5) the President, before such payment or
18 transfer and annually upon submission of the Presi-
19 dent's budget request for fiscal years after fiscal
20 year 1996, has certified to the Congress that—

21 (A) the presence of any troops of the Rus-
22 sian Federation or the Commonwealth of Inde-
23 pendent States; and

24 (B) any action by the Russian Federation
25 or the Commonwealth of Independent States, in

1 Estonia, Latvia, Lithuania, or any other inde-
2 pendent state of the former Soviet Union do not
3 violate the sovereignty of those independent
4 states.

5 (b) DEFINITION.—For purposes of this section, the
6 term “Russia” means the Government of the Russian
7 Federation, the Russian Space Agency, or any agency or
8 instrumentality of the Government of the Russian Federa-
9 tion or the Russian Space Agency.

10 **Subtitle C—Miscellaneous** 11 **Provisions**

12 **SEC. 241. COMMERCIAL SPACE LAUNCH AMENDMENTS.**

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

15 (1) in the table of sections—

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

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

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

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

20 and

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

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

1 (2) in section 70101—

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

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

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

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

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

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

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

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

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

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

24 (K) by striking “launch” in subsection
25 (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 inserting “from Earth” after “and
10 any payload” in paragraph (3);

11 (B) by redesignating paragraphs (10)
12 through (12) as paragraphs (14) through (16),
13 respectively;

14 (C) by inserting after paragraph (9) the
15 following new paragraphs:

16 “(10) ‘reenter’ and ‘reentry’ mean to return or
17 attempt to return, purposefully, a reentry vehicle
18 and its payload, if any, from Earth orbit, from exo-
19 atmospheric flight, or from outer space to Earth.

20 “(11) ‘reentry services’ means—

21 “(A) activities involved in the preparation
22 of a reentry vehicle and its payload, if any, for
23 reentry; and

24 “(B) the conduct of a reentry.

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

5 “(13) ‘reentry vehicle’ means a vehicle designed
6 to return from Earth orbit or outer space to Earth,
7 or a reusable launch vehicle designed to return from
8 outer space or exo-atmospheric flight to Earth, sub-
9 stantially intact.”; and

10 (D) by inserting “or reentry services” after
11 “launch services” each place it appears in para-
12 graph (15), as so redesignated by subparagraph
13 (B) of this paragraph;
14 (4) in section 70103(b)—

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

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

19 (C) by inserting “and reentry” after
20 “space launch” in paragraph (2);
21 (5) in section 70104—

22 (A) by amending the section designation
23 and heading to read as follows:

1 **“§ 70104. Restrictions on launches, operations, and**
2 **reentries”;**

3 (B) by inserting “or reentry site, or reen-
4 ter a reentry vehicle,” after “operate a launch
5 site” each place it appears in subsection (a);

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

8 (D) in subsection (b)—

9 (i) by striking “launch license” and
10 inserting in lieu thereof “license”;

11 (ii) by inserting “or reenter” after
12 “may launch”; and

13 (iii) by inserting “or reentering” after
14 “related to launching”; and

15 (E) in subsection (c)—

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

19 (ii) by inserting “or reentry” after
20 “prevent the launch”; and

21 (iii) by inserting “or reentry” after
22 “decides the launch”;

23 (6) in section 70105—

24 (A) by inserting “or reentry site, or re-
25 entry of a reentry vehicle,” after “operation of
26 a launch site” in subsection (b)(1); and

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

4 (7) in section 70106(a)—

5 (A) by inserting “or reentry site” after
6 “observer at a launch site”; and

7 (B) by inserting “or reentry vehicle” after
8 “assemble a launch vehicle”;

9 (8) in section 70108—

10 (A) by amending the section designation
11 and heading to read as follows:

12 **“§ 70108. Prohibition, suspension, and end of**
13 **launches, operation of launch sites and**
14 **reentry sites, and reentries”;**

15 and

16 (B) in subsection (a)—

17 (i) by inserting “or reentry site, or re-
18 entry of a reentry vehicle,” after “oper-
19 ation of a launch site”; and

20 (ii) by inserting “or reentry” after
21 “launch or operation”;

22 (9) in section 70109—

23 (A) by amending the section designation
24 and heading to read as follows:

1 **“§ 70109. Preemption of scheduled launches or reen-**
2 **tries”;**

3 (B) in subsection (a)—

4 (i) by inserting “or reentry” after
5 “ensure that a launch”;

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

8 (iii) by inserting “or reentry date
9 commitment” after “launch date commit-
10 ment”;

11 (iv) by inserting “or reentry” after
12 “obtained for a launch”;

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

15 (vi) by inserting “, or services related
16 to a reentry,” after “amount for launch
17 services”; and

18 (vii) by inserting “or reentry” after
19 “the scheduled launch”; and

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

22 (10) in section 70110—

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

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

4 (11) in section 70111—

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

7 (B) by inserting “or reentry services” after
8 “or launch services” in subsection (a)(2);

9 (C) by inserting “or reentry” after “com-
10 mercial launch” both places it appears in sub-
11 section (b)(1);

12 (D) by inserting “or reentry services” after
13 “launch services” in subsection (b)(2)(C);

14 (E) by striking “or its payload for launch”
15 in subsection (d) and inserting in lieu thereof
16 “or reentry vehicle, or the payload of either, for
17 launch or reentry”; and

18 (F) by inserting “, reentry vehicle,” after
19 “manufacturer of the launch vehicle” in sub-
20 section (d);

21 (12) in section 70112—

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

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

1 (C) by inserting “or reentry services” after
2 “launch services” each place it appears in sub-
3 section (b);

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

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

9 (F) 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 (2),
12 by inserting “or reentry” after “one launch” each
13 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;

19 (15) in section 70117—

20 (A) by inserting “or reentry site or reenter
21 a reentry vehicle” after “operate a launch site”
22 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,”;

15 (ii) by striking “or” at the end of
16 paragraph (1);

17 (iii) by inserting “reentry,” after
18 “launch,” in paragraph (2);

19 (iv) by striking the period at the end
20 of paragraph (2) and inserting in lieu
21 thereof “; or”; and

22 (v) by adding at the end the following
23 new paragraph:

24 “(3) any amateur and similar small rocket ac-
25 tivities, as defined by the Secretary by regulation.”;

1 (16) in section 70119, by inserting the follow-
2 ing after paragraph (2):

3 “‘There are authorized to be appropriated to the Secretary
4 of Transportation \$6,000,000 to carry out this chapter for
5 fiscal year 1996. None of the funds authorized by this sec-
6 tion may be expended for policy development or analysis
7 activities not directly related to the Secretary’s regulatory
8 responsibilities under this chapter.’”.

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

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

13 (B) by striking “receiving an application” both
14 places it appears in subsection (a) and inserting in
15 lieu thereof “accepting an application in accordance
16 with criteria established pursuant to subsection
17 (b)(2)(D)”;

18 (C) by adding at the end of subsection (a) the
19 following new paragraph:

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

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

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

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

8 “(D) regulations establishing criteria for ac-
9 cepting or rejecting an application for a license
10 under this chapter within 60 days after receipt of
11 such application.”; and

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

15 (2) The amendment made by paragraph (1)(B) shall
16 take effect upon the effective date of final regulations is-
17 sued pursuant to section 70105(b)(2)(D) of title 49,
18 United States Code, as added by paragraph (1)(F) of this
19 subsection.

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

22 (A) by redesignating subparagraphs (A) and
23 (B) as subparagraphs (B) and (C), respectively; and

1 (B) by inserting before subparagraph (B), as so
2 redesignated by subparagraph (A) of this paragraph,
3 the following new subparagraph:

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

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

9 (A) in the subsection heading, as amended by
10 subsection (a)(4)(A) of this section, by inserting
11 “AND STATE SPONSORED SPACEPORTS” after “AND
12 REENTRIES”; and

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

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

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

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

3 “The Secretary shall establish criteria and procedures for
4 determining the priority of competing requests from the
5 private sector and State governments for property and
6 services under this section.”;

7 (B) by striking “actual costs” in subsection
8 (b)(1) and inserting in lieu thereof “additive costs
9 only”; and

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

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

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

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

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

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

1 **SEC. 242. OFFICE OF AIR AND SPACE COMMERCIALIZATION**
2 **AUTHORIZATION.**

3 There are authorized to be appropriated to the Sec-
4 retary of Commerce for the activities of the Office of Air
5 and Space Commercialization, \$457,000 for fiscal year
6 1996.

7 **SEC. 243. REQUIREMENT FOR INDEPENDENT COST ANALY-**
8 **SIS.**

9 The Chief Financial Officer for the National Aero-
10 nautics and Space Administration shall be responsible for
11 conducting independent cost analyses of all new projects
12 estimated to cost more than \$5,000,000 and shall report
13 the results annually to Congress at the time of the submis-
14 sion of the President's budget request. In developing cost
15 accounting and reporting standards for carrying out this
16 section, the Chief Financial Officer shall, to the extent
17 practicable and consistent with other laws, solicit the ad-
18 vice of expertise outside of the National Aeronautics and
19 Space Administration.

20 **SEC. 244. NATIONAL AERONAUTICS AND SPACE ACT OF 1958**
21 **AMENDMENTS.**

22 (a) DECLARATION OF POLICY AND PURPOSE.—Sec-
23 tion 102 of the National Aeronautics and Space Act of
24 1958 (42 U.S.C. 2451) is amended—

1 (1) by striking subsection (e) and redesignating
2 subsections (f) through (h) as subsections (e)
3 through (g), respectively; and

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

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

10 (1) by striking “January” and inserting in lieu
11 thereof “May”; and

12 (2) by striking “calendar” and inserting in lieu
13 thereof “fiscal”.

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

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

19 (2) by adding at the end the following new sub-
20 section:

21 “(c)(1) The Administration may delay for a period
22 not to exceed 5 years the unrestricted public disclosure
23 of technical data in the possession of, or under the control
24 of, the Administration that has been generated in the per-
25 formance of experimental, developmental, or research ac-

1 tivities or programs funded jointly by the Administration
2 and the private sector.

3 “(2) Within 1 year after the date of the enactment
4 of the National Aeronautics and Space Administration Au-
5 thorization Act, Fiscal Year 1996, the Administrator shall
6 issue regulations to carry out this subsection. Paragraph
7 (1) shall not take effect until such regulations are issued.

8 “(3) Regulations issued pursuant to paragraph (2)
9 shall include—

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

13 “(B) a requirement that a determination de-
14 scribed in subparagraph (A) that particular data is
15 technical data shall be reported to the Committee on
16 Science of the House of Representatives and the
17 Committee on Commerce, Science, and Transpor-
18 tation of the Senate;

19 “(C) provisions to ensure that technical data is
20 available for dissemination within the United States
21 to United States persons and entities in furtherance
22 of the objective of maintaining leadership or com-
23 petitiveness in civil and governmental aeronautical
24 and space activities by the United States industrial
25 base; and

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

10 “(4) Along with the initial publication of proposed
11 regulations under paragraph (2), the Administrator shall
12 include a list of those experimental, developmental, or re-
13 search activities or programs conducted by, or funded in
14 whole or in part by, the Administration that may result
15 in products or processes of significant value in maintain-
16 ing leadership or competitiveness in civil and governmental
17 aeronautical and space activities by the United States in-
18 dustrial base. Such list shall be updated biannually.

19 “(5) For purposes of this subsection, the term ‘tech-
20 nical data means any recorded information, including com-
21 puter software, that is or may be directly applicable to
22 the design, engineering, development, production, manu-
23 facture, 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. 245 PROCUREMENT.**

4 (a) PROCUREMENT DEMONSTRATION PROGRAM.—

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

12 (2) PROCEDURES AND EVALUATION.—The Ad-
13 ministrator shall establish procedures for actively
14 seeking from persons outside the National Aero-
15 nautics and Space Administration innovative tech-
16 nology concepts, relating to the provision of space
17 hardware, technology, or service to the National Aer-
18 onautics and Space Administration, and for the eval-
19 uation of such concepts by the National Aeronautics
20 and Space Administration’s Advisory Council against
21 mission requirements.

22 (3) REQUIREMENT.—At least 1 percent of
23 amounts authorized to be appropriated under section
24 212(a)(4) shall be used for innovative technology

1 procurements that are determined under paragraph
2 (2) of this subsection to meet mission requirements.

3 (4) 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 (5) 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. 246. ADDITIONAL NATIONAL AERONAUTICS AND**
22 **SPACE ADMINISTRATION FACILITIES.**

23 The Administrator shall not construct or enter into
24 a new lease for facilities to support National Aeronautics
25 and Space Administration programs unless the Adminis-

1 trator has certified to the Congress that the Administrator
2 reviewed existing National Aeronautics and Space Admin-
3 istration and other federally owned facilities, including
4 military facilities scheduled for closing or reduction, and
5 found no such facilities appropriate for the intended use.

6 **SEC. 247. PURCHASE OF SPACE SCIENCE DATA.**

7 (a) IN GENERAL.—To the maximum extent possible,
8 the National Aeronautics and Space Administration shall
9 purchase from the private sector space science data. Ex-
10 amples of such data include scientific data concerning the
11 elemental and mineralogical resources of the moon and the
12 planets, Earth environmental data obtained through re-
13 mote sensing observations, and solar storm monitoring.

14 (b) COMPETITIVE BIDDING.—(1) Contracts for the
15 purchase of space data under this section shall be awarded
16 in a process of full, fair, and open competitive bidding.

17 (2) Submission of cost data, either for the purposes
18 of supporting the bid of fulfillment of the contract, shall
19 not be required of bidders.

20 (3) Conformance with military specifications
21 (Milspec) or National Aeronautics and Space Administra-
22 tion specifications systems with respect to the design, con-
23 struction, or operation of equipment used in obtaining
24 space science data under contracts entered into under this

1 section shall not be a requirement for a commercial pro-
2 vider bidding to provide such services.

3 (4) Contracts under this section shall not provide for
4 the Federal Government to obtain ownership of data not
5 specifically sought by the Federal Government.

6 **SEC. 248. REPORT OF MISSION TO PLANET EARTH.**

7 (a) REQUIREMENT.—The Administrator shall, within
8 6 months after the date of the enactment of this Act,
9 transmit to the Congress a report on Mission to Planet
10 Earth.

11 (b) CONTENTS.—The plan required by subsection (a)
12 shall include—

13 (1) an analysis of Earth observation systems of
14 other countries and the ways in which the United
15 States could benefit from such systems, including by
16 eliminating duplication of effort;

17 (2) an analysis of how the Department of De-
18 fense’s airborne and space sensor programs could be
19 used in Mission to Planet Earth;

20 (3) a plan for infusing advanced technology into
21 the Mission to Planet Earth program, including
22 milestones and an identification of available re-
23 sources;

1 (4) a plan to solicit proposals from the private
2 sector on how to innovatively accomplish the most
3 critical research on global climate change;

4 (5) an integrated plan for research in the Sci-
5 entific Research and Mission to Planet Earth enter-
6 prises of the National Aeronautics and Space Ad-
7 ministration;

8 (6) a plan for developing metrics and milestones
9 to quantify the performance of work on Mission to
10 Planet Earth; and

11 (7) an analysis of how the United States Gov-
12 ernment can—

13 (A) most effectively utilize space-based and
14 airborne Earth remote sensing data, services,
15 distribution, and applications provided by the
16 United States private sector to meet Govern-
17 ment goals for Mission to Planet Earth; and

18 (B) evaluate and foster commercial data
19 sources, commercial archiving services, commer-
20 cial applications, and commercial distribution of
21 Mission to Planet Earth data.

22 **SEC. 249. SHUTTLE PRIVATIZATION**

23 (a) **POLICY AND PREPARATION.**—The Administrator
24 shall prepare for an orderly transition from the Federal
25 operation, or Federal management of contracted oper-

1 ation, of space transportation systems to the Federal pur-
2 chase of commercial space transportation services for all
3 nonemergency launch requirements, including human,
4 cargo, and mixed payloads. In those preparations, the Ad-
5 ministrator shall take into account the need for short-term
6 economies, as well as the goal of restoring the National
7 Aeronautics and Space Administration's research focus
8 and its mandate to promote the fullest possible commercial
9 use of space. As part of those preparations, the Adminis-
10 trator shall plan for the potential privatization of the
11 Space Shuttle program.

12 (b) REQUEST FOR PROPOSALS.—Within 30 days
13 after the date of the enactment of this Act, the Adminis-
14 trator shall publish in the Commerce Business Daily a re-
15 quest for proposals to achieve a single prime contract for
16 the space shuttle program. The request for proposals shall
17 include—

18 (1) a timetable and milestones for selecting a
19 single prime contractor not later than September 30,
20 1996;

21 (2) criteria for selection of the single prime con-
22 tractor;

23 (3) the annual target cost to be achieved by the
24 single prime contractor;

1 (4) proposed terms and conditions of the single
2 prime contract, including fee and incentives for
3 achieving the target cost, and for savings below the
4 target cost; and

5 (5) a requirement that each proposal be accom-
6 panied by a plan by the proposer to privatize the
7 space shuttle program.

8 (c) PRIVATIZATION PLANS.—The Administrator shall
9 forward all privatization plans received pursuant to sub-
10 section (b)(5) to the Congress not later than 30 days after
11 the deadline for submitting proposals under subsection
12 (b).

13 (d) LIMITATION ON USE OF FUNDS.—None of the
14 funds authorized by this title shall be used to plan or pre-
15 pare for Federal Government, or federally contracted, op-
16 eration of the Space Shuttle beyond the year 2012, nor
17 for studying, designing, or developing upgrades to the
18 Shuttle whose sole purpose is to extend the operational
19 life of the Space Shuttle system beyond 2012. Nothing in
20 this title shall preclude the Federal, or federally con-
21 tracted, operation of the Space Shuttle through the year
22 2012, or the privatized operation of the Space Shuttle
23 after the year 2012.

1 **SEC. 250. AERONAUTICAL RESEARCH AND TECHNOLOGY**
2 **FACILITIES.**

3 Notwithstanding any other provision of law, no funds
4 may be obligated for fiscal year 1996 for Aeronautical Re-
5 search and Technology programs of the National Aero-
6 nautics and Space Administration in excess of amounts
7 authorized by this title, except to the extent that the Ad-
8 ministrator receives from non-Federal sources full reim-
9 bursement of such excess amounts through payment of
10 costs associated with research at the aeronautical research
11 and technology facilities of the National Aeronautics and
12 Space Administration.

13 **SEC. 251. LAUNCH VOUCHER DEMONSTRATION PROGRAM**
14 **AMENDMENTS.**

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

18 (1) in subsection (a)—

19 (A) by striking “the Office of Commercial
20 Programs within”; and

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

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

24 (3) by redesignating subsections (d) and (e) as
25 subsections (c) and (d), respectively.

1 **SEC. 252. PRIVATIZATION OF MICROGRAVITY PARABOLIC**
2 **FLIGHT OPERATIONS.**

3 (a) FINDING.—The Congress finds that no national
4 security or mission critical justification exists for the Na-
5 tional Aeronautics and Space Administration to maintain
6 its own fleet of aircraft to provide a short duration micro-
7 gravity environment via parabolic flight.

8 (b) PRIVATIZATION OF FLIGHT OPERATIONS.—(1)
9 The Administrator shall privatize all parabolic flight air-
10 craft operations conducted by or for the National Aero-
11 nautics and Space Administration in support of micro-
12 gravity research, astronaut training, and other functions,
13 through issuance of one or more long-term, renewable,
14 block purchase contracts for the performance of such oper-
15 ations by United States private sectors providers.

16 (2) Within 30 days after the date of the enactment
17 of this Act, the Administrator shall issue a request for
18 proposals to provide services as described in paragraph
19 (1). The Administrator shall coordinate the process of re-
20 view of such proposals, and shall oversee the transfer of
21 such operations to the private sector.

22 (3) Within 6 months after the issuance of a request
23 for proposals under paragraph (2), the Administrator shall
24 award one or more contracts for microgravity parabolic
25 flight services, and shall cease all National Aeronautics
26 and Space Administration-operated parabolic aircraft

1 flights, and shall thereafter procure all microgravity
2 parabolic flight services from private sector providers. Na-
3 tional Aeronautics and Space Administration experi-
4 menters, and National Aeronautics and Space Administra-
5 tion-funded experimenters, who would otherwise use Na-
6 tional Aeronautics and Space Administration-owned or op-
7 erated microgravity parabolic flight aircraft, shall be is-
8 sued vouchers for the procurement of microgravity
9 parabolic flight services from the private sector.

10 **SEC. 253. ELIGIBILITY FOR AWARDS.**

11 (a) IN GENERAL.—The Administrator shall exclude
12 from consideration for awards of financial assistance made
13 by the National Aeronautics and Space Administration
14 after fiscal year 1995 any person who received funds,
15 other than those described in subsection (b), appropriated
16 for a fiscal year after fiscal year 1995, from any Federal
17 funding source for a project that was not subjected to a
18 competitive, merit-based award process. Any exclusion
19 from consideration pursuant to this section shall be effec-
20 tive for a period of 5 years after the person receives such
21 Federal funds.

22 (b) EXCEPTION.—Subsection (a) shall not apply to
23 awards to persons who are members of a class specified
24 by law for which assistance is awarded to members of the
25 class according to a formula provided by law.

1 **SEC. 254. PROHIBITION OF LOBBYING ACTIVITIES.**

2 None of the funds authorized by this title shall be
3 available for any activity whose purpose is to influence leg-
4 islation pending before the Congress, except that this shall
5 not prevent officers or employees of the United States or
6 of its departments or agencies from communicating to
7 Members of Congress on the request of any Member or
8 to Congress, through the proper channels, requests for leg-
9 islation or appropriations which they deem necessary for
10 the efficient conduct of the public business.

11 **SEC. 255. LIMITATION ON APPROPRIATIONS.**

12 (a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR
13 1996.—Notwithstanding any other provision of law, no
14 sums are authorized to be appropriated for fiscal year
15 1996 for the activities for which sums are authorized by
16 this title unless such sums are specifically authorized to
17 be appropriated by this title.

18 (b) SUBSEQUENT FISCAL YEARS.—No sums are au-
19 thorized to be appropriated for any fiscal year after fiscal
20 year 1996 for the activities for which sums are authorized
21 by this title unless such sums are specifically authorized
22 to be appropriated by Act of Congress with respect to such
23 fiscal year.

1 **SEC. 256. 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 “transonic, supersonic, and hypersonic”; and

8 (2) in section 103 (50 U.S.C. 513)—

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

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

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

17 **TITLE III—DEPARTMENT OF**
18 **ENERGY**

19 **SEC. 301. SHORT TITLE.**

20 This title may be cited as the “Department of Energy
21 Civilian Research and Development Act of 1995”.

22 **SEC. 302. DEFINITIONS.**

23 For purposes of this title—

24 (1) the term “CERN” means the European Or-
25 ganization for Nuclear Research;

1 (2) the term “Department” means the Depart-
2 ment of Energy;

3 (3) the term “Large Hadron Collider project”
4 means the Large Hadron Collider project at CERN;

5 (4) the term “major construction project”
6 means a civilian development, demonstration, or
7 commercial application project whose construction
8 costs are estimated to exceed \$100,000,000 over the
9 life of the project;

10 (5) the term “Secretary” means the Secretary
11 of Energy;

12 (6) the term “substantial construction project”
13 means a civilian research, development, demonstra-
14 tion, or commercial application project whose con-
15 struction costs are estimated to exceed \$10,000,000,
16 but not to exceed \$100,000,000, over the life of the
17 project; and

18 (7) the term “substantial equipment acquisi-
19 tion” means the acquisition of civilian research, de-
20 velopment, demonstration, or commercial application
21 equipment at a cost estimated to exceed
22 \$10,000,000 for the entire acquisition.

23 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS**

24 (a) ENERGY SUPPLY RESEARCH AND DEVELOPMENT
25 ACTIVITIES.—There are authorized to be appropriated to

1 the Secretary for fiscal year 1996 for Energy Supply Re-
2 search and Development operating, capital equipment, and
3 construction the following amounts:

4 (1) Solar and Renewable Energy,
5 \$235,451,000, of which—

6 (A) \$235,331,000 shall be for operating and
7 capital equipment; and

8 (B) \$120,000 shall be for construction of
9 Project GP-C-002, General Plant Projects, National
10 Renewable Energy Laboratory.

11 (2) Nuclear Energy, \$270,448,000, of which—

12 (A) \$267,748,000 shall be for operating
13 and capital equipment, including, subject to sec-
14 tion 304(c), \$14,000,000 for the AP600 light
15 water reactor;

16 (B) \$1,000,000 shall be for construction of
17 Project GPN-102, General Plant Projects, Ar-
18 gonne National Laboratory-West, Idaho; and

19 (C) \$1,700,000 shall be for completion of
20 construction of Project 95-E-207, Modifica-
21 tions to Reactors, Experimental Breeder Reac-
22 tor-II, Sodium Processing Facility, Argonne
23 National Laboratory-West, Idaho.

24 (3) Environment, Safety, and Health,
25 \$128,433,000 for operating and capital equipment.

1 (4) Biological and Environmental Research,
2 \$369,645,000, of which—

3 (A) \$313,550,000 shall be for operating
4 and capital equipment;

5 (B) \$3,500,000 shall be for construction of
6 Project GPE-120, General Plant Projects, Var-
7 ious Locations;

8 (C) \$5,700,000 shall be for construction of
9 Project 94-E-339, Human Genome Labora-
10 tory, Lawrence Berkeley Laboratory;

11 (D) \$4,295,000 shall be for completion of
12 construction of Project 94-E-338, Structural
13 Biology Facility, Argonne National Laboratory;

14 (E) \$2,600,000 shall be for completion of
15 construction of Project 94-E-337, ALS Struc-
16 tural Biology Support Facilities, Lawrence
17 Berkeley Laboratory; and

18 (F) \$40,000,000 shall be for construction
19 of Project 91-EM-100, Environmental Molecu-
20 lar Sciences Laboratory, Pacific Northwest
21 Laboratory.

22 (5) Fusion Energy, \$254,144,000, of which—

23 (A) \$245,144,000 shall be for operating
24 and capital equipment for Magnetic Fusion En-
25 ergy;

1 (B) \$4,800,000 shall be for operating and
2 capital equipment for Inertial Fusion Energy;

3 (C) \$1,000,000 shall be for construction of
4 Project GPE-900, General Plant Projects, Var-
5 ious Locations; and

6 (D) \$3,200,000 shall be for construction of
7 Project 96-E-310, Elise Project, Lawrence
8 Berkeley Laboratory.

9 (6) Basic Energy Sciences, \$827,981,000, of
10 which—

11 (A) \$805,412,000 shall be for operating
12 and capital equipment, including \$60,000,000
13 for the Scientific Facilities Initiative;

14 (B) \$4,500,000 shall be for construction of
15 Project GPE-400, General Plant Projects, Var-
16 ious Locations;

17 (C) \$12,883,000 shall be for construction
18 of Project 96-E-305, Accelerator and Reactor
19 Improvements and Modifications;

20 (D) \$3,186,000 shall be for completion of
21 construction of Project 89-R-402, 6-7 GeV
22 Synchrotron Radiation Source, Argonne Na-
23 tional Laboratory; and

24 (E) \$2,000,000 shall be for construction of
25 Project 87-R-405, Combustion Research Facil-

1 ity, Phase II, Sandia National Laboratories-
2 Livermore.

3 (7) Advisory and Oversight Program Direction,
4 \$6,200,000 for operating.

5 (8) Policy and Management—Energy Research,
6 \$2,200,000 for operating.

7 (9) Multiprogram Energy Laboratories—Facili-
8 ties Support—

9 (A) \$15,539,000 shall be for operating and
10 capital equipment;

11 (B) \$8,740,000 shall be for construction of
12 Project GPE-801, General Plant Projects, Var-
13 ious Locations;

14 (C) \$8,740,000 shall be for construction of
15 Project 95-E-310, Multiprogram Laboratory
16 Rehabilitation, Phase 1, Pacific Northwest Lab-
17 oratory;

18 (D) \$1,500,000 shall be for construction of
19 Project 95-E-303, Electrical Safety Rehabilita-
20 tion, Pacific Northwest Laboratory;

21 (E) \$3,270,000 shall be for completion of
22 construction of Project 95-E-302, Applied
23 Science Center, Phase 1, Brookhaven National
24 Laboratory;

1 (F) \$2,500,000 shall be for construction of
2 Project 95-E-301, Central Heating Plant Re-
3 habilitation, Phase 1, Argonne National Lab-
4 oratory;

5 (G) \$2,038,000 shall be for construction of
6 Project 94-E-363, Roofing Improvements, Oak
7 Ridge National Laboratory;

8 (H) \$440,000 shall be for completion of
9 construction of Project 94-E-351, Fuel Stor-
10 age and Transfer Facility Upgrade, Brookhaven
11 National Laboratory;

12 (I) \$800,000 shall be for construction of
13 Project 96-E-332, Building 801 Renovations,
14 Brookhaven National Laboratory;

15 (J) \$2,400,000 shall be for completion of
16 construction of Project 96-E-331, Sanitary
17 Sewer Restoration, Phase I, Lawrence Berkeley
18 Laboratory;

19 (K) \$1,200,000 shall be for construction of
20 Project 96-E-330, Building Electrical Service
21 Upgrade, Phase I, Argonne National Labora-
22 tory;

23 (L) \$2,480,000 shall be for construction of
24 Project 95-E-309, Loss Prevention Upgrade-

1 Electrical Substations, Brookhaven National
2 Laboratory;

3 (M) \$1,540,000 shall be for construction
4 of Project 95-E-308, Sanitary System Modi-
5 fications, Phase II, Brookhaven National Lab-
6 oratory;

7 (N) \$1,000,000 shall be for construction of
8 Project 95-E-307, Fire Safety Improvements,
9 Phase III, Argonne National Laboratory;

10 (O) \$1,288,000 shall be for completion of
11 construction of Project 93-E-324, Hazardous
12 Materials Safeguards, Phase I, Lawrence
13 Berkeley Laboratory;

14 (P) \$1,130,000 shall be for completion of
15 construction of Project 93-E-323, Fire and
16 Safety Systems Upgrade, Phase I, Lawrence
17 Berkeley Laboratory; and

18 (Q) \$2,411,000 shall be for construction of
19 Project 93-E-320, Fire and Safety Improve-
20 ments, Phase II, Argonne National Laboratory.

21 Notwithstanding subparagraphs (A) through (Q),
22 the total amount authorized under this paragraph
23 shall not exceed \$39,327,000.

24 (10) Technical Information Management Pro-
25 gram, \$14,394,000, of which—

1 (A) \$12,894,000 shall be for operating and
2 capital equipment; and

3 (B) \$1,500,000 shall be for construction of
4 Project 95-A-500, Heating, Venting, and Air
5 Conditioning Retrofits, Oak Ridge.

6 (11) Environmental Management,
7 \$644,197,000, of which—

8 (A) \$627,127,000 shall be for operating
9 and capital equipment;

10 (B) \$339,000 shall be for completion of
11 construction of Project 92-E-601, Melton Val-
12 ley Liquid Low-Level Waste Collection and
13 Transfer System Upgrade, Oak Ridge National
14 Laboratory;

15 (C) \$4,000,000 shall be for construction of
16 Project 88-R-830, Bethel Valley Liquid Low-
17 Level Waste Collection and Transfer System
18 Upgrade, Oak Ridge National Laboratory;

19 (D) \$2,255,000 shall be for construction of
20 Project GPN-103, Oak Ridge Landlord Gen-
21 eral Plant Projects;

22 (E) \$730,000 shall be for construction of
23 Project GPN-102, Test Reactor Area Landlord
24 General Plant Projects, Idaho National Engi-
25 neering Laboratory;

1 (F) \$1,900,000 shall be for construction of
2 Project 95–E–201, Test Reactor Area Landlord
3 Fire and Life Safety Improvements, Idaho Na-
4 tional Engineering Laboratory;

5 (G) \$2,040,000 shall be for construction of
6 Project GPE–600, General Plant Projects,
7 Waste Management, Non-Defense, Various Lo-
8 cations;

9 (H) \$300,000 shall be for construction of
10 Project 94–E–602, Bethel Valley Federal Facil-
11 ity Agreement Upgrades, Oak Ridge National
12 Laboratory;

13 (I) \$4,048,000 shall be for construction of
14 Project 93–E–900, Dry Cast Storage, Idaho
15 National Engineering Laboratory;

16 (J) \$787,000 shall be for construction of
17 Project 91–E–602, Rehabilitation of Waste
18 Management Building 306, Argonne National
19 Laboratory; and

20 (K) \$671,000 shall be for completion of
21 construction of Project 88–R–812, Hazardous
22 Waste Handling Facility, Lawrence Berkeley
23 Laboratory.

24 (b) GENERAL SCIENCE AND RESEARCH ACTIVI-
25 TIES.—There are authorized to be appropriated to the

1 Secretary for fiscal year 1996 for General Science and Re-
2 search Activities operating, capital equipment, and con-
3 struction the following amounts:

4 (1) High Energy Physics, \$680,137,000, of
5 which—

6 (A) \$554,191,000 shall be for operating
7 and capital equipment, including \$15,000,000
8 for the Scientific Facilities Initiative;

9 (B) \$12,146,000 shall be for construction
10 of Project GPE-103, General Plant Projects,
11 Various Locations;

12 (C) \$9,800,000 shall be for construction of
13 Project 96-G-301, Accelerator Improvements
14 and Modifications, Various Locations;

15 (D) \$52,000,000 shall be for construction
16 of Project 94-G-305, B-Factory, Stanford Lin-
17 ear Accelerator Center; and

18 (E) \$52,000,000 shall be for construction
19 of Project 92-G-302, Fermilab Main Injector,
20 Fermi National Accelerator Center.

21 (2) Nuclear Physics, \$316,873,000, of which—

22 (A) \$239,773,000 shall be for operating
23 and capital equipment, including \$25,000,000
24 for the Scientific Facilities Initiative;

1 (B) \$3,900,000 shall be for construction of
2 Project GPE-300, General Plant Project, Var-
3 ious Locations;

4 (C) \$3,200,000 shall be for construction of
5 Project 96-G-302, Accelerator Improvements
6 and Modifications, Various Locations; and

7 (D) \$70,000,000 shall be for construction
8 of Project 91-G-300, Relativistic Heavy Ion
9 Collider, Brookhaven National Laboratory.

10 (3) Program Direction, \$9,500,000.

11 (c) FOSSIL ENERGY RESEARCH AND DEVELOP-
12 MENT.—There are authorized to be appropriated to the
13 Secretary for fiscal year 1996 for Fossil Energy Research
14 and Development operating, capital equipment, and con-
15 struction the following amounts:

16 (1) Coal, \$49,955,000 for operating.

17 (2) Oil Technology, \$43,234,000 for operating,
18 including maintaining programs at the National In-
19 stitute for Petroleum and Energy Research.

20 (3) Gas, \$59,829,000 for operating.

21 (4) Program Direction and Management Sup-
22 port, \$45,535,000 for operating.

23 (5) Capital Equipment, \$476,000.

1 (6) Construction of Project GPF-100, General
2 Plant Projects for Energy Technology Centers,
3 \$1,994,000.

4 (7) Cooperative Research and Development,
5 \$7,557,000.

6 (8) Fossil Energy Environmental Restoration,
7 \$12,370,000.

8 (d) ENERGY CONSERVATION RESEARCH AND DEVEL-
9 OPMENT.—There are authorized to be appropriated to the
10 Secretary for fiscal year 1996 for Energy Conservation
11 Research and Development operating and capital equip-
12 ment the following amounts:

13 (1) Buildings Sector, \$55,074,000.

14 (2) Industry Sector, \$55,110,000.

15 (3) Transportation Sector, \$112,123,000.

16 (4) Technical and Financial Assistance (Non-
17 Grants), \$7,813,000.

18 **SEC. 304. FUNDING LIMITATIONS.**

19 (a) FISCAL YEAR 1996 APPROPRIATIONS.—None of
20 the funds authorized by this title may be used for the fol-
21 lowing programs, projects, and activities:

22 (1) Solar Buildings Technology Research.

23 (2) Solar International Program.

24 (3) Solar Technology Transfer.

25 (4) Solar Program Support.

- 1 (5) Hydropowder.
- 2 (6) Space Power Reactor Systems.
- 3 (7) Nuclear Energy Facilities.
- 4 (8) Soviet-Designed Reactor Safety.
- 5 (9) Russian Replacement Power Initiative.
- 6 (10) Civilian Radioactive Waste Research and
- 7 Development.
- 8 (11) Tokamak Physics Experiment.
- 9 (12) Advanced Neutron Source.
- 10 (13) Energy Research Analysis.
- 11 (14) Energy Research Laboratory Technology
- 12 Transfer.
- 13 (15) University and Science Education.
- 14 (16) Technology Partnerships.
- 15 (17) In-House Energy Management.
- 16 (18) Direct Liquefaction.
- 17 (19) Indirect Liquefaction.
- 18 (20) Systems for Coproducts.
- 19 (21) High Efficiency-Integrated Gasification
- 20 Combined Cycle.
- 21 (22) High Efficiency-Pressurized Fluidized
- 22 Bed.
- 23 (23) Technical and Economic Analysis.
- 24 (24) International Program Support.
- 25 (25) Coal Technology Export.

- 1 (26) Gas Delivery and Storage.
- 2 (27) Gas Utilization,
- 3 (28) Fuel Cells Climate Change Action Plan.
- 4 (29) Fuels Conversion, Natural Gas, and Elec-
- 5 tricity.
- 6 (30) Clean Coal Technology Program.
- 7 (31) Buildings Sector Implementation and De-
- 8 ployment.
- 9 (32) Industry Sector Municipal Solid Wastes.
- 10 (33) Industry Sector Implementation and De-
- 11 ployment.
- 12 (34) Alternative Fuels Utilization.
- 13 (35) Transportation Sector Implementation and
- 14 Deployment.
- 15 (36) Utility Sector Integrated Resource Plan-
- 16 ning.
- 17 (37) International Market Development.
- 18 (38) Inventions and Innovation Program.
- 19 (39) Municipal Energy Management.
- 20 (40) Information and Communications.
- 21 (41) Policy and Management—Energy Con-
- 22 servation.
- 23 (42) Gas Turbine-Modular Helium Reactor.

1 (b) PRIOR FISCAL YEAR OBLIGATION AND EXPENDI-
2 TURE.—No funds may be available for obligation or ex-
3 penditure with respect to the following:

4 (1) University of Nebraska Medical Center
5 Transplant Center.

6 (2) Oregon Health Sciences University.

7 (3) Conduct of any rulemaking activities relat-
8 ing to determinations for or prescriptions of new or
9 amended standards with respect to Lighting and Ap-
10pliance Standards and Building Standards and
11 Guidelines, including the promulgation or issuance
12 of notices of proposed rulemakings, proposed rules,
13 or final rules.

14 (c) LIGHT WATER REACTOR MATCHING FUNDS.—
15 Funds appropriated for the AP600 light water reactor
16 pursuant to section 303(a)(2)(A) shall be available only
17 to the extent that matching private sector funds are pro-
18 vided for such project, and subject to the condition that
19 such Federal funds shall be repaid to the United States
20 out of royalties on the first commercial sale of such reactor
21 design.

22 **SEC. 305. LIMITATION ON APPROPRIATIONS.**

23 (a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR
24 1996.—Notwithstanding any other provision of law, no
25 sums are authorized to be appropriated for fiscal year

1 1996 for the activities for which sums are authorized by
2 this title unless such sums are specifically authorized to
3 be appropriated by this title.

4 (b) SUBSEQUENT FISCAL YEARS.—No sums are au-
5 thorized to be appropriated for any fiscal year after fiscal
6 year 1996 for the activities for which sums are authorized
7 by this title unless such sums are specifically authorized
8 to be appropriated by Act of Congress with respect to such
9 fiscal year.

10 **SEC. 306. MERIT REVIEW REQUIREMENT FOR AWARDS OF**
11 **FINANCIAL ASSISTANCE.**

12 (a) MERIT REVIEW REQUIREMENT.—The Secretary
13 may not award financial assistance to any person for civil-
14 ian research, development, demonstration, or commercial
15 application activities, including related facility construc-
16 tion, unless an objective merit review process is used to
17 award the financial assistance.

18 (b) REQUIREMENT OF SPECIFIC MODIFICATION OF
19 MERIT REVIEW PROVISION.—

20 (1) IN GENERAL.—A provision of law may not
21 be construed as modifying or superseding subsection
22 (a), or as requiring that financial assistance be
23 awarded by the Secretary in a manner inconsistent
24 with subsection (a), unless such provision of law—

25 (A) specifically refers to this section;

1 (B) specifically that such provision of law
2 modifies or supersedes subsection (a); and

3 (C) specifically identifies the person to be
4 awarded the financial assistance and states that
5 the financial assistance to be awarded pursuant
6 to such provision of law is being awarded in a
7 manner inconsistent with subsection (a).

8 (2) NOTICE AND WAIT REQUIREMENT.—No fi-
9 nancial assistance may be awarded pursuant to a
10 provision of law that requires or authorizes the
11 award of the financial assistance in a manner incon-
12 sistent with subsection (a) until—

13 (A) the Secretary submits to the Congress
14 a written notice of the Secretary's intent to
15 award the financial assistance; and

16 (B) 180 days has elapsed after the date on
17 which the notice is received by the Congress.

18 (c) DEFINITIONS.—For purposes of this section:

19 (1) The term “objective merit review process”
20 means a thorough, consistent, and independent ex-
21 amination of requests for financial assistance based
22 on preestablished criteria and scientific and technical
23 merit by persons knowledgeable in the field for
24 which the financial assistance is requested.

1 (2) The term “financial assistance” means the
2 transfer of funds or property to a recipient or sub-
3 recipient to accomplish a public purpose of support
4 or stimulation authorized by Federal law. Such term
5 includes grants, cooperative agreements, and
6 subawards but does not include cooperative research
7 and development agreements as defined in section
8 12(d)(1) of the Stevenson-Wydler Technology Inno-
9 vation Act of 1980 (15 U.S.C. 3710a(d)(1)), nor
10 any grant that calls upon the National Academy of
11 Sciences, the National Academy of Engineering, the
12 Institute of Medicine, or the National Academy of
13 Public Administration to investigate, examine, or ex-
14 periment upon any subject of science or art and to
15 report on such matters to Congress or any agency
16 of the Federal Government.

17 **SEC. 307. POLICY ON CAPITAL PROJECTS AND CONSTRUC-**
18 **TION.**

19 (a) REQUIREMENT OF PRIOR AUTHORIZATION.—(1)
20 No funds are authorized to be appropriated to the Sec-
21 retary for any substantial construction project, substantial
22 equipment acquisition, or major construction project un-
23 less a report on such project or acquisition has been pro-
24 vided to Congress in accordance with subsection (b).

1 (2) The Secretary may not obligate any funds for any
2 substantial construction project, substantial equipment ac-
3 quisition, or major construction project unless such project
4 or acquisition has been specifically authorized by statute.

5 (3) This subsection may not be amended or modified
6 except by specific reference to this subsection.

7 (b) REPORTS TO CONGRESS.—(1) Within 180 days
8 after the date of the enactment of this Act, the Secretary
9 shall submit to the Congress a report that identifies all
10 construction projects and acquisitions of the Department
11 described in subsection (a) for which the preliminary de-
12 sign phase is completed but the construction or acquisition
13 is not completed. Such report shall include—

14 (A) an estimate of the total cost of completion
15 of the construction project or acquisition, itemized
16 by individual activity and by fiscal year; and

17 (B) an identification of which construction
18 projects or acquisitions have not been specifically au-
19 thorized by statute.

20 The Secretary shall annually update and resubmit the re-
21 port required by this paragraph, as part of the report re-
22 quired under section 15 of the Federal Nonnuclear Energy
23 Research and Development Act of 1974 (42 U.S.C. 5914).

1 (2) The Secretary shall, after completion of the pre-
2 liminary design phase of a major construction project,
3 submit to the Congress a report containing—

4 (A) an estimate of the total cost of construction
5 of the facility;

6 (B) an estimate of the time required to com-
7 plete construction;

8 (C) an estimate of the annual operating costs of
9 the facility;

10 (D) the intended useful operating life of the fa-
11 cility; and

12 (E) an identification of any existing facilities to
13 be closed as a result of the operation of the facility.

14 **SEC. 308. FURTHER AUTHORIZATIONS.**

15 Nothing in this title shall preclude further authoriza-
16 tion of appropriations for civilian research, development,
17 demonstration, and commercial application activities of
18 the Department of Energy for fiscal year 1996: *Provided*,
19 That authorization allocations adopted by the Conference
20 Committee on House Concurrent Resolution 67, and ap-
21 proved by Congress, allow for such further authorizations.

22 **SEC. 309. HIGH ENERGY AND NUCLEAR PHYSICS.**

23 (a) LARGE HADRON COLLIDER PROJECT.—

24 (1) NEGOTIATIONS.—The Secretary, in con-
25 sultation with the Director of the National Science

1 Foundation and the Secretary of State, shall enter
2 into negotiations with CERN concerning United
3 States participation in the planning and construction
4 of the Large Hadron Collider project, and shall en-
5 sure that any agreement incorporates provisions to
6 protect the United States investment in the project,
7 including provisions for—

8 (A) fair allocation of costs and benefits
9 among project participants;

10 (B) a limitation on the amount of United
11 States contribution to project construction and
12 an estimate of the United States contribution to
13 subsequent operating costs;

14 (C) a cost and schedule control system for
15 the total project;

16 (D) a preliminary statement of costs and
17 the schedule for all component design, testing,
18 and fabrication, including technical, goals and
19 milestones, and a final statement of such costs
20 and schedule within 1 year after the date on
21 which the parties enter into the agreement;

22 (E) a preliminary statement of costs and
23 the schedule for total project construction and
24 operation, including technical goals and mile-
25 stones, and a final statement of such costs and

1 schedule within 1 year after the date on which
2 the parties enter into the agreement;

3 (F) reconsideration of the extent of United
4 States participation if technical or operational
5 milestones described in subparagraphs (D) and
6 (E) are not met, or if the project falls signifi-
7 cantly behind schedule;

8 (G) conditions of access for United States
9 and other scientists to the facility; and

10 (H) a process for addressing international
11 coordination and cost sharing on high energy
12 physics projects beyond the Large Hadron
13 Collider.

14 (2) OTHER INTERNATIONAL NEGOTIATIONS.—
15 Nothing in this title shall be construed to preclude
16 the President from entering into negotiations with
17 respect to international science agreements.

18 (b) REPORT TO CONGRESS.—Before January 1,
19 1996, the Secretary, in consultation with the Director of
20 the National Science Foundation and with the high energy
21 and nuclear physics communities, shall prepare and trans-
22 mit to the Congress a strategic plan for the high energy
23 and nuclear physics activities of the Department, assum-
24 ing a combined budget of \$950,000,000 for all activities
25 authorized under section 303(b) for fiscal year 1997, and

1 assuming a combined budget of \$900,000,000 for all ac-
2 tivities authorized under section 303(b) for each of the
3 fiscal years 1998, 1999, and 2000. The report shall in-
4 clude—

5 (1) a list of research opportunities to be pur-
6 chased including both ongoing and proposed activi-
7 ties;

8 (2) an analysis of the relevance of each research
9 facility to the research opportunities listed under
10 paragraph (1);

11 (3) a statement of the optimal balance among
12 facility operations, construction, and research sup-
13 port and the optimal balance between university and
14 laboratory research programs;

15 (4) schedules for the continuation, consolida-
16 tion, or termination of each research program, and
17 continuation, upgrade, transfer, or closure of each
18 research facility; and

19 (5) a statement by project of efforts to coordi-
20 nate research projects with the international commu-
21 nities to maximize the use of limited resources and
22 avoid unproductive duplication of efforts.

23 **SEC. 310. PROHIBITION OF LOBBYING ACTIVITIES.**

24 None of the funds authorized by this title shall be
25 available for any activity whose purpose is to influence leg-

1 islation pending before the Congress, except that this shall
2 not prevent officers or employees of the United States or
3 of its departments or agencies from communicating to
4 Members of Congress on the request of any Member or
5 to Congress, through the proper channels, requests for leg-
6 islation or appropriations which they deem necessary for
7 the efficient conduct of the public business.

8 **SEC. 311. ELIGIBILITY FOR AWARDS.**

9 (a) IN GENERAL.—The Secretary shall exclude from
10 consideration for awards of financial assistance made by
11 the Department after fiscal year 1995 any person who re-
12 ceived funds, other than those described in subsection (b),
13 appropriated for a fiscal year after fiscal year 1995, from
14 any Federal funding source for a project that was not sub-
15 jected to a competitive, merit-based award process. Any
16 exclusion from consideration pursuant to this section shall
17 be effective for a period of 5 years after the person re-
18 ceives such Federal funds.

19 (b) EXCEPTION.—Subsection (a) shall not apply to
20 awards to persons who are members of a class specified
21 by law for which assistance is awarded to members of the
22 class according to a formula provided by law.

23 **SEC. 312. TERMINATION COSTS.**

24 Unobligated funds previously appropriated for the
25 Clean Coal Technology program may be used to pay costs

1 associated with the termination of Energy Supply Re-
2 search and Development, General Science and Research,
3 Fossil Energy Research and Development, and Energy
4 Conservation Research and Development programs,
5 projects, and activities of the Department.

6 **TITLE IV—NATIONAL OCEANIC**
7 **AND ATMOSPHERIC ADMINIS-**
8 **TRATION**

9 **SEC. 401. SHORT TITLE.**

10 This title may be cited as the “National Oceanic and
11 Atmospheric Administration Authorization Act of 1995”.

12 **SEC. 402. DEFINITIONS.**

13 For the purposes of this title, the term—

14 (1) “Act of 1890” means the Act entitled “An
15 Act to increase the efficiency and reduce the ex-
16 penses of the Signal Corps of the Army, and to
17 transfer the Weather Bureau to the Department of
18 Agriculture”, approved October 1, 1890 (26 Stat.
19 653);

20 (2) “Act of 1947” means the Act entitled “An
21 Act to define the functions and duties of the Coast
22 and Geodetic Survey, and for other purposes”, ap-
23 proved August 6, 1947 (33 U.S.C. 883a et seq.);

24 (3) “Act of 1970” means the Act entitled “An
25 Act to clarify the status and benefits of commis-

1 sioned officers of the National Oceanic and Atmos-
2 pheric Administration, and for other purposes”, ap-
3 proved December 31, 1970 (33 U.S.C. 857–1 et
4 seq.);

5 (4) “Administrator” means the Administrator
6 of the National Oceanic and Atmospheric Adminis-
7 tration; and

8 (5) “Secretary” means the Secretary of Com-
9 merce.

10 **Subtitle A—Atmospheric, Weather,** 11 **and Satellite Programs**

12 **SEC. 411. NATIONAL WEATHER SERVICE.**

13 (a) OPERATIONS AND RESEARCH.—There are au-
14 thorized to be appropriated to the Secretary to enable the
15 National Oceanic and Atmospheric Administration to
16 carry out the operations and research duties of the Na-
17 tional Weather Service, \$472,338,000 for fiscal year 1996.
18 Such duties include meteorological, hydrological, and
19 oceanographic public warnings and forecasts, as well as
20 applied research in support of such warnings and fore-
21 casts.

22 (b) SYSTEMS ACQUISITION.—There are authorized to
23 be appropriated to the Secretary to enable the National
24 Oceanic and Atmospheric Administration to carry out the
25 public warning and forecast systems duties of the National

1 Weather Service, \$79,034,000 for fiscal year 1996. Such
2 duties include the development, acquisition, and imple-
3 mentation of major public warning and forecast systems.
4 None of the funds authorized under this subsection shall
5 be used for the purposes for which funds are authorized
6 under section 102(b) of the National Oceanic and Atmos-
7 pheric Administration Authorization Act of 1992 (Public
8 Law 102-567). None of the funds authorized by such sec-
9 tion 102(b) shall be expended for a particular NEXRAD
10 installation unless—

11 (1) it is identified as a National Weather Serv-
12 ice NEXRAD installation in the National Implemen-
13 tation Plan for modernization of the National
14 Weather Service, required under section 703 of the
15 National Oceanic and Atmospheric Administration
16 Authorization Act of 1992 (Public Law 102-567);
17 or

18 (2) it is to be used only for spare parts, not as
19 an installation at a particular site.

20 (c) NEW NEXRAD INSTALLATIONS.—No funds may
21 be obligated for NEXRAD installations not identified in
22 the National Implementation Plan for 1996, unless the
23 Secretary certifies that such NEXRAD installations can
24 be acquired within the authorization of NEXRAD con-

1 tained in section 102(b) of the National Oceanic and At-
2 mospheric Administration Authorization Act of 1992.

3 (d) ASOS PROGRAM AUTHORIZATION.—Of the sums
4 authorized in subsection (b), \$16,952,000 for fiscal year
5 1996 are authorized to be appropriated to the Secretary,
6 for the acquisition and deployment of—

7 (1) the Automated Surface Observing System
8 and related systems, including multisensor and
9 backup arrays for National Weather Service sites at
10 airports; and

11 (2) Automated Meteorological Observing Sys-
12 tem and Remote Automated Meteorological Observ-
13 ing System replacement units.

14 and to cover all associated activities, including program
15 management and operations and maintenance.

16 (e) AWIPS AUTHORIZATION.—Of the sums author-
17 ized in subsection (b), there are authorized to be appro-
18 priated to the Secretary \$52,097,000 for fiscal year 1996,
19 to remain available until expended, for—

20 (1) the acquisition and deployment of the Ad-
21 vanced Weather Interactive Processing System and
22 NOAA Port and associated activities; and

23 (2) associated program management and oper-
24 ations and maintenance.

1 (f) CONSTRUCTION OF WEATHER FORECAST OF-
2 FICES.—There are authorized to be appropriated to the
3 Secretary to enable the National Oceanic and Atmospheric
4 Administration to carry out construction, repair, and
5 modification activities relating to new and existing weath-
6 er forecast offices, \$20,628,000 for fiscal year 1996. Such
7 activities include planning, design, and land acquisition re-
8 lated to such offices.

9 (g) STREAMLINING WEATHER SERVICE MODERNIZA-
10 TION.—

11 (1) REPEALS.—Sections 706 and 707 of the
12 Weather Service Modernization Act (15 U.S.C. 313
13 note) are repealed.

14 (2) CONFORMING AMENDMENTS.—The Weather
15 Service Modernization Act (15 U.S.C. 313 note) is
16 amended—

17 (A) in section 702, by striking paragraph
18 (3) and redesignating paragraphs (4) through
19 (10) as paragraphs (3) through (9), respec-
20 tively, and

21 (B) in section 703—

22 (i) by striking “(a) NATIONAL IMPLE-
23 MENTATION PLAN.—”;

24 (ii) by striking paragraph (3) and re-
25 designating paragraphs (4), (5), and (6) as

1 paragraphs (3), (4), and (5), respectively;
2 and
3 (iii) by striking subsections (b) and
4 (c).

5 **SEC. 412. ATMOSPHERIC RESEARCH.**

6 (a) CLIMATE AND AIR QUALITY RESEARCH.—(1)
7 There is authorized to be appropriated to the Secretary
8 to enable the National Oceanic and Atmospheric Adminis-
9 tration to carry out its climate and air quality research
10 duties, \$8,757,000 for fiscal year 1996. Such duties in-
11 clude internannual and seasonal climate research and
12 long-term climate and air quality research.

13 (2) The Administrator shall ensure that at least the
14 same percentage of the climate and air quality research
15 funds that were provided to institutions of higher edu-
16 cation for fiscal year 1995 is provided to institutions of
17 higher education from funds authorized by this subsection.

18 (b) ATMOSPHERIC PROGRAMS.—There are author-
19 ized to be appropriated to the Secretary to enable the Na-
20 tional Oceanic and Atmospheric Administration to carry
21 out its atmospheric research duties, \$39,894,000 for fiscal
22 year 1996. Such duties include research for developing im-
23 proved prediction capabilities for atmospheric processes,
24 as well as solar-terrestrial research and services.

1 (c) GLOBE AUTHORIZATION.—There are authorized
2 to be appropriated to the Secretary to enable the National
3 Oceanic and Atmospheric Administration to carry out the
4 Global Learning and Observations to Benefit the Environ-
5 ment program, \$7,000,000 for fiscal year 1996.

6 **SEC. 413. NATIONAL ENVIRONMENTAL SATELLITE, DATA,**
7 **AND INFORMATION SERVICE.**

8 (a) SATELLITE OBSERVING SYSTEMS.—There are
9 authorized to be appropriated to the Secretary to enable
10 the National Oceanic and Atmospheric Administration to
11 carry out its satellite observing systems duties,
12 \$319,448,000 for fiscal year 1996, to remain available
13 until expended. Such duties include spacecraft procure-
14 ment, launch, and associated ground station systems in-
15 volving polar orbiting and geostationary environmental
16 satellites, as well as the operation of such satellites. None
17 of the funds authorized under this subsection shall be used
18 for the purposes for which funds are authorized under sec-
19 tion 105(d) of the National Oceanic and Atmospheric Ad-
20 ministration Authorization Act of 1992 (Public Law 102–
21 567).

22 (b) POES PROGRAM AUTHORIZATION.—Of the sums
23 authorized in subsection (a), there are authorized to be
24 appropriated to the Secretary \$184,425,000 for fiscal year
25 1996, to remain available until expended, for the procure-

1 ment of Polar Orbiting Environmental Satellites, K, L, M,
2 N, and N¹, and the procurement of the launching and sup-
3 porting ground systems of such satellites.

4 (c) GEOSTATIONARY OPERATIONAL ENVIRONMENTAL
5 SATELLITES.—Of the sums authorized in subsection (a),
6 there are authorized to be appropriated to the Adminis-
7 trator \$46,300,000 for fiscal year 1996, to remain avail-
8 able until expended—

9 (1) to procure up to three additional Geo-
10 stationary Operational Environmental NEXT Sat-
11 ellites (GOES I–M clones) and instruments; and

12 (2) for contracts, and amendments or modifica-
13 tions of contracts, with the developer of previous
14 GOES-NEXT satellites for the acquisition of the ad-
15 ditional satellites and instruments described in para-
16 graph (1).

17 (d) ENVIRONMENTAL DATA AND INFORMATION
18 SERVICES.—There are authorized to be appropriated to
19 the Secretary to enable the National Oceanic and Atmos-
20 pheric Administration to carry out its environmental data
21 and information services duties, \$35,665,000 for fiscal
22 year 1996. Such duties include climate data services, geo-
23 physical data services, and environmental assessment and
24 information services.

1 (e) NATIONAL POLAR-ORBITING OPERATIONAL EN-
2 VIRONMENTAL SATELLITE SYSTEM PROGRAM AUTHOR-
3 IZATION.—Of the sums authorized in subsection (a), there
4 are authorized to be appropriated to the Secretary, for fis-
5 cal year 1996, \$39,500,000, to remain available until ex-
6 pended, for the procurement of the National Polar-Orbit-
7 ing Operational Environmental Satellite System, and the
8 procurement of the launching and supporting ground sys-
9 tems of such satellites.

10 **Subtitle B—Marine Research**

11 **SEC. 421. NATIONAL OCEAN SERVICE.**

12 (a) MAPPING AND CHARTING.—There are authorized
13 to be appropriated to the Secretary, to enable the National
14 Oceanic and Atmospheric Administration to carry out
15 mapping and charting activities under the Act of 1947 and
16 any other law involving those activities, \$29,149,000.

17 (b) GEODESY.—There are authorized to be appro-
18 priated to the Secretary, to enable the National Oceanic
19 and Atmospheric Administration to carry out geodesy ac-
20 tivities under the Act of 1947 and any other law involving
21 those activities, \$19,927,000 for fiscal year 1996.

22 (c) OBSERVATION AND PREDICTION.—

23 (1) IN GENERAL.—There are authorized to be
24 appropriated to the Secretary, to enable the Na-
25 tional Oceanic and Atmospheric Administration to

1 carry out observation and prediction activities under
2 the Act of 1947 and any other law involving those
3 activities, \$11,279,000 for fiscal year 1996.

4 (2) CIRCULATORY SURVEY PROGRAM.—In addi-
5 tion to amounts authorized under paragraph (1),
6 there are authorized to be appropriated to the Sec-
7 retary, to enable the National Oceanic and Atmos-
8 pheric Administration to carry out the Circulatory
9 Survey Program, \$695,000 for fiscal year 1996.

10 (3) OCEAN AND EARTH SCIENCES.—In addition
11 to amounts authorized under paragraph (1), there
12 are authorized to be appropriated to the Secretary,
13 to enable the National Oceanic and Atmospheric Ad-
14 ministration to carry out ocean and earth science ac-
15 tivities, \$4,231,000 for fiscal year 1996.

16 (d) ESTUARINE AND COASTAL ASSESSMENT.—

17 (1) IN GENERAL.—There are authorized to be
18 appropriated to the Secretary, to enable the Na-
19 tional Oceanic and Atmospheric Administration to
20 support estuarine and coastal assessment activities
21 under the Act of 1947 and any other law involving
22 those activities, \$1,171,000 for fiscal year 1996.

23 (2) OCEAN ASSESSMENT.—In addition to
24 amounts authorized under paragraph (1), there are
25 authorized to be appropriated to the Secretary, to

1 enable the National Oceanic and Atmospheric Ad-
2 ministration to carry out the National Status and
3 Trends Program, the Strategic Environmental As-
4 sessment Program, and the Hazardous Materials
5 Response Program, \$8,401,000 for fiscal year 1996.

6 (3) DAMAGE ASSESSMENT PROGRAM.—In addi-
7 tion to amounts authorized under paragraph (1),
8 there are authorized to be appropriated to the Sec-
9 retary, to enable the National Oceanic and Atmos-
10 pheric Administration to carry out the Damage As-
11 sessment Program, \$585,000 for fiscal year 1996.

12 (4) COASTAL OCEAN PROGRAM.—In addition to
13 amounts authorized under paragraph (1), there are
14 authorized to be appropriated to the Secretary, to
15 enable the National Oceanic and Atmospheric Ad-
16 ministration to carry out the Coastal Ocean Pro-
17 gram, \$9,158,000 for fiscal year 1996.

18 **SEC. 422. OCEAN AND GREAT LAKES RESEARCH.**

19 (a) MARINE PREDICTION RESEARCH.—There are au-
20 thorized to be appropriated to the Secretary, to enable the
21 National Oceanic and Atmospheric Administration to
22 carry out marine prediction research activities under the
23 Act of 1947, the Act of 1890, and any other law involving
24 those activities, \$13,763,000 for fiscal year 1996.

1 (b) NATIONAL SEA GRANT COLLEGE PROGRAM.—(1)
2 Section 212(a) of the National Sea Grant College Pro-
3 gram Act (33 U.S.C. 1131(a)) is amended to read as fol-
4 lows:

5 “(a) GRANTS AND CONTRACTS; FELLOWSHIPS.—
6 There are authorized to be appropriated to carry out sec-
7 tions 205 and 208, \$34,500,000 for fiscal year 1996.”.

8 (2) Section 212(b)(1) of the National Sea Grant Col-
9 lege Program Act (33 U.S.C. 1131(b)(1)) is amended by
10 striking “an amount” and all that follows through “not
11 to exceed \$2,900,000” and inserting in lieu thereof
12 “\$1,500,000 for fiscal year 1996”.

13 (3) Section 203(4) of the National Sea Grant College
14 Program Act (33 U.S.C. 1122(4)) is amended by striking
15 “discipline or field” and all that follows through “public
16 administration)” and inserting in lieu thereof “field or dis-
17 cipline involving scientific research”.

18 **SEC. 423. USE OF OCEAN RESEARCH RESOURCES OF OTHER**
19 **FEDERAL AGENCIES.**

20 (a) FINDINGS.—The Congress finds the following:

21 (1) Observing, monitoring, and predicting the
22 ocean environment has been a high priority for the
23 defense community to support ocean operations.

1 (2) Many advances in ocean research have been
2 made by the defense community which could be
3 shared with civilian researchers.

4 (3) The National Oceanic and Atmospheric Ad-
5 ministration's missions to describe and predict the
6 ocean environment, manage the Nation's ocean and
7 coastal resources, and promote stewardship of the
8 world's oceans would benefit from increased coopera-
9 tion with defense agencies.

10 (b) SENSE OF CONGRESS.—It is the sense of the
11 Congress that the National Oceanic and Atmospheric Ad-
12 ministration should expand its efforts to develop inter-
13 agency agreements to further the use of defense-related
14 technologies, data, and other resources to support its oce-
15 anic missions.

16 (c) REPORT.—

17 (1) IN GENERAL.—Not later than 120 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Commerce shall submit to the Committee
20 on Science of the House of Representatives and the
21 Committee on Commerce, Science, and Transpor-
22 tation of the Senate a report on the feasibility of ex-
23 panding the use of defense-related technologies,
24 data, and other resources to support and enhance

1 the oceanic missions of the National Oceanic and At-
2 mospheric Administration.

3 (2) CONTENTS.—The report required under
4 paragraph (1) shall include—

5 (A) a detailed listing of defense-related re-
6 sources currently available to the National Oce-
7 anic and Atmospheric Administration and the
8 National Oceanic and Atmospheric Administra-
9 tion missions which utilize those resources;

10 (B) detailed findings and recommenda-
11 tions, including funding requirements, on the
12 potential for expanding the use of available de-
13 fense-related resources;

14 (C) a detailed listing and funding history
15 of the National Oceanic and Atmospheric Ad-
16 ministration resources, including data and tech-
17 nology, which could be supplemented by de-
18 fense-related resources;

19 (D) a listing of currently unavailable de-
20 fense-related resources, including data and
21 technology, which if made available would en-
22 hance the National Oceanic and Atmospheric
23 Administration mission performance;

1 (E) recommendations on the regulatory
2 and legislative structures needed to maximize
3 the use of defense-related resources;

4 (F) an assessment of the respective roles
5 in the use of defense-related resources of the
6 Army Corps of Engineers, data centers, oper-
7 ational centers, and research facilities of the
8 National Oceanic and Atmospheric Administra-
9 tion; and

10 (G) recommendations on how to provide
11 access to relevant defense-related data for non-
12 Federal scientific users.

13 **Subtitle C—Program Support**

14 **SEC. 431. PROGRAM SUPPORT.**

15 (a) EXECUTIVE DIRECTION AND ADMINISTRATIVE
16 ACTIVITIES.—There are authorized to be appropriated to
17 the Secretary, to enable the National Oceanic and Atmos-
18 pheric Administration to carry out executive direction and
19 administrative activities under the Act of 1970 and any
20 other law involving those activities, \$20,632,000 for fiscal
21 year 1996.

22 (b) CENTRAL ADMINISTRATIVE SUPPORT.—There
23 are authorized to be appropriated to the Secretary, to en-
24 able the National Oceanic and Atmospheric Administra-
25 tion to carry out central administrative support activities

1 under the Act of 1970 and any other law involving those
2 activities, \$30,000,000 for fiscal year 1996.

3 (c) RETIRED PAY.—There are authorized to be ap-
4 propriated to the Secretary, for retired pay for retired
5 commissioned officers of the National Oceanic and Atmos-
6 pheric Administration under the Act of 1970, \$7,706,000
7 for fiscal year 1996.

8 (d) MARINE SERVICES.—

9 (1) CONTRACTING AUTHORITY.—Notwithstand-
10 ing any other provision of law, the Secretary is au-
11 thorized to enter into contracts for data or days-at-
12 sea to fulfill the National Oceanic and Atmospheric
13 Administration missions of marine research, climate
14 research, fisheries research, and mapping and chart-
15 ing services.

16 (2) UNOLS VESSEL AGREEMENTS.—In fulfill-
17 ing the National Oceanic and Atmospheric Adminis-
18 tration mission requirements described in paragraph
19 (1), the Secretary shall use excess capacity of Uni-
20 versity-National Oceanographic Laboratory System
21 vessels where appropriate, and may enter into
22 memoranda of agreement with operators of those
23 vessels to carry out those mission requirements.

24 (3) AUTHORIZATION OF APPROPRIATIONS.—
25 There are authorized to be appropriated to the Sec-

1 retary, to enable the National Oceanic and Atmos-
2 pheric Administration to carry out marine services
3 activities, including activities described in para-
4 graphs (1) and (2), \$60,689,000 for fiscal year
5 1996.

6 (e) AIRCRAFT SERVICES.—There are authorized to be
7 appropriated to the Secretary, to enable the National Oce-
8 anic and Atmospheric Administration to carry out aircraft
9 services activities (including aircraft operations, mainte-
10 nance, and support) under the Act of 1970 and any other
11 law involving those activities, \$9,548,000 for fiscal year
12 1996.

13 (f) FACILITIES REPAIRS AND RENOVATIONS.—There
14 are authorized to be appropriated to the Secretary, to en-
15 able the National Oceanic and Atmospheric Administra-
16 tion to carry out facilities repairs and renovations,
17 \$7,374,000 for fiscal year 1996.

18 **Subtitle D—Streamlining of**
19 **Operations**

20 **SEC. 441. PROGRAM TERMINATIONS.**

21 (a) TERMINATIONS.—No funds may be appropriated
22 for the following programs and accounts:

- 23 (1) The National Undersea Research Program.
24 (2) The Fleet Modernization, Shipbuilding, and
25 Construction Account.

1 (3) The Charleston, South Carolina, Special
2 Management Plan.

3 (4) Chesapeake Bay Observation Buoys.

4 (5) Federal/State Weather Modification Grants.

5 (6) The Southeast Storm Research Account.

6 (7) The Southeast United States Caribbean
7 Fisheries Oceanographic Coordinated Investigations
8 Program.

9 (8) National Institute for Environmental Re-
10 newal.

11 (9) The Lake Champlain Study.

12 (10) The Maine Marine Research Center.

13 (11) The South Carolina Cooperative Geodetic
14 Survey Account.

15 (12) Pacific Island Technical Assistance.

16 (13) Sea Grant/Oyster Disease Account.

17 (14) National Coastal Research and Develop-
18 ment Institute Account.

19 (15) VENTS program.

20 (16) National Weather Service non-Federal,
21 non-wildfire Fire Weather Service.

22 (17) National Weather Service Regional Cli-
23 mate Centers.

24 (18) National Weather Service Samoa Weather
25 Forecast Office Repair and Upgrade Account.

1 (19) Dissemination of Weather Charts (Marine
2 Facsimile Service).

3 (b) REPORT.—Not later than 60 days after the date
4 of the enactment of this Act, the Secretary shall submit
5 to the Committee on Science of the House of Representa-
6 tives and the Committee on Commerce, Science, and
7 Transportation of the Senate a report certifying that all
8 the programs listed in subsection (a) will be terminated
9 no later than September 30, 1995.

10 (c) REPEAL OF SEA GRANT PROGRAMS.—

11 (1) REPEALS.—(A) Section 208(b) of the Na-
12 tional Sea Grant College Program Act (33 U.S.C.
13 1127(b)) is repealed.

14 (B) Section 3 of the Sea Grant Program Im-
15 provement Act of 1976 (33 U.S.C. 1124a) is re-
16 pealed.

17 (2) CONFORMING AMENDMENT.—Section 209
18 of the National Sea Grant College Program Act (33
19 U.S.C. 1128(b)(1)) is amended by striking “and sec-
20 tion 3 of the Sea Grant Program Improvement Act
21 of 1976”.

22 (d) ADDITIONAL REPEAL.—The NOAA Fleet Mod-
23 ernization Act (33 U.S.C. 851 note) is repealed.

1 **SEC. 442. LIMITATIONS ON APPROPRIATIONS.**

2 (a) SUBSEQUENT FISCAL YEARS.—No sums are au-
3 thorized to be appropriated for any fiscal year after fiscal
4 year 1996 for the activities for which sums are authorized
5 by this title unless such sums are specifically authorized
6 to be appropriated by Act of Congress with respect to such
7 fiscal year.

8 (b) FISCAL YEAR 1996.—No more than
9 \$1,692,470,000 is authorized to be appropriated to the
10 Secretary for fiscal year 1996, by this Act or any other
11 Act, to enable the National Oceanic and Atmospheric Ad-
12 ministration to carry out all activities associated with Op-
13 erations, Research, and Facilities.

14 (c) REDUCTION IN TRAVEL BUDGET.—Of the sums
15 appropriated under this Act for Operations, Research, and
16 Facilities, no more than \$20,000,000 may be used for re-
17 imbursement of travel and related expenses for National
18 Oceanic and Atmospheric Administration personnel.

19 **SEC. 443. REDUCTION IN THE COMMISSIONED OFFICER**
20 **CORPS.**

21 (a) MAXIMUM NUMBER.—The total number of com-
22 missioned officers on the active list of the National Oce-
23 anic and Atmospheric Administration shall not exceed—

- 24 (1) 369 for fiscal year 1996;
25 (2) 100 for fiscal year 1997; and
26 (3) 50 for fiscal year 1998.

1 No such commissioned officers are authorized for any fis-
2 cal year after fiscal year 1998.

3 (b) SEPARATION PAY.—The Secretary may separate
4 commissioned officers from the active list of the National
5 Oceanic and Atmospheric Administration, and may do so
6 without providing separation pay.

7 **Subtitle E—Miscellaneous**

8 **SEC. 451. WEATHER DATA BUOYS.**

9 (a) PROHIBITION.—It shall be unlawful for any unau-
10 thorized person to remove, change the location of, ob-
11 struct, willfully damage, make fast to, or interfere with
12 any weather data buoy established, installed, operated, or
13 maintained by the National Data Buoy Center.

14 (b) CIVIL PENALTIES.—The Administrator is author-
15 ized to assess a civil penalty against any person who vio-
16 lates any provision of this section in an amount of not
17 more than \$10,000 for each violation. Each day during
18 which such violation continues shall be considered a new
19 offense. Such penalties shall be assessed after notice and
20 opportunity for a hearing.

21 (c) REWARDS.—The Administrator may offer and
22 pay rewards for the apprehension and conviction, or for
23 information helpful therein, of persons found interfering,
24 in violation of law, with data buoys maintained by the Na-
25 tional Data Buoy Center; or for information leading to

1 the discovery of missing National Weather Service prop-
2 erty or the recovery thereof.

3 **SEC. 452. DUTIES OF THE NATIONAL WEATHER SERVICE.**

4 (a) IN GENERAL.—To protect life and property and
5 enhance the national economy, the Secretary, through the
6 National Weather Service, except as outlined in subsection
7 (b), shall be responsible for—

8 (1) forecasts and shall serve as the sole official
9 source of weather warnings;

10 (2) the issue of storm warnings;

11 (3) the collection, exchange, and distribution of
12 meteorological, hydrological, climatic, and oceano-
13 graphic data and information; and

14 (4) the preparation of hydrometeorological guid-
15 ance and core forecast information.

16 (b) COMPETITION WITH PRIVATE SECTOR.—The
17 National Weather Service shall not compete, or assist
18 other entities to compete, with the private sector when a
19 service is currently provided or can be provided by com-
20 mercial enterprise, unless—

21 (1) the Secretary finds that the private sector
22 is unwilling or unable to provide the services; and

23 (2) the service provides vital weather warnings
24 and forecasts for the protection of lives and property
25 of the general public.

1 (c) AMENDMENTS.—The Act of 1890 is amended—

2 (1) by striking section 3 (15 U.S.C. 313); and

3 (2) in section 9 (15 U.S.C. 317), by striking all

4 after “Department of Agriculture” and inserting in

5 lieu thereof a period.

6 (d) REPORT.—Not later than 60 days after the date

7 of the enactment of this Act, the Secretary shall submit

8 to the Committee on Science of the House of Representa-

9 tives and the Committee on Commerce, Science, and

10 Transportation of the Senate a report detailing all Na-

11 tional Weather Service activities which do not conform to

12 the requirements of this section and outlining a timetable

13 for their termination.

14 **SEC. 453. REIMBURSEMENT OF EXPENSES.**

15 (a) IN GENERAL.—Notwithstanding section 3302 (b)

16 and (c) of title 31, United States Code, and subject to

17 subsection (b) of this section, all amounts received by the

18 United States in settlement of, or judgment for, damage

19 claims arising from the October 9, 1992, allision of the

20 vessel ZACHERY into the National Oceanic and Atmos-

21 pheric Administration research vessel DISCOVERER—

22 (1) shall be retained as an offsetting collection

23 in the Marine Services account of the National Oce-

24 anic and Atmospheric Administration;

1 (2) shall be deposited in that account upon re-
2 ceipt by the United States Government; and

3 (3) shall be available only for obligation for Na-
4 tional Oceanic and Atmospheric Administration ves-
5 sel repairs.

6 (b) LIMITATION.—Not more than \$518,757.09 of the
7 amounts referred to in subsection (a) may be deposited
8 into the Marine Services account pursuant to subsection
9 (a).

10 **SEC. 454. ELIGIBILITY FOR AWARDS.**

11 (a) IN GENERAL.—The Administrator shall exclude
12 from consideration for awards of financial assistance made
13 by the National Oceanic and Atmospheric Administration
14 after fiscal year 1995 any person who received funds,
15 other than those described in subsection (b), appropriated
16 for a fiscal year after fiscal year 1995, from any Federal
17 funding source for a project that was not subjected to a
18 competitive, merit-based award process. Any exclusion
19 from consideration pursuant to this section shall be effec-
20 tive for a period of 5 years after the person receives such
21 Federal funds.

22 (b) EXCEPTION.—Subsection (a) shall not apply to
23 awards to persons who are members of a class specified
24 by law for which assistance is awarded to members of the
25 class according to a formula provided by law.

1 **SEC. 455. PROHIBITION OF LOBBYING ACTIVITIES.**

2 None of the funds authorized by this title shall be
3 available for any activity whose purpose is to influence leg-
4 islation pending before the Congress, except that this shall
5 not prevent officers or employees of the United States or
6 of its departments or agencies from communicating to
7 Members of Congress on the request of any Member or
8 to Congress, through the proper channels, requests for leg-
9 islation or appropriations which they deem necessary for
10 the efficient conduct of the public business.

11 **SEC. 456. REPORT ON LABORATORIES.**

12 (a) IN GENERAL.—Not later than 120 days after the
13 date of the enactment of this Act, the Secretary shall con-
14 duct a review of the laboratories operated by the National
15 Oceanic and Atmospheric Administration and submit a re-
16 port to the Committee on Science of the House of Rep-
17 resentatives and the Committee on Commerce, Science,
18 and Transportation of the Senate.

19 (b) REQUIREMENTS.—The report required by sub-
20 section (a) shall—

21 (1) address potential efficiencies and savings
22 which could be achieved through closing or consoli-
23 dating laboratory facilities;

24 (2) review each laboratory's—

1 (A) mission and activities and their cor-
2 relation to the mission priorities of the National
3 Oceanic and Atmospheric Administration;

4 (B) physical assets, equipment, condition,
5 and personnel resources; and

6 (C) organization and program manage-
7 ment; and

8 (3) address other issues the Inspector General
9 consider relevant.

10 **TITLE V—ENVIRONMENTAL** 11 **PROTECTION AGENCY**

12 **SEC. 501. SHORT TITLE.**

13 This title may be cited as the “Environmental Re-
14 search, Development, and Demonstration Authorization
15 Act of 1995”.

16 **SEC. 502. DEFINITIONS.**

17 For the purposes of this title, the term—

18 (1) “Administrator” means the Administrator
19 of the Environmental Protection Agency;

20 (2) “Agency” means the Environmental Protec-
21 tion Agency; and

22 (3) “Assistant Administrator” means the As-
23 sistant Administrator for Research and Development
24 of the Agency.

1 **SEC. 503. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated to the Administrator \$490,000,000 for fiscal year
4 1996 for the Office of Research and Development for envi-
5 ronmental research, development, and demonstration ac-
6 tivities, including program management and support, in
7 the areas specified in subsection (b), of which—

8 (1) \$321,694,800 shall be for Research and De-
9 velopment; and

10 (2) \$109,263,400 shall be for Program and Re-
11 search Operations.

12 (b) SPECIFIC PROGRAMS AND ACTIVITIES.—Of the
13 amount authorized in subsection (a), there are authorized
14 to be appropriated the following:

15 (1) For air related research, \$93,915,200, of
16 which—

17 (A) \$67,111,400 shall be for Research and
18 Development; and

19 (B) \$26,803,800 shall be for Program and
20 Research Operations.

21 (2) For global change research, \$2,385,700, of
22 which—

23 (A) \$2,125,400 shall be for Research and
24 Development; and

25 (B) \$260,300 shall be for Program and
26 Research Operations.

1 (3) For water quality related research,
2 \$21,243,100, of which—

3 (A) \$9,453,100 shall be for Research and
4 Development; and

5 (B) \$11,790,000 shall be for Program and
6 Research Operations.

7 (4) For drinking water related research,
8 \$20,652,400, of which—

9 (A) \$10,376,500 shall be for Research and
10 Development; and

11 (B) \$10,275,900 shall be for Program and
12 Research Operations.

13 (5) For toxic chemical related research,
14 \$11,053,900, of which—

15 (A) \$5,028,600 shall be for Research and
16 Development; and

17 (B) \$6,025,300 shall be for Program and
18 Research Operations.

19 (6) For lab and field expenses, \$73,031,600, all
20 of which shall be for Research and Development.

21 (7) For headquarters expenses of the Office of
22 Research and Development, \$9,254,800, all of which
23 shall be for Research and Development.

24 (8) For multimedia related research expenses,
25 \$158,656,800, of which—

1 (A) \$122,142,900 shall be for Research
2 and Development;

3 (B) \$31,513,900 shall be for Program and
4 Research Operations; and

5 (C) \$5,000,000 shall be for graduate stu-
6 dent fellowships.

7 (9) For program management expenses,
8 \$6,399,300, all of which shall be for Program and
9 Research Operations.

10 (10) For pesticide related research,
11 \$13,345,200, of which—

12 (A) \$7,192,800 shall be for Research and
13 Development; and

14 (B) \$6,152,400 shall be for Program and
15 Research Operations.

16 (11) For oil pollution related research,
17 \$2,076,900.

18 (12) For research related to leaking under-
19 ground storage tanks, \$769,400.

20 (13) For research related to cleanup of con-
21 taminated sites, \$56,195,500.

22 (14) For research related to hazardous waste,
23 \$21,020,200, of which—

24 (A) \$10,977,700 shall be for Research and
25 Development; and

1 (B) \$10,042,500 shall be for Program and
2 Research Operations.

3 (c) LIMITATIONS.—(1) No funds are authorized to be
4 appropriated by this title for—

5 (A) the Environmental Technology Initiative;

6 (B) the Climate Change Action Plan; or

7 (C) indoor air pollution research.

8 (2) No sums are authorized to be appropriated for
9 any fiscal year after fiscal year 1996 for the activities for
10 which sums are authorized by this title unless such sums
11 are specifically authorized to be appropriated by Act of
12 Congress with respect to such fiscal year.

13 (3) Notwithstanding any other provision of law, no
14 sums are authorized to be appropriated for fiscal year
15 1996 for the activities for which sums are authorized by
16 this title unless such sums are specifically authorized to
17 be appropriated by this title.

18 **SEC. 504. SCIENTIFIC RESEARCH REVIEW.**

19 (a) IN GENERAL.—The Administrator shall assign to
20 the Assistant Administrator the duties of—

21 (1) developing a strategic plan for scientific and
22 technical research activities throughout the Agency;

23 (2) integrating that strategic plan into ongoing
24 Agency planning activities; and

1 (3) reviewing all Agency research to ensure the
2 research—

3 (A) is of high quality; and

4 (B) does not duplicate any other research
5 being conducted by the Agency.

6 (b) REPORT.—The Assistant Administrator shall
7 transmit annually to the Administrator and to the Com-
8 mittee on Science of the House of Representatives and the
9 Committee on Environment and Public Works of the Sen-
10 ate a report detailing—

11 (1) all Agency research the Assistant Adminis-
12 trator finds is not of sufficiently high quality; and

13 (2) all Agency research the Assistant Adminis-
14 trator finds duplicates other Agency research.

15 **SEC. 505. PROHIBITION OF LOBBYING ACTIVITIES.**

16 None of the funds authorized by this title shall be
17 available for any activity whose purpose is to influence leg-
18 islation pending before the Congress, except that this shall
19 not prevent officers or employees of the United States or
20 of its departments or agencies from communicating to
21 Members of Congress on the request of any Member or
22 to Congress, through the proper channels, requests for leg-
23 islation or appropriations which they deem necessary for
24 the efficient conduct of the public business.

1 **SEC. 506. ELIGIBILITY FOR AWARDS.**

2 (a) IN GENERAL.—The Administrator shall exclude
3 from consideration for awards of financial assistance made
4 by the Office of Research and Development after fiscal
5 year 1995 any person who received funds, other than those
6 described in subsection (b), appropriated for a fiscal year
7 after fiscal year 1995, from any Federal funding source
8 for a project that was not subjected to a competitive,
9 merit-based award process. Any exclusion from consider-
10 ation pursuant to this section shall be effective for a period
11 of 5 years after the person receives such Federal funds.

12 (b) EXCEPTION.—Subsection (a) shall not apply to
13 awards to persons who are members of a class specified
14 by law for which assistance is awarded to members of the
15 class according to a formula provided by law.

16 **SEC. 507. GRADUATE STUDENT FELLOWSHIPS.**

17 In carrying out the graduate student fellowship pro-
18 gram for which funds are authorized to be appropriated
19 by this title, the Administrator shall ensure that any fel-
20 lowship award to a student selected after the date of the
21 enactment of this Act is used only to support research that
22 would further missions of the Office of Research and De-
23 velopment in fields in which there exists or is projected
24 to exist a shortage in the number of scientists.

TITLE VI—TECHNOLOGY

Subtitle A—Technology

Administration

SEC. 601. SHORT TITLE.

This title may be cited as the “American Technology Advancement Act of 1995”.

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

(a) UNDER SECRETARY FOR TECHNOLOGY.—There are authorized to be appropriated for the Office of the Under Secretary of Commerce for Technology/Office of Technology Policy \$5,066,000 for fiscal year 1996.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated the following:

(1) For Scientific and Technical Research and Services of the National Institute of Standards and Technology, \$275,579,000 for fiscal year 1996, of which—

(A) \$39,628,000 shall be for Electronics and Electrical Engineering;

(B) \$19,565,000 shall be for Manufacturing Engineering;

(C) \$28,127,000 shall be for Chemical Science and Technology;

(D) \$28,082,000 shall be for Physics;

1 (E) \$54,314,000 shall be for Material
2 Science and Engineering;

3 (F) \$13,517,000 shall be for Building and
4 Fire Research;

5 (G) \$30,704,000 shall be for Computer
6 Systems;

7 (H) \$10,964,000 shall be for Applied
8 Mathematics and Scientific Computing;

9 (I) \$19,109,000 shall be for Technical As-
10 sistance;

11 (J) \$28,169,000 shall be for Research
12 Support; and

13 (K) \$3,400,000 shall be for the Malcolm
14 Baldrige National Quality Program under sec-
15 tion 17 of the Stevenson-Wydler Technology In-
16 novation Act of 1980 (15 U.S.C. 3711a); and

17 (2) for Construction of Research Facilities of
18 the National Institute of Standards and Technology,
19 \$62,055,000 for fiscal year 1996.

20 **SEC. 603. NATIONAL INSTITUTE OF STANDARDS AND TECH-**
21 **NOLOGY ACT AMENDMENTS.**

22 The National Institute of Standards and Technology
23 Act (15 U.S.C. 271 et seq.) is amended—

24 (1) in section 10(a)—

1 (A) by striking “nine” and inserting in lieu
2 thereof “15”; and

3 (B) by striking “five” and inserting in lieu
4 thereof “10”;

5 (2) in section 15—

6 (A) by striking “Pay Act of 1945; and”
7 and inserting in lieu thereof “Pay Act of
8 1945;”; and

9 (B) by inserting “; and (h) the provision of
10 transportation services for employees of the In-
11 stitute between the facilities of the Institute
12 and nearby public transportation, notwithstand-
13 ing section 1344 of title 31, United States
14 Code” after “interests of the Government”; and

15 (3) in section 19, by striking “nor more than
16 forty” and inserting in lieu thereof “nor more than
17 60”.

18 **SEC. 604. STEVENSON-WYDLER TECHNOLOGY INNOVATION**

19 **ACT OF 1980 AMENDMENTS.**

20 The Stevenson-Wydler Technology Innovation Act of
21 1980 (15 U.S.C. 3701 et seq.) is amended—

22 (1) in section 11(i) (15 U.S.C. 3710(i))—

23 (A) by inserting “loan, lease,” after “de-
24 partment, may”; and

1 (B) by inserting “Actions taken under this
2 subsection shall not be subject to Federal re-
3 quirements on the disposal of property.” after
4 “education and research activities.”; and
5 (2) in section 17(c) (15 U.S.C. 3711a(c))—
6 (A) by striking paragraph (2);
7 (B) by redesignating paragraph (3) as
8 paragraph (2); and
9 (C) in paragraph (2), as so redesignated
10 by subparagraph (B) of this paragraph, by
11 striking “two” and inserting in lieu thereof
12 “4”.

13 **SEC. 605. PERSONNEL.**

14 The personnel management demonstration project es-
15 tablished under section 10 of the National Bureau of
16 Standards Authorization Act for Fiscal Year 1987 (15
17 U.S.C. 275 note) is extended indefinitely.

18 **SEC. 606. FASTENER QUALITY ACT AMENDMENTS.**

19 (a) SECTION 2 AMENDMENTS.—Section 2 of the Fas-
20 tener Quality Act (15 U.S.C. 5401) is amended—

21 (1) by striking subsection (a)(4), and redesign-
22 ating paragraphs (5) through (9) as paragraphs
23 (4) through (8), respectively;

1 (2) in subsection (a)(7), as so redesignated by
2 paragraph (1) of this subsection, by striking “by lot
3 number”; and

4 (3) in subsection (b), by striking “used in criti-
5 cal applications” and inserting in lieu thereof “in
6 commerce”.

7 (b) SECTION 3 AMENDMENTS.—Section 3 of the Fas-
8 tener Quality Act (15 U.S.C. 5402) is amended—

9 (1) in paragraph (1)(B) by striking “having a
10 minimum tensile strength of 150,000 pounds per
11 square inch” and inserting in lieu thereof “having a
12 minimum Rockwell C hardness of 40 or above”;

13 (2) in paragraph (2)—

14 (A) by inserting “International Organiza-
15 tion for Standardization,” after “Society of
16 Automotive Engineers,”; and

17 (B) by inserting “consensus” after “or any
18 other”;

19 (3) in paragraph (5)—

20 (A) by inserting “or” after “standard or
21 specification,” in subparagraph (B);

22 (B) by striking “or” at the end of subpara-
23 graph (C);

24 (C) by striking subparagraph (D); and

1 (D) by inserting “or produced in accord-
2 ance with ASTM F 432” after “307 Grade A”;

3 (4) in paragraph (6) by striking “other person”
4 and inserting in lieu thereof “government agency”;

5 (5) in paragraph (8) by striking “Standard”
6 and inserting in lieu thereof “Standards”;

7 (6) by striking paragraph (11) and redesignat-
8 ing paragraphs (12) through (15) as paragraphs
9 (11) through (14), respectively;

10 (7) in paragraph (13), as so redesignated by
11 paragraph (6) of this subsection, by striking “, a
12 government agency” and all that follows through
13 “markings of any fastener” and inserting in lieu
14 thereof “or a government agency”; and

15 (8) in paragraph (14), as so redesignated by
16 paragraph (6) of this subsection, by inserting “for
17 the purpose of achieving a uniform hardness” after
18 “quenching and tempering”.

19 (c) SECTION 4 REPEAL.—Section 4 of the Fastener
20 Quality Act (15 U.S.C. 5403) is repealed.

21 (d) SECTION 5 AMENDMENTS.—Section 5 of the Fas-
22 tener Quality Act (15 U.S.C. 5404) is amended—

23 (1) in subsection (a)(1)(B) and (2)(A)(i) by
24 striking “subsections (b) and (c)” and inserting in
25 lieu thereof “subsections (b), (c), and (d)”;

1 (2) in subsection (c)(2) by striking “or, where
2 applicable” and all that follows through “section
3 7(c)(1)”;

4 (3) in subsection (c)(3) by striking “, such as
5 the chemical, dimensional, physical, mechanical, and
6 any other”;

7 (4) in subsection (c)(4) by inserting “except as
8 provided in subsection (d),” before “state whether”;
9 and

10 (5) by adding at the end the following new sub-
11 section:

12 “(d) ALTERNATIVE PROCEDURE FOR CHEMICAL
13 CHARACTERISTICS.—Notwithstanding the requirements of
14 subsections (b) and (c), a manufacturer shall be deemed
15 to have demonstrated, for purposes of subsection (a)(1),
16 that the chemical characteristics of a lot conform to the
17 standards and specifications to which the manufacturer
18 represents such lot has been manufactured if the following
19 requirements are met:

20 “(1) The coil or heat number of metal from
21 which such lot was fabricated has been inspected
22 and tested with respect to its chemical characteris-
23 tics by a laboratory accredited in accordance with
24 the procedures and conditions specified by the Sec-
25 retary under section 6.

1 “(2) Such laboratory has provided to the manu-
2 facturer, either directly or through the metal manu-
3 facturer, a written inspection and testing report,
4 which shall be in a form prescribed by the Secretary
5 by regulation, listing the chemical characteristics of
6 such coil or heat number.

7 “(3) The report described in paragraph (2) in-
8 dicates that the chemical characteristics of such coil
9 or heat number conform to those required by the
10 standards and specifications to which the manufac-
11 turer represents such lot has been manufactured.

12 “(4) The manufacturer demonstrates that such
13 lot has been fabricated from the coil or heat number
14 of metal to which the report described in paragraphs
15 (2) and (3) relates.

16 In prescribing the form of report required by subsection
17 (c), the Secretary shall provide for an alternative to the
18 statement required by subsection (c)(4), insofar as such
19 statement pertains to chemical characteristics, for cases
20 in which a manufacturer elects to use the procedure per-
21 mitted by this subsection.”.

22 (e) SECTION 6 AMENDMENT.—Section 6(a)(1) of the
23 Fastener Quality Act (15 U.S.C. 5405(a)(1)) is amended
24 by striking “Within 180 days after the date of enactment
25 of this Act, the” and inserting in lieu thereof “The”.

1 (f) SECTION 7 AMENDMENTS.—Section 7 of the Fas-
2 tener Quality Act (15 U.S.C. 5406) is amended—

3 (1) by amending subsection (a) to read as fol-
4 lows:

5 “(a) DOMESTICALLY PRODUCED FASTENERS.—It
6 shall be unlawful for a manufacturer to sell any shipment
7 of fasteners covered by this Act which are manufactured
8 in the United States unless the fasteners—

9 “(1) have been manufactured according to the
10 requirements of the applicable standards and speci-
11 fications and have been inspected and tested by a
12 laboratory accredited in accordance with the proce-
13 dures and conditions specified by the Secretary
14 under section 6; and

15 “(2) an original laboratory testing report de-
16 scribed in section 5(c) and a manufacturer’s certifi-
17 cate of conformance are on file with the manufac-
18 turer, or under such custody as may be prescribed
19 by the Secretary, and available for inspection,”;

20 (2) in subsection (c)(2) by inserting “to the
21 same” after “in the same manner and”;

22 (3) in subsection (d)(1) by striking “certificate”
23 and inserting in lieu thereof “test report”; and

24 (4) by striking subsections (e), (f), and (g) and
25 inserting in lieu thereof the following:

1 “(e) SUBSEQUENT PURCHASER.—If a person who
2 purchases fasteners for any purpose so requests either
3 prior to the sale or at the time of sale, the seller shall
4 conspicuously mark the container of the fasteners with the
5 lot number from which such fasteners were taken.”.

6 (g) SECTION 9 AMENDMENT.—Section 9 of the Fas-
7 tener Quality Act (15 U.S.C. 5408) is amended by adding
8 at the end the following new subsection:

9 “(d) ENFORCEMENT.—The Secretary may designate
10 officers or employees of the Department of Commerce to
11 conduct investigations pursuant to this Act. In conducting
12 such investigations, those officers or employees may, to
13 the extent necessary or appropriate to the enforcement of
14 this Act, exercise such authorities as are conferred upon
15 them by other laws of the United States, subject to policies
16 and procedures approved by the Attorney General.”.

17 (h) SECTION 10 AMENDMENTS.—Section 10 of the
18 Fastener Quality Act (15 U.S.C. 5409) is amended—

19 (1) in subsections (a) and (b), by striking “10
20 years” and inserting in lieu thereof “5 years”; and

21 (2) in subsection (b), by striking “any subse-
22 quent” and inserting in lieu thereof “the subse-
23 quent”.

24 (i) SECTION 13 AMENDMENT.—Section 13 of the
25 Fastener Quality Act (15 U.S.C. 5412) is amended by

1 striking “within 180 days after the date of enactment of
2 this Act”.

3 (j) SECTION 14 REPEAL.—Section 14 of the Fastener
4 Quality Act (15 U.S.C. 5413) is repealed.

5 **SEC. 607. PROHIBITION OF LOBBYING ACTIVITIES.**

6 None of the funds authorized by this title shall be
7 available for any activity whose purpose is to influence leg-
8 islation pending before the Congress, except that this shall
9 not prevent officers or employees of the United States or
10 of its departments or agencies from communicating to
11 Members of Congress on the request of any Member or
12 to Congress, through the proper channels, requests for leg-
13 islation or appropriations which they deem necessary for
14 the efficient conduct of the public business.

15 **SEC. 608. LIMITATION ON APPROPRIATIONS.**

16 (a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR
17 1996.—Notwithstanding any other provision of law, no
18 sums are authorized to be appropriated for fiscal year
19 1996 for the activities for which sums are authorized by
20 this title unless such sums are specifically authorized to
21 be appropriated by this title.

22 (b) SUBSEQUENT FISCAL YEARS.—No sums are au-
23 thorized to be appropriated for any fiscal year after fiscal
24 year 1996 for the activities for which sums are authorized
25 by this title unless such sums are specifically authorized

1 to be appropriated by Act of Congress with respect to such
2 fiscal year.

3 **SEC. 609. ELIGIBILITY FOR AWARDS.**

4 (a) IN GENERAL.—The Director shall exclude from
5 consideration for awards of financial assistance made by
6 the Under Secretary for Technology/Office of Technology
7 Policy or the National Institute of Standards and Tech-
8 nology after fiscal year 1995 any person who received
9 funds, other than those described in subsection (b), appro-
10 priated for a fiscal year after fiscal year 1995, from any
11 Federal funding source for a project that was not sub-
12 jected to a competitive, merit-based award process. Any
13 exclusion from consideration pursuant to this section shall
14 be effective for a period of 5 years after the person re-
15 ceives such Federal funds.

16 (b) EXCEPTION.—Subsection (a) shall not apply to
17 awards to persons who are members of a class specified
18 by law for which assistance is awarded to members of the
19 class according to a formula provided by law.

20 **SEC. 610. STANDARDS CONFORMITY.**

21 (a) USE OF STANDARDS.—Section 2(b) of the Na-
22 tional Institute of Standards and Technology Act (15
23 U.S.C. 272(b)) is amended—

1 (1) by striking “, including comparing stand-
2 ards” and all that follows through “Federal Govern-
3 ment”;

4 (2) by redesignating paragraphs (3) through
5 (11) as paragraphs (4) through (12), respectively;
6 and

7 (3) by inserting after paragraph (2) the follow-
8 ing new paragraph:

9 “(3) to compare standards used in scientific in-
10 vestigations, engineering, manufacturing, commerce,
11 industry, and educational institutions with the
12 standards adopted or recognized by the Federal Gov-
13 ernment and to coordinate the use by Federal agen-
14 cies of private sector standards, emphasizing where
15 possible the use of standards developed by private,
16 consensus organizations;”.

17 (b) CONFORMITY ASSESSMENT ACTIVITIES.—Section
18 2(b) of the National Institute of Standards and Tech-
19 nology Act (15 U.S.C. 272(b)) is amended—

20 (1) by striking “and” at the end of paragraph
21 (11), as so redesignated by subsection (a)(2) of this
22 section;

23 (2) by striking the period at the end of para-
24 graph (12), as so redesignated by subsection (a)(2)

1 of this section, and inserting in lieu thereof “; and”;
2 and

3 (3) by adding at the end the following new
4 paragraph:

5 “(13) to coordinate Federal, State, local, and
6 private sector standards conformity assessment ac-
7 tivities, with the goal of eliminating unnecessary du-
8 plication and complexity in the development and pro-
9 mulgation of conformity assessment requirements
10 and measures.”.

11 (c) TRANSMITTAL OF PLAN TO CONGRESS.—The Na-
12 tional Institute of Standards and Technology shall, by
13 January 1, 1996, transmit to the Congress a plan for im-
14 plementing the amendments made by this section.

15 **SEC. 611. FURTHER AUTHORIZATIONS.**

16 Nothing in this Act shall preclude further authoriza-
17 tion of appropriations for the Manufacturing Extension
18 Partnerships program under sections 25 and 26 of the Na-
19 tional Institute of Standards and Technology Act (15
20 U.S.C. 278k and 278l) for fiscal year 1996: *Provided*,
21 That authorization allocations adopted by the Conference
22 Committee on House Concurrent Resolution 67, and ap-
23 proved by Congress, allow for such further authorizations.

1 **TITLE VII—UNITED STATES FIRE**
2 **ADMINISTRATION**

3 **SEC. 701 SHORT TITLE.**

4 This title may be cited as the “Fire Administration
5 Authorization Act of 1995”.

6 **SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 17(g)(1) of the Federal Fire Prevention and
8 Control Act of 1974 (15 U.S.C. 2216(a)(1)) is amended—

9 (1) by striking “and” at the end of subpara-
10 graph (E);

11 (2) by striking the period at the end of sub-
12 paragraph (F) and inserting in lieu thereof a semi-
13 colon; and

14 (3) by adding at the end the following new sub-
15 paragraphs:

16 “(G) \$28,000,000 for the fiscal year ending
17 September 30, 1996, which, notwithstanding sub-
18 section (h), includes any amounts appropriated
19 under subsection (h) (3) and (4) for fiscal year
20 1996; and

21 “(H) \$28,000,000 for the fiscal year ending
22 September 30, 1997.”.

23 **SEC. 703. FIRE SAFETY SYSTEMS IN ARMY HOUSING.**

24 Section 31(c)(1)(A)(ii)(II) is amended by inserting “,
25 or in the case of housing under the control of the Depart-

1 ment of the Army, 6 years after such date of enactment”
2 after “date of enactment”.

3 **SEC. 704. SUCCESSOR FIRE SAFETY STANDARDS.**

4 The Federal Fire Prevention and Control Act of 1974
5 is amended—

6 (1) in section 29(a)(1), by inserting “, or any
7 successor standard thereto,” after “Association
8 Standard 74”;

9 (2) in section 29(a)(2), by inserting “or any
10 successor standards thereto,” after “whichever is ap-
11 propriate,”;

12 (3) in section 29(b)(2), by inserting “, or any
13 successor standards thereto” after “Association
14 Standard 13 or 13-R”;

15 (4) in section 31(c)(2)(B)(i), by inserting “or
16 any successor standard thereto,” after “Life Safety
17 Code),”; and

18 (5) in section 31(c)(2)(B)(ii), by inserting “or
19 any successor standard thereto,” after “Association
20 Standard 101,”.

21 **SEC. 705. TERMINATION OR PRIVATIZATION OF FUNC-**
22 **TIONS.**

23 The Administrator of the United States Fire Admin-
24 istration shall transmit to Congress a report providing no-
25 tice at least 60 days in advance of the termination or

1 transfer to a private sector entity of any significant func-
 2 tion of the United States Fire Administration.

3 **SEC. 706. REPORT ON BUDGETARY REDUCTION.**

4 The Administrator of the United States Fire Admin-
 5 istration shall transmit to Congress, within three months
 6 after the date of the enactment of this Act, a report set-
 7 ting forth the manner in which the United States Fire
 8 Administration intends to implement the budgetary reduc-
 9 tion represented by the difference between the amount ap-
 10 propriated to the United States Fire Administration for
 11 fiscal year 1996 and the amount requested in the Presi-
 12 dent's budget request for such fiscal year. Such report
 13 shall be prepared in consultation with the Alliance for Fire
 14 and Emergency Management, the International Associa-
 15 tion of Fire Chiefs, the International Association of Fire
 16 Fighters, the National Fire Protection Association, the
 17 National Volunteer Fire Council, the National Association
 18 of State Fire Marshals, and the International Association
 19 of Arson Investigators.

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