

104TH CONGRESS
2D SESSION

H. R. 3322

IN THE SENATE OF THE UNITED STATES

JUNE 3, 1996

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To authorize appropriations for fiscal year 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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Omnibus Civilian Science Authorization Act of 1996”.

4 (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 1996”.

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 1997.—There are authorized to be
21 appropriated to the Foundation \$3,291,700,000 for fiscal
22 year 1997, which shall be available for the following cat-
23 egories:

24 (1) Research and Related Activities,
25 \$2,381,500,000.

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

3 (3) Major Research Equipment, \$80,000,000.

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

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

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

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

9 (c) LIMITATION.—Consistent with the amendment
10 made by section 130(a) of this Act, funds appropriated
11 under subsection (b) of this section shall be available to
12 not more than 6 directorates. No funds appropriated
13 under subsection (b) may be obligated or expended by, for,
14 or through a directorate if funds appropriated under sub-
15 section (b) have been obligated or expended for 6 other
16 directorates.

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

19 If the amount appropriated pursuant to section
20 111(b)(1) is less than the amount authorized under that
21 paragraph, the amount available for each scientific direc-
22 torate under that paragraph shall be reduced by the same
23 proportion.

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 sub-
13 categories of Research and Related Activities, so long as
14 the net funds transferred to or from any subcategory do
15 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 **Subtitle B—General Provisions**

2 **SEC. 121. ANNUAL REPORT.**

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

6 “(f) The Foundation shall provide an annual report
7 to the President which shall be submitted by the Director
8 to the Congress at the time of the President’s annual
9 budget submission. The report shall—

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

12 “(A) defines for a three-year period the
13 overall goals for the Foundation and specific
14 goals for each major activity of the Foundation,
15 including each scientific directorate, the edu-
16 cation directorate, and the polar programs of-
17 fice; and

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

21 “(2) identify the criteria and describe the proce-
22 dures which the Foundation will use to assess
23 progress toward achieving the goals identified in ac-
24 cordance with paragraph (1);

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

9 “(4) contain such recommendations as the
10 Foundation considers appropriate; and

11 “(5) include information on the acquisition and
12 disposition by the Foundation of any patents and
13 patent rights.”.

14 **SEC. 122. NATIONAL RESEARCH FACILITIES.**

15 (a) **FACILITIES PLAN.**—The Director shall provide to
16 Congress annually, as a part of the report required under
17 section 3(f) of the National Science Foundation Act of
18 1950, a plan for the proposed construction of, and repair
19 and upgrades to, national research facilities. The plan
20 shall include estimates of the cost for such construction,
21 repairs, and upgrades, and estimates of the cost for the
22 operation and maintenance of existing and proposed new
23 facilities. For proposed new construction and for major
24 upgrades to existing facilities, the plan shall include fund-
25 ing profiles by fiscal year and milestones for major phases

1 of the construction. The plan shall include cost estimates
2 in the categories of construction, repair, and upgrades for
3 the year in which the plan is submitted to Congress and
4 for not fewer than the succeeding 4 years.

5 (b) LIMITATION ON OBLIGATION OF UNAUTHORIZED
6 APPROPRIATIONS.—No funds appropriated for any project
7 which involves construction of new national research facili-
8 ties or construction necessary for upgrading the capabili-
9 ties of existing national research facilities shall be obli-
10 gated unless the funds are specifically authorized for such
11 purpose by this title or any other Act which is not an ap-
12 propriations Act, or unless the total estimated cost to the
13 Foundation of the construction project is less than
14 \$50,000,000. This subsection shall not apply to construc-
15 tion projects approved by the National Science Board
16 prior to June 30, 1995.

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

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

1 **SEC. 124. ADMINISTRATIVE AMENDMENTS.**

2 (a) NATIONAL SCIENCE FOUNDATION ACT OF 1950
3 AMENDMENTS.—The National Science Foundation Act of
4 1950 (42 U.S.C. 1861 et seq.) is amended—

5 (1) in section 4(g) (42 U.S.C. 1863(g)), by
6 striking “the appropriate rate provided for individ-
7 uals in grade GS–18 of the General Schedule under
8 section 5332” and inserting in lieu thereof “the
9 maximum rate payable under section 5376”;

10 (2) by redesignating the subsection (k) of sec-
11 tion 4 (42 U.S.C. 1863(k)) that was added by sec-
12 tion 108 of the National Science Foundation Au-
13 thorization Act of 1988 as subsection (l);

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

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

22 (4) in section 14(c) (42 U.S.C. 1873(c))—

23 (A) by striking “shall receive” and insert-
24 ing in lieu thereof “shall be entitled to receive”;

25 (B) by inserting “, including traveltime,”
26 after “business of the Foundation”; and

1 (C) by striking “the rate specified for the
2 daily rate for grade GS–18 of the General
3 Schedule under section 5332” and inserting in
4 lieu thereof “the maximum rate payable under
5 section 5376”; and

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

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

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

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

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

1 neering Education” and inserting in lieu thereof “Edu-
2 cation and Human Resources”.

3 (d) SCIENCE AND ENGINEERING EQUAL OPPORTUNI-
4 TIES ACT AMENDMENTS.—(1) Section 34 of the Science
5 and Engineering Equal Opportunities Act (42 U.S.C.
6 1885b) is amended—

7 (A) by inserting “AND PERSONS WITH DISABIL-
8 ITIES” after “MINORITIES IN SCIENCE” in the sec-
9 tion heading; and

10 (B) by adding at the end the following new sub-
11 section:

12 “(c) The Foundation is authorized to undertake and
13 support programs and activities to encourage the partici-
14 pation of persons with disabilities in the science and engi-
15 neering professions.”.

16 (2) Section 36 of the Science and Engineering Equal
17 Opportunities Act (42 U.S.C. 1885c) is amended—

18 (A) in subsection (a), by inserting “persons
19 with disabilities,” after “minorities,”;

20 (B) in subsection (b), by amending the second
21 sentence to read as follows: “In addition, the Chair-
22 man of the National Science Board may designate
23 members of the Board as ex officio members of the
24 Committee.”;

25 (C) by striking subsections (c) and (d);

1 (D) by inserting after subsection (b) the follow-
2 ing new subsection:

3 “(c) The Committee shall be responsible for reviewing
4 and evaluating all Foundation matters relating to partici-
5 pation in, opportunities for, and advancement in edu-
6 cation, training, and research in science and engineering
7 of women, minorities, persons with disabilities, and other
8 groups currently underrepresented in scientific, engineer-
9 ing, and professional fields.”;

10 (E) by redesignating subsections (e) and (f) as
11 subsections (d) and (e), respectively; and

12 (F) in subsection (d), as so redesignated by
13 subparagraph (E) of this paragraph, by striking
14 “additional”.

15 (e) TECHNICAL AMENDMENT.—The second sub-
16 section (g) of section 3 of the National Science Foundation
17 Act of 1950 is repealed.

18 **SEC. 125. INDIRECT COSTS.**

19 (a) MATCHING FUNDS.—Matching funds required
20 pursuant to section 204(a)(2)(C) of the Academic Re-
21 search Facilities Modernization Act of 1988 (42 U.S.C.
22 1862c(a)(2)(C)) shall not be considered facilities costs for
23 purposes of determining indirect cost rates.

24 (b) REPORT.—The Director of the Office of Science
25 and Technology Policy, in consultation with other relevant

1 agencies, shall prepare a report analyzing what steps
2 would be needed to—

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

6 (2) reduce the variance among indirect cost
7 rates of different institutions of higher education, in-
8 cluding an evaluation of the relative benefits and
9 burdens of each option on institutions of higher edu-
10 cation. Such report shall be transmitted to the Con-
11 gress no later than December 31, 1996.

12 **SEC. 126. FINANCIAL DISCLOSURE.**

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

18 **SEC. 127. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE**
19 **DUTY.**

20 In order to be eligible to receive funds from the Foun-
21 dation after September 30, 1996, an institution of higher
22 education must provide that whenever any student of the
23 institution who is a member of the National Guard, or
24 other reserve component of the Armed Forces of the Unit-
25 ed States, is called or ordered to active duty, other than

1 active duty for training, the institution shall grant the
2 member a military leave of absence from their education.
3 Persons on military leave of absence from their institution
4 shall be entitled, upon release from military duty, to be
5 restored to the educational status they had attained prior
6 to their being ordered to military duty without loss of aca-
7 demic credits earned, scholarships or grants awarded, or
8 tuition and other fees paid prior to the commencement of
9 the military duty. It shall be the duty of the institution
10 to refund tuition or fees paid or to credit the tuition and
11 fees to the next semester or term after the termination
12 of the educational military leave of absence at the option
13 of the student.

14 **SEC. 128. SCIENCE STUDIES INSTITUTE.**

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

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

21 (2) in subsection (b) by striking “As deter-
22 mined by the chairman of the committee referred to
23 in subsection (c), the” and inserting in lieu thereof
24 “The”;

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

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

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

8 (B) by striking “with particular emphasis”
9 in paragraph (1) and all that follows through
10 the end of such paragraph and inserting in lieu
11 thereof “and developing and maintaining rel-
12 evant informational and analytical tools.”;

13 (C) by striking “to determine” and all that
14 follows through “technology policies” in para-
15 graph (2) and inserting in lieu thereof “with
16 particular attention to the scope and content of
17 the Federal science and technology research
18 and development portfolio as it affects inter-
19 agency and national issues”;

20 (D) by amending paragraph (3) to read as
21 follows:

22 “(3) Initiation of studies and analysis of alter-
23 natives available for ensuring the long-term strength
24 of the United States in the development and applica-
25 tion of science and technology, including appropriate

1 roles for the Federal Government, State govern-
2 ments, private industry, and institutions of higher
3 education in the development and application of
4 science and technology.”;

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

7 (F) by amending paragraph (4)(B) to read
8 as follows:

9 “(B) to the interagency committees and
10 panels of the Federal Government concerned
11 with science and technology.”;

12 (5) in subsection (d), as so redesignated by
13 paragraph (3) of this subsection, by striking “sub-
14 section (d)” and inserting in lieu thereof “subsection
15 (e)”;

16 (6) by amending subsection (f), as so redesign-
17 ated by paragraph (3) of this subsection, to read
18 as follows:

19 “(f) SPONSORSHIP.—The Director of the Office of
20 Science and Technology Policy shall be the sponsor of the
21 Institute.”.

22 (b) CONFORMING USAGE.—All references in Federal
23 law or regulations to the Critical Technologies Institute
24 shall be considered to be references to the Science Studies
25 Institute.

1 **SEC. 129. EDUCATIONAL IMPACT.**

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

3 (1) Federal research funds made available to
4 institutions of higher education often create incen-
5 tives for such institutions to emphasize research over
6 undergraduate teaching and to narrow the focus of
7 their graduate programs; and

8 (2) National Science Foundation funds for Re-
9 search and Related Activities should be spent in the
10 manner most likely to improve the quality of under-
11 graduate and graduate education in institutions of
12 higher education.

13 (b) EDUCATIONAL IMPACT.—(1) The impact that a
14 grant or cooperative agreement by the National Science
15 Foundation would have on undergraduate and graduate
16 education at an institution of higher education shall be
17 a factor in any decision whether to award such grant or
18 agreement to that institution.

19 (2) Paragraph (1) shall be effective with respect to
20 any grant or cooperative agreement awarded after Sep-
21 tember 30, 1997.

22 (c) REPORT.—The Director shall provide a plan for
23 the implementation of subsection (b) of this section, no
24 later than December 31, 1996, to the Committee on
25 Science of the House of Representatives and the Commit-

tee on Commerce, Science, and Transportation and the
Committee on Labor and Human Resources of the Senate.

SEC. 130. DIVISIONS OF THE FOUNDATION.

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

(b) REPORT.—By November 15, 1996, the Director
shall transmit to the Congress a report on the reorganiza-
tion of the National Science Foundation required as a re-
sult of the amendment made by subsection (a).

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

Subtitle A—General Provisions

SEC. 201. SHORT TITLE.

This title may be cited as the “National Aeronautics
and Space Administration Authorization Act, Fiscal Year
1997”.

SEC. 202. FINDINGS.

The Congress makes the following findings:

(1) The National Aeronautics and Space Ad-
ministration should aggressively pursue actions and

1 reforms directed at reducing institutional costs, in-
2 cluding management restructuring, facility consoli-
3 dation, procurement reform, personnel base
4 downsizing, and convergence with other defense and
5 commercial sector systems.

6 (2) While institutional reforms, restructurings,
7 and downsizing hold the slim promise of reconciling
8 the disparity between projected needs of the Na-
9 tional Aeronautics and Space Administration with
10 funding levels requested by the Administration over
11 the next 4 years, such reforms provide no guarantee
12 against cancellation of missions or elimination of
13 centers in the event reform efforts fail to achieve
14 cost reduction targets.

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

20 (4) Commercial space activity is in a delicate
21 state of growth. It has the potential to eclipse Fed-
22 eral space activity in its economic return to the Na-
23 tion, if it is not stifled.

24 (5) The United States is on the verge of creat-
25 ing and using new technologies in microsatellites, in-

1 formation processing, and space launches that could
2 radically alter the manner in which the Government
3 approaches its space mission.

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

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

17 (8) The Federal Government should invest in
18 the types of research and innovative technology in
19 which the United States private sector does not in-
20 vest, while avoiding competition with the activities in
21 which the United States private sector does invest.

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 (11) The Reusable Launch Vehicle program,
12 and the acquisition by the Federal Government of
13 the vehicle resulting from that program, are nec-
14 essary for the protection of essential security inter-
15 ests for purposes of interpreting the obligations of
16 the United States under the General Agreement on
17 Tariffs and Trade.

18 **SEC. 203. DEFINITIONS.**

19 For purposes of this title—

20 (1) the term “Administrator” means the Ad-
21 ministrator of the National Aeronautics and Space
22 Administration;

23 (2) the term “cost threat” means a potential
24 change to the program baseline documented as a po-

1 tential cost by the Space Station Program Office;
2 and

3 (3) the term “institution of higher education”
4 has the meaning given such term in section 1201(a)
5 of the Higher Education Act of 1965 (20 U.S.C.
6 1141(a)).

7 **Subtitle B—Authorization of**
8 **Appropriations**

9 **CHAPTER 1—AUTHORIZATIONS**

10 **SEC. 211. HUMAN SPACE FLIGHT.**

11 There are authorized to be appropriated to the Na-
12 tional Aeronautics and Space Administration for fiscal
13 year 1997 for Human Space Flight the following amounts:

14 (1) For the Space Station, \$1,840,200,000.

15 (2) For Space Shuttle Operations,
16 \$2,514,900,000.

17 (3) For Space Shuttle Safety and Performance
18 Upgrades, \$636,000,000, including for Construction
19 of Facilities relating to such programs—

20 (A) replacement of LC-39 Pad B Chillers
21 (KSC), \$1,800,000;

22 (B) restoration of Pad B Fixed Support
23 Structure Elevator System (KSC), \$1,500,000;

24 (C) rehabilitation of 480V Electrical Dis-
25 tribution System, Kennedy Space Center, Ex-

1 ternal Tank Manufacturing Building (MAF),
2 \$2,500,000; and

3 (D) restoration of High Pressure Indus-
4 trial Water Plant, Stennis Space Center,
5 \$2,500,000.

6 (4) For Payload and Utilization Operations,
7 \$271,800,000.

8 (5) For Russian Cooperation, \$100,000,000.

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

10 There are authorized to be appropriated to the Na-
11 tional Aeronautics and Space Administration for fiscal
12 year 1997 for Science, Aeronautics, and Technology the
13 following amounts:

14 (1) For Space Science, \$2,107,400,000.

15 (2) For Life and Microgravity Sciences and Ap-
16 plications, \$498,500,000, of which at least
17 \$2,000,000 is reserved for research and early detec-
18 tion systems for breast and ovarian cancer and other
19 women's health issues.

20 (3) For Mission to Planet Earth,
21 \$1,028,400,000, of which \$50,000,000 shall be for
22 commercial data purchases under section 259(a).
23 Funds authorized by this paragraph may not be ob-
24 ligated to duplicate private sector or other Federal
25 activities or to procure systems to provide data un-

1 less the Administrator certifies to Congress that no
2 private sector entity, or Federal entity other than
3 the National Aeronautics and Space Administration,
4 can provide suitable data in a timely manner.

5 (4) For Space Access and Technology,
6 \$711,000,000 of which—

7 (A) \$324,700,000 are authorized for Ad-
8 vanced Space Transportation; and

9 (B) \$10,000,000 shall be for continuing
10 the Launch Voucher Demonstration Program
11 authorized under section 504 of the National
12 Aeronautics and Space Administration Author-
13 ization Act, Fiscal Year 1993 (15 U.S.C.
14 5803).

15 (5) For Aeronautical Research and Technology,
16 \$823,400,000, of which—

17 (A) \$354,400,000 are authorized for Re-
18 search and Technology Base activities;

19 (B) \$254,300,000 are authorized for High
20 Speed Research;

21 (C) \$152,800,000 are authorized for Ad-
22 vanced Subsonic Technology;

23 (D) \$23,300,000 are authorized for High-
24 Performance Computing and Communications;
25 and

1 (E) \$38,600,000 are authorized for Nu-
2 merical Aerodynamic Simulation.

3 (6) For Mission Communication Services,
4 \$405,600,000.

5 (7) For Academic Programs, \$92,500,000.

6 **SEC. 213. MISSION SUPPORT.**

7 There are authorized to be appropriated to the Na-
8 tional Aeronautics and Space Administration for fiscal
9 year 1997 for Mission Support the following amounts:

10 (1) For Safety, Reliability, and Quality Assur-
11 ance, \$36,700,000.

12 (2) For Space Communication Services,
13 \$276,250,000.

14 (3) For Construction of Facilities, including
15 land acquisition, \$105,000,000, including the follow-
16 ing:

17 (A) Modernization of Electrical Distribu-
18 tion System, Ames Research Center,
19 \$2,400,000.

20 (B) Modification of Aircraft Ramp and
21 Tow Way, Dryden Flight Research Center,
22 \$3,000,000.

23 (C) Restoration of Hangar Building 4801,
24 Dryden Flight Research Center, \$4,500,000.

1 (D) Modernization of Secondary Electrical
2 Systems, Goddard Space Flight Center,
3 \$1,500,000.

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

7 (F) Modification of Refrigeration Systems,
8 Various Buildings, Jet Propulsion Laboratory,
9 \$2,800,000.

10 (G) Rehabilitation of Utility Tunnel Struc-
11 ture and Systems, Johnson Space Center,
12 \$4,400,000.

13 (H) Replacement of DX Units with
14 Central Chilled Water System, Logistics Facil-
15 ity, Kennedy Space Center, \$1,800,000.

16 (I) Rehabilitation of Central Air Equip-
17 ment Building, Lewis Research Center,
18 \$6,500,000.

19 (J) Modification of Chilled Water System,
20 Marshall Space Flight Center, \$6,700,000.

21 (K) Rehabilitation of Condenser Water
22 System, 202/207 Complex (MAF), \$2,100,000.

23 (L) Rehabilitation of Electrical Distribu-
24 tion System, White Sands Test Facility,
25 \$2,600,000.

1 (M) Minor Revitalization of Facilities at
2 Various Locations, not in excess of \$1,500,000
3 per project, \$19,600,000.

4 (N) Minor construction of new facilities
5 and additions to existing facilities at various lo-
6 cations, not in excess of \$1,500,000 per project,
7 \$3,400,000.

8 (O) Facility planning and design, not oth-
9 erwise provided for, \$6,700,000.

10 (P) Environmental compliance and restora-
11 tion, \$33,000,000.

12 (4) For Research and Program Management,
13 including personnel and related costs, travel, and re-
14 search operations support, \$2,030,800,000, of which
15 \$1,611,000,000 shall be for personnel and related
16 costs, \$31,500,000 shall be for travel, and
17 \$388,300,000 shall be for research operations sup-
18 port.

19 **SEC. 214. INSPECTOR GENERAL.**

20 There are authorized to be appropriated to the Na-
21 tional Aeronautics and Space Administration for Inspector
22 General, \$17,000,000 for fiscal year 1997.

23 **SEC. 215. TOTAL AUTHORIZATION.**

24 Notwithstanding any other provision of this subtitle,
25 the total amount authorized to be appropriated to the Na-

1 tional Aeronautics and Space Administration under this
2 title shall not exceed \$13,495,500,000 for fiscal year
3 1997.

4 **SEC. 216. OFFICE OF COMMERCIAL SPACE TRANSPOR-**
5 **TATION AUTHORIZATION.**

6 There are authorized to be appropriated to the Sec-
7 retary of Transportation for the activities of the Office
8 of Commercial Space Transportation, \$5,770,000 for fis-
9 cal year 1997.

10 **SEC. 217. OFFICE OF SPACE COMMERCE.**

11 There are authorized to be appropriated to the Sec-
12 retary of Commerce for the activities of the Office of
13 Space Commerce established by section 253 of this Act,
14 \$500,000 for fiscal year 1997.

15 **CHAPTER 2—RESTRUCTURING THE NA-**
16 **TIONAL AERONAUTICS AND SPACE AD-**
17 **MINISTRATION**

18 **SEC. 221. FINDINGS.**

19 The Congress finds that—

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

24 (2) to restructure the National Aeronautics and
25 Space Administration rapidly without reducing mis-

1 sion content and safety requires objective financial
2 judgment; and

3 (3) a formal economic review of its missions
4 and the Federal assets that support them is required
5 in order to plan and implement needed restructuring
6 of the National Aeronautics and Space Administra-
7 tion.

8 **SEC. 222. RESTRUCTURING REPORTS.**

9 (a) IMPLEMENTATION REPORT.—The Administrator
10 shall transmit to Congress, no later than July 31, 1996,
11 a report on its restructuring activities by fiscal year con-
12 taining, at a minimum, a description of all actions taken
13 or planned to be taken after July 31, 1995, and before
14 October 1, 2002, including contracts terminated or con-
15 solidated; reductions in force; relocations of personnel and
16 facilities; sales, closures, or mothballing of capital assets
17 or facilities; and net savings to be realized from such ac-
18 tions by fiscal year.

19 (b) PROPOSED LEGISLATION.—The President shall
20 propose to Congress, not later than September 30, 1996,
21 all enabling legislation required to carry out actions de-
22 scribed by the Administrator's report under subsection
23 (a).

1 **CHAPTER 3—LIMITATIONS AND SPECIAL**
2 **AUTHORITY**

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

4 (a) **AUTHORIZED USES.**—Funds appropriated under
5 sections 211(1) through (5), 212, and 213(1) and (2), and
6 funds appropriated for research operations support under
7 section 213(4), may be used for the construction of new
8 facilities and additions to, repair of, rehabilitation of, or
9 modification of existing facilities at any location in support
10 of the purposes for which such funds are authorized.

11 (b) **LIMITATION.**—None of the funds pursuant to
12 subsection (a) may be expended for a project, the esti-
13 mated cost of which to the National Aeronautics and
14 Space Administration, including collateral equipment, ex-
15 ceeds \$500,000, until 30 days have passed after the Ad-
16 ministrator has notified the Committee on Science of the
17 House of Representatives and the Committee on Com-
18 merce, Science, and Transportation of the Senate of the
19 nature, location, and estimated cost to the National Aero-
20 nautics and Space Administration of such project.

21 (c) **TITLE TO FACILITIES.**—If funds are used pursu-
22 ant to subsection (a) for grants to institutions of higher
23 education, or to nonprofit organizations whose primary
24 purpose is the conduct of scientific research, for purchase
25 or construction of additional research facilities, title to

1 such facilities shall be vested in the United States unless
2 the Administrator determines that the national program
3 of aeronautical and space activities will best be served by
4 vesting title in the grantee institution or organization.
5 Each such grant shall be made under such conditions as
6 the Administrator shall determine to be required to ensure
7 that the United States will receive therefrom benefits ade-
8 quate to justify the making of that grant.

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

10 To the extent provided in appropriations Acts, appro-
11 priations authorized under chapter 1 may remain available
12 without fiscal year limitation.

13 **SEC. 233. REPROGRAMMING FOR CONSTRUCTION OF FA-**
14 **CILITIES.**

15 (a) IN GENERAL.—Appropriations authorized under
16 any paragraph of section 211(6) or 213(3)—

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

19 (2) may be varied upward by 25 percent, to
20 meet unusual cost variations, after the expiration of
21 15 days following a report on the circumstances of
22 such action by the Administrator to the Committee
23 on Science of the House of Representatives and the
24 Committee on Commerce, Science, and Transpor-
25 tation of the Senate.

1 The aggregate amount authorized to be appropriated
2 under sections 211(6) and 213(3) shall not be increased
3 as a result of actions authorized under paragraphs (1) and
4 (2) of this subsection.

5 (b) SPECIAL RULE.—Where the Administrator deter-
6 mines that new developments in the national program of
7 aeronautical and space activities have occurred; and that
8 such developments require the use of additional funds for
9 the purposes of construction, expansion, or modification
10 of facilities at any location; and that deferral of such ac-
11 tion until the enactment of the next National Aeronautics
12 and Space Administration Authorization Act would be in-
13 consistent with the interest of the Nation in aeronautical
14 and space activities, the Administrator may use up to
15 \$10,000,000 of the amounts authorized under section
16 211(6) or 213(3) for each fiscal year for such purposes.
17 No such funds may be obligated until a period of 30 days
18 has passed after the Administrator has transmitted to the
19 Committee on Commerce, Science, and Transportation of
20 the Senate and the Committee on Science of the House
21 of Representatives a written report describing the nature
22 of the construction, its costs, and the reasons therefor.

23 **SEC. 234. CONSIDERATION BY COMMITTEES.**

24 Notwithstanding any other provision of law—

1 (1) no amount appropriated to the National
2 Aeronautics and Space Administration may be used
3 for any program for which the President's annual
4 budget request included a request for funding, but
5 for which the Congress denied or did not provide
6 funding;

7 (2) no amount appropriated to the National
8 Aeronautics and Space Administration may be used
9 for any program in excess of the amount actually
10 authorized for the particular program under this
11 subtitle; and

12 (3) no amount appropriated to the National
13 Aeronautics and Space Administration may be used
14 for any program which has not been presented to
15 the Congress in the President's annual budget re-
16 quest or the supporting and ancillary documents
17 thereto,

18 unless a period of 30 days has passed after the receipt
19 by the Committee on Science of the House of Representa-
20 tives and the Committee on Commerce, Science, and
21 Transportation of the Senate of notice given by the Ad-
22 ministrators containing a full and complete statement of
23 the action proposed to be taken and the facts and cir-
24 cumstances relied upon in support of such proposed ac-
25 tion. The National Aeronautics and Space Administration

1 shall keep the Committee on Science of the House of Rep-
2 resentatives and the Committee on Commerce, Science,
3 and Transportation of the Senate fully and currently in-
4 formed with respect to all activities and responsibilities
5 within the jurisdiction of those committees. Except as oth-
6 erwise provided by law, any Federal department, agency,
7 or independent establishment shall furnish any informa-
8 tion requested by either committee relating to any such
9 activity or responsibility.

10 **SEC. 235. LIMITATION ON OBLIGATION OF UNAUTHORIZED**
11 **APPROPRIATIONS.**

12 (a) **REPORTS TO CONGRESS.**—Not later than 30 days
13 after the later of the date of enactment of an Act making
14 appropriations to the National Aeronautics and Space Ad-
15 ministration for fiscal year 1997 and the date of enact-
16 ment of this Act, the Administrator shall submit a report
17 to Congress and to the Comptroller General which speci-
18 fies—

19 (1) the portion of such appropriations which are
20 for programs, projects, or activities not authorized
21 under chapter 1 of this subtitle, or which are in ex-
22 cess of amounts authorized for the relevant program,
23 project, or activity under this title; and

24 (2) the portion of such appropriations which are
25 authorized under this title.

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

10 (c) LIMITATION.—Notwithstanding any other provi-
11 sion of law, no funds may be obligated for any programs,
12 projects, or activities of the National Aeronautics and
13 Space Administration for fiscal year 1997 not authorized
14 under this title until 30 days have passed after the close
15 of the public comment period contained in the notice re-
16 quired in subsection (b).

17 **SEC. 236. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS**
18 **OR EXTRAORDINARY EXPENSES.**

19 Not more than \$30,000 of the funds appropriated
20 under section 212 may be used for scientific consultations
21 or extraordinary expenses, upon the authority of the Ad-
22 ministrator.

1 **Subtitle C—International Space** 2 **Station**

3 **SEC. 241. FINDINGS.**

4 The Congress finds that—

5 (1) the development, assembly, and operation of
6 the International Space Station is in the national in-
7 terest of the United States;

8 (2) the National Aeronautics and Space Admin-
9 istration has restructured and redesigned the Inter-
10 national Space Station, consolidated contract re-
11 sponsibility, and achieved program management,
12 control, and stability;

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

20 (4) further rescoping or redesigns of the Inter-
21 national Space Station will lead to costly delays, in-
22 crease costs to its international partners, discourage
23 commercial involvement, and weaken the inter-
24 national space partnership necessary for future
25 space projects;

1 (5) total program costs for development, assem-
2 bly, and initial operations have been identified and
3 capped to ensure financial discipline and maintain
4 program schedule milestones;

5 (6) in order to contain costs, mission planning
6 and engineering functions of the National Space
7 Transportation System (Space Shuttle) program
8 should be coordinated with the Space Station Pro-
9 gram Office;

10 (7) the International Space Station represents
11 an important component of an adequately funded
12 civil space program which balances human space
13 flight with science, aeronautics, and technology;

14 (8) the International Space Station should be
15 an inspiration to society, particularly our young peo-
16 ple, and should provide new and expanded opportu-
17 nities to meet important educational goals; and

18 (9) when completed, the International Space
19 Station will be the largest, most capable micro-
20 gravity research facility ever developed. It will pro-
21 vide a lasting framework for conducting large-scale
22 science programs with international partners and it
23 is the next step in the human exploration of space.
24 The United States should commit to completing this

1 program, thereby reaping the benefits of scientific
2 research and international cooperation.

3 **SEC. 242. COMMERCIALIZATION OF SPACE STATION.**

4 (a) **POLICY.**—The Congress declares that a priority
5 goal of constructing the International Space Station is the
6 economic development of Earth orbital space. The Con-
7 gress further declares that the use of free market prin-
8 ciples in operating, allocating the use of, and adding capa-
9 bilities to the Space Station, and the resulting fullest pos-
10 sible engagement of commercial providers and participa-
11 tion of commercial users, will reduce Space Station oper-
12 ational costs for all partners and the Federal Govern-
13 ment’s share of the United States burden to fund oper-
14 ations.

15 (b) **REPORT.**—The Administrator shall deliver to the
16 Congress, within 60 days after the date of the enactment
17 of this Act, a market study that examines the role of com-
18 mercial ventures which could supply, use, service, or aug-
19 ment the International Space Station, the specific policies
20 and initiatives the Administrator is advancing to encour-
21 age these commercial opportunities, the cost savings to be
22 realized by the international partnership from applying
23 commercial approaches to cost-shared operations, and the
24 cost reimbursements to the United States Federal Govern-
25 ment from commercial users of the Space Station.

1 **SEC. 243. SENSE OF CONGRESS.**

2 It is the sense of Congress that the “cost incentive
3 fee” single prime contract negotiated by the National Aer-
4 onautics and Space Administration for the International
5 Space Station, and the consolidation of programmatic and
6 financial accountability into a single Space Station Pro-
7 gram Office, are two examples of reforms for the reinven-
8 tion of all National Aeronautics and Space Administration
9 programs that should be applied as widely and as quickly
10 as possible throughout the Nation’s civil space program.

11 **SEC. 244. SPACE STATION ACCOUNTING REPORT.**

12 (a) ANNUAL REPORT TO THE CONGRESS.—The Ad-
13 ministrator shall transmit a report to the Congress each
14 year containing a complete accounting of all costs of the
15 space station, including cash and other payments to Rus-
16 sia.

17 (b) QUARTERLY REPORTS FROM RUSSIA.—The Ad-
18 ministrator shall obtain quarterly reports from the Rus-
19 sian Space Agency during the term of the contract be-
20 tween the Russian Space Agency and the National Aero-
21 nautics and Space Administration which fully account for
22 the disposition of funds paid or transferred by the Na-
23 tional Aeronautics and Space Administration to Russia,
24 including—

1 (1) the amount of funds received from the Na-
2 tional Aeronautics and Space Administration and
3 the date of their receipt;

4 (2) the amount of funds converted from United
5 States currency by the Russian Space Agency, the
6 currency into which the funds have been converted,
7 and the dates and exchange rates of each such con-
8 version;

9 (3) the amount of non-United States currency,
10 and of United States currency, disbursed by the
11 Russian Space Agency to any contractor or sub-
12 contractor, the identity of such contractor or sub-
13 contractor, and the date on which the funds were
14 disbursed; and

15 (4) the balance of the funds provided by the
16 National Aeronautics and Space Administration
17 which have not been disbursed by the Russian Space
18 Agency as of the date of the report.

19 **Subtitle D—Miscellaneous** 20 **Provisions**

21 **SEC. 251. COMMERCIAL SPACE LAUNCH AMENDMENTS.**

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

24 (1) in the table of sections—

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

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

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

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

5 and

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

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

8 (2) in section 70101—

9 (A) by inserting “microgravity research,”
10 after “information services,” in subsection
11 (a)(3);

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

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

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

18 (E) by inserting “, reentries,” after
19 “launches” both places it appears in subsection
20 (a)(7);

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

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

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

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

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

9 (K) by striking “launch” in subsection
10 (b)(2)(A);

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

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

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

18 (3) in section 70102—

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

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

1 (C) by redesignating paragraphs (10)
2 through (12) as paragraphs (14) through (16),
3 respectively;

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

6 “(10) ‘reenter’ and ‘reentry’ mean to return or
7 attempt to return, purposefully, a reentry vehicle
8 and its payload, if any, from Earth orbit or from
9 outer space to Earth.

10 “(11) ‘reentry services’ means—

11 “(A) activities involved in the preparation
12 of a reentry vehicle and its payload, if any, for
13 reentry; and

14 “(B) the conduct of a reentry.

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

19 “(13) ‘reentry vehicle’ means a vehicle designed
20 to return from Earth orbit or outer space to Earth,
21 or a reusable launch vehicle designed to return from
22 outer space substantially intact.”; and

23 (E) by inserting “or reentry services” after
24 “launch services” each place it appears in para-

1 graph (15), as so redesignated by subparagraph
2 (C) of this paragraph;

3 (4) in section 70103(b)—

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

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

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

10 (5) in section 70104—

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

13 **“§ 70104. Restrictions on launches, operations, and**
14 **reentries”;**

15 (B) by inserting “or reentry site, or to re-
16 enter a reentry vehicle,” after “operate a
17 launch site” each place it appears in subsection
18 (a);

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

21 (D) in subsection (b)—

22 (i) by striking “launch license” and
23 inserting in lieu thereof “license”;

24 (ii) by inserting “or reenter” after
25 “may launch”; and

1 (iii) by inserting “or reentering” after
2 “related to launching”; and

3 (E) in subsection (c)—

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

7 (ii) by inserting “or reentry” after
8 “prevent the launch”; and

9 (iii) by inserting “or reentry” after
10 “decides the launch”;

11 (6) in section 70105—

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

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

18 (7) in section 70106(a)—

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

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

23 (C) by inserting “or reentry vehicle” after
24 “with a launch vehicle”;

25 (8) in section 70108—

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

3 **“§ 70108. Prohibition, suspension, and end of**
4 **launches, operation of launch sites and**
5 **reentry sites, and reentries”;**

6 and

7 (B) in subsection (a)—

8 (i) by inserting “or reentry site, or re-
9 entry of a reentry vehicle,” after “oper-
10 ation of a launch site”; and

11 (ii) by inserting “or reentry” after
12 “launch or operation”;

13 (9) in section 70109—

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

16 **“§ 70109. Preemption of scheduled launches or reen-**
17 **tries”;**

18 (B) in subsection (a)—

19 (i) by inserting “or reentry” after
20 “ensure that a launch”;

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

23 (iii) by inserting “or reentry date
24 commitment” after “launch date commit-
25 ment”;

1 (iv) by inserting “or reentry” after
2 “obtained for a launch”;

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

5 (vi) by inserting “, or services related
6 to a reentry,” after “amount for launch
7 services”; and

8 (vii) by inserting “or reentry” after
9 “the scheduled launch”; and

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

12 (10) in section 70110—

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

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

18 (11) in section 70111—

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

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

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

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

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

6 (F) by striking “or its payload for launch”
7 in subsection (d) and inserting in lieu thereof
8 “or reentry vehicle, or the payload of either, for
9 launch or reentry”; and

10 (G) by inserting “, reentry vehicle,” after
11 “manufacturer of the launch vehicle” in sub-
12 section (d);

13 (12) in section 70112—

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

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

18 (C) by inserting “or reentry services” after
19 “launch services” each place it appears in sub-
20 section (b);

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

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

1 (F) by inserting “OR REENTRIES” after
2 “LAUNCHES” in the heading for subsection (e);
3 and

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

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

9 (14) in section 70115(b)(1)(D)(i)—

10 (A) by inserting “reentry site,” after
11 “launch site,”; and

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

14 (15) in section 70117—

15 (A) by inserting “or reentry site, or to re-
16 enter a reentry vehicle” after “operate a launch
17 site” in subsection (a);

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

20 (C) by amending subsection (f) to read as
21 follows:

22 “(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN
23 IMPORT.—A launch vehicle, reentry vehicle, or payload
24 that is launched or reentered is not, because of the launch

1 or reentry, an export or import, respectively, for purposes
2 of a law controlling exports or imports.”; and

3 (D) in subsection (g)—

4 (i) by striking “operation of a launch
5 vehicle or launch site,” in paragraph (1)
6 and inserting in lieu thereof “reentry, op-
7 eration of a launch vehicle or reentry vehi-
8 cle, or operation of a launch site or reentry
9 site,”; and

10 (ii) by inserting “reentry,” after
11 “launch,” in paragraph (2).

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

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

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

21 (C) by adding at the end of subsection (a) the
22 following new paragraph:

23 “(2) In carrying out paragraph (1), the Secretary
24 may establish procedures for certification of the safety of
25 a launch vehicle, reentry vehicle, or safety system, proce-

1 dure, service, or personnel that may be used in conducting
2 licensed commercial space launch or reentry activities.”;

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

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

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

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

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

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

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

24 (A) by redesignating subparagraphs (A) and
25 (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”.

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

1 **“§ 70120. Regulations**

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

5 “(1) guidelines for industry to obtain sufficient
6 insurance coverage for potential damages to third
7 parties;

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

11 “(3) procedures for requesting and obtaining
12 operator licenses for launch and reentry; and

13 “(4) procedures for the application of govern-
14 ment indemnification.”.

15 (2) The table of sections for such chapter 701 is
16 amended by adding after the item relating to section
17 70119 the following new item:

“70120. Regulations.”.

18 (d) REPORT TO CONGRESS.—(1) Chapter 701 of title
19 49, United States Code, is further amended by adding at
20 the end the following new section:

21 **“§ 70121. Report to Congress**

22 “The Secretary of Transportation shall submit to
23 Congress an annual report to accompany the President’s
24 budget request that—

1 “(1) describes all activities undertaken under
2 this chapter, including a description of the process
3 for the application for and approval of licenses under
4 this chapter and recommendations for legislation
5 that may further commercial launches and reentries;
6 and

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

10 (2) The table of sections for such chapter 701 is fur-
11 ther amended by adding after the item relating to section
12 70120, as added by subsection (c)(2) of this section, the
13 following new item:

“70121. Report to Congress.”.

14 **SEC. 252. REQUIREMENT FOR INDEPENDENT COST ANALY-**
15 **SIS.**

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

1 tise outside of the National Aeronautics and Space Admin-
2 istration.

3 **SEC. 253. OFFICE OF SPACE COMMERCE.**

4 (a) ESTABLISHMENT.—There is established within
5 the Department of Commerce an Office of Space Com-
6 merce.

7 (b) FUNCTIONS.—The Office of Space Commerce
8 shall be the principal unit for the coordination of space-
9 related issues, programs, and initiatives within the De-
10 partment of Commerce. The Office’s primary responsibil-
11 ities shall include—

12 (1) promoting private sector investment in
13 space activities by collecting, analyzing, and dissemi-
14 nating information on space markets, and conduct-
15 ing workshops and seminars to increase awareness
16 of commercial space opportunities;

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

24 (3) ensuring that the United States Govern-
25 ment does not compete with the private sector in the

1 provision of space hardware and services otherwise
2 available from the private sector;

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

5 (5) representing the Department of Commerce
6 in the development of United States policies and in
7 negotiations with foreign countries to ensure free
8 and fair trade internationally in the area of space
9 commerce;

10 (6) seeking the removal of legal, policy, and in-
11 stitutional impediments to space commerce; and

12 (7) licensing private sector parties to operate
13 private remote sensing space systems and supporting
14 the private sector's role in the commercial develop-
15 ment of Landsat remote sensing data distribution.

16 **SEC. 254. NATIONAL AERONAUTICS AND SPACE ACT OF 1958**

17 **AMENDMENTS.**

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

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

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

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

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

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

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

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

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

18 “(c)(1) The Administrator, at his discretion or at the
19 request of a private sector entity, shall delay for a period
20 of at least one day, but not to exceed 5 years, the unre-
21 stricted public disclosure of technical data in the posses-
22 sion of, or under the control of, the Administration that
23 has been generated in the performance of experimental,
24 developmental, or research activities or programs funded

1 jointly by the Administration and such private sector en-
2 tity.

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 1997, 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) provisions to ensure that technical data is
14 available for dissemination within the United States
15 to United States persons and entities in furtherance
16 of the objective of maintaining leadership or com-
17 petitiveness in civil and governmental aeronautical
18 and space activities by the United States industrial
19 base; and

20 “(C) a specification of the period or periods for
21 which the delay in unrestricted public disclosure of
22 technical data is to apply to various categories of
23 such data, and the restrictions on disclosure of such
24 data during such period or periods, including a re-
25 quirement that the maximum 5-year protection

1 under this subsection shall not be provided unless at
2 least 50 percent of the funding for the activities or
3 programs is provided by the private sector.

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

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

14 **SEC. 255. PROCUREMENT.**

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

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

23 (2) **PROCEDURES AND EVALUATION.**—The Ad-
24 ministrator shall establish procedures for actively
25 seeking from persons outside the National Aero-

1 nautics and Space Administration innovative tech-
2 nology concepts, relating to the provision of space
3 hardware, technology, or service to the National Aer-
4 onautics and Space Administration.

5 (3) REQUIREMENT.—At least 1 percent of
6 amounts authorized to be appropriated under section
7 212(4) shall be used for innovative technology pro-
8 curements that are determined under paragraph (2)
9 of this subsection to meet mission requirements.

10 (4) SPECIAL AUTHORITY.—In order to carry
11 out this subsection the Administrator shall recruit
12 and hire for limited term appointments persons from
13 outside the National Aeronautics and Space Admin-
14 istration with special expertise and experience relat-
15 ed to the innovative technology concepts with respect
16 to which procurements are made under this sub-
17 section.

18 (5) SUNSET.—This subsection shall cease to be
19 effective 10 years after the date of its enactment.

20 (b) TECHNOLOGY PROCUREMENT INITIATIVE.—

21 (1) IN GENERAL.—The Administrator shall co-
22 ordinate National Aeronautics and Space Adminis-
23 tration resources in the areas of procurement, com-
24 mercial programs, and advanced technology in order
25 to—

1 (A) fairly assess and procure commercially
2 available technology from the marketplace in
3 the most efficient manner practicable;

4 (B) achieve a continuous pattern of inte-
5 grating advanced technology from the commer-
6 cial sector, and from Federal sources outside
7 the National Aeronautics and Space Adminis-
8 tration, into the missions and programs of the
9 National Aeronautics and Space Administra-
10 tion;

11 (C) incorporate private sector buying and
12 bidding procedures, including fixed price con-
13 tracts, into procurements; and

14 (D) provide incentives for cost-plus con-
15 tractors of the National Aeronautics and Space
16 Administration to integrate commercially avail-
17 able technology in subsystem contracts on a
18 fixed-price basis.

19 (2) CERTIFICATION.—Upon solicitation of any
20 procurement for space hardware, technology, or serv-
21 ices that are not commercially available, the Admin-
22 istrator shall certify, by publication of a notice and
23 opportunity to comment in the Commerce Business
24 Daily, for each such procurement action, that no
25 functional equivalent, commercially, available space

1 hardware, technology, or service exists and that no
2 commercial method of procurement is available.

3 **SEC. 256. ADDITIONAL NATIONAL AERONAUTICS AND**
4 **SPACE ADMINISTRATION FACILITIES.**

5 The Administrator shall not construct or enter into
6 a new lease for facilities to support National Aeronautics
7 and Space Administration programs unless the Adminis-
8 trator notifies the Congress that the Administrator re-
9 viewed existing National Aeronautics and Space Adminis-
10 tration and other federally owned facilities, including mili-
11 tary facilities scheduled for closing or reduction, and found
12 no such facilities appropriate for the intended use.

13 **SEC. 257. PURCHASE OF SPACE SCIENCE DATA.**

14 (a) IN GENERAL.—To the maximum extent possible,
15 the National Aeronautics and Space Administration shall,
16 where cost effective, purchase space science data from the
17 United States private sector. Examples of such data in-
18 clude scientific data concerning the elemental and mineral-
19 ogical resources of the moon and the planets, Earth envi-
20 ronmental data obtained through remote sensing observa-
21 tions, and solar storm monitoring.

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

1 (2) Submission of cost data, either for the purposes
2 of supporting the bid or fulfilling the terms of the con-
3 tract, shall not be required of bidders or awardees of the
4 contract.

5 (3) Reasonable performance specifications, rather
6 than design or construction specifications, shall be used
7 to the maximum extent feasible to define requirements for
8 United States private sector providers with respect to the
9 design, construction, or operation of equipment used in ob-
10 taining space science data under contracts entered into
11 under this section. This subsection shall not be construed
12 to prohibit the Federal Government from requiring com-
13 pliance with applicable safety standards.

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

17 **SEC. 258. PLAN FOR MISSION TO PLANET EARTH.**

18 (a) REQUIREMENT.—The Administrator shall, within
19 6 months after the date of the enactment of this Act,
20 transmit to the Congress a report containing a plan for
21 Mission to Planet Earth.

22 (b) CONTENTS.—The report required by subsection
23 (a) shall include—

24 (1) an analysis of Earth observation systems of
25 other countries and the ways in which the United

1 States could benefit from such systems, including by
2 eliminating duplication of effort;

3 (2) an analysis of how the Department of De-
4 fense's airborne and space sensor programs could be
5 used in Mission to Planet Earth;

6 (3) a plan for infusing advanced technology into
7 the Mission to Planet Earth program, including
8 milestones and an identification of available re-
9 sources;

10 (4) a plan to solicit proposals from the private
11 sector on how to innovatively accomplish the most
12 critical research on global climate change;

13 (5) an integrated plan for research in the Sci-
14 entific Research and Mission to Planet Earth enter-
15 prises described in the National Aeronautics and
16 Space Administration Strategic Plan issued in May,
17 1994;

18 (6) a plan for developing metrics and milestones
19 to quantify the performance of work on Mission to
20 Planet Earth; and

21 (7) a plan for the role, structure, and operation
22 of the Earth Observing Satellite Data Information
23 System.

1 **SEC. 259. ACQUISITION OF EARTH REMOTE SENSING DATA.**

2 (a) ACQUISITION.—To the maximum extent possible,
3 the Administrator shall, where cost effective, acquire
4 space-based and airborne Earth remote sensing data, serv-
5 ices, distribution, and applications provided by the United
6 States private sector to meet Government goals for Mis-
7 sion to Planet Earth.

8 (b) STUDY.—(1) The Administrator shall conduct a
9 study to determine the extent to which the baseline sci-
10 entific requirements of Mission to Planet Earth can be
11 met by the private sector, and how the National Aero-
12 nautics and Space Administration will meet such require-
13 ments which cannot be met by the private sector.

14 (2) The study conducted under this subsection
15 shall—

16 (A) make recommendations to promote the
17 availability of information from the National Aero-
18 nautics and Space Administration to the private sec-
19 tor to enable the private sector to better meet the
20 baseline scientific requirements of Mission to Planet
21 Earth;

22 (B) determine and prioritize the appropriate
23 baseline scientific requirements for Mission to Planet
24 Earth, and reevaluate, scientifically justify, and
25 prioritize the data sets necessary to fulfill those
26 baseline scientific requirements;

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

6 (D) identify policy, regulatory, and legislative
7 barriers to the implementation of the recommenda-
8 tions made under this subsection.

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

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

15 **SEC. 260. SHUTTLE PRIVATIZATION.**

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

1 and its mandate to promote the fullest possible commercial
2 use of space. As part of those preparations, the Adminis-
3 trator shall plan for the potential privatization of the
4 Space Shuttle program after the year 2012. Such plan
5 shall keep safety and cost effectiveness as high priorities.
6 Nothing in this section shall prohibit the National Aero-
7 nautics and Space Administration from studying, design-
8 ing, developing, or funding upgrades or modifications es-
9 sential to the safe and economical operation of the Space
10 Shuttle fleet.

11 (b) SAFE OPERATION.—In reviewing proposals for
12 moving to a single prime contractor the Administrator
13 shall give priority to continued safe operation of space
14 transportation systems.

15 (c) FEASIBILITY STUDY.—The Administrator shall
16 conduct a study of the feasibility of implementing the rec-
17 ommendation of the Independent Shuttle Management Re-
18 view Team that the National Aeronautics and Space Ad-
19 ministration transition toward the privatization of the
20 Space Shuttle. The study shall identify, discuss, and,
21 where possible, present options for resolving, the major
22 policy and legal issues that must be addressed before the
23 Space Shuttle is privatized, including—

1 (1) whether the Federal Government or the
2 Space Shuttle contractor should own the Space
3 Shuttle orbiters and ground facilities;

4 (2) whether the Federal Government should in-
5 demnify the contractor for any third party liability
6 arising from Space Shuttle operations, and, if so,
7 under what terms and conditions;

8 (3) whether payloads other than National Aero-
9 nautics and Space Administration payloads should
10 be allowed to be launched on the Space Shuttle, how
11 missions will be prioritized, and who will decide
12 which mission flies and when;

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

17 (5) whether National Aeronautics and Space
18 Administration and other Federal Government pay-
19 loads should have priority over non-Federal payloads
20 in the Space Shuttle launch assignments, and what
21 policies should be developed to prioritize among pay-
22 loads generally;

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

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

3 (d) **REPORT TO CONGRESS.**—Within 60 days after
4 the date of the enactment of this Act, the National Aero-
5 nautics and Space Administration shall complete the study
6 required under subsection (c) and shall submit a report
7 on the study to the Committee on Commerce, Science, and
8 Transportation of the Senate and the Committee on
9 Science of the House of Representatives.

10 **SEC. 261. LAUNCH VOUCHER DEMONSTRATION PROGRAM**
11 **AMENDMENTS.**

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

15 (1) in subsection (a)—

16 (A) by striking “the Office of Commercial
17 Programs within”; and

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

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

21 (3) by redesignating subsections (d) and (e) as
22 subsections (c) and (d), respectively.

1 **SEC. 262. 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 whose total cost can be reduced through issuance of one
14 or more long-term, renewable, block purchase contracts
15 for the performance of such operations by United States
16 commercial sector providers.

17 (2) Within 90 days after the date of the enactment
18 of this Act, the Administrator shall issue a request for
19 proposals to provide services which meet all or part of the
20 microgravity flight needs of the National Aeronautics and
21 Space Administration, as described in paragraph (1) at
22 a net savings to the United States Government. The Ad-
23 ministrator shall coordinate the process of review of such
24 proposals, and shall oversee the transfer of such oper-
25 ations to the commercial sector as specified in paragraph
26 (3).

1 (3) Within 6 months after the issuance of a request
2 for proposals under paragraph (2), the Administrator
3 shall, where cost effective, award one or more contracts
4 for microgravity parabolic flight services to a microgravity
5 flight provider that is certified by the Federal Aviation Ad-
6 ministration. Except as provided in paragraph (4), the Ad-
7 ministrator shall cease all National Aeronautics and Space
8 Administration-operated parabolic aircraft flights, and
9 shall thereafter procure all microgravity parabolic flight
10 services from commercial sector providers. National Aero-
11 nautics and Space Administration experimenters, and Na-
12 tional Aeronautics and Space Administration-funded ex-
13 perimenters, who would otherwise use National Aero-
14 nautics and Space Administration-owned or operated
15 microgravity parabolic flight aircraft, shall be issued
16 vouchers for the procurement of microgravity parabolic
17 flight services from the commercial sector.

18 (4) The Administrator may, as necessary to ensure
19 the continuity of National Aeronautics and Space Admin-
20 istration operations, continue to operate parabolic aircraft
21 flights for up to 3 months after a contract is awarded
22 under paragraph (3). If the Administrator continues oper-
23 ations pursuant to this paragraph, the Administrator shall
24 concurrently transmit to the Congress an explanation of
25 the reasons for such action.

1 (5) Six months after the National Aeronautics and
2 Space Administration ceases all parabolic aircraft flights
3 under paragraph (3), the Administrator shall transmit a
4 report to Congress on the effectiveness of privatization
5 under this section.

6 **SEC. 263. UNITARY WIND TUNNEL PLAN ACT OF 1949**

7 **AMENDMENTS.**

8 The Unitary Wind Tunnel Plan Act of 1949 is
9 amended—

10 (1) in section 101 (50 U.S.C. 511) by striking
11 “transsonic and supersonic” and inserting in lieu
12 thereof “transonic, supersonic, and hypersonic”; and

13 (2) in section 103 (50 U.S.C. 513)—

14 (A) by striking “laboratories” in sub-
15 section (a) and inserting in lieu thereof “labora-
16 tories and centers”;

17 (B) by striking “supersonic” in subsection
18 (a) and inserting in lieu thereof “transonic, su-
19 personic, and hypersonic”; and

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

22 **SEC. 264. USE OF ABANDONED AND UNDERUTILIZED**
23 **BUILDINGS, GROUNDS, AND FACILITIES.**

24 (a) IN GENERAL.—In meeting the needs of the Na-
25 tional Aeronautics and Space Administration for addi-

1 tional facilities, the Administrator, whenever feasible, shall
2 select abandoned and underutilized buildings, grounds,
3 and facilities in depressed communities that can be con-
4 verted to National Aeronautics and Space Administration
5 facilities at a reasonable cost, as determined by the Ad-
6 ministrator.

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

12 **SEC. 265. COST EFFECTIVENESS CALCULATIONS.**

13 In calculating the cost effectiveness of the cost of the
14 National Aeronautics and Space Administration engaging
15 in an activity as compared to the private sector, the com-
16 parison shall be made based only on the price the private
17 sector provider will charge for such activity.

18 **SEC. 266. PROCUREMENT OMBUDSMAN.**

19 (a) ESTABLISHMENT.—The Administrator shall es-
20 tablish the position of Procurement Ombudsman for the
21 National Aeronautics and Space Administration.

22 (b) FUNCTIONS.—The Procurement Ombudsman
23 shall—

24 (1) be responsible, in consultation with the Of-
25 fice of Procurement, for reviewing proposed new

1 missions for the National Aeronautics and Space
2 Administration to determine if such missions, or ele-
3 ments thereof, can be fulfilled by United States com-
4 mercial providers; and

5 (2) serve as a point of contact for—

6 (A) persons with whom the National Aero-
7 nautics and Space Administration has entered
8 into a procurement contract, with respect to
9 concerns of those persons about that contract;
10 and

11 (B) United States commercial providers,
12 with respect to issues relating to competition
13 between those providers and the Federal Gov-
14 ernment.

15 (c) REPORTS TO CONGRESS.—The Procurement Om-
16 budsman shall annually, in conjunction with the Presi-
17 dent’s annual budget request, transmit a report to Con-
18 gress describing the activities of the Ombudsman during
19 the previous year.

20 **SEC. 267. AUTHORITY TO REDUCE OR SUSPEND CONTRACT**
21 **PAYMENTS BASED ON SUBSTANTIAL EVI-**
22 **DENCE OF FRAUD.**

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

1 **TITLE III—UNITED STATES FIRE**
2 **ADMINISTRATION**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “Fire Administration
5 Authorization Act of 1996”.

6 **SEC. 302. 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 “; and”;
13 and

14 (3) by adding at the end the following new sub-
15 paragraph:

16 “(G) \$27,560,000 for the fiscal year ending
17 September 30, 1997.”.

18 **SEC. 303. FIRE SAFETY SYSTEMS IN ARMY HOUSING.**

19 Section 31(c)(1)(A)(ii)(II) is amended by inserting “,
20 or in the case of housing under the control of the Depart-
21 ment of the Army, 6 years after such date of enactment”
22 after “date of enactment”.

23 **SEC. 304. SUCCESSOR FIRE SAFETY STANDARDS.**

24 The Federal Fire Prevention and Control Act of 1974
25 is amended—

1 (1) in section 29(a)(1), by inserting “, or any
2 successor standard thereto,” after “Association
3 Standard 74”;

4 (2) in section 29(a)(2), by inserting “or any
5 successor standards thereto,” after “whichever is ap-
6 propriate,”;

7 (3) in section 29(b)(2), by inserting “, or any
8 successor standards thereto” after “Association
9 Standard 13 or 13-R”;

10 (4) in section 31(c)(2)(B)(i), by inserting “or
11 any successor standard thereto,” after “Life Safety
12 Code),”; and

13 (5) in section 31(c)(2)(B)(ii), by inserting “or
14 any successor standard thereto,” after “Association
15 Standard 101,”.

16 **SEC. 305. TERMINATION OR PRIVATIZATION OF FUNC-**
17 **TIONS.**

18 The Administrator of the United States Fire Admin-
19 istration shall transmit to Congress a report providing no-
20 tice at least 60 days in advance of the termination or
21 transfer to a private sector entity of any significant func-
22 tion of the United States Fire Administration.

23 **SEC. 306. REPORT ON BUDGETARY REDUCTION.**

24 The Administrator of the United States Fire Admin-
25 istration shall transmit to Congress, within three months

1 after the date of the enactment of this Act, a report set-
2 ting forth the manner in which the United States Fire
3 Administration intends to implement the budgetary reduc-
4 tion represented by the difference between the amount ap-
5 propriated to the United States Fire Administration for
6 fiscal year 1997 and the amount requested in the Presi-
7 dent’s budget request for such fiscal year. Such report
8 shall be prepared in consultation with the Alliance for Fire
9 and Emergency Management, the International Associa-
10 tion of Fire Chiefs, the International Association of Fire
11 Fighters, the National Fire Protection Association, the
12 National Volunteer Fire Council, the National Association
13 of State Fire Marshals, and the International Association
14 of Arson Investigators.

15 **TITLE IV—NATIONAL OCEANIC**
16 **AND ATMOSPHERIC ADMINIS-**
17 **TRATION**

18 **SEC. 401. SHORT TITLE.**

19 This title may be cited as the “National Oceanic and
20 Atmospheric Administration Authorization Act of 1996”.

21 **SEC. 402. DEFINITIONS.**

22 For the purposes of this title, the term—

23 (1) “Act of 1890” means the Act entitled “An
24 Act to increase the efficiency and reduce the ex-
25 penses of the Signal Corps of the Army, and to

1 transfer the Weather Bureau to the Department of
2 Agriculture”, approved October 1, 1890 (26 Stat.
3 653);

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

8 (3) “Act of 1970” means the Act entitled “An
9 Act to clarify the status and benefits of commis-
10 sioned officers of the National Oceanic and Atmos-
11 pheric Administration, and for other purposes”, ap-
12 proved December 31, 1970 (33 U.S.C. 857–1 et
13 seq.);

14 (4) “Administrator” means the Administrator
15 of the National Oceanic and Atmospheric Adminis-
16 tration; and

17 (5) “Secretary” means the Secretary of Com-
18 merce.

19 **Subtitle A—Atmospheric, Weather,** 20 **and Satellite Programs**

21 **SEC. 411. NATIONAL WEATHER SERVICE.**

22 (a) OPERATIONS AND RESEARCH.—There are au-
23 thorized to be appropriated to the Secretary to enable the
24 National Oceanic and Atmospheric Administration to
25 carry out the operations and research duties of the Na-

1 tional Weather Service, \$450,668,000 for fiscal year 1997.
2 Such duties include meteorological, hydrological, and
3 oceanographic public warnings and forecasts, as well as
4 applied research in support of such warnings and fore-
5 casts.

6 (b) SYSTEMS ACQUISITION.—(1) There are author-
7 ized to be appropriated to the Secretary to enable the Na-
8 tional Oceanic and Atmospheric Administration to carry
9 out the public warning and forecast systems duties of the
10 National Weather Service, \$68,984,000 for fiscal year
11 1997. Such duties include the development, acquisition,
12 and implementation of major public warning and forecast
13 systems, including the upgrade of computer facilities.
14 None of the funds authorized under this subsection shall
15 be used for the purposes for which funds are authorized
16 under subsection (e). None of the funds authorized under
17 this subsection shall be used for the purposes for which
18 funds are authorized under section 102(b) of the National
19 Oceanic and Atmospheric Administration Authorization
20 Act of 1992 (Public Law 102–567). None of the funds
21 authorized by such section 102(b) shall be expended for
22 a particular NEXRAD installation unless—

23 (A) it is identified as a National Weather Serv-
24 ice NEXRAD installation in the National Implemen-
25 tation Plan for modernization of the National

1 Weather Service, required under section 703 of the
2 National Oceanic and Atmospheric Administration
3 Authorization Act of 1992 (Public Law 102–567);
4 or

5 (B) it is to be used only for spare parts, not as
6 an installation at a particular site.

7 (2) Of the amounts authorized under paragraph (1),
8 \$42,935,000 shall be for NEXRAD program manage-
9 ment, operations, and maintenance.

10 (c) NEW NEXRAD INSTALLATIONS.—No funds may
11 be obligated for NEXRAD installations not identified in
12 the National Implementation Plan for 1996, unless the
13 Secretary certifies that such NEXRAD installations can
14 be acquired within the authorization of NEXRAD con-
15 tained in section 102(b) of the National Oceanic and At-
16 mospheric Administration Authorization Act of 1992.

17 (d) ASOS PROGRAM AUTHORIZATION.—Of the sums
18 authorized in subsection (b)(1), \$10,056,000 for fiscal
19 year 1997 are authorized to be appropriated to the Sec-
20 retary, for the acquisition and deployment of—

21 (1) the Automated Surface Observing System
22 and related systems, including multisensor and
23 backup arrays for National Weather Service sites at
24 airports; and

1 (2) Automated Meteorological Observing Sys-
2 tem and Remote Automated Meteorological Observ-
3 ing System replacement units.

4 and to cover all associated activities, including program
5 management and operations and maintenance.

6 (e) AWIPS COMPLETE PROGRAM AUTHORIZA-
7 TION.—(1) Except as provided in paragraph (2), there are
8 authorized to be appropriated to the Secretary for all fiscal
9 years beginning after September 30, 1996, an aggregate
10 of \$271,166,000, to remain available until expended, of
11 which up to \$116,483,000 may be available for fiscal year
12 1997, to complete the acquisition and deployment of the
13 Advanced Weather Interactive Processing System and
14 NOAA Port and to cover all associated activities, including
15 program management and operations and maintenance
16 through September 30, 1999.

17 (2) No funds are authorized to be appropriated for
18 any fiscal year under paragraph (1) unless, within 60 days
19 after the submission of the President's budget request for
20 such fiscal year, the Secretary—

21 (A) certifies to the Congress that—

22 (i) the systems meet the technical perform-
23 ance specifications included in the system con-
24 tract as in effect on August 11, 1995;

1 (ii) the systems can be fully deployed,
2 sited, and operational without requiring further
3 appropriations beyond amounts authorized
4 under paragraph (1); and

5 (iii) the Secretary does not foresee any
6 delays in the systems deployment and oper-
7 ations schedule; or

8 (B) submits to the Congress a report which de-
9 scribes—

10 (i) the circumstances which prevent a cer-
11 tification under subparagraph (A);

12 (ii) remedial actions undertaken or to be
13 undertaken with respect to such circumstances;

14 (iii) the effects of such circumstances on
15 the systems deployment and operations schedule
16 and systems coverage; and

17 (iv) a justification for proceeding with the
18 program, if appropriate.

19 (f) CONSTRUCTION OF WEATHER FORECAST OF-
20 FICES.—There are authorized to be appropriated to the
21 Secretary to enable the National Oceanic and Atmospheric
22 Administration to carry out construction, repair, and
23 modification activities relating to new and existing weath-
24 er forecast offices, \$11,000,000 for fiscal year 1997. Such

1 activities include planning, design, and land acquisition re-
2 lated to such offices.

3 (g) WEATHER SERVICE MODERNIZATION.—The
4 Weather Service Modernization Act (15 U.S.C. 313 note)
5 is amended—

6 (1) in section 706—

7 (A) by amending subsection (b) to read as
8 follows:

9 “(b) CERTIFICATION.—The Secretary may not close,
10 automate, or relocate any field office unless the Secretary
11 has certified to the Committee on Commerce, Science, and
12 Transportation of the Senate and the Committee on
13 Science of the House of Representatives that such action
14 will not result in degradation of service to the affected
15 area. Such certification shall be in accordance with the
16 modernization criteria established under section 704.”;

17 (B) by striking subsections (c), (d), (e),
18 and (f); and

19 (C) by inserting after subsection (b) the
20 following new subsections:

21 “(c) SPECIAL CIRCUMSTANCES.—The Secretary may
22 not close or relocate any field office which is located at
23 an airport, if the Secretary, in consultation with the Sec-
24 retary of Transportation and the Committee, determines
25 as a result of an air safety appraisal that such action will

1 result in degradation of service that affects aircraft safety.
2 This air safety appraisal shall be issued jointly by the De-
3 partment of Commerce and the Department of Transpor-
4 tation before September 30, 1996, and shall be based on
5 a coordinated review of all the airports in the United
6 States subject to the certification requirements of sub-
7 section (b). The appraisal shall—

8 “(1) consider the weather information required
9 to safely conduct aircraft operations and the extent
10 to which such information is currently derived
11 through manual observations provided by the Na-
12 tional Weather Service and the Federal Aviation Ad-
13 ministration, and automated observations provided
14 from other sources including the Automated Weath-
15 er Observation Service (AWOS), the Automated Sur-
16 face Observing System (ASOS), and the Geo-
17 stationary Operational Environmental Satellite
18 (GOES); and

19 “(2) determine whether the service provided by
20 ASOS, and ASOS augmented where necessary by
21 human observations, provides the necessary level of
22 service consistent with the service standards encom-
23 passed in the criteria for automation of the field of-
24 fices.

1 “(d) PUBLIC LIAISON.—The Secretary shall maintain
2 for a period of at least two years after the closure of any
3 weather office a program to—

4 “(1) provide timely information regarding the
5 activities of the National Weather Service which may
6 affect service to the community, including mod-
7 ernization and restructuring; and

8 “(2) work with area weather service users, in-
9 cluding persons associated with general aviation,
10 civil defense, emergency preparedness, and the news
11 media, with respect to the provision of timely weath-
12 er warnings and forecasts.”; and

13 (2) in section 707—

14 (A) by amending subsection (c) to read as
15 follows:

16 “(c) DUTIES.—The Committee shall advise the Con-
17 gress and the Secretary on—

18 “(1) the implementation of the Strategic Plan,
19 annual development of the Plan, and establishment
20 and implementation of modernization criteria; and

21 “(2) matters of public safety and the provision
22 of weather services which relate to the comprehen-
23 sive modernization of the National Weather Serv-
24 ice.”; and

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

3 “(f) TERMINATION.—The Committee shall termi-
4 nate—

5 “(1) on September 30, 1996; or

6 “(2) 90 days after the deadline for public com-
7 ment on the modernization criteria for closure cer-
8 tification published in the Federal Register pursuant
9 to section 704(b)(2),
10 whichever occurs later.”.

11 (h) BI-AGENCY WORKING GROUP.—The National
12 Weather Service is encouraged to follow through on the
13 recommendation contained in the document entitled “Sec-
14 retary’s Report to Congress on Adequacy of NEXRAD
15 Coverage and Degradation of Weather Services Under Na-
16 tional Weather Service Modernization for 32 Areas of
17 Concern”, dated October 12, 1995, to initiate a dialogue
18 with the Federal Aviation Administration to form a bi-
19 agency working group to further assess the potential for
20 National Weather Service operational use of Federal Avia-
21 tion Administration weather radar data, and to define en-
22 gineering considerations that would be involved in imple-
23 menting a data sharing link between the Federal Aviation
24 Administration and the National Weather Service.

1 (i) NEXRAD OPERATIONAL AVAILABILITY AND RE-
2 LIABILITY.—(1) The Secretary of Defense, in conjunction
3 with the Administrator of the National Oceanic and At-
4 mospheric Administration, shall take immediate steps to
5 ensure that NEXRADs operated by the Department of
6 Defense that provide primary detection coverage over a
7 portion of their range function as fully committed, reliable
8 elements of the national weather radar network, operating
9 with the same standards, quality, and availability as the
10 National Weather Service-operated NEXRADs.

11 (2) NEXRADs operated by the Department of De-
12 fense that provide primary detection coverage over a por-
13 tion of their range are to be considered as integral parts
14 of the National Weather Radar Network.

15 **SEC. 412. ATMOSPHERIC RESEARCH.**

16 (a) CLIMATE AND AIR QUALITY RESEARCH.—There
17 are authorized to be appropriated to the Secretary to en-
18 able the National Oceanic and Atmospheric Administra-
19 tion to carry out its climate and air quality research du-
20 ties, \$99,272,000 for fiscal year 1997. Such duties include
21 internannual and seasonal climate research and long-term
22 climate and air quality research.

23 (b) ATMOSPHERIC PROGRAMS.—There are author-
24 ized to be appropriated to the Secretary to enable the Na-
25 tional Oceanic and Atmospheric Administration to carry

1 out its atmospheric research duties, \$43,182,000 for fiscal
2 year 1997. Such duties include research for developing im-
3 proved prediction capabilities for atmospheric processes,
4 as well as solar-terrestrial research and services.

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

7 (a) SATELLITE OBSERVING SYSTEMS.—There are
8 authorized to be appropriated to the Secretary to enable
9 the National Oceanic and Atmospheric Administration to
10 carry out its satellite observing systems duties,
11 \$287,997,000 for fiscal year 1997, to remain available
12 until expended. Such duties include spacecraft procure-
13 ment, launch, and associated ground station systems in-
14 volving polar orbiting and geostationary environmental
15 satellites, as well as the operation of such satellites. None
16 of the funds authorized under this subsection shall be used
17 for the purposes for which funds are authorized under sec-
18 tion 105(d) of the National Oceanic and Atmospheric Ad-
19 ministration Authorization Act of 1992 (Public Law 102-
20 567).

21 (b) POES PROGRAM AUTHORIZATION.—Of the sums
22 authorized in subsection (a), there are authorized to be
23 appropriated to the Secretary \$147,664,000 for fiscal year
24 1997, to remain available until expended, for the procure-
25 ment and launch of, and supporting ground systems for,

1 Polar Orbiting Environmental Satellites, K, L, M, N, and
2 N¹.

3 (c) GEOSTATIONARY OPERATIONAL ENVIRONMENTAL
4 SATELLITES.—Of the sums authorized in subsection (a),
5 there are authorized to be appropriated to the Adminis-
6 trator \$70,757,000 for fiscal year 1997, to remain avail-
7 able until expended to procure up to three additional Geo-
8 stationary Operational Environmental NEXT Satellites
9 (GOES I–M clones), instruments, and supporting ground
10 systems.

11 (d) NATIONAL POLAR-ORBITING OPERATIONAL EN-
12 VIRONMENTAL SATELLITE SYSTEM PROGRAM AUTHOR-
13 IZATION.—Of the sums authorized in subsection (a), there
14 are authorized to be appropriated to the Secretary, for fis-
15 cal year 1997, \$19,024,000, to remain available until ex-
16 pended, for the procurement of the National Polar-Orbit-
17 ing Operational Environmental Satellite System, and the
18 procurement of the launching and supporting ground sys-
19 tems of such satellites.

20 (e) ENVIRONMENTAL DATA AND INFORMATION
21 SERVICES.—There are authorized to be appropriated to
22 the Secretary to enable the National Oceanic and Atmos-
23 pheric Administration to carry out its environmental data
24 and information services duties, \$44,898,000 for fiscal
25 year 1997. Such duties include climate data services, geo-

1 physical data services, and environmental assessment and
2 information services.

3 **Subtitle B—Program Support**

4 **SEC. 431. PROGRAM SUPPORT.**

5 (a) EXECUTIVE DIRECTION AND ADMINISTRATIVE
6 ACTIVITIES.—There are authorized to be appropriated to
7 the Secretary, to enable the National Oceanic and Atmos-
8 pheric Administration to carry out executive direction and
9 administrative activities under the Act of 1970 and any
10 other law involving those activities, \$20,000,000 for fiscal
11 year 1997.

12 (b) CENTRAL ADMINISTRATIVE SUPPORT.—There
13 are authorized to be appropriated to the Secretary, to en-
14 able the National Oceanic and Atmospheric Administra-
15 tion to carry out central administrative support activities
16 under the Act of 1970 and any other law involving those
17 activities, \$33,000,000 for fiscal year 1997.

18 (c) AIRCRAFT SERVICES.—There are authorized to be
19 appropriated to the Secretary, to enable the National Oce-
20 anic and Atmospheric Administration to carry out aircraft
21 services activities (including aircraft operations, mainte-
22 nance, and support) under the Act of 1970 and any other
23 law involving those activities, \$9,153,000 for fiscal year
24 1997.

1 (d) FACILITIES REPAIRS AND RENOVATIONS.—There
2 are authorized to be appropriated to the Secretary, to en-
3 able the National Oceanic and Atmospheric Administra-
4 tion to carry out facilities repairs and renovations,
5 \$7,546,000 for fiscal year 1997.

6 **Subtitle C—Streamlining of**
7 **Operations**

8 **SEC. 441. PROGRAMS.**

9 (a) PROGRAMS.—No funds are authorized to be ap-
10 propriated for the following programs and accounts:

11 (1) Federal/State Weather Modification Grants.

12 (2) The Southeast Storm Research Account.

13 (3) National Institute for Environmental Re-
14 newal.

15 (4) National Weather Service non-Federal, non-
16 wildfire Fire Weather Service.

17 (5) National Weather Service Regional Climate
18 Centers.

19 (6) National Weather Service Samoa Weather
20 Forecast Office Repair and Upgrade Account.

21 (7) Dissemination of Weather Charts (Marine
22 Facsimile Service).

23 (8) Global Learning and Observations to Bene-
24 fit the Environment program.

1 (b) REPORT.—Not later than 60 days after the date
2 of the enactment of this Act, the Secretary shall submit
3 to the Committee on Science of the House of Representa-
4 tives and the Committee on Commerce, Science, and
5 Transportation of the Senate a report certifying that all
6 the programs listed in subsection (a) will be terminated
7 no later than September 30, 1996.

8 **SEC. 442. REDUCTION IN TRAVEL BUDGET.**

9 Of the sums appropriated under this Act for Oper-
10 ations, Research, and Facilities, no more than
11 \$20,000,000 may be used for reimbursement of travel and
12 related expenses for National Oceanic and Atmospheric
13 Administration personnel.

14 **Subtitle D—Miscellaneous**

15 **SEC. 451. WEATHER DATA BUOYS.**

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

21 (b) CIVIL PENALTIES.—The Administrator is author-
22 ized to assess a civil penalty against any person who vio-
23 lates any provision of this section in an amount of not
24 more than \$10,000 for each violation. Each day during
25 which such violation continues shall be considered a new

1 offense. Such penalties shall be assessed after notice and
2 opportunity for a hearing.

3 (c) REWARDS.—The Administrator may offer and
4 pay rewards for the apprehension and conviction, or for
5 information helpful therein, of persons found interfering,
6 in violation of law, with data buoys maintained by the Na-
7 tional Data Buoy Center; or for information leading to
8 the discovery of missing National Weather Service prop-
9 erty or the recovery thereof.

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

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

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

17 (2) the issue of storm warnings;

18 (3) the collection, exchange, and distribution of
19 meteorological, hydrological, climatic, and oceano-
20 graphic data and information; and

21 (4) the preparation of hydrometeorological guid-
22 ance and core forecast information.

23 (b) COMPETITION WITH PRIVATE SECTOR.—The
24 National Weather Service shall not compete, or assist
25 other entities to compete, with the private sector when a

1 service is currently provided or can be provided by com-
2 mercial enterprise, unless—

3 (1) the Secretary finds that the private sector
4 is unwilling or unable to provide the services; and

5 (2) the service provides vital weather warnings
6 and forecasts for the protection of lives and property
7 of the general public.

8 (c) AMENDMENTS.—The Act of 1890 is amended—

9 (1) by striking section 3 (15 U.S.C. 313); and

10 (2) in section 9 (15 U.S.C. 317), by striking all
11 after “Department of Agriculture” and inserting in
12 lieu thereof a period.

13 (d) REPORT.—Not later than 60 days after the date
14 of the enactment of this Act, the Secretary shall submit
15 to the Committee on Science of the House of Representa-
16 tives and the Committee on Commerce, Science, and
17 Transportation of the Senate a report detailing all Na-
18 tional Weather Service activities which do not conform to
19 the requirements of this section and outlining a timetable
20 for their termination.

1 **TITLE V—ENVIRONMENTAL**
2 **PROTECTION AGENCY**

3 **SEC. 501. SHORT TITLE.**

4 This title may be cited as the “Environmental Re-
5 search, Development, and Demonstration Authorization
6 Act of 1996”.

7 **SEC. 502. DEFINITIONS.**

8 For the purposes of this title, the term—

9 (1) “Administrator” means the Administrator
10 of the Environmental Protection Agency;

11 (2) “Agency” means the Environmental Protec-
12 tion Agency; and

13 (3) “Assistant Administrator” means the As-
14 sistant Administrator for Research and Development
15 of the Agency.

16 **SEC. 503. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) **IN GENERAL.**—There are authorized to be appro-
18 priated to the Administrator \$487,126,600 for fiscal year
19 1997 for Science and Technology activities, including pro-
20 gram management and support, in the areas specified in
21 subsection (b).

22 (b) **SPECIFIC PROGRAMS AND ACTIVITIES.**—Of the
23 amount authorized in subsection (a), there are authorized
24 to be appropriated the following:

25 (1) For air related research, \$74,119,900.

1 (2) For global change research, \$1,400,000.

2 (3) For water quality related research,
3 \$26,294,000.

4 (4) For drinking water related research,
5 \$26,593,700.

6 (5) For toxic substances related research,
7 \$12,341,500.

8 (6) For lab and field expenses, \$73,031,600.

9 (7) For headquarters expenses of the Office of
10 Research and Development, \$9,254,800.

11 (8) For multimedia related research expenses,
12 \$174,060,100, of which \$5,000,000 shall be for
13 graduate student fellowships.

14 (9) For program management expenses,
15 \$6,399,000.

16 (10) For pesticide related research,
17 \$20,632,000.

18 (11) For research related to hazardous waste,
19 \$12,000,000.

20 (12) For environmental research laboratories,
21 \$51,000,000.

22 (c) ADDITIONAL AUTHORIZATIONS.—There are au-
23 thorized to be appropriated to the Administrator for fiscal
24 year 1997—

1 (1) for oil pollution related research,
2 \$2,076,900; and

3 (2) for research related to leaking underground
4 storage tanks, \$769,000.

5 (d) LIMITATIONS.—No funds are authorized to be ap-
6 propriated by this title for—

7 (1) the Environmental Technology Initiative;

8 (2) the Climate Change Action Plan;

9 (3) North Dakota Center for Air Toxic Metals
10 Research;

11 (4) drinking water research conducted by the
12 American Water Works Association Research Foun-
13 dation, other than amounts awarded through a com-
14 petitive process;

15 (5) the Water Environment Research Founda-
16 tion;

17 (6) the National Urban Air Toxics Research
18 Center;

19 (7) the Gulf Coast Hazardous Substances Re-
20 search Center;

21 (8) urban waste management research at the
22 University of New Orleans, other than amounts
23 awarded through a competitive process;

24 (9) the Resources and Agricultural Policy Sys-
25 tems Program at Iowa State University; or

1 (10) the Oil Spill Remediation Research Center.

2 **SEC. 504. SCIENTIFIC RESEARCH REVIEW.**

3 (a) IN GENERAL.—The Administrator shall assign to
4 the Assistant Administrator the duties of—

5 (1) developing a strategic plan for scientific and
6 technical research activities throughout the Agency;

7 (2) integrating that strategic plan into ongoing
8 Agency planning activities; and

9 (3) reviewing all Agency research to ensure the
10 research—

11 (A) is of high quality; and

12 (B) does not duplicate any other research
13 being conducted by the Agency.

14 (b) REPORT.—The Assistant Administrator shall
15 transmit annually to the Administrator and to the Com-
16 mittee on Science of the House of Representatives and the
17 Committee on Environment and Public Works of the Sen-
18 ate a report detailing—

19 (1) all Agency research the Assistant Adminis-
20 trator finds is not of sufficiently high quality; and

21 (2) all Agency research the Assistant Adminis-
22 trator finds duplicates other Agency research.

23 **SEC. 505. GRADUATE STUDENT FELLOWSHIPS.**

24 In carrying out the graduate student fellowship pro-
25 gram for which funds are authorized to be appropriated

1 by this title, the Administrator shall ensure that any fel-
2 lowship award to a student selected after the date of the
3 enactment of this Act is used only to support scientific
4 research that would further missions of the Office of Re-
5 search and Development in fields in which there exists or
6 is projected to exist a shortage in the number of scientists.

7 **SEC. 506. SCIENCE ADVISORY BOARD.**

8 (a) ANNUAL REPORT.—The Science Advisory Board
9 shall submit to Congress and to the Administrator an an-
10 nual report that contains the views of the Science Advisory
11 Board on proposed research programs as described in the
12 President’s budget for research, development, and dem-
13 onstration activities at the Environmental Protection
14 Agency. Such report shall be submitted to Congress as
15 soon as practicable after the submission of the President’s
16 budget to Congress. The Administrator shall cooperate
17 with the Director of the Science Advisory Board, particu-
18 larly with respect to the timely provision of budget infor-
19 mation to the Science Advisory Board, to allow the Science
20 Advisory Board to carry out its duties under this sub-
21 section.

22 (b) EVALUATION.—The Science Advisory Board shall
23 conduct periodic evaluations of selected areas of the cur-
24 rent and planned research, development, and demonstra-
25 tion activities of the Environmental Protection Agency.

1 The areas of evaluation shall be selected by the Science
2 Advisory Board in consultation with the Administrator,
3 the Office of Research and Development, other Agency
4 programs, and appropriate committees of the Congress.
5 Reports containing the Science Advisory Board's evalua-
6 tions and recommendations shall be filed with such com-
7 mittees and the Administrator. The Administrator shall
8 provide to such committees a written response to the
9 Science Advisory Board's evaluation and recommendations
10 within 60 days after the Science Advisory Board's report
11 has been submitted.

12 (c) REVIEW OF CERTAIN RESEARCH ACTIVITIES.—
13 The Science Advisory Board shall annually review the re-
14 search activities of the Environmental Protection Agency
15 and shall include the results of such review in the annual
16 report required by subsection (a).

17 (d) SUBMISSION TO CONGRESS.—The Administrator
18 shall submit to the Congress any report required by law
19 to be submitted to the Administrator by the Science Advi-
20 sory Board. The Administrator shall make any such sub-
21 mission not later than 60 days after the Administrator
22 receives the report from the Science Advisory Board.

23 **SEC. 507. ENDOCRINE DISRUPTER RESEARCH PLANNING.**

24 (a) SHORT TITLE.—This section may be cited as the
25 “Endocrine Disrupter Research Planning Act of 1996”.

1 (b) FINDINGS.—The Congress finds that—

2 (1) recent reports in the media have focused
3 public attention on a possible link between exposure
4 to chemicals that may mimic hormones and may
5 have adverse biological effects in humans and wild-
6 life, including carcinogenic, reproductive, neuro-
7 logical, and immunological effects, now commonly re-
8 ferred to as endocrine disrupters;

9 (2) given the significant scientific uncertainties
10 concerning the effects of such endocrine disrupters
11 on humans and wildlife, it cannot at this time be
12 concluded whether or not endocrine disrupters con-
13 stitute a significant threat to human health or the
14 environment;

15 (3) neither a conclusion that endocrine
16 disrupters pose an imminent and serious threat to
17 human health and the environment, nor a conclusion
18 that the risks are insignificant or exaggerated, is
19 warranted based on the present state of scientific
20 knowledge;

21 (4) additional research is needed to more accu-
22 rately characterize the risks of endocrine disrupters;

23 (5) risk assessment principles should be used to
24 guide the development of a coordinated research
25 plan to ensure that research results are relevant and

1 adequate to objectively estimate risk to guide future
2 public policy decisions;

3 (6) research carried out by the Federal Govern-
4 ment should be done in a planned and coordinated
5 manner to ensure that limited resources are spent
6 efficiently and that critical information gaps are
7 filled as quickly as possible; and

8 (7) researchers from academia, industry, and
9 Federal laboratories should coordinate efforts to
10 prioritize research topics, identify capital needs, and,
11 in general, develop a comprehensive research plan to
12 address important scientific and policy questions
13 surrounding the potential effects of such chemicals.

14 (c) RESEARCH PLANNING REPORT.—

15 (1) REPORT.—The Administrator, in coordina-
16 tion with other Federal agencies with scientific ex-
17 pertise in areas relevant to assessing the human
18 health and ecological risks of endocrine disrupters,
19 shall submit to Congress, along with the President's
20 Budget Request for Fiscal Year 1998, a plan for
21 conducting research needed to objectively assess and
22 characterize the risk of endocrine disrupters on
23 human health and the environment.

24 (2) CONTENTS.—The plan submitted under this
25 section shall include—

1 (A) the role of each participating agency in
2 the research plan and the resources required by
3 each agency to carry out the research plan, in-
4 cluding human and capital resources needed to
5 ensure that agencies have appropriate expertise,
6 facilities, and analytical capabilities to meet the
7 goals of the research plan;

8 (B) the mechanisms by which each agency
9 will carry out research, including the use of
10 Federal laboratory facilities, extramural grants
11 and contracts, and cooperative research and de-
12 velopment agreements with universities, re-
13 search centers, and the private sector, and
14 mechanisms to avoid duplication of effort and
15 for appropriate peer review, including independ-
16 ent and external peer review of Federal agency
17 intramural research;

18 (C) specific research strategies and
19 timelines for addressing the critical information
20 gaps with respect to hazard identification, dose-
21 response assessment, and exposure assessment;
22 and

23 (D) an assessment of the current state of
24 scientific knowledge concerning effects of syn-
25 thetic and naturally occurring endocrine

1 disrupters on human health and the environ-
2 ment, including identification of scientific un-
3 certainties unlikely to be capable of significant
4 resolution in the near term, studies which sup-
5 port or fail to support conclusions of adverse
6 public health effects, and the opportunity for
7 public comment on such assessment.

8 (d) SAVINGS CLAUSE.—Nothing in this section is in-
9 tended to alter, enhance, or otherwise affect any statutory
10 authority of the Environmental Protection Agency or any
11 other Federal regulatory agency to regulate substances
12 which may pose a threat to the public health or the envi-
13 ronment.

14 **TITLE VI—NATIONAL INSTITUTE**
15 **OF STANDARDS AND TECH-**
16 **NOLOGY**

17 **SEC. 601. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated the follow-
19 ing:

20 (1) For Scientific and Technical Research and
21 Services of the National Institute of Standards and
22 Technology, \$280,600,000 for fiscal year 1997, of
23 which—

24 (A) \$38,407,000 shall be for Electronics
25 and Electrical Engineering;

1 (B) \$18,747,000 shall be for Manufactur-
2 ing Engineering;

3 (C) \$33,939,000 shall be for Chemical
4 Science and Technology;

5 (D) \$28,048,000 shall be for Physics;

6 (E) \$54,589,000 shall be for Material
7 Science and Engineering;

8 (F) \$13,085,000 shall be for Building and
9 Fire Research;

10 (G) \$43,076,000 shall be for Computer
11 Science and Applied Mathematics;

12 (H) \$18,950,000 shall be for Technical As-
13 sistance;

14 (I) \$28,772,000 shall be for Research Sup-
15 port; and

16 (J) \$2,987,000 shall be for the Malcolm
17 Baldrige National Quality Program under sec-
18 tion 17 of the Stevenson-Wydler Technology In-
19 novation Act of 1980 (15 U.S.C. 3711a); and

20 (2) for Construction of Research Facilities of
21 the National Institute of Standards and Technology,
22 \$105,240,000 for fiscal year 1997.

1 **TITLE VII—FEDERAL AVIATION**
2 **ADMINISTRATION RESEARCH,**
3 **ENGINEERING, AND DEVEL-**
4 **OPMENT**

5 **SEC. 701. SHORT TITLE.**

6 This title may be cited as the “FAA Research, Engi-
7 neering, and Development Management Reform Act of
8 1996”.

9 **SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 48102(a) of title 49, United States Code, is
11 amended—

12 (1) by striking “and” at the end of paragraph
13 (1)(J);

14 (2) by striking the period at the end of para-
15 graph (2)(J) and inserting in lieu thereof “; and”;
16 and

17 (3) by adding at the end the following new
18 paragraph:

19 “(3) for fiscal year 1997—

20 “(A) \$10,000,000 for system development
21 and infrastructure projects and activities;

22 “(B) \$39,911,000 for capacity and air
23 traffic management technology projects and ac-
24 tivities;

1 “(C) \$20,371,000 for communications,
2 navigation, and surveillance projects and activi-
3 ties;

4 “(D) \$6,411,000 for weather projects and
5 activities;

6 “(E) \$6,000,000 for airport technology
7 projects and activities;

8 “(F) \$37,978,000 for aircraft safety tech-
9 nology projects and activities;

10 “(G) \$36,045,000 for system security tech-
11 nology projects and activities;

12 “(H) \$23,682,000 for human factors and
13 aviation medicine projects and activities;

14 “(I) \$3,800,000 for environment and en-
15 ergy projects and activities; and

16 “(J) \$1,500,000 for innovative/cooperative
17 research projects and activities.”.

18 **SEC. 703. RESEARCH PRIORITIES.**

19 Section 48102(b) of title 49, United States Code, is
20 amended—

21 (1) by redesignating paragraph (2) as para-
22 graph (3); and

23 (2) by striking “AVAILABILITY FOR RE-
24 SEARCH.—(1)” and inserting in lieu thereof “RE-
25 SEARCH PRIORITIES.—(1) The Administrator shall

1 consider the advice and recommendations of the re-
2 search advisory committee established by section
3 44508 of this title in establishing priorities among
4 major categories of research and development activi-
5 ties carried out by the Federal Aviation Administra-
6 tion.

7 “(2)”.

8 **SEC. 704. RESEARCH ADVISORY COMMITTEE.**

9 Section 44508(a)(1) of title 49, United States Code,
10 is amended—

11 (1) by striking “and” at the end of subpara-
12 graph (B);

13 (2) by striking the period at the end of sub-
14 paragraph (C) and inserting in lieu thereof “; and”;
15 and

16 (3) by inserting after subparagraph (C) the fol-
17 lowing new subparagraph:

18 “(D) annually review the allocation made by the
19 Administrator of the amounts authorized by section
20 48102(a) of this title among the major categories of
21 research and development activities carried out by
22 the Administration and provide advice and rec-
23 ommendations to the Administrator on whether such
24 allocation is appropriate to meet the needs and ob-
25 jectives identified under subparagraph (A).”.

1 **SEC. 705. NATIONAL AVIATION RESEARCH PLAN.**

2 Section 44501(c) of title 49, United States Code, is
3 amended—

4 (1) in paragraph (2)(A) by striking “15-year”
5 and inserting in lieu thereof “5-year”;

6 (2) by amending subparagraph (B) to read as
7 follows:

8 “(B) The plan shall—

9 (i) provide estimates by year of the schedule,
10 cost, and work force levels for each active and
11 planned major research and development project
12 under sections 40119, 44504, 44505, 44507, 44509,
13 44511–44513, and 44912 of this title, including ac-
14 tivities carried out under cooperative agreements
15 with other Federal departments and agencies;

16 (ii) specify the goals and the priorities for allo-
17 cation of resources among the major categories of
18 research and development activities, including the
19 rationale for the priorities identified;

20 (iii) identify the allocation of resources among
21 long-term research, near-term research, and develop-
22 ment activities; and

23 (iv) highlight the research and development
24 activities that address specific recommendations of
25 the research advisory committee established under
26 section 44508 of this title, and document the rec-

1 ommendations of the committee that are not accept-
2 ed, specifying the reasons for nonacceptance.”; and

3 (3) in paragraph (3) by inserting “, including
4 a description of the dissemination to the private sec-
5 tor of research results and a description of any new
6 technologies developed” after “during the prior fiscal
7 year”.

8 **TITLE VIII—NATIONAL EARTH-**
9 **QUAKE HAZARDS REDUCTION**
10 **PROGRAM**

11 **SEC. 801. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 12 of the Earthquake Hazards Reduction Act
13 of 1977 (42 U.S.C. 7706) is amended—

14 (1) in subsection (a)(7) by striking “and
15 \$25,750,000 for the fiscal year ending September
16 30, 1996” and inserting in lieu thereof
17 “\$25,750,000 for the fiscal year ending September
18 30, 1996, and \$18,825,000 for the fiscal year end-
19 ing September 30, 1997”;

20 (2) in subsection (b) by striking “and
21 \$50,676,000 for the fiscal year ending September
22 30, 1996” and inserting in lieu thereof
23 “\$50,676,000 for the fiscal year ending September
24 30, 1996, and \$46,130,000 for the fiscal year end-
25 ing September 30, 1997”;

1 (3) in subsection (c) by adding at the end the
2 following new sentence: “There are authorized to be
3 appropriated, out of funds otherwise authorized to
4 be appropriated to the National Science Foundation,
5 \$28,400,000 for fiscal year 1997, including
6 \$17,500,000 for engineering research and
7 \$10,900,000 for geosciences research.”; and

8 (4) in subsection (d) by adding at the end the
9 following new sentence: “There are authorized to be
10 appropriated, out of funds otherwise authorized to
11 be appropriated to the National Institute of Stand-
12 ards and Technology, \$1,932,000 for fiscal year
13 1997.”.

14 **TITLE IX—MISCELLANEOUS**

15 **SEC. 901. PROHIBITION OF LOBBYING ACTIVITIES.**

16 None of the funds authorized by this Act 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. 902. LIMITATION ON APPROPRIATIONS.**

2 (a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR
3 1997.—Notwithstanding any other provision of law, no
4 sums are authorized to be appropriated for fiscal year
5 1997 for the activities for which sums are authorized by
6 this Act unless such sums are specifically authorized to
7 be appropriated by this Act.

8 (b) SUBSEQUENT FISCAL YEARS.—No sums are au-
9 thorized to be appropriated for any fiscal year after fiscal
10 year 1997 for the activities for which sums are authorized
11 by this Act unless such sums are specifically authorized
12 to be appropriated by Act of Congress with respect to such
13 fiscal year.

14 **SEC. 903. ELIGIBILITY FOR AWARDS.**

15 (a) IN GENERAL.—The head of each Federal agency
16 for which funds are authorized under this Act shall ex-
17 clude from consideration for awards of financial assistance
18 made by that agency after fiscal year 1996 any person
19 who received funds, other than those described in sub-
20 section (b), appropriated for a fiscal year after fiscal year
21 1996, from any Federal funding source for a project that
22 was not subjected to a competitive, merit-based award
23 process. Any exclusion from consideration pursuant to this
24 section shall be effective for a period of 5 years after the
25 person receives such Federal funds.

1 (b) EXCEPTION.—Subsection (a) shall not apply to
2 awards to persons who are members of a class specified
3 by law for which assistance is awarded to members of the
4 class according to a formula provided by law.

5 **SEC. 904. BUY AMERICAN.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that any recipient of a grant under this Act, or
8 under any amendment made by this Act, should purchase,
9 when available and cost-effective, American made equip-
10 ment and products when expending grant monies.

11 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In al-
12 locating grants under this Act, or under any amendment
13 made by this Act, the Secretary shall provide to each re-
14 cipient a notice describing the statement made in sub-
15 section (a) by the Congress.

16 **SEC. 905. ROTC ACCESS TO CAMPUSES.**

17 (a) DENIAL OF GRANTS AND CONTRACTS.—(1) No
18 funds appropriated for civilian science activities of the
19 Federal Government may be provided by contract or by
20 grant (including a grant of funds to be available for stu-
21 dent aid) to any institution of higher education that, as
22 determined by the agency to which the funds were appro-
23 priated, in consultation with other appropriate Federal
24 agencies, has an anti-ROTC policy.

1 (2) In the case of an institution of higher education
2 that is ineligible for grants and contracts by reason of
3 paragraph (1), the prohibition under that paragraph shall
4 cease to apply to that institution upon a determination
5 by the agency to which the funds were appropriated, in
6 consultation with other appropriate Federal agencies, that
7 the institution no longer has an anti-ROTC policy.

8 (b) NOTICE OF DETERMINATION.—Whenever an
9 agency makes a determination under subsection (a) that
10 an institution has an anti-ROTC policy, or that an institu-
11 tion previously determined to have an anti-ROTC policy
12 no longer has such a policy, the agency—

13 (1) shall transmit notice of that determination
14 to the Secretary of Education and the Congress; and

15 (2) shall publish in the Federal Register notice
16 of that determination and of the effect of that deter-
17 mination under subsection (a) on the eligibility of
18 that institution for grants and contracts.

19 (c) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—
20 Each agency shall publish in the Federal Register once
21 every six months a list of each institution of higher edu-
22 cation that is currently ineligible for grants and contracts
23 by reason of a determination of the agency under sub-
24 section (a).

1 (d) ANTI-ROTC POLICY.—In this section, the term
2 “anti-ROTC policy” means a policy or practice of an insti-
3 tution of higher education that—

4 (1) prohibits, or in effect prevents, the main-
5 taining or establishing of a unit of the Senior Re-
6 serve Officer Training Corps at that institution; or

7 (2) prohibits, or in effect prevents, a student at
8 that institution from enrolling in a unit of the Sen-
9 ior Reserve Officer Training Corps at another insti-
10 tution of higher education,

11 but does not include a longstanding policy of pacifism
12 based on historical religious affiliation.

13 **SEC. 906. RECRUITING ON CAMPUS.**

14 (a) DENIAL OF FUNDS.—(1) No funds appropriated
15 for civilian science activities of the Federal Government
16 may be provided by grant or contract (including a grant
17 of funds to be available for student aid) to any institution
18 of higher education that, as determined by the agency to
19 which the funds were appropriated, in consultation with
20 other appropriate Federal agencies, has a policy of deny-
21 ing, or which effectively prevents—

22 (A) entry to campuses or access to students on
23 campuses; or

24 (B) access to directory information pertaining
25 to students,

1 for purposes of military recruiting. This paragraph shall
2 not apply to a longstanding policy of pacifism based on
3 historical religious affiliation.

4 (2) In the case of an institution of higher education
5 that is ineligible for grants and contracts by reason of
6 paragraph (1), the prohibition under that paragraph shall
7 cease to apply to that institution upon a determination
8 by the agency to which the funds were appropriated, in
9 consultation with other appropriate Federal agencies, that
10 the institution no longer has a policy described in para-
11 graph (1).

12 (3) Students referred to in paragraph (1) are individ-
13 uals who are 17 years of age or older.

14 (b) NOTICE OF DETERMINATION.—Whenever an
15 agency makes a determination under subsection (a) that
16 an institution has a policy described in subsection (a), or
17 that an institution previously determined to have such a
18 policy no longer has such a policy, the agency—

19 (1) shall transmit notice of that determination
20 to the Secretary of Education and the Congress; and

21 (2) shall publish in the Federal Register notice
22 of that determination and of the effect of that deter-
23 mination under subsection (a) on the eligibility of
24 that institution for grants and contracts.

1 (c) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—
 2 Each agency shall publish in the Federal Register once
 3 every six months a list of each institution of higher edu-
 4 cation that is currently ineligible for grants and contracts
 5 by reason of a determination of the agency under sub-
 6 section (a).

7 (d) DEFINITION.—For purposes of this section, the
 8 term “directory information” means, with respect to a stu-
 9 dent, the student’s name, address, telephone listing, date
 10 and place of birth, level of education, degrees received, and
 11 the most recent previous educational institution enrolled
 12 in by the student.

13 **TITLE X—FURTHER**
 14 **AUTHORIZATIONS**

15 **SEC. 1001. FURTHER AUTHORIZATIONS.**

16 There are authorized to be appropriated \$90,000,000
 17 for the Manufacturing Extension Partnerships program
 18 under sections 25 and 26 of the National Institute of
 19 Standards and Technology Act (15 U.S.C. 278k and 278l)
 20 for fiscal year 1997. None of the funds authorized by this
 21 section may be used to establish a new Center.

Passed the House of Representatives May 30, 1996.

Attest: ROBIN H. CARLE,
Clerk.

By LINDA NAVE,
Deputy Clerk.