

Page 3, in the table of contents, redesignate title III and sections 301 through 322, as title II and sections 201 through 222, respectively.

It was decided in the { Yeas ..... 112 negative ..... } Nays ..... 305

¶37.12

[Roll No. 90]

AYES—112

Table with 3 columns: Name, State, Name, State. Lists names like Barrett (WI), Bass, Bereuter, Berry, Bilbray, Blagojevich, Blumenauer, Brown (OH), Camp, Carson, Chabot, Christensen, Coble, Coburn, Conyers, Costello, Coyne, Cunningham, Danner, DeFazio, Delahunt, Dellums, Dingell, Doyle, Duncan, Ensign, Evans, Fattah, Foglietta, Frank (MA), Franks (NJ), Ganske, Goode, Goodlatte, Gutierrez, Hamilton, Herger, Hilleary, Hinojosa, Holden, Inglis, Kanjorski, Kaptur, Kennedy (MA), Kind (WI), Kingston, Kleczka, Klug, LaFalce, Largent, Latham, Lazio, Leach, Levin, Lipinski, LoBiondo, Lowey, Luther, Maloney (NY), Markey, McCarthy (MO), McHugh, McInnis, McNulty, Meehan, Miller (CA), Minge, Mink, Moakley, Molinari, Moran (VA), Myrick, Nadler, Neumann, Nussle, Oberstar, Obey, Olver, Owens, Pallone, Paul, Paxon, Pelosi, Peterson (MN), Pomeroy, Portman, Poshard, Ramstad, Rivers, Roemer, Roukema, Sanders, Sanford, Schaffer, Bob, Schumer, Shays, Shuster, Slaughter, Smith (MI), Solomon, Strickland, Stupak, Tierney, Upton, Vento, Visclosky, Wamp, Watkins, Watts (OK), Waxman, Woolsey.

NOES—305

Table with 3 columns: Name, State, Name, State. Lists names like Abercrombie, Ackerman, Aderholt, Allen, Archer, Army, Bachus, Baesler, Baker, Baldacci, Ballenger, Barcia, Barr, Barrett (NE), Bartlett, Barton, Bateman, Becerra, Bentsen, Berman, Bilirakis, Bliley, Blunt, Boehlert, Boehner, Bonilla, Bonior, Bono, Borski, Boswell, Boucher, Boyd, Brady, Brown (CA), Brown (FL), Bryant, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Campbell, Canady, Cannon, Capps, Cardin, Castle, Chambliss, Chenoweth, Clay, Clayton, Clyburn, Collins, Combust, Condit, Cook, Cooksey, Cox, Cramer, Crane, Crapo, Cummings, Davis (FL), Davis (IL), Davis (VA), Deal, DeGette, DeLauro, DeLay, Deutsch, Diaz-Balart, Dickey, Dicks, Dixon, Doggett, Dooley, Doolittle, Dreier, Droege, Berman, Blirakis, Bliley, Blunt, Boehlert, Boehner, Bonilla, Bono, Boucher, Boyd, Brady, Brown (CA), Brown (FL), Bryant, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Campbell, Canady, Cannon, Capps, Cardin, Castle, Chambliss, Chenoweth, Clayton, Clayton, Clyburn, Conyers, Costello, Coyne, Cummings, Davis (FL), Davis (IL), DeGette, Delahunt, DeLauro, Dellums, Fowler, Fox, Frelinghuysen, Frost, Gallegly, Gejdenson, Gekas, Gephardt, Gibbons, Gilchrest, Gillmor, Gilman, Gonzalez, Goodling, Gordon, Goss, Graham, Granger, Green, Greenwood, Gutknecht, Hall (OH), Hall (TX), Hansen, Harman, Hastert, Hastings (FL), Hastings (WA), Hayworth, Hefley, Hill, Hilliard, Hinchey, Hobson, Hooley, Horn, Hostettler, Houghton, Hoyer, Hulshof, Hunter, Hutchinson, Hyde, Istook, Jackson (IL), Jackson-Lee (TX), Jefferson, Jenkins, Johnson (CT), Johnson (WI), Johnson, E. B., Johnson, Sam, Jones, Jones, Kasich, Kelly, Kennedy (RI), Kennelly, Kildee, Kilpatrick, Kind (WI), Kleczka, Klink, Kucinich, LaFalce, Lampson, Lantos, Lazio, Levin, Lewis (GA), Lofgren, Lowey, Luther, Maloney (CT), Manton, Martinez, Mascara, Matsui, McCarthy (NY), McCollum, McCrery, McDade, McDermott, McGovern, McHale, McIntosh, McIntyre, McKeon, McKinney, Meek, Menendez, Metcalf, Mica, Millender-McDonald, Miller (FL), Mollohan, Moran (KS), Andrews, Bishop, Clement, Cubin, Furse, Hefner, Hoeckstra, Manzullo, Porter, Schiff, Smith (OR), Tanner, Towns, Velazquez, Weldon (PA), Yates.

Table with 3 columns: Name, State, Name, State. Lists names like John Johnson (CT), Johnson (WI), Johnson, E. B., Johnson, Sam, Jones, Kasich, Kelly, Kennedy (RI), Kennelly, Kildee, Kilpatrick, Kind (WI), Kleczka, Klink, Kucinich, LaFalce, Lampson, Lantos, Lazio, Levin, Lewis (GA), Lofgren, Lowey, Luther, Maloney (CT), Manton, Martinez, Mascara, Matsui, McCarthy (NY), McCollum, McCrery, McDade, McDermott, McGovern, McHale, McIntosh, McIntyre, McKeon, McKinney, Meek, Menendez, Metcalf, Mica, Millender-McDonald, Miller (FL), Mollohan, Moran (KS), Morella, Murtha, Neal, Nethercutt, Ney, Northup, Norwood, Ortiz, Oxley, Packard, Pappas, Parker, Pascrell, Pastor, Payne, Pease, Peterson (PA), Petri, Pickering, Pickett, Pitts, Pombo, Price (NC), Pryce (OH), Quinn, Radanovich, Rahall, Rangel, Regula, Reyes, Riggs, Riley, Rodriguez, Rogan, Rogers, Rohrabacher, Ros-Lehtinen, Rothman, Roybal-Allard, Royce, Rush, Ryun, Sabo, Salmon, Sanchez, Sandlin, Sawyer, Saxton, Scarborough, Schaefer, Dan, Scott, Sensenbrenner, Serrano, Sessions, Shadegg, Shaw, Sherman, Shimkus, Sisisky, Skaggs, Skeen, Skelton, Smith (NJ), Smith (TX), Smith, Adam, Smith, Linda, Snowbarger, Snyder, Souder, Spence, Spratt, Stabenow, Stearns, Stenholm, Stokes, Stump, Sununu, Talent, Tauscher, Tauzin, Taylor (MS), Taylor (NC), Thomas, Thompson, Thornberry, Thune, Thurman, Tiahrt, Torres, Traficant, Turner, Walsh, Waters, Watt (NC), Weldon (FL), Weller, Wexler, Weygand, White, Whitfield, Wicker, Wise, Wolf, Wynn, Young (AK), Young (FL).

Table with 3 columns: Name, State, Name, State. Lists names like Deutsch, Diaz-Balart, Dicks, Dixon, Doggett, Dooley, Edwards, Engel, Ensign, Eshoo, Etheridge, Evans, Farr, Fattah, Fazio, Filner, Flake, Foglietta, Foley, Forbes, Ford, Fox, Frank (MA), Frost, Gejdenson, Gephardt, Gilman, Gonzalez, Goode, Gordon, Green, Gutierrez, Hall (TX), Hamilton, Harman, Hastings (FL), Hilliard, Hinchey, Hinojosa, Hooley, Houghton, Hoyer, Jackson (IL), Jackson-Lee (TX), Jefferson, John, Johnson (WI), Johnson, E. B., Kaptur, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Kilpatrick, Kind (WI), Kleczka, Klink, Kucinich, LaFalce, Lampson, Lantos, Lazio, Levin, Lewis (GA), Lofgren, Lowey, Luther, Maloney (CT), Maloney (NY), Manton, Markey, Martinez, Mascara, Matsui, McCarthy (NY), Miller (CA), Minge, Mink, Moakley, Mollohan, Nadler, Neal, Oberstar, Obey, Olver, Ortiz, Owens, Pallone, Pascrell, Pastor, Payne, Pelosi, Pitts, Poshard, Price (NC), Quinn, Rahall, Rangel, Reyes, Rivers, Rodriguez, Roemer, Ros-Lehtinen, Rothman, Roybal-Allard, Rush, Sabo, Sanchez, Sanders, Sandlin, Sawyer, Schumer, Serrano, Shays, Skaggs, Skelton, Slaughter, Smith, Adam, Snyder, Spratt, Stabenow, Stark, Stenholm, Stokes, Tauscher, Thompson, Thurman, Tierney, Torres, Traficant, Turner, Vento, Visclosky, Wamp, Waters, Watt (NC), Watts (OK), Waxman, Weygand, Wise, Woolsey, Wynn.

NOES—226

NOT VOTING—16

Table with 3 columns: Name, State, Name, State. Lists names like Aderholt, Archer, Army, Bachus, Baesler, Baker, Ballenger, Barcia, Barr, Barrett (NE), Bartlett, Bass, Bateman, Bereuter, Bilbray, Bilirakis, Bliley, Blunt, Boehlert, Boehner, Bonilla, Bono, Boucher, Boyd, Brady, Bryant, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Campbell, Canady, Cannon, Cardin, Castle, Chabot, Chambliss, Chenoweth, Christensen, Coble, Coburn, Collins, Combust, Cook, Cooksey, Cox, Cramer, Crane, Crapo, Cunningham, Danner, Davis (VA), Deal, DeLay, Dickey, Dingell, Doolittle, Doyle, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, English, Everett, Ewing, Fawell, Fowler, Franks (NJ), Frelinghuysen, Gallegly, Ganske, Gekas, Gibbons, Gilchrest, Gillmor, Goodlatte, Goodling, Goss, Graham, Granger, Greenwood, Gutknecht, Halle, Hansen, Hastert, Hastings (FL), Hastings (WA), Hayworth, Hefley, Hill, Hilliard, Hinchey, Hobson, Hooley, Horn, Hostettler, Houghton, Hoyer, Hulshof, Hunter, Hutchinson, Hyde, Istook, Jackson (IL), Jackson-Lee (TX), Jefferson, Jenkins, Johnson (CT), Johnson (WI), Johnson, E. B., Johnson, Sam, Jones, Jones, Kanjorski, Kasich, Kelly, Kim, King (NY), Kingston, Klug, Knollenberg, Kolbe, LaHood, Largent, Latham, LaTourette, Leach, Lewis (CA), Lewis (KY), Linder, Lipinski, Livingston, LoBiondo, Lucas, McCarthy (MO), McCollum, McHale, Hansen, McInnis, McIntosh, McKeon, Metcalf, Herger, Hill, Hilleary, Hobson, Holden, Horn, Hostettler, Hulshof, Hunter, Hutchinson, Hyde, Inglis, Istook, Jenkins, Johnson (CT), Johnson, Sam, Jones, Kanjorski, Kasich, Kelly, Kim, King (NY), Kingston, Klug, Knollenberg, Kolbe, LaHood, Largent, Latham, LaTourette, Leach, Lewis (CA), Lewis (KY), Linder, Lipinski, Livingston, LoBiondo, Lucas, McCarthy (MO), McCollum, McHale, Hansen, McInnis, McIntosh, McKeon, Metcalf.

So the amendment was not agreed to. After some further time,

¶37.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. JACKSON-LEE:

Page 17, line 22, strike "\$102,200,000" and insert "\$110,300,000".

Page 18, line 4, strike "\$46,700,000" and insert "\$54,800,000".

Page 18, line 8, strike "\$108,000,000" and insert "\$116,100,000".

Page 18, line 9, strike "\$51,700,000" and insert "\$59,800,000".

It was decided in the { Yeas ..... 186 negative ..... } Nays ..... 226

¶37.14

[Roll No. 91]

AYES—186

Table with 3 columns: Name, State, Name, State. Lists names like Abercrombie, Ackerman, Allen, Baldacci, Barrett (WI), Barton, Becerra, Bentsen, Berman, Berry, Bishop, Blagojevich, Blumenauer, Bonior, Borski, Boswell, Brown (CA), Brown (FL), Brown (OH), Capps, Carson, Clayton, Clyburn, Conyers, Costello, Coyne, Cummings, Davis (FL), Davis (IL), DeGette, Delahunt, DeLauro, Dellums.

Mica	Regula	Souder
Miller (FL)	Riggs	Spence
Molinari	Riley	Stearns
Moran (KS)	Rogan	Strickland
Moran (VA)	Rogers	Stump
Morella	Rohrabacher	Stupak
Murtha	Roukema	Sununu
Nethercutt	Royce	Talent
Neumann	Ryun	Tauzin
Ney	Salmon	Taylor (MS)
Northup	Sanford	Taylor (NC)
Norwood	Saxton	Thomas
Oxley	Scarborough	Thornberry
Packard	Schaefer, Dan	Thune
Pappas	Schaffer, Bob	Tiahrt
Parker	Sensenbrenner	Upton
Paul	Sessions	Walsh
Paxon	Shadegg	Watkins
Pease	Shaw	Weldon (FL)
Peterson (MN)	Sherman	Weldon (PA)
Peterson (PA)	Shimkus	Weller
Petri	Shuster	Wexler
Pickering	Sisisky	White
Pickett	Skeen	Whitfield
Pombo	Smith (MI)	Wicker
Pomeroy	Smith (NJ)	Wolf
Portman	Smith (TX)	Young (AK)
Pryce (OH)	Smith, Linda	Young (FL)
Radanovich	Snowbarger	
Ramstad	Solomon	

## NOT VOTING—21

Andrews	Hall (OH)	Porter
Clay	Hefner	Schiff
Clement	Hoekstra	Smith (OR)
Condit	Manzullo	Tanner
Cubin	McCrery	Towns
DeFazio	Myrick	Velazquez
Furse	Nussle	Yates

So the amendment was not agreed to. After some further time,

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, assumed the Chair.

When Mr. NEY, Acting Chairman, pursuant to House Resolution 128, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

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

(a) SHORT TITLE.—This Act may be cited as the "Civilian Space Authorization Act, Fiscal Years 1998 and 1999".

(b) TABLE OF CONTENTS.—

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

## TITLE I—AUTHORIZATION OF APPROPRIATIONS

## Subtitle A—Authorizations

Sec. 101. Human space flight.  
Sec. 102. Science, aeronautics, and technology.  
Sec. 103. Mission support.  
Sec. 104. Inspector General.  
Sec. 105. Total authorization.  
Sec. 106. Office of Commercial Space Transportation authorization.  
Sec. 107. Office of Space Commerce.  
Sec. 108. United States-Mexico Foundation for Science.

## Subtitle B—Restructuring the National Aeronautics and Space Administration

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

## Subtitle C—Limitations and Special Authority

Sec. 121. Use of funds for construction.  
Sec. 122. Availability of appropriated amounts.

Sec. 123. Reprogramming for construction of facilities.

Sec. 124. Consideration by committees.

Sec. 125. Limitation on obligation of unauthorized appropriations.

Sec. 126. Use of funds for scientific consultations or extraordinary expenses.

Sec. 127. Mission to Planet Earth limitation.

Sec. 128. Space operations.

Sec. 129. International Space University Limitation.

## TITLE II—INTERNATIONAL SPACE STATION

Sec. 201. Findings.

Sec. 202. Commercialization of Space Station.

Sec. 203. Space Station accounting reports.

Sec. 204. Report on international hardware agreements.

Sec. 205. International Space Station limitations.

## TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Commercial space launch amendments.

Sec. 302. Requirement for independent cost analysis.

Sec. 303. Office of Space Commerce.

Sec. 304. National Aeronautics and Space Act of 1958 amendments.

Sec. 305. Procurement.

Sec. 306. Acquisition of space science data.

Sec. 307. Commercial space goods and services.

Sec. 308. Acquisition of earth science data.

Sec. 309. EOSDIS report.

Sec. 310. Shuttle privatization.

Sec. 311. Launch voucher demonstration program amendments.

Sec. 312. Use of abandoned and underutilized buildings, grounds, and facilities.

Sec. 313. Cost effectiveness calculations.

Sec. 314. Foreign contract limitation.

Sec. 315. Authority to reduce or suspend contract payments based on substantial evidence of fraud.

Sec. 316. Next Generation Internet.

Sec. 317. Limitations.

Sec. 318. Notice.

Sec. 319. Sense of Congress on the Year 2000 problem.

Sec. 320. National Oceanographic Partnership Program.

Sec. 321. National Science Foundation Antarctic Program.

Sec. 322. Buy American.

Sec. 323. Unitary Wind Tunnel Plan Act of 1949 amendments.

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) The National Aeronautics and Space Administration should aggressively pursue actions and reforms directed at reducing institutional costs, including management restructuring, facility consolidation, procurement reform, personnel base downsizing, and convergence with other defense and commercial sector systems.

(2) The National Aeronautics and Space Administration must reverse its current trend toward becoming an operational agency, and return to its proud history as the Nation's leader in basic scientific, air, and space research.

(3) The United States is on the verge of creating and using new technologies in microsatellites, information processing, and space launches that could radically alter the manner in which the Federal Government approaches its space mission.

(4) The overwhelming preponderance of the Federal Government's requirements for routine, nonemergency manned and unmanned space transportation can be met most effectively, efficiently, and economically by a free and competitive market in privately de-

veloped and operated space transportation services.

(5) In formulating a national space transportation service policy, the National Aeronautics and Space Administration should aggressively promote the pursuit by commercial providers of development of advanced space transportation technologies including reusable space vehicles, single-stage-to-orbit vehicles, and human space systems.

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

(7) International cooperation in space exploration and science activities serves the United States national interest—

(A) when it—

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

(ii) enables the United States to pursue missions that it could not otherwise afford to pursue unilaterally; or

(iii) enhances United States capabilities to use and develop space for the benefit of United States citizens; and

(B) when it does not—

(i) otherwise harm or interfere with the ability of United States commercial providers to develop or explore space commercially;

(ii) interfere with the ability of Federal agencies to use space to complete their missions;

(iii) undermine the ability of United States commercial providers to compete favorably with foreign entities in the commercial space arena; or

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

(8) The National Aeronautics and Space Administration and the Department of Defense can cooperate more effectively in leveraging their mutual capabilities to conduct joint space missions that improve United States space capabilities and reduce the cost of conducting space missions.

**SEC. 3. DEFINITIONS.**

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

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

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

(4) the term "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(5) the term "United States commercial provider" means a commercial provider, organized under the laws of the United States or of a State, which is—

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

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

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

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

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

#### TITLE I—AUTHORIZATION OF APPROPRIATIONS

##### Subtitle A—Authorizations

#### SEC. 101. HUMAN SPACE FLIGHT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Human Space Flight the following amounts:

(1) For the Space Station—

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

(i) shall only be for Space Station research or for the purposes described in section 102(2); and

(ii) shall be administered by the Office of Life and Microgravity Sciences and Applications; and

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

(i) shall only be for Space Station research or for the purposes described in section 102(2); and

(ii) shall be administered by the Office of Life and Microgravity Sciences and Applications.

(2) For Space Shuttle Operations—

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

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

(3) For Space Shuttle Safety and Performance Upgrades—

(A) for fiscal year 1998, \$483,400,000, including related Construction of Facilities for—

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

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

(iii) Rehabilitation of 480V Electrical Distribution System, Kennedy Space Center, \$2,800,000; and

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

(4) For Payload and Utilization Operations—

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

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

#### SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Science, Aeronautics, and Technology the following amounts:

(1) For Space Science—

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

(i) \$47,600,000 shall be for the Gravity Probe B;

(ii) \$5,000,000 shall be for participation in Clementine 2 (Air Force Program Element 0603401F "Advanced Spacecraft Technology");

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

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

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

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

(i) \$5,000,000 shall be for participation in Clementine 2 (Air Force Program Element 0603401F "Advanced Spacecraft Technology");

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

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

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

(2) For Life and Microgravity Sciences and Applications—

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

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

(ii) \$2,000,000 shall be for modifications for the installation of the Bio-Plex, Johnson Space Center; and

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

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

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

(i) \$50,000,000 shall be for commercial Earth science data purchases under section 308(a);

(ii) \$8,000,000 shall be for continuing operations of the Midcourse Space Experiment spacecraft constructed for the Ballistic Missile Defense Organization, except that such funds may not be obligated unless the Administrator receives independent validation of the scientific requirements for Midcourse Space Experiment data; and

(iii) \$10,000,000 shall be for the lightning mapper, except that such funds may not be obligated unless the Administrator receives independent validation of the scientific requirements for lightning mapper data; and

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

(i) \$50,000,000 shall be for commercial Earth science data purchases under section 308(a); and

(ii) \$10,000,000 shall be for the lightning mapper, except that such funds may not be obligated unless the Administrator receives independent validation of the scientific requirements for lightning mapper data.

(4) For Aeronautics and Space Transportation Technology—

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

(i) \$920,100,000 shall be for Aeronautical Research and Technology, of which not more than \$35,700,000 shall be for High Performance Computing and Communications;

(ii) \$696,600,000 shall be for Advanced Space Transportation Technology, including—

(I) \$333,500,000, which shall only be for the X-33 advanced technology demonstration vehicle program, including \$3,700,000 for rehabilitation and modification of the B2 test stand, Stennis Space Center;

(II) \$150,000,000, which shall only be for a program of focused technology demonstrations to support the competitive awarding of a contract to develop, build, and flight test an experimental single-stage-to-orbit demonstration vehicle, which will be a complementary follow-on to the X-33, and which

uses design concepts different from, and technologies more advanced than, the design concepts and technologies used for the X-33 program; and

(III) \$150,000,000, which shall only be for the procurement of an experimental vehicle described in subclause (II), after the expiration of 30 days after the Administrator has transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written report including a plan for the experimental vehicle program and the projected costs thereof; and

(iii) \$152,800,000 shall be for Commercial Technology, of which \$5,000,000 shall be for business facilitators, selected by the National Aeronautics and Space Administration from among candidates who receive at least 25 percent of their resources from non-Federal sources; and

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

(i) \$837,400,000 shall be for Aeronautical Research and Technology;

(ii) \$818,600,000 shall be for Advanced Space Transportation Technology, including—

(I) \$313,900,000, which shall only be for the X-33 advanced technology demonstration vehicle program;

(II) \$425,000,000, which shall only be for the procurement of an experimental vehicle described in subparagraph (A)(ii)(II); and

(III) \$40,700,000, which shall only be for the Advanced Space Transportation program; and

(iii) \$160,400,000 shall be for Commercial Technology, of which \$5,000,000 shall be for business facilitators, selected by the National Aeronautics and Space Administration from among candidates who receive at least 25 percent of their resources from non-Federal sources.

(5) For Mission Communication Services—

(A) for fiscal year 1998, \$400,800,000; and

(B) for fiscal year 1999, \$436,100,000.

(6) For Academic Programs—

(A) for fiscal year 1998, \$102,200,000, of which—

(i) \$15,300,000 shall be for the National Space Grant College and Fellowship Program; and

(ii) \$46,700,000 shall be for minority university research and education, including \$31,300,000 for Historically Black Colleges and Universities; and

(B) for fiscal year 1999, \$108,000,000, of which \$51,700,000 shall be for minority university research and education, including \$33,800,000 for Historically Black Colleges and Universities.

#### SEC. 103. MISSION SUPPORT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Mission Support the following amounts:

(1) For Safety, Reliability, and Quality Assurance—

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

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

(2) For Space Communication Services—

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

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

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

(i) Modernization of Process Cooling System, Numerical Aerodynamic Simulation Facility, Ames Research Center, \$2,700,000.

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

(iii) Restoration of Chilled Water Distribution System, Goddard Space Flight Center, \$2,400,000.

(iv) Restoration of Space/Terrestrial Application Facility, Goddard Space Flight Center, \$4,600,000.

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

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

(vii) Rehabilitation of High-Voltage System, Lewis Research Center, \$9,400,000.

(viii) Modification of Chilled Water System, Marshall Space Flight Center, \$7,000,000.

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

(x) Minor construction of new facilities and additions to existing facilities at various locations, \$1,100,000.

(xi) Facility planning and design, not otherwise provided for, \$19,000,000.

(xii) Environmental compliance and restoration, \$34,000,000.

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

(4) For Research and Program Management, including personnel and related costs, travel, and research operations support—

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

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

#### SEC. 104. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General—

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

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

#### SEC. 105. TOTAL AUTHORIZATION.

Notwithstanding any other provision of this title, the total amount authorized to be appropriated to the National Aeronautics and Space Administration under this Act shall not exceed—

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

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

#### SEC. 106. OFFICE OF COMMERCIAL SPACE TRANSPORTATION AUTHORIZATION.

There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of Commercial Space Transportation—

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

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

#### SEC. 107. OFFICE OF SPACE COMMERCE.

There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Space Commerce established by section 303 of this Act—

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

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

#### SEC. 108. UNITED STATES-MEXICO FOUNDATION FOR SCIENCE.

There are authorized to be appropriated to the National Aeronautics and Space Administration for the United States-Mexico Foundation for Science—

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

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

#### Subtitle B—Restructuring the National Aeronautics and Space Administration

##### SEC. 111. FINDINGS.

The Congress finds that—

(1) the restructuring of the National Aeronautics and Space Administration is essential to accomplishing the space missions of the United States while simultaneously balancing the Federal budget;

(2) to restructure the National Aeronautics and Space Administration rapidly without reducing mission content and safety requires objective financial judgment; and

(3) a formal economic review of its missions and the Federal assets that support them is required in order to plan and implement needed restructuring of the National Aeronautics and Space Administration.

##### SEC. 112. RESTRUCTURING REPORTS.

(a) IMPLEMENTATION REPORT.—The Administrator shall transmit to Congress, no later

than 90 days after the date of the enactment of this Act, a report—

(1) describing its restructuring activities by fiscal year, including, at a minimum, a description of all actions taken or planned to be taken after July 31, 1995, and before October 1, 2002, including contracts terminated or consolidated; reductions in force; relocations of personnel and facilities; sales, closures, or mothballing of capital assets or facilities; and net savings to be realized from such actions by fiscal year; and

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

(b) PROPOSED LEGISLATION.—The President shall propose to Congress, not later than 180 days after the date of the enactment of this Act, all enabling legislation required to carry out actions described by the Administrator's report under subsection (a).

#### Subtitle C—Limitations and Special Authority

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

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

(b) LIMITATION.—No funds may be expended pursuant to subsection (a) for a project, the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds \$500,000, until 30 days have passed after the Administrator has notified the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

(c) TITLE TO FACILITIES.—If funds are used pursuant to subsection (a) for grants to institutions of higher education, or to non-profit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

##### SEC. 122. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Acts, appropriations authorized under subtitle A may remain available without fiscal year limitation.

##### SEC. 123. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

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

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

(2) may be varied upward by 25 percent, to meet unusual cost variations, after the expiration of 15 days following a report on the circumstances of such action by the Administrator to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

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

(b) SPECIAL RULE.—Where the Administrator determines that new developments in the national program of aeronautical and space activities have occurred; and that such developments require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next National Aeronautics and Space Administration authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, the Administrator may use up to \$10,000,000 of the amounts authorized under sections 101(3)(A) (i) through (iii), 102 (2)(A)(ii) and (4)(A)(ii)(I), and 103(3) for each fiscal year for such purposes. No such funds may be obligated until a period of 30 days has passed after the Administrator has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a written report describing the nature of the construction, its costs, and the reasons therefor.

##### SEC. 124. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of law—

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

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

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

unless a period of 30 days has passed after the receipt by the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Except as otherwise provided by law, any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

##### SEC. 125. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

(a) REPORTS TO CONGRESS.—

(1) REQUIREMENT.—Not later than—

(A) 30 days after the later of the date of the enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1998 and the date of the enactment of this Act; and

(B) 30 days after the date of the enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1999,

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

(2) CONTENTS.—The reports required by paragraph (1) shall specify—

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

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

(b) FEDERAL REGISTER NOTICE.—The Administrator shall, coincident with the submission of each report required by subsection (a), publish in the Federal Register a notice of all programs, projects, or activities for which funds are appropriated but which were not authorized under this Act, and solicit public comment thereon regarding the impact of such programs, projects, or activities on the conduct and effectiveness of the national aeronautics and space program.

(c) LIMITATION.—Notwithstanding any other provision of law, no funds may be obligated for any programs, projects, or activities of the National Aeronautics and Space Administration for fiscal year 1998 or 1999 not authorized under this Act until 30 days have passed after the close of the public comment period contained in a notice required by subsection (b).

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

Not more than \$30,000 of the funds appropriated under section 102 may be used for scientific consultations or extraordinary expenses, upon the authority of the Administrator.

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

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

(1) be transferred to any museum; or

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

**SEC. 128. SPACE OPERATIONS.**

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

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

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

(3) describes how the Consolidated Space Operations Contract can be transformed into fixed-price contracts, and whether the National Aeronautics and Space Administration intends to make such a transition.

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

Funds appropriated pursuant to this Act may be used by the National Aeronautics and Space Administration to pay the tuition expenses of any National Aeronautics and Space Administration employee attending programs of the International Space University held in the United States. Funds appro-

priated pursuant to this Act may not be used to pay tuition costs of the National Aeronautics and Space Administration employees attending programs of the International Space University outside of the United States.

**TITLE II—INTERNATIONAL SPACE STATION**

**SEC. 201. FINDINGS.**

The Congress finds that—

(1) the development, assembly, and operation of the International Space Station is in the national interest of the United States;

(2) the significant involvement by commercial providers in marketing and using, competitively servicing, and commercially augmenting the operational capabilities of the International Space Station during its assembly and operational phases will lower costs and increase benefits to the international partners; and

(3) when completed, the International Space Station will be the largest, most capable microgravity research facility ever developed. It will provide a lasting framework for conducting large-scale science programs with international partners and it is the next step in the human exploration of space. The United States should commit to completing this program, thereby reaping the benefits of scientific research and international cooperation.

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

(a) POLICY.—The Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. The Congress further declares that free and competitive markets create the most efficient conditions for promoting economic development, and should therefore govern the economic development of Earth orbital space. The Congress further declares that the use of free market principles in operating, servicing, allocating the use of, and adding capabilities to the Space Station, and the resulting fullest possible engagement of commercial providers and participation of commercial users, will reduce Space Station operational costs for all partners and the Federal Government's share of the United States burden to fund operations.

(b) REPORTS.—(1) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 90 days after the date of the enactment of this Act, a study that identifies and examines—

(A) the opportunities for commercial providers to play a role in International Space Station activities, including operation, use, servicing, and augmentation;

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

(C) which of the opportunities described in subparagraph (A) the Administrator plans to make available to commercial providers in fiscal year 1998 and 1999;

(D) the specific policies and initiatives the Administrator is advancing to encourage and facilitate these commercial opportunities; and

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

(2) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 180 days after the date of the enactment of this Act, an independently-conducted market study that examines and evaluates potential industry interest in providing commercial goods and services for the operation, servicing, and augmentation of

the International Space Station, and in the commercial use of the International Space Station. This study shall also include updates to the cost savings and revenue estimates made in the study described in paragraph (1) based on the external market assessment.

(3) The Administrator shall deliver to the Congress, no later than the submission of the President's annual budget request for fiscal year 1999, a report detailing how many proposals (whether solicited or not) the National Aeronautics and Space Administration received during calendar year 1997 regarding commercial operation, servicing, utilization, or augmentation of the International Space Station, broken down by each of these four categories, and specifying how many agreements the National Aeronautics and Space Administration has entered into in response to these proposals, also broken down by these four categories.

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

(a) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report containing a description of all Space Station-related agreements entered into by the United States with a foreign entity after September 30, 1993, along with—

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

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

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

(1) a complete accounting of all costs to the United States incurred during that fiscal year pursuant to each such agreement; and

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

**SEC. 204. REPORT ON INTERNATIONAL HARDWARE AGREEMENTS.**

Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(1) agreements that have been reached with foreign entities to transfer to a foreign entity the development and manufacture of International Space Station hardware baselined to be provided by the United States; and

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

At least 90 days before entering into any additional agreements of the type described in paragraph (1), the Administrator shall report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the nature of the proposed agreement and the anticipated cost, schedule, commercial, and utilization impacts of the proposed agreement.

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

(a) TRANSFER OF FUNDS TO RUSSIA.—No funds or in-kind payments shall be transferred to any entity of the Russian Government or any Russian contractor to perform work on the International Space Station which the Russian Government pledged, at

any time, to provide at its expense. This section shall not apply to the purchase or modification of the Russian built, United States owned Functional Cargo Block, known as the "FGB".

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

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

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

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

(A) the decision at that point was not to remove or replace the Russian Government element; and

(B) the National Aeronautics and Space Administration later determines that the Russian Government will be unable to provide the critical path element in a manner to allow completion of the International Space Station by the end of calendar year 2002.

(c) MONTHLY CERTIFICATION ON RUSSIAN STATUS.—The Administrator shall certify to the Congress on the first day of each month whether or not the Russians have performed work expected of them and necessary to complete the International Space Station by the end of calendar year 2002. Such certification shall also include a statement of the Administrator's judgment concerning Russia's ability to perform work anticipated and required to complete the International Space Station by the end of 2002 before the next certification under this subsection. Each certification under this subsection shall include a judgment that the first element launch will or will not take place by October 31, 1998.

(d) DECISION ON RUSSIAN CRITICAL PATH ITEMS.—The President shall provide to Congress a decision, by August 1, 1997, on whether or not to proceed with permanent replacement of the Service Module, and each other Russian element in the critical path for completing the International Space Station by the end of calendar year 2002. The President shall certify to Congress the reasons and justification for the decision and the costs associated with the decision. Such decision shall include a judgment that the first element launch will or will not take place by October 31, 1998, and that the stage of assembly complete will or will not take place by December 31, 2002. If the President decides, after August 1, 1997, to proceed with a permanent replacement of the Service Module or any other Russian element in the critical path, the President shall certify to Congress the reasons and justification for the decision to proceed with permanent replacement, and the costs associated with that decision, including the cost difference between making such decision by August 1, 1997, and any later date at which it is made. Such certification shall include a description of the costs of removing or replacing each critical path item, and the schedule for completing the International Space Station by the end of calendar year 2002.

(e) ASTRONAUTS ON MIR.—The National Aeronautics and Space Administration shall not place another United States astronaut on board the Mir Space Station, without the Space Shuttle attached to Mir, until the Administrator certifies to Congress that the Mir Space Station meets or exceeds United States safety standards. Such certification

shall be based on an independent review of the safety of the Mir Space Station.

### TITLE III—MISCELLANEOUS PROVISIONS

#### SEC. 301. COMMERCIAL SPACE LAUNCH AMENDMENTS.

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

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries.";

(B) by amending the item relating to section 70108 to read as follows:

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

and

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries.";

(2) in section 70101—

(A) by inserting "microgravity research," after "information services," in subsection (a)(3);

(B) by inserting ", reentry," after "launching" both places it appears in subsection (a)(4);

(C) by inserting ", reentry vehicles," after "launch vehicles" in subsection (a)(5);

(D) by inserting "and reentry services" after "launch services" in subsection (a)(6);

(E) by inserting ", reentries," after "launches" both places it appears in subsection (a)(7);

(F) by inserting ", reentry sites," after "launch sites" in subsection (a)(8);

(G) by inserting "and reentry services" after "launch services" in subsection (a)(8);

(H) by inserting "reentry sites," after "launch sites," in subsection (a)(9);

(I) by inserting "and reentry site" after "launch site" in subsection (a)(9);

(J) by inserting ", reentry vehicles," after "launch vehicles" in subsection (b)(2);

(K) by striking "launch" in subsection (b)(2)(A);

(L) by inserting "and reentry" after "commercial launch" in subsection (b)(3);

(M) by striking "launch" after "and transfer commercial" in subsection (b)(3); and

(N) by inserting "and development of reentry sites," after "launch-site support facilities," in subsection (b)(4);

(3) in section 70102—

(A) by striking "and any payload" and inserting in lieu thereof "or reentry vehicle and any payload from Earth" in paragraph (3);

(B) by inserting "or reentry vehicle" after "means of a launch vehicle" in paragraph (8);

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

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

"(10) 'reenter' and 'reentry' mean to return or attempt to return, purposefully, a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth.

"(11) 'reentry services' means—

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

"(B) the conduct of a reentry.

"(12) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

"(13) 'reentry vehicle' means a vehicle designed to return from Earth orbit or outer

space to Earth, or a reusable launch vehicle designed to return from outer space substantially intact.";

(E) by inserting "or reentry services" after "launch services" each place it appears in paragraph (15), as so redesignated by subsection (C) of this paragraph;

(4) in section 70103(b)—

(A) by inserting "AND REENTRIES" after "LAUNCHES" in the subsection heading;

(B) by inserting "and reentries" after "space launches" in paragraph (1); and

(C) by inserting "and reentry" after "space launch" in paragraph (2);

(5) in section 70104—

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

"§ 70104. Restrictions on launches, operations, and reentries";

(B) by inserting "or reentry site, or to reenter a reentry vehicle," after "operate a launch site" each place it appears in subsection (a);

by inserting "or reentry" after "launch or operation" in subsection (a) (3) and (4);

(D) in subsection (b)—

(i) by striking "launch license" and inserting in lieu thereof "license";

(ii) by inserting "or reenter" after "may launch"; and

(iii) by inserting "or reentering" after "related to launching"; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES AND REENTRIES.—";

(ii) by inserting "or reentry" after "prevent the launch"; and

(iii) by inserting "or reentry" after "decides the launch";

(6) in section 70105—

(A) by inserting "or a reentry site, or the reentry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1); and

(B) by striking "or operation" and inserting in lieu thereof ", operation, or reentry" in subsection (b)(2)(A);

(7) in section 70106(a)—

(A) by inserting "or reentry site" after "observer at a launch site";

(B) by inserting "or reentry vehicle" after "assemble a launch vehicle"; and

(C) by inserting "or reentry vehicle" after "with a launch vehicle";

(8) in section 70108—

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

"§ 70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries";

and

(B) in subsection (a)—

(i) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site"; and

(ii) by inserting "or reentry" after "launch or operation";

(9) in section 70109—

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

"§ 70109. Preemption of scheduled launches or reentries";

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting ", reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting ", reentry site," after "access to a launch site";

(vi) by inserting ", or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(10) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting "or reentry" after "launch" in subsection (a)(1)(A);

(B) by inserting "and reentry services" after "launch services" in subsection (a)(1)(B);

(C) by inserting "or reentry services" after "or launch services" in subsection (a)(2);

(D) by inserting "or reentry" after "commercial launch" both places it appears in subsection (b)(1);

(E) by inserting "or reentry services" after "launch services" in subsection (b)(2)(C);

(F) by striking "or its payload for launch" in subsection (d) and inserting in lieu thereof "or reentry vehicle, or the payload of either, for launch or reentry"; and

(G) by inserting "reentry vehicle," after "manufacturer of the launch vehicle" in subsection (d);

(12) in section 70112—

(A) by inserting "or reentry" after "one launch" in subsection (a)(3);

(B) by inserting "or reentry services" after "launch services" in subsection (a)(4);

(C) by inserting "or reentry services" after "launch services" each place it appears in subsection (b);

(D) by inserting "applicable" after "carried out under the" in paragraphs (1) and (2) of subsection (b);

(E) by inserting "OR REENTRIES" after "LAUNCHES" in the heading for subsection (e); and

(F) by inserting "or reentry site or a reentry" after "launch site" in subsection (e);

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

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "launch vehicle" both places it appears; and

(15) in section 70117—

(A) by inserting "or reentry site, or to reenter a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

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

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

(D) in subsection (g)—

(i) by striking "operation of a launch vehicle or launch site," in paragraph (1) and inserting in lieu thereof "reentry, operation of a launch vehicle or reentry vehicle, or operation of a launch site or reentry site,"; and

(ii) by inserting "reentry," after "launch," in paragraph (2).

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

(A) by inserting "(1)" before "A person may apply" in subsection (a);

(B) by striking "receiving an application" both places it appears in subsection (a) and inserting in lieu thereof "accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)";

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

"(2) In carrying out paragraph (1), the Secretary may establish procedures for certification of the safety of a launch vehicle, reentry vehicle, or safety system, procedure, service, or personnel that may be used in conducting licensed commercial space launch or reentry activities.";

(D) by striking "and" at the end of subsection (b)(2)(B);

(E) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof "; and";

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

"(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application."; and

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

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

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

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

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

"(A) activities directly related to the preparation of a launch site or payload facility for one or more launches";

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

(A) in the subsection heading, as amended by subsection (a)(4)(A) of this section, by inserting "AND STATE SPONSORED SPACEPORTS" after "AND REENTRIES"; and

(B) in paragraph (1), by inserting "and State sponsored spaceports" after "private sector";

(5) Section 70105(a)(1) of title 49, United States Code, as amended by subsection (b)(1) of this section, is amended by inserting at the end the following: "The Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 7 days after any occurrence when a license is not issued within the deadline established by this subsection.";

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

(A) in subsection (a)(1), by inserting after subparagraph (B) the following: "The Secretary shall establish criteria and procedures for determining the priority of competing requests from the private sector and State governments for property and services under this section.";

(B) by striking "actual costs" in subsection (b)(1) and inserting in lieu thereof "additive costs only"; and

(C) by inserting after subsection (b)(2) the following new paragraph:

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

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

(A) in subsection (a)(1), by inserting "launch, reentry, or site operator" after "(1) When a";

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

(C) in subsection (f), by inserting "launch, reentry, or site operator" after "carried out under a".

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

**"§ 70120. Regulations**

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

"(1) guidelines for industry to obtain sufficient insurance coverage for potential damages to third parties;

"(2) procedures for requesting and obtaining licenses to operate a commercial launch vehicle and reentry vehicle;

"(3) procedures for requesting and obtaining operator licenses for launch and reentry; and

"(4) procedures for the application of government indemnification.";

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

"70120. Regulations.";

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

**"§ 70121. Report to Congress**

"The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

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

"(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.";

(2) The table of sections for such chapter 701 is further amended by adding after the item relating to section 70120, as added by subsection (c)(2) of this section, the following new item:

"70121. Report to Congress.";

**SEC. 302. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.**

Before any funds may be obligated for Phase C of a project that is projected to cost more than \$75,000,000 in total project costs, the Chief Financial Officer for the National Aeronautics and Space Administration shall conduct an independent cost analysis of such project and shall report the results to Congress. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

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

(a) ESTABLISHMENT.—There is established within the Department of Commerce an Office of Space Commerce.

(b) FUNCTIONS.—The Office of Space Commerce shall be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department of Commerce. The Office's primary responsibilities shall include—

(1) promoting commercial provider investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting United States commercial providers in their efforts to do business with the United States Government, and acting as an industry advocate within the executive

branch to ensure that the Federal Government meets its space-related requirement, to the fullest extent feasible, with commercially available space goods and services;

(3) ensuring that the United States Government does not compete with United States commercial providers in the provision of space hardware and services otherwise available from United States commercial providers;

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

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

(6) seeking the removal of legal, policy, and institutional impediments to space commerce.

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

(a) **DECLARATION OF POLICY AND PURPOSE.**—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

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

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

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

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

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

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

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

(2) by adding at the end the following new subsection:

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

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

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

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

“(B) provisions to ensure that technical data is available for dissemination within the United States to United States persons and entities in furtherance of the objective of maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base; and

“(C) a specification of the period or periods for which the delay in unrestricted public disclosure of technical data is to apply to various categories of such data, and the restrictions on disclosure of such data during such period or periods, including a requirement that the maximum 5-year protection under this subsection shall not be provided unless at least 50 percent of the funding for

the activities or programs is provided by the private sector.

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

“(5) For purposes of this subsection, the term ‘technical data’ means any recorded information, including computer software, that is or may be directly applicable to the design, engineering, development, production, manufacture, or operation of products or processes that may have significant value in maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base.”.

**SEC. 305. PROCUREMENT.**

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

(1) **IN GENERAL.**—The Administrator shall establish a program of expedited technology procurement for the purpose of demonstrating how innovative technology concepts can rapidly be brought to bear upon space missions of the National Aeronautics and Space Administration.

(2) **PROCEDURES AND EVALUATION.**—The Administrator shall establish procedures for actively seeking from persons outside the National Aeronautics and Space Administration innovative technology concepts, relating to the provision of space hardware, technology, or service to the National Aeronautics and Space Administration.

(3) **SPECIAL AUTHORITY.**—In order to carry out this subsection the Administrator shall recruit and hire for limited term appointments persons from outside the National Aeronautics and Space Administration with special expertise and experience related to the innovative technology concepts with respect to which procurements are made under this subsection.

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

(b) **TECHNOLOGY PROCUREMENT INITIATIVE.**—

(1) **IN GENERAL.**—The Administrator shall coordinate National Aeronautics and Space Administration resources in the areas of procurement, commercial programs, and advanced technology in order to—

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

(B) achieve a continuous pattern of integrating advanced technology from the commercial sector, and from Federal sources outside the National Aeronautics and Space Administration, into the missions and programs of the National Aeronautics and Space Administration;

(C) incorporate private sector buying and bidding procedures, including fixed price contracts, into procurements; and

(D) provide incentives for cost-plus contractors of the National Aeronautics and Space Administration to integrate commercially available technology in subsystem contracts on a fixed-price basis.

(2) **CERTIFICATION.**—Upon solicitation of any procurement for space hardware, technology, or services that are not commercially available, the Administrator shall certify, by publication of a notice and opportunity to comment in the Commerce Business Daily, for each such procurement action, that no functional equivalent, commercially, available space hardware, technology, or service exists and that no commercial method of procurement is available.

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

(a) **ACQUISITION FROM COMMERCIAL PROVIDERS.**—The Administrator shall, to the maximum extent possible and while satisfying the scientific requirements of the National Aeronautics and Space Administration, acquire, where cost effective, space science data from a commercial provider.

(b) **TREATMENT OF SPACE SCIENCE DATA AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.**—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space science data shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) **DEFINITION.**—For purposes of this section, the term “space science data” includes scientific data concerning the elemental and mineralogical resources of the moon, asteroids, planets and their moons, and comets, Earth environmental data obtained through remote sensing observations, and solar storm monitoring.

(d) **SAFETY STANDARDS.**—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

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

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

The National Aeronautics and Space Administration shall purchase commercially available space goods and services to the fullest extent feasible, and shall not conduct activities that preclude or deter commercial space activities except for reasons of national security or public safety. A space good or service shall be deemed commercially available if it is offered by a United States commercial provider, or if it could be supplied by a United States commercial provider in response to a Government procurement request. For purposes of this section, a purchase is feasible if it meets mission requirements in a cost-effective manner.

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

(a) **ACQUISITION.**—For purposes of meeting Government goals for Mission to Planet Earth, the Administrator shall, to the maximum extent possible and while satisfying the scientific requirements of the National Aeronautics and Space Administration, acquire, where cost-effective, space-based and airborne Earth remote sensing data, services, distribution, and applications from a commercial provider.

(b) **TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.**—Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that such data, services, distribution, and applications shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) **STUDY.**—(1) The Administrator shall conduct a study to determine the extent to which the baseline scientific requirements of Mission to Planet Earth can be met by commercial providers, and how the National Aeronautics and Space Administration will meet such requirements which cannot be met by commercial providers.

(2) The study conducted under this subsection shall—

(A) make recommendations to promote the availability of information from the Na-

tional Aeronautics and Space Administration to commercial providers to enable commercial providers to better meet the baseline scientific requirements of Mission to Planet Earth;

(B) make recommendations to promote the dissemination to commercial providers of information on advanced technology research and development performed by or for the National Aeronautics and Space Administration; and

(C) identify policy, regulatory, and legislative barriers to the implementation of the recommendations made under this subsection.

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

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

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

**SEC. 309. EOSDIS REPORT.**

Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report which contains—

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

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

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

**SEC. 310. SHUTTLE PRIVATIZATION.**

(a) POLICY AND PREPARATION.—The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contracted operation, of space transportation systems to the Federal purchase of commercial space transportation services for all nonemergency launch requirements, including human, cargo, and mixed payloads. In those preparations, the Administrator shall take into account the need for short-term economies, as well as the goal of restoring the National Aeronautics and Space Administration's research focus and its mandate to promote the fullest possible commercial use of space. As part of those preparations, the Administrator shall plan for the potential privatization of the Space Shuttle program. Such plan shall keep safety and cost effectiveness as high priorities. Nothing in this section shall prohibit the National Aeronautics and Space Administration from studying, designing, developing, or funding upgrades or modifications essential to the safe and economical operation of the Space Shuttle fleet.

(b) FEASIBILITY STUDY.—The Administrator shall conduct a study of the feasibility of implementing the recommendation of the Independent Shuttle Management Review Team that the National Aeronautics and Space Administration transition toward the privatization of the Space Shuttle. The study shall identify, discuss, and, where possible, present options for resolving, the major policy and legal issues that must be addressed before the Space Shuttle is privatized, including—

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

(2) whether the Federal Government should indemnify the contractor for any third party liability arising from Space Shuttle operations, and, if so, under what terms and conditions;

(3) whether payloads other than National Aeronautics and Space Administration payloads should be allowed to be launched on the Space Shuttle, how missions will be prioritized, and who will decide which mission flies and when;

(4) whether commercial payloads should be allowed to be launched on the Space Shuttle and whether any classes of payloads should be made ineligible for launch consideration;

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

(6) whether the public interest requires that certain Space Shuttle functions continue to be performed by the Federal Government; and

(7) how much cost savings, if any, will be generated by privatization of the Space Shuttle.

(c) REPORT TO CONGRESS.—Within 60 days after the date of the enactment of this Act, the National Aeronautics and Space Administration shall complete the study required under subsection (b) and shall submit a report on the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

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

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

(1) in subsection (a)—

(A) by striking "the Office of Commercial Programs within"; and

(B) by striking "Such program shall not be effective after September 30, 1995."; and

(2) by striking subsection (c); and

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

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

(a) IN GENERAL.—In meeting the needs of the National Aeronautics and Space Administration for additional facilities, the Administrator, whenever feasible, shall select abandoned and underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration facilities at a reasonable cost, as determined by the Administrator.

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

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

In calculating the cost effectiveness of the cost of the National Aeronautics and Space Administration engaging in an activity as compared to a commercial provider, the Administrator shall compare the cost of the National Aeronautics and Space Administration engaging in the activity using full cost accounting principles with the price the commercial provider will charge for such activity.

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

The National Aeronautics and Space Administration shall not enter into any agreement or contract with a foreign government that grants the foreign government the right

to recover profit in the event that the agreement or contract is terminated.

**SEC. 315. AUTHORITY TO REDUCE OR SUSPEND CONTRACT PAYMENTS BASED ON SUBSTANTIAL EVIDENCE OF FRAUD.**

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

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

None of the funds authorized by this Act, or any other Act enacted before the date of the enactment of this Act, may be used for the Next Generation Internet. Notwithstanding the previous sentence, funds may be used for the continuation of programs and activities that were funded and carried out during fiscal year 1997.

**SEC. 317. LIMITATIONS.**

(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by this Act and the amendments made by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) LIMITATION ON APPROPRIATIONS.—No sums are authorized to be appropriated to the Administrator for fiscal years 1998 and 1999 for the activities for which sums are authorized by this Act and the amendments made by this Act, unless such sums are specifically authorized to be appropriated by this Act or the amendments made by this Act.

(c) ELIGIBILITY FOR AWARDS.—

(1) IN GENERAL.—The Administrator shall exclude from consideration for grant agreements made by the National Aeronautics and Space Administration after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION.—For purposes of this subsection, the term "grant agreement" means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

**SEC. 318. NOTICE.**

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act or the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on

Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) **NOTICE OF REORGANIZATION.**—The Administrator shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the National Aeronautics and Space Administration.

**SEC. 319. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.**

With the year 2000 fast approaching, it is the sense of Congress that the National Aeronautics and Space Administration should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the National Aeronautics and Space Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the National Aeronautics and Space Administration is unable to correct in time.

**SEC. 320. NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.**

The National Aeronautics and Space Administration is authorized to participate in the National Oceanic Partnership Program established by the National Oceanic Partnership Act (Public Law 104-201).

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

If the Administrator determines that excess capacity is available on the Tracking Data Relay Satellite System (TDRSS), the Administrator shall give strong consideration to meeting the needs of the National Science Foundation Antarctic Program.

**SEC. 322. BUY AMERICAN.**

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

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

(c) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In providing financial assistance under this Act or the amendments made by this Act, the Administrator shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

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

The Unitary Wind Tunnel Plan Act of 1949 is amended—

(1) in section 101 (50 U.S.C. 511) by striking "transsonic and supersonic" and inserting in lieu thereof "transsonic, supersonic, and hypersonic"; and

(2) in section 103 (50 U.S.C. 513)—

(A) by striking "laboratories" in subsection (a) and inserting in lieu thereof "laboratories and centers";

(B) by striking "supersonic" in subsection (a) and inserting in lieu thereof "transsonic, supersonic, and hypersonic"; and

(C) by striking "laboratory" in subsection (c) and inserting in lieu thereof "facility".

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

¶37.15 CHANGE OF REFERENCE—H.R. 892

On motion of Mr. KIM, by unanimous consent, the Committee on Government Reform and Oversight was discharged from further consideration of the bill (H.R. 892) to redesignate the Federal building located at 223 Sharkey Street in Clarksdale, Mississippi, as the "Aaron Henry United States Post Office".

When said bill was rereferred to the Committee on Transportation and Infrastructure.

¶37.16 CORRECTIONS CALENDAR OFFICE

Mr. GUTKNECHT, by unanimous consent, submitted the following resolution (H. Res. 130):

*Resolved*,

**SECTION 1. LUMP SUM ALLOWANCE FOR CORRECTIONS CALENDAR OFFICE.**

There shall be a lump sum allowance of \$300,000 per fiscal year for the salaries and expenses of the Corrections Calendar Office, established by House Resolution 7, One Hundred Fifth Congress, agreed to January 7, 1997. Such amount shall be allocated between the majority party and the minority party as determined by the Speaker, in consultation with the minority leader.

**SEC. 2. EFFECTIVE DATE.**

The allowance under section 1—

(1) shall be available beginning with the month of May 1997;

(2) through the end of September 1997, shall be paid from the applicable accounts of the House of Representatives on a pro rata basis; and

(3) beginning with fiscal year 1998, shall be paid as provided in appropriations Acts.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶37.17 ADJOURNMENT OVER

On motion of Mr. GUTKNECHT, by unanimous consent,

*Ordered*, That when the House adjourns today, it adjourn to meet on Monday, April 28, 1997, at 2:00 p.m.

¶37.18 HOUR OF MEETING

On motion of Mr. GUTKNECHT, by unanimous consent,

*Ordered*, That when the House adjourns on Monday, April 28, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, April 29, 1997, for "morning-hour" debate.

¶37.19 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. GURKNECHT, by unanimous consent,

*Ordered*, That business in order for consideration on Wednesday, April 30, 1993, under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with.

¶37.20 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. HOEKSTRA, for today;

To Mr. MANZULLO, for today;

To Mr. YATES, for today;

To Mr. PORTER, for today;

To Ms. VELAZQUEZ, for today; and

To Mr. CLEMENT, for today.

And then,

¶37.21 ADJOURNMENT

On motion of Mr. SOUDER, pursuant to the special order heretofore agreed to, at 8 o'clock p.m., the House adjourned until 2:00 p.m. on Monday, April 28, 1997.

¶37.22 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 408. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes; with an amendment (Rept. No. 105-74 Pt. 1). *Ordered* to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 478. A bill to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to comply with that act in building, operating, maintaining, or repairing flood control projects, facilities, or structures; with amendments (Rept. No. 105-75). Referred to the Committee of the Whole House on the State of the Union.

¶37.23 REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 408. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes; with an amendment; referred to the Committee on Ways and Means for a period ending not later than May 5, 1997, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

¶37.24 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HORN (for himself, Mr. DREIER, Mr. FOLEY, Mr. BILBRAY, Mr. CALVERT, Mr. CUNNINGHAM, Mr. ENGLISH of Pennsylvania, Mr. GALLEGLY, Mr. LEWIS of California, Mr. MCKEON, Mr. PACKARD, Mr. RIGGS, Mr. ROYCE, Mr.