

Whereas designation as an organ donor on a driver's license or voter's registration is a valuable step, but does not ensure donation when an occasion arises;

Whereas the demand for transplantation will likely increase in the coming years due to the growing safety of transplantation surgery due to improvements in technology and drug developments, prolonged life expectancy, and increased prevalence of diseases that may lead to organ damage and failure, including hypertension, alcoholism, and hepatitis C infection;

Whereas the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will continue to grow in the coming years;

Whereas the final decision on whether a potential donor can share the gift of life usually is made by surviving family members regardless of the patient's initial intent;

Whereas many Americans have indicated a willingness to donate their organs and tissues but have not discussed this critical matter with the family members who are most likely to make the decision, if the occasion arises, as to whether that person will be an organ and tissue donor;

Whereas some family members may be reluctant to give consent to donate their deceased loved one's organs and tissues at a very difficult and emotional time if that person has not clearly expressed a desire or willingness to do so;

Whereas the vast majority of Americans are likely to spend part of Thanksgiving Day with some of those family members who would be approached to make such a decision; and

Whereas it is fitting for families to spend a portion of that day discussing how they might give life to others on a day devoted to giving thanks for their own blessings: Now, therefore, be it

Resolved, That the Senate designate November 23, 2000, Thanksgiving Day, as a day to "Give Thanks, Give Life" and to discuss organ and tissue donation with other family members so that informed decisions can be made if the occasion to donate arises.

Mr. DURBIN. Mr. President, I am pleased to join with my distinguished colleagues, Senator FRIST, Senator DEWINE, Senator KENNEDY, Senator LEVIN and others in submitting a resolution that would designate November 23, 2000, Thanksgiving Day, as a day for families to discuss organ and tissue donation with other family members. The resolution uses the theme Give Thanks, Give Life to encourage these discussions so that informed decisions can be made if the occasion to donate arises.

Traditionally, Thanksgiving is a time for families to take time out of their busy lives to come together and give thanks for the many blessings in their lives. This presents the perfect opportunity for family members to discuss their intentions on the issue of organ and tissue donation. Although designation as an organ donor on a driver's license or voter's registration is a valuable first step in the donation process, it does not ensure donation will take place since the final decision on whether a potential donor will share the gift of life is always made by surviving family members regardless of their loved one's initial intent.

There are approximately 21,000 men, women, and children in the United States who receive the gift of life each year through transplantation surgery made possible by the generosity of organ and tissue donations. This is only a small proportion of the more than 66,000 Americans who are on the waiting list, hoping for their chance to prolong their lives by finding a matching donor. Tragically, nearly 5,000 of these patients each year (or 13 patients each day) die while waiting for a donated heart, liver, kidney, or other organ.

In order to narrow the gap between the supply and the increasing demand for donated organs, there must be an effort to encourage willing donors to make their desire to donate clear to the only people able to make the decision, if the occasion should arise—their immediate family members. Although there are up to 15,000 potential donors annually, families' consent to donation is received for less than 6,000 donors. As the demand for transplantation increases due to prolonged life expectancy; increased prevalence of diseases that lead to organ damage and failure including hypertension, alcoholism, and hepatitis C infection, this shortfall will become even more pronounced. Additionally, the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will also continue to grow with the predicted population trends.

Many Americans will spend part of the Thanksgiving Day with some of those family members who would be most likely approached to make the important decision of whether or not to donate. Therefore, this would be a good time for families to spend a portion of that day discussing how they might give life to others on a day devoted to giving thanks for their own blessings. Open family discussions on this topic on a day of relaxation and family togetherness will increase awareness of the intentions of those willing to make the courageous and selfless decision to be organ donors, leading to more lifesaving transplants in the future. Designation of November 23, 2000, Thanksgiving Day, as a day for families to Give Thanks, Give Life is an important next step to promoting the dialogue between willing donors and their families, so that family members will know their loved ones' wishes long before the issue arises.

We have received the support of many national organ and tissue donation organizations for this resolution including: the American Heart Association, American Kidney Fund, American Liver Foundation, American Lung Association, American Society of Transplant Surgeons, Association of Organ Procurement Organizations, Coalition on Donation, Eye Bank Association of America, National Kidney Foundation, National Minority Organ and Tissue

Transplant Education Program (MOTTEP), Transplant Recipients International Organization (TRIO), United Network for Organ Sharing (UNOS), and the Wendy Marks Foundation for Organ Donor Awareness. The efforts of these groups and others have been critical in increasing donor awareness and education of the public on this extremely important cause.

Mr. President, I urge all of my colleagues to join me in supporting this worthwhile resolution designating Thanksgiving day of 2000 as a day for families to discuss organ and tissue donation with other family members, a day to "Give Thanks, Give Life."

AMENDMENTS SUBMITTED ON NOVEMBER 5, 1999

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AU- THORIZATION ACT OF 1999

FRIST AMENDMENT NO. 2542

Mr. DOMENICI (for Mr. FRIST) proposed an amendment to the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal year 2000, 2001, and 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Aeronautics and Space Administration Authorization Act for Fiscal Years 2000, 2001, and 2002".

(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. International Space Station.

Sec. 102. Launch Vehicle and Payload Operations.

Sec. 103. Science, aeronautics, and technology.

Sec. 104. Mission support.

Sec. 105. Inspector General.

Sec. 106. Experimental Program to Stimulate Competitive Research.

SUBTITLE B—LIMITATIONS AND SPECIAL AUTHORITY

Sec. 111. Use of funds for construction.

Sec. 112. Availability of appropriated amounts.

Sec. 113. Reprogramming for construction of facilities.

Sec. 114. Consideration by committees.

Sec. 115. Use of funds for scientific consultations or extraordinary expenses.

TITLE II—INTERNATIONAL SPACE STATION

Sec. 201. International Space Station contingency plan.

Sec. 202. Cost limitation for the International Space Station.

Sec. 203. Liability cross-waivers for International Space Station-related activities.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. National Aeronautics and Space Act of 1958 amendments.
 Sec. 302. Use of existing facilities.
 Sec. 303. Authority to reduce or suspend contract payments based on substantial evidence of fraud.
 Sec. 304. Notice.
 Sec. 305. Sense of Congress on the year 2000 problem.
 Sec. 306. Unitary Wind Tunnel Plan Act of 1949 amendments.
 Sec. 307. Enhancement of science and mathematics programs.
 Sec. 308. Authority to vest title.
 Sec. 309. NASA mid-range procurement test program.
 Sec. 310. Space advertising.
 Sec. 311. Authority to license NASA-developed software.
 Sec. 312. Carbon cycle remote sensing technology.
 Sec. 313. Indemnification and insurance.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The National Aeronautics and Space Administration should continue to 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, while sustaining safety standards for personnel and hardware.

(2) The National Aeronautics and Space Administration should sustain its proud history as the leader of the United States in basic aeronautics 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 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.

(5) International cooperation in space exploration and science activities serves the interest of the United States.

(6) In participating in the National Aeronautical Test Alliance, the National Aeronautics and Space Administration and the Department of Defense should cooperate more effectively in leveraging the mutual capabilities of these agencies to conduct joint aeronautics and space missions that not only improve United States aeronautics and space capabilities, but also reduce the cost of conducting those missions.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Aeronautics and Space Administration.

(2) COMMERCIAL PROVIDER.—The term “Commercial provider” means any person providing space transportation services or other space-related activities, the primary control of which is held by persons other than a Federal, State, local, or foreign government.

(3) CRITICAL PATH.—The term “critical path” means the sequence of events of a schedule of events under which a delay in any event causes a delay in the overall schedule.

(4) GRANT AGREEMENT.—The term “grant agreement” has the meaning given that term in section 6302(2) of title 31, United States Code.

(5) INSTITUTION OF HIGHER EDUCATION.—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)).

(6) MAJOR REORGANIZATION.—With respect to the National Aeronautics and Space Administration, the term “major reorganization” means any reorganization of the Administration that involves the reassignment of more than 25 percent of the employees of the National Aeronautics and Space Administration.

(7) STATE.—The term “State” means each of the several States of the United States, 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.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—AUTHORIZATIONS

SEC. 101. INTERNATIONAL SPACE STATION.

There are authorized to be appropriated to the National Aeronautics and Space Administration for the International Space Station—

- (1) \$2,282,700,000 for fiscal year 2000;
- (2) \$2,328,000,000 for fiscal year 2001; and
- (3) \$2,091,000,000 for fiscal year 2002.

SEC. 102. LAUNCH VEHICLE AND PAYLOAD OPERATIONS.

There are authorized to be appropriated to National Aeronautics and Space Administration for Launch Vehicle and Payload Operations—

- (1) for fiscal year 2000—
 - (A) \$2,547,400,000 for space shuttle operations;
 - (B) \$463,800,000 for space shuttle safety and performance upgrades; and
 - (C) \$169,100,000 for payload and utilization operations.
- (2) for fiscal year 2001—
 - (A) \$2,623,822,000 for space shuttle operations;
 - (B) \$481,964,000 for space shuttle safety and performance upgrades; and
 - (C) \$174,173,000 for payload and utilization operations.
- (3) for fiscal year 2002—
 - (A) \$2,702,537,000 for space shuttle operations;
 - (B) \$505,523,000 for space shuttle safety/performance upgrades; and
 - (C) \$179,398,000 for payload and utilization operations.

SEC. 103. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

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

- (1) for fiscal year 2000—
 - (A) \$2,196,600,000 for Space Science;
 - (B) \$256,200,000 for life and microgravity sciences and applications, of which \$2,000,000 shall be for research and early detection system for breast and ovarian cancer and other women’s health issues, and \$2,000,000 shall be made available for immediate clinical trials of islet transplantation in patients with Type I diabetes utilizing immunoisolation technologies derived from NASA space flights;
 - (C) \$1,459,100,000 for Earth Science;
 - (D) \$1,156,500,000 for aeronautics and space transportation technology, of which—
 - (i) \$770,000,000 shall be used for aeronautical research and technology, of which at least \$60,000,000 shall be used for the Avia-

tion Safety program, and of which \$25,000,000 shall be used to augment research and technology relating to reduction in aircraft noise consistent with a noise reduction goal of 10dB by 2007, and of which \$50,000,000 shall be used for ultra-efficient engine technology;

(ii) \$254,000,000 shall be used for advanced space transportation technology, of which \$111,600,000 shall be used only for the X-33 advanced technology demonstration vehicle program; and

(iii) \$132,500,000 shall be used for commercial technology, of which some funds may be used for the expansion of the NASA business incubation program which is designed to foster partnerships between educational institutions and small high-technology businesses with preference given to those programs associated with community colleges;

(E) \$406,300,000 for mission communications services;

(F) \$130,000,000 for academic programs, of which \$46,000,000 shall be used for minority university research and education (at institutions such as Hispanic-serving institutions and tribally-controlled community colleges), of which \$28,000,000 shall be used for historically black colleges and universities; and

(G) \$150,000,000 for future planning (space launch).

(2) for fiscal year 2001—

(A) \$2,262,498,000 for Space Science;

(B) \$263,886,000 for life and microgravity sciences and applications, and appropriate funding shall be made available for continuing clinical trials of islet transplantation in patients with Type I diabetes utilizing immunoisolation technologies derived from NASA space flights;

(C) \$1,502,873,000 for Earth Science;

(D) \$1,036,695,000 for aeronautics and space transportation technology, of which \$320,000,000 shall be used for aeronautical research and technology, of which—

(i) at least \$60,000,000 shall be used for the Aviation Safety program;

(ii) \$25,000,000 shall be used to augment research and technology relating to reduction in aircraft noise consistent with a noise reduction goal of 10dB by 2007;

(iii) \$75,000,000 shall be used to augment research and technology for engine and airframe efficiency and emissions reduction; and

(iv) \$50,000,000 shall be used for ultra-efficient engine technology;

(E) \$418,489,000 for mission communications services;

(F) \$133,900,000 for academic programs; and

(G) \$150,000,000 for future planning (space launch).

(3) for fiscal year 2002—

(A) \$2,330,373,000 for Space Science;

(B) \$271,803,000 for life and microgravity sciences and applications, and appropriate funding shall be made available for continuing clinical trials of islet transplantation in patients with Type I diabetes utilizing immunoisolation technologies derived from NASA space flights;

(C) \$1,547,959,000 for Earth Science;

(D) \$1,067,796,000 for aeronautics and space transportation technology, of which \$880,000,000 shall be used for aeronautical research and technology, of which—

(i) at least \$60,000,000 shall be used for the Aviation Safety program;

(ii) \$25,000,000 shall be used to augment research and technology relating to reduction in aircraft noise consistent with a noise reduction goal of 10dB by 2007;

(iii) \$75,000,000 shall be used to augment research and technology for engine and airframe efficiency and emissions reduction; and

(iv) \$50,000,000 shall be used for ultra-efficient engine technology;

(E) \$431,044,000 for mission communications services;

(F) \$137,917,000 for academic programs; and
(G) \$280,000,000 for future planning (space launch).

SEC. 104. MISSION SUPPORT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for mission support—

(1) for fiscal year 2000—

(A) \$43,000,000 for safety, mission assurance, engineering, and advanced concepts;

(B) \$89,700,000 for space communication services;

(C) \$181,000,000 for construction of facilities, including land acquisition; and

(D) \$2,181,200,000 for research and program management, including personnel and related costs, travel, and research operations support.

(2) \$2,569,747,000 for fiscal year 2001.

(3) \$2,646,839,000 for fiscal year 2002.

SEC. 105. INSPECTOR GENERAL.

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

(1) \$20,800,000 for fiscal year 2000;

(2) \$21,424,000 for fiscal year 2001; and

(3) \$22,066,720 for fiscal year 2002.

SEC. 106. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Of the amounts authorized to be appropriated for academic programs under section 103(1)(F), 103(2)(F), and 103(3)(F), respectively, the Administrator shall use, for the program known as the Experimental Program to Stimulate Competitive Research—

(1) \$10,000,000 for fiscal year 2000;

(2) \$15,000,000 for fiscal year 2001; and

(3) \$20,000,000 for fiscal year 2002.

Subtitle B—Limitations and Special Authority

SEC. 111. USE OF FUNDS FOR CONSTRUCTION.

(a) AUTHORIZED USES.—Funds made available by appropriations under section 101, paragraphs (1)(A), (1)(B), (2)(A), (2)(B), (3)(A), and (3)(B) of section 102, section 103, and paragraphs (1)(A), (1)(B), (2)(A), and (2)(B) of section 104 and funds made available by appropriations for research operations support pursuant to section 104 may, at any location in support of the purposes for which such funds are appropriated, be used for—

(1) the construction of new facilities; and

(2) additions to, repair of, rehabilitation of, or modification of existing facilities (in existence on the date on which such funds are made available by appropriation).

(b) LIMITATION.—

(1) IN GENERAL.—Until the date specified in paragraph (2), no funds may be expended pursuant to subsection (a) for a project, with respect to which the estimated cost to the National Aeronautics and Space Administration, including collateral equipment, exceeds \$1,000,000.

(2) DATE.—The date specified in this paragraph is the date that is 30 days after the Administrator notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives of the nature, location, and estimated cost to the National Aeronautics and Space Administration of the project referred to in paragraph (1).

(c) TITLE TO FACILITIES.—

(1) IN GENERAL.—If funds are used pursuant to subsection (a) for grants for the purchase or construction of additional research facilities to institutions of higher education, or to nonprofit organizations whose primary pur-

pose is the conduct of scientific research, title to these facilities shall be vested in the United States.

(2) EXCEPTION.—If the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title to a facility referred to in paragraph (1) in an institution or organization referred to in that paragraph, the title to that facility shall vest in that institution or organization.

(3) CONDITION.—Each grant referred to in paragraph (1) shall be made under such conditions as the Administrator determines to be necessary to ensure that the United States will receive benefits from the grant that are adequate to justify the making of the grant.

SEC. 112. AVAILABILITY OF APPROPRIATED AMOUNTS.

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

SEC. 113. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

(a) USE OF CONSTRUCTION FUNDS.—Subject to subsection (b), in addition to the amounts authorized for construction of facilities under section 101(4) or section 103(3), the Administrator may, for that purpose, from funds otherwise available to the Administrator—

(1) use an additional amount equal to 10 percent of the amount specified; or

(2) to meet unusual cost variations, use an additional amount equal to 25 percent of that amount, after the termination of a 30-day period beginning on the date on which the Administrator submits a report on the circumstances of such action by the Administrator to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(b) LIMITATION.—The aggregate amount authorized to be appropriated for construction of facilities under section 101(4) and section 103(3) shall not be increased as a result of any action taken by the Administrator under paragraph (1) or (2).

SEC. 114. CONSIDERATION BY COMMITTEES.

(a) IN GENERAL.—

(1) LIMITATION ON USE OF FUNDS.—Except as provided in subsection (b), notwithstanding any other provision of law, no amount made available by appropriations for the National Aeronautics and Space Administration in excess of the amount authorized for that program under this title may be used for any program with respect to which—

(A) the annual budget request submitted by the President under section 1105(a) of title 31, United States Code, included a request for funding; and

(B) for the fiscal year of the request referred to in subparagraph (A), Congress denied or did not provide funding.

(2) PROHIBITION.—Notwithstanding any other provision of law, no amount made available by appropriations to the National Aeronautics and Space Administration may be used for any program that is not authorized under this Act, except for projects for construction of facilities.

(b) EXCEPTION.—Funds may be used for a program of the National Aeronautics and Space Administration upon the expiration of the 30-day period beginning on the date on which the Administrator provides a notice to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that contains—

(1) a full and complete statement of the action proposed to be taken by the Administrator with respect to be taken by the Administrator with respect to that program; and

(2) the facts and circumstances that the Administrator relied on to support the proposed action referred to in paragraph (1).

(c) INFORMATION.—The Administrator shall keep the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives fully and currently informed with respect to all activities and responsibilities of the National Aeronautics and Space Administration within the jurisdiction of those committees.

SEC. 115. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Not more than \$35,000 of the amounts made available by appropriations pursuant to section 103 may be used by the Administrator for scientific consultations or extraordinary expenses.

TITLE II—INTERNATIONAL SPACE STATION.

SEC. 201. INTERNATIONAL SPACE STATION CONTINGENCY PLAN.

(a) TRANSFER OF FUNDS TO RUSSIA.—Notwithstanding any other provision of this Act, 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. The subsection shall not apply to the purchase or modification of—

(1) the Russian Service Module, United States owned Functional Cargo Block, Russian space launch vehicles and launch services; or

(2) until the assembly of the United States lab module, command and control capability.

(b) CONTINGENCY PLAN FOR RUSSIAN ELEMENTS IN CRITICAL PATH.—The Administrator shall develop and deliver to Congress, within 60 days of enactment, 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, as well as Russian space launch services. Such plan shall include—

(1) decision points for removing or replacing those elements and launch services, to the maximum extent feasible, necessary for completion of the International Space Station;

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

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

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

(B) the National Aeronautics and Space Administration later determines that the Russian Government will be unable to provide the critical path element or launch service in a manner to allow completion of the International Space Station.

(c) BIMONTHLY REPORTING ON RUSSIAN STATUS.—On or before December 1, 1999, and until substantial completion (as defined in section 202(b)(3) of this Act) of the assembly of the International Space Station, the Administrator shall report to Congress on the first day of every other month whether or not the Russians have performed work expected of them and necessary to complete

the International Space Station. Such report 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 before the next report under this subsection.

(d) **DECISION ON RUSSIAN CRITICAL PATH ITEMS.**—The President shall notify Congress within 90 days of enactment of this Act of the decision on whether or not to proceed with permanent replacement of the Russian Service Module, other Russian elements in the critical path of the International Space Station, or Russian launch services. Such notification shall include the reasons and justifications for the decision and the costs associated with the decision. Such decision shall include a judgment of when the assembly of the International Space Station will be completed. If the President decides to proceed with a permanent replacement for the Russian Service Module or any other Russian element in the critical path or Russian launch service, the President shall notify Congress of the reasons and the justification for the decision to proceed with the permanent replacement, and the costs associated with the decision.

SEC. 202. COST LIMITATION FOR THE INTERNATIONAL SPACE STATION

(a) **LIMITATION OF COSTS.**—Except as provided in subsection (c), the total amount appropriated for—

(1) costs of the International Space Station through completion of assembly may not exceed \$21,900,000,000; and

(2) space shuttle launch costs in connection with the assembly of the International Space Station through completion of assembly may not exceed \$17,700,000,000 (determined at the rate of \$380,000,000 per space shuttle flight).

(b) **COSTS TO WHICH LIMITATION APPLIES.**—

(1) **DEVELOPMENT COSTS.**—The limitation imposed by subsection (a)(1) does not apply to funding for operations, research, and crew return activities subsequent to substantial completion of the International Space Station.

(2) **LAUNCH COSTS.**—The limitation imposed by subsection (a)(2) does not apply to space shuttle launch costs in connection with operations, research, and crew return activities subsequent to substantial completion of the International Space Station.

(3) **SUBSTANTIAL COMPLETION.**—For purposes of this subsection, the International Space Station is considered to be substantially completed when the development costs comprise 5 percent or less of the total International Space Station costs for the fiscal year.

(c) **AUTOMATIC INCREASE OF LIMITATION AMOUNT.**—The amounts set forth in subsection (a) shall each be increased to reflect any increase in costs attributable to—

(1) economic inflation;

(2) compliance with changes in Federal, State, or local laws enacted after the date of enactment of this Act;

(3) the lack of performance or the termination of participation of any of the International countries participating in the International Space Station; and

(4) new technologies to improve safety, reliability, maintainability, availability, or utilization of the International Space Station, or to reduce costs after completion of assembly, including increases in costs for on-orbit assembly sequence problems, increased ground testing, verification and integration activities, contingency responses to on-orbit failures, and design improvements to reduce the risk of on-orbit failures.

(d) **NOTICE OF CHANGES.**—The Administrator shall provide with each annual budget request a written notice and analysis of any changes under subsection (c) to the amounts set forth in subsection (a) to the Senate Committees on Appropriations and on Commerce, Science, and Transportation and to the House of Representatives Committees on Appropriations and on Science. The written notice shall include—

(1) an explanation of the basis for the change, including the costs associated with the change and the expected benefit to the program to be derived from the change; and

(2) an analysis of the impact on the assembly schedule and annual funding estimates of not receiving the requested increases.

(e) **REPORTING AND REVIEW.**—

(1) **IDENTIFICATION OF COSTS.**—

(A) **SPACE SHUTTLE.**—As part of the overall space shuttle program budget request for each fiscal year, the Administrator shall identify separately the amounts of the requested funding that are to be used for completion of the assembly of the International Space Station.

(B) **INTERNATIONAL SPACE STATION.**—As part of the overall International Space Station budget request for each fiscal year, the Administrator shall identify the amount to be used for development of the International Space Station.

(2) **ACCOUNTING FOR COST LIMITATIONS.**—As part of the annual budget request to the Congress, the Administrator shall account for the cost limitations imposed by subsection (a).

(3) **VERIFICATION OF ACCOUNTING.**—The Administrator shall arrange for a verification, by the General Accounting Office, of the accounting submitted to the Congress within 60 days after the date on which the budget request is transmitted to the Congress.

(4) **INSPECTOR GENERAL.**—Within 60 days after the Administrator provides a notice and analysis to the Congress under subsection (d), the Inspector General of the National Aeronautics and Space Administration shall review the notice and analysis was provided.

SEC. 203. LIABILITY CROSS-WAIVERS FOR INTERNATIONAL SPACE STATION-RELATED ACTIVITIES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator, on behalf of the United States, its departments, agencies, and related entities, may reciprocally waive claims with cooperating parties, and the related entities of such cooperating parties under which each party to each such waiver agrees to be responsible, and agrees to ensure that its own related entities are responsible, for damage or loss to its property or to property for which it is responsible, or for losses resulting from any injury or death sustained by its own employees or agents, as a result of activities connected to the International Space Station Program.

(b) **LIMITATIONS.**—

(1) **CLAIMS.**—A reciprocal waiver under subsection (a) may not preclude a claim by any natural person (including, but not limited to, a natural person who is an employee of the United States, the cooperating party, or the cooperating party's subcontractors) or that natural person's estate, survivors, or subrogees for injury or death, except with respect to a subrogee that is a party to the waiver or has otherwise agreed to be bound by the terms of the waiver.

(2) **LIABILITY FOR NEGLIGENCE.**—A reciprocal waiver under subsection (a) may not absolve any party of liability to any natural person (including, but not limited to, a nat-

ural person who is an employee of the United States, the cooperating party, or the cooperating party's subcontractors) or such natural person's estate, survivors, or subrogees for negligence, except with respect to a subrogee that is a party to the waiver or has otherwise agreed to be bound by the terms of the waiver.

(3) **INDEMNIFICATION FOR DAMAGES.**—A reciprocal waiver under subsection (a) may not be used as the basis of a claim by the Administration or the cooperating party for indemnification against the other for damages paid to a natural person, or that natural person's estate, survivors, or subrogees, for injury or death sustained by that natural person as a result of activities connected to the International Space Station Program.

(c) **SAFETY OVERSIGHT AND REVIEW REQUIRED.**—In the exercise of the authority provided in subsection (a), and consistent with relevant agreements with cooperating parties in the International Space Station Program, the Administrator shall establish overall safety requirements and plans and shall conduct overall integrated system safety reviews for International Space Station elements and payloads, and may undertake any and all authorized steps (including, but not limited to, removal from launch manifest) to ensure, to the maximum extent possible, that such elements and payloads pose no safety risks for the International Space Station.

(d) **DEFINITIONS.**—In this section:

(1) **COOPERATING PARTY.**—The term "cooperating party" means any person who enters into an agreement or contract with the Administration for the performance or support of scientific, aeronautical, or space activities in furtherance of the International Space Station Program.

(2) **RELATED ENTITY.**—The term "related entity" includes contractors or subcontractors at any tier, suppliers, grantees, and investigators or detailees.

(3) **COMMON TERMS.**—Any term used in this section that is defined in the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) has the same meaning in this section as when it is used in that Act.

(e) **EFFECT ON PREVIOUS WAIVERS.**—Subsection (a) applies to any waiver of claims entered into by the Administrator without regard to whether it was entered into before, on, or after the date of enactment of this Act.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. 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);

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

(3) in subsection (g), as redesignated by paragraph (1) of this subsection, by striking "(f) and (g)" and inserting "and (f)".

(b) **REPORTS TO 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 "May"; and

(2) by striking "calendar" and inserting "fiscal".

(c) **DISCLOSURE OF TECHNICAL DATA.**—Section 303 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2454) is amended by adding at the end the following new subsection:

"(c) The Administrator may delay for a period not to exceed 5 years after development,

the unrestricted public disclosure of technical data that would have been a trade secret or commercial or financial information that is privileged or confidential under the meaning of section 552(b)(4) of title 5, United States Code, if the information had been obtained from a non-Federal party, in any case in which the technical data is generated in the performance of experimental, developmental, or research activities or programs conducted by, or funded in whole or in part by, the Administration. The technical data referred to in the preceding sentence shall not be subject to the disclosure requirements of section 552 of title 5, United States Code."

SEC. 302. USE OF EXISTING FACILITIES.

(a) IN GENERAL.—In any case in which the Administrator considers the purchase, lease, or expansion of a facility to meet requirements of the National Aeronautics and Space Administration, the Administrator, taking into account the applicable requirements of Federal law relating to the use or disposal of excess or surplus property, including the Federal Property and Administrative Services Act of 1949, shall—

(1) consider whether there is available to the Administrator for use for meeting those requirements—

(A) any military installation that is closed or being closed;

(B) any facility at an installation referred to in subparagraph (A); or

(C) any other facility that the Administrator determines to be—

(i) owned or leased by the United States for the use of another agency of the Federal Government; and

(ii) considered by the head of the agency involved—

(I) to be excess to the needs of that agency; or

(II) to be underutilized by that agency; and

(2) in the case of an underutilized facility available in part for use to meet those requirements, consider locating an activity of the National Aeronautics and Space Administration for which a facility is required at that underutilized facility in such manner as to share the use of the facility with 1 or more agencies of the Federal Government.

(b) ADDITION OR EXPANSION.—To the maximum extent feasible and cost-effective (and not inconsistent with the purposes of the Defense Base Closure and Realignment Act of 1990 (104 Stat. 1808 et seq.) and the amendments made by that Act), the Administrator shall meet the requirements of the National Aeronautics and Space Administration for additional or expanded facilities by using facilities that—

(1) the Administrator considers, pursuant to subsection (a), to be available to the Administrator for use to meet those requirements; and

(2) meet the management needs of the National Aeronautics and Space Administration.

(c) UNDERUTILIZED INFRASTRUCTURE.—The United States space launch industry has identified underutilized infrastructure at the Stennis Space Center for potential use in launch vehicle development activities. The proposed use of this infrastructure is compatible with the Center's propulsion test programs and consistent with other efforts to optimize taxpayer investments while fostering United States competitiveness and commercial use of space. The National Aeronautics and Space Administration is encouraged to pursue an appropriate method for making the underutilized Stennis Space Center infrastructure available under suitable terms and conditions, if so requested by in-

dustry, and to notify the United States Senate Committee on Commerce, Science, and Transportation and the United States House of Representatives Committee on Science if existing Administration authority is insufficient for this purpose.

SEC. 303. AUTHORITY TO REDUCE OR SUSPEND CONTRACT PAYMENTS BASED ON SUBSTANTIAL EVIDENCE OF FRAUD.

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

SEC. 304. NOTICE.

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

(b) NOTICE OF REORGANIZATION.—Not later than 30 days before any major reorganization involving the reassignment of more than 25 percent of the employees of any program, project, or activity of the National Aeronautics and Space Administration, the Administrator shall provide notice to the Committees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Science and Appropriations of the House of Representatives.

SEC. 305. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 rapidly approaching, it is the sense of Congress that the Administrator should—

(1) give high priority to correcting all 2-digit date-related problems in the computer systems of the National Aeronautics and Space Administration to ensure that those systems continue to operate effectively in the year 2000 and in subsequent years;

(2) as soon as practicable after the date of enactment of this Act, assess 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 compliance for all of the mission-critical systems of the system by the year 2000; and

(3) develop contingency plans for those systems that the National Aeronautics and Space Administration is unable to correct by the year 2000.

SEC. 306. UNITARY WIND TUNNEL PLAN ACT OF 1949 AMENDMENTS.

The Unitary Wind Tunnel Plan Act of 1949 (50 U.S.C. 511 et seq.) is amended—

(1) in section 101 by striking "transsonic and supersonic" and inserting "transsonic, supersonic, and hypersonic"; and

(2) in section 103—

(A) in subsection (a)—

(i) by striking "laboratories" and inserting "laboratories and centers"; and

(ii) by striking "supersonic" and inserting "transsonic, supersonic, and hypersonic"; and

(B) in subsection (c), by striking "laboratory" and inserting "facility".

SEC. 307. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term "educationally useful Federal equipment" means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(2) SCHOOL.—The term "school" means a public or private educational institution

that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that the Administrator should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall prepare and submit to Congress a report describing any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 308. AUTHORITY TO VEST TITLE.

Title III of the National Aeronautics and Space Act of 1958 (72 Stat. 432 et seq.) is amended by adding at the end the following:

"AUTHORITY TO VEST TITLE TO TANGIBLE PERSONAL PROPERTY FOR RESEARCH OR TECHNOLOGY DEVELOPMENT

"SEC. 313. Notwithstanding any other provision of law, the Administrator may vest title in tangible property (as that term is defined by the Administrator) in any participant that enters into a cooperative agreement with the Administrator if—

"(1) the primary purpose of the participant is to conduct scientific research or technology development;

"(2) the property is acquired with amounts provided under a cooperative agreement between the participant and the Administrator to conduct scientific research or technology development;

"(3) the Administrator determines that vesting the title of the property in the participant furthers the objectives of the National Aeronautics and Space Administration; and

"(4) the vesting of the title in the participant is made—

"(A) on the condition that the United States Government will not incur any further obligation; and

"(B) subject to any other condition that the Administrator considers to be appropriate."

SEC. 309. NASA MID-RANGE PROCUREMENT TEST PROGRAM.

Section 5062 of the Federal Acquisition Streamlining Act of 1994 (42 U.S.C. 2473 nt) is amended—

(1) in subsection (a), by inserting after the first sentence the following: "In addition to providing any other notice of any acquisition under the test conducted under this section, the Administrator shall publish a notice of that acquisition in, or make such a notice available through, the automated version of the Commerce Business Daily published by the Secretary of Commerce.;"

(2) in subsection (b), by striking "an estimated annual total obligation of funds of \$500,000 or less" and inserting "a basic value (as that term is defined by the Administrator)—

"(1) of \$2,000,000 or less; or

"(2) if options to purchase are involved, of \$10,000,000 or less.;"

(3) in subsection (c), by striking "\$100,000,000" and inserting "\$500,000,000"; and

(4) in subsection (f), by striking "4 years" and inserting "6 years".

SEC. 310. SPACE ADVERTISING.

(a) DEFINITION.—Section 70102 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (8) through (16) as paragraphs (9) through (17), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) ‘obtrusive space advertising’ means advertising in outer space that is capable of being recognized by a human being on the surface of the Earth without the aid of a telescope or other technological device.”

(b) PROHIBITION.—Chapter 701 of title 49, United States Code, is amended by inserting after section 70109 the following new section:

“§ 70109a. Space advertising

“(a) LICENSING.—Notwithstanding the provisions of this chapter or any other provision of law, the Secretary may not, for the launch of a payload containing any material to be used for the purposes of obtrusive space advertising—

“(1) issue or transfer a license under this chapter; or

“(2) waive the license requirements of this chapter.

“(b) LAUNCHING.—No holder of a license under this chapter may launch a payload containing any material to be used for purposes of obtrusive space advertising on or after the date of enactment of the National Aeronautics and Space Administration Authorization Act for Fiscal Year 2000.

“(c) COMMERCIAL SPACE ADVERTISING.—Nothing in this section shall apply to non-obtrusive commercial space advertising, including advertising on—

“(1) commercial space transportation vehicles;

“(2) space infrastructure, payloads;

“(3) space launch facilities; and

“(4) launch support facilities.”

(c) NEGOTIATION WITH FOREIGN LAUNCHING NATIONS.—

(1) The President is requested to negotiate with foreign launching nations for the purpose of reaching 1 or more agreements that prohibit the use of outer space for obtrusive space advertising purposes.

(2) It is the sense of Congress that the President should take such action as is appropriate and feasible to enforce the terms of any agreement to prohibit the use of outer space for obtrusive space advertising purposes.

(3) As used in this subsection, the term “foreign launching nation” means a nation—

(A) that launches, or procures the launching of, a payload into outer space; or

(B) from the territory or facility of which a payload is launched into outer space.

(d) CLERICAL AMENDMENT.—The table of sections for chapter 701 is amended by inserting after the item relating to section 70109 the following:

“70109a. Space advertising.”

SEC. 311. AUTHORITY TO LICENSE NASA-DEVELOPED SOFTWARE

Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457) is amended by adding at the end thereof the following:

“(m) AUTHORITY TO LICENSE NASA-DEVELOPED SOFTWARE.—Notwithstanding section 105 of title 17, United States Code, the Administrator may assert copyright in computer software authored by a United States Government employee when such software is created while participating with a non-Federal party under an agreement entered into under section 203(c)(5) and (c)(6) of this Act. The Administrator may grant, to the non-Federal participating party, for royalties or other consideration, licenses or assignments on computer software copyrighted pursuant to this subsection and may retain and share such royalties or other consideration consistent with section 14 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710c).”

SEC. 312. CARBON CYCLE REMOTE SENSING TECHNOLOGY.

(a) CARBON CYCLE REMOTE SENSING TECHNOLOGY PROGRAM.—

(1) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration, shall develop a carbon cycle remote sensing technology program—

(A) to provide, on a near-continual basis, a real-time and comprehensive view of vegetation conditions; and

(B) to assess and model agricultural carbon sequestration.

(2) USE OF CENTERS.—The Administrator of the National Aeronautics and Space Administration shall use regional earth science application centers to conduct research under this section.

(3) RESEARCHED AREAS.—The area that shall be subjects of research conducted under this section include—

(A) the mapping of carbon-sequestering land use and land cover;

(B) the monitoring of changes in land cover and management;

(C) new systems for the remote sensing of soil carbon; and

(D) regional-scale carbon sequestration estimation.

(b) REGIONAL EARTH SCIENCE APPLICATION CENTER.—

(1) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration, may, at the sole discretion of the Administrator based on maximizing the use of public funds, carry out this section through the Regional Earth Science Application Center located at the University of Kansas (referred to in this section as the “Center”), if the Center enters into a partnership with a landgrant college or university.

(2) DUTIES OF CENTER.—The Center shall serve as a research facility and clearinghouse for satellite data, software, research, and related information with respect to remote sensing research conducted under this section.

(3) USE OF CENTER.—The Administrator of the National Aeronautics and Space Administration, may use the Center for carrying out remote sensing research relating to agricultural best practices.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for fiscal years 2000 through 2002.

SEC. 313. INDEMNIFICATION AND INSURANCE.

Section 431(d)(5) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 2458b nt) is amended by striking “before the date of enactment of this Act.” and inserting “before July 31, 1999.”

AMENDMENTS SUBMITTED ON
NOVEMBER 8, 1999

TECHNICAL CORRECTIONS TO THE
WATER RESOURCES DEVELOPMENT ACT OF 1999

WARNER (AND OTHERS)
AMENDMENT NO. 2773

Mr. GRASSLEY (for Mr. WARNER (for himself, Mr. L. CHAFEE, and Mr. REED)) proposed an amendment to the bill (H.R. 2724) to make technical corrections to the Water Resources Development Act of 1999; as follows:

On page 3, line 8, strike “\$30,000,000” and insert “\$20,000,000”.

On page 4, strike lines 19 through 21 and insert the following:

(1) by striking “Each” and all that follows through the colon and inserting the following: “Each of the following projects is authorized to be carried out by the Secretary, and no construction on any such project may be initiated until the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.”;

On page 5, strike lines 9 through 12 and insert the following:

SEC. ____ . COMITE RIVER, LOUISIANA.

Section 371 of the Water Resources Development Act of 1999 (113 Stat. 321) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The”; and

(2) by adding at the end the following:

“(b) CREDITING OF REDUCTION IN NON-FEDERAL SHARE.—The project cooperation agreement for the Comite River Diversion Project shall include a provision that specifies that any reduction in the non-Federal share that results from the modification under subsection (a) shall be credited toward the share of project costs to be paid by the Amite River Basin Drainage and Water Conservation District.”

SEC. ____ . CHESAPEAKE CITY, MARYLAND.

Section 535(b) of the Water Resources Development Act of 1999 (113 Stat. 349) is amended by striking “the city of Chesapeake” each place it appears and inserting “Chesapeake City”.

SEC. ____ . CONTINUATION OF SUBMISSION OF CERTAIN REPORTS BY THE SECRETARY OF THE ARMY.

(a) RECOMMENDATIONS OF INLAND WATERWAYS USERS BOARD.—Section 302(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2251(b)) is amended in the last sentence by striking “The” and inserting “Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), the”.

(b) LIST OF AUTHORIZED BUT UNFUNDED STUDIES.—Section 710(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2264(a)) is amended in the first sentence by striking “Not” and inserting “Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), not”.

(c) REPORTS ON PARTICIPATION OF MINORITY GROUPS AND MINORITY-OWNED FIRMS IN MISSISSIPPI RIVER-GULF OUTLET FEATURE.—Section 844(b) of the Water Resources Development Act of 1986 (100 Stat. 4177) is amended in the second sentence by striking “The” and inserting “Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), the”.

(d) LIST OF AUTHORIZED BUT UNFUNDED PROJECTS.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended in the first sentence by striking “Every” and inserting “Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), every”.

SEC. ____ . AUTHORIZATIONS FOR PROGRAM PREVIOUSLY AND CURRENTLY FUNDED.

(a) PROGRAM AUTHORIZATION.—The program described in subsection (c) is hereby authorized.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Transportation for the program authorized in subsection (a) in amounts as follows:

(1) FISCAL YEAR 2000.—For fiscal year 2000, \$10,000,000.

(2) FISCAL YEAR 2001.—For fiscal year 2001, \$10,000,000.