

104TH CONGRESS
2D SESSION

S. 1839

To authorize appropriations for fiscal year 1997 to the National Aeronautics and Space Administration for human space flight; science, aeronautics, and technology; mission support; and Inspector General; and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 5, 1996

Mr. PRESSLER (for himself, Mr. BURNS, and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize appropriations for fiscal year 1997 to the National Aeronautics and Space Administration for human space flight; science, aeronautics, and technology; mission support; and Inspector General; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Aeronautics
5 and Space Administration Authorization Act, Fiscal Year
6 1997”.

1 **SEC. 2. DEFINITIONS.**

2 For the purposes of this Act—

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

6 (2) the term “NASA” means the National Aer-
7 onautics and Space Administration.

8 **TITLE I—AUTHORIZATION OF APPROPRIATIONS**

9 **SEC. 101. HUMAN SPACE FLIGHT.**

10 The following amounts are authorized to be appro-
11 priated to NASA for the following programs, which
12 amounts shall become available October 1, 1996:

13 (1) Space Station, \$1,802,000,000.

14 (2) United States/Russian cooperation,
15 \$138,200,000.

16 (3) Space Shuttle, \$3,142,600,000.

17 (4) Payload and utilization operations,
18 \$271,800,000.

19 (5) Construction of facilities relating to such
20 programs, \$8,300,000, including the following:

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

23 (B) Restoration of Pad B Fixed Support
24 Structure Elevator System (KSC), \$1,500,000,

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

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

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

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

7 The following amounts are authorized to be appro-
8 priated to NASA for the following programs, which
9 amounts shall become available October 1, 1996:

10 (1) Space science, \$1,797,700,000.

11 (2) Life and microgravity sciences and applica-
12 tions, \$498,500,000.

13 (3) Mission to Planet Earth, \$1,402,100,000.

14 (4) Aeronautical research and technology,
15 \$857,800,000.

16 (5) Space Access and technology,
17 \$683,000,000.

18 (6) Academic programs, \$100,800,000, of
19 which \$2,000,000 shall be for the Upper Plains
20 States Science Education and Outreach Center.

21 (7) Mission communication services,
22 \$420,600,000.

1 **SEC. 103. MISSION SUPPORT.**

2 The following amounts are authorized to be appro-
3 priated to NASA for the following programs, which
4 amounts shall become available October 1, 1996:

5 (1) Safety, reliability, and quality assurance,
6 \$36,700,000.

7 (2) Space communication services,
8 \$291,400,000.

9 (3) Construction of facilities (including land ac-
10 quisition) including the following:

11 (A) Modernization of Electrical Distribu-
12 tion System, Ames Research Center,
13 \$2,400,000.

14 (B) Modification of Aircraft Ramp and
15 Tow Way, Dryden Flight Research Center,
16 \$3,000,000.

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

19 (D) Modernization of Secondary Electrical
20 Systems, Goddard Space Flight Center,
21 \$1,500,000.

22 (E) Restoration of Chilled Water Distribu-
23 tion System, Goddard Space Flight Center,
24 \$4,000,000.

1 (F) Modification of Refrigeration Systems,
2 Various Buildings, Jet Propulsion Laboratory,
3 \$2,800,000.

4 (G) Rehabilitation of Utility Tunnel Struc-
5 ture and Systems, Johnson Space Center,
6 \$2,600,000.

7 (H) Rehabilitation of Utility Tunnel Struc-
8 ture and System, Johnson Space Center,
9 \$4,400,000.

10 (I) Replacement of DX Units with Central
11 Chilled Water System, Logistics Facility, Ken-
12 nedy Space Center, \$1,800,000.

13 (J) Rehabilitation of Central Air Equip-
14 ment Building, Lewis Research Center,
15 \$6,500,000.

16 (K) Modification of Chilled Water System,
17 Marshall Space Flight Center, \$6,700,000.

18 (L) Rehabilitation of Condenser Water sys-
19 tem, 202/207 Complex, (MAF), \$2,100,000.

20 (M) Minor Revitalization of Facilities at
21 Various Locations not in excess of \$1,500,000
22 per project, \$57,900,000.

23 (N) Minor construction of new facilities
24 and additions to existing facilities at various lo-

1 cations, not in excess of \$1,500,000 per project,
2 \$3,400,000.

3 (O) Facility planning and design, not oth-
4 erwise provided for, \$18,700,000.

5 (P) Environmental compliance and restora-
6 tion, \$33,000,000.

7 (4) Research and program management,
8 \$2,078,800,000.

9 **SEC. 104. INSPECTOR GENERAL.**

10 There are authorized to be appropriated to NASA for
11 its Office of Inspector General, \$17,000,000, which shall
12 become available October 1, 1996.

13 TITLE II—LIMITATIONS AND GENERAL
14 PROVISIONS

15 **SEC. 201. SPACE STATION LIMITATION.**

16 The aggregate amount authorized to be appropriated
17 for Space Station and related activities under sections
18 101, 102, and 103 shall not exceed \$2,100,000,000.

19 **SEC. 202. EXPERIMENTAL PROGRAM TO STIMULATE COM-
20 PETITIVE RESEARCH.**

21 Of the amounts authorized under section 102 for
22 Academic Programs, the Administrator shall allocate at
23 least \$10,000,000 for the Experimental Program to Stim-
24 ulate Competitive Research.

1 **SEC. 203. RADAR REMOTE SENSING SATELLITES.**

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

3 (1) radar satellites represent one of the most
4 important developments in remote sensing satellite
5 technology in recent years;

6 (2) the ability of radar satellites to provide
7 high-quality Earth imagery regardless of cloud cover
8 and to provide three-dimensional pictures of the
9 Earth's surface when the satellites are flown in com-
10 bination dramatically enhance conventional optical
11 remote sensing satellite capabilities and usefulness;

12 (3) the National Aeronautics and Space Admin-
13 istration has developed a unique background and ex-
14 pertise in developing and operating radar satellites
15 as a result of their activities connected with its
16 radar satellites, Shuttle Imaging Radar (SIR)-A,
17 SIR-B, and SIR-C, which has flown twice on the
18 Space Shuttle;

19 (4) other nations currently have operational
20 radar satellite systems, including Japan and West-
21 ern Europe, with other spacefaring nations expected
22 to develop such systems in the near future; and

23 (5) the development of an operational radar
24 satellite program at NASA featuring free-flying sat-
25 ellites and a related ground system is critical to
26 maintain United States leadership in remote sensing

1 satellite technology and is important to our national
2 security and international competitiveness.

3 (b) POLICY.—It is the policy of the United States
4 that—

5 (1) NASA should develop and operate a radar
6 satellite program as soon as practicable;

7 (2) NASA should build on the experience and
8 knowledge gained from its previous radar endeavors;

9 (3) NASA should work with other Federal
10 agencies and, as appropriate, with other spacefaring
11 nations, in its radar satellite activities; and

12 (4) NASA should make maximum use of exist-
13 ing National remote sensing assets such as the
14 Landsat system, activities connected with the Mis-
15 sion to Planet Earth, and the data management fa-
16 cilities of the Department of the Interior in all of its
17 radar satellite activities.

18 (c) PROGRAM REQUIREMENTS.—NASA shall initiate
19 a program to develop and operate a radar satellite pro-
20 gram. The program shall employ the most advanced radar
21 satellite technology currently commercially available for
22 export. To the maximum extent possible, all of the data
23 processing, dissemination, and archiving functions shall be
24 performed by the United States Geological Survey of the
25 Department of the Interior and the Alaska Synthetic Ap-

1 erture Radar Facility. The program should be planned in
2 such a way that the data from the radar satellite system
3 are converted into a broad range of informational products
4 with research, commercial, and government applications
5 and any other applications that are in the public interest
6 and that such products are distributed over the widest
7 user community that is practicable, including industry,
8 academia, research institutions, local and State govern-
9 ments, and other Federal agencies. The program should
10 coordinate with, and make appropriate use of, other re-
11 mote sensing satellite programs, such as the Landsat pro-
12 gram.

13 (d) PLAN.—Within 90 days after the enactment of
14 this Act, the Administrator shall submit a detailed plan
15 for implementation of the radar satellite program to the
16 Committee on Commerce, Science, and Transportation of
17 the Senate and the Committee on Science of the House
18 of Representatives. The plan should include—

19 (1) the goals and mission of the program;

20 (2) planned activities for the next 5 years to
21 achieve such goals and mission;

22 (3) strategies for maximizing the usefulness of
23 the satellite data to the scientific and academic com-
24 munities, the private sector, all levels of government,
25 and the general public;

1 (4) concepts for integrating the program with
2 other related NASA activities (such as Mission to
3 Planet Earth), the Landsat program, and other cur-
4 rent and emerging remote sensing satellite programs
5 and activities in the Federal government and all
6 other public and private sectors so that the program
7 complements and strengthens such programs and ac-
8 tivities and is not duplicative of these efforts;

9 (5) concepts developed in consultation with De-
10 partment of the Interior, for processing, archiving,
11 and disseminating the satellite data using, to the
12 maximum extent possible, existing Federal govern-
13 ment programs and assets at the Department of the
14 Interior and other Federal agencies;

15 (6) targets and timetables for undertaking spe-
16 cific activities and actions within the program;

17 (7) a 5-year budget profile for the program;
18 and

19 (8) a comparison between the program and the
20 radar satellite programs of other spacefaring na-
21 tions, addressing their respective costs, capabilities,
22 and other relevant features.

23 (e) AUTHORIZATION.—Of the funds authorized in
24 section 102 for the Space Access and Technology account,
25 the Administrator shall allocate at least \$35,000,000 to

1 the radar satellite program to conduct Phase A and Phase
2 B studies and any subsequent development and oper-
3 ational activities.

4 **SEC. 204. RESTRUCTURING OF THE EARTH OBSERVING SYS-**
5 **TEM DATA AND INFORMATION SYSTEM.**

6 The Administrator is prohibited from restructuring
7 or downscaling the baseline plan for the Earth Observing
8 System Data and Information System in place at the time
9 of the President's budget submission for NASA for fiscal
10 year 1996 and prohibited from implementing any plan to
11 transfer data management responsibility from the Data
12 Active Archiving Centers to other entities unless, 60 days
13 before undertaking such action, the Administrator has
14 submitted to the Committee on Commerce, Science, and
15 Transportation of the Senate and the Committee on
16 Science of the House of Representatives a written report
17 containing—

18 (1) a detailed description of the planned agency
19 action;

20 (2) the reasons and justifications for such ac-
21 tion;

22 (3) an analysis of the cost impact of such ac-
23 tion;

24 (4) an analysis of the impact of the action on
25 the scientific benefits of the program and the effect

1 of the action on the expected applications of the sat-
2 ellite data from the System in such areas as global
3 climate research, land-use planning, state and local
4 government management, mineral exploration, agri-
5 culture, forestry, national security, and any other
6 areas that the Administrator deems appropriate;

7 (5) an analysis of the impact of the action on
8 the United States Global Climate Change Research
9 program and international global climate change re-
10 search activities; and

11 (6) an explanation of what measures, if any,
12 are planned by NASA to compensate for any likely
13 reductions in the scientific value and data collection,
14 processing, and distribution capabilities of the Sys-
15 tem as a result of the action.

16 **SEC. 205. RURAL AEROSPACE CONSORTIA TO DEVELOP AP-**
17 **PLICATIONS FOR MISSION TO PLANET EARTH**
18 **DATA.**

19 (a) **HYDROLOGY STUDIES.**—The Administrator is au-
20 thorized to initiate a project to conduct research on the
21 hydrology of the Upper Missouri River Basin. The project
22 shall be part of the Mission to Planet Earth program and
23 shall employ satellite observations, surface-based radar
24 data, and ground-based hydrological and other scientific
25 measurements to develop quantitative models that address

1 complex atmospheric and surface hydrological processes.
2 If initiated, the project shall be incorporated into NASA's
3 activities connected with the multiagency Global Energy
4 and Water Cycle Experiment to understand the inter-
5 actions between the atmosphere and land surfaces. In im-
6 plementing the project, NASA shall coordinate and con-
7 sult with other appropriate federal agencies, including the
8 Department of Commerce, the Department of the Interior,
9 and the National Science Foundation. To the maximum
10 extent possible, NASA shall employ the assistance of uni-
11 versities, local and State governments, industry, and any
12 other appropriate entities from the Upper Missouri River
13 Basin region to carry out this program and the Adminis-
14 trator is authorized to support the project-related work of
15 such entities with grants, technical advice, equipment, in-
16 kind help, and any other type of appropriate assistance.
17 If the project is initiated, then within 90 days after the
18 enactment of this Act, the Administrator shall submit a
19 plan for the implementation of this project, which shall
20 set forth the goals, project costs, planned activities, and
21 overall strategies for the project, to the Committee on
22 Commerce, Science, and Transportation of the Senate and
23 the Committee on Science of the House of Representa-
24 tives. Of the funds authorized in section 102 for Mission
25 to Planet Earth, at least \$5,000,000 shall be allocated by

1 the Administrator to the Upper Missouri River Basin
2 project.

3 (b) UPPER MIDWEST AEROSPACE CONSORTIUM.—
4 For fiscal year 1997, there are authorized within the Mis-
5 sion to Planet Earth account \$5,000,000 for the Upper
6 Midwest Aerospace Consortium to carry out ongoing and
7 planned activities to make information derived from Mis-
8 sion to Planet Earth data available to the general public.

9 **SEC. 206. ACQUISITION OF EARTH REMOTE SENSING DATA.**

10 (a) ACQUISITION.—The Administrator is authorized,
11 where feasible and cost effective, to make acquisitions of
12 space-based and airborne Earth remote sensing data, serv-
13 ices, distribution, and applications provided by the United
14 States private sector to meet Government goals for Mis-
15 sion to Planet Earth if such acquisitions fully satisfy the
16 scientific requirements of NASA.

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

20 (c) AVAILABILITY OF FUNDS.—Upon the date of the
21 enactment of this Act, of the funds available for Mission
22 to Planet Earth, \$50,000,000 are authorized for the pur-
23 poses of this section, to remain available until expended.

1 **SEC. 207. SHUTTLE PRIVATIZATION.**

2 (a) IN GENERAL.—The Administrator is hereby di-
3 rected to conduct a study of the feasibility of implementing
4 the recommendation of the Independent Shuttle Manage-
5 ment Review Team that NASA transition towards the pri-
6 vatization of the Shuttle. The study shall identify, discuss,
7 and, where possible, present options for resolving, the
8 major policy and legal issues that must be addressed be-
9 fore the Shuttle is privatized, including, but not limited
10 to, the following issues—

11 (1) whether the government or the Shuttle con-
12 tractor should own the Shuttle orbiters and Shuttle
13 ground facilities;

14 (2) whether the federal government should in-
15 demnify the contractor for any third party liability
16 arising from Shuttle operations, and, if so, under
17 what terms and conditions;

18 (3) whether commercial payloads should be al-
19 lowed to be launched on the Shuttle and whether
20 any classes of payloads should be made ineligible for
21 launch consideration;

22 (4) whether NASA and federal government pay-
23 loads should have priority over non-federal govern-
24 ment payloads in the Shuttle launch assignments
25 and what policies should be developed to prioritize
26 among payloads generally;

1 (5) whether the public interest requires that
2 certain Shuttle functions continue to be performed
3 by the federal government; and

4 (6) whether privatization of the Shuttle would
5 produce any significant cost savings and, if so, how
6 much cost savings.

7 (b) **STUDY AND REPORT.**—Within 60 days of the en-
8 actment of this Act, NASA shall complete the study and
9 shall submit a report on that study to the Committee on
10 Commerce, Science, and Transportation of the Senate and
11 the Committee on Science of the House of Representa-
12 tives.

13 **SEC. 208. USE OF EXISTING FACILITIES.**

14 (a) **IN GENERAL.**—When the Administrator consid-
15 ers the purchase, lease, or expansion of a facility to meet
16 requirements of NASA, the Administrator shall—

17 (1) consider whether there is available to the
18 Administrator for use for meeting such require-
19 ments—

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

22 (B) any facility at such an installation; or

23 (C) any other facility, of which the Admin-
24 istrator is aware, that is—

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

4 (ii) considered by that other agency—
5 (I) to be excess to its needs; or
6 (II) to be underutilized by it; and

7 (2) in the case of an underutilized facility avail-
8 able in part for the Administrator's use to meet the
9 requirements, consider locating the activity for which
10 a facility is required at the underutilized facility so
11 as to share the use of the facility with one or more
12 other agencies of the Federal Government.

13 (b) ADDITION OR EXPANSION.—To the maximum ex-
14 tent feasible and cost effective (and not inconsistent with
15 the purposes of the Defense Base Closure and Realign-
16 ment Act of 1990 (10 U.S.C. 2901 et seq.)), the Adminis-
17 trator shall meet the requirements of NASA for additional
18 or expanded facilities by using facilities that—

19 (1) are considered, under subsection (a), to be
20 available to the Administrator for use to meet such
21 requirements; and

22 (2) meet NASA's management needs.

1 **SEC. 209. USE OF FUNDS FOR CONSTRUCTION.**

2 (a) AUTHORIZED USES.—The Administrator may use
3 funds appropriated for purposes other than those appro-
4 priated for—

5 (1) construction of facilities;

6 (2) research and program management, exclud-
7 ing research operations support; and

8 (3) Inspector General,

9 for the construction of new facilities and additions to, re-
10 pair of, rehabilitation of, or modification of, existing facili-
11 ties at any location in support of the purposes for which
12 such funds are appropriated.

13 (b) LIMITATION.—None of the funds used pursuant
14 to subsection (a) may be expended for a project, the esti-
15 mated cost of which to the National Aeronautics and
16 Space Administration, including collateral equipment, ex-
17 ceeds \$750,000, until 30 days have passed after the Ad-
18 ministrator has notified the Committee on Science of the
19 House of Representatives and the Committee on Com-
20 merce, Science, and Transportation of the Senate of the
21 nature, location, and estimated cost to the National Aero-
22 nautics and Space Administration of such project.

23 **SEC. 210. CONSTRUCTION OF FACILITIES.**

24 (a) REPROGRAMMING FOR CONSTRUCTION OF FA-
25 CILITIES.—If the Administrator determines that—

1 (1) new developments in the national program
2 of aeronautical and space activities have occurred;

3 (2) such developments require the use of addi-
4 tional funds for the purpose of construction, expan-
5 sion, or modification of facilities at any location; and

6 (3) deferral of such action until the enactment
7 of the next National Aeronautics and Space Admin-
8 istration authorization Act would be inconsistent
9 with the interest of the Nation in aeronautical and
10 space sciences;

11 the Administrator may use the amounts authorized for
12 construction of facilities pursuant to this Act or previous
13 National Aeronautics and Space Administration author-
14 ization Acts for such purposes. The amounts may be used
15 to acquire, construct, convert, rehabilitate, or install tem-
16 porary or permanent public works, including land acquisi-
17 tion, site preparation, appurtenances, utilities, and equip-
18 ment. The Administrator may use such amounts for facil-
19 ity consolidations, closures, and demolition required to
20 downsize the NASA physical plant to improve operations
21 and reduce costs.

22 (b) LIMITATIONS.—

23 (1) Amounts appropriated for a construction-of-
24 facilities project—

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

3 (B) may be varied upward by 25 percent
4 to meet unusual cost variations after the expi-
5 ration of 30 days following a report on the cir-
6 cumstances of such action by the Administrator
7 to the Committee on Commerce, Science, and
8 Transportation of the Senate and the Commit-
9 tee on Science of the House of Representatives.
10 The aggregate amount authorized to be appro-
11 priated for construction of facilities shall not be
12 increased as a result of actions authorized
13 under this section.

14 (2) No amounts may be obligated for a con-
15 struction-of-facilities project until a period of 30
16 days has passed after the Administrator or the Ad-
17 ministrator's designee has transmitted to the Com-
18 mittee on Science of the House of Representatives,
19 and to the Committee on Commerce, Science, and
20 Transportation of the Senate, a written report de-
21 scribing the nature of the acquisition, construction,
22 conversion, rehabilitation, or installation, its cost,
23 and the reasons therefor.

24 (c) TITLE TO FACILITIES.—If funds are used pursu-
25 ant to subsection (a) for grants to institutions of higher

1 education, or to nonprofit organizations whose primary
2 purpose is the conduct of scientific research, for purchase
3 or construction of additional research facilities, title to
4 such facilities shall be vested in the United States unless
5 the Administrator determines that the national program
6 of aeronautical and space activities will best be served by
7 vesting title in the grantee institution or organization.
8 Each such grant shall be made under such conditions as
9 the Administrator shall determine to be required to ensure
10 that the United States will receive therefrom benefits ade-
11 quate to justify the making of that grant.

12 **SEC. 211. AVAILABILITY OF APPROPRIATED AMOUNTS.**

13 To the extent provided in appropriations Acts, appro-
14 priations authorized under this Act may remain available
15 without fiscal year limitation.

16 **SEC. 212. CONSIDERATION BY COMMITTEES.**

17 Notwithstanding any other provision of this Act—

18 (1) no amount appropriated pursuant to this
19 Act may be used for any program deleted by the
20 Congress from requests as originally made to either
21 the Committee on Science of the House of Rep-
22 resentatives or the Committee on Commerce,
23 Science, and Transportation of the Senate; and

24 (2) no amount appropriated pursuant to the
25 Act may be used for any program in excess of the

1 amount actually authorized for that particular pro-
2 gram, excluding construction-of-facility projects,
3 unless a period of 30 days has passed after the receipt
4 by such Committee of notice given by the Administrator
5 or the Administrator's designee containing a full and com-
6 plete statement of the action proposed to be taken and
7 the facts and circumstances relied upon in support of the
8 proposed action. NASA shall keep those Committees fully
9 and currently informed with respect to all activities and
10 responsibilities within their jurisdiction. Except as other-
11 wise provided by law, any Federal department, agency, or
12 independent establishment shall furnish any information
13 requested by either such Committee relating to any activ-
14 ity or responsibility.

15 **SEC. 213. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS**
16 **OR EXTRAORDINARY EXPENSES.**

17 Funds appropriated under section 103 may be used
18 for scientific consultations or extraordinary expenses upon
19 the authority of the Administrator, but not to exceed
20 \$35,000 .

21 **SEC. 214. REPORTING REQUIREMENTS.**

22 (a) **ELIMINATION OF REPORT.**—Section 206 of the
23 National Aeronautics and Space Act of 1958 (42 U.S.C.
24 2476(a)) is repealed.

1 (b) PROTECTION OF COMMERCIALY VALUABLE IN-
2 FORMATION.—Section 303 of the National Aeronautics
3 and Space Act of 1958 (42 U.S.C. 2454) is amended by
4 adding at the end the following:

5 “(c)(1) The Administrator may delay, for a period
6 not to exceed 5 years, the unrestricted public disclosure
7 of technical data, related to a competitively sensitive tech-
8 nology, in the possession of, or under the control of, the
9 Administration that has been generated in the perform-
10 ance of experimental, developmental, or research activities
11 or programs conducted by, or funded in whole or in part
12 by, the Administration, if the technical data has signifi-
13 cant value in maintaining leadership or competitiveness,
14 in civil and governmental aeronautical and space activities
15 by the United States industrial base.

16 “(2) The Administrator shall publish biannually in
17 the Federal Register a list of all competitively sensitive
18 technology areas which it believes have a significant value
19 in maintaining the United States leadership or competi-
20 tiveness in civil and governmental aeronautical and space
21 activities. The list shall be generated after consultation
22 with appropriate Government agencies and a diverse cross
23 section of companies—

1 “(A) that conduct a significant level of re-
2 search, development, engineering, and manufactur-
3 ing in the United States; and

4 “(B) the majority ownership or control of which
5 is held by United States citizens.

6 “(3) The Administrator shall provide an opportunity
7 for written objections to the list within a 60-day period
8 after it is published. After the expiration of that 60-day
9 period, and after consideration of all written objections re-
10 ceived by the Administrator during that period, NASA
11 shall issue a final list of competitively sensitive technology
12 areas.

13 “(4) For purposes of this subsection, the term ‘tech-
14 nical data’ means any recorded information, including
15 computer software, that is or may be directly applicable
16 to the design, engineering, development, production, man-
17 ufacture, or operation of products or processes that may
18 have significant value in maintaining leadership or com-
19 petitiveness in civil and governmental aeronautical and
20 space activities by the United States industrial base.”.

21 **SEC. 215. INDEPENDENT RESEARCH AND DEVELOPMENT.**

22 The Congress finds that it is appropriate for costs
23 contributed by a contractor under a cooperative agreement
24 with the National Aeronautics and Space Administration
25 to be considered as allowable independent research and de-

1 velopment costs, for purposes of section 31.205-18 of the
 2 Federal Acquisition Regulations if the work performed
 3 would have been allowable as contractor independent re-
 4 search and development costs had there been no coopera-
 5 tive agreement. The Administration shall seek a revision
 6 to that section of the Federal Acquisition Regulations to
 7 reflect the intent of the Congress expressed in the preced-
 8 ing sentence.

9 **SEC. 216. REDUCTION OR SUSPENSION OF CONTRACT PAY-**
 10 **MENTS BASED ON SUBSTANTIAL EVIDENCE**
 11 **OF FRAUD.**

12 Section 2307(h)(8) of title 10, United States Code,
 13 is amended by striking “and (4)” and inserting “(4), and
 14 (6)”.

15 **TITLE III—EMPLOYMENT REDUCTION**
 16 **ASSISTANCE**

17 **SEC. 301. SHORT TITLE.**

18 This title may be cited as the “National Aeronautics
 19 and Space Administration Federal Employment Reduction
 20 Assistance Act of 1996”.

21 **SEC. 302. DEFINITIONS.**

22 For purpose of this title—

23 (1) **EMPLOYEE.**—The term “employee” means
 24 an employee of the National Aeronautics and Space
 25 Administration serving under an appointment with-

1 out time limitation, who has been currently em-
2 ployed with NASA for a continuous period of at
3 least 12 months, except that such term does not in-
4 clude—

5 (A) a reemployed annuitant under sub-
6 chapter III of chapter 83 or chapter 84 of title
7 5, United States Code, or another retirement
8 system for employees of the Government;

9 (B) an employee who is in receipt of a spe-
10 cific notice of involuntary separation for mis-
11 conduct or unacceptable performance;

12 (C) an employee who, upon completing an
13 additional period of service as referred to in
14 section 3(b)(2)(B)(ii) of the Federal Workforce
15 Restructuring Act of 1994 (Public Law 103-
16 226; 108 Stat. 111), would qualify for a vol-
17 untary separation incentive payment under sec-
18 tion 3 of such Act; or

19 (D) an employee who has previously re-
20 ceived any voluntary separation incentive pay-
21 ment by the Federal Government under this
22 title or any other authority and has not repaid
23 such payment.

24 (2) EMPLOYMENT.—The term “employment”—

1 (A) includes employment of any length or
2 under any type of appointment, but does not in-
3 clude employment that is without compensation;
4 and

5 (B) includes employment under a personal
6 services contract.

7 **SEC. 303. INCENTIVE PAYMENT PROGRAM.**

8 In order to avoid or minimize the need for involuntary
9 separations due to a reduction in force, installation clo-
10 sure, reorganization, transfer of function, or other similar
11 action affecting the National Aeronautics and Space Ad-
12 ministration, the Administrator shall establish a program
13 under which separation pay, subject to the availability of
14 appropriated funds, may be offered to encourage eligible
15 employees to separate from service voluntarily (whether by
16 retirement or resignation).

17 **SEC. 304. INCENTIVE PAYMENTS.**

18 In order to receive a voluntary separation incentive
19 payment, an employee must separate voluntarily (whether
20 by retirement or resignation) during the period of time
21 for which the payment of incentives has been authorized
22 for the employee under the agency plan. Such separation
23 payments—

24 (1) shall be paid in a lump sum after the em-
25 ployee's separation, and

1 (2) shall be equal to the lesser of—

2 (A) an amount equal to the amount the
3 employees would be entitled to receive under
4 section 5595(c) of title 5, United States Code,
5 if the employee were entitled to payment under
6 such section; or

7 (B) \$25,000;

8 (3) shall not be a basis for payment, and shall
9 not be included in the computation, of any other
10 type of Government benefit;

11 (4) shall not be taken into account for purposes
12 of determining the amount of any severance pay to
13 which an individual may be entitled under section
14 5595 of title 5, United States Code, based on any
15 other separation;

16 (5) shall be considered payment for a voluntary
17 separation; and

18 (6) shall be paid from the appropriations or
19 funds available for payment of the basic pay of the
20 employee.

21 **SEC. 305. EFFECT OF SUBSEQUENT EMPLOYMENT WITH**
22 **THE GOVERNMENT.**

23 (a) GENERAL RULE.—An individual who has received
24 a voluntary separation incentive payment under this sec-
25 tion and accepts any employment with the Government of

1 the United States within 5 years after the date of the sep-
2 aration on which the payment is based shall be required
3 to repay, prior to the individual's first day of employment,
4 the entire amount of the incentive payment to NASA.

5 (b) EXECUTIVE BRANCH WAIVER.—If the employ-
6 ment under subsection (a) is with an Executive agency (as
7 defined by section 105 of title 5, United States Code), the
8 United States Postal Service, or the Postal Rate Commis-
9 sion, the Director of the Office of Personnel Management
10 may, at the request of the head of the agency, waive the
11 repayment if the individual involved possesses unique abili-
12 ties and is the only qualified applicant available for the
13 position.

14 (c) LEGISLATIVE BRANCH WAIVER.—If the employ-
15 ment under subsection (a) is with an entity in the legisla-
16 tive branch, the head of the entity or the appointing offi-
17 cial may waive the repayment if the individual involved
18 possesses unique abilities and is the only qualified appli-
19 cant available for the position.

20 (d) JUDICIAL BRANCH WAIVER.—If the employment
21 under subsection (a) is with the judicial branch, the Direc-
22 tor of the Administrative Office of the United States
23 Courts may waive the repayment if the individual in-
24 volved possesses unique abilities and is the only qualified
25 applicant available for the position.

1 **SEC. 306. EFFECT OF SUBSEQUENT DISABILITY RETIRE-**
2 **MENT.**

3 An employee who has received an incentive payment
4 is ineligible to receive an annuity for reasons of disability
5 under applicable regulations, unless the incentive payment
6 is repaid.

7 **SEC. 307. ADDITIONAL AGENCY CONTRIBUTIONS TO THE**
8 **RETIREMENT FUND.**

9 (a) PERCENTAGE OF FINAL BASIC PAY.—In addition
10 to any other payments which it is required to make under
11 subchapter III of chapter 83 or chapter 84 of title 5, Unit-
12 ed States Code, NASA shall remit to the Office of Person-
13 nel Management for deposit in the Treasury of the United
14 States to the credit of the Civil Service Retirement and
15 Disability Fund an amount equal to 15 percent of the final
16 basic pay of each employee who is covered under sub-
17 chapter III of chapter 83 or chapter 84 of title 5 to whom
18 a voluntary separation incentive has been paid under this
19 title.

20 (b) FINAL BASIC PAY DEFINED.—For the purpose
21 of this section, the term “final basic pay”, with respect
22 to an employee, means the total amount of basic pay which
23 would be payable for a year of service by such employee,
24 computed using the employee’s final rate of basic pay,
25 and, if last serving on other than a full time basis, with
26 appropriate adjustment therefor.

1 **SEC. 308. REDUCTION OF AGENCY EMPLOYMENT LEVELS.**

2 (a) REDUCTION OF EMPLOYMENT.—Total full time
3 equivalent employment of NASA shall be reduced by one
4 for each separation of an employee who receives a vol-
5 untary separation incentive payment under this title. The
6 reduction will be calculated by comparing the agency's full
7 time equivalent employment for the fiscal year in which
8 the voluntary separation payments are made with the ac-
9 tual full time equivalent employment for the prior fiscal
10 year.

11 (b) ENFORCEMENT.—The Office of Management and
12 Budget shall monitor and take appropriate action nec-
13 essary to ensure that the requirements of this section are
14 met.

15 (c) LIMITATION.—The President shall take appro-
16 priate action to ensure that functions involving more than
17 10 full time equivalent employees are not converted to con-
18 tracts by reason of this section, except in cases in which
19 a cost comparison demonstrates such contracts would be
20 to the advantage of the Government.

21 (d) WAIVER.—The provisions of subsections (a) and
22 (c) of this section may be waived upon a determination
23 by the President that—

24 (1) the existence of a state of war or other na-
25 tional emergency so requires; or

1 (2) the existence of an extraordinary emergency
2 which threatens life, health, safety, property, or the
3 environment so requires.

4 **SEC. 309. REPORTS.**

5 No later than March 31 of each fiscal year, NASA
6 shall submit to the Office of Personnel Management, for
7 transmission to the Committee on Commerce, Science, and
8 Transportation, and the Committee on Governmental Af-
9 fairs, of the Senate and the Committee on Commerce, and
10 the Committee on Government Reform and Oversight of
11 the House of Representatives, a report which, with respect
12 to the preceding fiscal year, shall include—

13 (1) the number of employees who received vol-
14 untary separation incentives;

15 (2) the average amount of such incentives; and

16 (3) the average grade or pay level of the em-
17 ployees who received incentives.

18 **SEC. 310. EFFECTIVE DATE.**

19 (a) IN GENERAL.—The provisions of this title shall
20 take effect on the date of enactment of this Act.

21 (b) TERMINATION.—No voluntary separation incen-
22 tive under this title may be paid based on the separation
23 of an employee after September 30, 2000.

1 TITLE IV—COMMERCIAL SPACE LAUNCH ACT
2 AMENDMENTS

3 **SEC. 401. AMENDMENT OF TITLE 49.**

4 Except as otherwise expressly provided, whenever in
5 this title an amendment or repeal is expressed in terms
6 of an amendment to, or repeal of, a section or other provi-
7 sion, the reference shall be considered to be made to a
8 section or other provision of title 49, United States Code.

9 **SEC. 402. AMENDMENT OF SECTION 70101.**

10 Section 70101 (relating to findings and purposes) is
11 amended—

12 (1) by inserting “microgravity research,” after
13 “information services,” in subsection (a)(3);

14 (2) by inserting “commercial space transpor-
15 tation services, including in-space transportation ac-
16 tivities and” after “providing” in subsection (a)(4);

17 (3) by striking “commercial launch vehicles” in
18 subsection (a)(5) and inserting “commercial space
19 transportation including commercial launch vehicles,
20 in-space transportation activities, reentry vehicles,”;

21 (4) by striking “launch” in subsection (a)(6)
22 and inserting “launch, in-space transportation, and
23 reentry”;

1 (5) by striking “launches” each place it appears
2 in subsection (a)(7) and inserting “launches, in-
3 space transportation activities, reentries” after ;

4 (6) by striking “sites and complementary facili-
5 ties, the providing of launch” in subsection (a)(8)
6 and inserting “sites, in-space transportation control
7 sites, reentry sites, and complementary facilities, the
8 providing of launch, in-space transportation, and re-
9 entry”;

10 (7) by inserting “in-space transportation con-
11 trol sites, reentry sites,” after “launch sites,” in
12 subsection (a)(9);

13 (8) by striking “launch vehicles” in subsection
14 (b)(2) and inserting “commercial space transpor-
15 tation services, including launch vehicles, in-space
16 transportation activities, reentry vehicles,”;

17 (9) by striking “launch” the first place it ap-
18 pears in subsection (b)(3) and inserting “launch, in-
19 space transportation vehicle, and reentry”;

20 (10) by striking “commercial launch” the sec-
21 ond place it appears in subsection (b)(3); and

22 (11) by inserting “in-space transportation vehi-
23 cle control facilities, and development of reentry
24 sites” after “facilities,” in subsection (b)(4).

1 **SEC. 403. AMENDMENT OF SECTION 70102.**

2 Section 70102 (relating to definitions) is amended—

3 (1) by inserting “from Earth, including a re-
4 entry vehicle and its payload, if any” after “and any
5 payload” in paragraph (3);

6 (2) by striking “object” the first place it ap-
7 pears in paragraph (8) and inserting “object, includ-
8 ing a reentry vehicle and its payload, if any,”;

9 (3) by redesignating paragraphs (9) through
10 (12) as paragraphs (16) through (19), respectively;

11 (4) by inserting after paragraph (8) the follow-
12 ing:

13 “(9) ‘in-space transportation vehicle’ means any
14 vehicle designed to operate in space and designed to
15 transport any payload or object substantially intact
16 from one orbit to another orbit.

17 “(10) ‘in-space transportation services’
18 means—

19 “(A) those activities involved in the direct
20 transportation or attempted transportation of a
21 payload or object from one orbit to another;

22 “(B) the procedures, actions, and activities
23 necessary for conduct of those transportation
24 services; and

25 “(C) the conduct of transportation serv-
26 ices.

1 “(11) ‘in-space transportation control site’
2 means a location from which an in-space transpor-
3 tation vehicle is controlled or operated (as such
4 terms may be defined in any license the Secretary is-
5 sues or transfers under this chapter).

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

10 “(13) ‘reentry services’ means—

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

14 “(B) the conduct of a reentry.

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

19 “(15) ‘reentry vehicle’ means any vehicle de-
20 signed to return substantially intact from Earth
21 orbit or outer space to Earth.”;

22 (5) by striking “launch” each place it appears
23 in paragraph (18), as redesignated and inserting
24 “launch services, in-space transportation activities,
25 or reentry”.

1 **SEC. 404. AMENDMENT OF SECTION 70103.**

2 Section 70103(b) (relating to facilitating commercial
3 launches) is amended—

4 (1) by striking “LAUNCHES” in the caption and
5 inserting “SPACE ACTIVITIES”;

6 (2) by striking “commercial space launches” in
7 paragraph (1) and inserting “commercial space
8 transportation services”; and

9 (3) by striking “a space launch” in subsection
10 (b)(2) and inserting “space transportation”.

11 **SEC. 405. AMENDMENT OF SECTION 70104.**

12 Section 70104 (relating to restrictions on launches
13 and operations) is amended—

14 (1) by striking the section caption and inserting
15 the following:

16 **“§ 70104. Restrictions on launches, in-space transpor-**
17 **tation activities, operations, and reen-**
18 **tries”;**

19 (2) by striking “site” each place it appears in
20 subsection (a) and inserting “site, an in-space trans-
21 portation operations site, reentry site, or reenter a
22 reentry vehicle,”;

23 (3) by striking “launch or operation” in sub-
24 sections (a) (3) and (4) and inserting “launch, in-
25 space transportation activity, or reentry operation”;

1 (4) by striking subsection (b) and inserting the
2 following:

3 “(b) COMPLIANCE WITH PAYLOAD REQUIRE-
4 MENTS.—The holder of a license under this chapter may
5 launch a payload, operate an in-space transportation vehi-
6 cle, or reenter a payload only if the payload or vehicle com-
7 plies with all requirements of the laws of the United States
8 related to launching a payload, operating an in-space
9 transportation vehicle, or reentering a payload.”;

10 (5) by striking the caption of subsection (c) and
11 inserting the following: “(c) PREVENTING
12 LAUNCHES, IN-SPACE TRANSPORTATION ACTIVITIES,
13 OR REENTRIES.—”; and

14 (6) by striking “launch” each place it appears
15 in subsection (c) and inserting “launch, in-space
16 transportation activity, or reentry”.

17 **SEC. 406. AMENDMENT OF SECTION 70105.**

18 Section 70105 (relating to license applications and
19 requirements) is amended—

20 (1) by striking “site” in subsection (b)(1) and
21 inserting “site, an in-space transportation control
22 site, or a reentry site or the reentry of a reentry ve-
23 hicle,”; and

1 (2) by striking “or operation” and inserting in
2 lieu thereof “, in-space transportation activity, oper-
3 ation, or reentry” in subsection (b)(2)(A).

4 **SEC. 407. AMENDMENT OF SECTION 70106.**

5 Section 70106(a) (relating to monitoring activities
6 general requirements) is amended—

7 (1) by striking “launch site” and inserting
8 “launch site, in-space transportation control site, or
9 reentry site”;

10 (2) by inserting “in-space transportation vehi-
11 cle, or reentry vehicle,” after “launch vehicle,” and

12 (3) by striking “vehicle.” and inserting “vehicle,
13 in-space transportation vehicle, or reentry vehicle.”.

14 **SEC. 408. AMENDMENT OF SECTION 70108.**

15 Section 70108 (relating to prohibition, suspension,
16 and end of launches and operation of launch sites) is
17 amended—

18 (1) by striking the section caption and inserting
19 the following:

20 **“§ 70108. Prohibition, suspension, and end of**
21 **launches, in-space transportation activi-**
22 **ties, reentries, or operation of launch**
23 **sites, in-space transportation control**
24 **sites, or reentry sites”;**

25 and

1 (2) by striking “site” in subsection (a) and in-
2 serting “site, in-space transportation control site, in-
3 space transportation activity, or reentry site, or re-
4 entry of a reentry vehicle,”; and

5 (3) by striking “launch or operation” in sub-
6 section (a) and inserting “launch, in-space transpor-
7 tation activity, operation, or reentry”.

8 **SEC. 409. AMENDMENT OF SECTION 70109.**

9 (a) CAPTION.—The section caption of section 70109
10 (relating to preemption of scheduled launches) is amended
11 to read as follows:

12 **“§ 70109. Preemption of scheduled launches, in-space**
13 **transportation activities, or reentries”.**

14 (b) AMENDMENT OF SUBSECTION (a).—Subsection
15 (a) is amended—

16 (1) by inserting “or reentry” after “ensure that
17 a launch”;

18 (2) by striking “site” in the first sentence and
19 inserting “site, reentry site,”;

20 (3) by inserting “nor shall an in-space trans-
21 portation activity or operation be preempted,” after
22 “launch property,” in the first sentence;

23 (4) by inserting “or reentry date commitment”
24 after “launch date commitment”;

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

3 (6) by striking “site” in the second sentence
4 and inserting “site, reentry site,”;

5 (7) by striking “services” in the second sen-
6 tence and inserting “services, or services related to
7 a reentry,”;

8 (8) by inserting “or reentry” after “the sched-
9 uled launch”; and

10 (9) by adding at the end thereof the following:

11 “A licensee or transferee preempted from access to
12 a reentry site does not have to pay the Government
13 agency responsible for the preemption any amount
14 for reentry services attributable only to the sched-
15 uled reentry prevented by the preemption.”.

16 (c) AMENDMENT OF SUBSECTION (c).—Subsection
17 (c) is amended by inserting “or reentry” after “prompt
18 launching” in subsection (c).

19 **SEC. 410. AMENDMENT OF SECTION 70110.**

20 Section 70110 (relating to administrative hearings
21 and judicial review) is amended—

22 (1) by striking “launch” in subsection (a)(2)
23 and inserting “launch, in-space transportation activ-
24 ity, or reentry”; and

1 (2) by striking “site” in subsection (a)(3)(B)
2 and inserting “site, in-space transportation control
3 site, in-space transportation activity, reentry site, or
4 reentry of a reentry vehicle,”.

5 **SEC. 411. AMENDMENT OF SECTION 70111.**

6 Section 70111 (relating to acquiring United States
7 Government property and services) is amended—

8 (1) by inserting “in-space transportation activi-
9 ties, or reentry services” after “launch services,” in
10 subsection (a)(1)(B);

11 (2) by striking “services” in subsection (a)(2)
12 and inserting “services, in-space transportation ac-
13 tivities, or reentry services”;

14 (3) by inserting “or reentry” after “launch” in
15 subsection (a)(2)(A);

16 (4) by inserting “or reentry” after “launch” the
17 first place it appears in subsection (a)(2)(B);

18 (5) by striking “launch” each place it appears
19 in subsection (b)(1) and inserting “launch, in-space
20 transportation activity, or reentry”;

21 (6) by striking “services” the first place it ap-
22 pears in subsection (b)(2)(C) and inserting “serv-
23 ices, in-space transportation activities or services, or
24 reentry services”; and

1 (7) by striking subsection (d) and inserting the
2 following:

3 “(d) COLLECTION BY OTHER GOVERNMENTAL
4 HEADS.—The head of a department, agency, or instru-
5 mentality of the Government may collect a payment for
6 any activity involved in producing a launch vehicle, in-
7 space transportation vehicle, or reentry vehicle or its pay-
8 load for launch, in-space transportation activity, or re-
9 entry if the activity was agreed to by the owner or manu-
10 facturer of the launch vehicle, in-space transportation ve-
11 hicle, reentry vehicle, or payload.”.

12 **SEC. 412. AMENDMENT OF SECTION 70112.**

13 Section 70112 (relating to liability insurance and fi-
14 nancial responsibility requirements) is amended—

15 (1) by inserting “one reentry, or to the oper-
16 ations of each in-space transportation vehicle” after
17 “launch,” in subsection (a)(3);

18 (2) by inserting “in-space transportation activi-
19 ties, or reentry services,” after “launch services,”
20 each place it appears in subsections (a)(4) and
21 (b)(2);

22 (3) by striking “services” in subsection (b)(1)
23 and the third place it appears in subsection (b)(2)
24 and inserting “services, in-space transportation ac-
25 tivities, or reentry services,”;

1 (4) by inserting “applicable” after “carried out
2 under the” in subsections (b)(1) and (2);

3 (5) by striking “Science, Space, and Tech-
4 nology” in subsection (d) and inserting “Science”;

5 (6) by striking “LAUNCHES” in the caption of
6 subsection (e) and inserting “LAUNCHES, IN-SPACE
7 TRANSPORTATION ACTIVITIES, OR REENTRIES”;
8 AND

9 (7) by striking “site” in subsection (e) and in-
10 sserting “site, in-space transportation control site, or
11 control of an in-space transportation vehicle or activ-
12 ity, or reentry site or a reentry”.

13 **SEC. 413. AMENDMENT OF SECTION 70113.**

14 Section 70113 (relating to paying claims exceeding
15 liability insurance and financial responsibility require-
16 ments) is amended by striking “launch” each place it ap-
17 pears in subsections (a)(1), (d)(1), and (d)(2) and insert-
18 ing “launch, operation of one in-space transportation vehi-
19 cle, or one reentry”.

20 **SEC. 414. AMENDMENT OF SECTION 70115.**

21 Section 70115(b)(1)(D)(i) (relating to enforcement
22 and penalty general authority) is amended—

23 (1) by inserting “in-space transportation con-
24 trol site, or reentry site,” after “launch site,”;

1 (2) by inserting “in-space transportation vehi-
2 cle, or reentry vehicle” after “launch vehicle,”; and

3 (3) by striking “vehicle” the second place it ap-
4 pears and inserting “vehicle, in-space transportation
5 vehicle, or reentry vehicle”.

6 **SEC. 415. AMENDMENT OF SECTION 70117.**

7 Section 70117 (relating to relationship to other execu-
8 tive agencies, laws, and international obligations) is
9 amended—

10 (1) by striking “vehicle or operate a launch
11 site.” in subsection (a) and inserting “vehicle, oper-
12 ate a launch site, perform in-space transportation
13 activities or operate an in-space transportation con-
14 trol site or reentry site, or reenter a reentry vehi-
15 cle.”;

16 (2) by striking “launch” in subsection (d) and
17 inserting “launch, perform an in-space transpor-
18 tation activity, or reentry”;

19 (3) by striking subsections (f) and (g), and in-
20 serting the following:

21 “(f) LAUNCH NOT AN EXPORT OR IMPORT.—A
22 launch vehicle, reentry vehicle, or payload that is launched
23 or reentered is not, because of the launch or reentry, an
24 export or import for purposes of a law controlling exports
25 or imports.

1 “(g) NONAPPLICATION.—This chapter does not apply
2 to—

3 “(1) a launch, in-space transportation activity,
4 reentry, operation of a launch vehicle, in-space
5 transportation vehicle, or reentry vehicle, or of a
6 launch site, in-space transportation control site, or
7 reentry site, or other space activity the Government
8 carries out for the Government; or

9 “(2) planning or policies related to the launch,
10 in-space transportation activity, reentry, or oper-
11 ation.”.

12 **SEC. 416. REPORT TO CONGRESS.**

13 Chapter 701 is amended by adding at the end thereof
14 the following new section:

15 **“§ 70120. Report to Congress**

16 “The Secretary of Transportation shall submit to
17 Congress an annual report to accompany the President’s
18 budget request that—

19 “(1) describes all activities undertaken under
20 this chapter, including a description of the process
21 for the application for and approval of licenses under
22 this chapter and recommendations for legislation
23 that may further commercial launches and reentries;
24 and

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

4 **SEC. 417. AMENDMENT OF TABLE OF SECTIONS.**

5 The table of sections for chapter 701 of title 49,
6 United States Code, is amended—

7 (1) by amending the item relating to section
8 70104 to read as follows:

 “70104. Restrictions on launches, in-space transportation activities, operations,
 and reentries”;

9 (2) by amending the item relating to section
10 70108 to read as follows:

 “70108. Prohibition, suspension, and end of launches, in-space transportation
 activities, reentries, or operation of launch sites, in-space trans-
 portation control sites, or reentry sites”;

11 (3) by amending the item relating to section
12 70109 to read as follows:

 “70109. Preemption of scheduled launches, in-space transportation activities, or
 reentries”;

13 and

14 (4) by adding at the end the following new
15 item:

 “70120. Report to Congress”.

16 **SEC. 418. REGULATIONS.**

17 The Secretary of Transportation shall issue regula-
18 tions under chapter 701 of title 49, United States Code,
19 that include—

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

4 (2) procedures for requesting and obtaining li-
5 censes to operate a commercial launch vehicle and
6 reentry vehicle;

7 (3) procedures for requesting and obtaining op-
8 erator licenses for launch and reentry; and

9 (4) procedures for the application of govern-
10 ment indemnification.

11 **SEC. 419. SPACE ADVERTISING.**

12 (a) DEFINITION.—Section 70102, as amended by sec-
13 tion 303, is amended by redesignating paragraphs (12)
14 through (19) as (13) through (20), respectively, and by
15 inserting after paragraph (11) the following new para-
16 graph:

17 “(12) ‘obtrusive space advertising’ means ad-
18 vertising in outer space that is capable of being rec-
19 ognized by a human being on the surface of the
20 earth without the aid of a telescope or other techno-
21 logical device;”.

22 (b) PROHIBITION.—Chapter 701 is amended by in-
23 serting after section 70109 the following new section:

1 **“§ 70109a. Space advertising**

2 “(a) LICENSING.—Notwithstanding the provisions of
3 this chapter or any other provision of law, the Secretary
4 shall not—

5 “(1) issue or transfer a license under this chap-
6 ter; or

7 “(2) waive the license requirements of this
8 chapter;

9 for the launch of a payload containing any material to be
10 used for the purposes of obtrusive space advertising.

11 “(b) LAUNCHING.—No holder of a license under this
12 chapter may launch a payload containing any material to
13 be used for purposes of obtrusive space advertising on or
14 after the date of enactment of the National Aeronautics
15 and Space Administration Authorization Act, Fiscal Year
16 1996.

17 “(c) COMMERCIAL SPACE ADVERTISING.—Nothing in
18 this section shall apply to nonobtrusive commercial space
19 advertising, including advertising on commercial space
20 transportation vehicles, space infrastructure, payloads,
21 space launch facilities, and launch support facilities.”.

22 (c) NEGOTIATION WITH FOREIGN LAUNCHING NA-
23 TIONS.—

24 (1) The President is requested to negotiate with
25 foreign launching nations for the purpose of reach-
26 ing an agreement or agreements that prohibit the

1 use of outer space for obtrusive space advertising
2 purposes.

3 (2) It is the sense of Congress that the Presi-
4 dent should take such action as is appropriate and
5 feasible to enforce the terms of any agreement to
6 prohibit the use of outer space for obtrusive space
7 advertising purposes.

8 (3) As used in this subsection, the term “for-
9 eign launching nation” means a nation—

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

12 (B) from whose territory or facility a pay-
13 load is launched into outer space.

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

“70109a. Space advertising”.

○