

105TH CONGRESS
1ST SESSION

S. 1250

To authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 1997

Mr. FRIST (for himself, Mr. ROCKEFELLER, 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 the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Aeronautics and Space Administration Author-
6 ization Act for Fiscal Years 1998 and 1999”.

7 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

- Sec. 101. Human space flight.
- Sec. 102. Science, aeronautics, and technology.
- Sec. 103. Mission support.
- Sec. 104. Inspector General.

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.
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TITLE II—INTERNATIONAL SPACE STATION

- Sec. 201. Findings.
- Sec. 202. Commercialization of Space Station.
- Sec. 203. International Space Station limitations.
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TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. National Aeronautics and Space Act of 1958 amendments.
- Sec. 302. Acquisition of space science data.
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- Sec. 304. Shuttle privatization.
- Sec. 305. Launch voucher demonstration program amendments.
- Sec. 306. Use of existing facilities.
- Sec. 307. Authority to reduce or suspend contract payments based on substantial evidence of fraud.
- Sec. 308. Next Generation Internet.
- Sec. 309. Notice.
- Sec. 310. Sense of Congress on the year 2000 problem.
- Sec. 311. Unitary Wind Tunnel Plan Act of 1949 amendments.
- Sec. 312. Enhancement of science and mathematics programs.
- Sec. 313. Authority to vest title.
- Sec. 314. NASA mid-range procurement test program.
- Sec. 315. Space advertising.
- Sec. 316. Administration of Commercial Space Center program.
- Sec. 317. Insurance; indemnification; liability.

1 SEC. 2. FINDINGS.

2 Congress makes the following findings:

- 3 (1) The National Aeronautics and Space Ad-
 4 ministration should continue to pursue actions and
 5 reforms directed at reducing institutional costs, in-

1 including management restructuring, facility consoli-
2 dation, procurement reform, personnel base
3 downsizing, and convergence with other defense and
4 commercial sector systems, while sustaining safety
5 standards for personnel and hardware.

6 (2) The National Aeronautics and Space Ad-
7 ministration should sustain its proud history as the
8 leader of the United States in basic aeronautics and
9 space research.

10 (3) The United States is on the verge of creat-
11 ing and using new technologies in microsattellites, in-
12 formation processing, and space launches that could
13 radically alter the manner in which the Federal Gov-
14 ernment approaches its space mission.

15 (4) The Federal Government should invest in
16 the types of research and innovative technology in
17 which United States commercial providers do not in-
18 vest, while avoiding competition with the activities in
19 which United States commercial providers do invest.

20 (5) International cooperation in space explo-
21 ration and science activities serves the interest of the
22 United States.

23 (6) In participating in the National Aeronauti-
24 cal Test Alliance, the National Aeronautics and
25 Space Administration and the Department of De-

1 fense should cooperate more effectively in leveraging
2 the mutual capabilities of these agencies to conduct
3 joint aeronautics and space missions that not only
4 improve United States aeronautics and space capa-
5 bilities, but also reduce the cost of conducting those
6 missions.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of the National
11 Aeronautics and Space Administration.

12 (2) COMMERCIAL PROVIDER.—The term “com-
13 mercial provider” means any person providing space
14 transportation services or other space-related activi-
15 ties, the primary control of which is held by persons
16 other than a Federal, State, local, or foreign govern-
17 ment.

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

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

1 (5) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” has the
3 meaning given such term in section 1201(a) of the
4 Higher Education Act of 1965 (20 U.S.C. 1141(a)).

5 (6) MAJOR REORGANIZATION.—With respect to
6 the National Aeronautics and Space Administration,
7 the term “major reorganization” means any reorga-
8 nization of the Administration that involves the reas-
9 signment of more than 25 percent of the employees
10 of the National Aeronautics and Space Administra-
11 tion.

12 (7) STATE.—The term “State” means each of
13 the several States of the United States, the District
14 of Columbia, the Commonwealth of Puerto Rico, the
15 Virgin Islands, Guam, American Samoa, the Com-
16 monwealth of the Northern Mariana Islands, and
17 any other commonwealth, territory, or possession of
18 the United States.

19 **TITLE I—AUTHORIZATION OF**
20 **APPROPRIATIONS**
21 **Subtitle A—Authorizations**

22 **SEC. 101. HUMAN SPACE FLIGHT.**

23 (a) IN GENERAL.—There are authorized to be appro-
24 priated to the National Aeronautics and Space Adminis-
25 tration for human space flight—

1 (1) for the International Space Station—

2 (A) \$2,271,300,000 for fiscal year 1998, of
3 which \$245,100,000, notwithstanding section
4 121(a), shall be used only for Space Station re-
5 search; and

6 (B) \$2,100,000,000 for fiscal year 1999,
7 of which \$252,453,000, notwithstanding section
8 121(a), shall be used only for Space Station re-
9 search;

10 (2) for Russian Program Assurance,
11 \$50,000,000 for fiscal year 1998;

12 (3) for space shuttle operations—

13 (A) \$2,444,400,000 for fiscal year 1998;

14 and

15 (B) \$2,569,232,000 for fiscal year 1999;

16 (4) for space shuttle safety and performance
17 upgrades—

18 (A) \$483,400,000 for fiscal year 1998, in-
19 cluding related construction of facilities of
20 which—

21 (i) \$2,200,000 shall be used for the
22 repair of a payload changeout room wall
23 and ceiling, Pad A, Kennedy Space Center;

1 (ii) \$1,800,000 shall be used for the
2 restoration of the pad surface and slope,
3 Pad A, Kennedy Space Center; and

4 (iii) \$2,800,000 shall be used for the
5 rehabilitation of a 480V electrical distribu-
6 tion system, Michoud Assembly Facility;
7 and

8 (B) \$497,902,000 for fiscal year 1999; and
9 (5) for payload and utilization operations—

10 (A) \$227,400,000 for fiscal year 1998; and

11 (B) \$234,222,000 for fiscal year 1999.

12 (b) AVAILABILITY OF INTERNATIONAL SPACE STA-
13 TION FUNDING.—Of the amounts made available to the
14 National Aeronautics and Space Administration under
15 subsection (a)(1)(A)—

16 (1) \$1,500,000,000 shall be available for the
17 purpose specified in that section before March 31,
18 1998; and

19 (2) \$771,300,000 shall be made available after
20 that date if the Administrator has met the applicable
21 requirements under section 205.

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

23 There are authorized to be appropriated to the Na-
24 tional Aeronautics and Space Administration for Science,
25 Aeronautics, and Technology—

1 (1) for Space Science—

2 (A) \$2,043,800,000 for fiscal year 1998, of

3 which—

4 (i) \$45,600,000 shall be used for the
5 gravity probe B;

6 (ii) \$1,200,000 shall be used for the
7 Near Earth Object Survey; and

8 (iii) \$507,400,000 shall be used for
9 mission operations and data analysis, of
10 which \$150,000,000 shall be used for data
11 analysis; and

12 (B) \$2,105,214,000 for fiscal year 1999;

13 (2) for life and microgravity sciences and appli-
14 cations—

15 (A) \$214,200,000 for fiscal year 1998; and

16 (B) \$220,660,000 for fiscal year 1999;

17 (3) for Mission to Planet Earth—

18 (A) \$1,417,300,000 for fiscal year 1998;

19 and

20 (B) \$1,459,819,000 for fiscal year 1999;

21 (4) for aeronautics and space transportation
22 technology—

23 (A) \$1,469,500,000 for fiscal year 1998, of

24 which—

1 (i) \$920,100,000 shall be used for
2 aeronautical research and technology, of
3 which not less than \$100,000,000 shall be
4 used for the Aviation Safety Program;

5 (ii) \$396,600,000 shall be used for
6 advanced space transportation technology,
7 of which \$333,500,000 shall be used only
8 for the X-33 advanced technology dem-
9 onstration vehicle program; and

10 (iii) \$152,800,000 shall be used for
11 commercial technology; and

12 (B) \$1,513,585,000 for fiscal year 1999,
13 of which—

14 (i) \$947,703,000 shall be used for
15 aeronautical research and technology, of
16 which not less than \$100,000,000 shall be
17 used for the Aviation Safety Program;

18 (ii) \$408,498,000 shall be used for
19 advanced space transportation technology,
20 of which \$313,900,000 shall be used only
21 for the X-33 advanced technology dem-
22 onstration vehicle program; and

23 (iii) \$157,384,000 shall be used for
24 commercial technology;

25 (5) for mission communication services—

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

2 (B) \$412,824,000 for fiscal year 1999;

3 (6) for academic programs—

4 (A) \$116,400,000 for fiscal year 1998, of
5 which—

6 (i) \$15,300,000 shall be used for the
7 National Space Grant College and Fellow-
8 ship Program; and

9 (ii) \$45,900,000 shall be used for mi-
10 nority university research and education at
11 institutions such as Hispanic-serving insti-
12 tutions (as that term is defined in section
13 316(b)(1) of the Higher Education Act of
14 1965 (20 U.S.C. 1059c(b)(1))) and tribally
15 controlled community colleges (as that
16 term is defined in section 2(a)(4) of the
17 Tribally Controlled Community College As-
18 sistance Act of 1978 (25 U.S.C.
19 1801(a)(4))) including \$30,500,000 for
20 historically black colleges and universities;
21 and

22 (B) \$119,892,000 for fiscal year 1999, of
23 which \$47,277,000 shall be used for minority
24 university research and education (at institu-
25 tions such as Hispanic-serving institutions and

1 tribally controlled community colleges) of which
 2 \$31,415,000 shall be used for historically black
 3 colleges and universities; and

4 (7) \$5,700,000 for fiscal year 1998 for the con-
 5 struction of facilities, of which—

6 (A) \$2,000,000 shall be used for modifica-
 7 tions for the installation of the Bio-Plex facility
 8 at the Johnson Space Center; and

9 (B) \$3,700,000 shall be used for the reha-
 10 bilitation and modification of the B-2 test
 11 stand at the Stennis Space Center.

12 **SEC. 103. MISSION SUPPORT.**

13 There are authorized to be appropriated to the Na-
 14 tional Aeronautics and Space Administration for mission
 15 support—

16 (1) for safety, reliability, and quality assur-
 17 ance—

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

19 (B) \$38,934,000 for fiscal year 1999;

20 (2) for space communication services—

21 (A) \$225,700,000 for fiscal year 1998; and

22 (B) \$253,071,000 for fiscal year 1999;

23 (3)(A) for construction of facilities, including
 24 land acquisition, \$139,400,000 for fiscal year 1998,
 25 of which—

1 (i) \$2,700,000 shall be used for the mod-
2 ernization of the process cooling system of the
3 Numerical Aerodynamic Simulation Facility,
4 Ames Research Center;

5 (ii) \$2,800,000 shall be used for the reha-
6 bilitation and modification of the hangar and
7 shop of the Dryden Flight Research Center;

8 (iii) \$2,400,000 shall be used for the res-
9 toration of the chilled water distribution system
10 at the Goddard Space Flight Center;

11 (iv) \$4,600,000 shall be used for the res-
12 toration of the Space/Terrestrial Application
13 Facility at the Goddard Space Flight Center;

14 (v) \$4,800,000 shall be used for the con-
15 struction of emergency services facility at the
16 Jet Propulsion Laboratory;

17 (vi) \$5,900,000 shall be used for the up-
18 grade of the Utility Annex Chilled Water Plant,
19 at the Kennedy Space Center;

20 (vii) \$9,400,000 shall be used for the reha-
21 bilitation of the high-voltage system at the
22 Lewis Research Center;

23 (viii) \$7,000,000 shall be used for the
24 modification of the chilled water system at the
25 Marshall Space Flight Center;

1 (ix) \$65,700,000 shall be used for the
2 minor revitalization of facilities at various loca-
3 tions, not in excess of \$1,500,000 per project;

4 (x) \$1,100,000 shall be used for minor
5 construction of new facilities and additions to
6 existing facilities at various locations;

7 (xi) \$19,000,000 shall be used for facility
8 planning and design, not otherwise provided for;
9 and

10 (xii) \$34,000,000 shall be used for envi-
11 ronmental compliance and restoration; and

12 (B) \$164,182,000 shall be used for construction
13 of facilities, including land acquisition, for fiscal year
14 1999; and

15 (4) for research and program management, in-
16 cluding personnel and related costs, travel, and re-
17 search operations support—

18 (A) \$2,040,300,000 for fiscal year 1998;

19 and

20 (B) \$2,132,409,000 for fiscal year 1999.

21 **SEC. 104. INSPECTOR GENERAL.**

22 There are authorized to be appropriated to the Na-
23 tional Aeronautics and Space Administration for Inspector
24 General—

25 (1) \$18,300,000 for fiscal year 1998; and

1 (2) \$18,849,000 for fiscal year 1999.

2 **Subtitle B—Limitations and**
3 **Special Authority**

4 **SEC. 111. USE OF FUNDS FOR CONSTRUCTION.**

5 (a) **AUTHORIZED USES.**—Funds made available by
6 appropriations under paragraphs (1) through (4) of sec-
7 tion 101, section 102, and paragraphs (1) and (2) of sec-
8 tion 103 and funds made available by appropriations for
9 research operations support pursuant to section 103(4)
10 may, at any location in support of the purposes for which
11 such funds are appropriated, be used for—

12 (1) the construction of new facilities; and

13 (2) additions to, repair of, rehabilitation of, or
14 modification of existing facilities (in existence on the
15 date on which such funds are made available by ap-
16 propriation).

17 (b) **LIMITATION.**—

18 (1) **IN GENERAL.**—Until the date specified in
19 paragraph (2), no funds may be expended pursuant
20 to subsection (a) for a project, with respect to which
21 the estimated cost to the National Aeronautics and
22 Space Administration, including collateral equip-
23 ment, exceeds \$1,000,000.

24 (2) **DATE.**—The date specified in this para-
25 graph is the date that is 30 days after the Adminis-

1 trator notifies the Committee on Commerce, Science,
2 and Transportation of the Senate and the Commit-
3 tee on Science of the House of Representatives of
4 the nature, location, and estimated cost to the Na-
5 tional Aeronautics and Space Administration of the
6 project referred to in paragraph (1).

7 (c) TITLE TO FACILITIES.—

8 (1) IN GENERAL.—If funds are used pursuant
9 to subsection (a) for grants for the purchase or con-
10 struction of additional research facilities to institu-
11 tions of higher education, or to nonprofit organiza-
12 tions whose primary purpose is the conduct of sci-
13 entific research, title to these facilities shall be vest-
14 ed in the United States.

15 (2) EXCEPTION.—If the Administrator deter-
16 mines that the national program of aeronautical and
17 space activities will best be served by vesting title to
18 a facility referred to in paragraph (1) in an institu-
19 tion or organization referred to in that paragraph,
20 the title to that facility shall vest in that institution
21 or organization.

22 (3) CONDITION.—Each grant referred to in
23 paragraph (1) shall be made under such conditions
24 as the Administrator determines to be necessary to
25 ensure that the United States will receive benefits

1 from the grant that are adequate to justify the mak-
2 ing of the grant.

3 **SEC. 112. AVAILABILITY OF APPROPRIATED AMOUNTS.**

4 To the extent provided in appropriations Acts, appro-
5 priations authorized under subtitle A may remain avail-
6 able without fiscal year limitation.

7 **SEC. 113. REPROGRAMMING FOR CONSTRUCTION OF FA-
8 CILITIES.**

9 (a) USE OF CONSTRUCTION FUNDS.—Subject to sub-
10 section (b), in addition to the amounts authorized for con-
11 struction of facilities under clauses (i) through (iii) of sec-
12 tion 101(3)(A), paragraph (7) of section 102, or section
13 103(3), the Administrator may, for that purpose, from
14 funds otherwise available to the Administrator—

15 (1) use an additional amount equal to 10 per-
16 cent of the amount specified; or

17 (2) to meet unusual cost variations, use an ad-
18 ditional amount equal to 25 percent of that amount,
19 after the termination of a 30-day period beginning
20 on the date on which the Administrator submits a
21 report on the circumstances of such action by the
22 Administrator to the Committee on Commerce,
23 Science, and Transportation of the Senate and the
24 Committee on Science of the House of Representa-
25 tives.

1 (b) LIMITATION.—The aggregate amount authorized
2 to be appropriated for construction of facilities under
3 clauses (i) through (iii) of section 101(4)(A), paragraph
4 (7) of section 102, and section 103(3) shall not be in-
5 creased as a result of any action taken by the Adminis-
6 trator under paragraph (1) or (2).

7 **SEC. 114. CONSIDERATION BY COMMITTEES.**

8 (a) IN GENERAL.—

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

16 (A) the annual budget request submitted
17 by the President under section 1105(a) of title
18 31, United States Code, included a request for
19 funding; and

20 (B) for the fiscal year of the request re-
21 ferred to in subparagraph (A), Congress denied
22 or did not provide funding.

23 (2) PROHIBITION.—Notwithstanding any other
24 provision of law, no amount made available by ap-
25 propriations to the National Aeronautics and Space

1 Administration may be used for any program that is
2 not authorized under this Act, except for projects for
3 construction of facilities.

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

11 (1) a full and complete statement of the action
12 proposed to be taken by the Administrator with re-
13 spect to that program; and

14 (2) the facts and circumstances that the Ad-
15 ministrator relied on to support the proposed action
16 referred to in paragraph (1).

17 (c) INFORMATION.—The Administrator shall keep the
18 Committee on Commerce, Science, and Transportation of
19 the Senate and the Committee on Science of the House
20 of Representatives fully and currently informed with re-
21 spect to all activities and responsibilities of the National
22 Aeronautics and Space Administration within the jurisdic-
23 tion of those committees.

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

3 Not more than \$35,000 of the amounts made avail-
4 able by appropriations pursuant to section 103 may be
5 used by the Administrator for scientific consultations or
6 extraordinary expenses.

7 **SEC. 116. EXPERIMENTAL PROGRAM TO STIMULATE COM-**
8 **PETITIVE RESEARCH.**

9 Of the amounts authorized to be appropriated for
10 academic programs under section 102(a)(6), for each of
11 fiscal years 1998 and 1999, the Administrator shall use
12 \$10,000,000 for the program known as the Experimental
13 Program to Stimulate Competitive Research.

14 **TITLE II—INTERNATIONAL**
15 **SPACE STATION**

16 **SEC. 201. FINDINGS.**

17 Congress finds that—

18 (1) the development, assembly, and operation of
19 the International Space Station is in the national in-
20 terest of the United States;

21 (2) the significant involvement by commercial
22 providers in marketing and using, competitively serv-
23 icing, and commercially augmenting the operational
24 capabilities of the International Space Station dur-
25 ing its assembly and operational phases could poten-

1 tially lower costs and increase benefits to the inter-
2 national partners; and

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

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

13 (a) POLICY.—Congress declares that—

14 (1) the cost-effective construction of the Inter-
15 national Space Station is a priority goal; and

16 (2) the use of free market principles in operat-
17 ing, servicing, allocating the use of, and adding ca-
18 pabilities to the International Space Station, and the
19 resulting fullest possible engagement of commercial
20 providers and participation of commercial users,
21 could potentially reduce Space Station operational
22 costs for all partners in the International Space Sta-
23 tion.

24 (b) REPORTS.—

1 (1) STUDY ON OPPORTUNITIES FOR COMMER-
2 CIAL PROVIDERS.—Not later than 90 days after the
3 date of enactment of this Act, the Administrator
4 shall conduct a study and prepare and submit to the
5 Committee on Commerce, Science, and Transpor-
6 tation of the Senate and the Committee on Science
7 of the House of Representatives, a report on the
8 findings of that study.

9 (2) CONTENTS OF STUDY.—The study con-
10 ducted under this subsection shall identify and ex-
11 amine—

12 (A) the opportunities for commercial pro-
13 viders to play a role in International Space Sta-
14 tion activities, including operation, use, servie-
15 ing, and augmentation;

16 (B) the potential cost savings to be derived
17 from commercial providers playing a role in
18 each of the activities referred to in subpara-
19 graph (A);

20 (C) the activities of the International
21 Space Station with respect to which the Federal
22 Government has a unique role or a role that is
23 more cost-effective than could otherwise be pro-
24 vided by a commercial provider;

1 (D) which of the opportunities described in
2 subparagraph (A) (if any) the Administrator
3 plans to make available to commercial providers
4 in fiscal years 1998 and 1999;

5 (E) the specific policies and initiatives that
6 the Administrator is advancing to encourage
7 and facilitate the commercial opportunities re-
8 ferred to in subparagraph (A); and

9 (F) the revenues and cost reimbursements
10 to the Federal Government from commercial
11 users of the International Space Station.

12 (3) INDEPENDENTLY CONDUCTED MARKET
13 STUDY.—The Administrator shall—

14 (A) provide for an independently conducted
15 market study that—

16 (i) examines and evaluates potential
17 industry interest in—

18 (I) providing commercial goods
19 and services for the operation, servic-
20 ing, and augmentation of the Inter-
21 national Space Station; and

22 (II) the commercial use of the
23 International Space Station; and

24 (ii) includes updates to the cost sav-
25 ings and revenue estimates made in the

1 study described in paragraph (1), based on
2 the external market assessment; and

3 (B) submit a report on the findings of the
4 study to the Committee on Commerce, Science,
5 and Transportation of the Senate and the Com-
6 mittee on Science of the House of Representa-
7 tives, within 180 days after the date of enact-
8 ment of this Act.

9 **SEC. 203. INTERNATIONAL SPACE STATION LIMITATIONS.**

10 (a) TRANSFER OF FUNDS TO RUSSIA.—

11 (1) IN GENERAL.—No funds or in-kind pay-
12 ments shall be transferred to any entity of the Gov-
13 ernment of Russia or any Russian contractor to per-
14 form work on the International Space Station which
15 the Government of Russia pledged, at any time, to
16 provide at the expense of the Government of Russia.

17 (2) APPLICABILITY.—This section shall not
18 apply to the purchase or modification of the Russian
19 built, United States owned Functional Cargo Block,
20 known as the “FCB”.

21 (b) CONTINGENCY PLAN FOR RUSSIAN ELEMENTS IN
22 CRITICAL PATH.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date of enactment of this Act, the Administrator
25 shall develop and submit to Congress a contingency

1 plan for the replacement of each element of the
2 International Space Station for which the Govern-
3 ment of Russia is responsible that lies in the critical
4 path of the Space Station, including operations.

5 (2) CONTENTS OF PLAN.—The plan submitted
6 under this subsection shall include—

7 (A) decision points for replacing the ele-
8 ments referred to in paragraph (1) if the Inter-
9 national Space Station is to be completed;

10 (B) the cost of implementing each decision
11 referred to in subparagraph (A); and

12 (C) the cost of replacing such a critical
13 path element after the applicable decision point
14 has passed, if—

15 (i) the decision at that point is not to
16 replace that element; and

17 (ii) the Administrator determines
18 after the decision referred to in clause (i)
19 is made that the Government of Russia
20 will be unable to provide the critical path
21 element in a manner to allow completion of
22 the International Space Station; and

23 (D)(i) the source of the funds necessary to
24 implement the contingency plan; and

1 (ii) an assessment of the impact of the
2 contingency plan on programs that have been
3 approved by the Administrator before the devel-
4 opment of the contingency plan.

5 (c) ASTRONAUTS ON MIR.—Beginning on the date of
6 enactment of this Act, the Administrator shall not place
7 a United States astronaut on board the Mir Space Station,
8 without the Space Shuttle attached to Mir, until the Ad-
9 ministrator assures Congress in writing that the Mir
10 Space Station is safe for human occupancy, and that as-
11 surance shall be based on an independent review of the
12 safety of the Mir Space Station.

13 **SEC. 204. NATIONAL RESEARCH COUNCIL STUDY.**

14 (a) IN GENERAL.—The Administrator shall use not
15 less than \$400,000 of the amounts appropriated to the
16 National Aeronautics and Space Administration pursuant
17 to the authorizations contained in this Act to provide for
18 a study under this section.

19 (b) CONTENTS OF STUDY.—To carry out this section,
20 the Administrator shall enter into a contract or other ap-
21 propriate arrangement with the appropriate official of the
22 National Research Council of the National Academy of
23 Sciences to provide for a study that evaluates, with respect
24 to any potential effects on the assembly schedule, budget,
25 and capabilities of the Space Station—

1 (1) the engineering challenges posed by—

2 (A) extravehicular (commonly referred to
3 as “EVA”) requirements; and

4 (B) space launch requirements of the
5 United States and other foreign countries;

6 (2) the potential need to upgrade or replace
7 equipment and components of the Space Station
8 after the assembly of the Space Station is complete;
9 and

10 (3) the requirement to decommission and dis-
11 assemble the Space Station.

12 (c) REPORTS.—

13 (1) INTERIM REPORT.—Not later than June 1,
14 1998, the Administrator shall submit to Congress an
15 interim report that contains the findings of the Na-
16 tional Research Council as of that date with respect
17 to the study conducted under this section.

18 (2) FINAL REPORT.—Not later than September
19 1, 1998, upon completion of the study under this
20 section, the Administrator shall submit to Congress
21 a final report on the findings of the National Re-
22 search Council with respect to the study.

1 **SEC. 205. LIMITATION ON THE INTERNATIONAL SPACE STA-**
2 **TION BUDGET.**

3 Taking into account the number of design changes
4 needed in the International Space Station and the infor-
5 mation that Congress has received concerning the rising
6 costs that will be associated with the International Space
7 Station, the Administrator, in consultation with the Comp-
8 troller General of the United States, shall—

9 (1) establish an updated total life cycle cost es-
10 timate for the International Space Station by not
11 later than 90 days after the date of enactment of
12 this Act; and

13 (2) prepare, and submit to the Committee on
14 Commerce, Science, and Transportation of the Sen-
15 ate and the Committee on Science of the House of
16 Representatives a report that contains—

17 (A) the updated total life cycle cost esti-
18 mate referred to in paragraph (1) and an expla-
19 nation of how the costs will be shared among
20 international project partners; and

21 (B) recommendations for the maximum ag-
22 gregate amount necessary to carry out the
23 International Space Station for the remaining
24 fiscal years of the International Space Station
25 program, for inclusion in the budget for the

- 1 International Space Station, including a break-
 2 down of the maximum amount necessary for—
- 3 (i) research;
 - 4 (ii) design;
 - 5 (iii) construction;
 - 6 (iv) delivery;
 - 7 (v) launch;
 - 8 (vi) operation;
 - 9 (vii) assembly; and
 - 10 (viii) disassembly.

11 **TITLE III—MISCELLANEOUS** 12 **PROVISIONS**

13 **SEC. 301. NATIONAL AERONAUTICS AND SPACE ACT OF 1958** 14 **AMENDMENTS.**

15 (a) DECLARATION OF POLICY AND PURPOSE.—Sec-
 16 tion 102 of the National Aeronautics and Space Act of
 17 1958 (42 U.S.C. 2451) is amended—

- 18 (1) by striking subsection (f);
- 19 (2) by redesignating subsections (g) and (h) as
 20 subsections (f) and (g), respectively; and
- 21 (3) in subsection (g), as redesignated by para-
 22 graph (1) of this subsection, by striking “(f), and
 23 (g)” and inserting “and (f)”.

1 (b) REPORTS TO CONGRESS.—Section 206(a) of the
2 National Aeronautics and Space Act of 1958 (42 U.S.C.
3 2476(a)) is amended—

4 (1) by striking “January” and inserting “May”;
5 and

6 (2) by striking “calendar” and inserting “fis-
7 cal”.

8 (c) DISCLOSURE OF TECHNICAL DATA.—Section 303
9 of the National Aeronautics and Space Act of 1958 (42
10 U.S.C. 2454) is amended by adding at the end the follow-
11 ing new subsection:

12 “(c) The Administrator may delay for a period not
13 to exceed 5 years after development, the unrestricted pub-
14 lic disclosure of technical data that would have been a
15 trade secret or commercial or financial information that
16 is privileged or confidential under the meaning of section
17 552(b)(4) of title 5, United States Code, if the information
18 had been obtained from a non-Federal party, in any case
19 in which the technical data is generated in the perform-
20 ance of experimental, developmental, or research activities
21 or programs conducted by, or funded in whole or in part
22 by, the Administration. The technical data referred to in
23 the preceding sentence shall not be subject to the disclo-
24 sure requirements of section 552 of title 5, United States
25 Code.”.

1 **SEC. 302. ACQUISITION OF SPACE SCIENCE DATA.**

2 (a) **ACQUISITION FROM COMMERCIAL PROVIDERS.**—

3 The Administrator may, if practicable and cost-effective,
4 while satisfying the scientific requirements of the National
5 Aeronautics and Space Administration, acquire space
6 science data from a commercial provider.

7 (b) **SPACE SCIENCE DATA.**—For purposes of this sec-
8 tion, the term “space science data” includes—

9 (1) scientific data concerning the elemental and
10 mineralogical resources of the moon, asteroids, plan-
11 ets and their moons, and comets;

12 (2) Earth environmental data obtained through
13 remote sensing observations; and

14 (3) solar storm monitoring.

15 (c) **SAFETY STANDARDS.**—Nothing in this section
16 shall be construed to prohibit the Federal Government
17 from requiring compliance with applicable safety stand-
18 ards.

19 (d) **LIMITATION.**—This section does not authorize the
20 Administrator to provide financial assistance for the devel-
21 opment of commercial systems for the collection of space
22 science data.

23 **SEC. 303. ACQUISITION OF EARTH SCIENCE DATA.**

24 (a) **ACQUISITION.**—For purposes of meeting Govern-
25 ment goals for Mission to Planet Earth, the Administrator
26 may, if practicable and cost-effective, while satisfying the

1 scientific requirements of the National Aeronautics and
2 Space Administration, procure from a commercial pro-
3 vider, if cost-effective, space-based and airborne Earth re-
4 mote sensing data, services, distribution, and applications
5 of an aggregate value not to exceed \$50,000,000.

6 (b) SAFETY STANDARDS.—Nothing in this section
7 shall be construed to prohibit the Federal Government
8 from requiring compliance with applicable safety stand-
9 ards.

10 **SEC. 304. SHUTTLE PRIVATIZATION.**

11 Not later than 90 days after the date of enactment
12 of this Act, the Administrator shall prepare, and submit
13 to the Committee on Commerce, Science, and Transpor-
14 tation of the Senate and the Committee on Science of the
15 House of Representatives a report containing—

16 (1) the findings and recommendations of the
17 Independent Shuttle Management Review Team; and

18 (2) findings and recommendations concerning
19 possible options for resolving the major policy and
20 legal issues that are required to be addressed before
21 the Shuttle is privatized, including whether—

22 (A) the Federal Government or the Shuttle
23 contractor should own the Shuttle orbiters and
24 Shuttle ground facilities;

1 (B)(i) commercial payloads should be al-
2 lowed to be launched on the Shuttle; and

3 (ii) any classes of payloads should be made
4 ineligible for launch consideration;

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

8 (D) privatization of the Shuttle would
9 produce any significant cost saving, and if so,
10 the estimated amount of those cost savings.

11 **SEC. 305. LAUNCH VOUCHER DEMONSTRATION PROGRAM**

12 **AMENDMENTS.**

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

16 (1) in subsection (a)—

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

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

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

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

1 **SEC. 306. USE OF EXISTING FACILITIES.**

2 (a) IN GENERAL.—In any case in which the Adminis-
3 trator considers the purchase, lease, or expansion of a fa-
4 cility to meet requirements of the National Aeronautics
5 and Space Administration, the Administrator, taking into
6 account the applicable requirements of Federal law relat-
7 ing to the use or disposal of excess or surplus property,
8 including the Federal Property and Administrative Serv-
9 ices Act of 1949, shall—

10 (1) consider whether there is available to the
11 Administrator for use for meeting those require-
12 ments—

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

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

17 (C) any other facility that the Adminis-
18 trator determines to be—

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

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

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

1 (II) to be underutilized by that
2 agency; and

3 (2) in the case of an underutilized facility avail-
4 able in part for use to meet those requirements, con-
5 sider locating an activity of the National Aeronautics
6 and Space Administration for which a facility is re-
7 quired at that underutilized facility in such manner
8 as to share the use of the facility with 1 or more
9 agencies of the Federal Government.

10 (b) ADDITION OR EXPANSION.—To the maximum ex-
11 tent feasible and cost-effective (and not inconsistent with
12 the purposes of the Defense Base Closure and Realign-
13 ment Act of 1990 (104 Stat. 1808 et seq.) and the amend-
14 ments made by that Act), the Administrator shall meet
15 the requirements of the National Aeronautics and Space
16 Administration for additional or expanded facilities by
17 using facilities that—

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

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

1 **SEC. 307. AUTHORITY TO REDUCE OR SUSPEND CONTRACT**
2 **PAYMENTS BASED ON SUBSTANTIAL EVI-**
3 **DENCE OF FRAUD.**

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

7 **SEC. 308. NEXT GENERATION INTERNET.**

8 The National Aeronautics and Space Administration
9 may participate in the Next Generation Internet (as that
10 term is used in Executive Order No. 13035) interagency
11 initiative, which is a multiagency initiative related to the
12 National High-Performance Computing and Communica-
13 tions Program established by section 102 of the High-Per-
14 formance Computing Act of 1991 (15 U.S.C. 5511).

15 **SEC. 309. NOTICE.**

16 (a) NOTICE OF REPROGRAMMING.—If any funds ap-
17 propriated pursuant to the amendments made by this Act
18 are subject to a reprogramming action that requires notice
19 to be provided to the Committees on Appropriations of the
20 Senate and the House of Representatives, notice of that
21 action shall concurrently be provided 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.

25 (b) NOTICE OF REORGANIZATION.—Not later than
26 30 days before any major reorganization involving the re-

1 assignment of more than 25 percent of the employees of
2 any program, project, or activity of the National Aero-
3 nautics and Space Administration, the Administrator shall
4 provide notice to the Committees on Commerce, Science,
5 and Transportation and Appropriations of the Senate and
6 the Committees on Science and Appropriations of the
7 House of Representatives.

8 **SEC. 310. SENSE OF CONGRESS ON THE YEAR 2000 PROB-**
9 **LEM.**

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

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

17 (2) as soon as practicable after the date of en-
18 actment of this Act, assess the extent of the risk to
19 the operations of the National Aeronautics and
20 Space Administration posed by the problems re-
21 ferred to in paragraph (1), and plan and budget for
22 achieving compliance for all of the mission-critical
23 systems of the system by the year 2000; and

1 (3) develop contingency plans for those systems
2 that the National Aeronautics and Space Adminis-
3 tration is unable to correct by the year 2000.

4 **SEC. 311. UNITARY WIND TUNNEL PLAN ACT OF 1949**
5 **AMENDMENTS.**

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

8 (1) in section 101 by striking “transsonic and
9 supersonic” and inserting “transsonic, supersonic,
10 and hypersonic”; and

11 (2) in section 103—

12 (A) in subsection (a)—

13 (i) by striking “laboratories” and in-
14 serting “laboratories and centers”; and

15 (ii) by striking “supersonic” and in-
16 serting “transsonic, supersonic, and
17 hypersonic”; and

18 (B) in subsection (c), by striking “labora-
19 tory” and inserting “facility”.

20 **SEC. 312. ENHANCEMENT OF SCIENCE AND MATHEMATICS**
21 **PROGRAMS.**

22 (a) DEFINITIONS.—In this section—

23 (1) EDUCATIONALLY USEFUL FEDERAL EQUIP-
24 MENT.—The term “educationally useful Federal
25 equipment” means computers and related peripheral

1 tools and research equipment that is appropriate for
2 use in schools.

3 (2) SCHOOL.—The term “school” means a pub-
4 lic or private educational institution that serves any
5 of the grades of kindergarten through grade 12.

6 (b) SENSE OF CONGRESS.—

7 (1) IN GENERAL.—It is the sense of Congress
8 that the Administrator should, to the greatest extent
9 practicable and in a manner consistent with applica-
10 ble Federal law (including Executive Order No.
11 12999), donate educationally useful Federal equip-
12 ment to schools in order to enhance the science and
13 mathematics programs of those schools.

14 (2) REPORTS.—Not later than 1 year after the
15 date of enactment of this Act, and annually there-
16 after, the Administrator shall prepare and submit to
17 Congress a report describing any donations of edu-
18 cationally useful Federal equipment to schools made
19 during the period covered by the report.

20 **SEC. 313. AUTHORITY TO VEST TITLE.**

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

1 “AUTHORITY TO VEST TITLE TO TANGIBLE PERSONAL
2 PROPERTY FOR RESEARCH OR TECHNOLOGY DEVEL-
3 OPMENT

4 “SEC. 313. Notwithstanding any other provision of
5 law, the Administrator may vest title in tangible property
6 (as that term is defined by the Administrator) in any par-
7 ticipant that enters into a cooperative agreement with the
8 Administrator if—

9 “(1) the primary purpose of the participant is
10 to conduct scientific research or technology develop-
11 ment;

12 “(2) the property is acquired with amounts pro-
13 vided under a cooperative agreement between the
14 participant and the Administrator to conduct sci-
15 entific research or technology development;

16 “(3) the Administrator determines that vesting
17 the title to the property in the participant furthers
18 the objectives of the National Aeronautics and Space
19 Administration; and

20 “(4) the vesting of the title in the participant
21 is made—

22 “(A) on the condition that the United
23 States Government will not incur any further
24 obligation; and

1 “(B) subject to any other condition that
2 the Administrator considers to be appropriate.”.

3 **SEC. 314. NASA MID-RANGE PROCUREMENT TEST PRO-**
4 **GRAM.**

5 Section 5062 of the Federal Acquisition Streamlining
6 Act of 1994 (108 Stat. 3356) is amended—

7 (1) in subsection (a), by inserting after the first
8 sentence the following: “In addition to providing any
9 other notice of any acquisition under the test con-
10 ducted under this section, the Administrator shall
11 publish a notice of that acquisition in, or make such
12 a notice available through, the automated version of
13 the Commerce Business Daily published by the Sec-
14 retary of Commerce.”;

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

19 “(1) of \$2,000,000 or less; or

20 “(2) if options to purchase are involved, of
21 \$10,000,000 or less.”;

22 (3) in subsection (c), by striking
23 “\$100,000,000” and inserting “\$500,000,000”; and

24 (4) in subsection (f), by striking “4 years” and
25 inserting “6 years”.

1 **SEC. 315. SPACE ADVERTISING.**

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

4 (1) by redesignating paragraphs (8) through
5 (12) as paragraphs (9) through (13), respectively;
6 and

7 (2) by inserting after paragraph (7) the follow-
8 ing:

9 “(8) ‘obtrusive space advertising’ means adver-
10 tising in outer space that is capable of being recog-
11 nized by a human being on the surface of the Earth
12 without the aid of a telescope or other technological
13 device.”.

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

17 **“§ 70109a. Space advertising**

18 “(a) LICENSING.—Notwithstanding the provisions of
19 this chapter or any other provision of law, the Secretary
20 may not, for the launch of a payload containing any mate-
21 rial to be used for the purposes of obtrusive space advertis-
22 ing—

23 “(1) issue or transfer a license under this chap-
24 ter; or

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

1 “(b) LAUNCHING.—No holder of a license under this
2 chapter may launch a payload containing any material to
3 be used for purposes of obtrusive space advertising on or
4 after the date of enactment of the National Aeronautics
5 and Space Administration Authorization Act for Fiscal
6 Years 1998 and 1999.

7 “(c) COMMERCIAL SPACE ADVERTISING.—Nothing in
8 this section shall apply to nonobtrusive commercial space
9 advertising, including advertising on—

10 “(1) commercial space transportation vehicles;

11 “(2) space infrastructure, payloads;

12 “(3) space launch facilities; and

13 “(4) launch support facilities.”.

14 (c) NEGOTIATION WITH FOREIGN LAUNCHING NA-
15 TIONS.—

16 (1) The President is requested to negotiate with
17 foreign launching nations for the purpose of reach-
18 ing 1 or more agreements that prohibit the use of
19 outer space for obtrusive space advertising purposes.

20 (2) It is the sense of Congress that the Presi-
21 dent should take such action as is appropriate and
22 feasible to enforce the terms of any agreement to
23 prohibit the use of outer space for obtrusive space
24 advertising purposes.

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

3 (A) that launches, or procures the launch-
4 ing of, a payload into outer space; or

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

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

 “70109a. Space advertising.”.

10 **SEC. 316. ADMINISTRATION OF COMMERCIAL SPACE CEN-**
11 **TER PROGRAM.**

12 The Administrator shall, in a coordinated manner,
13 administer, at the headquarters of the National Aero-
14 nautics and Space Administration in Washington, D.C.,
15 the Commercial Space Center.

16 **SEC. 317. INSURANCE; INDEMNIFICATION; LIABILITY.**

17 (a) IN GENERAL.—The Administrator may provide li-
18 ability insurance for, or indemnification to, the developer
19 of an experimental aerospace vehicle developed or used in
20 execution of an agreement between the Administration
21 and the developer.

22 (b) TERMS AND CONDITIONS.—

23 (1) IN GENERAL.—Except as otherwise pro-
24 vided in this section, the insurance and indemnifica-
25 tion provided by the Administration under sub-

1 section (a) to a developer shall be provided on the
2 same terms and conditions as insurance and indem-
3 nification is provided by the Administration under
4 section 308 of the National Aeronautics and Space
5 Act of 1958 (42 U.S.C. 2458b) to the user of a
6 space vehicle.

7 (2) INSURANCE.—

8 (A) IN GENERAL.—A developer shall ob-
9 tain liability insurance or demonstrate financial
10 responsibility in amounts to compensate for the
11 maximum probable loss from claims by—

12 (i) a third party for death, bodily in-
13 jury, or property damage, or loss resulting
14 from an activity carried out in connection
15 with the development or use of an experi-
16 mental aerospace vehicle; and

17 (ii) the United States Government for
18 damage or loss to Government property re-
19 sulting from such an activity.

20 (B) MAXIMUM REQUIRED.—The Adminis-
21 trator shall determine the amount of insurance
22 required, but, except as provided in subpara-
23 graph (C), that amount shall not be greater
24 than the amount required under section
25 70112(a)(3) of title 49, United States Code, for

1 a launch. The Administrator shall publish no-
2 tice of the Administrator's determination and
3 the applicable amount or amounts in the Fed-
4 eral Register within 10 days after making the
5 determination.

6 (C) INCREASE IN DOLLAR AMOUNTS.—The
7 Administrator may increase the dollar amounts
8 set forth in section 70112(a)(3)(A) of title 49,
9 United States Code, for the purpose of applying
10 it under this section to a developer after con-
11 sultation with the Comptroller General and
12 such experts and consultants as may be appro-
13 priate, and after publishing notice of the in-
14 crease in the Federal Register not less than 180
15 days before the increase goes into effect. The
16 Administrator shall make available for public
17 inspection, not later than the date of publica-
18 tion of such notice, a complete record of any
19 correspondence received by the Administration,
20 and a transcript of any meetings in which the
21 Administration participated, regarding the pro-
22 posed increase.

23 (D) SAFETY REVIEW REQUIRED BEFORE
24 ADMINISTRATOR PROVIDES INSURANCE.—The
25 Administrator may not provide liability insur-

1 ance or indemnification under subsection (a)
2 unless the developer establishes to the satisfac-
3 tion of the Administrator that appropriate safe-
4 ty procedures and practices are being followed
5 in the development of the experimental aero-
6 space vehicle.

7 (3) NO INDEMNIFICATION WITHOUT CROSS-
8 WAIVER.—Notwithstanding subsection (a), the Ad-
9 ministrator may not indemnify a developer of an ex-
10 perimental aerospace vehicle under this section un-
11 less there is an agreement between the Administra-
12 tion and the developer described in subsection (c) of
13 this section.

14 (4) APPLICATION OF CERTAIN PROCEDURES.—
15 If the Administrator requests additional appropria-
16 tions to make payments under this section, like the
17 payments that may be made under section 308(b),
18 then the request for those appropriations shall be
19 made in accordance with the procedures established
20 by subsections (d) and (e) of section 70113 of title
21 49, United States Code.

22 (c) CROSS-WAIVERS.—

23 (1) ADMINISTRATOR AUTHORIZED TO WAIVE.—
24 The Administrator, on behalf of the United States,
25 and its departments, agencies, and instrumentalities,

1 may reciprocally waive claims with a developer and
2 with the related entities of that developer under
3 which each party to the waiver agrees to be respon-
4 sible, and agrees to ensure that its own related enti-
5 ties are responsible, for damage or loss to its prop-
6 erty for which it is responsible, or for losses result-
7 ing from any injury or death sustained by its own
8 employees or agents, as a result of activities con-
9 nected to the agreement or use of the experimental
10 aerospace vehicle.

11 (2) LIMITATIONS.—

12 (A) CLAIMS.—A reciprocal waiver under
13 paragraph (1) may not preclude a claim by any
14 natural person (including, but not limited to, a
15 natural person who is an employee of the Unit-
16 ed States, the developer, or the developer’s sub-
17 contractors) or that natural person’s estate,
18 survivors, or subrogees for injury or death, ex-
19 cept with respect to a subrogee that is a party
20 to the waiver or has otherwise agreed to be
21 bound by the terms of the waiver.

22 (B) LIABILITY FOR NEGLIGENCE.—A re-
23 ciprocal waiver under paragraph (1) may not
24 absolve any party of liability to any natural per-
25 son (including, but not limited to, a natural

1 person who is an employee of the United
2 States, the developer, or the developer's sub-
3 contractors) or such a natural person's estate,
4 survivors, or subrogees for negligence, except
5 with respect to a subrogee that is a party to
6 the waiver or has otherwise agreed to be bound
7 by the terms of the waiver.

8 (C) INDEMNIFICATION FOR DAMAGES.—A
9 reciprocal waiver under paragraph (1) may not
10 be used as the basis of a claim by the Adminis-
11 tration or the developer for indemnification
12 against the other for damages paid to a natural
13 person, or that natural person's estate, survi-
14 vors, or subrogees, for injury or death sustained
15 by that natural person as a result of activities
16 connected to the agreement or use of the exper-
17 imental aerospace vehicle.

18 (d) DEFINITIONS.—In this section:

19 (1) ADMINISTRATION.—The term “Administra-
20 tion” means the National Aeronautics and Space
21 Administration.

22 (2) EXPERIMENTAL AEROSPACE VEHICLE.—
23 The term “experimental aerospace vehicle” means
24 an object intended to be flown in, or launched into,
25 suborbital flight for the purpose of demonstrating

1 technologies necessary for a reusable launch vehicle,
2 developed under an agreement between the Adminis-
3 tration and a developer that was in effect before the
4 date of enactment of this Act.

5 (3) DEVELOPER.—The term “developer” means
6 a person (other than a natural person) who—

7 (A) is a party to an agreement that was in
8 effect before the date of enactment of this Act
9 with the Administration for the purpose of de-
10 veloping new technology for an experimental
11 aerospace vehicle;

12 (B) owns or provides property to be flown
13 or situated on that vehicle; or

14 (C) employs a natural person to be flown
15 on that vehicle.

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

21 (e) RELATIONSHIP TO OTHER LAWS.—

22 (1) SECTION 308 OF NATIONAL AERONAUTICS
23 AND SPACE ACT OF 1958.—This section does not
24 apply to any object, transaction, or operation to

1 which section 308 of the National Aeronautics and
2 Space Act of 1958 (42 U.S.C. 2458b) applies.

3 (2) CHAPTER 701 OF TITLE 49, UNITED STATES
4 CODE.—The Administrator may not provide indem-
5 nification to a developer under this section for
6 launches subject to license under section
7 70117(g)(1) of title 49, United States Code.

8 (f) TERMINATION.—

9 (1) IN GENERAL.—The provisions of this sec-
10 tion shall terminate on December 31, 2002, except
11 that the Administrator may extend the termination
12 date to a date not later than September 30, 2005,
13 if the Administrator determines that such an exten-
14 sion is necessary to cover the operation of an experi-
15 mental aerospace vehicle.

16 (2) EFFECT OF TERMINATION ON AGREE-
17 MENTS.—The termination of this section does not
18 terminate or otherwise affect a cross-waiver agree-
19 ment, insurance agreement, indemnification agree-
20 ment, or any other agreement entered into under
21 this section except as may be provided in that agree-
22 ment.

○