

PROVIDING FOR CONSIDERATION OF H.R. 3070, NA-
TIONAL AERONAUTICS AND SPACE ADMINISTRATION
AUTHORIZATION ACT OF 2005

JULY 20, 2005.—Referred to the House Calendar and ordered to be printed

Mr. GINGREY, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 370]

The Committee on Rules, having had under consideration House Resolution 370, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3070, the National Aeronautics and Space Administration Act of 2005, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Science.

The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule waives all points of order against the committee amendment in the nature of a substitute.

The rule makes in order only those amendments printed in this report. The rule provides that the amendments printed in this report may be considered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in this report.

Finally, the rule provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waivers of all points of order against consideration of the bill and Committee amendment in the nature of a substitute include a waiver of clause 3(c)(2) of Rule XIII (requiring a Congressional Budget Office cost estimate in the committee report on any legislation containing new budget authority, new spending authority, new credit authority or a change in revenues) which is necessary because H. Rept. 109–173 does not include a cost estimate. At the time the Rules Committee ordered reported the resolution, the Congressional Budget Office had not yet produced a cost estimate for H.R. 3070.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Boehlert: Manager's Amendment. The amendment makes a number of technical and clarifying changes to the bill H.R. 3070. The amendment also makes the following additional changes: increases the amount of funding authorized to be appropriated for NASA to support the President's budget request for exploration for fiscal years 2006 and 2007; expresses the Sense of Congress that NASA should return the Space Shuttle to flight as soon as the Administrator determines that it can be accomplished with an acceptable level of safety; allows the Administrator to complete the International Space Station in such a configuration as to support fewer than six persons, but only after transmitting a report to the Congress explaining why a six-person requirement should not be met; requires NASA to report information to Congress regarding minority participation in NASA's education programs; authorizes NASA to provide grants to, and enter into cooperative agreements with museums and planetariums to allow them to enhance their programs related to space and science; and raises the threshold for major programs that require additional reporting to Congress to \$150 million from \$100 million. (20 minutes)

2. Velázquez: Requires the NASA Administrator to submit a quarterly report on the NASA Office of Small and Disadvantaged Business Utilization including a description of the outreach activities of the Office and the impact of such activities on the participation of small businesses, including small businesses owned by women and minorities in NASA contracts. (10 minutes)

3. Jackson-Lee: Restores funding for Historically Black Colleges and universities under NASA education programs to the FY04 funding level of \$69.2 million for FY06 and \$71.2 million for FY07. Also restores funding for Hispanic Serving Institutions under NASA education programs in the amount of \$46.4 million for FY06 and \$47.4 million for FY07. (10 minutes)

4. Velázquez: Establishes a four-year pilot grant program allowing NASA to expand advanced research opportunities through minority-serving institutions. (10 minutes)

5. Costello: Amends Section 705 of the bill exempting off-shore performance of contracts for the procurement of goods and services that are inconsistent with obligations under international agreements on the International Space Station. (20 minutes)

6. Jackson-Lee: Requires the NASA Administrator to transmit to the House Committee on Science and the Senate Committee on Commerce, a plan describing steps NASA will take to protect employees who do raise or have raised concerns about a potentially catastrophic risk to health or safety. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOEHLERT OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 7, line 10, strike “space science and earth science” and insert “space science, earth science and microgravity science”.

Page 16, line 25, strike “or Reduction in Force”.

Page 17, line 4, insert “(except for cause)” after “separations”.

Page 17, line 5, strike “October 1, 2006” and insert “February 16, 2007”.

Page 21, line 5, insert “non-aeronautical” after “other”.

Page 26, line 21, strike “90 days after the date of enactment of this Act” and insert “February 1, 2006”.

Page 29, line 6, strike the period and insert, “, except in cases in which the Administrator has a conflict of interest.”.

Page 30, line 1, insert “, program reserves,” after “cost”.

Page 30, line 4, strike “and”.

Page 30, after line 4, insert the following new subparagraph:

(D) the plan for mitigating technical, schedule, and cost risks prepared in accordance with subsection (a)(1)(A); and

Page 30, line 5, strike “(D)” and insert “(E)”.

Page 33, line 15, strike “1 year” and insert “18 months”.

Page 33, line 20, insert “An appropriation for the program enacted subsequent to a report being transmitted shall be considered an authorization for purposes of this subsection.” after “by law.”

Page 34, line 24, strike “\$100,000,000” and insert “\$150,000,000”.

Page 36, line 24, strike “subparagraph” and insert “paragraph”.

Page 37, line 4, strike “to compensate for the maximum probable loss, as”.

Page 37, line 21, strike “from both within and outside the Administration”.

Page 38, line 1, insert “from outside the Administration, including” after “individuals”.

Page 38, line 4, strike “employees, officers, directors, or agents of,” and insert “an employee, officer, director, or agent of”.

Page 38, line 14, strike “Such funds shall not increase the amount of a prize after the amount has been announced pursuant to subsection (d).”.

Page 38, line 19, strike “Funds appropriated for the program” and insert “Notwithstanding any other provision of law, funds appropriated for prize awards”.

Page 39, strike line 3 through line 5 and insert the following:

(3) No prize may be announced under subsection (d) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by a private source. The Administrator may increase the amount of a prize after an initial announcement is made under subsection (d) if—

(A) notice of the increase is provided in the same manner as the initial notice of the prize; and

(B) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

Page 41, line 20, strike “provide” and insert “transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate”.

Page 43, line 18, insert at the end “Not later than one year after the date of enactment of this Act, the Administrator shall transmit the study to the Committee on Science of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate”.

Page 44, after line 6, add the following new section:

SEC. 110. SPACE SHUTTLE RETURN TO FLIGHT.

It is the sense of Congress that, in keeping with the President’s Vision for Space Exploration, the Space Shuttle should return to flight as soon as the Administrator determines that a flight can be accomplished with an acceptable level of safety.

In the table of contents in section 1(b), insert after the item relating to section 109 the following:

Sec. 110. Space shuttle return to flight.

Page 44, line 24, strike “\$16,471,050,000” and insert “\$16,965,650,000”.

Page 45, line 6, strike “and”.

Page 45, line 8, strike the period and insert “; and”.

Page 45, after line 8, insert the following new subparagraph:

(D) \$8,900,000 for the Science and Technology Scholarship Program.

Page 45, line 10, strike “\$3,181,100,000” and insert “\$3,844,100,000”.

Page 45, line 12, strike “\$6,387,300,000” and insert “\$6,218,900,000”.

Page 45, line 17, strike “\$16,962,000,000” and insert “\$17,726,800,000”.

Page 46, line 2, strike “\$3,589,200,000” and insert “\$4,514,000,000”.

Page 46, line 4, strike “\$6,007,700,000” and insert “\$5,847,700,000”.

Page 47, line 14, strike “each such Committee” and insert “the Committee on Science of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate”.

Page 49, line 13, strike “Each year” and insert “Not later than March 1 of each year”.

Page 50, line 7, insert “study titled ‘Assessment of Options for Extending the Life of the Hubble Space Telescope’” after “after National Academy of Sciences”.

Page 50, line 10, insert “the Administrator shall determine” after “Space Shuttle,”.

Page 50, line 12, strike “shall be determined”.

Page 54, lines 11 and 12, strike “the Under Secretary of Commerce for Oceans and Atmosphere and”.

Page 54, line 12, insert “and the Administrator of the National Oceanic and Atmospheric Administration” after “Administrator”.

Page 71, line 11, strike “shall” and insert “may”.

Page 72, strike line 5 and all that follows through line 16, and insert the following:

SEC. 440. UNIVERSITY-BASED CENTERS.

(a) IN GENERAL.—The Administrator may award grants to institutions of higher education (or consortia thereof) to establish one or more centers for the purpose described in subsection (b).

(b) PURPOSE.—The purpose of the centers is to conduct basic and applied research on the impact of new technologies and procedures, particularly those related to aeronautical navigation and control.

In the table of contents in section 1(b) strike the item relating to section 440 and insert the following:

Sec. 440. University-based centers.

Page 73, line 15, strike the semicolon and insert “, unless the Administrator transmits a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate prior to awarding a development contract for the Crew Exploration Vehicle, explaining why such a requirement should not be met and the impact of not meeting the requirement on the ISS research agenda and operations;”.

Page 73, line 25, strike “provide sufficient” and insert “require sufficient surge delivery capability or”.

Page 74, after line 10, insert the following new subsection:

(d) CENTRIFUGE.—Nothing in this Act shall be construed to prohibit the installation of the centrifuge on the ISS.

Page 81, line 15, insert at the end the following: “As part of the report, the Administrator shall provide data on minority participation in NASA’s education programs, at a minimum in the following categories: elementary and secondary education, undergraduate education, and graduate education.”

Page 81, after line 15, insert the following new sections:

SEC. 616. MUSEUMS.

The Administrator may provide grants to, and enter into cooperative agreements with museums and planetariums to enable them to enhance programs related to space exploration, aeronautics, space science, earth science, or microgravity.

SEC. 617. REVIEW OF MUST PROGRAM.

Not later than 60 days after the date of enactment of this Act, the Administrator shall transmit a report to Congress on the legal status of the Motivating Undergraduates in Science and Technology program. If the report concludes that the program is in compliance with the laws of the United States, NASA shall implement the program, as planned in the July 5, 2005 National Research Announcement.

In the table of contents in section 1(b), insert after the item relating to section 615 the following:

Sec. 616. Museums.

Sec. 617. Review of MUST program.

Page 82, line 11, strike “(42 U.S.C. 458c)” and insert “(42 U.S.C. 2458c)”.

Page 83, line 17 strike “(2) by striking” and all that follows through line 18.

Page 83, line 19, strike “(3)” and insert “(2)”.
 Page 83, line 22, strike “(4)” and insert “(3)”.
 Page 83, line 24, strike “(5)” and insert “(4)”.
 Page 86, after line 3, add the following new section:

SEC. 706. LONG DURATION FLIGHT.

No provision of this or any other Act shall be construed to prohibit NASA from accommodating the exercise of religion by astronauts engaged in long duration space flight missions.

In the table of contents in section 1(b), insert after the item relating to section 705 the following:

Sec. 706. Long duration flight.

Page 87, line 17, strike “expire” and insert “shall transmit its final report”.

Page 88, line 5, insert “that is owned by the Federal government or” after “humans”.

Page 90, line 3, strike “member” and insert “number”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VELÁZQUEZ OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of section 102 (page 28, after line 10) the following new subsection:

(h) OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.—The Administrator shall transmit to the Committee on Science and the Committee on Small Business of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Small Business and Entrepreneurship of the Senate a quarterly report on the NASA Office of Small and Disadvantaged Business Utilization, which shall include a description of the outreach activities of the Office and the impact of such activities on the participation of small businesses, including small businesses owned by women and minorities, in NASA contracts.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON-LEE OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 45, line 6, strike “and”.

Page 45, line 8, strike the period and insert a semicolon.

Page 45, after line 8, insert the following new subparagraphs:

(D) \$69,200,000 shall be for Historically Black Colleges and Universities education programs; and

(E) \$46,400,000 shall be for Hispanic Serving Institutions education programs.

Page 45, line 22, strike “and”.

Page 45, line 24, strike the period and insert a semicolon.

Page 45, after line 24, insert the following new subparagraphs:

(D) \$71,200,000 shall be for Historically Black Colleges and Universities education programs; and

(E) \$47,400,000 shall be for Hispanic Serving Institutions education programs.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VELÁZQUEZ OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of title VII the following new section:

SEC. 706. MINORITY INSTITUTION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Administrator shall establish and carry out a pilot program to make grants to minority institutions for the development of physical facilities and infrastructure to be provided to NASA prime contractors for use in the performance of research, development, test, and evaluation projects pursuant to NASA prime contracts.

(b) APPLICATION.—To be eligible to receive a grant under the pilot program established in subsection (a), a minority institution shall submit an application to the Administrator at such time, in such manner, and containing such information and assurances as the Administrator may require.

(c) MATCHING REQUIREMENT.—As a condition of a grant under the pilot program, the Administrator shall require that a matching amount be provided from a source other than the Federal Government that is equal to the amount of the grant.

(d) COOPERATIVE AGREEMENT.—As part of the pilot program under this section, the Administrator shall enter into a cooperative agreement with a non-profit organization that has experience developing relationships between industry, minority institutions, and other entities, under which the non-profit organization shall develop regional and national relationships between industry, minority institutions, and other entities to facilitate the development and provision of physical facilities and infrastructure of the minority institutions receiving grants under this section.

(e) MINORITY INSTITUTION.—In this section, the term “minority institution” has the meaning given that term in section 365(3) of the Higher Education Act of 1965 (20 U.S.C. 1067k(3)).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section, \$4,000,000 for each of fiscal years 2006 through 2009.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COSTELLO OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 85, line 19, insert “on the ISS” after “under international agreements”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON-LEE OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 44, after line 6, insert the following:

SEC. 110. WHISTLEBLOWER PROTECTION.

Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a plan describing steps to be taken by NASA to protect the employment status of NASA employees who raise or have raised concerns about a potentially catastrophic risk to health or safety.

In the table of contents in section 1(b), insert after the item relating to section 109 the following:
Sec. 110. Whistleblower protection.

