

Calendar No. 387

105TH CONGRESS
2^D Session

S. 1250

[Report No. 105-195]

A BILL

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

MAY 22, 1998

Reported with an amendment and an amendment to the title

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2^D SESSION**S. 1250****[Report No. 105–195]**

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IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 1998

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

MAY 22, 1998

Reported by Mr. MCCAIN, with an amendment and an amendment to the title
[Strike all after the enacting clause and insert the part printed in *italic*]

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,*

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

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

5 (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.

Sec. 116. Experimental Program to Stimulate Competitive Research.

TITLE II—INTERNATIONAL SPACE STATION

Sec. 201. Findings.

Sec. 202. Commercialization of Space Station.

Sec. 203. International Space Station limitations.

Sec. 204. National Research Council study.

Sec. 205. Limitation on the International Space Station budget.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. National Aeronautics and Space Act of 1958 amendments.

Sec. 302. Acquisition of space science data.

Sec. 303. Acquisition of Earth science data.

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 substan-
 tial 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-
 6 cluding management restructuring, facility consoli-
 7 dation, procurement reform, personnel base
 8 downsizing, and convergence with other defense and
 9 commercial sector systems, while sustaining safety
 10 standards for personnel and hardware.

11 (2) The National Aeronautics and Space Ad-
 12 ministration should sustain its proud history as the
 13 leader of the United States in basic aeronautics and
 14 space research.

15 (3) The United States is on the verge of creat-
 16 ing and using new technologies in microsatellites, in-
 17 formation processing, and space launches that could
 18 radically alter the manner in which the Federal Gov-
 19 ernment approaches its space mission.

20 (4) The Federal Government should invest in
 21 the types of research and innovative technology in
 22 which United States commercial providers do not in-
 23 vest, while avoiding competition with the activities in
 24 which United States commercial providers do invest.

1 (5) International cooperation in space explo-
 2 ration and science activities serves the interest of the
 3 United States.

4 (6) In participating in the National Aeronauti-
 5 cal Test Alliance, the National Aeronautics and
 6 Space Administration and the Department of De-
 7 fense should cooperate more effectively in leveraging
 8 the mutual capabilities of these agencies to conduct
 9 joint aeronautics and space missions that not only
 10 improve United States aeronautics and space capa-
 11 bilities, but also reduce the cost of conducting those
 12 missions.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) **ADMINISTRATOR.**—The term “Adminis-
 16 trator” means the Administrator of the National
 17 Aeronautics and Space Administration.

18 (2) **COMMERCIAL PROVIDER.**—The term “com-
 19 mercial provider” means any person providing space
 20 transportation services or other space-related activi-
 21 ties, the primary control of which is held by persons
 22 other than a Federal, State, local, or foreign govern-
 23 ment.

24 (3) **CRITICAL PATH.**—The term “critical path”
 25 means the sequence of events of a schedule of events

1 under which a delay in any event causes a delay in
2 the overall schedule.

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

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

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

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

1 **TITLE I—AUTHORIZATION OF**
 2 **APPROPRIATIONS**
 3 **Subtitle A—Authorizations**

4 **SEC. 101. HUMAN SPACE FLIGHT.**

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

8 (1) for the International Space Station—

9 (A) \$2,271,300,000 for fiscal year 1998, of
 10 which \$245,100,000, notwithstanding section
 11 121(a), shall be used only for Space Station re-
 12 search; and

13 (B) \$2,100,000,000 for fiscal year 1999,
 14 of which \$252,453,000, notwithstanding section
 15 121(a), shall be used only for Space Station re-
 16 search;

17 (2) for Russian Program Assurance,
 18 \$50,000,000 for fiscal year 1998;

19 (3) for space shuttle operations—

20 (A) \$2,444,400,000 for fiscal year 1998;
 21 and

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

23 (4) for space shuttle safety and performance
 24 upgrades—

(A) \$483,400,000 for fiscal year 1998, including related construction of facilities of which—

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

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

(iii) \$2,800,000 shall be used for the rehabilitation of a 480V electrical distribution system, Michoud Assembly Facility; and

(B) \$497,902,000 for fiscal year 1999; and

(5) for payload and utilization operations—

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

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

(b) AVAILABILITY OF INTERNATIONAL SPACE STATION FUNDING.—Of the amounts made available to the National Aeronautics and Space Administration under subsection (a)(1)(A)—

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

1 ~~(2) \$771,300,000 shall be made available after~~
 2 ~~that date if the Administrator has met the applicable~~
 3 ~~requirements under section 205.~~

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

5 There are authorized to be appropriated to the Na-
 6 tional Aeronautics and Space Administration for Science,
 7 Aeronautics, and Technology—

8 (1) for Space Science—

9 ~~(A) \$2,043,800,000 for fiscal year 1998, of~~
 10 ~~which—~~

11 ~~(i) \$45,600,000 shall be used for the~~
 12 ~~gravity probe B;~~

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

15 ~~(iii) \$507,400,000 shall be used for~~
 16 ~~mission operations and data analysis; of~~
 17 ~~which \$150,000,000 shall be used for data~~
 18 ~~analysis; and~~

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

20 ~~(2) for life and microgravity sciences and appli-~~
 21 ~~cations—~~

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

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

24 ~~(3) for Mission to Planet Earth—~~

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

2 and

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

4 (4) for aeronautics and space transportation
5 technology—

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

7 which—

8 (i) \$920,100,000 shall be used for
9 aeronautical research and technology, of
10 which not less than \$100,000,000 shall be
11 used for the Aviation Safety Program;

12 (ii) \$396,600,000 shall be used for
13 advanced space transportation technology,
14 of which \$333,500,000 shall be used only
15 for the X-33 advanced technology dem-
16 onstration vehicle program; and

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

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

21 (i) \$947,703,000 shall be used for
22 aeronautical research and technology, of
23 which not less than \$100,000,000 shall be
24 used for the Aviation Safety Program;

(ii) ~~\$408,498,000~~ shall be used for advanced space transportation technology, of which ~~\$313,900,000~~ shall be used only for the ~~X-33~~ advanced technology demonstration vehicle program; and

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

(5) for mission communication services—

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

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

(6) for academic programs—

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

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

(ii) ~~\$45,900,000~~ shall be used for minority university research and education at institutions such as Hispanic-serving institutions (as that term is defined in section 316(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(1))) and tribally controlled community colleges (as that term is defined in section 2(a)(4) of the Tribally Controlled Community College As-

1 sistance Act of 1978 (25 U.S.C.
2 1801(a)(4))) including \$30,500,000 for
3 historically black colleges and universities;
4 and

5 (B) \$119,892,000 for fiscal year 1999, of
6 which \$47,277,000 shall be used for minority
7 university research and education (at institu-
8 tions such as Hispanic-serving institutions and
9 tribally controlled community colleges) of which
10 \$31,415,000 shall be used for historically black
11 colleges and universities; and

12 (7) \$5,700,000 for fiscal year 1998 for the con-
13 struction of facilities; of which—

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

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

20 **SEC. 103. MISSION SUPPORT.**

21 There are authorized to be appropriated to the Na-
22 tional Aeronautics and Space Administration for mission
23 support—

24 (1) for safety, reliability, and quality assur-
25 ance—

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

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

3 ~~(2)~~ for space communication services—

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

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

6 ~~(3)~~(A) for construction of facilities, including

7 land acquisition, \$139,400,000 for fiscal year 1998;

8 of which—

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

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

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

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

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

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

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

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

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

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

16 (xi) \$19,000,000 shall be used for facility
17 planning and design, not otherwise provided for;
18 and

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

21 (B) \$164,182,000 shall be used for construction
22 of facilities, including land acquisition, for fiscal year
23 1999; and

1 (4) for research and program management, in-
 2 cluding personnel and related costs, travel, and re-
 3 search operations support—

4 (A) \$2,040,300,000 for fiscal year 1998;
 5 and

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

7 **SEC. 104. INSPECTOR GENERAL.**

8 There are authorized to be appropriated to the Na-
 9 tional Aeronautics and Space Administration for Inspector
 10 General—

11 (1) \$18,300,000 for fiscal year 1998; and

12 (2) \$18,849,000 for fiscal year 1999.

13 **Subtitle B—Limitations and**
 14 **Special Authority**

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

16 (a) **AUTHORIZED USES.**—Funds made available by
 17 appropriations under paragraphs (1) through (4) of sec-
 18 tion 101, section 102, and paragraphs (1) and (2) of sec-
 19 tion 103 and funds made available by appropriations for
 20 research operations support pursuant to section 103(4)
 21 may, at any location in support of the purposes for which
 22 such funds are appropriated, be used for—

23 (1) the construction of new facilities; and

24 (2) additions to, repair of, rehabilitation of, or
 25 modification of existing facilities (in existence on the

1 date on which such funds are made available by ap-
2 propriation).

3 (b) LIMITATION.—

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

10 (2) DATE.—The date specified in this para-
11 graph is the date that is 30 days after the Adminis-
12 trator notifies the Committee on Commerce, Science,
13 and Transportation of the Senate and the Commit-
14 tee on Science of the House of Representatives of
15 the nature, location, and estimated cost to the Na-
16 tional Aeronautics and Space Administration of the
17 project referred to in paragraph (1).

18 (c) TITLE TO FACILITIES.—

19 (1) IN GENERAL.—If funds are used pursuant
20 to subsection (a) for grants for the purchase or con-
21 struction of additional research facilities to institu-
22 tions of higher education, or to nonprofit organiza-
23 tions whose primary purpose is the conduct of sci-
24 entific research, title to these facilities shall be vest-
25 ed in the United States.

1 (2) EXCEPTION.—If the Administrator deter-
 2 mines that the national program of aeronautical and
 3 space activities will best be served by vesting title to
 4 a facility referred to in paragraph (1) in an institu-
 5 tion or organization referred to in that paragraph,
 6 the title to that facility shall vest in that institution
 7 or organization.

8 (3) CONDITION.—Each grant referred to in
 9 paragraph (1) shall be made under such conditions
 10 as the Administrator determines to be necessary to
 11 ensure that the United States will receive benefits
 12 from the grant that are adequate to justify the mak-
 13 ing of the grant.

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

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

18 **SEC. 113. REPROGRAMMING FOR CONSTRUCTION OF FA-**
 19 **CILITIES.**

20 (a) USE OF CONSTRUCTION FUNDS.—Subject to sub-
 21 section (b), in addition to the amounts authorized for con-
 22 struction of facilities under clauses (i) through (iii) of sec-
 23 tion 101(3)(A), paragraph (7) of section 102, or section
 24 103(3), the Administrator may, for that purpose, from
 25 funds otherwise available to the Administrator—

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

3 ~~(2) to meet unusual cost variations; use an ad-~~
4 ~~ditional amount equal to 25 percent of that amount;~~
5 ~~after the termination of a 30-day period beginning~~
6 ~~on the date on which the Administrator submits a~~
7 ~~report on the circumstances of such action by the~~
8 ~~Administrator to the Committee on Commerce,~~
9 ~~Science, and Transportation of the Senate and the~~
10 ~~Committee on Science of the House of Representa-~~
11 ~~tives.~~

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

18 **SEC. 114. CONSIDERATION BY COMMITTEES.**

19 (a) IN GENERAL.—

20 (1) LIMITATION ON USE OF FUNDS.—Except as
21 provided in subsection (b), notwithstanding any
22 other provision of law, no amount made available by
23 appropriations for the National Aeronautics and
24 Space Administration in excess of the amount au-

1 thorized for that program under this title may be
2 used for any program with respect to which—

3 (A) the annual budget request submitted
4 by the President under section 1105(a) of title
5 31, United States Code, included a request for
6 funding; and

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

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

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

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

1 (2) the facts and circumstances that the Ad-
 2 ministrators relied on to support the proposed action
 3 referred to in paragraph (1).

4 (c) INFORMATION.—The Administrator shall keep the
 5 Committee on Commerce, Science, and Transportation of
 6 the Senate and the Committee on Science of the House
 7 of Representatives fully and currently informed with re-
 8 spect to all activities and responsibilities of the National
 9 Aeronautics and Space Administration within the jurisdic-
 10 tion of those committees.

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

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

17 **SEC. 116. EXPERIMENTAL PROGRAM TO STIMULATE COM-**
 18 **PETITIVE RESEARCH.**

19 Of the amounts authorized to be appropriated for
 20 academic programs under section 102(a)(6), for each of
 21 fiscal years 1998 and 1999, the Administrator shall use
 22 \$10,000,000 for the program known as the Experimental
 23 Program to Stimulate Competitive Research.

TITLE II—INTERNATIONAL SPACE STATION

SEC. 201. FINDINGS.

Congress finds that—

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

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

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

SEC. 202. COMMERCIALIZATION OF SPACE STATION.

(a) **POLICY.**—Congress declares that—

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

3 (2) the use of free market principles in operat-
4 ing, servicing, allocating the use of, and adding ca-
5 pabilities to the International Space Station, and the
6 resulting fullest possible engagement of commercial
7 providers and participation of commercial users,
8 could potentially reduce Space Station operational
9 costs for all partners in the International Space Sta-
10 tion.

11 (b) REPORTS.—

12 (1) STUDY ON OPPORTUNITIES FOR COMMER-
13 CIAL PROVIDERS.—Not later than 90 days after the
14 date of enactment of this Act, the Administrator
15 shall conduct a study and prepare and submit to the
16 Committee on Commerce, Science, and Transpor-
17 tation of the Senate and the Committee on Science
18 of the House of Representatives, a report on the
19 findings of that study.

20 (2) CONTENTS OF STUDY.—The study con-
21 ducted under this subsection shall identify and ex-
22 amine—

23 (A) the opportunities for commercial pro-
24 viders to play a role in International Space Sta-

tion activities, including operation, use, servicing, and augmentation;

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

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

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

(E) the specific policies and initiatives that the Administrator is advancing to encourage and facilitate the commercial opportunities referred to in subparagraph (A); and

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

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

1 (A) provide for an independently conducted
2 market study that—

3 (i) examines and evaluates potential
4 industry interest in—

5 (I) providing commercial goods
6 and services for the operation, servie-
7 ing, and augmentation of the Inter-
8 national Space Station; and

9 (II) the commercial use of the
10 International Space Station; and

11 (ii) includes updates to the cost sav-
12 ings and revenue estimates made in the
13 study described in paragraph (1), based on
14 the external market assessment; and

15 (B) submit a report on the findings of the
16 study to the Committee on Commerce, Science,
17 and Transportation of the Senate and the Com-
18 mittee on Science of the House of Representa-
19 tives, within 180 days after the date of enact-
20 ment of this Act.

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

22 (a) **TRANSFER OF FUNDS TO RUSSIA.—**

23 (1) **IN GENERAL.**—No funds or in-kind pay-
24 ments shall be transferred to any entity of the Gov-
25 ernment of Russia or any Russian contractor to per-

1 form work on the International Space Station which
 2 the Government of Russia pledged, at any time, to
 3 provide at the expense of the Government of Russia.

4 (2) ~~APPLICABILITY.~~—This section shall not
 5 apply to the purchase or modification of the Russian
 6 built, United States owned Functional Cargo Block,
 7 known as the “FCB”.

8 (b) ~~CONTINGENCY PLAN FOR RUSSIAN ELEMENTS IN~~
 9 ~~CRITICAL PATH.~~—

10 (1) ~~IN GENERAL.~~—Not later than 90 days after
 11 the date of enactment of this Act, the Administrator
 12 shall develop and submit to Congress a contingency
 13 plan for the replacement of each element of the
 14 International Space Station for which the Govern-
 15 ment of Russia is responsible that lies in the critical
 16 path of the Space Station, including operations.

17 (2) ~~CONTENTS OF PLAN.~~—The plan submitted
 18 under this subsection shall include—

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

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

1 ~~(C)~~ the cost of replacing such a critical
2 path element after the applicable decision point
3 has passed, if—

4 ~~(i)~~ the decision at that point is not to
5 replace that element; and

6 ~~(ii)~~ the Administrator determines
7 after the decision referred to in clause ~~(i)~~
8 is made that the Government of Russia
9 will be unable to provide the critical path
10 element in a manner to allow completion of
11 the International Space Station; and

12 ~~(D)(i)~~ the source of the funds necessary to
13 implement the contingency plan; and

14 ~~(ii)~~ an assessment of the impact of the
15 contingency plan on programs that have been
16 approved by the Administrator before the devel-
17 opment of the contingency plan.

18 ~~(c) ASTRONAUTS ON MIR.—Beginning on the date of~~
19 enactment of this Act, the Administrator shall not place
20 a United States astronaut on board the Mir Space Station,
21 without the Space Shuttle attached to Mir, until the Ad-
22 ministrator assures Congress in writing that the Mir
23 Space Station is safe for human occupancy, and that as-
24 surance shall be based on an independent review of the
25 safety of the Mir Space Station.

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

2 (a) ~~IN GENERAL.~~—The Administrator shall use not
3 less than \$400,000 of the amounts appropriated to the
4 National Aeronautics and Space Administration pursuant
5 to the authorizations contained in this Act to provide for
6 a study under this section.

7 (b) ~~CONTENTS OF STUDY.~~—To carry out this section,
8 the Administrator shall enter into a contract or other ap-
9 propriate arrangement with the appropriate official of the
10 National Research Council of the National Academy of
11 Sciences to provide for a study that evaluates, with respect
12 to any potential effects on the assembly schedule, budget,
13 and capabilities of the Space Station—

14 (1) the engineering challenges posed by—

15 (A) extravehicular (commonly referred to
16 as “EVA”) requirements; and

17 (B) space launch requirements of the
18 United States and other foreign countries;

19 (2) the potential need to upgrade or replace
20 equipment and components of the Space Station
21 after the assembly of the Space Station is complete;
22 and

23 (3) the requirement to decommission and dis-
24 assemble the Space Station.

25 (c) ~~REPORTS.~~—

1 (1) INTERIM REPORT.—Not later than June 1,
2 1998, the Administrator shall submit to Congress an
3 interim report that contains the findings of the Na-
4 tional Research Council as of that date with respect
5 to the study conducted under this section.

6 (2) FINAL REPORT.—Not later than September
7 1, 1998, upon completion of the study under this
8 section, the Administrator shall submit to Congress
9 a final report on the findings of the National Re-
10 search Council with respect to the study.

11 **SEC. 205. LIMITATION ON THE INTERNATIONAL SPACE STA-**
12 **TION BUDGET.**

13 Taking into account the number of design changes
14 needed in the International Space Station and the infor-
15 mation that Congress has received concerning the rising
16 costs that will be associated with the International Space
17 Station, the Administrator, in consultation with the Comp-
18 troller General of the United States, shall—

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

23 (2) prepare, and submit to the Committee on
24 Commerce, Science, and Transportation of the Sen-

1 ate and the Committee on Science of the House of
2 Representatives a report that contains—

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

7 (B) recommendations for the maximum ag-
8 gregate amount necessary to carry out the
9 International Space Station for the remaining
10 fiscal years of the International Space Station
11 program; for inclusion in the budget for the
12 International Space Station; including a break-
13 down of the maximum amount necessary for—

14 (i) research;

15 (ii) design;

16 (iii) construction;

17 (iv) delivery;

18 (v) launch;

19 (vi) operation;

20 (vii) assembly; and

21 (viii) disassembly.

1 **TITLE III—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 301. NATIONAL AERONAUTICS AND SPACE ACT OF 1958**
4 **AMENDMENTS.**

5 (a) **DECLARATION OF POLICY AND PURPOSE.**—Sec-
6 tion 102 of the National Aeronautics and Space Act of
7 1958 (42 U.S.C. 2451) is amended—

8 (1) by striking subsection (f);

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

11 (3) in subsection (g), as redesignated by para-
12 graph (1) of this subsection, by striking “(f), and
13 (g)” and inserting “and (f)”.

14 (b) **REPORTS TO CONGRESS.**—Section 206(a) of the
15 National Aeronautics and Space Act of 1958 (42 U.S.C.
16 2476(a)) is amended—

17 (1) by striking “January” and inserting “May”;
18 and

19 (2) by striking “calendar” and inserting “fis-
20 cal”.

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

1 “(c) The Administrator may delay for a period not
 2 to exceed 5 years after development, the unrestricted pub-
 3 lic disclosure of technical data that would have been a
 4 trade secret or commercial or financial information that
 5 is privileged or confidential under the meaning of section
 6 552(b)(4) of title 5, United States Code, if the information
 7 had been obtained from a non-Federal party, in any case
 8 in which the technical data is generated in the perform-
 9 ance of experimental, developmental, or research activities
 10 or programs conducted by, or funded in whole or in part
 11 by, the Administration. The technical data referred to in
 12 the preceding sentence shall not be subject to the disclo-
 13 sure requirements of section 552 of title 5, United States
 14 Code.”.

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

16 (a) **ACQUISITION FROM COMMERCIAL PROVIDERS.**—
 17 The Administrator may, if practicable and cost-effective,
 18 while satisfying the scientific requirements of the National
 19 Aeronautics and Space Administration, acquire space
 20 science data from a commercial provider.

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

23 (1) scientific data concerning the elemental and
 24 mineralogical resources of the moon, asteroids, plan-
 25 ets and their moons, and comets;

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

3 ~~(3) solar storm monitoring.~~

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

8 (d) LIMITATION.—This section does not authorize the
9 Administrator to provide financial assistance for the devel-
10 opment of commercial systems for the collection of space
11 science data.

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

13 (a) ACQUISITION.—For purposes of meeting Govern-
14 ment goals for Mission to Planet Earth, the Administrator
15 may, if practicable and cost-effective, while satisfying the
16 scientific requirements of the National Aeronautics and
17 Space Administration, procure from a commercial pro-
18 vider, if cost-effective, space-based and airborne Earth re-
19 mote sensing data, services, distribution, and applications
20 of an aggregate value not to exceed \$50,000,000.

21 (b) SAFETY STANDARDS.—Nothing in this section
22 shall be construed to prohibit the Federal Government
23 from requiring compliance with applicable safety stand-
24 ards.

1 **SEC. 304. SHUTTLE PRIVATIZATION.**

2 Not later than 90 days after the date of enactment
3 of this Act, the Administrator shall prepare, and submit
4 to the Committee on Commerce, Science, and Transpor-
5 tation of the Senate and the Committee on Science of the
6 House of Representatives a report containing—

7 (1) the findings and recommendations of the
8 Independent Shuttle Management Review Team; and

9 (2) findings and recommendations concerning
10 possible options for resolving the major policy and
11 legal issues that are required to be addressed before
12 the Shuttle is privatized, including whether—

13 (A) the Federal Government or the Shuttle
14 contractor should own the Shuttle orbiters and
15 Shuttle ground facilities;

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

18 (ii) any classes of payloads should be made
19 ineligible for launch consideration;

20 (C) the public interest requires that certain
21 Shuttle functions continue to be performed by
22 the Federal Government; and

23 (D) privatization of the Shuttle would
24 produce any significant cost saving, and if so,
25 the estimated amount of those cost savings.

1 **SEC. 305. LAUNCH VOUCHER DEMONSTRATION PROGRAM**
 2 **AMENDMENTS.**

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

6 (1) in subsection (a)—

7 (A) by striking “the Office of Commercial
 8 Programs within”; and

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

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

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

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

15 (a) **IN GENERAL.**—In any case in which the Adminis-
 16 trator considers the purchase, lease, or expansion of a fa-
 17 cility to meet requirements of the National Aeronautics
 18 and Space Administration, the Administrator, taking into
 19 account the applicable requirements of Federal law relat-
 20 ing to the use or disposal of excess or surplus property,
 21 including the Federal Property and Administrative Serv-
 22 ices Act of 1949, shall—

23 (1) consider whether there is available to the
 24 Administrator for use for meeting those require-
 25 ments—

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

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

5 (C) any other facility that the Adminis-
6 trator determines to be—

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

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

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

14 (II) to be underutilized by that
15 agency; and

16 (2) in the case of an underutilized facility avail-
17 able in part for use to meet those requirements, con-
18 sider locating an activity of the National Aeronautics
19 and Space Administration for which a facility is re-
20 quired at that underutilized facility in such manner
21 as to share the use of the facility with 1 or more
22 agencies of the Federal Government.

23 (b) ~~ADDITION OR EXPANSION.~~—To the maximum ex-
24 tent feasible and cost-effective (and not inconsistent with
25 the purposes of the Defense Base Closure and Realign-

1 ment Act of 1990 (104 Stat. 1808 et seq.) and the amend-
 2 ments made by that Act), the Administrator shall meet
 3 the requirements of the National Aeronautics and Space
 4 Administration for additional or expanded facilities by
 5 using facilities that—

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

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

11 **SEC. 307. AUTHORITY TO REDUCE OR SUSPEND CONTRACT**
 12 **PAYMENTS BASED ON SUBSTANTIAL EVI-**
 13 **DENCE OF FRAUD.**

14 Section 2307(h)(8) of title 10, United States Code,
 15 is amended by striking “and (4)” and inserting “(4), and
 16 (6)”.

17 **SEC. 308. NEXT GENERATION INTERNET.**

18 The National Aeronautics and Space Administration
 19 may participate in the Next Generation Internet (as that
 20 term is used in Executive Order No. 13035) interagency
 21 initiative, which is a multiagency initiative related to the
 22 National High-Performance Computing and Communica-
 23 tions Program established by section 102 of the High-Per-
 24 formance Computing Act of 1991 (15 U.S.C. 5511).

1 **SEC. 309. NOTICE.**

2 (a) NOTICE OF REPROGRAMMING.—If any funds ap-
 3 propriated pursuant to the amendments made by this Act
 4 are subject to a reprogramming action that requires notice
 5 to be provided to the Committees on Appropriations of the
 6 Senate and the House of Representatives, notice of that
 7 action shall concurrently be provided to the Committee on
 8 Commerce, Science, and Transportation of the Senate and
 9 the Committee on Science of the House of Representa-
 10 tives.

11 (b) NOTICE OF REORGANIZATION.—Not later than
 12 30 days before any major reorganization involving the re-
 13 assignment of more than 25 percent of the employees of
 14 any program, project, or activity of the National Aero-
 15 nautics and Space Administration, the Administrator shall
 16 provide notice to the Committees on Commerce, Science,
 17 and Transportation and Appropriations of the Senate and
 18 the Committees on Science and Appropriations of the
 19 House of Representatives.

20 **SEC. 310. SENSE OF CONGRESS ON THE YEAR 2000 PROB-**
 21 **LEM.**

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

24 (1) give high priority to correcting all 2-digit
 25 date-related problems in the computer systems of
 26 the National Aeronautics and Space Administration

1 to ensure that those systems continue to operate ef-
 2 fectively in the year 2000 and in subsequent years;

3 ~~(2)~~ as soon as practicable after the date of en-
 4 actment of this Act, assess the extent of the risk to
 5 the operations of the National Aeronautics and
 6 Space Administration posed by the problems re-
 7 ferred to in paragraph (1); and plan and budget for
 8 achieving compliance for all of the mission-critical
 9 systems of the system by the year 2000; and

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

13 **SEC. 311. UNITARY WIND TUNNEL PLAN ACT OF 1949**
 14 **AMENDMENTS.**

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

17 (1) in section 101 by striking “transsonic and
 18 supersonic” and inserting “transsonic; supersonic;
 19 and hypersonic”; and

20 ~~(2)~~ in section 103—

21 ~~(A)~~ in subsection (a)—

22 (i) by striking “laboratories” and in-
 23 serting “laboratories and centers”; and

- 1 (ii) by striking “supersonic” and in-
 2 serting “transsonic, supersonic, and
 3 hypersonic”; and
 4 (B) in subsection (c), by striking “labora-
 5 tory” and inserting “facility”.

6 **SEC. 312. ENHANCEMENT OF SCIENCE AND MATHEMATICS**
 7 **PROGRAMS.**

8 (a) DEFINITIONS.—In this section—

9 (1) EDUCATIONALLY USEFUL FEDERAL EQUIP-
 10 MENT.—The term “educationally useful Federal
 11 equipment” means computers and related peripheral
 12 tools and research equipment that is appropriate for
 13 use in schools.

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

17 (b) SENSE OF CONGRESS.—

18 (1) IN GENERAL.—It is the sense of Congress
 19 that the Administrator should, to the greatest extent
 20 practicable and in a manner consistent with applica-
 21 ble Federal law (including Executive Order No.
 22 12999), donate educationally useful Federal equip-
 23 ment to schools in order to enhance the science and
 24 mathematics programs of those schools.

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

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

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

11 “**AUTHORITY TO VEST TITLE TO TANGIBLE PERSONAL**
 12 **PROPERTY FOR RESEARCH OR TECHNOLOGY DEVEL-**
 13 **OPMENT**

14 “**SEC. 313.** Notwithstanding any other provision of
 15 law, the Administrator may vest title in tangible property
 16 (as that term is defined by the Administrator) in any par-
 17 ticipant that enters into a cooperative agreement with the
 18 Administrator if—

19 “(1) the primary purpose of the participant is
 20 to conduct scientific research or technology develop-
 21 ment;

22 “(2) the property is acquired with amounts pro-
 23 vided under a cooperative agreement between the
 24 participant and the Administrator to conduct sci-
 25 entific research or technology development;

1 ~~“(3) the Administrator determines that vesting~~
 2 ~~the title to the property in the participant furthers~~
 3 ~~the objectives of the National Aeronautics and Space~~
 4 ~~Administration; and~~

5 ~~“(4) the vesting of the title in the participant~~
 6 ~~is made—~~

7 ~~“(A) on the condition that the United~~
 8 ~~States Government will not incur any further~~
 9 ~~obligation; and~~

10 ~~“(B) subject to any other condition that~~
 11 ~~the Administrator considers to be appropriate.”.~~

12 **SEC. 314. NASA MID-RANGE PROCUREMENT TEST PRO-**
 13 **GRAM.**

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

16 (1) in subsection (a), by inserting after the first
 17 sentence the following: “In addition to providing any
 18 other notice of any acquisition under the test con-
 19 ducted under this section, the Administrator shall
 20 publish a notice of that acquisition in, or make such
 21 a notice available through, the automated version of
 22 the Commerce Business Daily published by the Sec-
 23 retary of Commerce.”;

24 (2) in subsection (b), by striking “an estimated
 25 annual total obligation of funds of \$500,000 or less”

1 and inserting “a basic value (as that term is defined
2 by the Administrator)—

3 “(1) of \$2,000,000 or less; or

4 “(2) if options to purchase are involved, of
5 \$10,000,000 or less.”;

6 (3) in subsection (e), by striking
7 “\$100,000,000” and inserting “\$500,000,000”; and

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

10 **SEC. 315. SPACE ADVERTISING.**

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

13 (1) by redesignating paragraphs (8) through
14 (12) as paragraphs (9) through (13), respectively;
15 and

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

18 “(8) ‘obtrusive space advertising’ means adver-
19 tising in outer space that is capable of being recog-
20 nized by a human being on the surface of the Earth
21 without the aid of a telescope or other technological
22 device.”.

23 (b) PROHIBITION.—Chapter 701 of title 49, United
24 States Code, is amended by inserting after section 70109
25 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 may not, for the launch of a payload containing any mate-
5 rial to be used for the purposes of obtrusive space advertis-
6 ing—

7 “(1) issue or transfer a license under this chap-
8 ter; or

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

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 for Fiscal
16 Years 1998 and 1999.

17 “(c) COMMERCIAL SPACE ADVERTISING.—Nothing in
18 this section shall apply to nonobtrusive commercial space
19 advertising, including advertising on—

20 “(1) commercial space transportation vehicles;

21 “(2) space infrastructure, payloads;

22 “(3) space launch facilities; and

23 “(4) launch support facilities.”.

24 “(e) NEGOTIATION WITH FOREIGN LAUNCHING NA-
25 TIONS.—

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

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

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

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

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

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

“70109a. Space advertising.”.

19 **SEC. 316. ADMINISTRATION OF COMMERCIAL SPACE CEN-**
 20 **TER PROGRAM.**

21 The Administrator shall, in a coordinated manner,
 22 administer, at the headquarters of the National Aero-
 23 nautics and Space Administration in Washington, D.C.,
 24 the Commercial Space Center.

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

2 (a) ~~IN GENERAL.~~—The Administrator may provide li-
 3 ability insurance for, or indemnification to, the developer
 4 of an experimental aerospace vehicle developed or used in
 5 execution of an agreement between the Administration
 6 and the developer.

7 (b) ~~TERMS AND CONDITIONS.~~—

8 (1) ~~IN GENERAL.~~—Except as otherwise pro-
 9 vided in this section, the insurance and indemnifica-
 10 tion provided by the Administration under sub-
 11 section (a) to a developer shall be provided on the
 12 same terms and conditions as insurance and indem-
 13 nification is provided by the Administration under
 14 section 308 of the National Aeronautics and Space
 15 Act of 1958 (42 U.S.C. 2458b) to the user of a
 16 space vehicle.

17 (2) ~~INSURANCE.~~—

18 (A) ~~IN GENERAL.~~—A developer shall ob-
 19 tain liability insurance or demonstrate financial
 20 responsibility in amounts to compensate for the
 21 maximum probable loss from claims by—

22 (i) a third party for death, bodily in-
 23 jury, or property damage, or loss resulting
 24 from an activity carried out in connection
 25 with the development or use of an experi-
 26 mental aerospace vehicle; and

1 (ii) the United States Government for
 2 damage or loss to Government property re-
 3 sulting from such an activity.

4 (B) MAXIMUM REQUIRED.—The Adminis-
 5 trator shall determine the amount of insurance
 6 required, but, except as provided in subpara-
 7 graph (C), that amount shall not be greater
 8 than the amount required under section
 9 70112(a)(3) of title 49, United States Code, for
 10 a launch. The Administrator shall publish no-
 11 tice of the Administrator's determination and
 12 the applicable amount or amounts in the Fed-
 13 eral Register within 10 days after making the
 14 determination.

15 (C) INCREASE IN DOLLAR AMOUNTS.—The
 16 Administrator may increase the dollar amounts
 17 set forth in section 70112(a)(3)(A) of title 49,
 18 United States Code, for the purpose of applying
 19 it under this section to a developer after con-
 20 sultation with the Comptroller General and
 21 such experts and consultants as may be appro-
 22 priate, and after publishing notice of the in-
 23 crease in the Federal Register not less than 180
 24 days before the increase goes into effect. The
 25 Administrator shall make available for public

1 inspection, not later than the date of publica-
 2 tion of such notice, a complete record of any
 3 correspondence received by the Administration,
 4 and a transcript of any meetings in which the
 5 Administration participated, regarding the pro-
 6 posed increase.

7 ~~(D) SAFETY REVIEW REQUIRED BEFORE~~
 8 ~~ADMINISTRATOR PROVIDES INSURANCE.—~~The
 9 Administrator may not provide liability insur-
 10 ance or indemnification under subsection (a)
 11 unless the developer establishes to the satisfac-
 12 tion of the Administrator that appropriate safe-
 13 ty procedures and practices are being followed
 14 in the development of the experimental aero-
 15 space vehicle.

16 ~~(3) NO INDEMNIFICATION WITHOUT CROSS-~~
 17 ~~WAIVER.—~~Notwithstanding subsection (a), the Ad-
 18 ministrator may not indemnify a developer of an ex-
 19 perimental aerospace vehicle under this section un-
 20 less there is an agreement between the Administra-
 21 tion and the developer described in subsection (c) of
 22 this section.

23 ~~(4) APPLICATION OF CERTAIN PROCEDURES.—~~
 24 If the Administrator requests additional appropri-
 25 ations to make payments under this section, like the

1 payments that may be made under section 308(b);
 2 then the request for those appropriations shall be
 3 made in accordance with the procedures established
 4 by subsections (d) and (e) of section 70113 of title
 5 49, United States Code.

6 ~~(c) CROSS-WAIVERS.—~~

7 ~~(1) ADMINISTRATOR AUTHORIZED TO WAIVE.—~~

8 The Administrator, on behalf of the United States,
 9 and its departments, agencies, and instrumentalities,
 10 may reciprocally waive claims with a developer and
 11 with the related entities of that developer under
 12 which each party to the waiver agrees to be respon-
 13 sible, and agrees to ensure that its own related enti-
 14 ties are responsible, for damage or loss to its prop-
 15 erty for which it is responsible, or for losses result-
 16 ing from any injury or death sustained by its own
 17 employees or agents, as a result of activities con-
 18 nected to the agreement or use of the experimental
 19 aerospace vehicle.

20 ~~(2) LIMITATIONS.—~~

21 ~~(A) CLAIMS.—~~A reciprocal waiver under
 22 paragraph (1) may not preclude a claim by any
 23 natural person (including, but not limited to, a
 24 natural person who is an employee of the
 25 United States, the developer, or the developer's

1 subcontractors) or that natural person's estate;
2 survivors; or subrogees for injury or death, ex-
3 cept with respect to a subrogee that is a party
4 to the waiver or has otherwise agreed to be
5 bound by the terms of the waiver.

6 (B) LIABILITY FOR NEGLIGENCE.—A re-
7 ciprocal waiver under paragraph (1) may not
8 absolve any party of liability to any natural per-
9 son (including, but not limited to, a natural
10 person who is an employee of the United
11 States; the developer; or the developer's sub-
12 contractors) or such a natural person's estate;
13 survivors; or subrogees for negligence, except
14 with respect to a subrogee that is a party to
15 the waiver or has otherwise agreed to be bound
16 by the terms of the waiver.

17 (C) INDEMNIFICATION FOR DAMAGES.—A
18 reciprocal waiver under paragraph (1) may not
19 be used as the basis of a claim by the Adminis-
20 tration or the developer for indemnification
21 against the other for damages paid to a natural
22 person; or that natural person's estate; sur-
23 vivors; or subrogees; for injury or death sus-
24 tained by that natural person as a result of ac-

1 activities connected to the agreement or use of the
2 experimental aerospace vehicle.

3 ~~(d) DEFINITIONS.—In this section:~~

4 ~~(1) ADMINISTRATION.—The term “Administra-~~
5 ~~tion” means the National Aeronautics and Space~~
6 ~~Administration.~~

7 ~~(2) EXPERIMENTAL AEROSPACE VEHICLE.—~~
8 ~~The term “experimental aerospace vehicle” means~~
9 ~~an object intended to be flown in, or launched into,~~
10 ~~suborbital flight for the purpose of demonstrating~~
11 ~~technologies necessary for a reusable launch vehicle,~~
12 ~~developed under an agreement between the Adminis-~~
13 ~~tration and a developer that was in effect before the~~
14 ~~date of enactment of this Act.~~

15 ~~(3) DEVELOPER.—The term “developer” means~~
16 ~~a person (other than a natural person) who—~~

17 ~~(A) is a party to an agreement that was in~~
18 ~~effect before the date of enactment of this Act~~
19 ~~with the Administration for the purpose of de-~~
20 ~~veloping new technology for an experimental~~
21 ~~aerospace vehicle;~~

22 ~~(B) owns or provides property to be flown~~
23 ~~or situated on that vehicle; or~~

24 ~~(C) employs a natural person to be flown~~
25 ~~on that vehicle.~~

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

6 (c) RELATIONSHIP TO OTHER LAWS.—

7 (1) SECTION 308 OF NATIONAL AERONAUTICS
 8 AND SPACE ACT OF 1958.—This section does not
 9 apply to any object, transaction, or operation to
 10 which section 308 of the National Aeronautics and
 11 Space Act of 1958 (42 U.S.C. 2458b) applies.

12 (2) CHAPTER 701 OF TITLE 49, UNITED STATES
 13 CODE.—The Administrator may not provide indem-
 14 nification to a developer under this section for
 15 launches subject to license under section
 16 70117(g)(1) of title 49, United States Code.

17 (f) TERMINATION.—

18 (1) IN GENERAL.—The provisions of this sec-
 19 tion shall terminate on December 31, 2002, except
 20 that the Administrator may extend the termination
 21 date to a date not later than September 30, 2005,
 22 if the Administrator determines that such an exten-
 23 sion is necessary to cover the operation of an experi-
 24 mental aerospace vehicle.

1 ~~(2) EFFECT OF TERMINATION ON AGREE-~~
 2 ~~MENTS.—The termination of this section does not~~
 3 ~~terminate or otherwise affect a cross-waiver agree-~~
 4 ~~ment, insurance agreement, indemnification agree-~~
 5 ~~ment, or any other agreement entered into under~~
 6 ~~this section except as may be provided in that agree-~~
 7 ~~ment.~~

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

9 (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*
 10 *tional Aeronautics and Space Administration Authoriza-*
 11 *tion Act for Fiscal Years 1998, 1999, and 2000”.*

12 (b) *TABLE OF CONTENTS.*—

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1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) *The National Aeronautics and Space Admin-*
 4 *istration should continue to pursue actions and re-*
 5 *forms directed at reducing institutional costs, includ-*
 6 *ing management restructuring, facility consolidation,*
 7 *procurement reform, personnel base downsizing, and*
 8 *convergence with other defense and commercial sector*
 9 *systems, while sustaining safety standards for person-*
 10 *nel and hardware.*

11 (2) *The National Aeronautics and Space Admin-*
 12 *istration should sustain its proud history as the lead-*
 13 *er of the United States in basic aeronautics and space*
 14 *research.*

15 (3) *The United States is on the verge of creating*
 16 *and using new technologies in microsatellites, infor-*

1 *mation processing, and space launches that could*
 2 *radically alter the manner in which the Federal Gov-*
 3 *ernment approaches its space mission.*

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

9 *(5) International cooperation in space explo-*
 10 *ration and science activities serves the interest of the*
 11 *United States.*

12 *(6) In participating in the National Aeronauti-*
 13 *cal Test Alliance, the National Aeronautics and Space*
 14 *Administration and the Department of Defense should*
 15 *cooperate more effectively in leveraging the mutual*
 16 *capabilities of these agencies to conduct joint aero-*
 17 *navics and space missions that not only improve*
 18 *United States aeronautics and space capabilities, but*
 19 *also reduce the cost of conducting those missions.*

20 **SEC. 3. DEFINITIONS.**

21 *In this Act:*

22 *(1) ADMINISTRATOR.—The term “Adminis-*
 23 *trator” means the Administrator of the National Aer-*
 24 *onautics and Space Administration.*

1 (2) *COMMERCIAL PROVIDER.*—*The term “com-*
 2 *mercial provider” means any person providing space*
 3 *transportation services or other space-related activi-*
 4 *ties, the primary control of which is held by persons*
 5 *other than a Federal, State, local, or foreign govern-*
 6 *ment.*

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

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

14 (5) *INSTITUTION OF HIGHER EDUCATION.*—*The*
 15 *term “institution of higher education” has the mean-*
 16 *ing given such term in section 1201(a) of the Higher*
 17 *Education Act of 1965 (20 U.S.C. 1141(a)).*

18 (6) *MAJOR REORGANIZATION.*—*With respect to*
 19 *the National Aeronautics and Space Administration,*
 20 *the term “major reorganization” means any reorga-*
 21 *nization of the Administration that involves the reas-*
 22 *signment of more than 25 percent of the employees of*
 23 *the National Aeronautics and Space Administration.*

24 (7) *STATE.*—*The term “State” means each of the*
 25 *several States of the United States, the District of Co-*

1 *lumbia, the Commonwealth of Puerto Rico, the Virgin*
 2 *Islands, Guam, American Samoa, the Commonwealth*
 3 *of the Northern Mariana Islands, and any other com-*
 4 *monwealth, territory, or possession of the United*
 5 *States.*

6 ***TITLE I—AUTHORIZATION OF***
 7 ***APPROPRIATIONS***
 8 ***Subtitle A—Authorizations***

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

10 *(a) IN GENERAL.—There are authorized to be appro-*
 11 *priated to the National Aeronautics and Space Administra-*
 12 *tion for human space flight—*

13 *(1) for the International Space Station—*

14 *(A) \$2,328,300,000 for fiscal year 1998, of*
 15 *which \$221,300,000 shall be used only for Space*
 16 *Station research;*

17 *(B) \$2,270,000,000 for fiscal year 1999, of*
 18 *which \$374,200,000 shall be used only for Space*
 19 *Station research; and*

20 *(C) \$2,134,000,000 for fiscal year 2000;*

21 *(2) for Russian Program Assurance, \$50,000,000*
 22 *for fiscal year 1998;*

23 *(3) for space shuttle operations—*

24 *(A) \$2,369,400,000 for fiscal year 1998;*

25 *(B) \$2,487,400,000 for fiscal year 1999; and*

1 (C) \$2,562,000,000 for fiscal year 2000;

2 (4) for space shuttle safety and performance up-
3 grades—

4 (A) \$553,400,000 for fiscal year 1998, in-
5 cluding related construction of facilities of
6 which—

7 (i) \$2,200,000 shall be used for the re-
8 pair of a payload changeout room wall and
9 ceiling, Pad A, Kennedy Space Center;

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

13 (iii) \$2,800,000 shall be used for the
14 rehabilitation of a 480V electrical distribu-
15 tion system, Michoud Assembly Facility;

16 (B) \$571,600,000 for fiscal year 1999, in-
17 cluding related construction of facilities of
18 which—

19 (i) \$2,300,000 shall be used to refur-
20 bish the fixed support structure elevator sys-
21 tem, Pad A, Kennedy Space Center;

22 (ii) \$1,500,000 shall be used to refur-
23 bish flame deflector and trench, Pad A,
24 Kennedy Space Center;

1 (iii) \$2,000,000 shall be used for the
 2 rehabilitation of a 480V electrical distribu-
 3 tion system, *External Tank Manufacturing*
 4 *Building, Michoud Assembly Facility; and*

5 (iv) \$1,800,000 shall be used to repair
 6 *Cleaning Cell E, Vertical Assembly Build-*
 7 *ing, Michoud Assembly Facility; and*

8 (C) \$588,700,000 for fiscal year 2000; and
 9 (5) for payload and utilization operations—

10 (A) \$205,400,000 for fiscal year 1998;

11 (B) \$182,000,000 for fiscal year 1999; and

12 (C) \$187,500,000 for fiscal year 2000.

13 (b) *AVAILABILITY OF INTERNATIONAL SPACE STATION*

14 *FUNDING.—Of the amounts made available to the National*

15 *Aeronautics and Space Administration under subsection*

16 (i)(1)(A)—

17 (1) \$1,500,000,000 shall be available for the pur-
 18 pose specified in that subsection before March 31,
 19 1998; and

20 (2) \$828,300,000 shall be made available after
 21 that date.

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) \$2,033,800,000 *for fiscal year 1998, of*
3 *which—*

4 (i) \$57,300,000 *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) \$540,400,000 *shall be used for*
9 *mission operations and data analysis, of*
10 *which \$150,000,000 may be used for data*
11 *analysis;*

12 (B) \$2,058,400,000 *for fiscal year 1999; and*

13 (C) \$2,207,400,000 *for fiscal year 2000;*

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

16 (A) \$214,200,000 *for fiscal year 1998, of*
17 *which \$2,000,000 shall be for research and early*
18 *detection systems for breast and ovarian cancer*
19 *and other women's health issues;*

20 (B) \$242,000,000 *for fiscal year 1999, of*
21 *which \$2,000,000 shall be for research and early*
22 *detection systems for breast and ovarian cancer*
23 *and other women's health issues; and*

24 (C) \$257,000,000 *for fiscal year 2000;*

25 (3) *for Mission to Planet Earth—*

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

2 (B) \$1,372,000,000 for fiscal year 1999; and

3 (C) \$1,492,000,000 for fiscal year 2000;

4 (4) for aeronautics and space transportation
5 technology—

6 (A) \$1,483,900,000 for fiscal year 1998, of
7 which—

8 (i) \$920,100,000 shall be used for aero-
9 nautical research and technology, of which
10 \$100,000,000 shall be used for the Aviation
11 Safety Program;

12 (ii) \$417,100,000 shall be used for ad-
13 vanced space transportation technology, of
14 which \$318,300,000 shall be used only for
15 the X-33 advanced technology demonstra-
16 tion vehicle program; and

17 (iii) \$146,700,000 shall be used for
18 commercial technology;

19 (B) \$1,305,000,000 for fiscal year 1999, of
20 which—

21 (i) \$786,000,000 shall be used for aero-
22 nautical research and technology, of which
23 \$100,000,000 shall be used for the Aviation
24 Safety Program;

1 (ii) \$388,600,000 shall be used for ad-
 2 vanced space transportation technology, of
 3 which \$282,800,000 shall be used only for
 4 the X-33 advanced technology demonstra-
 5 tion vehicle program; and

6 (iii) \$130,400,000 shall be used for
 7 commercial technology, of which some funds
 8 may be used for the expansion of the NASA
 9 business incubation program which is de-
 10 signed to foster partnerships between edu-
 11 cational institutions and small high-tech-
 12 nology businesses with preference given to
 13 those programs associated with community
 14 colleges; and

15 (C) \$ 1,344,000,000 for fiscal year 2000;

16 (5) for mission communications services—

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

18 (B) \$380,000,000 for fiscal year 1999; and

19 (C) \$391,400,000 for fiscal year 2000;

20 (6) for academic programs—

21 (A) \$130,000,000 for fiscal year 1998, of
 22 which—

23 (i) \$19,100,000 shall be used for the
 24 National Space Grant College and Fellow-
 25 ship Program; and

1 (ii) \$51,400,000 shall be used for mi-
 2 nority university research and education at
 3 institutions such as Hispanic-serving insti-
 4 tutions (as that term is defined in section
 5 316(b)(1) of the Higher Education Act of
 6 1965 (20 U.S.C. 1059c(b)(1))) and tribally
 7 controlled community colleges (as that term
 8 is defined in section 2(a)(4) of the Tribally
 9 Controlled Community College Assistance
 10 Act of 1978 (25 U.S.C. 1801(a)(4))) includ-
 11 ing \$30,000,000 for historically black col-
 12 leges and universities;

13 (B) \$100,000,000 for fiscal year 1999, of
 14 which \$45,900,000 shall be used for minority
 15 university research and education (at institu-
 16 tions such as Hispanic-serving institutions and
 17 tribally-controlled community colleges) of which
 18 \$28,000,000 shall be used for historically black
 19 colleges and universities; and

20 (C) \$103,000,000 for fiscal year 2000;

21 (7) of the funds authorized in this section
 22 \$5,900,000 for fiscal year 1998 shall be used for the
 23 construction of facilities, of which—

24 (A) \$2,200,000 of the funds authorized by
 25 paragraph (2)(A) shall be used for modifications

1 *for the installation of the Bio-Plex facility at the*
 2 *Johnson Space Center; and*

3 *(B) \$3,700,000 of the funds authorized by*
 4 *paragraph (4)(A) shall be used for the rehabilita-*
 5 *tion and modification of the B-2 test stand at*
 6 *the Stennis Space Center; and*

7 *(8) of the funds authorized by paragraph (1)(B),*
 8 *\$5,600,000 for fiscal year 1999 shall be used for*
 9 *modification of Stratospheric Observatory for Infra-*
 10 *red Astronomy (SOFIA) Ground Support Facility,*
 11 *Moffit Field, Ames Research 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;*

19 *(B) \$35,600,000 for fiscal year 1999; and*

20 *(C) \$35,600,000 for fiscal year 2000;*

21 *(2) for space communication services—*

22 *(A) \$209,200,000 for fiscal year 1998;*

23 *(B) \$177,000,000 for fiscal year 1999; and*

24 *(C) \$136,000,000 for fiscal year 2000;*

1 (3)(A) *for construction of facilities, including*
2 *land acquisition, \$134,400,000 for fiscal year 1998, of*
3 *which—*

4 (i) *\$2,800,000 shall be used for the rehabili-*
5 *tation and modification of the hangar and shop*
6 *of the Dryden Flight Research Center;*

7 (ii) *\$2,400,000 shall be used for the restora-*
8 *tion of the chilled water distribution system at*
9 *the Goddard Space Flight Center;*

10 (iii) *\$4,800,000 shall be used for the con-*
11 *struction of emergency services facility at the Jet*
12 *Propulsion Laboratory;*

13 (iv) *\$4,000,000 shall be used for the up-*
14 *grade of the Utility Annex Chilled Water Plant,*
15 *at the Kennedy Space Center;*

16 (v) *\$9,000,000 shall be used for the rehabili-*
17 *tation of the high-voltage system at the Lewis*
18 *Research Center;*

19 (vi) *\$7,000,000 shall be used for the modi-*
20 *fication of the chilled water system at the Mar-*
21 *shall Space Flight Center;*

22 (vii) *\$5,000,000 shall be used for facilities*
23 *enhancements at the Stennis Space Center;*

1 (viii) \$65,300,000 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 (ix) \$1,100,000 shall be used for minor con-
5 struction of new facilities and additions to exist-
6 ing facilities at various locations;

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

10 (xi) \$14,000,000 shall be used for environ-
11 mental compliance and restoration;

12 (B) \$165,000,000 shall be used for construction
13 of facilities, including land acquisition, for fiscal year
14 1999, of which—

15 (i) \$2,700,000 shall be used for the mod-
16 ernization of the process cooling system, Numeri-
17 cal Aerodynamic Simulation Facility, Ames Re-
18 search Center;

19 (ii) \$2,200,000 shall be used for the restora-
20 tion of the electrical distribution system, Ames
21 Research Center;

22 (iii) \$2,000,000 shall be used for the res-
23 toration of the site steam distribution system,
24 Goddard Space Flight Center;

1 (iv) \$5,000,000 shall be used for restoration
2 of the Space/Terrestrial Application Facility,
3 Goddard Space Flight Center;

4 (v) \$5,000,000 shall be used for construction
5 of the In-Situ Instruments Laboratory, Jet Pro-
6 pulsion Laboratory;

7 (vi) \$3,000,000 shall be used for the replace-
8 ment of the central plant chilled water equip-
9 ment. Johnson Space Center;

10 (vii) \$2,200,000 shall be used for the re-
11 placement of the high voltage load break switch-
12 es, Kennedy Space Center;

13 (viii) \$1,900,000 shall be used for the up-
14 grade of the utility annex chilled water plant,
15 Kennedy Space Center;

16 (ix) \$3,100,000 shall be used for the reha-
17 bilitation of the Instrument Research Labora-
18 tory, Langley Research Center;

19 (x) \$8,300,000 shall be used for the rehabili-
20 tation of the high voltage system, Lewis Research
21 Center;

22 (xi) \$7,200,000 shall be used for the modi-
23 fication of the chilled water system, Marshall
24 Space Flight Center;

1 (xii) \$68,400,000 shall be used for minor re-
 2 vitalization of facilities at various locations, not
 3 in excess of \$1,500,000 per project;

4 (xiii) \$14,000,000 shall be used for facility
 5 planning and design, not otherwise provided for;

6 (xiv) \$40,000,000 shall be used for environ-
 7 mental compliance and restoration; and

8 (C) \$165,000,000 shall be used for construction
 9 of facilities, including land acquisition, for fiscal year
 10 2000; and

11 (4) for research and program management, in-
 12 cluding personnel and related costs, travel, and re-
 13 search operations support—

14 (A) \$2,051,800,000 for fiscal year 1998;

15 (B) \$2,099,000,000 for fiscal year 1999; and

16 (C) \$2,079,000,000 for fiscal year 2000.

17 **SEC. 104. INSPECTOR GENERAL.**

18 There are authorized to be appropriated to the Na-
 19 tional Aeronautics and Space Administration for Inspector
 20 General—

21 (1) \$18,300,000 for fiscal year 1998;

22 (2) \$20,000,000 for fiscal year 1999; and

23 (3) \$20,000,000 for fiscal year 2000.

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

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

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

11 (1) *the construction of new facilities; and*

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

16 (b) *LIMITATION.*—

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

23 (2) *DATE.*—The date specified in this paragraph
24 is the date that is 30 days after the Administrator no-
25 tifies the Committee on Commerce, Science, and

1 *Transportation of the Senate and the Committee on*
 2 *Science of the House of Representatives of the nature,*
 3 *location, and estimated cost to the National Aero-*
 4 *nautics and Space Administration of the project re-*
 5 *ferred to in paragraph (1).*

6 (c) *TITLE TO FACILITIES.*—

7 (1) *IN GENERAL.*—*If funds are used pursuant to*
 8 *subsection (a) for grants for the purchase or construc-*
 9 *tion of additional research facilities to institutions of*
 10 *higher education, or to nonprofit organizations whose*
 11 *primary purpose is the conduct of scientific research,*
 12 *title to these facilities shall be vested in the United*
 13 *States.*

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

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

1 *grant that are adequate to justify the making of the*
 2 *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 available*
 6 *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(4)(A), clauses (i) through (iv) of section 101(4)(B),*
 13 *paragraph (7) of section 102, or section 103(3), the Admin-*
 14 *istrator may, for that purpose, from funds otherwise avail-*
 15 *able to the Administrator—*

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

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

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

8 **SEC. 114. CONSIDERATION BY COMMITTEES.**

9 (a) *IN GENERAL.*—

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

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

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

24 (2) *PROHIBITION.*—*Notwithstanding any other*
 25 *provision of law, no amount made available by ap-*

1 *appropriations to the National Aeronautics and Space*
2 *Administration may be used for any program that is*
3 *not authorized under this Act, except for projects for*
4 *construction of facilities.*

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

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

15 *(2) the facts and circumstances that the Admin-*
16 *istrator relied on to support the proposed action re-*
17 *ferred to in paragraph (1).*

18 *(c) INFORMATION.—The Administrator shall keep the*
19 *Committee on Commerce, Science, and Transportation of*
20 *the Senate and the Committee on Science of the House of*
21 *Representatives fully and currently informed with respect*
22 *to all activities and responsibilities of the National Aero-*
23 *nautics and Space Administration within the jurisdiction*
24 *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 available*
 4 *by appropriations pursuant to section 103 may be used by*
 5 *the Administrator for scientific consultations or extraor-*
 6 *dinary expenses.*

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

9 *Of the amounts authorized to be appropriated for aca-*
 10 *demic programs under section 102(a)(6), for each of fiscal*
 11 *years 1998, 1999, and 2000, 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 during*
 25 *its assembly and operational phases could potentially*

1 *lower costs and increase benefits to the international*
 2 *partners; and*

3 (3) *when completed, the International Space*
 4 *Station will be the largest, most capable microgravity*
 5 *research facility ever developed. It will provide a last-*
 6 *ing framework for conducting large-scale science pro-*
 7 *grams with international partners and it is the next*
 8 *step in the human exploration of space. The United*
 9 *States should commit to completing this program,*
 10 *thereby reaping the benefits of scientific research and*
 11 *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 capa-*
 18 *bilities 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 COMMERCIAL*
2 *PROVIDERS.*—*Not later than 90 days after the date of*
3 *enactment of this Act, the Administrator shall con-*
4 *duct a study and prepare and submit to the Commit-*
5 *tee on Commerce, Science, and Transportation of the*
6 *Senate and the Committee on Science of the House of*
7 *Representatives, a report on the findings of that*
8 *study.*

9 (2) *CONTENTS OF STUDY.*—*The study conducted*
10 *under this subsection shall identify and examine—*

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

15 (B) *the potential cost savings to be derived*
16 *from commercial providers playing a role in*
17 *each of the activities referred to in subparagraph*
18 (A);

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

24 (D) *which of the opportunities described in*
25 *subparagraph (A) (if any) the Administrator*

plans to make available to commercial providers
in fiscal years 1998, 1999, and 2000;

(E) the specific policies and initiatives that
the Administrator is advancing to encourage and
facilitate the commercial opportunities referred
to in subparagraph (A);

(F) the revenues and cost reimbursements to
the Federal Government from commercial users
of the International Space Station; and

(G) the specific policies, procedures, and
initiatives the Administrator is advancing to en-
courage and facilitate the commercial use of the
Space Shuttle and the Space Station, including
the procedures for handling commercial requests
which require the use of non-government payload
specialists.

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

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

(i) examines and evaluates potential
industry interest in—

(I) providing commercial goods
and services for the operation, servic-

1 *ing, and augmentation of the Inter-*
 2 *national Space Station; and*

3 *(II) the commercial use of the*
 4 *International Space Station; and*

5 *(ii) includes updates to the cost savings*
 6 *and revenue estimates made in the study*
 7 *described in paragraph (1), based on the ex-*
 8 *ternal market assessment; and*

9 *(B) submit a report on the findings of the*
 10 *study to the Committee on Commerce, Science,*
 11 *and Transportation of the Senate and the Com-*
 12 *mittee on Science of the House of Representa-*
 13 *tives, within 180 days after the date of enact-*
 14 *ment of this Act.*

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

16 *(a) TRANSFER OF FUNDS TO RUSSIA.—*

17 *(1) IN GENERAL.—No funds or in-kind payments*
 18 *shall be transferred to any entity of the Government*
 19 *of Russia or any Russian contractor to perform work*
 20 *on the International Space Station which the Govern-*
 21 *ment of Russia pledged, at any time, to provide at the*
 22 *expense of the Government of Russia.*

23 *(2) APPLICABILITY.—This section shall not*
 24 *apply to the purchase or modification of the Russian*

1 *built, United States owned Functional Cargo Block,*
 2 *known as the “FGB”.*

3 **(b) CONTINGENCY PLAN FOR RUSSIAN ELEMENTS IN**
 4 **CRITICAL PATH.—**

5 **(1) IN GENERAL.**—*Not later than 90 days after*
 6 *the date of enactment of this Act, the Administrator*
 7 *shall develop and submit to Congress a contingency*
 8 *plan for the replacement of each element of the Inter-*
 9 *national Space Station for which the Government of*
 10 *Russia is responsible that lies in the critical path of*
 11 *the Space Station, including operations.*

12 **(2) CONTENTS OF PLAN.**—*The plan submitted*
 13 *under this subsection shall include—*

14 **(A)** *decision points for replacing the ele-*
 15 *ments referred to in paragraph (1) if the Inter-*
 16 *national Space Station is to be completed;*

17 **(B)** *the cost of implementing each decision*
 18 *referred to in subparagraph (A); and*

19 **(C)** *the cost of replacing such a critical path*
 20 *element after the applicable decision point has*
 21 *passed, if—*

22 **(i)** *the decision at that point is not to*
 23 *replace that element; and*

24 **(ii)** *the Administrator determines after*
 25 *the decision referred to in clause (i) is made*

1 *that the Government of Russia will be un-*
 2 *able to provide the critical path element in*
 3 *a manner to allow completion of the Inter-*
 4 *national Space Station; and*

5 *(D)(i) the source of the funds necessary to*
 6 *implement the contingency plan; and*

7 *(ii) an assessment of the impact of the con-*
 8 *tingency plan on programs that have been ap-*
 9 *proved by the Administrator before the develop-*
 10 *ment of the contingency plan.*

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

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

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

24 *(1) the engineering challenges posed by—*

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

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

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

8 (3) *the requirement to decommission and dis-*
9 *assemble the Space Station.*

10 (c) *REPORTS.—*

11 (1) *INTERIM REPORT.—Not later than June 1,*
12 *1998, the Administrator shall submit to Congress an*
13 *interim report that contains the findings of the Na-*
14 *tional Research Council as of that date with respect*
15 *to the study conducted under this section.*

16 (2) *FINAL REPORT.—Not later than September 1,*
17 *1998, upon completion of the study under this section,*
18 *the Administrator shall submit to Congress a final re-*
19 *port on the findings of the National Research Council*
20 *with respect to the study.*

21 **SEC. 205. COST LIMITATION FOR THE INTERNATIONAL**
22 **SPACE STATION**

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

1 (1) *development of the International Space Sta-*
2 *tion through completion of assembly may not exceed*
3 *\$21,900,000,000; and*

4 (2) *space shuttle launch costs in connection with*
5 *the assembly of the International Space Station*
6 *through completion of assembly may not exceed*
7 *\$17,700,000,000.*

8 (b) *AUTOMATIC INCREASE OF LIMITATION AMOUNT.—*
9 *The amounts set forth in subsection (a) shall each be in-*
10 *creased to reflect any increase in costs attributable to—*

11 (1) *economic inflation;*

12 (2) *compliance with changes in Federal, State,*
13 *or local laws enacted; and*

14 (3) *the lack of performance or the termination of*
15 *participation of any of the International countries*
16 *participating in the International Space Station.*

17 (c) *NOTICE OF CHANGES.—The Administrator shall*
18 *provide written notice of any changes under subsection (b)*
19 *to the amounts set forth in subsection (a) to the Senate*
20 *Committees on Appropriations and on Commerce, Science,*
21 *and Transportation and to the House of Representatives*
22 *Committees on Appropriations and on Science. The written*
23 *notice shall include—*

24 (1) *an explanation of the basis for the change;*

1 (2) *an analysis of the impact of not receiving re-*
 2 *quested increase; and*

3 (3) *a cost estimate certified by the Adminis-*
 4 *trator.*

5 (d) *EARMARKING.—The Administrator shall identify*
 6 *as part of the overall Shuttle program budget request for*
 7 *each fiscal year, the amount of the requested funding that*
 8 *is to be used for assembly of the International Space Sta-*
 9 *tion.*

10 (e) *TECHNOLOGIES INCREASE.—The amounts set forth*
 11 *in subsection (a) may be increased to allow for new tech-*
 12 *nologies incorporated in the design of the International*
 13 *Space Station and associated hardware which would im-*
 14 *prove safety, reliability, maintainability, and availability*
 15 *which may include on-orbit assembly sequence problems, or*
 16 *reduce cost after assembly is completed. The proposed in-*
 17 *crease shall include a cost-benefit analysis along with the*
 18 *requirements of subsection (c).*

19 ***TITLE III—MISCELLANEOUS*** 20 ***PROVISIONS***

21 ***SEC. 301. NATIONAL AERONAUTICS AND SPACE ACT OF 1958***

22 ***AMENDMENTS.***

23 (a) *DECLARATION OF POLICY AND PURPOSE.—Section*
 24 *102 of the National Aeronautics and Space Act of 1958 (42*
 25 *U.S.C. 2451) is amended—*

1 (1) *by striking subsection (f);*

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

4 (3) *in subsection (g), as redesignated by para-*
5 *graph (1) of this subsection, by striking “(f), and (g)”*
6 *and inserting “and (f)”.*

7 (b) *REPORTS TO CONGRESS.*—Section 206(a) of the
8 *National Aeronautics and Space Act of 1958 (42 U.S.C.*
9 *2476(a)) is amended—*

10 (1) *by striking “January” and inserting “May”;*
11 *and*

12 (2) *by striking “calendar” and inserting “fis-*
13 *cal”.*

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

18 “(c) *The Administrator may delay for a period not*
19 *to exceed 5 years after development, the unrestricted public*
20 *disclosure of technical data that would have been a trade*
21 *secret or commercial or financial information that is privi-*
22 *leged or confidential under the meaning of section 552(b)(4)*
23 *of title 5, United States Code, if the information had been*
24 *obtained from a non-Federal party, in any case in which*
25 *the technical data is generated in the performance of experi-*

1 *mental, developmental, or research activities or programs*
 2 *conducted by, or funded in whole or in part by, the Admin-*
 3 *istration. The technical data referred to in the preceding*
 4 *sentence shall not be subject to the disclosure requirements*
 5 *of section 552 of title 5, United States Code.”.*

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

7 (a) *ACQUISITION FROM COMMERCIAL PROVIDERS.—*
 8 *The Administrator may, if practicable and cost-effective,*
 9 *while satisfying the scientific requirements of the National*
 10 *Aeronautics and Space Administration, acquire space*
 11 *science data from a commercial provider.*

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

14 (1) *scientific data concerning the elemental and*
 15 *mineralogical resources of the moon, asteroids, planets*
 16 *and their moons, and comets;*

17 (2) *Earth environmental data obtained through*
 18 *remote sensing observations; and*

19 (3) *solar storm monitoring.*

20 (c) *SAFETY STANDARDS.—Nothing in this section shall*
 21 *be construed to prohibit the Federal Government from re-*
 22 *quiring compliance with applicable safety standards.*

23 (d) *LIMITATION.—This section does not authorize the*
 24 *Administrator to provide financial assistance for the devel-*

1 opment of commercial systems for the collection of space
2 science data.

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

4 (a) *ACQUISITION.*—For purposes of meeting Govern-
5 ment goals for Mission to Planet Earth, the Administrator
6 may, if practicable and cost-effective, while satisfying the
7 scientific requirements of the National Aeronautics and
8 Space Administration, procure from a commercial pro-
9 vider, if cost-effective, space-based and airborne Earth re-
10 mote sensing data, services, distribution, and applications
11 of an aggregate value not to exceed \$50,000,000.

12 (b) *SAFETY STANDARDS.*—Nothing in this section shall
13 be construed to prohibit the Federal Government from re-
14 quiring compliance with applicable safety standards.

15 **SEC. 304. SHUTTLE PRIVATIZATION.**

16 Not later than 90 days after the date of enactment of
17 this Act, the Administrator shall prepare, and submit to
18 the Committee on Commerce, Science, and Transportation
19 of the Senate and the Committee on Science of the House
20 of Representatives a report containing—

- 21 (1) the findings and recommendations of the
- 22 Independent Shuttle Management Review Team; and
- 23 (2) findings and recommendations concerning
- 24 possible options for resolving the major policy and

1 *legal issues that are required to be addressed before*
 2 *the Shuttle is privatized, including whether—*

3 *(A) the Federal Government or the Shuttle*
 4 *contractor should own the Shuttle orbiters and*
 5 *Shuttle ground facilities;*

6 *(B)(i) commercial payloads should be al-*
 7 *lowed to be launched on the Shuttle; and*

8 *(ii) any classes of payloads should be made*
 9 *ineligible for launch consideration;*

10 *(C) the public interest requires that certain*
 11 *Shuttle functions continue to be performed by the*
 12 *Federal Government; and*

13 *(D) privatization of the Shuttle would*
 14 *produce any significant cost savings, and if so,*
 15 *the estimated amount of those cost savings.*

16 **SEC. 305. LAUNCH VOUCHER DEMONSTRATION PROGRAM**
 17 **AMENDMENTS.**

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

21 *(1) in subsection (a)—*

22 *(A) by striking “the Office of Commercial*
 23 *Programs within”; and*

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

1 (2) *by striking subsection (c); and*

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

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

5 (a) *IN GENERAL.*—*In any case in which the Adminis-*
 6 *trator considers the purchase, lease, or expansion of a facil-*
 7 *ity to meet requirements of the National Aeronautics and*
 8 *Space Administration, the Administrator, taking into ac-*
 9 *count the applicable requirements of Federal law relating*
 10 *to the use or disposal of excess or surplus property, includ-*
 11 *ing the Federal Property and Administrative Services Act*
 12 *of 1949, shall—*

13 (1) *consider whether there is available to the Ad-*
 14 *ministrator for use for meeting those requirements—*

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

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

19 (C) *any other facility that the Adminis-*
 20 *trator determines to be—*

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

24 (ii) *considered by the head of the agen-*
 25 *cy involved—*

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

3 (II) to be underutilized by that
4 agency; and

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

12 (b) *ADDITION OR EXPANSION.*—To the maximum ex-
13 tent feasible and cost-effective (and not inconsistent with
14 the purposes of the Defense Base Closure and Realignment
15 Act of 1990 (104 Stat. 1808 et seq.) and the amendments
16 made by that Act), the Administrator shall meet the re-
17 quirements of the National Aeronautics and Space Admin-
18 istration for additional or expanded facilities by using fa-
19 cilities that—

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

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

1 (c) *UNDERUTILIZED INFRASTRUCTURE.*—*The United*
2 *States space launch industry has identified underutilized*
3 *infrastructure at the Stennis Space Center for potential use*
4 *in launch vehicle development activities. The proposed use*
5 *of this infrastructure is compatible with the Center’s pro-*
6 *pulsion test programs and consistent with other efforts to*
7 *optimize taxpayer investments while fostering United*
8 *States competitiveness and commercial use of space. The*
9 *National Aeronautics and Space Administration is encour-*
10 *aged to pursue an appropriate method for making the*
11 *underutilized Stennis Space Center infrastructure available*
12 *under suitable terms and conditions, if so requested by in-*
13 *dustry, and to notify the United States Senate Committee*
14 *on Commerce, Science, and Transportation and the United*
15 *States House of Representatives Committee on Science if*
16 *existing Administration authority is insufficient for this*
17 *purpose.*

18 **SEC. 307. AUTHORITY TO REDUCE OR SUSPEND CONTRACT**
19 **PAYMENTS BASED ON SUBSTANTIAL EVI-**
20 **DENCE OF FRAUD.**

21 *Section 2307(h)(8) of title 10, United States Code, is*
22 *amended by striking “and (4)” and inserting “(4), and*
23 *(6)”.*

1 **SEC. 308. NEXT GENERATION INTERNET.**

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

9 **SEC. 309. NOTICE.**

10 *(a) NOTICE OF REPROGRAMMING.—If any funds ap-*
11 *propriated pursuant to the amendments made by this Act*
12 *are subject to a reprogramming action that requires notice*
13 *to be provided to the Committees on Appropriations of the*
14 *Senate and the House of Representatives, notice of that ac-*
15 *tion shall concurrently be provided to the Committee on*
16 *Commerce, Science, and Transportation of the Senate and*
17 *the Committee on Science of the House of Representatives.*

18 *(b) NOTICE OF REORGANIZATION.—Not later than 30*
19 *days before any major reorganization involving the reas-*
20 *signment of more than 25 percent of the employees of any*
21 *program, project, or activity of the National Aeronautics*
22 *and Space Administration, the Administrator shall provide*
23 *notice to the Committees on Commerce, Science, and Trans-*
24 *portation and Appropriations of the Senate and the Com-*
25 *mittees on Science and Appropriations of the House of Rep-*
26 *resentatives.*

1 **SEC. 310. SENSE OF CONGRESS ON THE YEAR 2000 PRO-**
 2 **BLEM.**

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

5 *(1) give high priority to correcting all 2-digit*
 6 *date-related problems in the computer systems of the*
 7 *National Aeronautics and Space Administration to*
 8 *ensure that those systems continue to operate effec-*
 9 *tively in the year 2000 and in subsequent years;*

10 *(2) as soon as practicable after the date of enact-*
 11 *ment of this Act, assess the extent of the risk to the*
 12 *operations of the National Aeronautics and Space Ad-*
 13 *ministration posed by the problems referred to in*
 14 *paragraph (1), and plan and budget for achieving*
 15 *compliance for all of the mission-critical systems of*
 16 *the system by the year 2000; and*

17 *(3) develop contingency plans for those systems*
 18 *that the National Aeronautics and Space Administra-*
 19 *tion is unable to correct by the year 2000.*

20 **SEC. 311. UNITARY WIND TUNNEL PLAN ACT OF 1949**
 21 **AMENDMENTS.**

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

24 *(1) in section 101 by striking “transsonic and*
 25 *supersonic” and inserting “transsonic, supersonic,*
 26 *and hypersonic”; and*

1 (2) *in section 103—*

2 (A) *in subsection (a)—*

3 (i) *by striking “laboratories” and in-*
4 *serting “laboratories and centers”; and*

5 (ii) *by striking “supersonic” and in-*
6 *serting “transsonic, supersonic, and*
7 *hypersonic”; and*

8 (B) *in subsection (c), by striking “labora-*
9 *tory” and inserting “facility”.*

10 **SEC. 312. ENHANCEMENT OF SCIENCE AND MATHEMATICS**
11 **PROGRAMS.**

12 (a) *DEFINITIONS.—In this section—*

13 (1) *EDUCATIONALLY USEFUL FEDERAL EQUIP-*
14 *MENT.—The term “educationally useful Federal*
15 *equipment” means computers and related peripheral*
16 *tools and research equipment that is appropriate for*
17 *use in schools.*

18 (2) *SCHOOL.—The term “school” means a public*
19 *or private educational institution that serves any of*
20 *the grades of kindergarten through grade 12.*

21 (b) *SENSE OF CONGRESS.—*

22 (1) *IN GENERAL.—It is the sense of Congress*
23 *that the Administrator should, to the greatest extent*
24 *practicable and in a manner consistent with applica-*
25 *ble Federal law (including Executive Order No.*

1 12999), donate educationally useful Federal equip-
 2 ment to schools in order to enhance the science and
 3 mathematics programs of those schools.

4 (2) *REPORTS*.—Not later than 1 year after the
 5 date of enactment of this Act, and annually there-
 6 after, the Administrator shall prepare and submit to
 7 Congress a report describing any donations of educa-
 8 tionally useful Federal equipment to schools made
 9 during the period covered by the report.

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

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

14 “*AUTHORITY TO VEST TITLE TO TANGIBLE PERSONAL*
 15 *PROPERTY FOR RESEARCH OR TECHNOLOGY DEVELOPMENT*

16 “*SEC. 313. Notwithstanding any other provision of*
 17 *law, the Administrator may vest title in tangible property*
 18 *(as that term is defined by the Administrator) in any par-*
 19 *ticipant that enters into a cooperative agreement with the*
 20 *Administrator if—*

21 “(1) *the primary purpose of the participant is to*
 22 *conduct scientific research or technology development;*

23 “(2) *the property is acquired with amounts pro-*
 24 *vided under a cooperative agreement between the par-*
 25 *ticipant and the Administrator to conduct scientific*
 26 *research or technology development;*

1 “(3) the Administrator determines that vesting
2 the title to the property in the participant furthers
3 the objectives of the National Aeronautics and Space
4 Administration; and

5 “(4) the vesting of the title in the participant is
6 made—

7 “(A) on the condition that the United States
8 Government will not incur any further obliga-
9 tion; and

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

12 **SEC. 314. NASA MID-RANGE PROCUREMENT TEST PROGRAM.**

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

15 (1) in subsection (a), by inserting after the first
16 sentence the following: “In addition to providing any
17 other notice of any acquisition under the test con-
18 ducted under this section, the Administrator shall
19 publish a notice of that acquisition in, or make such
20 a notice available through, the automated version of
21 the Commerce Business Daily published by the Sec-
22 retary of Commerce.”;

23 (2) in subsection (b), by striking “an estimated
24 annual total obligation of funds of \$500,000 or less”

1 and inserting “a basic value (as that term is defined
2 by the Administrator)—

3 “(1) of \$2,000,000 or less; or

4 “(2) if options to purchase are involved, of
5 \$10,000,000 or less.”;

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

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

10 **SEC. 315. SPACE ADVERTISING.**

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

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

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

17 “(8) ‘obtrusive space advertising’ means adver-
18 tising in outer space that is capable of being recog-
19 nized by a human being on the surface of the Earth
20 without the aid of a telescope or other technological
21 device.”.

22 (b) *PROHIBITION.*—Chapter 701 of title 49, United
23 States Code, is amended by inserting after section 70109
24 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 *may not, for the launch of a payload containing any mate-*
5 *rial to be used for the purposes of obtrusive space advertis-*
6 *ing—*

7 “(1) *issue or transfer a license under this chap-*
8 *ter; or*

9 “(2) *waive the license requirements of this chap-*
10 *ter.*

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 and*
15 *Space Administration Authorization Act for Fiscal Years*
16 *1998 and 1999.*

17 “(c) *COMMERCIAL SPACE ADVERTISING.*—Nothing in
18 *this section shall apply to nonobtrusive commercial space*
19 *advertising, including advertising on—*

20 “(1) *commercial space transportation vehicles;*

21 “(2) *space infrastructure, payloads;*

22 “(3) *space launch facilities; and*

23 “(4) *launch support facilities.”.*

24 “(c) *NEGOTIATION WITH FOREIGN LAUNCHING NA-*
25 *TIONS.*—

1 (1) *The President is requested to negotiate with*
 2 *foreign launching nations for the purpose of reaching*
 3 *1 or more agreements that prohibit the use of outer*
 4 *space for obtrusive space advertising purposes.*

5 (2) *It is the sense of Congress that the President*
 6 *should take such action as is appropriate and feasible*
 7 *to enforce the terms of any agreement to prohibit the*
 8 *use of outer space for obtrusive space advertising pur-*
 9 *poses.*

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

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

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

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

“70109a. Space advertising.”.

19 **SEC. 316. ADMINISTRATION OF COMMERCIAL SPACE CEN-**
 20 **TER PROGRAM.**

21 *The Administrator shall, in a coordinated manner, ad-*
 22 *minister, at the headquarters of the National Aeronautics*
 23 *and Space Administration in Washington, D.C., the Com-*
 24 *mercial Space Centers.*

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

2 (a) *IN GENERAL.*—*The Administrator may provide li-*
 3 *ability insurance for, or indemnification to, the developer*
 4 *of an experimental aerospace vehicle developed or used in*
 5 *execution of an agreement between the Administration and*
 6 *the developer.*

7 (b) *TERMS AND CONDITIONS.*—

8 (1) *IN GENERAL.*—*Except as otherwise provided*
 9 *in this section, the insurance and indemnification*
 10 *provided by the Administration under subsection (a)*
 11 *to a developer shall be provided on the same terms*
 12 *and conditions as insurance and indemnification is*
 13 *provided by the Administration under section 308 of*
 14 *the National Aeronautics and Space Act of 1958 (42*
 15 *U.S.C. 2458b) to the user of a space vehicle.*

16 (2) *INSURANCE.*—

17 (A) *IN GENERAL.*—*A developer shall obtain*
 18 *liability insurance or demonstrate financial re-*
 19 *sponsibility in amounts to compensate for the*
 20 *maximum probable loss from claims by—*

21 (i) *a third party for death, bodily in-*
 22 *jury, or property damage, or loss resulting*
 23 *from an activity carried out in connection*
 24 *with the development or use of an experi-*
 25 *mental aerospace vehicle; and*

1 (ii) the United States Government for
2 damage or loss to Government property re-
3 sulting from such an activity.

4 (B) *MAXIMUM REQUIRED.*—The Adminis-
5 trator shall determine the amount of insurance
6 required, but, except as provided in subpara-
7 graph (C), that amount shall not be greater than
8 the amount required under section 70112(a)(3)
9 of title 49, United States Code, for a launch. The
10 Administrator shall publish notice of the Admin-
11 istrator’s determination and the applicable
12 amount or amounts in the Federal Register
13 within 10 days after making the determination.

14 (C) *INCREASE IN DOLLAR AMOUNTS.*—The
15 Administrator may increase the dollar amounts
16 set forth in section 70112(a)(3)(A) of title 49,
17 United States Code, for the purpose of applying
18 it under this section to a developer after con-
19 sultation with the Comptroller General and such
20 experts and consultants as may be appropriate,
21 and after publishing notice of the increase in the
22 Federal Register not less than 180 days before
23 the increase goes into effect. The Administrator
24 shall make available for public inspection, not
25 later than the date of publication of such notice,

1 *a complete record of any correspondence received*
2 *by the Administration, and a transcript of any*
3 *meetings in which the Administration partici-*
4 *pated, regarding the proposed increase.*

5 *(D) SAFETY REVIEW REQUIRED BEFORE AD-*
6 *MINISTRATOR PROVIDES INSURANCE.—The Ad-*
7 *ministrator may not provide liability insurance*
8 *or indemnification under subsection (a) unless*
9 *the developer establishes to the satisfaction of the*
10 *Administrator that appropriate safety proce-*
11 *dures and practices are being followed in the de-*
12 *velopment of the experimental aerospace vehicle.*

13 *(3) NO INDEMNIFICATION WITHOUT CROSS-WAIV-*
14 *ER.—Notwithstanding subsection (a), the Adminis-*
15 *trator may not indemnify a developer of an experi-*
16 *mental aerospace vehicle under this section unless*
17 *there is an agreement between the Administration*
18 *and the developer described in subsection (c) of this*
19 *section.*

20 *(4) APPLICATION OF CERTAIN PROCEDURES.—If*
21 *the Administrator requests additional appropriations*
22 *to make payments under this section, like the pay-*
23 *ments that may be made under section 308(b), then*
24 *the request for those appropriations shall be made in*
25 *accordance with the procedures established by sub-*

1 sections (d) and (e) of section 70113 of title 49,
2 United States Code.

3 (c) CROSS-WAIVERS.—

4 (1) ADMINISTRATOR AUTHORIZED TO WAIVE.—

5 *The Administrator, on behalf of the United States,*
6 *and its departments, agencies, and instrumentalities,*
7 *may reciprocally waive claims with a developer and*
8 *with the related entities of that developer under which*
9 *each party to the waiver agrees to be responsible, and*
10 *agrees to ensure that its own related entities are re-*
11 *sponsible, for damage or loss to its property for which*
12 *it is responsible, or for losses resulting from any in-*
13 *jury or death sustained by its own employees or*
14 *agents, as a result of activities connected to the agree-*
15 *ment or use of the experimental aerospace vehicle.*

16 (2) LIMITATIONS.—

17 (A) CLAIMS.—*A reciprocal waiver under*
18 *paragraph (1) may not preclude a claim by any*
19 *natural person (including, but not limited to, a*
20 *natural person who is an employee of the United*
21 *States, the developer, or the developer's sub-*
22 *contractors) or that natural person's estate, sur-*
23 *vivors, or subrogees for injury or death, except*
24 *with respect to a subrogee that is a party to the*

1 *waiver or has otherwise agreed to be bound by*
 2 *the terms of the waiver.*

3 (B) *LIABILITY FOR NEGLIGENCE.*—A recip-
 4 *rocal waiver under paragraph (1) may not ab-*
 5 *solve any party of liability to any natural per-*
 6 *son (including, but not limited to, a natural per-*
 7 *son who is an employee of the United States, the*
 8 *developer, or the developer’s subcontractors) or*
 9 *such a natural person’s estate, survivors, or*
 10 *subrogees for negligence, except with respect to a*
 11 *subrogee that is a party to the waiver or has*
 12 *otherwise agreed to be bound by the terms of the*
 13 *waiver.*

14 (C) *INDEMNIFICATION FOR DAMAGES.*—A
 15 *reciprocal waiver under paragraph (1) may not*
 16 *be used as the basis of a claim by the Adminis-*
 17 *tration or the developer for indemnification*
 18 *against the other for damages paid to a natural*
 19 *person, or that natural person’s estate, survivors,*
 20 *or subrogees, for injury or death sustained by*
 21 *that natural person as a result of activities con-*
 22 *nected to the agreement or use of the experi-*
 23 *mental aerospace vehicle.*

24 (d) *DEFINITIONS.*—*In this section:*

1 (1) *ADMINISTRATION.*—*The term “Administra-*
 2 *tion” means the National Aeronautics and Space Ad-*
 3 *ministration.*

4 (2) *EXPERIMENTAL AEROSPACE VEHICLE.*—*The*
 5 *term “experimental aerospace vehicle” means an ob-*
 6 *ject intended to be flown in, or launched into, sub-*
 7 *orbital flight for the purpose of demonstrating tech-*
 8 *nologies necessary for a reusable launch vehicle, devel-*
 9 *oped under an agreement between the Administration*
 10 *and a developer that was in effect before the date of*
 11 *enactment of this Act.*

12 (3) *DEVELOPER.*—*The term “developer” means a*
 13 *person (other than a natural person) who—*

14 (A) *is a party to an agreement that was in*
 15 *effect before the date of enactment of this Act*
 16 *with the Administration for the purpose of devel-*
 17 *oping new technology for an experimental aero-*
 18 *space vehicle;*

19 (B) *owns or provides property to be flown*
 20 *or situated on that vehicle; or*

21 (C) *employs a natural person to be flown on*
 22 *that vehicle.*

23 (4) *COMMON TERMS.*—*Any term used in this sec-*
 24 *tion that is defined in the National Aeronautics and*
 25 *Space Act of 1958 (42 U.S.C. 2451 et seq.) has the*

1 *same meaning in this section as when it is used in*
 2 *that Act.*

3 *(e) RELATIONSHIP TO OTHER LAWS.—*

4 *(1) SECTION 308 OF NATIONAL AERONAUTICS AND*
 5 *SPACE ACT OF 1958.—This section does not apply to*
 6 *any object, transaction, or operation to which section*
 7 *308 of the National Aeronautics and Space Act of*
 8 *1958 (42 U.S.C. 2458b) applies.*

9 *(2) CHAPTER 701 OF TITLE 49, UNITED STATES*
 10 *CODE.—The Administrator may not provide indem-*
 11 *nification to a developer under this section for*
 12 *launches subject to license under section 70117(g)(1)*
 13 *of title 49, United States Code.*

14 *(f) TERMINATION.—*

15 *(1) IN GENERAL.—The provisions of this section*
 16 *shall terminate on December 31, 2002, except that the*
 17 *Administrator may extend the termination date to a*
 18 *date not later than September 30, 2005, if the Admin-*
 19 *istrator determines that such an extension is nec-*
 20 *essary to cover the operation of an experimental aero-*
 21 *space vehicle.*

22 *(2) EFFECT OF TERMINATION ON AGREE-*
 23 *MENTS.—The termination of this section does not ter-*
 24 *minate or otherwise affect a cross-waiver agreement,*
 25 *insurance agreement, indemnification agreement, or*

- 1 *any other agreement entered into under this section*
- 2 *except as may be provided in that agreement.*

Amend the title so as to read “A Bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998, 1999, and 2000, and for other purposes.”