

Calendar No. 155

106TH CONGRESS
1ST Session

S. 342

[Report No. 106-77]

A BILL

To authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes.

JUNE 16, 1999

Reported with amendments

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To authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 1999

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

JUNE 16, 1999

Reported by Mr. MCCAIN, with amendments

[Omit the part struck through and insert the part printed in *italie*]

A BILL

To authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, 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 2000, 2001, and 2002”.

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. International Space Station.

Sec. 102. Launch Vehicle and Payload Operations.

Sec. 103. Science, aeronautics, and technology.

Sec. 104. Mission support.

Sec. 105. Inspector General.

Sec. 106. Experimental Program to Stimulate Competitive Research.

Subtitle B—Limitations and Special Authority

Sec. 111. Use of funds for construction.

Sec. 112. Availability of appropriated amounts.

Sec. 113. Reprogramming for construction of facilities.

Sec. 114. Consideration by committees.

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

TITLE II—INTERNATIONAL SPACE STATION

Sec. 201. International Space Station contingency plan.

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

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

TITLE III—MISCELLANEOUS PROVISIONS

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

Sec. 302. Use of existing facilities.

Sec. 303. Authority to reduce or suspend contract payments based on substantial evidence of fraud.

Sec. 304. Notice.

Sec. 305. Sense of Congress on the year 2000 problem.

Sec. 306. Unitary Wind Tunnel Plan Act of 1949 amendments.

Sec. 307. Enhancement of science and mathematics programs.

Sec. 308. Authority to vest title.

Sec. 309. NASA mid-range procurement test program.

Sec. 310. Space advertising.

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 cre-
16 ating and using new technologies in microsatellites,
17 information processing, and space launches that
18 could radically alter the manner in which the Fed-
19 eral Government 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 Aero-
5 nautical 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. INTERNATIONAL SPACE STATION.**

5 There are authorized to be appropriated to the Na-
 6 tional Aeronautics and Space Administration for the
 7 International Space Station—

8 (1) \$2,282,700,000 for fiscal year 2000;

9 (2) \$2,328,000,000 for fiscal year 2001; and

10 (3) \$2,091,000,000 for fiscal year 2002.

11 **SEC. 102. LAUNCH VEHICLE AND PAYLOAD OPERATIONS.**

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

15 (1) for fiscal year 2000—

16 (A) \$2,547,400,000 for space shuttle oper-
 17 ations;

18 (B) ~~\$438,800,000~~ *\$463,800,000* for space
 19 shuttle safety and performance upgrades; and

20 (C) \$169,100,000 for payload and utiliza-
 21 tion operations.

22 (2) for fiscal year 2001—

23 (A) \$2,623,822,000 for space shuttle oper-
 24 ations;

1 (B) ~~\$451,964,000~~ \$481,964,000 for space
 2 shuttle safety and performance upgrades; and

3 (C) \$174,173,000 for payload and utiliza-
 4 tion operations.

5 (3) for fiscal year 2002—

6 (A) \$2,702,537,000 for space shuttle oper-
 7 ations;

8 (B) ~~\$465,523,000~~ \$505,523,000 for space
 9 shuttle safety/performance upgrades; and

10 (C) \$179,398,000 for payload and utiliza-
 11 tion operations.

12 **SEC. 103. SCIENCE, AERONAUTICS, AND TECHNOLOGY.**

13 There are authorized to be appropriated to the Na-
 14 tional Aeronautics and Space Administration for Science,
 15 Aeronautics, and Technology—

16 (1) for fiscal year 2000—

17 (A) \$2,196,600,000 for Space Science;

18 (B) \$256,200,000 for life and microgravity
 19 sciences and applications, of which \$2,000,000
 20 shall be for research and early detection system
 21 for breast and ovarian cancer and other wom-
 22 en's health issues;

23 (C) \$1,459,100,000 for Earth Science;

24 (D) \$1,006,500,000 for aeronautics and
 25 space transportation technology, of which—

(i) \$620,000,000 shall be used for aeronautical research and technology, of which \$60,000,000 shall be used for the Aviation Safety Program;

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

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

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

(F) ~~\$100,000,000~~ \$130,000,000 for academic programs, of which \$46,000,000 shall be used for minority university research and education (at institutions such as Hispanic-serving institutions and tribally-controlled community

colleges), of which \$28,000,000 shall be used
for historically black colleges and ~~universities~~.
universities; and

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

(2) for fiscal year 2001—

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

(B) \$263,886,000 for life and microgravity
sciences and applications;

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

(D) \$1,036,695,000 for aeronautics and
space transportation technology;

(E) \$418,489,000 for mission communica-
tions services; ~~and~~

~~(F) \$103,000,000 for academic programs.~~

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

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

(3) for fiscal year 2002—

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

(B) \$271,803,000 for life and microgravity
sciences and applications;

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

1 (D) \$1,067,796,000 for aeronautics and
 2 space transportation technology;

3 (E) \$431,044,000 for mission communica-
 4 tions services; ~~and~~

5 ~~(F) \$106,090,000 for academic programs.~~

6 *(F) \$137,917,000 for academic programs;*
 7 *and*

8 *(G) \$280,000,000 for future planning (space*
 9 *launch).*

10 **SEC. 104. MISSION SUPPORT.**

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

14 (1) for fiscal year 2000—

15 (A) \$43,000,000 for safety, mission assur-
 16 ance, engineering, and advanced concepts;

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

19 (C) \$181,000,000 for construction of fa-
 20 cilities, including land acquisition; and

21 (D) \$2,181,200,000 for research and pro-
 22 gram management, including personnel and re-
 23 lated costs, travel, and research operations sup-
 24 port.

25 (2) \$2,569,747,000 for fiscal year 2001.

1 (3) \$2,646,839,000 for fiscal year 2002.

2 **SEC. 105. INSPECTOR GENERAL.**

3 There are authorized to be appropriated to the Na-
4 tional Aeronautics and Space Administration for Inspector
5 General—

6 (1) \$20,800,000 for fiscal year 2000;

7 (2) \$21,424,000 for fiscal year 2001; and

8 (3) \$22,066,720 for fiscal year 2002.

9 **SEC. 106. EXPERIMENTAL PROGRAM TO STIMULATE COM-**
10 **PETITIVE RESEARCH.**

11 Of the amounts authorized to be appropriated for
12 academic programs under section 103(1)(F), for fiscal
13 year 2000, the Administrator shall use \$10,000,000 for
14 the program known as the Experimental Program to Stim-
15 ulate Competitive Research.

16 *Of the amounts authorized to be appropriated for aca-*
17 *ademic programs under section 103(1)(F), 103(2)(F), and*
18 *103(3)(F), respectively, the Administrator shall use, for the*
19 *program known as the Experimental Program to Stimulate*
20 *Competitive Research—*

21 (1) \$10,000,000 for fiscal year 2000;

22 (2) \$15,000,000 for fiscal year 2001; and

23 (3) \$20,000,000 for fiscal year 2002.

Subtitle B—Limitations and Special Authority

SEC. 111. USE OF FUNDS FOR CONSTRUCTION.

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

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

(b) LIMITATION.—

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

(2) DATE.—The date specified in this paragraph is the date that is 30 days after the Adminis-

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

7 (c) TITLE TO FACILITIES.—

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

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

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

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

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

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

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

9 (a) USE OF CONSTRUCTION FUNDS.—Subject to sub-
 10 section (b), in addition to the amounts authorized for con-
 11 struction of facilities under section 101(4) or section
 12 103(3), the Administrator may, for that purpose, from
 13 funds otherwise available to the Administrator—

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

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

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

6 **SEC. 114. CONSIDERATION BY COMMITTEES.**

7 (a) IN GENERAL.—

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

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

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

22 (2) PROHIBITION.—Notwithstanding any other
23 provision of law, no amount made available by ap-
24 propriations to the National Aeronautics and Space
25 Administration may be used for any program that is

1 not authorized under this Act, except for projects for
2 construction of facilities.

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

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

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

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

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

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

7 **TITLE II—INTERNATIONAL**
 8 **SPACE STATION**

9 **SEC. 201. INTERNATIONAL SPACE STATION CONTINGENCY**
 10 **PLAN.**

11 (a) TRANSFER OF FUNDS TO RUSSIA.—Notwith-
 12 standing any other provision of this Act, no funds or in-
 13 kind payments shall be transferred to any entity of the
 14 Russian Government or any Russian contractor to per-
 15 form work on the International Space Station which the
 16 Russian Government pledged, at any time, to provide at
 17 its expense. This subsection shall not apply to the pur-
 18 chase or modification of—

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

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

24 (b) CONTINGENCY PLAN FOR RUSSIAN ELEMENTS IN
 25 CRITICAL PATH.—The Administrator shall develop and
 26 deliver to Congress, within 60 days of enactment, a contin-

1 agency plan for the removal or replacement of each Russian
 2 Government element of the International Space Station
 3 that lies in the Station's critical path, as well as Russian
 4 space launch services. Such plan shall include—

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

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

11 (3) the cost, to the extent determinable, of re-
 12 moving or replacing a Russian Government critical
 13 path element or launch service after its decision
 14 point has passed, if—

15 (A) the decision at that point was not to
 16 remove or replace the Russian Government ele-
 17 ment or launch service; and

18 (B) the National Aeronautics and Space
 19 Administration later determines that the Rus-
 20 sian Government will be unable to provide the
 21 critical path element or launch service in a
 22 manner to allow completion of the International
 23 Space Station.

24 (c) BIMONTHLY REPORTING ON RUSSIAN STATUS.—

25 On or before December 1, 1999, and until substantial

1 completion (as defined in section 202(b)(3) of this Act)
2 of the assembly of the International Space Station, the
3 Administrator shall report to Congress on the first day
4 of every other month whether or not the Russians have
5 performed work expected of them and necessary to com-
6 plete the International Space Station. Such report shall
7 also include a statement of the Administrator's judgment
8 concerning Russia's ability to perform work anticipated
9 and required to complete the International Space Station
10 before the next report under this subsection.

11 (d) DECISION ON RUSSIAN CRITICAL PATH ITEMS.—
12 The President shall notify Congress within 90 days of en-
13 actment of this Act of the decision on whether or not to
14 proceed with permanent replacement of the Russian Serv-
15 ice Module, other Russian elements in the critical path of
16 the International Space Station, or Russian launch serv-
17 ices. Such notification shall include the reasons and jus-
18 tifications for the decision and the costs associated with
19 the decision. Such decision shall include a judgment of
20 when the assembly of the International Space Station will
21 be completed. If the President decides to proceed with a
22 permanent replacement for the Russian Service Module or
23 any other Russian element in the critical path or Russian
24 launch service, the President shall notify Congress of the
25 reasons and the justification for the decision to proceed

1 with the permanent replacement, and the costs associated
2 with the decision.

3 **SEC. 202. COST LIMITATION FOR THE INTERNATIONAL**
4 **SPACE STATION.**

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

7 (1) costs of the International Space Station
8 through completion of assembly may not exceed
9 \$21,900,000,000; and

10 (2) space shuttle launch costs in connection
11 with the assembly of the International Space Station
12 through completion of assembly may not exceed
13 \$17,700,000,000 (determined at the rate of
14 \$380,000,000 per space shuttle flight).

15 (b) COSTS TO WHICH LIMITATION APPLIES.—

16 (1) DEVELOPMENT COSTS.—The limitation im-
17 posed by subsection (a)(1) does not apply to funding
18 for operations, research, and crew return activities
19 subsequent to substantial completion of the Inter-
20 national Space Station.

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

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

7 (c) AUTOMATIC INCREASE OF LIMITATION
8 AMOUNT.—The amounts set forth in subsection (a) shall
9 each be increased to reflect any increase in costs attrib-
10 utable to—

11 (1) economic inflation;

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

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

18 (4) new technologies to improve safety, reli-
19 ability, maintainability, availability, or utilization of
20 the International Space Station, or to reduce costs
21 after completion of assembly, including increases in
22 costs for on-orbit assembly sequence problems, in-
23 creased ground testing, verification and integration
24 activities, contingency responses to on-orbit failures,

1 and design improvements to reduce the risk of on-
2 orbit failures.

3 (d) NOTICE OF CHANGES.—The Administrator shall
4 provide with each annual budget request a written notice
5 and analysis of any changes under subsection (c) to the
6 amounts set forth in subsection (a) to the Senate Commit-
7 tees on Appropriations and on Commerce, Science, and
8 Transportation and to the House of Representatives Com-
9 mittees on Appropriations and on Science. The written no-
10 tice shall include—

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

15 (2) an analysis of the impact on the assembly
16 schedule and annual funding estimates of not receiv-
17 ing the requested increases.

18 (e) REPORTING AND REVIEW.—

19 (1) IDENTIFICATION OF COSTS.—

20 (A) SPACE SHUTTLE.—As part of the over-
21 all space shuttle program budget request for
22 each fiscal year, the Administrator shall iden-
23 tify separately the amounts of the requested
24 funding that are to be used for completion of

1 the assembly of the International Space Sta-
2 tion.

3 (B) INTERNATIONAL SPACE STATION.—As
4 part of the overall International Space Station
5 budget request for each fiscal year, the Admin-
6 istrator shall identify the amount to be used for
7 development of the International Space Station.

8 (2) ACCOUNTING FOR COST LIMITATIONS.—As
9 part of the annual budget request to the Congress,
10 the Administrator shall account for the cost limita-
11 tions imposed by subsection (a).

12 (3) VERIFICATION OF ACCOUNTING.—The Ad-
13 ministrator shall arrange for a verification, by the
14 General Accounting Office, of the accounting sub-
15 mitted to the Congress within 60 days after the date
16 on which the budget request is transmitted to the
17 Congress.

18 (4) INSPECTOR GENERAL.—Within 60 days
19 after the Administrator provides a notice and anal-
20 ysis to the Congress under subsection (d), the In-
21 spector General of the National Aeronautics and
22 Space Administration shall review the notice and
23 analysis and report the results of the review to the
24 committees to which the notice and analysis was
25 provided.

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

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, the Administrator, on behalf of the United
5 States, its departments, agencies, and related entities,
6 may reciprocally waive claims with cooperating parties,
7 and the related entities of such cooperating parties, under
8 which each party to each such waiver agrees to be respon-
9 sible, and agrees to ensure that its own related entities
10 are responsible, for damage or loss to its property or to
11 property for which it is responsible, or for losses resulting
12 from any injury or death sustained by its own employees
13 or agents, as a result of activities connected to the Inter-
14 national Space Station Program.

15 (b) LIMITATIONS.—

16 (1) CLAIMS.—A reciprocal waiver under sub-
17 section (a) may not preclude a claim by any natural
18 person (including, but not limited to, a natural per-
19 son who is an employee of the United States, the co-
20 operating party, or the cooperating party's sub-
21 contractors) or that natural person's estate, sur-
22 vivors, or subrogees for injury or death, except with
23 respect to a subrogee that is a party to the waiver
24 or has otherwise agreed to be bound by the terms
25 of the waiver.

1 (2) LIABILITY FOR NEGLIGENCE.—A reciprocal
2 waiver under subsection (a) may not absolve any
3 party of liability to any natural person (including,
4 but not limited to, a natural person who is an em-
5 ployee of the United States, the cooperating party,
6 or the cooperating party’s subcontractors) or such
7 natural person’s estate, survivors, or subrogees for
8 negligence, except with respect to a subrogee that is
9 a party to the waiver or has otherwise agreed to be
10 bound by the terms of the waiver.

11 (3) INDEMNIFICATION FOR DAMAGES.—A recip-
12 rocal waiver under subsection (a) may not be used
13 as the basis of a claim by the Administration or the
14 cooperating party for indemnification against the
15 other for damages paid to a natural person, or that
16 natural person’s estate, survivors, or subrogees, for
17 injury or death sustained by that natural person as
18 a result of activities connected to the International
19 Space Station Program.

20 (c) SAFETY OVERSIGHT AND REVIEW REQUIRED.—
21 In the exercise of the authority provided in subsection (a),
22 and consistent with relevant agreements with cooperating
23 parties in the International Space Station Program, the
24 Administrator shall establish overall safety requirements
25 and plans and shall conduct overall integrated system

1 safety reviews for International Space Station elements
2 and payloads, and may undertake any and all authorized
3 steps (including, but not limited to, removal from launch
4 manifest) to ensure, to the maximum extent possible, that
5 such elements and payloads pose no safety risks for the
6 International Space Station.

7 (d) DEFINITIONS.—In this section:

8 (1) COOPERATING PARTY.—The term “cooper-
9 ating party” means any person who enters into an
10 agreement or contract with the Administration for
11 the performance or support of scientific, aero-
12 nautical, or space activities in furtherance of the
13 International Space Station Program.

14 (2) RELATED ENTITY.—The term “related enti-
15 ty” includes contractors or subcontractors at any
16 tier, suppliers, grantees, and investigators or
17 detailees.

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

23 (e) EFFECT ON PREVIOUS WAIVERS.—Subsection (a)
24 applies to any waiver of claims entered into by the Admin-

1 istrator without regard to whether it was entered into be-
 2 fore, on, or after the date of enactment of this Act.

3 **TITLE III—MISCELLANEOUS** 4 **PROVISIONS**

5 **SEC. 301. NATIONAL AERONAUTICS AND SPACE ACT OF 1958** 6 **AMENDMENTS.**

7 (a) DECLARATION OF POLICY AND PURPOSE.—Sec-
 8 tion 102 of the National Aeronautics and Space Act of
 9 1958 (42 U.S.C. 2451) is amended—

10 (1) by striking subsection (f);

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

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

16 (b) REPORTS TO CONGRESS.—Section 206(a) of the
 17 National Aeronautics and Space Act of 1958 (42 U.S.C.
 18 2476(a)) is amended—

19 (1) by striking “January” and inserting “May”;
 20 and

21 (2) by striking “calendar” and inserting “fis-
 22 cal”.

23 (c) DISCLOSURE OF TECHNICAL DATA.—Section 303
 24 of the National Aeronautics and Space Act of 1958 (42

1 U.S.C. 2454) is amended by adding at the end the fol-
 2 lowing new subsection:

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

17 **SEC. 302. USE OF EXISTING FACILITIES.**

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

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

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

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

8 (C) any other facility that the Adminis-
9 trator determines to be—

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

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

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

17 (II) to be underutilized by that
18 agency; and

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

1 (b) ADDITION OR EXPANSION.—To the maximum ex-
2 tent feasible and cost-effective (and not inconsistent with
3 the purposes of the Defense Base Closure and Realign-
4 ment Act of 1990 (104 Stat. 1808 et seq.) and the amend-
5 ments made by that Act), the Administrator shall meet
6 the requirements of the National Aeronautics and Space
7 Administration for additional or expanded facilities by
8 using facilities that—

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

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

14 (c) UNDERUTILIZED INFRASTRUCTURE.—The
15 United States space launch industry has identified under-
16 utilized infrastructure at the Stennis Space Center for po-
17 tential use in launch vehicle development activities. The
18 proposed use of this infrastructure is compatible with the
19 Center’s propulsion test programs and consistent with
20 other efforts to optimize taxpayer investments while fos-
21 tering United States competitiveness and commercial use
22 of space. The National Aeronautics and Space Administra-
23 tion is encouraged to pursue an appropriate method for
24 making the underutilized Stennis Space Center infrastruc-
25 ture available under suitable terms and conditions, if so

1 requested by industry, and to notify the United States
 2 Senate Committee on Commerce, Science, and Transpor-
 3 tation and the United States House of Representatives
 4 Committee on Science if existing Administration authority
 5 is insufficient for this purpose.

6 **SEC. 303. AUTHORITY TO REDUCE OR SUSPEND CONTRACT**
 7 **PAYMENTS BASED ON SUBSTANTIAL EVI-**
 8 **DENCE OF FRAUD.**

9 Section **【2307(h)(8)】** *2307(i)(8)* of title 10, United
 10 States Code, is amended by striking “and (4)” and insert-
 11 ing “(4), and (6)”.

12 **SEC. 304. NOTICE.**

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

22 (b) NOTICE OF REORGANIZATION.—Not later than
 23 30 days before any major reorganization involving the re-
 24 assignment of more than 25 percent of the employees of
 25 any program, project, or activity of the National Aero-

1 nautics and Space Administration, the Administrator shall
2 provide notice to the Committees on Commerce, Science,
3 and Transportation and Appropriations of the Senate and
4 the Committees on Science and Appropriations of the
5 House of Representatives.

6 **SEC. 305. SENSE OF CONGRESS ON THE YEAR 2000 PROB-**
7 **LEM.**

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

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

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

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

1 **SEC. 306. UNITARY WIND TUNNEL PLAN ACT OF 1949**

2 **AMENDMENTS.**

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

5 (1) in section 101 by striking “transsonic and
6 supersonic” and inserting “transsonic, supersonic,
7 and hypersonic”; and

8 (2) in section 103—

9 (A) in subsection (a)—

10 (i) by striking “laboratories” and in-
11 serting “laboratories and centers”; and

12 (ii) by striking “supersonic” and in-
13 serting “transsonic, supersonic, and
14 hypersonic”; and

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

17 **SEC. 307. ENHANCEMENT OF SCIENCE AND MATHEMATICS**

18 **PROGRAMS.**

19 (a) DEFINITIONS.—In this section:

20 (1) EDUCATIONALLY USEFUL FEDERAL EQUIP-
21 MENT.—The term “educationally useful Federal
22 equipment” means computers and related peripheral
23 tools and research equipment that is appropriate for
24 use in schools.

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

4 (b) SENSE OF CONGRESS.—

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

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

18 **SEC. 308. AUTHORITY TO VEST TITLE.**

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

22 “AUTHORITY TO VEST TITLE TO TANGIBLE PERSONAL
 23 PROPERTY FOR RESEARCH OR TECHNOLOGY DEVEL-
 24 OPMENT

25 “SEC. 313. Notwithstanding any other provision of
 26 law, the Administrator may vest title in tangible property

1 (as that term is defined by the Administrator) in any par-
2 ticipant that enters into a cooperative agreement with the
3 Administrator if—

4 “(1) the primary purpose of the participant is
5 to conduct scientific research or technology develop-
6 ment;

7 “(2) the property is acquired with amounts pro-
8 vided under a cooperative agreement between the
9 participant and the Administrator to conduct sci-
10 entific research or technology development;

11 “(3) the Administrator determines that vesting
12 the title to the property in the participant furthers
13 the objectives of the National Aeronautics and Space
14 Administration; and

15 “(4) the vesting of the title in the participant
16 is made—

17 “(A) on the condition that the United
18 States Government will not incur any further
19 obligation; and

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

1 **SEC. 309. NASA MID-RANGE PROCUREMENT TEST PRO-**
 2 **GRAM.**

3 Section 5062 of the Federal Acquisition Streamlining
 4 Act of 1994 [(108 Stat. 3356)] (42 U.S.C. 2473 *nt*) is
 5 amended—

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

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

18 “(1) of \$2,000,000 or less; or

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

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

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

1 **SEC. 310. SPACE ADVERTISING.**

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

4 (1) by redesignating paragraphs (8) through
5 **[(12)]** (16) as paragraphs (9) through **[(13),]** (17),
6 respectively; and

7 (2) by inserting after paragraph (7) the fol-
8 lowing:

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

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

17 **“§ 70109a. Space advertising**

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

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

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

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

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

10 “(1) commercial space transportation vehicles;

11 “(2) space infrastructure, payloads;

12 “(3) space launch facilities; and

13 “(4) launch support facilities.”.

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

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

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

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

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

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

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

 “70109a. Space advertising.”.