

Federal loan. The rules are exactly the same as they have been.

There is nothing in the package which increases the cost of the loan to a student who is in school. The only direct cost to students included in the package applies to new borrowers after they leave school. At that point, they will continue to be able to defer loan payments for 6 months—the so-called grace period—but the Federal Government will no longer subsidize interest payments during that period of time.

That, I believe, Mr. President, is reasonable. This package was developed with the clear intention of minimizing costs to students. I believe that purpose was accomplished. It is, therefore, particularly disturbing to me that students and their families are being intentionally misled about the impact of the proposed changes. I fear that this misinformation will discourage some students from even exploring postsecondary education, and that, I believe, would be a real tragedy.

I would like to explain briefly how the \$10.85 billion in savings is achieved. First of all, about \$4 billion of the savings comes from reductions to entities involved in the guaranteed loan program, such as banks and guaranty agencies.

The elimination for new borrowers of the interest subsidy during the 6-month grace period achieves about \$2.7 billion in savings over that 7-year period. This change would mean an extra \$1.89 a month for an undergraduate who borrows \$5,500 in 1 year. At most, it would mean an additional \$22.50 a month for a graduate student who has borrowed the \$65,000 maximum through his or her college career.

Capping the direct loan program at 20 percent of loan volume produces about \$1.5 billion in savings. Additional savings are achieved through the elimination of fees paid to schools and alternative originators for direct loan administration. Whatever one may believe about the merits or demerits of direct lending, the fact remains that the way a loan is delivered has absolutely nothing to do with the ability of students to borrow or with the amounts they may borrow. The terms and conditions of direct loans are identical to those of guaranteed loans. There is no difference to the students at that juncture. To suggest that paring back the direct loan program will deprive students of loan funds or make those funds more expensive is plainly inaccurate. The one advantage, at this point, of direct loans and direct lending is that it makes a loan available immediately.

It does expedite the process of obtaining a loan by a student. As far as any difference in the loans being more expensive, that is certainly not the case.

The package also calls upon postsecondary education institutions to participate in achieving savings by imposing a fee equal to 0.85 percent of the amount of Federal loans made avail-

able to their students. This proposal produces about \$1.9 billion over 7 years.

Some have argued that these costs will be passed directly on to the students rather than being absorbed through the efficiencies in other school operations. Perhaps that will be the case. Even if the entire cost is passed on to the student, it would amount to an average of \$20 to \$25 per student per year. That is at the high end. Others would be about \$11 to \$12 to \$13 per year.

Finally, approximately \$700 million in savings is achieved by increasing the interest rate and the interest rate cap on parent loans.

When one looks beyond the hype to see the facts, Mr. President, it is clear that this reconciliation package does not spell disaster for secondary education in this country. Blaming a Republican Congress for reducing access to postsecondary education by increasing its costs may be convenient, but it does not explain away the fact that college tuitions have been growing at a rate surpassing inflation for well over a decade. That is what has caused such enormous problems for students and their families, is the escalating cost of college education due to increased tuition.

Figures recently released by the college board show an average tuition increase this year of 6 percent, more than double the inflation rate. Average tuition in fees at a 4-year public institution are \$2,860. For a 4-year private institution, these costs average \$12,432.

Mr. President, another 6-percent increase in those amounts next year would mean an additional per-student cost ranging from \$171 to \$745, presenting far more serious problems for students and their families than anything in this reconciliation package.

Federal student aid is simply not going to be able to pick up the slack in such an environment, nor is that a role for which it was intended. That is what I think we need to understand, Mr. President.

There is not anything in the reconciliation package regarding student loans that I suppose we would be comfortable with. On the other hand, it is not the tragedy that is being portrayed. I think it is very important that students and their families understand that.

No one relishes the task of cutting back. It is much easier to build upon the expensive policies that have brought us to our current budget problems in the first place. However, one can prune the branches without killing the tree. It is a disservice to the American taxpayers to suggest otherwise.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous unanimous consent, the Senator from Minnesota is recognized.

Mrs. KASSEBAUM. I wonder if the Senator from Minnesota would yield for a few moments for some unanimous-consent requests.

Mr. WELLSTONE. I am happy to yield to the Senator.

# NATIONAL AERONAUTICS AND SPACE ADMINISTRATION APPROPRIATIONS AUTHORIZATION, FISCAL YEAR 1996

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 204, S. 1048.

The PRESIDING OFFICER. The clerk will report. The legislative clerk read as follows:

A bill (S. 1048) to authorize appropriations for fiscal year 1996 to the National Aeronautics and Space Administration for human space flight; science, aeronautics, and technology; mission support; and inspector general; and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

## SECTION 1. SHORT TITLE.

*This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, Fiscal Year 1996".*

## SEC. 2. DEFINITIONS.

*For the purposes of this Act—*

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "NASA" means the National Aeronautics and Space Administration; and

(3) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

## TITLE I—AUTHORIZATION OF APPROPRIATIONS

### SEC. 101. HUMAN SPACE FLIGHT.

*There are authorized to be appropriated to the National Aeronautics and Space Administration for Human Space Flight the following amounts, to become available October 1, 1995:*

(1) *Space Station, \$1,818,800,000.*

(2) *Russian Cooperation, \$129,200,000.*

(3) *Space Shuttle, \$3,031,800,000.*

(4) *Payload and Utilization Operations, \$293,000,000.*

### SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

*There are authorized to be appropriated to the National Aeronautics and Space Administration for Science, Aeronautics, and Technology the following amounts, to become available October 1, 1995:*

(1) *Space Science, \$1,958,900,000, of which \$48,700,000 shall be allocated to the Stratospheric Observatory for Infrared Astronomy, \$15,000,000 shall be allocated to the Space Infrared Telescope Facility, and \$30,000,000 shall be allocated to the New Millennium initiative.*

(2) *Life and Microgravity Sciences and Applications, \$507,000,000, of which \$3,000,000 shall be allocated for the construction of an addition to the Microgravity Development Laboratory, Marshall Space Flight Center.*

(3) *Mission to Planet Earth, \$1,360,100,000, of which \$17,000,000 shall be allocated to the construction of the Earth Systems Science Building, Goddard Space Flight Center.*

(4) *Aeronautical Research and Technology, \$891,300,000, of which \$5,400,000 shall be allocated to the modernization of the Unitary Plan Wind Tunnel Complex, Ames Research Center.*

(5) *Space Access and Technology, \$766,600,000, of which at least \$70,000,000 shall be allocated to support a shuttle flight for the Shuttle Imaging*

Radar-C, of which \$5,000,000 shall be used to establish a Rural Technology Transfer and Commercialization Center for the Rocky Mountains and Upper Plains States region, and of which \$159,000,000 shall be allocated to the Reusable Launch Vehicle program.

(6) Mission Communications Services, \$461,300,000.

(7) Academic Programs, \$104,700,000, of which \$3,000,000 shall be allocated to support the establishment of an Upper Plains States regional science education and outreach center and of which \$1,000,000 shall be allocated to establish a Rural Teacher Resource Center.

#### SEC. 103. MISSION SUPPORT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Mission Support the following amounts, to become available October 1, 1995:

(1) Safety, Reliability, and Quality Assurance, \$37,600,000.

(2) Space Communications Services, \$219,400,000.

(3) Research and Program Management, including personnel and related costs, travel, and research operations support, \$2,047,800,000.

(4) Construction of Facilities, including land acquisition, \$135,000,000, including the following:

(A) Restoration of Flight Systems Research Laboratory, Ames Research Center;

(B) Restoration of chilled water distribution system, Goddard Space Flight Center;

(C) Replace chillers, various buildings, Jet Propulsion Laboratory;

(D) Rehabilitation of electrical distribution system, White Sands Test Facility, Johnson Space Center;

(E) Replace main substation switchgear and circuit breakers, Johnson Space Center;

(F) Replace 15kv load break switches, Kennedy Space Center;

(G) Rehabilitation of Central Air Equipment Building, Lewis Research Center;

(H) Restoration of high pressure air compressor system, Marshall Space Flight Center;

(I) Restoration of Information and Electronic Systems Laboratory, Marshall Space Flight Center;

(J) Restoration of canal lock, Stennis Space Center;

(K) Restoration of primary electrical distribution system, Wallops Flight Facility;

(L) Repair of facilities at various locations, not in excess of \$1,500,000 per project;

(M) Rehabilitation and modification of facilities at various locations, not in excess of \$1,500,000 per project;

(N) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$1,500,000 per project;

(O) Facility planning and design, not otherwise provided for; and

(P) Environmental compliance and restoration.

#### SEC. 104. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General \$17,300,000, to become available October 1, 1995.

#### SEC. 105. OFFICE OF COMMERCIAL SPACE TRANSPORTATION.

There are authorized to be appropriated to the Office of Commercial Space Transportation of the Department of Transportation \$7,000,000, to become available October 1, 1995.

#### TITLE II—LIMITATIONS AND GENERAL PROVISIONS

##### SEC. 201. SPACE STATION LIMITATION.

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

##### SEC. 202. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Of the amounts appropriated under sections 101 and 102, \$6,900,000 are authorized for the

Experimental Program to Stimulate Competitive Research in accordance with title III of the National Aeronautics and Space Administration Act, Fiscal Year 1993 (Public Law 102-588; 106 Stat. 5119).

##### SEC. 203. SPECIAL TECHNOLOGY ENHANCEMENT GRANTS.

(a) IN GENERAL.—

(1) GRANTS.—The Administrator shall make up to 4 special technology enhancement grants to areas or States that have not participated fully in the Administration's aeronautical and space programs in order to enable such areas or States to increase their capabilities in technology development, utilization, and transfer in aeronautics, space science, and related areas. At least one such grant shall be made available to a consortium of States, each one of which has an average population density of less than 12.3 persons per square mile, based on data for 1993 from the Bureau of the Census.

(2) ACTIVITIES.—Grants made under this section shall be available for—

(A) assessment of resources and needs;

(B) development of infrastructure, including incubators and prototype demonstration facilities;

(C) collaborations with industry;

(D) expansion of capabilities in procurement;

(E) development of technology transfer and commercialization support capabilities;

(F) activities to increase participation in the Small Business Innovation Research program and other NASA research, development, and technology utilization and transfer programs;

(G) relevant research of interest to NASA; and

(H) such other activities as the Administrator shall deem appropriate.

(3) SPECIAL CONSIDERATION.—In making grants under this section, the Administrator shall give special consideration to proposals that—

(A) will build upon and expand a developing research and technology base, and

(B) will insure a lasting research and development and technology development and transfer capability.

(b) ELIGIBLE ENTITIES.—Grants under subsection (a)(1) may be made to—

(1) State and local governments;

(2) institutions of higher education; and

(3) organizations with expertise in research and development, technology development, and technology transfer in areas of interest to NASA.

(c) FUNDING OF PROGRAM.—Of the amounts authorized in section 102 for the Space Access and Technology account, \$15,000,000 are authorized to be used for grants under subsection (a).

##### SEC. 204. CLEAR LAKE DEVELOPMENT FACILITY.

The Administrator is authorized to acquire, for no more than \$35,000,000, a certain parcel of land, together with existing facilities, located on the site of the property referred to as the Clear Lake Development Facility, Clear Lake, Texas, comprising approximately 13 acres and including a light manufacturing facility, an avionics development facility, and an assembly and test building which shall be modified for use as a neutral buoyancy laboratory in support of human space flight activities.

##### SEC. 205. YELLOW CREEK FACILITY.

Notwithstanding any other provision of law or regulation, the National Aeronautics and Space Administration (NASA) is authorized to convey, without reimbursement, to the State of Mississippi, all rights, title, and interest of the United States of the United States in the property known as the Yellow Creek Facility and consisting of approximately 1,200 acres near the city of Iuka, Mississippi, including all improvements thereon and any personal property owned by NASA that is currently located on-site and which the State of Mississippi requires to facilitate the transfer: Provided, That appropriated funds shall be used to effect this conveyance: Provided further, That \$10,000,000 in appro-

priated funds otherwise available to NASA shall be transferred to the State of Mississippi to be used in the transition of the facility: Provided further, That each Federal agency with prior contact to the site shall remain responsible for any and all environmental remediation made necessary as a result of its activities on the site: Provided further, That in consideration of this conveyance, NASA may require such other terms and conditions as the Administrator deems appropriate to protect the interests of the United States: Provided further, That the conveyance of the site and the transfer of the funds to the State of Mississippi shall occur not later than 30 days after the date of enactment of this Act.

##### SEC. 206. RADAR REMOTE SENSING SATELLITES.

(a) FINDINGS.—The Congress finds that—

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

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

(3) the National Aeronautics and Space Administration has developed a unique background and expertise in developing and operating radar satellites as a result of their activities connected with its radar satellites, Shuttle Imaging Radar (SIR)-A, SIR-B, and SIR-C, which has flown twice on the Space Shuttle;

(4) other nations currently have operational radar satellite systems, including Japan and Western Europe, with other spacefaring nations expected to develop such systems in the near future; and

(5) the development of an operational radar satellite program at NASA featuring free-flying satellites and a related ground system is critical to maintain United States leadership in remote sensing satellite technology and is important to our national security and international competitiveness.

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

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

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

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

(4) NASA should make maximum use of existing National remote sensing assets such as the Landsat system, activities connected with the Mission to Planet Earth, and the data management facilities of the Department of the Interior in all of its radar satellite activities.

(c) PROGRAM REQUIREMENTS.—NASA shall initiate a program to develop and operate a radar satellite program. The program shall employ the most advanced radar satellite technology currently available. To the maximum extent possible, all of the data processing, dissemination, and archiving functions shall be performed by the Department of the Interior. The program should be planned in such a way that the data from the radar satellite system are converted into a broad range of informational products with research, commercial, and government applications and any other applications that are in the public interest and that such products are distributed over the widest user community that is practicable, including industry, academia, research institutions, local and State governments, and other Federal agencies. The program should coordinate with, and make appropriate use of, other remote sensing satellite programs, such as the Landsat program.

(d) PLAN.—Within 90 days after the enactment of this Act, the Administrator shall submit a detailed plan for implementation of the radar satellite program to the Committee on Commerce,

Science, and Transportation of the Senate and the Committee on Science of the House of Representatives. The plan should include—

- (1) the goals and mission of the program;
- (2) planned activities for the next 5 years to achieve such goals and mission;
- (3) strategies for maximizing the usefulness of the satellite data to the scientific and academic communities, the private sector, all levels of government, and the general public;
- (4) concepts for integrating the program with other related NASA activities (such as Mission to Planet Earth), the Landsat program, and other current and emerging remote sensing satellite programs and activities in the Federal government and all other public and private sectors so that the program complements and strengthens such programs and activities and is not duplicative of these efforts;
- (5) concepts developed in consultation with Department of the Interior, for processing, archiving, and disseminating the satellite data using, to the maximum extent possible, existing Federal government programs and assets at the Department of the Interior and other Federal agencies;
- (6) targets and timetables for undertaking specific activities and actions within the program;
- (7) a 5-year budget profile for the program; and
- (8) a comparison between the program and the radar satellite programs of other spacefaring nations, addressing their respective costs, capabilities, and other relevant features.

(e) **AUTHORIZATION.**—Of the funds authorized in section 102 for the Earth Probes account, the Administrator shall allocate at least \$15,000,000 to the radar satellite program to conduct Phase A and Phase B studies.

#### **SEC. 207. STUDY OF THE HYDROLOGY OF THE UPPER MISSOURI RIVER BASIN.**

The Administrator shall initiate a project to conduct research on the hydrology of the Upper Missouri River Basin. The project shall be part of the Mission to Planet Earth program and shall employ satellite observations, surface-based radar data, and ground-based hydrological and other scientific measurements to develop quantitative models that address complex atmospheric and surface hydrological processes. The project shall be incorporated into NASA's activities connected with the multi-agency Global Energy and Water Cycle Experiment to understand the interactions between the atmosphere and land surfaces. In implementing the project, NASA shall coordinate and consult with other appropriate federal agencies, including the Department of Commerce, the Department of the Interior, and the National Science Foundation. To the maximum extent possible, NASA shall employ the assistance of universities, local and State governments, industry, and any other appropriate entities from the Upper Missouri River Basin region to carry out this program and the Administrator is authorized to support the project-related work of such entities with grants, technical advice, equipment, in-kind help, and any other type of appropriate assistance. Within 90 days after the enactment of this Act, the Administrator shall submit a plan for the implementation of this project, which shall set forth the goals, project costs, planned activities, and overall strategies for the project, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives. Of the funds authorized in section 102 for Mission to Planet Earth, at least \$10,000,000 shall be allocated by the Administrator to the Upper Missouri River Basin project.

#### **SEC. 208. SHUTTLE PRIVATIZATION.**

(a) The Administrator is hereby directed to conduct a study of the feasibility of implementing the recommendation of the Independent Shuttle Management Review Team that NASA transition towards the privatization of the Shut-

tle. The study shall identify, discuss, and, where possible, present options for resolving, the major policy and legal issues that must be addressed before the Shuttle is privatized, including, but not limited to, the following issues—

- (1) whether the government or the Shuttle contractor should own the Shuttle orbiters and Shuttle ground facilities;
- (2) whether the federal government should indemnify the contractor for any third party liability arising from Shuttle operations, and, if so, under what terms and conditions;
- (3) whether commercial payloads should be allowed to be launched on the Shuttle and whether any classes of payloads should be made ineligible for launch consideration;
- (4) whether NASA and federal government payloads should have priority over non-federal government payloads in the Shuttle launch assignments and what policies should be developed to prioritize among payloads generally;
- (5) whether the public interest requires that certain Shuttle functions continue to be performed by the federal government; and
- (6) whether privatization of the Shuttle would produce any significant cost savings and, if so, how much cost savings.

(b) Within 60 days of the enactment of this Act, NASA shall complete the study and shall submit a report on that study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(c) As a transitional step towards Shuttle privatization, NASA shall take all necessary and appropriate actions to consolidate Shuttle contractor activities under one prime contractor and, within 180 days of the enactment of this Act, report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives on those actions. If NASA has failed to complete such consolidation by the expiration of the 180-day period, the report shall explain the reasons for that failure and describe the steps being taken by NASA to finalize the consolidation as expeditiously as possible.

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

(a) **AUTHORIZED USES.**—The Administrator may use funds appropriate for purposes other than those appropriated for—

- (1) construction of facilities;
- (2) research and program management, excluding research operations support; and
- (3) Inspector General,

for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of, existing facilities at any location in support of the purposes for which such funds are appropriated.

(b) **LIMITATION.**—None of the funds used pursuant to subsection (a) may be expended for a project, the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds \$750,000, until 30 days have passed after the Administrator has notified the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

#### **SEC. 210. CONSTRUCTION OF FACILITIES.**

(a) **REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.**—If the Administrator determines that—

- (1) new developments in the national program of aeronautical and space activities have occurred;
- (2) such developments require the use of additional funds for the purpose of construction, expansion, or modification of facilities at any location; and
- (3) deferral of such action until the enactment of the next National Aeronautics and Space Administration authorization Act would be inconsistent with the interest of the Nation in aeronautical and space sciences;

the Administrator may use the amounts authorized for construction of facilities pursuant to this Act or previous National Aeronautics and Space Administration authorization Acts for such purposes. The amounts may be used to acquire, construct, convert, rehabilitate, or install temporary or permanent public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. The Administrator may use such amounts for facility consolidations, closures, and demolition required to downsize the NASA physical plant to improve operations and reduce costs.

#### **(c) LIMITATIONS.**

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

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

(B) may be varied upward by 25 percent to meet unusual cost variations after the expiration of 30 days following a report on the circumstances of such action by the Administrator to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives. The aggregate amount authorized to be appropriated for construction of facilities shall not be increased as a result of actions authorized under this section.

(2) No amounts may be obligated for a construction-of-facilities project until a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the Committee on Science of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, a written report describing the nature of the acquisition, construction, conversion, rehabilitation, or installation, its cost, and the reasons therefor.

(d) **TITLE TO FACILITIES.**—If funds are used pursuant to subsection (a) for grants to institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

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

To the extent provided in appropriations Acts, appropriations authorized under this Act may remain available without fiscal year limitation.

#### **SEC. 212. CONSIDERATION BY COMMITTEES.**

Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the Committee on Science of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate; and

(2) no amount appropriated pursuant to the Act may be used for any program in excess of the amount actually authorized for that particular program, excluding construction-of-facility projects,

unless a period of 30 days has passed after the receipt by such Committee of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action. NASA shall keep those Committees fully and currently informed with respect to all activities and responsibilities within their jurisdiction. Except as otherwise provided by law, any Federal department, agency, or independent establishment shall furnish any information

requested by either such Committee relating to any activity or responsibility.

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

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

**SEC. 214. REPORTING REQUIREMENTS.**

(a) **REPORTING PERIOD.**—Section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended—

(1) by striking "January" and inserting "May"; and

(2) by striking "calendar" and inserting "fiscal".

(b) **PROTECTION OF COMMERCIALLY VALUABLE INFORMATION.**—Section 303 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2454) is amended by adding at the end the following:

"(c)(1) The Administrator may delay, for a period not to exceed 5 years, the unrestricted public disclosure of technical data, related to a competitively sensitive technology, in the possession of, or under the control of, the Administration that has been generated in the performance of experimental, developmental, or research activities or programs conducted by, or funded in whole or in part by, the Administration, if the technical data has significant value in maintaining leadership or competitiveness, in civil and governmental aeronautical and space activities by the United States industrial base.

"(2) The Administrator shall publish biannually in the Federal Register a list of all competitively sensitive technology areas which it believes have a significant value in maintaining the United States leadership or competitiveness in civil and governmental aeronautical and space activities. The list shall be generated after consultation with appropriate Government agencies and a diverse cross section of companies—

"(A) that conduct a significant level of research, development, engineering, and manufacturing in the United States; and

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

"(3) The Administrator shall provide an opportunity for written objections to the list within a 60-day period after it is published. After the expiration of that 60-day period, and after consideration of all written objections received by the Administrator during that period, NASA shall issue a final list of competitively sensitive technology areas.

"(4) For purposes of this subsection, the term 'technical data' means any recorded information, including computer software, that is or may be directly applicable to the design, engineering, development, production, manufacture, or operation of products or processes that may have significant value in maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base."

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

The Congress finds that it is appropriate for costs contributed by a contractor under a cooperative agreement with the National Aeronautics and Space Administration to be considered as allowable independent research and development costs, for purposes of section 31.205-18 of the Federal Acquisition Regulations if the work performed would have been allowable as contractor independent research and development costs had there been no cooperative agreement. The Administration shall seek a revision to that section of the Federal Acquisition Regulations to reflect the intent of the Congress expressed in the preceding sentence.

**SEC. 216. RESTRUCTURING OF THE EARTH OBSERVING SYSTEM DATA AND INFORMATION SYSTEM.**

The Administrator is prohibited from restructuring or downscaling the baseline plan for the

Earth Observing System Data and Information System in place at the time of the President's budget submission for NASA for fiscal year 1996 unless, 60 days before undertaking such action, the Administrator has submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a written report containing—

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

(2) the reasons and justifications for such action;

(3) an analysis of the cost impact of such action;

(4) an analysis of the impact of the action on the scientific benefits of the program and the effect of the action on the expected applications of the satellite data from the System in such areas as global climate research, land-use planning, state and local government management, mineral exploration, agriculture, forestry, national security, and any other areas that the Administrator deems appropriate;

(5) an analysis of the impact of the action on the United States Global Climate Change Research program and international global climate change research activities; and

(6) an explanation of what measures, if any, are planned by NASA to compensate for any likely reductions in the scientific value and data collection, processing, and distribution capabilities of the System as a result of the action.

**TITLE III—COMMERCIAL SPACE LAUNCH ACT AMENDMENTS**

**SEC. 301. AMENDMENT OF TITLE 49.**

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

**SEC. 302. AMENDMENT OF SECTION 70101.**

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

(1) by inserting "microgravity research," after "information services," in subsection (a)(3);

(2) by inserting "commercial space transportation services, including in-space transportation activities and" after "providing" in subsection (a)(4);

(3) by striking "commercial launch vehicles" in subsection (a)(5) and inserting "commercial space transportation including commercial launch vehicles, in-space transportation activities, reentry vehicles,";

(4) by striking "launch" in subsection (a)(6) and inserting "launch, in-space transportation, and reentry";

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

(6) by striking "sites and complementary facilities, the providing of launch" in subsection (a)(8) and inserting "sites, in-space transportation control sites, reentry sites, and complementary facilities, the providing of launch, in-space transportation, and reentry";

(7) by inserting "in-space transportation control sites, reentry sites," after "launch sites," in subsection (a)(9);

(8) by striking "launch vehicles" in subsection (b)(2) and inserting "commercial space transportation services, including launch vehicles, in-space transportation activities, reentry vehicles,";

(9) by striking "launch" the first place it appears in subsection (b)(3) and inserting "launch, in-space transportation vehicle, and reentry";

(10) by striking "commercial launch" the second place it appears in subsection (b)(3); and

(11) by inserting "in-space transportation vehicle control facilities, and development of reentry sites" after "facilities," in subsection (b)(4).

**SEC. 303. AMENDMENT OF SECTION 70102.**

Section 70102 (relating to definitions) is amended—

(1) by inserting "from Earth, including a reentry vehicle and its payload, if any" after "and any payload" in paragraph (3);

(2) by striking "object" the first place it appears in paragraph (8) and inserting "object, including a reentry vehicle and its payload, if any,";

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

(4) by inserting after paragraph (8) the following:

"(9) 'in-space transportation vehicle' means any vehicle designed to operate in space and designed to transport any payload or object substantially intact from one orbit to another orbit.

"(10) 'in-space transportation services' means—

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

"(B) the procedures, actions, and activities necessary for conduct of those transportation services; and

"(C) the conduct of transportation services.

"(11) 'in-space transportation control site' means a location from which an in-space transportation vehicle is controlled or operated (as such terms may be defined in any license the Secretary issues or transfers under this chapter).

"(12) 'reenter' and 'reentry' mean to return purposefully, or attempt to return, a reentry vehicle and payload, if any, from Earth orbit or outer space to Earth.

"(13) 'reentry services' means—

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

"(B) the conduct of a reentry.

"(14) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

"(15) 'reentry vehicle' means any vehicle designed to return substantially intact from Earth orbit or outer space to Earth."

(5) by striking "launch" each place it appears in paragraph (18), as redesignated and inserting "launch services, in-space transportation activities, or reentry".

**SEC. 304. AMENDMENT OF SECTION 70103.**

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

(1) by striking "LAUNCHES" in the caption and inserting "SPACE ACTIVITIES";

(2) by striking "commercial space launches" in paragraph (1) and inserting "commercial space transportation services"; and

(3) by striking "a space launch" in subsection (b)(2) and inserting "space transportation".

**SEC. 305. AMENDMENT OF SECTION 70104.**

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

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

**"Restrictions on launches, in-space transportation activities, operations, and reentries";**

(2) by striking "site" each place it appears in subsection (a) and inserting "site, an in-space transportation operations site, reentry site, or reenter a reentry vehicle,";

(3) by striking "launch or operation" in subsections (a) (3) and (4) and inserting "launch, in-space transportation activity, or reentry operation";

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

**"(b) COMPLIANCE WITH PAYLOAD REQUIREMENTS.**—The holder of a license under this chapter may launch a payload, operate an in-space transportation vehicle, or reenter a payload only if the payload or vehicle complies with all requirements of the laws of the United States

related to launching a payload, operating an in-space transportation vehicle, or reentering a payload.”;

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

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

#### SEC. 306. AMENDMENT OF SECTION 70105.

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

(1) by striking “site” in subsection (b)(1) and inserting “site, an in-space transportation control site, or a reentry site or the reentry of a reentry vehicle.”; and

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

#### SEC. 307. AMENDMENT OF SECTION 70106.

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

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

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

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

#### SEC. 308. AMENDMENT OF SECTION 70108.

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

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

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

and

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

(3) by striking “launch or operation” in subsection (a) and inserting “launch, in-space transportation activity, operation, or reentry”.

#### SEC. 309. AMENDMENT OF SECTION 70109.

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

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

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

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

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

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

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

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

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

(7) by striking “services” in the second sentence and inserting “services, or services related to a reentry.”;

(8) by inserting “or reentry” after “the scheduled launch”;

(9) by adding at the end thereof the following: “A licensee or transferee preempted from access to a reentry site does not have to pay the Government agency responsible for the preemption any amount for reentry services attributable only to the scheduled reentry prevented by the preemption.”.

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

#### SEC. 310. AMENDMENT OF SECTION 70110.

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

(1) by striking “launch” in subsection (a)(2) and inserting “launch, in-space transportation activity, or reentry”;

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

#### SEC. 311. AMENDMENT OF SECTION 70111.

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

(1) by inserting “in-space transportation activities, or reentry services” after “launch services,” in subsection (a)(1)(B);

(2) by striking “services” in subsection (a)(2) and inserting “services, in-space transportation activities, or reentry services”;

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

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

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

(6) by striking “services” the first place it appears in subsection (b)(2)(C) and inserting “services, in-space transportation activities or services, or reentry services”;

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

**“(d) COLLECTION BY OTHER GOVERNMENTAL HEADS.—**The head of a department, agency, or instrumentality of the Government may collect a payment for any activity involved in producing a launch vehicle, in-space transportation vehicle, or reentry vehicle or its payload for launch, in-space transportation activity, or reentry if the activity was agreed to by the owner or manufacturer of the launch vehicle, in-space transportation vehicle, reentry vehicle, or payload.”.

#### SEC. 312. AMENDMENT OF SECTION 70112.

Section 70112 (relating to liability insurance and financial responsibility requirements) is amended—

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

(2) by inserting “in-space transportation activities, or reentry services,” after “launch services,” each place it appears in subsections (a)(4) and (b)(2);

(3) by striking “services” in subsection (b)(1) and the third place it appears in subsection (b)(2) and inserting “services, in-space transportation activities, or reentry services.”;

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

(5) by striking “Science, Space, and Technology” in subsection (d) and inserting “Science”;

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

(7) by striking “site” in subsection (e) and inserting “site, in-space transportation control site, or control of an in-space transportation vehicle or activity, or reentry site or a reentry”.

#### SEC. 313. AMENDMENT OF SECTION 70113.

Section 70113 (relating to paying claims exceeding liability insurance and financial responsibility requirements) is amended by striking “launch” each place it appears in subsections (a)(1), (d)(1), and (d)(2) and inserting “launch, operation of one in-space transportation vehicle, or one reentry”.

#### SEC. 314. AMENDMENT OF SECTION 70115.

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

(1) by inserting “in-space transportation control site, or reentry site,” after “launch site.”;

(2) by inserting “in-space transportation vehicle, or reentry vehicle” after “launch vehicle.”;

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

#### SEC. 315. AMENDMENT OF SECTION 70117.

Section 70117 (relating to relationship to other executive agencies, laws, and international obligations) is amended—

(1) by striking “vehicle or operate a launch site,” in subsection (a) and inserting “vehicle, operate a launch site, perform in-space transportation activities or operate an in-space transportation control site or reentry site, or reenter a reentry vehicle.”;

(2) by striking “launch” in subsection (d) and inserting “launch, perform an in-space transportation activity, or reentry”;

(3) by striking subsections (f) and (g), and inserting the following:

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

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

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

“(2) planning or policies related to the launch, in-space transportation activity, reentry, or operation.”.

#### SEC. 316. REPORT TO CONGRESS.

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

##### **“§ 70120. Report to Congress**

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

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

“(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.”.

#### SEC. 317. AMENDMENT OF TABLE OF SECTIONS.

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

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

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

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

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

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

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

and

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

**“70120. Report to Congress”.**

#### SEC. 318. REGULATIONS.

The Secretary of Transportation shall issue regulations under chapter 701 of title 49, United States Code, that include—

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

(2) procedures for requesting and obtaining licenses to operate a commercial launch vehicle and reentry vehicle;

(3) procedures for requesting and obtaining operator licenses for launch and reentry; and

(4) procedures for the application of government indemnification.

#### SEC. 319. SPACE ADVERTISING.

(a) DEFINITION.—Section 70102, as amended by section 303, is amended by redesignating paragraphs (12) through (19) as (13) through (20), respectively, and by inserting after paragraph (11) the following new paragraph:

“(12) ‘obtrusive space advertising’ means advertising in outer space that is capable of being recognized by a human being on the surface of the earth without the aid of a telescope or other technological device.”.

(b) PROHIBITION.—Chapter 701 is amended by inserting after section 70109 the following new section:

#### “§ 70109a. Space advertising

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

“(1) issue or transfer a license under this chapter; or

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

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

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

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

(c) NEGOTIATION WITH FOREIGN LAUNCHING NATIONS.—

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

(2) It is the sense of Congress that the President should take such action as is appropriate and feasible to enforce the terms of any agreement to prohibit the use of outer space for obtrusive space advertising purposes.

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

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

(B) from whose territory or facility a payload is launched into outer space.

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

“70109a. Space advertising”.

AMENDMENT NO. 2939

(Purpose: To authorize funds for operation of the Upper Midwest Aerospace Consortium, and to clarify authorization)

Mrs. KASSEBAUM. Mr. President, I send an amendment to the desk on behalf of Senator PRESSLER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM], for Mr. PRESSLER, proposed an amendment numbered 2939.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 46, line 2, after “Center” insert a comma and the following: “and of which \$2,000,000 shall be allocated in fiscal year 1996, and such sums as are necessary thereafter, for the operation of the Upper Midwest Aerospace Consortium (UMAC) of institutions in the Upper Great Plains Region for the purpose of making information derived from Mission to Planet Earth data available to the general public”.

On page 57, line 18, strike “shall” and insert “is authorized to”.

On page 57, line 25, strike “The” and insert “If initiated, the”.

On page 58, line 15, strike “Within” and insert “If this project is initiated, then within”.

Mr. PRESSLER. Mr. President, I am pleased that today the Senate is considering S. 1048, the NASA Authorization Act for fiscal year 1996, which I introduced as chairman of the Senate Committee on Commerce, Science, and Transportation. Let me also take this opportunity to thank Senator BURNS, who is chairman of our Space Subcommittee, for his fine contributions to this bill and his leadership in space policy matters.

NASA faces two challenges. The first is maintaining America's leadership in aeronautics and space. The second is accomplishing these leadership goals within the confines of a balanced Federal budget. This authorization bill allows NASA to meet both of these challenges.

NASA started out this year with a plan to cut \$5 billion over 5 years from its budget. Then, the Senate and House developed budget plans requiring even deeper cuts. In keeping with this new fiscal reality, our bill authorizes a total of \$13.8 billion for NASA in Fiscal Year 1996, a 3-percent decrease from the current funding level of \$14.26 billion.

Despite the funding cut, the bill manages to support a diverse and forward-looking space program. It authorizes all of NASA's major current programs such as Mission to Planet Earth, space station, space science, and aeronautics and, in almost all cases, at their requested funding levels. At the same time, it prepares NASA for the future by authorizing a number of new starts—including the new reusable launch vehicle technology development program aimed at providing private industry the technology to eventually build a shuttle replacement, and a new radar satellite program to develop and make use of the latest advances in satellite remote sensing technology.

Mr. President, I would now like to make special mention of certain portions of the bill.

I believe Mission to Planet Earth may be NASA's most important and relevant program. The satellite data from Mission to Planet Earth will deliver direct benefits to the taxpayer in contrast to the speculative spinoffs promised by other space activities. For this reason, the bill fully funds this activity at \$1.36 billion. Using the latest satellite technology, Mission to Planet

Earth will help researchers understand and predict the global climate trends that affect our lives. As a Senator representing a State whose economy is dependent upon agriculture, I have a keen interest in this program's potential to provide detailed data on soil conditions, topography, crops, and other information critical to the farming and ranching community. I also take great pride in the selection of the EROS Data Center in Sioux Falls, SD, as one of the regional data centers that will collect and distribute this satellite data.

If Mission to Planet Earth is to realize its full potential, we must ensure its satellite data are converted to useful information that can be applied to real life problems. Reflecting that thinking, our bill authorizes \$10 million for an Upper Missouri River Basin project to support hydrology studies of that flood-plagued region. This project will enable a consortium of regional institutions led by the South Dakota School of Mines and Technology to apply NASA's space-age technology to develop better systems for managing and investigating floods and other natural disasters. I am hopeful NASA will undertake more projects of this type in order to put our country's wealth of scientific knowledge and talent to work for the taxpayers' benefit.

I am pleased with the current direction of the Mission to Planet Earth Program, but, equally significant, so is the scientific community. In September, the National Academy of Sciences released its long-awaited report on the program. The report, which was based on a 10-day workshop featuring the Nation's finest scientists, strongly endorsed the program's goals, missions, and activities. In short, the scientific community formally declared that Mission to Planet Earth is indeed good science.

It is because this program is on the right track that I am deeply concerned about the possibility of NASA taking any imprudent and unnecessary efforts to further restructure the program. Mission to Planet Earth has just completed a restructuring exercise. In my view, further redesigns to the program would only add costs, produce schedule delays, and reduce scientific capabilities. To guard against this occurrence, the bill specifically prohibits NASA from changing the data management component of the program, unless, 60 days before such action, NASA has reported to Congress on the nature and overall impact of the planned changes.

Mr. President, the bill also provides the full \$2.1 billion requested funding for space station. However, this authorization should not be interpreted as a ringing endorsement of that program. I am a longstanding supporter of the program, but, in recent years, I have become concerned that it has become too expensive, too complex, and too dependent on the contributions of Russia, the latest station partner.



In a June 1995 report, the General Accounting Office [GAO] estimated the total cost of the design, launch, and operation of the space station will be \$94 billion. That is almost seven times the entire annual budget for NASA. Given the history of past missions, it is fair to assume the \$94 billion price tag for the program will increase over time. If that happens, we may wake up to find the enormous space station budget has crowded out every other NASA program to become NASA's only mission. Earlier this year, I voted for space station funding, but I may well reconsider my support in the future if the program starts to threaten the balance in our space program.

As important as current space programs are, we also have an obligation to prepare NASA for the future. To that end, the bill supports several new initiatives at NASA to extend its vision into the next century. The bill authorizes a reusable launch vehicle program, which will support NASA's X-33 and X-34 activities to pave the way for the later development by the private sector of a replacement for the shuttle in the next decade.

Employing 1970's technologies and costing \$400 million per flight, the shuttle may have outlived its usefulness. However, within today's budget constraints, the Government cannot afford to foot the entire bill for a new multibillion-dollar spacecraft development program. That is why the reusable launch vehicle program—with its emphasis on sharing development costs with industry and its goal of moving our national space transportation system toward privatization—seems a viable concept worth pursuing.

The bill also authorizes the New Millennium initiative to develop new microminiature technologies aimed at reducing the cost and development times for satellites, and provides funding for two infrared astronomy programs to help us better understand the vast universe in which we live.

Mr. President, radar satellites are one of the most important new technologies in satellite remote sensing. In recognition of that, S. 1048 authorizes a new radar satellite program and a third shuttle flight for the shuttle imaging radar "C" satellite. Because radar satellites have the ability to "see" through cloud cover, they will dramatically enhance the capability of America's existing optical-based satellite systems such as Landsat. Japan and Europe already operate radar satellite systems, and Canada is set to deploy one later this year. To maintain our scientific leadership as well as protect our national security, the United States must not get left behind in this critical technology.

In my role as chairman of the Senate Commerce Committee, it has become apparent to me that small city, rural States like my home State of South Dakota are often forgotten in our vast \$70 billion Federal science and technology enterprise. That part of Amer-

ica wants to be part of the technological revolution. More importantly, it wants to contribute.

It is in the national interest to strengthen the scientific talent, resources, and infrastructure in our rural States through appropriate research, education, and outreach activities. The bill attempts to accomplish this in several ways. It increases funding for the Experimental Program to Stimulate Competitive Research Program [EPSCoR] from its current level of \$4.9 to \$6.9 million. NASA's EPSCoR Program, as well as similar programs in six other science agencies, have been instrumental in providing Federal funding for quality academic research in rural States. Our bill also funds a rural teacher resource center, a rural technology transfer and commercialization center, and a regional science education and outreach center for the Plains States region.

Mr. President, I believe NASA is up to the challenge of keeping America preeminent in aeronautics and space despite the intense budget pressure and despite the increasing competition from other spacefaring nations. It is my belief this authorization bill provides NASA with the support it needs to meet that challenge.

I wish to thank my colleagues for their contributions and support and I urge the Senate to pass S. 1048 as amended.

Mr. ROCKEFELLER. Mr. President, I rise today in support of S. 1048, the National Aeronautics and Space Administration Authorization Act, fiscal year 1996. While both the administration and I have some concerns with this bill, it is in general a ringing endorsement of the bipartisan space and aeronautics programs and a strong statement in support of our Nation's future in space.

The bill strongly supports the space station and funds NASA's most important new satellite initiative, Mission to Planet Earth. It authorizes full funding for research on reusable launch vehicles, and supports the important Cassini and Mars Surveyor projects. It also fully authorizes the President's requested funding for aeronautical research and technology, thus continuing the industry-government partnership that is so vital to the long-term strength of our vital aircraft industry.

In addition, the bill requires the NASA Administrator to conduct a study of the feasibility of privatizing the space shuttle—an important step in the on-going debate about how to reduce shuttle costs and bureaucracy without jeopardizing safety or Government requirements. And I am proud that the bill continues the small but very valuable NASA Experimental Program to Stimulate Competitive Research [EPSCoR]. I also support the bill's authorization for the Office of Commercial Space Transportation at the Transportation Department, and the title III amendments that will up-

date the important Commercial Space Launch Act.

Mr. President, the administration does have several concerns about the NASA portions of this bill. The most important concerns the bill's proposed \$200 million reduction in shuttle funding. NASA is committed to reducing shuttle costs over time, but the agency is concerned that the assumption that \$200 million can be cut in 1 year is unrealistic. The second is the administration's concern about several other cuts the bill makes, including funding cuts for the gravity probe-B satellite project, high-performance computing in the aeronautical program, and a \$100 million reduction in the Tracking and Data Relay Satellite System Replenishment Program. Third, the administration also objects to the \$123 million in new, unrequested projects authorized by the bill. I believe that these are all important issues, and I will discuss them further with Chairman PRESSLER and Chairman BURNS as S. 1048 moves through the legislative process.

Overall, however, there is much to commend in this bill. I commend Chairman PRESSLER and Chairman BURNS for their dedication to NASA issues and for working with us on this legislation. I support S. 1048 and its strong endorsement of our Nation's space and aeronautical objectives, and I urge our colleagues to join me in voting for it.

Mr. BURNS. Mr. President, today I stand in support of bill, S. 1048, the NASA authorization bill for fiscal year 1996 which I have enthusiastically cosponsored. The bill authorizes a total of \$13.8 billion for the agency, a 3-percent decrease from the requested level of \$14.26 billion. That funding should allow NASA to continue the important missions already underway such as space station, mission to planet Earth, and the aeronautics and space science programs. It should also prepare NASA for the future by authorizing several new missions, such as an effort to develop a shuttle replacement and a new radar satellite program.

Mr. President, as you know, we are in a budget crisis and NASA deserves a great deal of credit as one of few Federal agencies to respond to it early and responsibly. In 3 years, NASA cut the space shuttle budget from \$4 billion to \$3.1 billion. It developed a redesign of space station that was \$5 billion less expensive than the earlier space station *Freedom* concept. Mission to planet Earth has been reduced from a \$17 billion armada of satellites to a \$7 billion focused satellite system. Earlier this year, faced with the prospect of deep congressional budget cuts across Government, NASA took the initiative and developed a plan to cut \$5 billion in 5 years, without reducing program content.

But NASA did not stop there. This year, it conducted a comprehensive zero-based review of all of its activities and programs to achieve even greater savings. That review looked at a broad

range of money-saving measures such as workforce reductions, elimination of redundant activities, consolidation of functions, and operating more efficiently. I understand that, within the administration, NASA's efforts are often cited as the model for reinventing Government.

After 3 consecutive years of substantial budget cuts, NASA is now down to the bone. To require additional reductions would force NASA to cancel important space programs, close vital facilities, or layoff essential skilled personnel. That would decimate the Nation's science and technology base. Equally important, it would decimate the morale of the good men and women who have made our space program the subject of movies like "Apollo 13" and inspired thousands of scientists, engineers, and schoolchildren across our country.

It is time to give NASA the support it needs to face the challenges of the future. This NASA authorization bill is designed to do just that.

The bill provides the full \$2.1 billion requested level for space station. This program is NASA's most costly, complex, and controversial activity and we are all aware of the many criticisms leveled against it. However, space station is precisely the kind of bold vision that NASA was created to pursue. Space station will enable the United States and the international science community to conduct unique microgravity research and expand our knowledge about humans' ability to live and work in space. If past missions are any indication, the space station will undoubtedly yield breakthroughs in biomedicine and advanced materials. We can probably also expect exciting spinoffs just as past space missions have spawned microelectronics, pacemakers, advance water filtration systems, communications, and many other products and services we now take for granted.

I am a strong station supporter and the funding provided in the bill will keep the program on track for a first element launch in 1997.

The bill also provides full funding for Mission to Planet Earth. Mission to Planet Earth is NASA's \$7 billion satellite program aimed at studying how the oceans, land, and atmosphere work as a system in order to understand and predict global climate change. For those of us representing farm States, weather and water are our lifeblood. Mission to Planet Earth promises dramatic improvements in our ability to predict climate change and manage our scarce water resources. If those expectations are met, the program will easily pay for itself in lives and property saved and improved water management.

Mr. President, in my view, one of the most important areas within NASA is aeronautics—the first "A" in NASA. For many years, aeronautics seemed to be reduced to a small "a" status. It always seemed to take a back seat to the

higher profile space missions. However, under Dan Goldin's leadership, that is beginning to change and NASA is giving aeronautics the backing it deserves.

To me, the aeronautics research is critical to maintaining U.S. technological leadership and aerospace competitiveness. For instance, the High-Speed Research Program is developing precompetitive technologies in support of supersonic aircraft. It is estimated that the first country to market such an aircraft stands to gain \$200 billion in sales and 140,000 new jobs. Similarly, the Advanced Subsonic Technology Program funds research in support of subsonic airplanes—a market that generates 1 million jobs and contributes over \$25 billion annually to the U.S. trade balance. These programs are moneymakers and it is in the national interest to give them the support they need. Accordingly, our NASA bill authorizes aeronautics research at the requested level of \$891 million for fiscal year 1996.

As a final point, Mr. President, I note that the bill also authorizes a collection of activities and initiatives designed to extend NASA's vision to include our rural States. Our rural States can make an enormous contribution to the civilian space program if only given the chance. For example, in May, Prof. Steve Running of the University of Montana testified before the Science Subcommittee about his efforts to use remote sensing satellite data in forest and crop management. To embrace our rural States in our space program, the bill contains a \$2 million increase for the EPSCoR Program, which funds important research in our rural States. It also funds another rural teacher resource center to the existing nine centers, as well as an additional rural technology transfer and commercialization center, to fill in coverage gaps in those two programs.

Mr. President, I believe that this bill provides NASA with the support it requires to continue and build on its important work in space and aeronautics and I urge my colleagues to support this legislation.

Mr. LEVIN. Mr. President, my colleague from Michigan, Senator ABRAHAM and I would like to engage the chairman of the Senate Committee on Commerce, Science, and Transportation in a brief colloquy concerning the treatment of the Consortium for International Earth Sciences Information Network [CIESIN] is S. 1048.

The committee's report suggests that funding for CIESIN should be eliminated since it is,

... an activity which was deemed largely irrelevant to NASA's goals and missions and which has been severely criticized in the past by NASA's Inspector General.

Unfortunately, the committee report's assertion is based on the draft inspector general's [IG] report. The final version of the IG's report states:

By rescoping CIESIN's mission to include only SEDAC-related activities, NASA now

possesses the necessary expertise to manage CIESIN. Because the context within which SEDAC will operate is data management and integration, NASA is more uniquely qualified for this role than any other federal agency.

Further, NASA itself, in a letter from the Associate Administrator for Mission to Planet Earth to the president of CIESIN (July 6, 1995), states:

The contribution CIESIN has made toward information technology and access to environmental data are highly beneficial to NASA and to society.

There are many more examples which I can provide that directly and factually challenge the committee report's assertion. We would appreciate the chairman's clarification of these statements.

Mr. PRESSLER. I appreciate the remarks of the senior Senator from Michigan and the information he has provided. I understand that the NASA IG's final report does not make any recommendation regarding termination of CIESIN's EOS related activities and finds CIESIN's SEDAC activity well within the goals of the EOS and EOSDIS programs.

Mr. ABRAHAM. Mr. President, I would like to touch on a related subject. During consideration of H.R. 2099, the VA, HUD, and independent agencies appropriations bill for fiscal year 1996, I provided to the distinguished subcommittee chairman, Senator BOND, a brief summary of the value of CIESIN's work for NASA.

CIESIN is one of NASA's nine Distributed Active Archive Centers [DAAC's] supporting the Earth Observing System Data and Information System. CIESIN is the only one that provides integrated socioeconomic data access for the study of the affect society has upon the environment. This is a unique capability and one that NASA officials consider vital to EOS. As the distinguished manager of the bill may know, the Senate's version of H.R. 2099 advises NASA to integrate CIESIN into the EOS plan for 1996.

Obviously, CIESIN's SEDAC activity is hardly irrelevant to NASA's mission and should not be eliminated, as proposed in the committee's report. And, CIESIN's valuable skills and expertise may be of use to NASA in non-SEDAC areas or to other Federal agencies. The House's NASA authorization bill explicitly provides that CIESIN will not be precluded from receiving contracts awarded following a full and open competition and that the rights of any parties under existing contracts shall not be affected. This language would allow CIESIN to compete for NASA or any other Federal agency grants or contracts.

Would the chairman be able to support this non-controversial language?

Mr. PRESSLER. I understand the Senator's point and will certainly work in conference to obtain similar language in the final bill regarding CIESIN's ability to bid on contracts.

Mr. ABRAHAM. I appreciate the Senator's assistance.



Mr. LEVIN. I would also like to add my thanks for the manager's consideration.

Mr. GLENN. Mr. President, I rise to express my serious reservations concerning section 205 of the NASA authorization bill S. 1048. This provision authorizes the conveyance of approximately 1,200 acres of Federal property, including all improvements and any personal property located there to the State of Mississippi. Additionally this provision provides \$10 million in transition assistance to the State of Mississippi. Would the distinguished chairman of the Committee, Senator PRESSLER, care to discuss this issue with me?

Mr. PRESSLER. I would be pleased to discuss this issue with my friend from Ohio.

Mr. GLENN. I thank my friend. This provision concerns me because it skirts existing law, namely the Federal Property Act, which governs the process by which the Federal Government disposes of excess property. The Federal Property Act sets up a process designed to ensure that taxpayers—who footed the bill to acquire the property as well as the buildings and personal property associated with it—get the best return on their investment.

Mr. PRESSLER. I agree with the Senator that the Federal Property Act helps ensure that the taxpayers interest are protected.

Mr. GLENN. In particular, the Property Act helps to ensure that we avoid the situation of one agency of Government giving property away, while another agency, unbeknownst to the first, may be trying to acquire similar property. Now, Mr. President, I cannot say that such a situation is happening in this case. We simply cannot say for sure because no screening has taken place. However, we have encountered such situations in the past, and I can assure my colleagues, that in such circumstances, the taxpayer ends up on the short end of the stick.

One of the main purposes of the Federal Property Act is to ensure that, before Federal property is determined to be excess, a screening period occur during which time other Federal agencies have an opportunity to show that they have a compelling need for the property. The General Services Administration, the property management experts in the Federal Government, coordinate this screening. If no Federal agency speaks up during the screening process, then the property is made available to the States and other eligible nonprofit organizations. Can my friend from South Dakota tell me whether or not the Yellow Creek property has undergone my formal, or even informal, screening? If so, what have been the results?

Mr. PRESSLER. No formal screening has occurred. However, NASA contacted the following agencies which it believed could make use of the Yellow Creek facilities: the Department of the Air Force, the Department of the Navy,

the Department of the Army, the Department of Energy, and the Environmental Protection Agency. After much discussion between NASA and these parties, none of these agencies indicated that it could make use of this facility.

Mr. GLENN. Would the Senator agree that it is in the best interest of the United States and the taxpayer that some form of informal Federal screening by the General Services Administration be conducted—in an expedited fashion, no more than 30 days—to assure us that other Federal agencies cannot make use of this facility?

Mr. PRESSLER. I agree that such action would be in the best interests of all taxpayers.

Mr. GLENN. Finally I would ask my colleague whether he has an estimate of the market value of the real and personal property which is covered in this section?

Mr. PRESSLER. It is my understanding, based on information from NASA that the breakdown of the market value of the real and personal property at the site is: Land—\$3.8 million based on a recent appraisal; fixed assets, buildings—about \$10 million in market value because of their uniqueness to rocket manufacture, their completion status, and location; personal property—about \$10 to \$15 million in market value, some of which is so unique to rocket manufacture that it can only be sold as scrap.

However because of the limited purposes for which the property can be used, these figures may somewhat overestimate the real market value of the property.

Mr. GLENN. I thank my colleague and look forward to working with him to address this issue as this bill moves into conference with the other body.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute, as amended, be agreed to, the bill be deemed to have been read a third time and passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2939) was agreed to.

The committee substitute, as amended, was agreed to.

The bill (S. 1048) was deemed read for a third time and passed; as follows:

S. 1048

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, Fiscal Year 1996".

#### SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "NASA" means the National Aeronautics and Space Administration; and

(3) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

#### TITLE I—AUTHORIZATION OF APPROPRIATIONS

##### SEC. 101. HUMAN SPACE FLIGHT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Human Space Flight the following amounts, to become available October 1, 1995:

(1) Space Station, \$1,818,800,000.

(2) Russian Cooperation, \$129,200,000.

(3) Space Shuttle, \$3,031,800,000.

(4) Payload and Utilization Operations, \$293,000,000.

##### SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Science, Aeronautics, and Technology the following amounts, to become available October 1, 1995:

(1) Space Science, \$1,958,900,000, of which \$48,700,000 shall be allocated to the Stratospheric Observatory for Infrared Astronomy, \$15,000,000 shall be allocated to the Space Infrared Telescope Facility, and \$30,000,000 shall be allocated to the New Millennium initiative.

(2) Life and Microgravity Sciences and Applications, \$507,000,000, of which \$3,000,000 shall be allocated for the construction of an addition to the Microgravity Development Laboratory, Marshall Space Flight Center.

(3) Mission to Planet Earth, \$1,360,100,000, of which \$17,000,000 shall be allocated to the construction of the Earth Systems Science Building, Goddard Space Flight Center, and of which \$2,000,000 shall be allocated in fiscal year 1996, and such sums as are necessary thereafter, for the operation of the Upper Midwest Aerospace Consortium (UMAC) of institutions in the Upper Great Plains Region for the purpose of making information derived from Mission to Planet Earth data available to the general public.

(4) Aeronautical Research and Technology, \$891,300,000, of which \$5,400,000 shall be allocated to the modernization of the Unitary Plan Wind Tunnel Complex, Ames Research Center.

(5) Space Access and Technology, \$766,600,000, of which at least \$70,000,000 shall be allocated to support a shuttle flight for the Shuttle Imaging Radar-C, of which \$5,000,000 shall be used to establish a Rural Technology Transfer and Commercialization Center for the Rocky Mountains and Upper Plains States region, and of which \$159,000,000 shall be allocated to the Reusable Launch Vehicle program.

(6) Mission Communications Services, \$461,300,000.

(7) Academic Programs, \$104,700,000, of which \$3,000,000 shall be allocated to support the establishment of an Upper Plains States regional science education and outreach center and of which \$1,000,000 shall be allocated to establish a Rural Teacher Resource Center.

##### SEC. 103. MISSION SUPPORT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Mission Support the following amounts, to become available October 1, 1995:

(1) Safety, Reliability, and Quality Assurance, \$37,600,000.

(2) Space Communications Services, \$219,400,000.

(3) Research and Program Management, including personnel and related costs, travel, and research operations support, \$2,047,800,000.

(4) Construction of Facilities, including land acquisition, \$135,000,000, including the following:

- (A) Restoration of Flight Systems Research Laboratory, Ames Research Center;
- (B) Restoration of chilled water distribution system, Goddard Space Flight Center;
- (C) Replace chillers, various buildings, Jet Propulsion Laboratory;
- (D) Rehabilitation of electrical distribution system, White Sands Test Facility, Johnson Space Center;
- (E) Replace main substation switchgear and circuit breakers, Johnson Space Center;
- (F) Replace 15kv load break switches, Kennedy Space Center;
- (G) Rehabilitation of Central Air Equipment Building, Lewis Research Center;
- (H) Restoration of high pressure air compressor system, Marshall Space Flight Center;
- (I) Restoration of Information and Electronic Systems Laboratory, Marshall Space Flight Center;
- (J) Restoration of canal lock, Stennis Space Center;
- (K) Restoration of primary electrical distribution system, Wallops Flight Facility;
- (L) Repair of facilities at various locations, not in excess of \$1,500,000 per project;
- (M) Rehabilitation and modification of facilities at various locations, not in excess of \$1,500,000 per project;
- (N) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$1,500,000 per project;
- (O) Facility planning and design, not otherwise provided for; and
- (P) Environmental compliance and restoration.

#### SEC. 104. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General \$17,300,000, to become available October 1, 1995.

#### SEC. 105. OFFICE OF COMMERCIAL SPACE TRANSPORTATION.

There are authorized to be appropriated to the Office of Commercial Space Transportation of the Department of Transportation \$7,000,000, to become available October 1, 1995.

### TITLE II—LIMITATIONS AND GENERAL PROVISIONS

#### SEC. 201. SPACE STATION LIMITATION.

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

#### SEC. 202. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Of the amounts appropriated under sections 101 and 102, \$6,900,000 are authorized for the Experimental Program to Stimulate Competitive Research in accordance with title III of the National Aeronautics and Space Administration Act, Fiscal Year 1993 (Public Law 102-588; 106 Stat. 5119).

#### SEC. 203. SPECIAL TECHNOLOGY ENHANCEMENT GRANTS.

##### (a) IN GENERAL.—

(1) GRANTS.—The Administrator shall make up to 4 special technology enhancement grants to areas or States that have not participated fully in the Administration's aeronautical and space programs in order to enable such areas or States to increase their capabilities in technology development, utilization, and transfer in aeronautics, space science, and related areas. At least one such grant shall be made available to a consortium of States, each one of which has an average population density of less than 12.3 persons per square mile, based on data for 1993 from the Bureau of the Census.

(2) ACTIVITIES.—Grants made under this section shall be available for—

- (A) assessment of resources and needs;
- (B) development of infrastructure, including incubators and prototype demonstration facilities;
- (C) collaborations with industry;
- (D) expansion of capabilities in procurement;
- (E) development of technology transfer and commercialization support capabilities;
- (F) activities to increase participation in the Small Business Innovation Research program and other NASA research, development, and technology utilization and transfer programs;
- (G) relevant research of interest to NASA; and
- (H) such other activities as the Administrator shall deem appropriate.

(3) SPECIAL CONSIDERATION.—In making grants under this section, the Administrator shall give special consideration to proposals that—

- (A) will build upon and expand a developing research and technology base, and
  - (B) will insure a lasting research and development and technology development and transfer capability.
- (b) ELIGIBLE ENTITIES.—Grants under subsection (a)(1) may be made to—
- (1) State and local governments;
  - (2) institutions of higher education; and
  - (3) organizations with expertise in research and development, technology development, and technology transfer in areas of interest to NASA.

(c) FUNDING OF PROGRAM.—Of the amounts authorized in section 102 for the Space Access and Technology account, \$15,000,000 are authorized to be used for grants under subsection (a).

#### SEC. 204. CLEAR LAKE DEVELOPMENT FACILITY.

The Administrator is authorized to acquire, for no more than \$35,000,000, a certain parcel of land, together with existing facilities, located on the site of the property referred to as the Clear Lake Development Facility, Clear Lake, Texas, comprising approximately 13 acres and including a light manufacturing facility, an avionics development facility, and an assembly and test building which shall be modified for use as a neutral buoyancy laboratory in support of human space flight activities.

#### SEC. 205. YELLOW CREEK FACILITY.

Notwithstanding any other provision of law or regulation, the National Aeronautics and Space Administration (NASA) is authorized to convey, without reimbursement, to the State of Mississippi, all rights, title, and interest of the United States of the United States in the property known as the Yellow Creek Facility and consisting of approximately 1,200 acres near the city of Iuka, Mississippi, including all improvements thereon and any personal property owned by NASA that is currently located on-site and which the State of Mississippi requires to facilitate the transfer: *Provided*, That appropriated funds shall be used to effect this conveyance: *Provided further*, That \$10,000,000 in appropriated funds otherwise available to NASA shall be transferred to the State of Mississippi to be used in the transition of the facility: *Provided further*, That each Federal agency with prior contact to the site shall remain responsible for any and all environmental remediation made necessary as a result of its activities on the site: *Provided further*, That in consideration of this conveyance, NASA may require such other terms and conditions as the Administrator deems appropriate to protect the interests of the United States: *Provided further*, That the conveyance of the site and the transfer of the funds to the State of Mississippi shall

occur not later than 30 days after the date of enactment of this Act.

#### SEC. 206. RADAR REMOTE SENSING SATELLITES.

(a) FINDINGS.—The Congress finds that—

- (1) radar satellites represent one of the most important developments in remote sensing satellite technology in recent years;
- (2) the ability of radar satellites to provide high-quality Earth imagery regardless of cloud cover and to provide three-dimensional pictures of the Earth's surface when the satellites are flown in combination dramatically enhance conventional optical remote sensing satellite capabilities and usefulness;
- (3) the National Aeronautics and Space Administration has developed a unique background and expertise in developing and operating radar satellites as a result of their activities connected with its radar satellites, Shuttle Imaging Radar (SIR)-A, SIR-B, and SIR-C, which has flown twice on the Space Shuttle;
- (4) other nations currently have operational radar satellite systems, including Japan and Western Europe, with other spacefaring nations expected to develop such systems in the near future; and
- (5) the development of an operational radar satellite program at NASA featuring free-flying satellites and a related ground system is critical to maintain United States leadership in remote sensing satellite technology and is important to our national security and international competitiveness.

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

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

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

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

(4) NASA should make maximum use of existing National remote sensing assets such as the Landsat system, activities connected with the Mission to Planet Earth, and the data management facilities of the Department of the Interior in all of its radar satellite activities.

(c) PROGRAM REQUIREMENTS.—NASA shall initiate a program to develop and operate a radar satellite program. The program shall employ the most advanced radar satellite technology currently available. To the maximum extent possible, all of the data processing, dissemination, and archiving functions shall be performed by the Department of the Interior. The program should be planned in such a way that the data from the radar satellite system are converted into a broad range of informational products with research, commercial, and government applications and any other applications that are in the public interest and that such products are distributed over the widest user community that is practicable, including industry, academia, research institutions, local and State governments, and other Federal agencies. The program should coordinate with, and make appropriate use of, other remote sensing satellite programs, such as the Landsat program.

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

- (1) the goals and mission of the program;
- (2) planned activities for the next 5 years to achieve such goals and mission;

(3) strategies for maximizing the usefulness of the satellite data to the scientific and academic communities, the private sector, all levels of government, and the general public;

(4) concepts for integrating the program with other related NASA activities (such as Mission to Planet Earth), the Landsat program, and other current and emerging remote sensing satellite programs and activities in the Federal government and all other public and private sectors so that the program complements and strengthens such programs and activities and is not duplicative of these efforts;

(5) concepts developed in consultation with Department of the Interior, for processing, archiving, and disseminating the satellite data using, to the maximum extent possible, existing Federal government programs and assets at the Department of the Interior and other Federal agencies;

(6) targets and timetables for undertaking specific activities and actions within the program;

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

(8) a comparison between the program and the radar satellite programs of other spacefaring nations, addressing their respective costs, capabilities, and other relevant features.

(e) **AUTHORIZATION.**—Of the funds authorized in section 102 for the Earth Probes account, the Administrator shall allocate at least \$15,000,000 to the radar satellite program to conduct Phase A and Phase B studies.

#### **SEC. 207. STUDY OF THE HYDROLOGY OF THE UPPER MISSOURI RIVER BASIN.**

The Administrator is authorized to initiate a project to conduct research on the hydrology of the Upper Missouri River Basin. The project shall be part of the Mission to Planet Earth program and shall employ satellite observations, surface-based radar data, and ground-based hydrological and other scientific measurements to develop quantitative models that address complex atmospheric and surface hydrological processes. If initiated, the project shall be incorporated into NASA's activities connected with the multiagency Global Energy and Water Cycle Experiment to understand the interactions between the atmosphere and land surfaces. In implementing the project, NASA shall coordinate and consult with other appropriate federal agencies, including the Department of Commerce, the Department of the Interior, and the National Science Foundation. To the maximum extent possible, NASA shall employ the assistance of universities, local and State governments, industry, and any other appropriate entities from the Upper Missouri River Basin region to carry out this program and the Administrator is authorized to support the project-related work of such entities with grants, technical advice, equipment, in-kind help, and any other type of appropriate assistance. If this project is initiated, then within 90 days after the enactment of this Act, the Administrator shall submit a plan for the implementation of this project, which shall set forth the goals, project costs, planned activities, and overall strategies for the project, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives. Of the funds authorized in section 102 for Mission to Planet Earth, at least \$10,000,000 shall be allocated by the Administrator to the Upper Missouri River Basin project.

#### **SEC. 208. SHUTTLE PRIVATIZATION.**

(a) The Administrator is hereby directed to conduct a study of the feasibility of imple-

menting the recommendation of the Independent Shuttle Management Review Team that NASA transition towards the privatization of the Shuttle. The study shall identify, discuss, and, where possible, present options for resolving, the major policy and legal issues that must be addressed before the Shuttle is privatized, including, but not limited to, the following issues—

(1) whether the government or the Shuttle contractor should own the Shuttle orbiters and Shuttle ground facilities;

(2) whether the federal government should indemnify the contractor for any third party liability arising from Shuttle operations, and, if so, under what terms and conditions;

(3) whether commercial payloads should be allowed to be launched on the Shuttle and whether any classes of payloads should be made ineligible for launch consideration;

(4) whether NASA and federal government payloads should have priority over non-federal government payloads in the Shuttle launch assignments and what policies should be developed to prioritize among payloads generally;

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

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

(b) Within 60 days of the enactment of this Act, NASA shall complete the study and shall submit a report on that study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(c) As a transitional step towards Shuttle privatization, NASA shall take all necessary and appropriate actions to consolidate Shuttle contractor activities under one prime contractor and, within 180 days of the enactment of this Act, report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives on those actions. If NASA has failed to complete such consolidation by the expiration of the 180-day period, the report shall explain the reasons for that failure and describe the steps being taken by NASA to finalize the consolidation as expeditiously as possible.

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

(a) **AUTHORIZED USES.**—The Administrator may use funds appropriate for purposes other than those appropriated for—

(1) construction of facilities;

(2) research and program management, excluding research operations support; and

(3) Inspector General,

for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of, existing facilities at any location in support of the purposes for which such funds are appropriated.

(b) **LIMITATION.**—None of the funds used pursuant to subsection (a) may be expended for a project, the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds \$750,000, until 30 days have passed after the Administrator has notified the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

#### **SEC. 210. CONSTRUCTION OF FACILITIES.**

(a) **REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.**—If the Administrator determines that—

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

(2) such developments require the use of additional funds for the purpose of construction, expansion, or modification of facilities at any location; and

(3) deferral of such action until the enactment of the next National Aeronautics and Space Administration authorization Act would be inconsistent with the interest of the Nation in aeronautical and space sciences;

the Administrator may use the amounts authorized for construction of facilities pursuant to this Act or previous National Aeronautics and Space Administration authorization Acts for such purposes. The amounts may be used to acquire, construct, convert, rehabilitate, or install temporary or permanent public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. The Administrator may use such amounts for facility consolidations, closures, and demolition required to downsize the NASA physical plant to improve operations and reduce costs.

(c) **LIMITATIONS.**—

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

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

(B) may be varied upward by 25 percent to meet unusual cost variations after the expiration of 30 days following a report on the circumstances of such action by the Administrator to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives. The aggregate amount authorized to be appropriated for construction of facilities shall not be increased as a result of actions authorized under this section.

(2) No amounts may be obligated for a construction-of-facilities project until a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the Committee on Science of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, a written report describing the nature of the acquisition, construction, conversion, rehabilitation, or installation, its cost, and the reasons therefor.

(d) **TITLE TO FACILITIES.**—If funds are used pursuant to subsection (a) for grants to institutions of higher education, or to non-profit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

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

To the extent provided in appropriations Acts, appropriations authorized under this Act may remain available without fiscal year limitation.

#### **SEC. 212. CONSIDERATION BY COMMITTEES.**

Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the Committee on Science of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate; and

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

the amount actually authorized for that particular program, excluding construction-of-facility projects,

unless a period of 30 days has passed after the receipt by such Committee of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action. NASA shall keep those Committees fully and currently informed with respect to all activities and responsibilities within their jurisdiction. Except as otherwise provided by law, any Federal department, agency, or independent establishment shall furnish any information requested by either such Committee relating to any activity or responsibility.

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

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

**SEC. 214. REPORTING REQUIREMENTS.**

(a) **REPORTING PERIOD.**—Section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended—

(1) by striking "January" and inserting "May"; and

(2) by striking "calendar" and inserting "fiscal".

(b) **PROTECTION OF COMMERCIALY VALUABLE INFORMATION.**—Section 303 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2454) is amended by adding at the end the following:

"(c)(1) The Administrator may delay, for a period not to exceed 5 years, the unrestricted public disclosure of technical data, related to a competitively sensitive technology, in the possession of, or under the control of, the Administration that has been generated in the performance of experimental, developmental, or research activities or programs conducted by, or funded in whole or in part by, the Administration, if the technical data has significant value in maintaining leadership or competitiveness, in civil and governmental aeronautical and space activities by the United States industrial base.

"(2) The Administrator shall publish biannually in the Federal Register a list of all competitively sensitive technology areas which it believes have a significant value in maintaining the United States leadership or competitiveness in civil and governmental aeronautical and space activities. The list shall be generated after consultation with appropriate Government agencies and a diverse cross section of companies—

"(A) that conduct a significant level of research, development, engineering, and manufacturing in the United States; and

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

"(3) The Administrator shall provide an opportunity for written objections to the list within a 60-day period after it is published. After the expiration of that 60-day period, and after consideration of all written objections received by the Administrator during that period, NASA shall issue a final list of competitively sensitive technology areas.

"(4) For purposes of this subsection, the term 'technical data' means any recorded information, including computer software, that is or may be directly applicable to the design, engineering, development, production, manufacture, or operation of products or processes that may have significant value in maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base."

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

The Congress finds that it is appropriate for costs contributed by a contractor under a cooperative agreement with the National Aeronautics and Space Administration to be considered as allowable independent research and development costs, for purposes of section 31.205-18 of the Federal Acquisition Regulations if the work performed would have been allowable as contractor independent research and development costs had there been no cooperative agreement. The Administration shall seek a revision to that section of the Federal Acquisition Regulations to reflect the intent of the Congress expressed in the preceding sentence.

**SEC. 216. RESTRUCTURING OF THE EARTH OBSERVING SYSTEM DATA AND INFORMATION SYSTEM.**

The Administrator is prohibited from restructuring or downscaling the baseline plan for the Earth Observing System Data and Information System in place at the time of the President's budget submission for NASA for fiscal year 1996 unless, 60 days before undertaking such action, the Administrator has submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a written report containing—

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

(2) the reasons and justifications for such action;

(3) an analysis of the cost impact of such action;

(4) an analysis of the impact of the action on the scientific benefits of the program and the effect of the action on the expected applications of the satellite data from the System in such areas as global climate research, land-use planning, state and local government management, mineral exploration, agriculture, forestry, national security, and any other areas that the Administrator deems appropriate;

(5) an analysis of the impact of the action on the United States Global Climate Change Research program and international global climate change research activities; and

(6) an explanation of what measures, if any, are planned by NASA to compensate for any likely reductions in the scientific value and data collection, processing, and distribution capabilities of the System as a result of the action.

**TITLE III—COMMERCIAL SPACE LAUNCH ACT AMENDMENTS**

**SEC. 301. AMENDMENT OF TITLE 49.**

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

**SEC. 302. AMENDMENT OF SECTION 70101.**

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

(1) by inserting "microgravity research," after "information services," in subsection (a)(3);

(2) by inserting "commercial space transportation services, including in-space transportation activities and" after "providing" in subsection (a)(4);

(3) by striking "commercial launch vehicles" in subsection (a)(5) and inserting "commercial space transportation including commercial launch vehicles, in-space transportation activities, reentry vehicles,";

(4) by striking "launch" in subsection (a)(6) and inserting "launch, in-space transportation, and reentry";

(5) by striking "launches" each place it appears in subsection (a)(7) and inserting

"launches, in-space transportation activities, reentries" after ;

(6) by striking "sites and complementary facilities, the providing of launch" in subsection (a)(8) and inserting "sites, in-space transportation control sites, reentry sites, and complementary facilities, the providing of launch, in-space transportation, and reentry";

(7) by inserting "in-space transportation control sites, reentry sites," after "launch sites," in subsection (a)(9);

(8) by striking "launch vehicles" in subsection (b)(2) and inserting "commercial space transportation services, including launch vehicles, in-space transportation activities, reentry vehicles,";

(9) by striking "launch" the first place it appears in subsection (b)(3) and inserting "launch, in-space transportation vehicle, and reentry";

(10) by striking "commercial launch" the second place it appears in subsection (b)(3); and

(11) by inserting "in-space transportation vehicle control facilities, and development of reentry sites" after "facilities," in subsection (b)(4).

**SEC. 303. AMENDMENT OF SECTION 70102.**

Section 70102 (relating to definitions) is amended—

(1) by inserting "from Earth, including a reentry vehicle and its payload, if any" after "and any payload" in paragraph (3);

(2) by striking "object" the first place it appears in paragraph (8) and inserting "object, including a reentry vehicle and its payload, if any,";

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

(4) by inserting after paragraph (8) the following:

"(9) 'in-space transportation vehicle' means any vehicle designed to operate in space and designed to transport any payload or object substantially intact from one orbit to another orbit.

"(10) 'in-space transportation services' means—

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

"(B) the procedures, actions, and activities necessary for conduct of those transportation services; and

"(C) the conduct of transportation services.

"(11) 'in-space transportation control site' means a location from which an in-space transportation vehicle is controlled or operated (as such terms may be defined in any license the Secretary issues or transfers under this chapter).

"(12) 'reenter' and 'reentry' mean to return purposefully, or attempt to return, a reentry vehicle and payload, if any, from Earth orbit or outer space to Earth.

"(13) 'reentry services' means—

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

"(B) the conduct of a reentry.

"(14) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

"(15) 'reentry vehicle' means any vehicle designed to return substantially intact from Earth orbit or outer space to Earth.";

(5) by striking "launch" each place it appears in paragraph (18), as redesignated and inserting "launch services, in-space transportation activities, or reentry".

**SEC. 304. AMENDMENT OF SECTION 70103.**

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

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

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

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

**SEC. 305. AMENDMENT OF SECTION 70104.**

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

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

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

(2) by striking “site” each place it appears in subsection (a) and inserting “site, an in-space transportation operations site, reentry site, or reentry vehicle,”;

(3) by striking “launch or operation” in subsections (a) (3) and (4) and inserting “launch, in-space transportation activity, or reentry operation”;

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

“(b) COMPLIANCE WITH PAYLOAD REQUIREMENTS.—The holder of a license under this chapter may launch a payload, operate an in-space transportation vehicle, or reenter a payload only if the payload or vehicle complies with all requirements of the laws of the United States related to launching a payload, operating an in-space transportation vehicle, or reentering a payload.”;

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

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

**SEC. 306. AMENDMENT OF SECTION 70105.**

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

(1) by striking “site” in subsection (b)(1) and inserting “site, an in-space transportation control site, or a reentry site or the reentry of a reentry vehicle,”; and

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

**SEC. 307. AMENDMENT OF SECTION 70106.**

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

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

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

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

**SEC. 308. AMENDMENT OF SECTION 70108.**

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

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

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

and

(2) by striking “site” in subsection (a) and inserting “site, in-space transportation control site, in-space transportation activity, or reentry site, or reentry of a reentry vehicle,”; and

(3) by striking “launch or operation” in subsection (a) and inserting “launch, in-space transportation activity, operation, or reentry”.

**SEC. 309. AMENDMENT OF SECTION 70109.**

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

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

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

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

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

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

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

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

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

(7) by striking “services” in the second sentence and inserting “services, or services related to a reentry,”;

(8) by inserting “or reentry” after “the scheduled launch”;

(9) by adding at the end thereof the following: “A licensee or transferee preempted from access to a reentry site does not have to pay the Government agency responsible for the preemption any amount for reentry services attributable only to the scheduled reentry prevented by the preemption.”.

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

**SEC. 310. AMENDMENT OF SECTION 70110.**

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

(1) by striking “launch” in subsection (a)(2) and inserting “launch, in-space transportation activity, or reentry”; and

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

**SEC. 311. AMENDMENT OF SECTION 70111.**

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

(1) by inserting “in-space transportation activities, or reentry services” after “launch services,” in subsection (a)(1)(B);

(2) by striking “services” in subsection (a)(2) and inserting “services, in-space transportation activities, or reentry services”;

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

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

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

(6) by striking “services” the first place it appears in subsection (b)(2)(C) and inserting “services, in-space transportation activities or services, or reentry services”;

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

“(d) COLLECTION BY OTHER GOVERNMENTAL HEADS.—The head of a department, agency, or instrumentality of the Government may collect a payment for any activity involved in producing a launch vehicle, in-space transportation vehicle, or reentry vehicle or its payload for launch, in-space transportation activity, or reentry if the activity was

agreed to by the owner or manufacturer of the launch vehicle, in-space transportation vehicle, reentry vehicle, or payload.”.

**SEC. 312. AMENDMENT OF SECTION 70112.**

Section 70112 (relating to liability insurance and financial responsibility requirements) is amended—

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

(2) by inserting “in-space transportation activities, or reentry services,” after “launch services,” each place it appears in subsections (a)(4) and (b)(2);

(3) by striking “services” in subsection (b)(1) and the third place it appears in subsection (b)(2) and inserting “services, in-space transportation activities, or reentry services,”;

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

(5) by striking “Science, Space, and Technology” in subsection (d) and inserting “Science”;

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

(7) by striking “site” in subsection (e) and inserting “site, in-space transportation control site, or control of an in-space transportation vehicle or activity, or reentry site or a reentry”.

**SEC. 313. AMENDMENT OF SECTION 70113.**

Section 70113 (relating to paying claims exceeding liability insurance and financial responsibility requirements) is amended by striking “launch” each place it appears in subsections (a)(1), (d)(1), and (d)(2) and inserting “launch, operation of one in-space transportation vehicle, or one reentry”.

**SEC. 314. AMENDMENT OF SECTION 70115.**

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

(1) by inserting “in-space transportation control site, or reentry site,” after “launch site,”;

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

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

**SEC. 315. AMENDMENT OF SECTION 70117.**

Section 70117 (relating to relationship to other executive agencies, laws, and international obligations) is amended—

(1) by striking “vehicle or operate a launch site.” in subsection (a) and inserting “vehicle, operate a launch site, perform in-space transportation activities or operate an in-space transportation control site or reentry site, or reenter a reentry vehicle.”;

(2) by striking “launch” in subsection (d) and inserting “launch, perform an in-space transportation activity, or reentry”;

(3) by striking subsections (f) and (g), and inserting the following:

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

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

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

“(2) planning or policies related to the launch, in-space transportation activity, reentry, or operation.”.

**SEC. 316. REPORT TO CONGRESS.**

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

**“§ 70120. Report to Congress**

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

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

“(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.”.

**SEC. 317. AMENDMENT OF TABLE OF SECTIONS.**

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

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

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

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

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

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

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

and

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

“70120. Report to Congress.”.

**SEC. 318. REGULATIONS.**

The Secretary of Transportation shall issue regulations under chapter 701 of title 49, United States Code, that include—

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

(2) procedures for requesting and obtaining licenses to operate a commercial launch vehicle and reentry vehicle;

(3) procedures for requesting and obtaining operator licenses for launch and reentry; and

(4) procedures for the application of government indemnification.

**SEC. 319. SPACE ADVERTISING.**

(a) **DEFINITION.**—Section 70102, as amended by section 303, is amended by redesignating paragraphs (12) through (19) as (13) through (20), respectively, and by inserting after paragraph (11) the following new paragraph:

“(12) ‘obtrusive space advertising’ means advertising in outer space that is capable of being recognized by a human being on the surface of the earth without the aid of a telescope or other technological device.”.

(b) **PROHIBITION.**—Chapter 701 is amended by inserting after section 70109 the following new section:

**“§ 70109a. Space advertising**

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

“(1) issue or transfer a license under this chapter; or

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

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

“(b) **LAUNCHING.**—No holder of a license under this chapter may launch a payload

containing any material to be used for purposes of obtrusive space advertising on or after the date of enactment of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1996.

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

(c) **NEGOTIATION WITH FOREIGN LAUNCHING NATIONS.**—

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

(2) It is the sense of Congress that the President should take such action as is appropriate and feasible to enforce the terms of any agreement to prohibit the use of outer space for obtrusive space advertising purposes.

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

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

(B) from whose territory or facility a payload is launched into outer space.

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

“70109a. Space advertising.”.

**NATIONAL MAMMOGRAPHY DAY**

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 177, reported today by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: A resolution (S. Res. 177) to designate October 19, 1995, National Mammography Day.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. Mr. President, I am proud to join my colleagues in offering this important resolution to designate October 19, 1995 as “National Mammography Day.” I am pleased to support this effort to set aside 1 day in the midst of National Breast Cancer Awareness Month to increase awareness about the best method of reducing the breast cancer mortality rate—early detection by mammography.

This frightening disease has taken the lives of far too many women, including many of my own friends. It is one of the leading killers of women—claiming the lives of more than 46,000 women each year. Breast cancer is a growing public health problem in this Nation, and a great threat to women’s health.

We can all agree that more must be done to educate us about the risks, prevention and treatment of breast cancer. I also believe we must be vigilant in supporting continued research on breast cancer, and clear up the mixed

messages that women receive about ways to protect themselves from this disease.

But, there is one indisputable fact that is very clear: early detection by mammography saves women’s lives. Mammograms can detect 90 to 95 percent of all breast cancers and is the most reliable method of detection. In addition, and perhaps the most tragic feature of this disease—9 out of 10 women could survive breast cancer if detected early and treated properly.

Mr. President, there is no question that education and awareness are some of our best tools for fighting this disease; combined with continued research and treatment breakthroughs. This day is critical in our efforts to win the battle against breast cancer. We owe it to our mothers; our daughters; our sisters; our neighbors and our friends to get the word out—early detection can save your life. And we must not let our efforts diminish; every month should be Breast Cancer Awareness Month.

I would like to thank my colleagues for expressing their commitment to saving women’s lives, and for paying particular attention to raising awareness about the importance of mammography. I encourage all of you to support this resolution, and help us protect women from the tragedy of breast cancer.

Mr. BRADLEY. Mr. President, I am very pleased to join my colleagues in recognizing today, October 19, as National Mammography Day.

Today, 500 women will be diagnosed with breast cancer. Most likely, each will be frightened, uncertain about her future, and in search of a treatment that, if it cannot cure her, will at least prolong her life. Each woman’s family and friends, co-workers and caregivers, will worry deeply about her.

Today, 150 women will die of breast cancer. Their lives will be ended prematurely. Their families and friends, coworkers and caregivers will be grief-stricken.

Tragically, today’s numbers are every day’s numbers in our Nation. Listen to the enormity of this disease: one out of nine women will get breast cancer; since 1960 nearly 1 million women have died from this disease. With their deaths, millions of their loved ones, including children and aging parents dependent on them, have suffered as well. We stagger under these numbers, as we search for the causes and the cure.

All women are at risk for breast cancer, with the incidence increasing among older women and the mortality rate higher for African-American women. While other factors that may put women at risk are being thoroughly investigated, we are still ourselves at risk for feeling helpless in the face of this killer.

However, we do have one sure thing to offer to women and today we bring that to national attention. With mammography, we offer the possibility of