[Roll No. 197]

AYES—176

Abercrombie	Gonzalez	Oberstar
Ackerman	Gordon	Olver
Andrews	Green (TX)	Ortiz
Baesler	Gutierrez	Orton
Baldacci	Hall (OH)	Owens
Barcia	Hall (TX)	Pallone
Becerra	Hamilton	Pastor
Beilenson	Harman	Payne (NJ)
Bentsen	Hastings (FL)	Payne (VA)
Berman	Hefner	Pelosi
Bevill	Hilliard	Peterson (MN)
Bishop	Hinchey	Pickett
Bonior	Holden	Rahall
Borski	Houghton	Rangel
Boucher	Hoyer	Reed
Brewster	Jackson (IL)	Richardson
Browder	Jackson-Lee (TX)	Rivers
Brown (CA)	Jefferson	Rose
Brown (FL)	Johnson (SD)	Roybal-Allard
Brown (OH)	Johnson, E. B.	Rush
Bryant (TX)	Johnston	Sabo
Cardin	Kanjorski	Sawyer
Chapman	Kaptur	Schroeder
Clay	Kennedy (MA)	Schumer
Clayton	Kennedy (RI)	Scott
Clement	Kennelly	Serrano
Clyburn	Kildee	Sisisky
Collins (IL)	Klink	Skaggs
Collins (MI)	LaFalce	Skelton
Condit	Levin	Slaughter
Coyne	Lewis (GA)	Spratt
Cramer	Lofgren	Stark
Cummings	Luther	Stenholm
Danner	Maloney	Stokes
DeLauro	Manton	Stupak
Dellums	Markey	Tanner
Deutsch	Martinez	Taylor (MS)
Dicks	Mascara	Tejeda
Dixon	Matsui	Thompson
Doggett	McCarthy	Thornton
Dooley	McDermott	Thurman
Doyle	McHale	Torres
Durbin	McKinney	Towns
Edwards	McNulty	Traficant
Engel	Meehan	Velazquez
Eshoo	Meek	Vento
Evans	Menendez	Visclosky
Farr	Millender-McDonald	Volkmer
Fattah	Miller (CA)	Ward
Fazio	Minge	Waters
Fields (LA)	Mink	Watt (NC)
Filner	Moakley	Waxman
Flake	Mollohan	Williams
Frank (MA)	Montgomery	Wilson
Frost	Moran	Wise
Furse	Murtha	Woolsey
Gejdenson	Nadler	Wynn
Gephardt	Neal	Yates
Geren		
Gibbons		

NOES—235

Allard	Castle	Everett
Archer	Chabot	Ewing
Armey	Chambliss	Fawell
Bachus	Christensen	Fields (TX)
Baker (CA)	Chrysler	Flanagan
Baker (LA)	Clinger	Foley
Ballenger	Coble	Forbes
Barr	Coburn	Fowler
Barrett (NE)	Collins (GA)	Fox
Barrett (WI)	Combest	Franks (CT)
Bartlett	Cooley	Franks (NJ)
Barton	Costello	Frelinghuysen
Bass	Cox	Frisa
Bateman	Crane	Funderburk
Bereuter	Crapo	Gallegly
Bilirakis	Cremeans	Ganske
Bliley	Cubin	Gekas
Blute	Cunningham	Gilchrest
Boehlert	Davis	Gillmor
Boehner	Deal	Gilman
Bonilla	DeFazio	Goodlatte
Bono	DeLay	Goodling
Brownback	Diaz-Balart	Goss
Bryant (TN)	Dickey	Graham
Bunn	Doolittle	Greene (UT)
Bunning	Dornan	Greenwood
Burr	Dreier	Gutknecht
Burton	Duncan	Hancock
Buyer	Dunn	Hansen
Callahan	Ehlers	Hastert
Calvert	Ehrlich	Hastings (WA)
Camp	Emerson	Hayworth
Campbell	English	Hefley
Canady	Ensign	Heineman
Herger	McInnis	Schaefer
Hilleary	McIntosh	Schiff
Hobson	McKeon	Seastrand
Hoekstra	Metcalf	Sensenbrenner
Hoke	Meyers	Shadegg
Horn	Mica	Shaw
Hostettler	Miller (FL)	Shays
Hunter	Moorhead	Shuster
Hutchinson	Morella	Skeen
Hyde	Myers	Smith (MI)
Inglis	Myrick	Smith (NJ)
Istook	Nethercutt	Smith (TX)
Jacobs	Neumann	Smith (WA)
Johnson (CT)	Ney	Solomon
Johnson, Sam	Norwood	Souder
Jones	Nussle	Spence
Kasich	Obey	Stearns
Kelly	Oxley	Stockman
Kim	Packard	Stump
King	Parker	Talent
Kingston	Paxon	Tate
Kleczka	Petri	Tauzin
Klug	Pombo	Taylor (NC)
Knollenberg	Porter	Thomas
Kolbe	Portman	Thornberry
LaHood	Poshard	Tiahrt
Latham	Pryce	Torkildsen
LaTourette	Quillen	Upton
Laughlin	Quinn	Vucanovich
Lazio	Radanovich	Walker
Leach	Ramstad	Walsh
Lewis (CA)	Regula	Wamp
Lewis (KY)	Riggs	Watts (OK)
Lightfoot	Roberts	Weldon (FL)
Linder	Roemer	Weldon (PA)
Lipinski	Rogers	Weller
Livingston	Rohrabacher	White
LoBiondo	Ros-Lehtinen	Whitfield
Longley	Roth	Wicker
Lucas	Royce	Wolf
Manzullo	Salmon	Young (AK)
Martini	Sanders	Zeliff
McCollum	Sanford	Zimmer
McCrery	Saxton	
McDade	Scarborough	

NOT VOTING—22

Bilbray	Gunderson	Peterson (FL)
Chenoweth	Hayes	Pomeroy
Coleman	Lantos	Roukema
Conyers	Largent	Studds
de la Garza	Lincoln	Torricelli
Dingell	Lowey	Young (FL)
Foglietta	McHugh	
Ford	Molinari	

☐ 1902

The Clerk announced the following pair:

On this vote:

Mr. Conyers for, with Mr. Young of Florida against.

Mr. FORBES changed his vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. WALKER Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DREIER) having assumed the chair, Mr. BURTON of Indiana, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 3322, to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes, had come to no resolution thereon.

REPORT ON A HOUSE RESOLUTION ON PROCEEDINGS AGAINST JOHN M. QUINN, DAVID WATKINS, AND MATTHEW MOORE

Mr. CLINGER, from the Committee on Government Reform and Oversight, submitted a privileged report (Rept. No. 104–598) on a House resolution on proceedings against John M. Quinn, David Watkins, and Matthew Moore, which was referred to the Union Calendar and ordered to be printed.

OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1996

The SPEAKER pro tempore. Pursuant to House Resolution 427 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3322.

☐ 1905

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3322, to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes, with Mr. BURTON of Indiana in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, amendment No. 8, offered by the gentleman from California [Mr. BROWN] had been disposed of.

Are there further amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—NATIONAL SCIENCE FOUNDATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''National Science Foundation Authorization Act of 1996''.

SEC. 102. DEFINITIONS.

For purposes of this title—

(1) the term ''Director'' means the Director of the Foundation;

(2) the term ''Foundation'' means the National Science Foundation;

(3) the term ''institution of higher education'' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(4) the term ''national research facility'' means a research facility funded by the Foundation which is available, subject to appropriate policies allocating access, for use by all scientists and engineers affiliated with research institutions located in the United States; and

(5) the term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

Subtitle A—National Science Foundation Authorization

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) FINDINGS.—The Congress finds that—

(1) the programs of the Foundation are important for the Nation to strengthen basic research and develop human resources in science and engineering, and that those programs should be funded at an adequate level;

(2) the primary mission of the Foundation continues to be the support of basic scientific research and science education and

the support of research fundamental to the engineering process and engineering education; and

(3) the Foundation's efforts to contribute to the economic competitiveness of the United States should be in accord with that primary mission.

(b) FISCAL YEAR 1997.—There are authorized to be appropriated to the Foundation $3,250,500,000 for fiscal year 1997, which shall be available for the following categories:

(1) Research and Related Activities, $2,340,300,000.

(2) Education and Human Resources Activities, $600,000,000.

(3) Major Research Equipment, $80,000,000.

(4) Academic Research Facilities Modernization, $100,000,000.

(5) Salaries and Expenses, $120,000,000.

(6) Office of Inspector General, $5,000,000.

(7) Headquarters Relocation, $5,200,000.

(c) LIMITATION.—Consistent with the amendment made by section 130(a) of this Act, funds appropriated under subsection (b)(1) of this section shall be available to not more than 6 scientific directorates. No funds appropriated under subsection (b)(1) may be obligated or expended by, for, or through a scientific directorate if funds appropriated under subsection (b)(1) have been obligated or expended for 6 other scientific directorates.

SEC. 112. PROPORTIONAL REDUCTION OF RESEARCH AND RELATED ACTIVITIES AMOUNTS.

If the amount appropriated pursuant to section 111(b)(1) is less than the amount authorized under that paragraph, the amount available for each scientific directorate under that paragraph shall be reduced by the same proportion.

SEC. 113. CONSULTATION AND REPRESENTATION EXPENSES.

From appropriations made under authorizations provided in this title, not more than $10,000 may be used in each fiscal year for official consultation, representation, or other extraordinary expenses at the discretion of the Director. The determination of the Director shall be final and conclusive upon the accounting officers of the Government.

SEC. 114. REPROGRAMMING.

(a) $500,000 OR LESS.—In any given fiscal year, the Director may transfer appropriated funds among the subcategories of Research and Related Activities, so long as the net funds transferred to or from any subcategory do not exceed $500,000.

(b) GREATER THAN $500,000.—In addition, the Director may propose transfers to or from any subcategory exceeding $500,000. An explanation of any proposed transfer under this subsection must be transmitted in writing to the Committee on Science of the House of Representatives, and the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate. The proposed transfer may be made only when 30 calendar days have passed after transmission of such written explanation.

Subtitle B—General Provisions

SEC. 121. ANNUAL REPORT.

Section 3(f) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(f)) is amended to read as follows:

''(f) The Foundation shall provide an annual report to the President which shall be submitted by the Director to the Congress at the time of the President's annual budget submission. The report shall—

''(1) contain a strategic plan, or an update to a previous strategic plan, which—

''(A) defines for a three-year period the overall goals for the Foundation and specific goals for each major activity of the Foundation, including each scientific directorate, the education directorate, and the polar programs office; and

''(B) describe how the identified goals relate to national needs and will exploit new opportunities in science and technology;

''(2) identify the criteria and describe the procedures which the Foundation will use to assess progress toward achieving the goals identified in accordance with paragraph (1);

''(3) review the activities of the Foundation during the preceding year which have contributed toward achievement of goals identified in accordance with paragraph (1) and summarize planned activities for the coming three years in the context of the identified goals, with particular emphasis on the Foundation's planned contributions to major multi-agency research and education initiatives;

''(4) contain such recommendations as the Foundation considers appropriate; and

''(5) include information on the acquisition and disposition by the Foundation of any patents and patent rights.''.

SEC. 122. NATIONAL RESEARCH FACILITIES.

(a) FACILITIES PLAN.—The Director shall provide to Congress annually, as a part of the report required under section 3(f) of the National Science Foundation Act of 1950, a plan for the proposed construction of, and repair and upgrades to, national research facilities. The plan shall include estimates of the cost for such construction, repairs, and upgrades, and estimates of the cost for the operation and maintenance of existing and proposed new facilities. For proposed new construction and for major upgrades to existing facilities, the plan shall include funding profiles by fiscal year and milestones for major phases of the construction. The plan shall include cost estimates in the categories of construction, repair, and upgrades for the year in which the plan is submitted to Congress and for not fewer than the succeeding 4 years.

(b) LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.—No funds appropriated for any project which involves construction of new national research facilities or construction necessary for upgrading the capabilities of existing national research facilities shall be obligated unless the funds are specifically authorized for such purpose by this title or any other Act which is not an appropriations Act, or unless the total estimated cost to the Foundation of the construction project is less than $50,000,000. This subsection shall not apply to construction projects approved by the National Science Board prior to June 30, 1995.

SEC. 123. ELIGIBILITY FOR RESEARCH FACILITY AWARDS.

Section 203(b) of the Academic Research Facilities Modernization Act of 1988 is amended by striking the final sentence of paragraph (3) and inserting in lieu thereof the following: ''The Director shall give priority to institutions or consortia that have not received such funds in the preceding 5 years, except that this sentence shall not apply to previous funding received for the same multiyear project.''.

SEC. 124. ADMINISTRATIVE AMENDMENTS.

(a) NATIONAL SCIENCE FOUNDATION ACT OF 1950 AMENDMENTS.—The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(1) by redesignating the subsection (k) of section 4 (42 U.S.C. 1863(k)) that was added by section 108 of the National Science Foundation Authorization Act of 1988 as subsection (l);

(2) in section 5(e) (42 U.S.C. 1864(e)) by amending paragraph (2) to read as follows:

''(2) Any delegation of authority or imposition of conditions under paragraph (1) shall be promptly published in the Federal Register and reported to the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.'';

(3) by inserting ''be entitled to'' between ''shall'' and ''receive'', and by inserting '', including traveltime,'' after ''Foundation'' in section 14(c) (42 U.S.C. 1873(c));

(4) by striking section 14(j) (42 U.S.C. 1873(j)); and

(5) by striking ''Atomic Energy Commission'' in section 15(a) (42 U.S.C. 1874(a)) and inserting in lieu thereof ''Secretary of Energy''.

(b) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT, 1976 AMENDMENTS.—Section 6(a) of the National Science Foundation Authorization Act, 1976 (42 U.S.C. 1881a(a)) is amended by striking ''social,'' the first place it appears.

(c) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1988 AMENDMENTS.—(1) Section 117(a)(1)(B)(v) of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1881b(1)(B)(v)) is amended to read as follows:

''(v) from schools established outside the several States and the District of Columbia by any agency of the Federal Government for dependents of its employees.''.

(2) Section 117(a)(3)(A) of such Act (42 U.S.C. 1881b(3)(A)) is amended by striking ''Science and Engineering Education'' and inserting in lieu thereof ''Education and Human Resources''.

(d) EDUCATION FOR ECONOMIC SECURITY ACT AMENDMENTS.—Section 107 of Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(e) TECHNICAL AMENDMENT.—The second subsection (g) of section 3 of the National Science Foundation Act of 1950 is repealed.

SEC. 125. INDIRECT COSTS.

(a) MATCHING FUNDS.—Matching funds required pursuant to section 204(a)(2)(C) of the Academic Research Facilities Modernization Act of 1988 (42 U.S.C. 1862c(a)(2)(C)) shall not be considered facilities costs for purposes of determining indirect cost rates.

(b) REPORT.—The Director of the Office of Science and Technology Policy, in consultation with other relevant agencies, shall prepare a report analyzing what steps would be needed to—

(1) reduce by 10 percent the proportion of Federal assistance to institutions of higher education that are allocated for indirect costs; and

(2) reduce the variance among indirect cost rates of different institutions of higher education, including an evaluation of the relative benefits and burdens of each option on institutions of higher education. Such report shall be transmitted to the Congress no later than December 31, 1996.

SEC. 126. FINANCIAL DISCLOSURE.

Persons temporarily employed by or at the Foundation shall be subject to the same financial disclosure requirements and related sanctions under the Ethics in Government Act of 1978 as are permanent employees of the Foundation in equivalent positions.

SEC. 127. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE DUTY.

In order to be eligible to receive funds from the Foundation after September 30, 1996, an institution of higher education must provide that whenever any student of the institution who is a member of the National Guard, or other reserve component of the Armed Forces of the United States, is called or ordered to active duty, other than active duty for training, the institution shall grant the member a military leave of absence from their education. Persons on military leave of absence from their institution shall be entitled, upon release from military duty, to be

restored to the educational status they had attained prior to their being ordered to military duty without loss of academic credits earned, scholarships or grants awarded, or tuition and other fees paid prior to the commencement of the military duty. It shall be the duty of the institution to refund tuition or fees paid or to credit the tuition and fees to the next semester or term after the termination of the educational military leave of absence at the option of the student.

SEC. 128. SCIENCE STUDIES INSTITUTE.

(a) AMENDMENT.—Section 822 of the National Defense Authorization Act for Fiscal 1991 (42 U.S.C. 6686) is amended—

(1) by striking ''Critical Technologies Institute'' in the section heading and in subsection (a), and inserting in lieu thereof ''Science Studies Institute'';

(2) in subsection (b) by striking ''As determined by the chairman of the committee referred to in subsection (c), the'' and inserting in lieu thereof ''The'';

(3) by striking subsection (c), and redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively;

(4) in subsection (c), as so redesignated by paragraph (3) of this subsection—

(A) by inserting ''science and'' after ''developments and trends in'' in paragraph (1);

(B) by striking ''with particular emphasis'' in paragraph (1) and all that follows through the end of such paragraph and inserting in lieu thereof ''and developing and maintaining relevant informational and analytical tools.'';

(C) by striking ''to determine'' and all that follows through ''technology policies'' in paragraph (2) and inserting in lieu thereof ''with particular attention to the scope and content of the Federal science and technology research and develop portfolio as it affects interagency and national issues'';

(D) by amending paragraph (3) to read as follows:

''(3) Initiation of studies and analysis of alternatives available for ensuring the long-term strength of the United States in the development and application of science and technology, including appropriate roles for the Federal Government, State governments, private industry, and institutions of higher education in the development and application of science and technology.'';

(E) by inserting ''science and'' after ''Executive branch on'' in paragraph (4)(A); and

(F) by amending paragraph (4)(B) to read as follows:

''(B) to the interagency committees and panels of the Federal Government concerned with science and technology.'';

(5) in subsection (d), as so redesignated by paragraph (3) of this subsection, by striking ''subsection (d)'' and inserting in lieu thereof ''subsection (c)''; and

(6) by amending subsection (f), as so redesignated by paragraph (3) of this subsection, to read as follows:

''(f) SPONSORSHIP.—The Director of the Office of Science and Technology Policy shall be the sponsor of the Institute.''.

(b) CONFORMING USAGE.—All references in Federal law or regulations to the Critical Technologies Institute shall be considered to be references to the Science Studies Institute.

SEC. 129. EDUCATIONAL IMPACT.

(a) FINDINGS.—The Congress finds that—

(1) Federal research funds made available to institutions of higher education often create incentives for such institutions to emphasize research over undergraduate teaching and to narrow the focus of their graduate programs; and

(2) National Science Foundation funds for Research and Related Activities should be spent in the manner most likely to improve the quality of undergraduate and graduate education in institutions of higher education.

(b) EDUCATIONAL IMPACT.—(1) The impact that a grant or cooperative agreement by the National Science Foundation would have on undergraduate and graduate education at an institution of higher education shall be a factor in any decision whether to award such grant or agreement to that institution.

(2) Paragraph (1) shall be effective with respect to any grant or cooperative agreement awarded after September 30, 1997.

(c) REPORT.—The Director shall provide a plan for the implementation of subsection (b) of this section, no later than December 31, 1996, to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources of the Senate.

SEC. 130. DIVISIONS OF THE FOUNDATION.

(a) AMENDMENT.—Section 8 of the National Science Foundation Act of 1950 (42 U.S.C. 1866) is amended by inserting ''The Director may appoint, in consultation with the Board, not more than 6 Assistant Directors to assist in managing the Divisions.'' after ''time to time determine.''.

(b) REPORT.—By November 15, 1996, the Director shall transmit to the Congress a report on the reorganization of the National Science Foundation required as a result of the amendment made by subsection (a).

SEC. 131. NATIONAL SCIENCE AND ENGINEERING FOUNDATION.

The National Science Foundation and the National Science Board are hereby renamed as the National Science and Engineering Foundation and the National Science and Engineering Board, respectively, and all references thereto in Federal law or regulation shall be deemed to refer to the National Science and Engineering Foundation or the National Science and Engineering Board, as appropriate.

The CHAIRMAN. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. EHLERS

Mr. EHLERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EHLERS: Page 20, lines 1 through 10, strike section 131. Amend the table of contents accordingly.

Mr. EHLERS. Mr. Chairman, the purpose of the amendment is very straightforward and very simple. In the Committee on Science, an amendment was added to the bill to change the name of the National Science Foundation to the National Science and Engineering Foundation. That amendment was added by a 1-vote margin. The purpose of my amendment is to strike that amendment and to maintain the name of the National Science Foundation as the National Science Foundation.

I want to emphasize that the issue before us is not an issue dealing with respect for engineering. It is not an issue dealing with support of engineering. I must say that I have the greatest respect for engineers. I began my career in academic work as an engineer. I would be perfectly happy and proud to have remained on that career track and to be an engineer today. I also have a son who is currently a practicing engineer. I have the greatest respect for the engineering profession and for engineers as professionals.

I also strongly support and will continue to support engineering as a discipline within the National Science Foundation. Currently the engineering portion of the National Science Foundation budget exceeds 13 percent. So, obviously, there is a great deal of support for engineering within the National Science Foundation.

As far as I am concerned, in fact, engineering is a part of science. It is one of the subfields or subdisciplines of science, and I believe it is a mistake to single them out and include them in the name of the National Science Foundation.

Mr. Chairman, just to give some idea of what the National Science Foundation covers, at this point they have programs in physics, biology, chemistry, a number of the social sciences—including psychology and economics—computer science, mathematics, oceanography, geology, atmospheric sciences, and also education. I believe that if this name change is added, there would immediately be a request for other names to be included in the title of the organization and, eventually, the name would lose all meaning as we would end up with another meaningless Washington acronym.

Mr. Chairman, in fact, I believe that the only discipline within the National Science Foundation which might have some rightful claim to being included separately in the name of the NSF would be mathematics, which never has been and is not now considered a science. It is a separate discipline, a separate method of thought and investigation, and provides the foundation for much of science. Also if anyone were to change the name of the National Science Foundation to accurately reflect its mission, perhaps ''National Research Foundation'' might be most appropriate, because that is the primary emphasis of the National Science Foundation in all the disciplines mentioned above. They fund research in all these different scientific fields, including all those I have mentioned, including engineering, as well as a few others.

The suggestion to change the name is particularly inappropriate at this time because there is currently a trend, not only within the National Science Foundation but within this Nation itself, in research establishments to engage in interdisciplinary science. The lines between the disciplines are blurring and we find more and more interdisciplinary efforts to combine engineering and chemistry, for example, or to combine mathematics and physics in particular programs and in particular directions of research.

I would also emphasize that a major part of the Foundation's work is in education, and the teachers might well come along and ask why NSF should not be named the National Science and Education Foundation.

I recognize that a large number of engineers, many of whom are close friends and all of whom I respect very

deeply, are very anxious to have their discipline achieve greater recognition and to be named specifically in the title of the National Science Foundation. I believe this is going in the wrong direction. It is very important to maintain the identity of the National Science Foundation as it is. It is known worldwide by that name.

□ 1915

Because I am a practicing scientist, I recall what happened when the name of the National Bureau of Standards was changed to the National Institutes of Standards and Technology. It still causes confusion throughout the world because for many years the National Bureau of Standards was recognized worldwide as a major scientific enterprise and everyone knew it by that name.

In summary, Mr. Chairman, I urge that we adopt my amendment and maintain the name of the organization as the National Science Foundation.

Mr. BARTON of Texas. Mr. Chairman, I rise to speak in opposition to the amendment.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I am reminded of a story that President Abraham Lincoln used to tell. Somebody was about to be hung and the crowd was gathering on the town square and they asked the gentleman about to be hung if he had any last remarks; and he said, if it were not for the honor of the occasion, he would just as soon not be there.

If it were not for the honor of having my amendment singled out to be struck from the bill, I would just as soon not be here. I am the author of the amendment to change the name of the National Science Foundation to the National Science and Engineering Foundation. Admittedly, it was a close vote, 23 to 22, but it still was an affirmative vote.

I think it is very important that we recognize engineering for its contributions to the American society. Our first President, George Washington, was a practicing engineer. Even in this century, we have had engineering Presidents like President Hoover and President Carter.

There are over 6 million practicing engineers in our Nation. So engineers are not a part of science, they are a separate discipline. If you go to any major research university in this country, they have a school of engineering that is separate and apart from their science departments. We have a National Academy of Sciences. We have a National Academy of Engineering.

If my colleagues read the annual report of the National Science Foundation, budget summary, fiscal 1997, I read the first sentence, ''The National Science Foundation requests $3.3 billion for fiscal 1997 to invest in almost 20,000 research and education projects in science and engineering.'' Everywhere in the first two pages of the NSF budget summary, where it says ''science,'' it says, ''and engineering.''

All of the various societies of engineering have submitted letters of endorsement to change the name of the National Science Foundation to the National Science and Engineering Foundation. I will submit those for the RECORD. We have the Institute of Electrical and Electronics Engineers, the American Society of Mechanical Engineers, the American Nuclear Engineering Society, the American Society of Civil Engineers; they have all gone on record specifically endorsing the Barton amendment to change the name from the National Science Foundation to the National Science and Engineering Foundation.

There is no cost to this amendment. The Director of the National Science Foundation, Dr. Neal Lane, testified at our budget hearing that there is no cost associated with this. It does not cost anything. It empowers engineers. They are a separate field. It passed in committee on a bipartisan vote in support of it.

Mr. Chairman, I would strongly recommend that we defeat the amendment of the gentleman from Michigan [Mr. EHLERS]. Keep the name change as adopted in committee and let us empower engineers. Let us call it the National Science and Engineering Foundation.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is a very difficult vote for me, and I would like to explain why. I have shared with the gentleman from Texas [Mr. BARTON] the desire to give engineers a more prominent role in the national scientific and technological community, and I pursued this over many, many years. I have actually authored a number of the changes in the Science Foundation charter, which specifically includes in a number of places in the charter a separate role for engineers.

I have not done this with the purpose of setting up a rivalry between scientists and engineers, but to give what I felt was due respect to the engineering profession and its vast contributions to the American public.

I have likewise authored legislation to set up a separate foundation for engineers and what you might call technologists that would parallel the National Science Foundation, just as we have at the national academies, a National Academy of Science and a National Academy of Engineering, as well as the National Institute of Medicine. I thought perhaps we could set up that kind of a structure.

My previous efforts to establish a separate engineering institute or foundation have not succeeded, and I was persuaded that I should join with the gentleman from Texas in this title change as a means of providing the kind of respect and attention that I thought was deserved.

At the risk of appearing to be without principle and totally wishy-washy I have decided that I made the wrong vote in committee in supporting Mr. BARTON, and since there was only one vote difference, I think Mr. BARTON ought to accept the fact that he has lost the mandate of heaven and that we ought to leave the title the same as it was. I apologize for this, because I think I did not do justice to my overall goal of trying to give greater respect to the engineering profession.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I just want to make sure that I understand my good friend from California who has been such a stalwart supporter of mine on this issue. When we are down to the critical moment on the floor of the House of Representatives with the entire country watching, we are not watching you change your mind as we debate the issue?

Is that the gentleman's current position?

Mr. BROWN of California. Mr. Chairman, reclaiming my time, well, to some of my friends on the other side who think I am a totally inflexible, knee-jerk liberal, I want to indicate that I can change my mind.

Mr. BARTON of Texas. Mr. Chairman, I respect the gentleman from California. I am disappointed, but I certainly respect his change of mind.

Mr. BROWN of California. Mr. Chairman, again reclaiming my time, I can assure the gentleman that I am not happy with having to make this change either, but I have received a number of communications from people that I respect that this was not achieving what I thought it might achieve, and my conclusion is that I would join with Mr. EHLERS in trying to reverse this action, and I yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do rise in support of the amendment. This section of the bill did come out of committee on a one-vote margin, and the gentleman from Texas [Mr. BARTON] has worked very honorably on this and feels very strongly about the need for this name change.

Mr. Chairman, my concern is this. You have one of the premier science agencies in the world in the National Science Foundation. It is recognized worldwide for the quality of its work. By changing the name, we will in fact affect the ability of the world to understand just exactly who our premier science agency is, and I think that would be a shame at the present time.

Mr. Chairman, I also think that the current name more reflects the mission of the agency than the changed name would. Adding engineering to NSF's name suggests that science and engineering are fundamentally separate and incompatible. A broader perspective recognizes science as a method for solving problems. It is a method used

by physicists, chemists anthropologists, and engineers.

NSF does not support engineering the way it is classically defined, the application of science and mathematics to practical ends. Rather, it supports research, using scientific method on problems of interest to engineers, just as it supports research using the scientific method on problems of interest to chemists, physicists, and anthropologists.

The absence of the name ''engineering'' in the foundation's name is not indicative of any absence of respect for engineers, any more than the absence of ''teachers'' in the name shows a lack of respect for education, which is another of the foundation's central missions.

The move to gain support for a name change comes at a particularly unsuitable time for NSF inasmuch as the fiscal 1997 budget emphasizes moving out of constraining ways of solving problems and encouraging interdisciplinary thinking and the integration of problem-solving efforts across multiple areas of inquiry.

NSF does not need a name change that brings attention to outdated professional rivalries that are irrelevant to its mission.

The name of our committee was changed from Science, Space, and Technology to Science to indicate our support for science in its broadest context. Similarly, I believe that the National Science Foundation supports the idea of basic research.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just would like to make a little observation. Before I do, I voted with the gentleman from Texas in committee and I plan to vote with him now. But what I would like to observe is that with all of the monumental tasks facing this Nation and facing this House of Representatives, we are spending time debating whether or not the National Science Foundation is called the National Science Foundation or whether it is called the National Science and Engineering Foundation.

Mr. Chairman, it does not make a difference what we call it. It is going to do the same thing. It is only going to get the same amount of money. Everything is going to be the same. I think this is really, absolutely silly. Mr. Chairman, it is worse than whether we should have pets in senior citizen housing.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise very reluctantly to support the amendment of the gentleman from Michigan [Mr. EHLERS], because I have such great respect for the gentleman from Texas [Mr. BARTON].

Mr. Chairman, I am a scientist. I have about 100 papers in the literature; probably 50 of them are basic science. I worked as an engineer. I was called engineer in several places. I was called engineer for 8 years, at IBM for one of them. I have been awarded 20 patents, which is certainly in the engineering area.

Our youngest son of 10 children has just gotten his degree in chemical engineering, so I am very, very supportive of engineering, having worked as one and been awarded patents and having a son who is an engineer. And I also have been in the scientific area.

I just think that this name change is not in the best interest of either scientists or engineers. NSF has a long history. It is known worldwide. I think it would be very confusing to people to change the name.

I agree with the comment that was made that changing the name of the National Bureau of Standards did not do much good. There is now a lot of confusion. I still tend to refer to it as NBS because it was that for a number of years. We need to be careful when changing names because we may do more than change the name.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, what was that name changed to?

Mr. BARTLETT of Maryland. The National Institute of Science and Technology.

Mr. BARTON of Texas. Mr. Chairman, and my name change is from the National Science Foundation and we are adding ''engineering.'' Does the gentleman really think that is going to confuse people?

Mr. BARTLETT of Maryland. Mr. Chairman, if the gentleman will continue to yield, yes, I think it will confuse people. And if we need a National Science Foundation, I will be very happy to join the gentleman from California [Mr. BROWN] in supporting that National Engineering Foundation. I think that would be appropriate.

But the National Science Foundation is the National Science Foundation. Science is not engineering. Engineering is not science. They are separate disciplines, and I would strongly urge support to the Ehlers amendment.

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Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Barton amendment and what he is trying to do. I think the simple word ''science'' without the word ''engineering'' connotes that it is applied research. With ''engineering,'' it has practical aspects and it also represents a broad consensus in America that engineers have a role, so their name should be part of this.

So I strongly urge my colleagues to support the gentleman from Texas [Mr. BARTON]. I think the gentleman has taken a courageous stand for engineers across this country, and I think we should support him.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. EHLERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. EHLERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 339, noes 58, answered ''present'' 1, not voting 35, as follows:

[Roll No. 198]

AYES—339

Abercrombie	Deutsch	Johnson (CT)
Ackerman	Diaz-Balart	Johnson (SD)
Allard	Dickey	Johnson, Sam
Andrews	Dicks	Johnston
Archer	Dixon	Kanjorski
Armey	Doggett	Kaptur
Bachus	Doolittle	Kasich
Baesler	Dornan	Kelly
Baker (CA)	Doyle	Kennedy (MA)
Baldacci	Dreier	Kennedy (RI)
Ballenger	Duncan	Kennelly
Barcia	Dunn	Kildee
Barr	Durbin	King
Barrett (NE)	Edwards	Kingston
Barrett (WI)	Ehlers	Kleczka
Bartlett	Ehrlich	Klink
Bass	Emerson	Klug
Bateman	Engel	Knollenberg
Becerra	English	Kolbe
Beilenson	Ensign	LaHood
Bereuter	Eshoo	Latham
Berman	Evans	LaTourette
Bevill	Everett	Laughlin
Bilirakis	Ewing	Lazio
Bishop	Farr	Levin
Bliley	Fattah	Lewis (CA)
Blute	Fawell	Lewis (GA)
Boehner	Fazio	Lewis (KY)
Bonior	Fields (LA)	Lightfoot
Bono	Fields (TX)	Linder
Borski	Filner	Livingston
Boucher	Flake	LoBiondo
Browder	Flanagan	Lofgren
Brown (CA)	Foley	Longley
Brown (FL)	Forbes	Lucas
Brown (OH)	Fowler	Luther
Brownback	Fox	Maloney
Bryant (TN)	Frank (MA)	Manton
Bunn	Franks (CT)	Manzullo
Bunning	Franks (NJ)	Markey
Buyer	Frelinghuysen	Martinez
Callahan	Frisa	Martini
Camp	Furse	Mascara
Campbell	Gallegly	Matsui
Canady	Ganske	McCarthy
Cardin	Gejdenson	McCollum
Castle	Gekas	McCrery
Chabot	Gephardt	McDermott
Chambliss	Gilchrest	McHugh
Chapman	Gillmor	McIntosh
Chenoweth	Gonzalez	McKeon
Christensen	Goodlatte	McNulty
Chrysler	Goodling	Meehan
Clay	Gordon	Menendez
Clement	Goss	Metcalf
Clinger	Greene (UT)	Mica
Coble	Greenwood	Miller (CA)
Coleman	Gutierrez	Miller (FL)
Collins (GA)	Hamilton	Minge
Collins (IL)	Hancock	Mink
Combest	Hansen	Moakley
Condit	Hastings (WA)	Mollohan
Cooley	Hayworth	Montgomery
Costello	Hefner	Moorhead
Cox	Heineman	Moran
Coyne	Hinchey	Morella
Cramer	Hobson	Murtha
Crane	Hoekstra	Myers
Crapo	Hoke	Myrick
Cremeans	Holden	Nadler
Cubin	Houghton	Neal
Cummings	Hoyer	Nethercutt
Cunningham	Hunter	Neumann
Danner	Hutchinson	Ney
Davis	Hyde	Norwood
Deal	Inglis	Nussle
DeLauro	Jackson (IL)	Oberstar
Dellums	Jacobs	Obey

Olver	Royce	Talent
Ortiz	Rush	Tanner
Orton	Sabo	Tate
Oxley	Sanders	Tauzin
Packard	Sanford	Taylor (MS)
Pallone	Sawyer	Taylor (NC)
Pastor	Saxton	Tejeda
Paxon	Scarborough	Thomas
Payne (NJ)	Schaefer	Thornton
Pelosi	Schroeder	Thurman
Peterson (MN)	Schumer	Torkildsen
Petri	Scott	Traficant
Pickett	Seastrand	Upton
Pombo	Sensenbrenner	Velazquez
Porter	Serrano	Vento
Portman	Shadegg	Visclosky
Poshard	Shaw	Walker
Pryce	Shays	Walsh
Quillen	Shuster	Wamp
Quinn	Sisisky	Ward
Radanovich	Skaggs	Watt (NC)
Rahall	Skelton	Watts (OK)
Ramstad	Slaughter	Waxman
Rangel	Smith (MI)	Weller
Reed	Smith (NJ)	White
Regula	Smith (TX)	Whitfield
Richardson	Smith (WA)	Wicker
Riggs	Solomon	Williams
Rivers	Souder	Wise
Roberts	Spence	Wolf
Roemer	Spratt	Woolsey
Rogers	Stenholm	Wynn
Ros-Lehtinen	Stokes	Yates
Rose	Stump	Young (AK)
Roybal-Allard	Stupak	Zeliff

NOES—58

Baker (LA)	Hall (TX)	Millender-McDonald
Barton	Harman	Owens
Bentsen	Hastings (FL)	Parker
Bilbray	Hefley	Payne (VA)
Boehlert	Hilleary	Rohrabacher
Bryant (TX)	Hilliard	Salmon
Burr	Hostettler	Schiff
Burton	Jackson-Lee (TX)	Stearns
Calvert	Jefferson	Stockman
Clayton	Johnson, E. B.	Thompson
Clyburn	Jones	Thornberry
Coburn	Kim	Tiahrt
Collins (MI)	Largent	Torres
DeLay	Lipinski	Towns
Frost	McHale	Volkmer
Funderburk	McInnis	Waters
Geren	McKinney	Weldon (FL)
Graham	Meek	Weldon (PA)
Green (TX)	Meyers	Zimmer
Gutknecht		

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—35

Bonilla	Hastert	Peterson (FL)
Brewster	Hayes	Pomeroy
Conyers	Herger	Roth
de la Garza	Horn	Roukema
Dingell	Istook	Skeen
Dooley	LaFalce	Stark
Foglietta	Lantos	Studds
Ford	Leach	Torricelli
Gibbons	Lincoln	Vucanovich
Gilman	Lowey	Wilson
Gunderson	McDade	Young (FL)
Hall (OH)	Molinari	

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Messrs. BRYANT of Texas, HILLIARD, CLYBURN, and JEFFERSON changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HORN. Mr. Chairman, on rollcall No. 198, I was unavoidably detained on official business and was not able to vote on the Ehlers amendment which eliminated Engineering from the proposed title of National Science and Engineering Foundation. Since I believe science and engineering are equally honorable professions essential to the well-being of our people and our Nation, I would have voted ''nay''.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I inadvertently was absent during rollcall 198 on the Ehlers amendment and, had I been present, I would have voted ''aye''.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Subtitle A—General Provisions

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Aeronautics and Space Administration Authorization Act, Fiscal Year 1997''.

SEC. 202. FINDINGS.

The Congress makes the following findings:

(1) The National Aeronautics and Space Administration should aggressively pursue actions and reforms directed at reducing institutional costs, including management restructuring, facility consolidation, procurement reform, personnel base downsizing, and convergence with other defense and commercial sector systems.

(2) While institutional reforms, restructurings, and downsizing hold the slim promise of reconciling the disparity between projected needs of the National Aeronautics and Space Administration with funding levels requested by the Administration over the next 4 years, such reforms provide no guarantee against cancellation of missions or elimination of centers in the event reform efforts fail to achieve cost reduction targets.

(3) The National Aeronautics and Space Administration must reverse its current trend toward becoming an operational agency, and return to its proud history as the Nation's leader in basic scientific air and space research.

(4) Commercial space activity is in a delicate state of growth. It has the potential to eclipse Federal space activity in its economic return to the Nation, if it is not stifled.

(5) The United States is on the verge of creating and using new technologies in microsatellites, information processing, and space launches that could radically alter the manner in which the Government approaches its space mission.

(6) The overwhelming preponderance of the Federal Government's requirements for routine, nonemergency manned and unmanned space transportation can be met most effectively, efficiently, and economically by a free and competitive market in privately developed and operated launch services.

(7) In formulating a national space transportation service policy, the National Aeronautics and Space Administration should aggressively promote the pursuit by the commercial sector of development of advanced space transportation technologies including reusable space vehicles, single-stage-to-orbit vehicles, and human space systems.

(8) The Federal Government should invest in the types of research and innovative technology in which the United States private sector does not invest, while avoiding competition with the activities in which the United States private sector does invest.

(9) International cooperation in space exploration and science activities serves the United States national interest—

(A) when it—

(i) reduces the cost of undertaking missions the United States Government would pursue unilaterally;

(ii) enables the United States to pursue missions that it could not otherwise afford to pursue unilaterally; or

(iii) enhances United States capabilities to use and develop space for the benefit of United States citizens; and

(B) when it does not—

(i) otherwise harm or interfere with the ability of United States private sector firms to develop or explore space commercially;

(ii) interfere with the ability of Federal agencies to use space to complete their missions;

(iii) undermine the ability of United States private enterprise to compete favorably with foreign entities in the commercial space arena; or

(iv) transfer sensitive or commercially advantageous technologies or knowledge from the United States to other countries or foreign entities except as required by those countries or entities to make their contribution to a multilateral space project in partnership with the United States, or on a quid pro quo basis.

(10) The National Aeronautics and Space Administration and the Department of Defense can cooperate more effectively in leveraging their mutual capabilities to conduct joint space missions that improve United States space capabilities and reduce the cost of conducting space missions.

(11) The Reusable Launch Vehicle program, and the acquisition by the Federal Government of the vehicle resulting from that program, are necessary for the protection of essential security interests for purposes of interpreting the obligations of the United States under the General Agreement on Tariffs and Trade.

SEC. 203. DEFINITIONS.

For purposes of this title—

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

(2) the term ''cost threat'' means a potential change to the program baseline documented as a potential cost by the Space Station Program Office; 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)).

Subtitle B—Authorization of Appropriations

CHAPTER 1—AUTHORIZATIONS

SEC. 211. HUMAN SPACE FLIGHT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1997 for Human Space Flight the following amounts:

(1) For the Space Station, $1,840,200,000.

(2) For Space Shuttle Operations, $2,514,900,000.

(3) For Space Shuttle Safety and Performance Upgrades, $636,000,000, including for Construction of Facilities relating to such programs—

(A) replacement of LC–39 Pad B Chillers (KSC), $1,800,000;

(B) restoration of Pad B Fixed Support Structure Elevator System (KSC), $1,500,000;

(C) rehabilitation of 480V Electrical Distribution System, Kennedy Space Center, External Tank Manufacturing Building (MAF), $2,500,000; and

(D) restoration of High Pressure Industrial Water Plant, Stennis Space Center, $2,500,000.

(4) For Payload and Utilization Operations, $271,800,000.

(5) For Russian Cooperation, $100,000,000.

SEC. 212. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1997 for Science, Aeronautics, and Technology the following amounts:

(1) For Space Science, $2,167,400,000.

(2) For Life and Microgravity Sciences and Applications, $498,500,000, of which at least $2,000,000 is reserved for research and early detection systems for breast and ovarian cancer and other women's health issues.

(3) For Mission to Planet Earth, $1,028,400,000, of which $50,000,000 shall be for commercial data purchases under section 259(a). Funds authorized by this paragraph may not be obligated to duplicate private sector or other Federal activities or to procure systems to provide data unless the Administrator certifies to Congress that no private sector entity, or Federal entity other than the National Aeronautics and Space Administration, can provide suitable data in a timely manner.

(4) For Space Access and Technology, $711,000,000 of which—

(A) $324,700,000 are authorized for Advanced Space Transportation; and

(B) $10,000,000 shall be for continuing the Launch Voucher Demonstration Program authorized under section 504 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5803).

(5) For Aeronautical Research and Technology, $823,400,000, of which—

(A) $354,400,000 are authorized for Research and Technology Base activities;

(B) $254,300,000 are authorized for High Speed Research;

(C) $152,800,000 are authorized for Advanced Subsonic Technology;

(D) $23,300,000 are authorized for High-Performance Computing and Communications; and

(E) $38,600,000 are authorized for Numerical Aerodynamic Simulation.

(6) For Mission Communication Services, $410,600,000.

(7) For Academic Programs, $95,500,000.

SEC. 213. MISSION SUPPORT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1997 for Mission Support the following amounts:

(1) For Safety, Reliability, and Quality Assurance, $36,700,000.

(2) For Space Communication Services, $281,250,000.

(3) For Construction of Facilities, including land acquisition, $105,000,000, including the following:

(A) Modernization of Electrical Distribution System, Ames Research Center, $2,400,000.

(B) Modification of Aircraft Ramp and Tow Way, Dryden Flight Research Center, $3,000,000.

(C) Restoration of Hangar Building 4801, Dryden Flight Research Center, $4,500,000.

(D) Modernization of Secondary Electrical Systems, Goddard Space Flight Center, $1,500,000.

(E) Restoration of Chilled Water Distribution System, Goddard Space Flight Center, $4,000,000.

(F) Modification of Refrigeration Systems, Various Buildings, Jet Propulsion Laboratory, $2,800,000.

(G) Rehabilitation of Utility Tunnel Structure and Systems, Johnson Space Center, $4,400,000.

(H) Replacement of DX Units with Central Chilled Water System, Logistics Facility, Kennedy Space Center, $1,800,000.

(I) Rehabilitation of Central Air Equipment Building, Lewis Research Center, $6,500,000.

(J) Modification of Chilled Water System, Marshall Space Flight Center, $6,700,000.

(K) Rehabilitation of Condenser Water System, 202/207 Complex (MAF), $2,100,000.

(L) Rehabilitation of Electrical Distribution System, White Sands Test Facility, $2,600,000.

(M) Minor Revitalization of Facilities at Various Locations, not in excess of $1,500,000 per project, $19,600,000.

(N) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $1,500,000 per project, $3,400,000.

(O) Facility planning and design, not otherwise provided for, $6,700,000.

(P) Environmental compliance and restoration, $33,000,000.

(4) For Research and Program Management, including personnel and related costs, travel, and research operations support, $1,957,850,000.

SEC. 214. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General, $17,000,000 for fiscal year 1997.

SEC. 215. TOTAL AUTHORIZATION.

Notwithstanding any other provision of this subtitle, the total amount authorized to be appropriated to the National Aeronautics and Space Administration under this title shall not exceed $13,495,500,000 for fiscal year 1997.

SEC. 216. OFFICE OF COMMERCIAL SPACE TRANSPORTATION AUTHORIZATION.

There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of Commercial Space Transportation, $5,770,000 for fiscal year 1997.

SEC. 217. OFFICE OF SPACE COMMERCE.

There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Space Commerce established by section 253 of this Act, $500,000 for fiscal year 1997.

CHAPTER 2—RESTRUCTURING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 221. FINDINGS.

The Congress finds that—

(1) the restructuring of the National Aeronautics and Space Administration is essential to accomplishing the space missions of the United States while simultaneously balancing the Federal budget;

(2) to restructure the National Aeronautics and Space Administration rapidly without reducing mission content and safety requires objective financial judgment; and

(3) a formal economic review of its missions and the Federal assets that support them is required in order to plan and implement needed restructuring of the National Aeronautics and Space Administration.

SEC. 222. RESTRUCTURING REPORTS.

(a) IMPLEMENTATION REPORT.—The Administrator shall transmit to Congress, no later than July 31, 1996, a report on its restructuring activities by fiscal year containing, at a minimum, a description of all actions taken or planned to be taken after July 31, 1995, and before October 1, 2002, including contracts terminated or consolidated; reductions in force; relocations of personnel and facilities; sales, closures, or mothballing of capital assets or facilities; and net savings to be realized from such actions by fiscal year.

(b) PROPOSED LEGISLATION.—The President shall propose to Congress, not later than September 30, 1996, all enabling legislation required to carry out actions described by the Administrator's report under subsection (a).

CHAPTER 3—LIMITATIONS AND SPECIAL AUTHORITY

SEC. 231. USE OF FUNDS FOR CONSTRUCTION.

(a) AUTHORIZED USES.—Funds appropriated under sections 211(1) through (5), 212, and 213(1) and (2), and funds appropriated for research operations support under section 213(4), may be used 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 authorized.

(b) LIMITATION.—None of the funds 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 $500,000, 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.

(c) 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. 232. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Acts, appropriations authorized under chapter 1 may remain available without fiscal year limitation.

SEC. 233. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

(a) IN GENERAL.—Appropriations authorized under any paragraph of section 211(6) or 213(3)—

(1) may be varied upward by 10 percent in the discretion of the Administrator; or

(2) may be varied upward by 25 percent, to meet unusual cost variations, after the expiration of 15 days following a report on the circumstances of such action by the Administrator to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

The aggregate amount authorized to be appropriated under sections 211(6) and 213(3) shall not be increased as a result of actions authorized under paragraphs (1) and (2) of this subsection.

(b) SPECIAL RULE.—Where the Administrator determines that new developments in the national program of aeronautical and space activities have occurred; and that such developments require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that 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 activities, the Administrator may use up to $10,000,000 of the amounts authorized under section 211(6) or 213(3) for each fiscal year for such purposes. No such funds may be obligated until a period of 30 days has passed after the Administrator has

transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a written report describing the nature of the construction, its costs, and the reasons therefor.

SEC. 234. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of law—

(1) no amount appropriated to the National Aeronautics and Space Administration may be used for any program for which the President's annual budget request included a request for funding, but for which the Congress denied or did not provide funding;

(2) no amount appropriated to the National Aeronautics and Space Administration may be used for any program in excess of the amount actually authorized for the particular program under this subtitle; and

(3) no amount appropriated to the National Aeronautics and Space Administration may be used for any program which has not been presented to the Congress in the President's annual budget request or the supporting and ancillary documents thereto,

unless a period of 30 days has passed after the receipt by the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Except as otherwise provided by law, any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 235. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

(a) REPORTS TO CONGRESS.—Not later than 30 days after the later of the date of enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1997 and the date of enactment of this Act, the Administrator shall submit a report to Congress and to the Comptroller General which specifies—

(1) the portion of such appropriations which are for programs, projects, or activities not authorized under chapter 1 of this subtitle, or which are in excess of amounts authorized for the relevant program, project, or activity under this title; and

(2) the portion of such appropriations which are authorized under this title.

(b) FEDERAL REGISTER NOTICE.—The Administrator shall, coincident with the submission of the report required by subsection (a), publish in the Federal Register a notice of all programs, projects, or activities for which funds are appropriated but which were not authorized under this title, and solicit public comment thereon regarding the impact of such programs, projects, or activities on the conduct and effectiveness of the national aeronautics and space program.

(c) LIMITATION.—Notwithstanding any other provision of law, no funds may be obligated for any programs, projects, or activities of the National Aeronautics and Space Administration for fiscal year 1997 not authorized under this title until 30 days have passed after the close of the public comment period contained in the notice required in subsection (b).

SEC. 236. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Not more than $30,000 of the funds appropriated under section 212 may be used for scientific consultations or extraordinary expenses, upon the authority of the Administrator.

Subtitle C—International Space Station

SEC. 241. FINDINGS.

The Congress finds that—

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

(2) the National Aeronautics and Space Administration has restructured and redesigned the International Space Station, consolidated contract responsibility, and achieved program management, control, and stability;

(3) the significant involvement by private ventures in marketing and using, competitively servicing, and commercially augmenting the operational capabilities of the International Space Station during its assembly and operational phases will lower costs and increase benefits to the international partners;

(4) further rescoping or redesigns of the International Space Station will lead to costly delays, increase costs to its international partners, discourage commercial involvement, and weaken the international space partnership necessary for future space projects;

(5) total program costs for development, assembly, and initial operations have been identified and capped to ensure financial discipline and maintain program schedule milestones;

(6) in order to contain costs, mission planning and engineering functions of the National Space Transportation System (Space Shuttle) program should be coordinated with the Space Station Program Office;

(7) the International Space Station represents an important component of an adequately funded civil space program which balances human space flight with science, aeronautics, and technology;

(8) the International Space Station should be an inspiration to society, particularly our young people, and should provide new and expanded opportunities to meet important educational goals; and

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

SEC. 242. COMMERCIALIZATION OF SPACE STATION.

(a) POLICY.—The Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. The Congress further declares that the use of free market principles in operating, allocating the use of, and adding capabilities to the Space Station, and the resulting fullest possible engagement of commercial providers and participation of commercial users, will reduce Space Station operational costs for all partners and the Federal Government's share of the United States burden to fund operations.

(b) REPORT.—The Administrator shall deliver to the Congress, within 60 days after the date of the enactment of this Act, a market study that examines the role of commercial ventures which could supply, use, service, or augment the International Space Station, the specific policies and initiatives the Administrator is advancing to encourage these commercial opportunities, the cost savings to be realized by the international partnership from applying commercial approaches to cost-shared operations, and the cost reimbursements to the United States Federal Government from commercial users of the Space Station.

SEC. 243. SENSE OF CONGRESS.

It is the sense of Congress that the ''cost incentive fee'' single prime contract negotiated by the National Aeronautics and Space Administration for the International Space Station, and the consolidation of programmatic and financial accountability into a single Space Station Program Office, are two examples of reforms for the reinvention of all National Aeronautics and Space Administration programs that should be applied as widely and as quickly as possible throughout the Nation's civil space program.

SEC. 244. SPACE STATION ACCOUNTING REPORT.

(a) ANNUAL REPORT TO THE CONGRESS.—The Administrator shall transmit a report to the Congress each year containing a complete accounting of all costs of the space station, including cash and other payments to Russia.

(b) QUARTERLY REPORTS FROM RUSSIA.—The Administrator shall obtain quarterly reports from the Russian Space Agency during the term of the contract between the Russian Space Agency and the National Aeronautics and Space Administration which fully account for the disposition of funds paid or transferred by the National Aeronautics and Space Administration to Russia, including—

(1) the amount of funds received from the National Aeronautics and Space Administration and the date of their receipt;

(2) the amount of funds converted from United States currency by the Russian Space Agency, the currency into which the funds have been converted, and the dates and exchange rates of each such conversion;

(3) the amount of non-United States currency, and of United States currency, disbursed by the Russian Space Agency to any contractor or subcontractor, the identity of such contractor or subcontractor, and the date on which the funds were disbursed; and

(4) the balance of the funds provided by the National Aeronautics and Space Administration which have not been disbursed by the Russian Space Agency as of the date of the report.

Subtitle D—Miscellaneous Provisions

SEC. 251. COMMERCIAL SPACE LAUNCH AMENDMENTS.

(a) AMENDMENTS.—Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

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

''70104. Restrictions on launches, operations, and reentries.'';

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

''70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries.'';

and

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

''70109. Preemption of scheduled launches or reentries.'';

(2) in section 70101—

(A) by inserting ''microgravity research,'' after ''information services,'' in subsection (a)(3);

(B) by inserting '', reentry,'' after ''launching'' both places it appears in subsection (a)(4);

(C) by inserting ‘‘, reentry vehicles,’’ after ‘‘launch vehicles’’ in subsection (a)(5);

(D) by inserting ‘‘and reentry services’’ after ‘‘launch services’’ in subsection (a)(6);

(E) by inserting ‘‘, reentries,’’ after ‘‘launches’’ both places it appears in subsection (a)(7);

(F) by inserting ‘‘, reentry sites,’’ after ‘‘launch sites’’ in subsection (a)(8);

(G) by inserting ‘‘and reentry services’’ after ‘‘launch services’’ in subsection (a)(8);

(H) by inserting ‘‘reentry sites,’’ after ‘‘launch sites,’’ in subsection (a)(9);

(I) by inserting ‘‘and reentry site’’ after ‘‘launch site’’ in subsection (a)(9);

(J) by inserting ‘‘reentry vehicles,’’ after ‘‘launch vehicles’’ in subsection (b)(2);

(K) by striking ‘‘launch’’ in subsection (b)(2)(A);

(L) by inserting ‘‘and reentry’’ after ‘‘commercial launch’’ in subsection (b)(3);

(M) by striking ‘‘launch’’ after ‘‘and transfer commercial’’ in subsection (b)(3); and

(N) by inserting ‘‘and development of reentry sites,’’ after ‘‘launch-site support facilities,’’ in subsection (b)(4);

(3) in section 70102—

(A) by striking ‘‘and any payload’’ and inserting in lieu thereof ‘‘or reentry vehicle and any payload from Earth’’ in paragraph (3);

(B) by inserting ‘‘or reentry vehicle’’ after ‘‘means of a launch vehicle’’ in paragraph (8);

(C) by redesignating paragraphs (10) through (12) as paragraphs (14) through (16), respectively;

(D) by inserting after paragraph (9) the following new paragraphs:

‘‘(10) ‘reenter’ and ‘reentry’ mean to return or attempt to return, purposefully, a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth.

‘‘(11) ‘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.

‘‘(12) ‘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).

‘‘(13) ‘reentry vehicle’ means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from outer space substantially intact.’’; and

(E) by inserting ‘‘or reentry services’’ after ‘‘launch services’’ each place it appears in paragraph (15), as so redesignated by subparagraph (C) of this paragraph;

(4) in section 70103(b)—

(A) by inserting ‘‘AND REENTRIES’’ after ‘‘LAUNCHES’’ in the subsection heading;

(B) by inserting ‘‘and reentries’’ after ‘‘space launches’’ in paragraph (1); and

(C) by inserting ‘‘and reentry’’ after ‘‘space launch’’ in paragraph (2);

(5) in section 70104—

(A) by amending the section designation and heading to read as follows:

‘‘§ 70104. Restrictions on launches, operations, and reentries’’;

(B) by inserting ‘‘or reentry site, or to reenter a reentry vehicle,’’ after ‘‘operate a launch site’’ each place it appears in subsection (a);

(C) by inserting ‘‘or reentry’’ after ‘‘launch or operation’’ in subsection (a)(3) and (4);

(D) in subsection (b)—

(i) by striking ‘‘launch license’’ and inserting in lieu thereof ‘‘license’’;

(ii) by inserting ‘‘or reenter’’ after ‘‘may launch’’; and

(iii) by inserting ‘‘or reentering’’ after ‘‘related to launching’’; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: ‘‘PREVENTING LAUNCHES AND REENTRIES.—’’;

(ii) by inserting ‘‘or reentry’’ after ‘‘prevent the launch’’; and

(iii) by inserting ‘‘or reentry’’ after ‘‘decides the launch’’;

(6) in section 70105—

(A) by inserting ‘‘or a reentry site, or the reentry of a reentry vehicle,’’ after ‘‘operation of a launch site’’ in subsection (b)(1); and

(B) by striking ‘‘or operation’’ and inserting in lieu thereof ‘‘, operation, or reentry’’ in subsection (b)(2)(A);

(7) in section 70106(a)—

(A) by inserting ‘‘or reentry site’’ after ‘‘observer at a launch site’’;

(B) by inserting ‘‘or reentry vehicle’’ after ‘‘assemble a launch vehicle’’; and

(C) by inserting ‘‘or reentry vehicle’’ after ‘‘with a launch vehicle’’;

(8) in section 70108—

(A) by amending the section designation and heading to read as follows:

‘‘§ 70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries’’;

and

(B) in subsection (a)—

(i) by inserting ‘‘or reentry site, or reentry of a reentry vehicle,’’ after ‘‘operation of a launch site’’; and

(ii) by inserting ‘‘or reentry’’ after ‘‘launch or operation’’;

(9) in section 70109—

(A) by amending the section designation and heading to read as follows:

‘‘§ 70109. Preemption of scheduled launches or reentries’’;

(B) in subsection (a)—

(i) by inserting ‘‘or reentry’’ after ‘‘ensure that a launch’’;

(ii) by inserting ‘‘, reentry site,’’ after ‘‘United States Government launch site’’;

(iii) by inserting ‘‘or reentry date commitment’’ after ‘‘launch date commitment’’;

(iv) by inserting ‘‘or reentry’’ after ‘‘obtained for a launch’’;

(v) by inserting ‘‘, reentry site,’’ after ‘‘access to a launch site’’;

(vi) by inserting ‘‘, or services related to a reentry,’’ after ‘‘amount for launch services’’; and

(vii) by inserting ‘‘or reentry’’ after ‘‘the scheduled launch’’; and

(C) in subsection (c), by inserting ‘‘or reentry’’ after ‘‘prompt launching’’;

(10) in section 70110—

(A) by inserting ‘‘or reentry’’ after ‘‘prevent the launch’’ in subsection (a)(2); and

(B) by inserting ‘‘or reentry site, or reentry of a reentry vehicle,’’ after ‘‘operation of a launch site’’ in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting ‘‘or reentry’’ after ‘‘launch’’ in subsection (a)(1)(A);

(B) by inserting ‘‘and reentry services’’ after ‘‘launch services’’ in subsection (a)(1)(B);

(C) by inserting ‘‘or reentry services’’ after ‘‘or launch services’’ in subsection (a)(2);

(D) by inserting ‘‘or reentry’’ after ‘‘commercial launch’’ both places it appears in subsection (b)(1);

(E) by inserting ‘‘or reentry services’’ after ‘‘launch services’’ in subsection (b)(2)(C);

(F) by striking ‘‘or its payload for launch’’ in subsection (d) and inserting in lieu thereof ‘‘or reentry vehicle, or the payload of either, for launch or reentry’’; and

(G) by inserting ‘‘, reentry vehicle,’’ after ‘‘manufacturer of the launch vehicle’’ in subsection (d);

(12) in section 70112—

(A) by inserting ‘‘or reentry’’ after ‘‘one launch’’ in subsection (a)(3);

(B) by inserting ‘‘or reentry services’’ after ‘‘launch services’’ in subsection (a)(4);

(C) by inserting ‘‘or reentry services’’ after ‘‘launch services’’ each place it appears in subsection (b);

(D) by inserting ‘‘applicable’’ after ‘‘carried out under the’’ in paragraphs (1) and (2) of subsection (b);

(E) by striking ‘‘, Space, and Technology’’ in subsection (d)(1);

(F) by inserting ‘‘OR REENTRIES’’ after ‘‘LAUNCHES’’ in the heading for subsection (e); and

(G) by inserting ‘‘or reentry site or a reentry’’ after ‘‘launch site’’ in subsection (e);

(13) in section 70113(a)(1) and (d)(1) and (2), by inserting ‘‘or reentry’’ after ‘‘one launch’’ each place it appears;

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting ‘‘reentry site,’’ after ‘‘launch site,’’; and

(B) by inserting ‘‘or reentry vehicle’’ after ‘‘launch vehicle’’ both places it appears; and

(15) in section 70117—

(A) by inserting ‘‘or reentry site, or to reenter a reentry vehicle’’ after ‘‘operate a launch site’’ in subsection (a);

(B) by inserting ‘‘or reentry’’ after ‘‘approval of a space launch’’ in subsection (d);

(C) by amending subsection (f) to read as follows:

‘‘(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN 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, respectively, for purposes of a law controlling exports or imports.’’; and

(D) in subsection (g)—

(i) by striking ‘‘operation of a launch vehicle or launch site,’’ in paragraph (1) and inserting in lieu thereof ‘‘reentry, operation of a launch vehicle or reentry vehicle, or operation of a launch site or reentry site,’’; and

(ii) by inserting ‘‘reentry,’’ after ‘‘launch,’’ in paragraph (2).

(b) ADDITIONAL AMENDMENTS.—(1) Section 70105 of title 49, United States Code, is amended—

(A) by inserting ‘‘(1)’’ before ‘‘A person may apply’’ in subsection (a);

(B) by striking ‘‘receiving an application’’ both places it appears in subsection (a) and inserting in lieu thereof ‘‘accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)’’;

(C) by adding at the end of subsection (a) the following new paragraph:

‘‘(2) In carrying out paragraph (1), the Secretary may establish procedures for certification of the safety of a launch vehicle, reentry vehicle, or safety system, procedure, service, or personnel that may be used in conducting licensed commercial space launch or reentry activities.’’;

(D) by striking ‘‘and’’ at the end of subsection (b)(2)(B);

(E) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof ‘‘; and’’;

(F) by adding at the end of subsection (b)(2) the following new subparagraph:

‘‘(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application.’’; and

(G) by inserting ‘‘, or the requirement to obtain a license,’’ after ‘‘waive a requirement’’ in subsection (b)(3).

(2) The amendment made by paragraph (1)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by paragraph (1)(F) of this subsection.

(3) Section 70102(5) of title 49, United States Code, is amended—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B), as so redesignated by subparagraph (A) of this paragraph, the following new subparagraph:

''(A) activities directly related to the preparation of a launch site or payload facility for one or more launches;''.

(4) Section 70103(b) of title 49, United States Code, is amended—

(A) in the subsection heading, as amended by subsection (a)(4)(A) of this section, by inserting ''AND STATE SPONSORED SPACEPORTS'' after ''AND REENTRIES''; and

(B) in paragraph (1), by inserting ''and State sponsored spaceports'' after ''private sector''.

(5) Section 70105(a)(1) of title 49, United States Code, as amended by subsection (b)(1) of this section, is amended by inserting at the end the following: ''The Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 7 days after any occurrence when a license is not issued within the deadline established by this subsection.''.

(6) Section 70111 of title 49, United States Code, is amended—

(A) in subsection (a)(1), by inserting after subparagraph (B) the following:

''The Secretary shall establish criteria and procedures for determining the priority of competing requests from the private sector and State governments for property and services under this section.'';

(B) by striking ''actual costs'' in subsection (b)(1) and inserting in lieu thereof ''additive costs only''; and

(C) by inserting after subsection (b)(2) the following new paragraph:

''(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.''.

(7) Section 70112 of title 49, United States Code, is amended—

(A) in subsection (a)(1), by inserting ''launch, reentry, or site operator'' after ''(1) When a'';

(B) in subsection (b)(1), by inserting ''launch, reentry, or site operator'' after ''(1)A''; and

(C) in subsection (f), by inserting ''launch, reentry, or site operator'' after ''carried out under a''.

(c) REGULATIONS.—(1) Chapter 701 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 70120. Regulations

''The Secretary of Transportation, within 6 months after the date of the enactment of this section, shall issue regulations to carry out this chapter 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.''.

(2) The table of sections for such chapter 701 is amended by adding after the item relating to section 70119 the following new item:

''70120. Regulations.''.

(d) REPORT TO CONGRESS.—(1) Chapter 701 of title 49, United States Code, is further amended by adding at the end the following new section:

''§ 70121. 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.''.

(2) The table of sections for such chapter 701 is further amended by adding after the item relating to section 70120, as added by subsection (c)(2) of this section, the following new item:

''70121. Report to Congress.''.

SEC. 252. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

Before any funds may be obligated for Phase C of a project that is projected to cost more than $75,000,000 in total project costs, the Chief Financial Officer for the National Aeronautics and Space Administration shall conduct an independent cost analysis of such project and shall report the results to Congress. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

SEC. 253. OFFICE OF SPACE COMMERCE.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an Office of Space Commerce.

(b) FUNCTIONS.—The Office of Space Commerce shall be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department of Commerce. The Office's primary responsibilities shall include—

(1) promoting private sector investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting United States commercial providers in their efforts to do business with the United States Government, and acting as an industry advocate within the executive branch to ensure that the Federal Government meets its space-related requirement, to the fullest extent feasible, with commercially available space goods and services;

(3) ensuring that the United States Government does not compete with the private sector in the provision of space hardware and services otherwise available from the private sector;

(4) promoting the export of space-related goods and services;

(5) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce;

(6) seeking the removal of legal, policy, and institutional impediments to space commerce; and

(7) licensing private sector parties to operate private remote sensing space systems and supporting the private sector's role in the commercial development of Landsat remote sensing data distribution.

SEC. 254. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

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

(1) by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and

(2) in subsection (g), as so redesignated by paragraph (1) of this subsection, by striking ''(f), and (g)'' and inserting in lieu thereof ''and (f)''.

(b) REPORTS TO THE CONGRESS.—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 in lieu thereof ''May''; and

(2) by striking ''calendar'' and inserting in lieu thereof ''fiscal''.

(c) DISCLOSURE OF TECHNICAL DATA.—Section 303 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2454) is amended—

(1) in subsection (a)(C), by inserting ''or (c)'' after ''subsection (b)''; and

(2) by adding at the end the following new subsection:

''(c)(1) The Administrator, at his discretion or at the request of a private sector entity, shall delay for a period of at least one day, but not to exceed 5 years, the unrestricted public disclosure of technical data 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 funded jointly by the Administration and such private sector entity.

''(2) Within 1 year after the date of the enactment of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1997, the Administrator shall issue regulations to carry out this subsection. Paragraph (1) shall not take effect until such regulations are issued.

''(3) Regulations issued pursuant to paragraph (2) shall include—

''(A) guidelines for a determination of whether data is technical data within the meaning of this subsection;

''(B) provisions to ensure that technical data is available for dissemination within the United States to United States persons and entities in furtherance of the objective of maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base; and

''(C) a specification of the period or periods for which the delay in unrestricted public disclosure of technical data is to apply to various categories of such data, and the restrictions on disclosure of such data during such period or periods, including a requirement that the maximum 5-year protection under this subsection shall not be provided unless at least 50 percent of the funding for the activities or programs is provided by the private sector.

''(4) The Administrator shall annually report to the Congress all determinations made under paragraph (1).

''(5) 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. 255. PROCUREMENT.

(a) PROCUREMENT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish within the Office of Space Access and Technology a program of expedited technology procurement for the purpose of demonstrating how innovative technology concepts can rapidly be brought to bear upon

space missions of the National Aeronautics and Space Administration.

(2) PROCEDURES AND EVALUATION.—The Administrator shall establish procedures for actively seeking from persons outside the National Aeronautics and Space Administration innovative technology concepts, relating to the provision of space hardware, technology, or service to the National Aeronautics and Space Administration.

(3) REQUIREMENT.—At least 1 percent of amounts authorized to be appropriated under section 212(4) shall be used for innovative technology procurements that are determined under paragraph (2) of this subsection to meet mission requirements.

(4) SPECIAL AUTHORITY.—In order to carry out this subsection the Administrator shall recruit and hire for limited term appointments persons from outside the National Aeronautics and Space Administration with special expertise and experience related to the innovative technology concepts with respect to which procurements are made under this subsection.

(5) SUNSET.—This subsection shall cease to be effective 10 years after the date of its enactment.

(b) TECHNOLOGY PROCUREMENT INITIATIVE.—

(1) IN GENERAL.—The Administrator shall coordinate National Aeronautics and Space Administration resources in the areas of procurement, commercial programs, and advanced technology in order to—

(A) fairly assess and procure commercially available technology from the marketplace in the most efficient manner practicable;

(B) achieve a continuous pattern of integrating advanced technology from the commercial sector, and from Federal sources outside the National Aeronautics and Space Administration, into the missions and programs of the National Aeronautics and Space Administration;

(C) incorporate private sector buying and bidding procedures, including fixed price contracts, into procurements; and

(D) provide incentives for cost-plus contractors of the National Aeronautics and Space Administration to integrate commercially available technology in subsystem contracts on a fixed-price basis.

(2) CERTIFICATION.—Upon solicitation of any procurement for space hardware, technology, or services that are not commercially available, the Administrator shall certify, by publication of a notice and opportunity to comment in the Commerce Business Daily, for each such procurement action, that no functional equivalent, commercially, available space hardware, technology, or service exists and that no commercial method of procurement in available.

SEC. 256. ADDITIONAL NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FACILITIES.

The Administrator shall not construct or enter into a new lease for facilities to support National Aeronautics and Space Administration programs unless the Administrator notifies the Congress that the Administrator reviewed existing National Aeronautics and Space Administration and other federally owned facilities, including military facilities scheduled for closing or reduction, and found no such facilities appropriate for the intended use.

SEC. 257. PURCHASE OF SPACE SCIENCE DATA.

(a) IN GENERAL.—To the maximum extent possible, the National Aeronautics and Space Administration shall, where cost effective, purchase space science data from the United States private sector. Examples of such data include scientific data concerning the elemental and mineralogical resources of the moon and the planets, Earth environmental data obtained through remote sensing observations, and solar storm monitoring.

(b) COMPETITIVE BIDDING.—(1) Contracts for the purchase of space data under this section shall be awarded in a process of full, fair, and open competitive bidding.

(2) Submission of cost data, either for the purposes of supporting the bid or fulfilling the terms of the contract, shall not be required of bidders or awardees of the contract.

(3) Reasonable performance specifications, rather than design or construction specifications, shall be used to the maximum extent feasible to define requirements for United States private sector providers with respect to the design, construction, or operation of equipment used in obtaining space science data under contracts entered into under this section. This subsection shall not be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(4) Contracts under this section shall not provide for the Federal Government to obtain ownership of data not specifically sought by the Federal Government.

SEC. 258. PLAN FOR MISSION TO PLANET EARTH.

(a) REQUIREMENT.—The Administrator shall, within 6 months after the date of the enactment of this Act, transmit to the Congress a report containing a plan for Mission to Planet Earth.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an analysis of Earth observation systems of other countries and the ways in which the United States could benefit from such systems, including by eliminating duplication of effort;

(2) an analysis of how the Department of Defense's airborne and space sensor programs could be used in Mission to Planet Earth;

(3) a plan for infusing advanced technology into the Mission to Planet Earth program, including milestones and an identification of available resources;

(4) a plan to solicit proposals from the private sector on how to innovatively accomplish the most critical research on global climate change;

(5) an integrated plan for research in the Scientific Research and Mission to Planet Earth enterprises described in the National Aeronautics and Space Administration Strategic Plan issued in May, 1994;

(6) a plan for developing metrics and milestones to quantify the performance of work on Mission to Planet Earth; and

(7) a plan for the role, structure, and operation of the Earth Observing Satellite Data Information System.

SEC. 259. ACQUISITION OF EARTH REMOTE SENSING DATA.

(a) ACQUISITION.—To the maximum extent possible, the Administrator shall, where cost effective, acquire space-based and airborne Earth remote sensing data, services, distribution, and applications provided by the United States private sector to meet Government goals for Mission to Planet Earth.

(b) STUDY.—(1) The Administrator shall conduct a study to determine the extent to which the baseline scientific requirements of Mission to Planet Earth can be met by the private sector, and how the National Aeronautics and Space Administration will meet such requirements which cannot be met by the private sector.

(2) The study conducted under this subsection shall—

(A) make recommendations to promote the availability of information from the National Aeronautics and Space Administration to the private sector to enable the private sector to better meet the baseline scientific requirements of Mission to Planet Earth;

(B) determine and prioritize the appropriate baseline scientific requirements for Mission to Planet Earth, and reevaluate, scientifically justify, and prioritize the data sets necessary to fulfill those baseline scientific requirements;

(C) make recommendations to promote the dissemination to the private sector of information on advanced technology research and development performed by or for the National Aeronautics and Space Administration; and

(D) identify policy, regulatory, and legislative barriers to the implementation of the recommendations made under this subsection.

(3) The results of the study conducted under this subsection shall be transmitted to the Congress within 6 months after the date of the enactment of this Act.

(c) ADMINISTRATION.—This section shall be carried out as part of the Commercial Remote Sensing Program at the Stennis Space Center.

SEC. 260. SHUTTLE PRIVATIZATION.

(a) POLICY AND PREPARATION.—The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contracted operation, of space transportation systems to the Federal purchase of commercial space transportation services for all nonemergency launch requirements, including human, cargo, and mixed payloads. In those preparations, the Administrator shall take into account the need for short-term economies, as well as the goal of restoring the National Aeronautics and Space Administration's research focus and its mandate to promote the fullest possible commercial use of space. As part of those preparations, the Administrator shall plan for the potential privatization of the Space Shuttle program after the year 2012. Such plan shall keep safety and cost effectiveness as high priorities. Nothing in this section shall prohibit the National Aeronautics and Space Administration from studying, designing, developing, or funding upgrades or modifications essential to the safe and economical operation of the Space Shuttle fleet.

(b) SAFE OPERATION.—In reviewing proposals for moving to a single prime contractor the Administrator shall give priority to continued safe operation of space transportation systems.

(c) FEASIBILITY STUDY.—The Administrator shall conduct a study of the feasibility of implementing the recommendation of the Independent Shuttle Management Review Team that the National Aeronautics and Space Administration transition toward the privatization of the Space 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 Space Shuttle is privatized, including—

(1) whether the Federal Government or the Space Shuttle contractor should own the Space Shuttle orbiters and ground facilities;

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

(3) whether payloads other than National Aeronautics and Space Administration payloads should be allowed to be launched on the Space Shuttle, how missions will be prioritized, and who will decide which mission flies and when;

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

(5) whether National Aeronautics and Space Administration and other Federal Government payloads should have priority

over non-Federal payloads in the Space Shuttle launch assignments, and what policies should be developed to prioritize among payloads generally;

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

(7) how much cost savings, if any, will be generated by privatization of the Space Shuttle.

(d) REPORT TO CONGRESS.—Within 60 days after the date of the enactment of this Act, the National Aeronautics and Space Administration shall complete the study required under subsection (c) and shall submit a report on the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

SEC. 261. LAUNCH VOUCHER DEMONSTRATION PROGRAM AMENDMENTS.

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

(1) in subsection (a)—

(A) by striking ''the Office of Commercial Programs within''; and

(B) by striking ''Such program shall not be effective after September 30, 1995.'';

(2) by striking subsection (c); and

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

SEC. 262. PRIVATIZATION OF MICROGRAVITY PARABOLIC FLIGHT OPERATIONS.

(a) FINDING.—The Congress finds that no national security or mission critical justification exists for the National Aeronautics and Space Administration to maintain its own fleet of aircraft to provide a short duration microgravity environment via parabolic flight.

(b) PRIVATIZATION OF FLIGHT OPERATIONS.—(1) The Administrator shall privatize all parabolic flight aircraft operations conducted by or for the National Aeronautics and Space Administration in support of microgravity research, astronaut training, and other functions, whose total cost can be reduced through issuance of one or more long-term, renewable, block purchase contracts for the performance of such operations by United States commercial sector providers.

(2) Within 90 days after the date of the enactment of this Act, the Administrator shall issue a request for proposals to provide services which meet all or part of the microgravity flight needs of the National Aeronautics and Space Administration, as described in paragraph (1) at a net savings to the United States Government. The Administrator shall coordinate the process of review of such proposals, and shall oversee the transfer of such operations to the commercial sector as specified in paragraph (3).

(3) Within 6 months after the issuance of a request for proposals under paragraph (2), the Administrator shall, where cost effective, award one or more contracts for microgravity parabolic flight services to a microgravity flight provider that is certified by the Federal Aviation Administration. Except as provided in paragraph (4), the Administrator shall cease all National Aeronautics and Space Administration-operated parabolic aircraft flights, and shall thereafter procure all microgravity parabolic flight services from commercial sector providers. National Aeronautics and Space Administration experimenters, and National Aeronautics and Space Administration-funded experimenters, who would otherwise use National Aeronautics and Space Administration-owned or operated microgravity parabolic flight aircraft, shall be issued vouchers for the procurement of microgravity parabolic flight services from the commercial sector.

(4) The Administrator may, as necessary to ensure the continuity of National Aeronautics and Space Administration operations, continue to operate parabolic aircraft flights for up to 3 months after a contract is awarded under paragraph (3). If the Administrator continues operations pursuant to this paragraph, the Administrator shall concurrently transmit to the Congress an explanation of the reasons for such action.

(5) Six months after the National Aeronautics and Space Administration ceases all parabolic aircraft flights under paragraph (3), the Administrator shall transmit a report to Congress on the effectiveness of privatization under this section.

SEC. 263. UNITARY WIND TUNNEL PLAN ACT OF 1949 AMENDMENTS.

The Unitary Wind Tunnel Plan Act of 1949 is amended—

(1) in section 101 (50 U.S.C. 511) by striking ''transsonic and supersonic'' and inserting in lieu thereof ''transonic, supersonic, and hypersonic''; and

(2) in section 103 (50 U.S.C. 513)—

(A) by striking ''laboratories'' in subsection (a) and inserting in lieu thereof ''laboratories and centers'';

(B) by striking ''supersonic'' in subsection (a) and inserting in lieu thereof ''transonic, supersonic, and hypersonic''; and

(C) by striking ''laboratory'' in subsection (c) and inserting in lieu thereof ''facility''.

SEC. 264. USE OF ABANDONED AND UNDERUTILIZED BUILDINGS, GROUNDS, AND FACILITIES.

(a) IN GENERAL.—In meeting the needs of the National Aeronautics and Space Administration for additional facilities, the Administrator, whenever feasible, shall select abandoned and underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration facilities at a reasonable cost, as determined by the Administrator.

(b) DEFINITIONS.—For purposes of this section, the term ''depressed communities'' means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

SEC. 265. COST EFFECTIVENESS CALCULATIONS.

In calculating the cost effectiveness of the cost of the National Aeronautics and Space Administration engaging in an activity as compared to the private sector, the comparison shall be made based only on the price the private sector provider will charge for such activity.

SEC. 266. PROCUREMENT OMBUDSMAN.

(a) ESTABLISHMENT.—The Administrator shall establish the position of Procurement Ombudsman for the National Aeronautics and Space Administration.

(b) FUNCTIONS.—The Procurement Ombudsman shall—

(1) be responsible, in consultation with the Office of Procurement, for reviewing proposed new missions for the National Aeronautics and Space Administration to determine if such missions, or elements thereof, can be fulfilled by United States commercial providers; and

(2) serve as a point of contact for—

(A) persons with whom the National Aeronautics and Space Administration has entered into a procurement contract, with respect to concerns of those persons about that contract; and

(B) United States commercial providers, with respect to issues relating to competition between those providers and the Federal Government.

(c) REPORTS TO CONGRESS.—The Procurement Ombudsman shall annually, in conjunction with the President's annual budget request, transmit a report to Congress describing the activities of the Ombudsman during the previous year.

SEC. 267. AUTHORITY TO REDUCE OR SUSPEND CONTRACT PAYMENTS BASED ON SUBSTANTIAL EVIDENCE OF FRAUD.

Section 2307(h)(8) of title 10, United States Code, is amended by striking ''and (4)'' and inserting in lieu thereof ''(4), and (6)''.

Mr. WALKER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KINGSTON) having assumed the chair, Mr. BURTON of Indiana, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3322) to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3517, MILITARY CONSTRUCTION APPROPRIATIONS BILL, FISCAL YEAR 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–599) on the resolution (H. Res. 442) providing for consideration of the bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON H.R. 3540, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

Mr. CALLAHAN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–600) on the bill (H.R. 3540) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1462

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent to