

Union Calendar No. 272

104TH CONGRESS
2^D SESSION

H. R. 3322

[Report No. 104-550, Part I]

A BILL

To authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes.

MAY 6, 1996

The Committees on Resources, Transportation and Infrastructure and National Security discharged

MAY 6, 1996

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 1996

Mr. WALKER (for himself, Mr. SENSENBRENNER, Mrs. MORELLA, Mr. ROHRABACHER, and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on Science, and in addition to the Committee on Resources, Transportation and Infrastructure, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MAY 1, 1996

Reported from the Committee on Science

MAY 6, 1996

The Committees on Resources, Transportation and Infrastructure and National Security discharged

MAY 6, 1996

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A BILL

To authorize appropriations for fiscal year 1997 for civilian

science activities of the Federal Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Omnibus Civilian Science Authorization Act of 1996”.

6 (b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL SCIENCE FOUNDATION

Sec. 101. Short title.

Sec. 102. Definitions.

Subtitle A—National Science Foundation Authorization

Sec. 111. Authorization of appropriations.

Sec. 112. Proportional reduction of research and related activities amounts.

Sec. 113. Consultation and representation expenses.

Sec. 114. Reprogramming.

Subtitle B—General Provisions

Sec. 121. Annual report.

Sec. 122. National research facilities.

Sec. 123. Eligibility for research facility awards.

Sec. 124. Administrative amendments.

Sec. 125. Indirect costs.

Sec. 126. Financial disclosure.

Sec. 127. Educational leave of absence for active duty.

Sec. 128. Science Studies Institute.

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Sec. 130. Divisions of the Foundation.

Sec. 131. National Science and Engineering Foundation.

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Sec. 202. Findings.

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- Sec. 263. Unitary Wind Tunnel Plan Act of 1949 amendments.
- Sec. 264. Use of abandoned and underutilized buildings, grounds, and facilities.
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- Sec. 301. Short title.
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PROGRAM

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1 **TITLE I—NATIONAL SCIENCE**
2 **FOUNDATION**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “National Science
5 Foundation Authorization Act of 1996”.

6 **SEC. 102. DEFINITIONS.**

7 For purposes of this title—

8 (1) the term “Director” means the Director of
9 the Foundation;

10 (2) the term “Foundation” means the National
11 Science Foundation;

12 (3) the term “institution of higher education”
13 has the meaning given such term in section 1201(a)
14 of the Higher Education Act of 1965;

15 (4) the term “national research facility” means
16 a research facility funded by the Foundation which
17 is available, subject to appropriate policies allocating
18 access, for use by all scientists and engineers affili-

1 ated with research institutions located in the United
2 States; and

3 (5) the term “United States” means the several
4 States, the District of Columbia, the Commonwealth
5 of Puerto Rico, the Virgin Islands, Guam, American
6 Samoa, the Commonwealth of the Northern Mariana
7 Islands, and any other territory or possession of the
8 United States.

9 **Subtitle A—National Science**
10 **Foundation Authorization**

11 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) FINDINGS.—The Congress finds that—

13 (1) the programs of the Foundation are impor-
14 tant for the Nation to strengthen basic research and
15 develop human resources in science and engineering,
16 and that those programs should be funded at an
17 adequate level;

18 (2) the primary mission of the Foundation con-
19 tinues to be the support of basic scientific research
20 and science education and the support of research
21 fundamental to the engineering process and engi-
22 neering education; and

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

1 (b) FISCAL YEAR 1997.—There are authorized to be
2 appropriated to the Foundation \$3,250,500,000 for fiscal
3 year 1997, which shall be available for the following cat-
4 egories:

5 (1) Research and Related Activities,
6 \$2,340,300,000.

7 (2) Education and Human Resources Activities,
8 \$600,000,000.

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

10 (4) Academic Research Facilities Moderniza-
11 tion, \$100,000,000.

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

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

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

15 (c) LIMITATION.—Consistent with the amendment
16 made by section 130(a) of this Act, funds appropriated
17 under subsection (b)(1) of this section shall be available
18 to not more than 6 scientific directorates. No funds appro-
19 priated under subsection (b)(1) may be obligated or ex-
20 pended by, for, or through a scientific directorate if funds
21 appropriated under subsection (b)(1) have been obligated
22 or expended for 6 other scientific directorates.

1 **SEC. 112. PROPORTIONAL REDUCTION OF RESEARCH AND**
2 **RELATED ACTIVITIES AMOUNTS.**

3 If the amount appropriated pursuant to section
4 111(b)(1) is less than the amount authorized under that
5 paragraph, the amount available for each scientific direc-
6 torate under that paragraph shall be reduced by the same
7 proportion.

8 **SEC. 113. CONSULTATION AND REPRESENTATION EX-**
9 **PENSES.**

10 From appropriations made under authorizations pro-
11 vided in this title, not more than \$10,000 may be used
12 in each fiscal year for official consultation, representation,
13 or other extraordinary expenses at the discretion of the
14 Director. The determination of the Director shall be final
15 and conclusive upon the accounting officers of the Govern-
16 ment.

17 **SEC. 114. REPROGRAMMING.**

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

23 (b) GREATER THAN \$500,000.—In addition, the Di-
24 rector may propose transfers to or from any subcategory
25 exceeding \$500,000. An explanation of any proposed
26 transfer under this subsection must be transmitted in

1 writing to the Committee on Science of the House of Rep-
2 resentatives, and the Committees on Labor and Human
3 Resources and Commerce, Science, and Transportation of
4 the Senate. The proposed transfer may be made only when
5 30 calendar days have passed after transmission of such
6 written explanation.

7 **Subtitle B—General Provisions**

8 **SEC. 121. ANNUAL REPORT.**

9 Section 3(f) of the National Science Foundation Act
10 of 1950 (42 U.S.C. 1862(f)) is amended to read as fol-
11 lows:

12 “(f) The Foundation shall provide an annual report
13 to the President which shall be submitted by the Director
14 to the Congress at the time of the President’s annual
15 budget submission. The report shall—

16 “(1) contain a strategic plan, or an update to
17 a previous strategic plan, which—

18 “(A) defines for a three-year period the
19 overall goals for the Foundation and specific
20 goals for each major activity of the Foundation,
21 including each scientific directorate, the edu-
22 cation directorate, and the polar programs of-
23 fice; and

1 “(B) describe how the identified goals re-
2 late to national needs and will exploit new op-
3 portunities in science and technology;

4 “(2) identify the criteria and describe the proce-
5 dures which the Foundation will use to assess
6 progress toward achieving the goals identified in ac-
7 cordance with paragraph (1);

8 “(3) review the activities of the Foundation
9 during the preceding year which have contributed to-
10 ward achievement of goals identified in accordance
11 with paragraph (1) and summarize planned activities
12 for the coming three years in the context of the
13 identified goals, with particular emphasis on the
14 Foundation’s planned contributions to major multi-
15 agency research and education initiatives;

16 “(4) contain such recommendations as the
17 Foundation considers appropriate; and

18 “(5) include information on the acquisition and
19 disposition by the Foundation of any patents and
20 patent rights.”.

21 **SEC. 122. NATIONAL RESEARCH FACILITIES.**

22 (a) **FACILITIES PLAN.**—The Director shall provide to
23 Congress annually, as a part of the report required under
24 section 3(f) of the National Science Foundation Act of
25 1950, a plan for the proposed construction of, and repair

1 and upgrades to, national research facilities. The plan
2 shall include estimates of the cost for such construction,
3 repairs, and upgrades, and estimates of the cost for the
4 operation and maintenance of existing and proposed new
5 facilities. For proposed new construction and for major
6 upgrades to existing facilities, the plan shall include fund-
7 ing profiles by fiscal year and milestones for major phases
8 of the construction. The plan shall include cost estimates
9 in the categories of construction, repair, and upgrades for
10 the year in which the plan is submitted to Congress and
11 for not fewer than the succeeding 4 years.

12 (b) LIMITATION ON OBLIGATION OF UNAUTHORIZED
13 APPROPRIATIONS.—No funds appropriated for any project
14 which involves construction of new national research facili-
15 ties or construction necessary for upgrading the capabili-
16 ties of existing national research facilities shall be obli-
17 gated unless the funds are specifically authorized for such
18 purpose by this title or any other Act which is not an ap-
19 propriations Act, or unless the total estimated cost to the
20 Foundation of the construction project is less than
21 \$50,000,000. This subsection shall not apply to construc-
22 tion projects approved by the National Science Board
23 prior to June 30, 1995.

1 **SEC. 123. ELIGIBILITY FOR RESEARCH FACILITY AWARDS.**

2 Section 203(b) of the Academic Research Facilities
3 Modernization Act of 1988 is amended by striking the
4 final sentence of paragraph (3) and inserting in lieu there-
5 of the following: “The Director shall give priority to insti-
6 tutions or consortia that have not received such funds in
7 the preceding 5 years, except that this sentence shall not
8 apply to previous funding received for the same multiyear
9 project.”.

10 **SEC. 124. ADMINISTRATIVE AMENDMENTS.**

11 (a) NATIONAL SCIENCE FOUNDATION ACT OF 1950
12 AMENDMENTS.—The National Science Foundation Act of
13 1950 (42 U.S.C. 1861 et seq.) is amended—

14 (1) by redesignating the subsection (k) of sec-
15 tion 4 (42 U.S.C. 1863(k)) that was added by sec-
16 tion 108 of the National Science Foundation Au-
17 thorization Act of 1988 as subsection (l);

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

20 “(2) Any delegation of authority or imposition of con-
21 ditions under paragraph (1) shall be promptly published
22 in the Federal Register and reported to the Committees
23 on Labor and Human Resources and Commerce, Science,
24 and Transportation of the Senate and the Committee on
25 Science of the House of Representatives.”;

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

5 (4) by striking section 14(j) (42 U.S.C.
6 1873(j)); and

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

10 (b) NATIONAL SCIENCE FOUNDATION AUTHORIZA-
11 TION ACT, 1976 AMENDMENTS.—Section 6(a) of the Na-
12 tional Science Foundation Authorization Act, 1976 (42
13 U.S.C. 1881a(a)) is amended by striking “social,” the
14 first place it appears.

15 (c) NATIONAL SCIENCE FOUNDATION AUTHORIZA-
16 TION ACT OF 1988 AMENDMENTS.—(1) Section
17 117(a)(1)(B)(v) of the National Science Foundation Au-
18 thorization Act of 1988 (42 U.S.C. 1881b(1)(B)(v)) is
19 amended to read as follows:

20 “(v) from schools established outside the several
21 States and the District of Columbia by any agency
22 of the Federal Government for dependents of its em-
23 ployees.”.

24 (2) Section 117(a)(3)(A) of such Act (42 U.S.C.
25 1881b(3)(A)) is amended by striking “Science and Engi-

1 neering Education” and inserting in lieu thereof “Edu-
2 cation and Human Resources”.

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

6 (e) TECHNICAL AMENDMENT.—The second sub-
7 section (g) of section 3 of the National Science Foundation
8 Act of 1950 is repealed.

9 **SEC. 125. INDIRECT COSTS.**

10 (a) MATCHING FUNDS.—Matching funds required
11 pursuant to section 204(a)(2)(C) of the Academic Re-
12 search Facilities Modernization Act of 1988 (42 U.S.C.
13 1862c(a)(2)(C)) shall not be considered facilities costs for
14 purposes of determining indirect cost rates.

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

19 (1) reduce by 10 percent the proportion of Fed-
20 eral assistance to institutions of higher education
21 that are allocated for indirect costs; and

22 (2) reduce the variance among indirect cost
23 rates of different institutions of higher education, in-
24 cluding an evaluation of the relative benefits and
25 burdens of each option on institutions of higher edu-

1 cation. Such report shall be transmitted to the Con-
2 gress no later than December 31, 1996.

3 **SEC. 126. FINANCIAL DISCLOSURE.**

4 Persons temporarily employed by or at the Founda-
5 tion shall be subject to the same financial disclosure re-
6 quirements and related sanctions under the Ethics in Gov-
7 ernment Act of 1978 as are permanent employees of the
8 Foundation in equivalent positions.

9 **SEC. 127. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE**
10 **DUTY.**

11 In order to be eligible to receive funds from the Foun-
12 dation after September 30, 1996, an institution of higher
13 education must provide that whenever any student of the
14 institution who is a member of the National Guard, or
15 other reserve component of the Armed Forces of the Unit-
16 ed States, is called or ordered to active duty, other than
17 active duty for training, the institution shall grant the
18 member a military leave of absence from their education.
19 Persons on military leave of absence from their institution
20 shall be entitled, upon release from military duty, to be
21 restored to the educational status they had attained prior
22 to their being ordered to military duty without loss of aca-
23 demic credits earned, scholarships or grants awarded, or
24 tuition and other fees paid prior to the commencement of
25 the military duty. It shall be the duty of the institution

1 to refund tuition or fees paid or to credit the tuition and
2 fees to the next semester or term after the termination
3 of the educational military leave of absence at the option
4 of the student.

5 **SEC. 128. SCIENCE STUDIES INSTITUTE.**

6 (a) AMENDMENT.—Section 822 of the National De-
7 fense Authorization Act for Fiscal 1991 (42 U.S.C. 6686)
8 is amended—

9 (1) by striking “Critical Technologies Institute”
10 in the section heading and in subsection (a), and in-
11 serting in lieu thereof “Science Studies Institute”;

12 (2) in subsection (b) by striking “As deter-
13 mined by the chairman of the committee referred to
14 in subsection (c), the” and inserting in lieu thereof
15 “The”;

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

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

21 (A) by inserting “science and” after “de-
22 velopments and trends in” in paragraph (1);

23 (B) by striking “with particular emphasis”
24 in paragraph (1) and all that follows through
25 the end of such paragraph and inserting in lieu

1 thereof “and developing and maintaining rel-
2 evant informational and analytical tools.”;

3 (C) by striking “to determine” and all that
4 follows through “technology policies” in para-
5 graph (2) and inserting in lieu thereof “with
6 particular attention to the scope and content of
7 the Federal science and technology research
8 and develop portfolio as it affects interagency
9 and national issues”;

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

12 “(3) Initiation of studies and analysis of alter-
13 natives available for ensuring the long-term strength
14 of the United States in the development and applica-
15 tion of science and technology, including appropriate
16 roles for the Federal Government, State govern-
17 ments, private industry, and institutions of higher
18 education in the development and application of
19 science and technology.”;

20 (E) by inserting “science and” after “Ex-
21 ecutive branch on” in paragraph (4)(A); and

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

1 “(B) to the interagency committees and
2 panels of the Federal Government concerned
3 with science and technology.”;

4 (5) in subsection (d), as so redesignated by
5 paragraph (3) of this subsection, by striking “sub-
6 section (d)” and inserting in lieu thereof “subsection
7 (c)”;

8 (6) by amending subsection (f), as so redesign-
9 ated by paragraph (3) of this subsection, to read
10 as follows:

11 “(f) SPONSORSHIP.—The Director of the Office of
12 Science and Technology Policy shall be the sponsor of the
13 Institute.”.

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

18 **SEC. 129. EDUCATIONAL IMPACT.**

19 (a) FINDINGS.—The Congress finds that—

20 (1) Federal research funds made available to
21 institutions of higher education often create incen-
22 tives for such institutions to emphasize research over
23 undergraduate teaching and to narrow the focus of
24 their graduate programs; and

1 (2) National Science Foundation funds for Re-
2 search and Related Activities should be spent in the
3 manner most likely to improve the quality of under-
4 graduate and graduate education in institutions of
5 higher education.

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

12 (2) Paragraph (1) shall be effective with respect to
13 any grant or cooperative agreement awarded after Sep-
14 tember 30, 1997.

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

21 **SEC. 130. DIVISIONS OF THE FOUNDATION.**

22 (a) AMENDMENT.—Section 8 of the National Science
23 Foundation Act of 1950 (42 U.S.C. 1866) is amended by
24 inserting “The Director may appoint, in consultation with
25 the Board, not more than 6 Assistant Directors to assist

1 in managing the Divisions.” after “time to time deter-
2 mine.”.

3 (b) REPORT.—By November 15, 1996, the Director
4 shall transmit to the Congress a report on the reorganiza-
5 tion of the National Science Foundation required as a re-
6 sult of the amendment made by subsection (a).

7 **SEC. 131. NATIONAL SCIENCE AND ENGINEERING FOUNDA-**
8 **TION.**

9 The National Science Foundation and the National
10 Science Board are hereby renamed as the National Science
11 and Engineering Foundation and the National Science
12 and Engineering Board, respectively, and all references
13 thereto in Federal law or regulation shall be deemed to
14 refer to the National Science and Engineering Foundation
15 or the National Science and Engineering Board, as appro-
16 priate.

17 **TITLE II—NATIONAL AERO-**
18 **NAUTICS AND SPACE ADMIN-**
19 **ISTRATION**
20 **Subtitle A—General Provisions**

21 **SEC. 201. SHORT TITLE.**

22 This title may be cited as the “National Aeronautics
23 and Space Administration Authorization Act, Fiscal Year
24 1997”.

1 **SEC. 202. FINDINGS.**

2 The Congress makes the following findings:

3 (1) The National Aeronautics and Space Ad-
4 ministration should aggressively pursue actions and
5 reforms directed at reducing institutional costs, in-
6 cluding management restructuring, facility consoli-
7 dation, procurement reform, personnel base
8 downsizing, and convergence with other defense and
9 commercial sector systems.

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

19 (3) The National Aeronautics and Space Ad-
20 ministration must reverse its current trend toward
21 becoming an operational agency, and return to its
22 proud history as the Nation's leader in basic sci-
23 entific air and space research.

24 (4) Commercial space activity is in a delicate
25 state of growth. It has the potential to eclipse Fed-

1 eral space activity in its economic return to the Na-
2 tion, if it is not stifled.

3 (5) The United States is on the verge of creat-
4 ing and using new technologies in microsattellites, in-
5 formation processing, and space launches that could
6 radically alter the manner in which the Government
7 approaches its space mission.

8 (6) The overwhelming preponderance of the
9 Federal Government's requirements for routine, non-
10 emergency manned and unmanned space transpor-
11 tation can be met most effectively, efficiently, and
12 economically by a free and competitive market in
13 privately developed and operated launch services.

14 (7) In formulating a national space transpor-
15 tation service policy, the National Aeronautics and
16 Space Administration should aggressively promote
17 the pursuit by the commercial sector of development
18 of advanced space transportation technologies in-
19 cluding reusable space vehicles, single-stage-to-orbit
20 vehicles, and human space systems.

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

1 (9) International cooperation in space explo-
2 ration and science activities serves the United States
3 national interest—

4 (A) when it—

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

8 (ii) enables the United States to pur-
9 sue missions that it could not otherwise af-
10 ford to pursue unilaterally; or

11 (iii) enhances United States capabili-
12 ties to use and develop space for the bene-
13 fit of United States citizens; and

14 (B) when it does not—

15 (i) otherwise harm or interfere with
16 the ability of United States private sector
17 firms to develop or explore space commer-
18 cially;

19 (ii) interfere with the ability of Fed-
20 eral agencies to use space to complete their
21 missions;

22 (iii) undermine the ability of United
23 States private enterprise to compete favor-
24 ably with foreign entities in the commercial
25 space arena; or

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

9 (10) The National Aeronautics and Space Ad-
10 ministration and the Department of Defense can co-
11 operate more effectively in leveraging their mutual
12 capabilities to conduct joint space missions that im-
13 prove United States space capabilities and reduce
14 the cost of conducting space missions.

15 (11) The Reusable Launch Vehicle program,
16 and the acquisition by the Federal Government of
17 the vehicle resulting from that program, are nec-
18 essary for the protection of essential security inter-
19 ests for purposes of interpreting the obligations of
20 the United States under the General Agreement on
21 Tariffs and Trade.

22 **SEC. 203. DEFINITIONS.**

23 For purposes of this title—

1 (1) the term “Administrator” means the Ad-
2 ministrator of the National Aeronautics and Space
3 Administration;

4 (2) the term “cost threat” means a potential
5 change to the program baseline documented as a po-
6 tential cost by the Space Station Program Office;
7 and

8 (3) the term “institution of higher education”
9 has the meaning given such term in section 1201(a)
10 of the Higher Education Act of 1965 (20 U.S.C.
11 1141(a)).

12 **Subtitle B—Authorization of** 13 **Appropriations**

14 **CHAPTER 1—AUTHORIZATIONS**

15 **SEC. 211. HUMAN SPACE FLIGHT.**

16 There are authorized to be appropriated to the Na-
17 tional Aeronautics and Space Administration for fiscal
18 year 1997 for Human Space Flight the following amounts:

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

20 (2) For Space Shuttle Operations,
21 \$2,514,900,000.

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

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

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

5 (C) rehabilitation of 480V Electrical Dis-
6 tribution System, Kennedy Space Center, Ex-
7 ternal Tank Manufacturing Building (MAF),
8 \$2,500,000; and

9 (D) restoration of High Pressure Indus-
10 trial Water Plant, Stennis Space Center,
11 \$2,500,000.

12 (4) For Payload and Utilization Operations,
13 \$271,800,000.

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

15 **SEC. 212. SCIENCE, AERONAUTICS, AND TECHNOLOGY.**

16 There are authorized to be appropriated to the Na-
17 tional Aeronautics and Space Administration for fiscal
18 year 1997 for Science, Aeronautics, and Technology the
19 following amounts:

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

21 (2) For Life and Microgravity Sciences and Ap-
22 plications, \$498,500,000, of which at least
23 \$2,000,000 is reserved for research and early detec-
24 tion systems for breast and ovarian cancer and other
25 women's health issues.

1 (3) For Mission to Planet Earth,
2 \$1,028,400,000, of which \$50,000,000 shall be for
3 commercial data purchases under section 259(a).
4 Funds authorized by this paragraph may not be ob-
5 ligated to duplicate private sector or other Federal
6 activities or to procure systems to provide data un-
7 less the Administrator certifies to Congress that no
8 private sector entity, or Federal entity other than
9 the National Aeronautics and Space Administration,
10 can provide suitable data in a timely manner.

11 (4) For Space Access and Technology,
12 \$711,000,000 of which—

13 (A) \$324,700,000 are authorized for Ad-
14 vanced Space Transportation; and

15 (B) \$10,000,000 shall be for continuing
16 the Launch Voucher Demonstration Program
17 authorized under section 504 of the National
18 Aeronautics and Space Administration Author-
19 ization Act, Fiscal Year 1993 (15 U.S.C.
20 5803).

21 (5) For Aeronautical Research and Technology,
22 \$823,400,000, of which—

23 (A) \$354,400,000 are authorized for Re-
24 search and Technology Base activities;

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

3 (C) \$152,800,000 are authorized for Ad-
4 vanced Subsonic Technology;

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

8 (E) \$38,600,000 are authorized for Nu-
9 merical Aerodynamic Simulation.

10 (6) For Mission Communication Services,
11 \$410,600,000.

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

13 **SEC. 213. MISSION SUPPORT.**

14 There are authorized to be appropriated to the Na-
15 tional Aeronautics and Space Administration for fiscal
16 year 1997 for Mission Support the following amounts:

17 (1) For Safety, Reliability, and Quality Assur-
18 ance, \$36,700,000.

19 (2) For Space Communication Services,
20 \$281,250,000.

21 (3) For Construction of Facilities, including
22 land acquisition, \$105,000,000, including the follow-
23 ing:

1 (A) Modernization of Electrical Distribu-
2 tion System, Ames Research Center,
3 \$2,400,000.

4 (B) Modification of Aircraft Ramp and
5 Tow Way, Dryden Flight Research Center,
6 \$3,000,000.

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

9 (D) Modernization of Secondary Electrical
10 Systems, Goddard Space Flight Center,
11 \$1,500,000.

12 (E) Restoration of Chilled Water Distribu-
13 tion System, Goddard Space Flight Center,
14 \$4,000,000.

15 (F) Modification of Refrigeration Systems,
16 Various Buildings, Jet Propulsion Laboratory,
17 \$2,800,000.

18 (G) Rehabilitation of Utility Tunnel Struc-
19 ture and Systems, Johnson Space Center,
20 \$4,400,000.

21 (H) Replacement of DX Units with
22 Central Chilled Water System, Logistics Facil-
23 ity, Kennedy Space Center, \$1,800,000.

1 (I) Rehabilitation of Central Air Equip-
2 ment Building, Lewis Research Center,
3 \$6,500,000.

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

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

8 (L) Rehabilitation of Electrical Distribu-
9 tion System, White Sands Test Facility,
10 \$2,600,000.

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

14 (N) Minor construction of new facilities
15 and additions to existing facilities at various lo-
16 cations, not in excess of \$1,500,000 per project,
17 \$3,400,000.

18 (O) Facility planning and design, not oth-
19 erwise provided for, \$6,700,000.

20 (P) Environmental compliance and restora-
21 tion, \$33,000,000.

22 (4) For Research and Program Management,
23 including personnel and related costs, travel, and re-
24 search operations support, \$1,957,850,000.

1 **SEC. 214. INSPECTOR GENERAL.**

2 There are authorized to be appropriated to the Na-
3 tional Aeronautics and Space Administration for Inspector
4 General, \$17,000,000 for fiscal year 1997.

5 **SEC. 215. TOTAL AUTHORIZATION.**

6 Notwithstanding any other provision of this subtitle,
7 the total amount authorized to be appropriated to the Na-
8 tional Aeronautics and Space Administration under this
9 title shall not exceed \$13,495,500,000 for fiscal year
10 1997.

11 **SEC. 216. OFFICE OF COMMERCIAL SPACE TRANSPOR-**
12 **TATION AUTHORIZATION.**

13 There are authorized to be appropriated to the Sec-
14 retary of Transportation for the activities of the Office
15 of Commercial Space Transportation, \$5,770,000 for fis-
16 cal year 1997.

17 **SEC. 217. OFFICE OF SPACE COMMERCE.**

18 There are authorized to be appropriated to the Sec-
19 retary of Commerce for the activities of the Office of
20 Space Commerce established by section 253 of this Act,
21 \$500,000 for fiscal year 1997.

22 **CHAPTER 2—RESTRUCTURING THE NA-**
23 **TIONAL AERONAUTICS AND SPACE AD-**
24 **MINISTRATION**

25 **SEC. 221. FINDINGS.**

26 The Congress finds that—

1 (1) the restructuring of the National Aero-
2 nautics and Space Administration is essential to ac-
3 complishing the space missions of the United States
4 while simultaneously balancing the Federal budget;

5 (2) to restructure the National Aeronautics and
6 Space Administration rapidly without reducing mis-
7 sion content and safety requires objective financial
8 judgment; and

9 (3) a formal economic review of its missions
10 and the Federal assets that support them is required
11 in order to plan and implement needed restructuring
12 of the National Aeronautics and Space Administra-
13 tion.

14 **SEC. 222. RESTRUCTURING REPORTS.**

15 (a) IMPLEMENTATION REPORT.—The Administrator
16 shall transmit to Congress, no later than July 31, 1996,
17 a report on its restructuring activities by fiscal year con-
18 taining, at a minimum, a description of all actions taken
19 or planned to be taken after July 31, 1995, and before
20 October 1, 2002, including contracts terminated or con-
21 solidated; reductions in force; relocations of personnel and
22 facilities; sales, closures, or mothballing of capital assets
23 or facilities; and net savings to be realized from such ac-
24 tions by fiscal year.

1 (b) PROPOSED LEGISLATION.—The President shall
2 propose to Congress, not later than September 30, 1996,
3 all enabling legislation required to carry out actions de-
4 scribed by the Administrator’s report under subsection
5 (a).

6 **CHAPTER 3—LIMITATIONS AND SPECIAL**
7 **AUTHORITY**

8 **SEC. 231. USE OF FUNDS FOR CONSTRUCTION.**

9 (a) AUTHORIZED USES.—Funds appropriated under
10 sections 211(1) through (5), 212, and 213(1) and (2), and
11 funds appropriated for research operations support under
12 section 213(4), may be used for the construction of new
13 facilities and additions to, repair of, rehabilitation of, or
14 modification of existing facilities at any location in support
15 of the purposes for which such funds are authorized.

16 (b) LIMITATION.—None of the funds pursuant to
17 subsection (a) may be expended for a project, the esti-
18 mated cost of which to the National Aeronautics and
19 Space Administration, including collateral equipment, ex-
20 ceeds \$500,000, until 30 days have passed after the Ad-
21 ministrator has notified the Committee on Science of the
22 House of Representatives and the Committee on Com-
23 merce, Science, and Transportation of the Senate of the
24 nature, location, and estimated cost to the National Aero-
25 nautics and Space Administration of such project.

1 (c) TITLE TO FACILITIES.—If funds are used pursu-
2 ant to subsection (a) for grants to institutions of higher
3 education, or to nonprofit organizations whose primary
4 purpose is the conduct of scientific research, for purchase
5 or construction of additional research facilities, title to
6 such facilities shall be vested in the United States unless
7 the Administrator determines that the national program
8 of aeronautical and space activities will best be served by
9 vesting title in the grantee institution or organization.
10 Each such grant shall be made under such conditions as
11 the Administrator shall determine to be required to ensure
12 that the United States will receive therefrom benefits ade-
13 quate to justify the making of that grant.

14 **SEC. 232. AVAILABILITY OF APPROPRIATED AMOUNTS.**

15 To the extent provided in appropriations Acts, appro-
16 priations authorized under chapter 1 may remain available
17 without fiscal year limitation.

18 **SEC. 233. REPROGRAMMING FOR CONSTRUCTION OF FA-**
19 **CILITIES.**

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

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

24 (2) may be varied upward by 25 percent, to
25 meet unusual cost variations, after the expiration of

1 15 days following a report on the circumstances of
2 such action by the Administrator to the Committee
3 on Science of the House of Representatives and the
4 Committee on Commerce, Science, and Transpor-
5 tation of the Senate.

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

10 (b) SPECIAL RULE.—Where the Administrator deter-
11 mines that new developments in the national program of
12 aeronautical and space activities have occurred; and that
13 such developments require the use of additional funds for
14 the purposes of construction, expansion, or modification
15 of facilities at any location; and that deferral of such ac-
16 tion until the enactment of the next National Aeronautics
17 and Space Administration Authorization Act would be in-
18 consistent with the interest of the Nation in aeronautical
19 and space activities, the Administrator may use up to
20 \$10,000,000 of the amounts authorized under section
21 211(6) or 213(3) for each fiscal year for such purposes.
22 No such funds may be obligated until a period of 30 days
23 has passed after the Administrator has transmitted to the
24 Committee on Commerce, Science, and Transportation of
25 the Senate and the Committee on Science of the House

1 of Representatives a written report describing the nature
2 of the construction, its costs, and the reasons therefor.

3 **SEC. 234. CONSIDERATION BY COMMITTEES.**

4 Notwithstanding any other provision of law—

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

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

16 (3) no amount appropriated to the National
17 Aeronautics and Space Administration may be used
18 for any program which has not been presented to
19 the Congress in the President's annual budget re-
20 quest or the supporting and ancillary documents
21 thereto,

22 unless a period of 30 days has passed after the receipt
23 by the Committee on Science of the House of Representa-
24 tives and the Committee on Commerce, Science, and
25 Transportation of the Senate of notice given by the Ad-

1 administrator containing a full and complete statement of
2 the action proposed to be taken and the facts and cir-
3 cumstances relied upon in support of such proposed ac-
4 tion. The National Aeronautics and Space Administration
5 shall keep the Committee on Science of the House of Rep-
6 resentatives and the Committee on Commerce, Science,
7 and Transportation of the Senate fully and currently in-
8 formed with respect to all activities and responsibilities
9 within the jurisdiction of those committees. Except as oth-
10 erwise provided by law, any Federal department, agency,
11 or independent establishment shall furnish any informa-
12 tion requested by either committee relating to any such
13 activity or responsibility.

14 **SEC. 235. LIMITATION ON OBLIGATION OF UNAUTHORIZED**
15 **APPROPRIATIONS.**

16 (a) REPORTS TO CONGRESS.—Not later than 30 days
17 after the later of the date of enactment of an Act making
18 appropriations to the National Aeronautics and Space Ad-
19 ministration for fiscal year 1997 and the date of enact-
20 ment of this Act, the Administrator shall submit a report
21 to Congress and to the Comptroller General which speci-
22 fies—

23 (1) the portion of such appropriations which are
24 for programs, projects, or activities not authorized
25 under chapter 1 of this subtitle, or which are in ex-

1 or extraordinary expenses, upon the authority of the Ad-
2 ministrator.

3 **Subtitle C—International Space**
4 **Station**

5 **SEC. 241. FINDINGS.**

6 The Congress finds that—

7 (1) the development, assembly, and operation of
8 the International Space Station is in the national in-
9 terest of the United States;

10 (2) the National Aeronautics and Space Admin-
11 istration has restructured and redesigned the Inter-
12 national Space Station, consolidated contract re-
13 sponsibility, and achieved program management,
14 control, and stability;

15 (3) the significant involvement by private ven-
16 tures in marketing and using, competitively servic-
17 ing, and commercially augmenting the operational
18 capabilities of the International Space Station dur-
19 ing its assembly and operational phases will lower
20 costs and increase benefits to the international part-
21 ners;

22 (4) further rescoping or redesigns of the Inter-
23 national Space Station will lead to costly delays, in-
24 crease costs to its international partners, discourage
25 commercial involvement, and weaken the inter-

1 national space partnership necessary for future
2 space projects;

3 (5) total program costs for development, assem-
4 bly, and initial operations have been identified and
5 capped to ensure financial discipline and maintain
6 program schedule milestones;

7 (6) in order to contain costs, mission planning
8 and engineering functions of the National Space
9 Transportation System (Space Shuttle) program
10 should be coordinated with the Space Station Pro-
11 gram Office;

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

16 (8) the International Space Station should be
17 an inspiration to society, particularly our young peo-
18 ple, and should provide new and expanded opportu-
19 nities to meet important educational goals; and

20 (9) when completed, the International Space
21 Station will be the largest, most capable micro-
22 gravity research facility ever developed. It will pro-
23 vide a lasting framework for conducting large-scale
24 science programs with international partners and it
25 is the next step in the human exploration of space.

1 The United States should commit to completing this
2 program, thereby reaping the benefits of scientific
3 research and international cooperation.

4 **SEC. 242. COMMERCIALIZATION OF SPACE STATION.**

5 (a) **POLICY.**—The Congress declares that a priority
6 goal of constructing the International Space Station is the
7 economic development of Earth orbital space. The Con-
8 gress further declares that the use of free market prin-
9 ciples in operating, allocating the use of, and adding capa-
10 bilities to the Space Station, and the resulting fullest pos-
11 sible engagement of commercial providers and participa-
12 tion of commercial users, will reduce Space Station oper-
13 ational costs for all partners and the Federal Govern-
14 ment’s share of the United States burden to fund oper-
15 ations.

16 (b) **REPORT.**—The Administrator shall deliver to the
17 Congress, within 60 days after the date of the enactment
18 of this Act, a market study that examines the role of com-
19 mercial ventures which could supply, use, service, or aug-
20 ment the International Space Station, the specific policies
21 and initiatives the Administrator is advancing to encour-
22 age these commercial opportunities, the cost savings to be
23 realized by the international partnership from applying
24 commercial approaches to cost-shared operations, and the

1 cost reimbursements to the United States Federal Govern-
2 ment from commercial users of the Space Station.

3 **SEC. 243. SENSE OF CONGRESS.**

4 It is the sense of Congress that the “cost incentive
5 fee” single prime contract negotiated by the National Aer-
6 onautics and Space Administration for the International
7 Space Station, and the consolidation of programmatic and
8 financial accountability into a single Space Station Pro-
9 gram Office, are two examples of reforms for the reinven-
10 tion of all National Aeronautics and Space Administration
11 programs that should be applied as widely and as quickly
12 as possible throughout the Nation’s civil space program.

13 **SEC. 244. SPACE STATION ACCOUNTING REPORT.**

14 (a) ANNUAL REPORT TO THE CONGRESS.—The Ad-
15 ministrator shall transmit a report to the Congress each
16 year containing a complete accounting of all costs of the
17 space station, including cash and other payments to Rus-
18 sia.

19 (b) QUARTERLY REPORTS FROM RUSSIA.—The Ad-
20 ministrator shall obtain quarterly reports from the Rus-
21 sian Space Agency during the term of the contract be-
22 tween the Russian Space Agency and the National Aero-
23 nautics and Space Administration which fully account for
24 the disposition of funds paid or transferred by the Na-

1 tional Aeronautics and Space Administration to Russia,
2 including—

3 (1) the amount of funds received from the Na-
4 tional Aeronautics and Space Administration and
5 the date of their receipt;

6 (2) the amount of funds converted from United
7 States currency by the Russian Space Agency, the
8 currency into which the funds have been converted,
9 and the dates and exchange rates of each such con-
10 version;

11 (3) the amount of non-United States currency,
12 and of United States currency, disbursed by the
13 Russian Space Agency to any contractor or sub-
14 contractor, the identity of such contractor or sub-
15 contractor, and the date on which the funds were
16 disbursed; and

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

21 **Subtitle D—Miscellaneous** 22 **Provisions**

23 **SEC. 251. COMMERCIAL SPACE LAUNCH AMENDMENTS.**

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

1 (1) in the table of sections—

2 (A) by amending the item relating to sec-
3 tion 70104 to read as follows:

“70104. Restrictions on launches, operations, and reentries.”;

4 (B) by amending the item relating to sec-
5 tion 70108 to read as follows:

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

6 and

7 (C) by amending the item relating to sec-
8 tion 70109 to read as follows:

“70109. Preemption of scheduled launches or reentries.”;

9 (2) in section 70101—

10 (A) by inserting “microgravity research,”
11 after “information services,” in subsection
12 (a)(3);

13 (B) by inserting “, reentry,” after “launch-
14 ing” both places it appears in subsection (a)(4);

15 (C) by inserting “, reentry vehicles,” after
16 “launch vehicles” in subsection (a)(5);

17 (D) by inserting “and reentry services”
18 after “launch services” in subsection (a)(6);

19 (E) by inserting “, reentries,” after
20 “launches” both places it appears in subsection
21 (a)(7);

1 (F) by inserting “, reentry sites,” after
2 “launch sites” in subsection (a)(8);

3 (G) by inserting “and reentry services”
4 after “launch services” in subsection (a)(8);

5 (H) by inserting “reentry sites,” after
6 “launch sites,” in subsection (a)(9);

7 (I) by inserting “and reentry site” after
8 “launch site” in subsection (a)(9);

9 (J) by inserting “reentry vehicles,” after
10 “launch vehicles” in subsection (b)(2);

11 (K) by striking “launch” in subsection
12 (b)(2)(A);

13 (L) by inserting “and reentry” after “com-
14 mercial launch” in subsection (b)(3);

15 (M) by striking “launch” after “and trans-
16 fer commercial” in subsection (b)(3); and

17 (N) by inserting “and development of re-
18 entry sites,” after “launch-site support facili-
19 ties,” in subsection (b)(4);

20 (3) in section 70102—

21 (A) by striking “and any payload” and in-
22 serting in lieu thereof “or reentry vehicle and
23 any payload from Earth” in paragraph (3);

24 (B) by inserting “or reentry vehicle” after
25 “means of a launch vehicle” in paragraph (8);

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

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

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

10 “(11) ‘reentry services’ means—

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

14 “(B) the conduct of a reentry.

15 “(12) ‘reentry site’ means the location on Earth
16 to which a reentry vehicle is intended to return (as
17 defined in a license the Secretary issues or transfers
18 under this chapter).

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

23 (E) by inserting “or reentry services” after
24 “launch services” each place it appears in para-

1 graph (15), as so redesignated by subparagraph
2 (C) of this paragraph;

3 (4) in section 70103(b)—

4 (A) by inserting “AND REENTRIES” after
5 “LAUNCHES” in the subsection heading;

6 (B) by inserting “and reentries” after
7 “space launches” in paragraph (1); and

8 (C) by inserting “and reentry” after
9 “space launch” in paragraph (2);

10 (5) in section 70104—

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

13 **“§ 70104. Restrictions on launches, operations, and**
14 **reentries”;**

15 (B) by inserting “or reentry site, or to re-
16 enter a reentry vehicle,” after “operate a
17 launch site” each place it appears in subsection
18 (a);

19 (C) by inserting “or reentry” after “launch
20 or operation” in subsection (a) (3) and (4);

21 (D) in subsection (b)—

22 (i) by striking “launch license” and
23 inserting in lieu thereof “license”;

24 (ii) by inserting “or reenter” after
25 “may launch”; and

1 (iii) by inserting “or reentering” after
2 “related to launching”; and

3 (E) in subsection (c)—

4 (i) by amending the subsection head-
5 ing to read as follows: “PREVENTING
6 LAUNCHES AND REENTRIES.—”;

7 (ii) by inserting “or reentry” after
8 “prevent the launch”; and

9 (iii) by inserting “or reentry” after
10 “decides the launch”;

11 (6) in section 70105—

12 (A) by inserting “or a reentry site, or the
13 reentry of a reentry vehicle,” after “operation
14 of a launch site” in subsection (b)(1); and

15 (B) by striking “or operation” and insert-
16 ing in lieu thereof “, operation, or reentry” in
17 subsection (b)(2)(A);

18 (7) in section 70106(a)—

19 (A) by inserting “or reentry site” after
20 “observer at a launch site”;

21 (B) by inserting “or reentry vehicle” after
22 “assemble a launch vehicle”; and

23 (C) by inserting “or reentry vehicle” after
24 “with a launch vehicle”;

25 (8) in section 70108—

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

3 **“§ 70108. Prohibition, suspension, and end of**
4 **launches, operation of launch sites and**
5 **reentry sites, and reentries”;**

6 and

7 (B) in subsection (a)—

8 (i) by inserting “or reentry site, or re-
9 entry of a reentry vehicle,” after “oper-
10 ation of a launch site”; and

11 (ii) by inserting “or reentry” after
12 “launch or operation”;

13 (9) in section 70109—

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

16 **“§ 70109. Preemption of scheduled launches or reen-**
17 **tries”;**

18 (B) in subsection (a)—

19 (i) by inserting “or reentry” after
20 “ensure that a launch”;

21 (ii) by inserting “, reentry site,” after
22 “United States Government launch site”;

23 (iii) by inserting “or reentry date
24 commitment” after “launch date commit-
25 ment”;

1 (iv) by inserting “or reentry” after
2 “obtained for a launch”;

3 (v) by inserting “, reentry site,” after
4 “access to a launch site”;

5 (vi) by inserting “, or services related
6 to a reentry,” after “amount for launch
7 services”; and

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

10 (C) in subsection (c), by inserting “or re-
11 entry” after “prompt launching”;

12 (10) in section 70110—

13 (A) by inserting “or reentry” after “pre-
14 vent the launch” in subsection (a)(2); and

15 (B) by inserting “or reentry site, or re-
16 entry of a reentry vehicle,” after “operation of
17 a launch site” in subsection (a)(3)(B);

18 (11) in section 70111—

19 (A) by inserting “or reentry” after
20 “launch” in subsection (a)(1)(A);

21 (B) by inserting “and reentry services”
22 after “launch services” in subsection (a)(1)(B);

23 (C) by inserting “or reentry services” after
24 “or launch services” in subsection (a)(2);

1 (D) by inserting “or reentry” after “com-
2 mercial launch” both places it appears in sub-
3 section (b)(1);

4 (E) by inserting “or reentry services” after
5 “launch services” in subsection (b)(2)(C);

6 (F) by striking “or its payload for launch”
7 in subsection (d) and inserting in lieu thereof
8 “or reentry vehicle, or the payload of either, for
9 launch or reentry”; and

10 (G) by inserting “, reentry vehicle,” after
11 “manufacturer of the launch vehicle” in sub-
12 section (d);

13 (12) in section 70112—

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

16 (B) by inserting “or reentry services” after
17 “launch services” in subsection (a)(4);

18 (C) by inserting “or reentry services” after
19 “launch services” each place it appears in sub-
20 section (b);

21 (D) by inserting “applicable” after “car-
22 ried out under the” in paragraphs (1) and (2)
23 of subsection (b);

24 (E) by striking “, Space, and Technology”
25 in subsection (d)(1);

1 (F) by inserting “OR REENTRIES” after
2 “LAUNCHES” in the heading for subsection (e);
3 and

4 (G) by inserting “or reentry site or a re-
5 entry” after “launch site” in subsection (e);

6 (13) in section 70113 (a)(1) and (d) (1) and
7 (2), by inserting “or reentry” after “one launch”
8 each place it appears;

9 (14) in section 70115(b)(1)(D)(i)—

10 (A) by inserting “reentry site,” after
11 “launch site,”; and

12 (B) by inserting “or reentry vehicle” after
13 “launch vehicle” both places it appears; and

14 (15) in section 70117—

15 (A) by inserting “or reentry site, or to re-
16 enter a reentry vehicle” after “operate a launch
17 site” in subsection (a);

18 (B) by inserting “or reentry” after “ap-
19 proval of a space launch” in subsection (d);

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

22 “(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN
23 IMPORT.—A launch vehicle, reentry vehicle, or payload
24 that is launched or reentered is not, because of the launch

1 or reentry, an export or import, respectively, for purposes
2 of a law controlling exports or imports.”; and

3 (D) in subsection (g)—

4 (i) by striking “operation of a launch
5 vehicle or launch site,” in paragraph (1)
6 and inserting in lieu thereof “reentry, op-
7 eration of a launch vehicle or reentry vehi-
8 cle, or operation of a launch site or reentry
9 site,”; and

10 (ii) by inserting “reentry,” after
11 “launch,” in paragraph (2).

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

14 (A) by inserting “(1)” before “A person may
15 apply” in subsection (a);

16 (B) by striking “receiving an application” both
17 places it appears in subsection (a) and inserting in
18 lieu thereof “accepting an application in accordance
19 with criteria established pursuant to subsection
20 (b)(2)(D)”;

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

23 “(2) In carrying out paragraph (1), the Secretary
24 may establish procedures for certification of the safety of
25 a launch vehicle, reentry vehicle, or safety system, proce-

1 dure, service, or personnel that may be used in conducting
2 licensed commercial space launch or reentry activities.”;

3 (D) by striking “and” at the end of subsection
4 (b)(2)(B);

5 (E) by striking the period at the end of sub-
6 section (b)(2)(C) and inserting in lieu thereof
7 “; and”;

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

10 “(D) regulations establishing criteria for ac-
11 cepting or rejecting an application for a license
12 under this chapter within 60 days after receipt of
13 such application.”; and

14 (G) by inserting “, or the requirement to obtain
15 a license,” after “waive a requirement” in subsection
16 (b)(3).

17 (2) The amendment made by paragraph (1)(B) shall
18 take effect upon the effective date of final regulations is-
19 sued pursuant to section 70105(b)(2)(D) of title 49, Unit-
20 ed States Code, as added by paragraph (1)(F) of this sub-
21 section.

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

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

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

4 “(A) activities directly related to the prep-
5 aration of a launch site or payload facility for
6 one or more launches;”.

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

9 (A) in the subsection heading, as amended by
10 subsection (a)(4)(A) of this section, by inserting
11 “AND STATE SPONSORED SPACEPORTS” after “AND
12 REENTRIES”; and

13 (B) in paragraph (1), by inserting “and State
14 sponsored spaceports” after “private sector”.

15 (5) Section 70105(a)(1) of title 49, United States
16 Code, as amended by subsection (b)(1) of this section, is
17 amended by inserting at the end the following: “The Sec-
18 retary shall submit to the Committee on Science of the
19 House of Representatives and the Committee on Com-
20 merce, Science, and Transportation of the Senate a writ-
21 ten notice not later than 7 days after any occurrence when
22 a license is not issued within the deadline established by
23 this subsection.”.

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

1 (A) in subsection (a)(1), by inserting after sub-
2 paragraph (B) the following:

3 “The Secretary shall establish criteria and procedures for
4 determining the priority of competing requests from the
5 private sector and State governments for property and
6 services under this section.”;

7 (B) by striking “actual costs” in subsection
8 (b)(1) and inserting in lieu thereof “additive costs
9 only”; and

10 (C) by inserting after subsection (b)(2) the fol-
11 lowing new paragraph:

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

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

17 (A) in subsection (a)(1), by inserting “launch,
18 reentry, or site operator” after “(1) When a”;

19 (B) in subsection (b)(1), by inserting “launch,
20 reentry, or site operator” after “(1)A”; and

21 (C) in subsection (f), by inserting “launch, re-
22 entry, or site operator” after “carried out under a”.

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

1 **“§ 70120. Regulations**

2 “The Secretary of Transportation, within 6 months
3 after the date of the enactment of this section, shall issue
4 regulations to carry out this chapter that include—

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

8 “(2) procedures for requesting and obtaining li-
9 censes to operate a commercial launch vehicle and
10 reentry vehicle;

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

13 “(4) procedures for the application of govern-
14 ment indemnification.”.

15 (2) The table of sections for such chapter 701 is
16 amended by adding after the item relating to section
17 70119 the following new item:

“70120. Regulations.”.

18 (d) REPORT TO CONGRESS.—(1) Chapter 701 of title
19 49, United States Code, is further amended by adding at
20 the end the following new section:

21 **“§ 70121. Report to Congress**

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

1 tise outside of the National Aeronautics and Space Admin-
2 istration.

3 **SEC. 253. OFFICE OF SPACE COMMERCE.**

4 (a) ESTABLISHMENT.—There is established within
5 the Department of Commerce an Office of Space Com-
6 merce.

7 (b) FUNCTIONS.—The Office of Space Commerce
8 shall be the principal unit for the coordination of space-
9 related issues, programs, and initiatives within the De-
10 partment of Commerce. The Office’s primary responsibil-
11 ities shall include—

12 (1) promoting private sector investment in
13 space activities by collecting, analyzing, and dissemi-
14 nating information on space markets, and conduct-
15 ing workshops and seminars to increase awareness
16 of commercial space opportunities;

17 (2) assisting United States commercial provid-
18 ers in their efforts to do business with the United
19 States Government, and acting as an industry advo-
20 cate within the executive branch to ensure that the
21 Federal Government meets its space-related require-
22 ment, to the fullest extent feasible, with commer-
23 cially available space goods and services;

24 (3) ensuring that the United States Govern-
25 ment does not compete with the private sector in the

1 provision of space hardware and services otherwise
2 available from the private sector;

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

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

10 (6) seeking the removal of legal, policy, and in-
11 stitutional impediments to space commerce; and

12 (7) licensing private sector parties to operate
13 private remote sensing space systems and supporting
14 the private sector's role in the commercial develop-
15 ment of Landsat remote sensing data distribution.

16 **SEC. 254. NATIONAL AERONAUTICS AND SPACE ACT OF 1958**
17 **AMENDMENTS.**

18 (a) DECLARATION OF POLICY AND PURPOSE.—Sec-
19 tion 102 of the National Aeronautics and Space Act of
20 1958 (42 U.S.C. 2451) is amended—

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

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

4 (b) REPORTS TO THE CONGRESS.—Section 206(a) of
5 the National Aeronautics and Space Act of 1958 (42
6 U.S.C. 2476(a)) is amended—

7 (1) by striking “January” and inserting in lieu
8 thereof “May”; and

9 (2) by striking “calendar” and inserting in lieu
10 thereof “fiscal”.

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

14 (1) in subsection (a)(C), by inserting “or (c)”
15 after “subsection (b)”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(c)(1) The Administrator, at his discretion or at the
19 request of a private sector entity, shall delay for a period
20 of at least one day, but not to exceed 5 years, the unre-
21 stricted public disclosure of technical data in the posses-
22 sion of, or under the control of, the Administration that
23 has been generated in the performance of experimental,
24 developmental, or research activities or programs funded

1 jointly by the Administration and such private sector en-
2 tity.

3 “(2) Within 1 year after the date of the enactment
4 of the National Aeronautics and Space Administration Au-
5 thorization Act, Fiscal Year 1997, the Administrator shall
6 issue regulations to carry out this subsection. Paragraph
7 (1) shall not take effect until such regulations are issued.

8 “(3) Regulations issued pursuant to paragraph (2)
9 shall include—

10 “(A) guidelines for a determination of whether
11 data is technical data within the meaning of this
12 subsection;

13 “(B) provisions to ensure that technical data is
14 available for dissemination within the United States
15 to United States persons and entities in furtherance
16 of the objective of maintaining leadership or com-
17 petitiveness in civil and governmental aeronautical
18 and space activities by the United States industrial
19 base; and

20 “(C) a specification of the period or periods for
21 which the delay in unrestricted public disclosure of
22 technical data is to apply to various categories of
23 such data, and the restrictions on disclosure of such
24 data during such period or periods, including a re-
25 quirement that the maximum 5-year protection

1 under this subsection shall not be provided unless at
2 least 50 percent of the funding for the activities or
3 programs is provided by the private sector.

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

6 “(5) For purposes of this subsection, the term ‘tech-
7 nical data’ means any recorded information, including
8 computer software, that is or may be directly applicable
9 to the design, engineering, development, production, man-
10 ufacture, or operation of products or processes that may
11 have significant value in maintaining leadership or com-
12 petitiveness in civil and governmental aeronautical and
13 space activities by the United States industrial base.”.

14 **SEC. 255. PROCUREMENT.**

15 (a) **PROCUREMENT DEMONSTRATION PROGRAM.**—

16 (1) **IN GENERAL.**—The Administrator shall es-
17 tablish within the Office of Space Access and Tech-
18 nology a program of expedited technology procure-
19 ment for the purpose of demonstrating how innova-
20 tive technology concepts can rapidly be brought to
21 bear upon space missions of the National Aero-
22 nautics and Space Administration.

23 (2) **PROCEDURES AND EVALUATION.**—The Ad-
24 ministrator shall establish procedures for actively
25 seeking from persons outside the National Aero-

1 nautics and Space Administration innovative tech-
2 nology concepts, relating to the provision of space
3 hardware, technology, or service to the National Aer-
4 onautics and Space Administration.

5 (3) REQUIREMENT.—At least 1 percent of
6 amounts authorized to be appropriated under section
7 212(4) shall be used for innovative technology pro-
8 curements that are determined under paragraph (2)
9 of this subsection to meet mission requirements.

10 (4) SPECIAL AUTHORITY.—In order to carry
11 out this subsection the Administrator shall recruit
12 and hire for limited term appointments persons from
13 outside the National Aeronautics and Space Admin-
14 istration with special expertise and experience relat-
15 ed to the innovative technology concepts with respect
16 to which procurements are made under this sub-
17 section.

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

20 (b) TECHNOLOGY PROCUREMENT INITIATIVE.—

21 (1) IN GENERAL.—The Administrator shall co-
22 ordinate National Aeronautics and Space Adminis-
23 tration resources in the areas of procurement, com-
24 mercial programs, and advanced technology in order
25 to—

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

4 (B) achieve a continuous pattern of inte-
5 grating advanced technology from the commer-
6 cial sector, and from Federal sources outside
7 the National Aeronautics and Space Adminis-
8 tration, into the missions and programs of the
9 National Aeronautics and Space Administra-
10 tion;

11 (C) incorporate private sector buying and
12 bidding procedures, including fixed price con-
13 tracts, into procurements; and

14 (D) provide incentives for cost-plus con-
15 tractors of the National Aeronautics and Space
16 Administration to integrate commercially avail-
17 able technology in subsystem contracts on a
18 fixed-price basis.

19 (2) CERTIFICATION.—Upon solicitation of any
20 procurement for space hardware, technology, or serv-
21 ices that are not commercially available, the Admin-
22 istrator shall certify, by publication of a notice and
23 opportunity to comment in the Commerce Business
24 Daily, for each such procurement action, that no
25 functional equivalent, commercially, available space

1 hardware, technology, or service exists and that no
2 commercial method of procurement is available.

3 **SEC. 256. ADDITIONAL NATIONAL AERONAUTICS AND**
4 **SPACE ADMINISTRATION FACILITIES.**

5 The Administrator shall not construct or enter into
6 a new lease for facilities to support National Aeronautics
7 and Space Administration programs unless the Adminis-
8 trator notifies the Congress that the Administrator re-
9 viewed existing National Aeronautics and Space Adminis-
10 tration and other federally owned facilities, including mili-
11 tary facilities scheduled for closing or reduction, and found
12 no such facilities appropriate for the intended use.

13 **SEC. 257. PURCHASE OF SPACE SCIENCE DATA.**

14 (a) IN GENERAL.—To the maximum extent possible,
15 the National Aeronautics and Space Administration shall,
16 where cost effective, purchase space science data from the
17 United States private sector. Examples of such data in-
18 clude scientific data concerning the elemental and mineral-
19 ogical resources of the moon and the planets, Earth envi-
20 ronmental data obtained through remote sensing observa-
21 tions, and solar storm monitoring.

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

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

5 (3) Reasonable performance specifications, rather
6 than design or construction specifications, shall be used
7 to the maximum extent feasible to define requirements for
8 United States private sector providers with respect to the
9 design, construction, or operation of equipment used in ob-
10 taining space science data under contracts entered into
11 under this section. This subsection shall not be construed
12 to prohibit the Federal Government from requiring com-
13 pliance with applicable safety standards.

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

17 **SEC. 258. PLAN FOR MISSION TO PLANET EARTH.**

18 (a) REQUIREMENT.—The Administrator shall, within
19 6 months after the date of the enactment of this Act,
20 transmit to the Congress a report containing a plan for
21 Mission to Planet Earth.

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

24 (1) an analysis of Earth observation systems of
25 other countries and the ways in which the United

1 States could benefit from such systems, including by
2 eliminating duplication of effort;

3 (2) an analysis of how the Department of De-
4 fense's airborne and space sensor programs could be
5 used in Mission to Planet Earth;

6 (3) a plan for infusing advanced technology into
7 the Mission to Planet Earth program, including
8 milestones and an identification of available re-
9 sources;

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

13 (5) an integrated plan for research in the Sci-
14 entific Research and Mission to Planet Earth enter-
15 prises described in the National Aeronautics and
16 Space Administration Strategic Plan issued in May,
17 1994;

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

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

1 **SEC. 259. ACQUISITION OF EARTH REMOTE SENSING DATA.**

2 (a) ACQUISITION.—To the maximum extent possible,
3 the Administrator shall, where cost effective, acquire
4 space-based and airborne Earth remote sensing data, serv-
5 ices, distribution, and applications provided by the United
6 States private sector to meet Government goals for Mis-
7 sion to Planet Earth.

8 (b) STUDY.—(1) The Administrator shall conduct a
9 study to determine the extent to which the baseline sci-
10 entific requirements of Mission to Planet Earth can be
11 met by the private sector, and how the National Aero-
12 nautics and Space Administration will meet such require-
13 ments which cannot be met by the private sector.

14 (2) The study conducted under this subsection
15 shall—

16 (A) make recommendations to promote the
17 availability of information from the National Aero-
18 nautics and Space Administration to the private sec-
19 tor to enable the private sector to better meet the
20 baseline scientific requirements of Mission to Planet
21 Earth;

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

1 (C) make recommendations to promote the dis-
2 semination to the private sector of information on
3 advanced technology research and development per-
4 formed by or for the National Aeronautics and
5 Space Administration; and

6 (D) identify policy, regulatory, and legislative
7 barriers to the implementation of the recommenda-
8 tions made under this subsection.

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

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

15 **SEC. 260. SHUTTLE PRIVATIZATION.**

16 (a) POLICY AND PREPARATION.—The Administrator
17 shall prepare for an orderly transition from the Federal
18 operation, or Federal management of contracted oper-
19 ation, of space transportation systems to the Federal pur-
20 chase of commercial space transportation services for all
21 nonemergency launch requirements, including human,
22 cargo, and mixed payloads. In those preparations, the Ad-
23 ministrator shall take into account the need for short-term
24 economies, as well as the goal of restoring the National
25 Aeronautics and Space Administration’s research focus

1 and its mandate to promote the fullest possible commercial
2 use of space. As part of those preparations, the Adminis-
3 trator shall plan for the potential privatization of the
4 Space Shuttle program after the year 2012. Such plan
5 shall keep safety and cost effectiveness as high priorities.
6 Nothing in this section shall prohibit the National Aero-
7 nautics and Space Administration from studying, design-
8 ing, developing, or funding upgrades or modifications es-
9 sential to the safe and economical operation of the Space
10 Shuttle fleet.

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

15 (c) FEASIBILITY STUDY.—The Administrator shall
16 conduct a study of the feasibility of implementing the rec-
17 ommendation of the Independent Shuttle Management Re-
18 view Team that the National Aeronautics and Space Ad-
19 ministration transition toward the privatization of the
20 Space Shuttle. The study shall identify, discuss, and,
21 where possible, present options for resolving, the major
22 policy and legal issues that must be addressed before the
23 Space Shuttle is privatized, including—

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

4 (2) whether the Federal Government should in-
5 demnify the contractor for any third party liability
6 arising from Space Shuttle operations, and, if so,
7 under what terms and conditions;

8 (3) whether payloads other than National Aero-
9 nautics and Space Administration payloads should
10 be allowed to be launched on the Space Shuttle, how
11 missions will be prioritized, and who will decide
12 which mission flies and when;

13 (4) whether commercial payloads should be al-
14 lowed to be launched on the Space Shuttle and
15 whether any classes of payloads should be made in-
16 eligible for launch consideration;

17 (5) whether National Aeronautics and Space
18 Administration and other Federal Government pay-
19 loads should have priority over non-Federal payloads
20 in the Space Shuttle launch assignments, and what
21 policies should be developed to prioritize among pay-
22 loads generally;

23 (6) whether the public interest requires that
24 certain Space Shuttle functions continue to be per-
25 formed by the Federal Government; and

1 (7) how much cost savings, if any, will be gen-
2 erated by privatization of the Space Shuttle.

3 (d) REPORT TO CONGRESS.—Within 60 days after
4 the date of the enactment of this Act, the National Aero-
5 nautics and Space Administration shall complete the study
6 required under subsection (c) and shall submit a report
7 on the study to the Committee on Commerce, Science, and
8 Transportation of the Senate and the Committee on
9 Science of the House of Representatives.

10 **SEC. 261. LAUNCH VOUCHER DEMONSTRATION PROGRAM**
11 **AMENDMENTS.**

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

15 (1) in subsection (a)—

16 (A) by striking “the Office of Commercial
17 Programs within”; and

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

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

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

1 **SEC. 262. PRIVATIZATION OF MICROGRAVITY PARABOLIC**
2 **FLIGHT OPERATIONS.**

3 (a) FINDING.—The Congress finds that no national
4 security or mission critical justification exists for the Na-
5 tional Aeronautics and Space Administration to maintain
6 its own fleet of aircraft to provide a short duration micro-
7 gravity environment via parabolic flight.

8 (b) PRIVATIZATION OF FLIGHT OPERATIONS.—(1)
9 The Administrator shall privatize all parabolic flight air-
10 craft operations conducted by or for the National Aero-
11 nautics and Space Administration in support of micro-
12 gravity research, astronaut training, and other functions,
13 whose total cost can be reduced through issuance of one
14 or more long-term, renewable, block purchase contracts
15 for the performance of such operations by United States
16 commercial sector providers.

17 (2) Within 90 days after the date of the enactment
18 of this Act, the Administrator shall issue a request for
19 proposals to provide services which meet all or part of the
20 microgravity flight needs of the National Aeronautics and
21 Space Administration, as described in paragraph (1) at
22 a net savings to the United States Government. The Ad-
23 ministrator shall coordinate the process of review of such
24 proposals, and shall oversee the transfer of such oper-
25 ations to the commercial sector as specified in paragraph
26 (3).

1 (3) Within 6 months after the issuance of a request
2 for proposals under paragraph (2), the Administrator
3 shall, where cost effective, award one or more contracts
4 for microgravity parabolic flight services to a microgravity
5 flight provider that is certified by the Federal Aviation Ad-
6 ministration. Except as provided in paragraph (4), the Ad-
7 ministrator shall cease all National Aeronautics and Space
8 Administration-operated parabolic aircraft flights, and
9 shall thereafter procure all microgravity parabolic flight
10 services from commercial sector providers. National Aero-
11 nautics and Space Administration experimenters, and Na-
12 tional Aeronautics and Space Administration-funded ex-
13 perimenters, who would otherwise use National Aero-
14 nautics and Space Administration-owned or operated
15 microgravity parabolic flight aircraft, shall be issued
16 vouchers for the procurement of microgravity parabolic
17 flight services from the commercial sector.

18 (4) The Administrator may, as necessary to ensure
19 the continuity of National Aeronautics and Space Admin-
20 istration operations, continue to operate parabolic aircraft
21 flights for up to 3 months after a contract is awarded
22 under paragraph (3). If the Administrator continues oper-
23 ations pursuant to this paragraph, the Administrator shall
24 concurrently transmit to the Congress an explanation of
25 the reasons for such action.

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

6 **SEC. 263. UNITARY WIND TUNNEL PLAN ACT OF 1949**

7 **AMENDMENTS.**

8 The Unitary Wind Tunnel Plan Act of 1949 is
9 amended—

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

13 (2) in section 103 (50 U.S.C. 513)—

14 (A) by striking “laboratories” in sub-
15 section (a) and inserting in lieu thereof “labora-
16 tories and centers”;

17 (B) by striking “supersonic” in subsection
18 (a) and inserting in lieu thereof “transonic, su-
19 personic, and hypersonic”; and

20 (C) by striking “laboratory” in subsection
21 (c) and inserting in lieu thereof “facility”.

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

24 (a) IN GENERAL.—In meeting the needs of the Na-
25 tional Aeronautics and Space Administration for addi-

1 tional facilities, the Administrator, whenever feasible, shall
2 select abandoned and underutilized buildings, grounds,
3 and facilities in depressed communities that can be con-
4 verted to National Aeronautics and Space Administration
5 facilities at a reasonable cost, as determined by the Ad-
6 ministrator.

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

12 **SEC. 265. COST EFFECTIVENESS CALCULATIONS.**

13 In calculating the cost effectiveness of the cost of the
14 National Aeronautics and Space Administration engaging
15 in an activity as compared to the private sector, the com-
16 parison shall be made based only on the price the private
17 sector provider will charge for such activity.

18 **SEC. 266. PROCUREMENT OMBUDSMAN.**

19 (a) ESTABLISHMENT.—The Administrator shall es-
20 tablish the position of Procurement Ombudsman for the
21 National Aeronautics and Space Administration.

22 (b) FUNCTIONS.—The Procurement Ombudsman
23 shall—

24 (1) be responsible, in consultation with the Of-
25 fice of Procurement, for reviewing proposed new

1 missions for the National Aeronautics and Space
2 Administration to determine if such missions, or ele-
3 ments thereof, can be fulfilled by United States com-
4 mercial providers; and

5 (2) serve as a point of contact for—

6 (A) persons with whom the National Aero-
7 nautics and Space Administration has entered
8 into a procurement contract, with respect to
9 concerns of those persons about that contract;
10 and

11 (B) United States commercial providers,
12 with respect to issues relating to competition
13 between those providers and the Federal Gov-
14 ernment.

15 (c) REPORTS TO CONGRESS.—The Procurement Om-
16 budsman shall annually, in conjunction with the Presi-
17 dent’s annual budget request, transmit a report to Con-
18 gress describing the activities of the Ombudsman during
19 the previous year.

20 **SEC. 267. AUTHORITY TO REDUCE OR SUSPEND CONTRACT**
21 **PAYMENTS BASED ON SUBSTANTIAL EVI-**
22 **DENCE OF FRAUD.**

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

1 **TITLE III—UNITED STATES FIRE**
2 **ADMINISTRATION**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “Fire Administration
5 Authorization Act of 1996”.

6 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 17(g)(1) of the Federal Fire Prevention and
8 Control Act of 1974 (15 U.S.C. 2216(a)(1)) is amended—

9 (1) by striking “and” at the end of subpara-
10 graph (E);

11 (2) by striking the period at the end of sub-
12 paragraph (F) and inserting in lieu thereof “; and”;
13 and

14 (3) by adding at the end the following new sub-
15 paragraph:

16 “(G) \$27,560,000 for the fiscal year ending
17 September 30, 1997.”.

18 **SEC. 303. FIRE SAFETY SYSTEMS IN ARMY HOUSING.**

19 Section 31(c)(1)(A)(ii)(II) is amended by inserting “,
20 or in the case of housing under the control of the Depart-
21 ment of the Army, 6 years after such date of enactment”
22 after “date of enactment”.

23 **SEC. 304. SUCCESSOR FIRE SAFETY STANDARDS.**

24 The Federal Fire Prevention and Control Act of 1974
25 is amended—

1 (1) in section 29(a)(1), by inserting “, or any
2 successor standard thereto,” after “Association
3 Standard 74”;

4 (2) in section 29(a)(2), by inserting “or any
5 successor standards thereto,” after “whichever is ap-
6 propriate,”;

7 (3) in section 29(b)(2), by inserting “, or any
8 successor standards thereto” after “Association
9 Standard 13 or 13-R”;

10 (4) in section 31(c)(2)(B)(i), by inserting “or
11 any successor standard thereto,” after “Life Safety
12 Code),”; and

13 (5) in section 31(c)(2)(B)(ii), by inserting “or
14 any successor standard thereto,” after “Association
15 Standard 101,”.

16 **SEC. 305. TERMINATION OR PRIVATIZATION OF FUNC-**
17 **TIONS.**

18 The Administrator of the United States Fire Admin-
19 istration shall transmit to Congress a report providing no-
20 tice at least 60 days in advance of the termination or
21 transfer to a private sector entity of any significant func-
22 tion of the United States Fire Administration.

23 **SEC. 306. REPORT ON BUDGETARY REDUCTION.**

24 The Administrator of the United States Fire Admin-
25 istration shall transmit to Congress, within three months

1 after the date of the enactment of this Act, a report set-
2 ting forth the manner in which the United States Fire
3 Administration intends to implement the budgetary reduc-
4 tion represented by the difference between the amount ap-
5 propriated to the United States Fire Administration for
6 fiscal year 1997 and the amount requested in the Presi-
7 dent's budget request for such fiscal year. Such report
8 shall be prepared in consultation with the Alliance for Fire
9 and Emergency Management, the International Associa-
10 tion of Fire Chiefs, the International Association of Fire
11 Fighters, the National Fire Protection Association, the
12 National Volunteer Fire Council, the National Association
13 of State Fire Marshals, and the International Association
14 of Arson Investigators.

15 **TITLE IV—NATIONAL OCEANIC**
16 **AND ATMOSPHERIC ADMINIS-**
17 **TRATION**

18 **SEC. 401. SHORT TITLE.**

19 This title may be cited as the “National Oceanic and
20 Atmospheric Administration Authorization Act of 1996”.

21 **SEC. 402. DEFINITIONS.**

22 For the purposes of this title, the term—

23 (1) “Act of 1890” means the Act entitled “An
24 Act to increase the efficiency and reduce the ex-
25 penses of the Signal Corps of the Army, and to

1 transfer the Weather Bureau to the Department of
2 Agriculture”, approved October 1, 1890 (26 Stat.
3 653);

4 (2) “Act of 1947” means the Act entitled “An
5 Act to define the functions and duties of the Coast
6 and Geodetic Survey, and for other purposes”, ap-
7 proved August 6, 1947 (33 U.S.C. 883a et seq.);

8 (3) “Act of 1970” means the Act entitled “An
9 Act to clarify the status and benefits of commis-
10 sioned officers of the National Oceanic and Atmos-
11 pheric Administration, and for other purposes”, ap-
12 proved December 31, 1970 (33 U.S.C. 857–1 et
13 seq.);

14 (4) “Administrator” means the Administrator
15 of the National Oceanic and Atmospheric Adminis-
16 tration; and

17 (5) “Secretary” means the Secretary of Com-
18 merce.

19 **Subtitle A—Atmospheric, Weather,** 20 **and Satellite Programs**

21 **SEC. 411. NATIONAL WEATHER SERVICE.**

22 (a) OPERATIONS AND RESEARCH.—There are au-
23 thorized to be appropriated to the Secretary to enable the
24 National Oceanic and Atmospheric Administration to
25 carry out the operations and research duties of the Na-

1 tional Weather Service, \$445,668,000 for fiscal year 1997.
2 Such duties include meteorological, hydrological, and
3 oceanographic public warnings and forecasts, as well as
4 applied research in support of such warnings and fore-
5 casts.

6 (b) SYSTEMS ACQUISITION.—(1) There are author-
7 ized to be appropriated to the Secretary to enable the Na-
8 tional Oceanic and Atmospheric Administration to carry
9 out the public warning and forecast systems duties of the
10 National Weather Service, \$64,991,000 for fiscal year
11 1997. Such duties include the development, acquisition,
12 and implementation of major public warning and forecast
13 systems, including the upgrade of computer facilities.
14 None of the funds authorized under this subsection shall
15 be used for the purposes for which funds are authorized
16 under subsection (e). None of the funds authorized under
17 this subsection shall be used for the purposes for which
18 funds are authorized under section 102(b) of the National
19 Oceanic and Atmospheric Administration Authorization
20 Act of 1992 (Public Law 102–567). None of the funds
21 authorized by such section 102(b) shall be expended for
22 a particular NEXRAD installation unless—

23 (A) it is identified as a National Weather Serv-
24 ice NEXRAD installation in the National Implemen-
25 tation Plan for modernization of the National

1 Weather Service, required under section 703 of the
2 National Oceanic and Atmospheric Administration
3 Authorization Act of 1992 (Public Law 102–567);
4 or

5 (B) it is to be used only for spare parts, not as
6 an installation at a particular site.

7 (2) Of the amounts authorized under paragraph (1),
8 \$42,935,000 shall be for NEXRAD program manage-
9 ment, operations, and maintenance.

10 (c) NEW NEXRAD INSTALLATIONS.—No funds may
11 be obligated for NEXRAD installations not identified in
12 the National Implementation Plan for 1996, unless the
13 Secretary certifies that such NEXRAD installations can
14 be acquired within the authorization of NEXRAD con-
15 tained in section 102(b) of the National Oceanic and At-
16 mospheric Administration Authorization Act of 1992.

17 (d) ASOS PROGRAM AUTHORIZATION.—Of the sums
18 authorized in subsection (b)(1), \$10,056,000 for fiscal
19 year 1997 are authorized to be appropriated to the Sec-
20 retary, for the acquisition and deployment of—

21 (1) the Automated Surface Observing System
22 and related systems, including multisensor and
23 backup arrays for National Weather Service sites at
24 airports; and

1 (2) Automated Meteorological Observing Sys-
2 tem and Remote Automated Meteorological Observ-
3 ing System replacement units.

4 and to cover all associated activities, including program
5 management and operations and maintenance.

6 (e) AWIPS COMPLETE PROGRAM AUTHORIZA-
7 TION.—(1) Except as provided in paragraph (2), there are
8 authorized to be appropriated to the Secretary for all fiscal
9 years beginning after September 30, 1996, an aggregate
10 of \$271,166,000, to remain available until expended, to
11 complete the acquisition and deployment of the Advanced
12 Weather Interactive Processing System and NOAA Port
13 and to cover all associated activities, including program
14 management and operations and maintenance through
15 September 30, 1999.

16 (2) No funds are authorized to be appropriated for
17 any fiscal year under paragraph (1) unless, within 60 days
18 after the submission of the President's budget request for
19 such fiscal year, the Secretary—

20 (A) certifies to the Congress that—

21 (i) the systems meet the technical perform-
22 ance specifications included in the system con-
23 tract as in effect on August 11, 1995;

24 (ii) the systems can be fully deployed,
25 sited, and operational without requiring further

1 appropriations beyond amounts authorized
2 under paragraph (1); and

3 (iii) the Secretary does not foresee any
4 delays in the systems deployment and oper-
5 ations schedule; or

6 (B) submits to the Congress a report which de-
7 scribes—

8 (i) the circumstances which prevent a cer-
9 tification under subparagraph (A);

10 (ii) remedial actions undertaken or to be
11 undertaken with respect to such circumstances;

12 (iii) the effects of such circumstances on
13 the systems deployment and operations schedule
14 and systems coverage; and

15 (iv) a justification for proceeding with the
16 program, if appropriate.

17 (f) CONSTRUCTION OF WEATHER FORECAST OF-
18 FICES.—There are authorized to be appropriated to the
19 Secretary to enable the National Oceanic and Atmospheric
20 Administration to carry out construction, repair, and
21 modification activities relating to new and existing weath-
22 er forecast offices, \$11,000,000 for fiscal year 1997. Such
23 activities include planning, design, and land acquisition re-
24 lated to such offices.

1 (g) STREAMLINING WEATHER SERVICE MODERNIZA-
2 TION.—

3 (1) REPEALS.—Sections 706 and 707 of the
4 Weather Service Modernization Act (15 U.S.C. 313
5 note) are repealed.

6 (2) CONFORMING AMENDMENTS.—The Weather
7 Service Modernization Act (15 U.S.C. 313 note) is
8 amended—

9 (A) in section 702, by striking paragraph
10 (3) and redesignating paragraphs (4) through
11 (10) as paragraphs (3) through (9), respec-
12 tively; and

13 (B) in section 703—

14 (i) by striking “(a) NATIONAL IMPLE-
15 MENTATION PLAN.—”;

16 (ii) by striking paragraph (3) and re-
17 designating paragraphs (4), (5), and (6) as
18 paragraphs (3), (4), and (5), respectively;
19 and

20 (iii) by striking subsections (b) and
21 (c).

22 **SEC. 412. ATMOSPHERIC RESEARCH.**

23 (a) CLIMATE AND AIR QUALITY RESEARCH.—There
24 are authorized to be appropriated to the Secretary to en-
25 able the National Oceanic and Atmospheric Administra-

1 tion to carry out its climate and air quality research du-
2 ties, \$99,272,000 for fiscal year 1997. Such duties include
3 internannual and seasonal climate research and long-term
4 climate and air quality research.

5 (b) **ATMOSPHERIC PROGRAMS.**—There are author-
6 ized to be appropriated to the Secretary to enable the Na-
7 tional Oceanic and Atmospheric Administration to carry
8 out its atmospheric research duties, \$43,182,000 for fiscal
9 year 1997. Such duties include research for developing im-
10 proved prediction capabilities for atmospheric processes,
11 as well as solar-terrestrial research and services.

12 **SEC. 413. NATIONAL ENVIRONMENTAL SATELLITE, DATA,**
13 **AND INFORMATION SERVICE.**

14 (a) **SATELLITE OBSERVING SYSTEMS.**—There are
15 authorized to be appropriated to the Secretary to enable
16 the National Oceanic and Atmospheric Administration to
17 carry out its satellite observing systems duties,
18 \$308,473,000 for fiscal year 1997, to remain available
19 until expended. Such duties include spacecraft procure-
20 ment, launch, and associated ground station systems in-
21 volving polar orbiting and geostationary environmental
22 satellites, as well as the operation of such satellites. None
23 of the funds authorized under this subsection shall be used
24 for the purposes for which funds are authorized under sec-
25 tion 105(d) of the National Oceanic and Atmospheric Ad-

1 ministration Authorization Act of 1992 (Public Law 102–
2 567).

3 (b) POES PROGRAM AUTHORIZATION.—Of the sums
4 authorized in subsection (a), there are authorized to be
5 appropriated to the Secretary \$147,664,000 for fiscal year
6 1997, to remain available until expended, for the procure-
7 ment and launch of, and supporting ground systems for,
8 Polar Orbiting Environmental Satellites, K, L, M, N, and
9 N¹.

10 (c) GEOSTATIONARY OPERATIONAL ENVIRONMENTAL
11 SATELLITES.—Of the sums authorized in subsection (a),
12 there are authorized to be appropriated to the Adminis-
13 trator \$70,757,000 for fiscal year 1997, to remain avail-
14 able until expended to procure up to three additional Geo-
15 stationary Operational Environmental NEXT Satellites
16 (GOES I–M clones), instruments, and supporting ground
17 systems.

18 (d) NATIONAL POLAR-ORBITING OPERATIONAL EN-
19 VIRONMENTAL SATELLITE SYSTEM PROGRAM AUTHOR-
20 IZATION.—Of the sums authorized in subsection (a), there
21 are authorized to be appropriated to the Secretary, for fis-
22 cal year 1997, \$39,500,000, to remain available until ex-
23 pended, for the procurement of the National Polar-Orbit-
24 ing Operational Environmental Satellite System, and the

1 procurement of the launching and supporting ground sys-
2 tems of such satellites.

3 (e) ENVIRONMENTAL DATA AND INFORMATION
4 SERVICES.—There are authorized to be appropriated to
5 the Secretary to enable the National Oceanic and Atmos-
6 pheric Administration to carry out its environmental data
7 and information services duties, \$44,898,000 for fiscal
8 year 1997. Such duties include climate data services, geo-
9 physical data services, and environmental assessment and
10 information services.

11 **Subtitle B—Marine Research**

12 **SEC. 421. NATIONAL OCEAN SERVICE.**

13 (a) MAPPING AND CHARTING.—There are authorized
14 to be appropriated to the Secretary, to enable the National
15 Oceanic and Atmospheric Administration to carry out
16 mapping and charting activities under the Act of 1947 and
17 any other law involving those activities, \$36,500,000 for
18 fiscal year 1997.

19 (b) GEODESY.—There are authorized to be appro-
20 priated to the Secretary, to enable the National Oceanic
21 and Atmospheric Administration to carry out geodesy ac-
22 tivities under the Act of 1947 and any other law involving
23 those activities, \$20,163,000 for fiscal year 1997.

24 (c) OBSERVATION AND PREDICTION.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated to the Secretary, to enable the Na-
3 tional Oceanic and Atmospheric Administration to
4 carry out observation and prediction activities under
5 the Act of 1947 and any other law involving those
6 activities, \$11,000,000 for fiscal year 1997.

7 (2) OCEAN AND EARTH SCIENCES.—In addition
8 to amounts authorized under paragraph (1), there
9 are authorized to be appropriated to the Secretary,
10 to enable the National Oceanic and Atmospheric Ad-
11 ministration to carry out ocean and earth science ac-
12 tivities, \$3,000,000 for fiscal year 1997.

13 (d) ESTUARINE AND COASTAL ASSESSMENT.—

14 (1) IN GENERAL.—There are authorized to be
15 appropriated to the Secretary, to enable the Na-
16 tional Oceanic and Atmospheric Administration to
17 support estuarine and coastal assessment activities
18 under the Act of 1947 and any other law involving
19 those activities, \$2,674,000 for fiscal year 1997.

20 (2) OCEAN ASSESSMENT.—In addition to
21 amounts authorized under paragraph (1), there are
22 authorized to be appropriated to the Secretary, to
23 enable the National Oceanic and Atmospheric Ad-
24 ministration to carry out the National Status and
25 Trends Program, the Strategic Environmental As-

1 assessment Program, and the Hazardous Materials
2 Response Program, \$21,925,000 for fiscal year
3 1997.

4 (3) DAMAGE ASSESSMENT PROGRAM.—In addi-
5 tion to amounts authorized under paragraph (1),
6 there are authorized to be appropriated to the Sec-
7 retary, to enable the National Oceanic and Atmos-
8 pheric Administration to carry out the Damage As-
9 sessment Program, \$1,200,000 for fiscal year 1997.

10 **SEC. 422. OCEAN AND GREAT LAKES RESEARCH.**

11 (a) MARINE PREDICTION RESEARCH.—There are au-
12 thorized to be appropriated to the Secretary, to enable the
13 National Oceanic and Atmospheric Administration to
14 carry out marine prediction research activities under the
15 Act of 1947, the Act of 1890, and any other law involving
16 those activities, \$14,808,000 for fiscal year 1997.

17 (b) NATIONAL SEA GRANT COLLEGE PROGRAM.—(1)
18 Section 212(a) of the National Sea Grant College Pro-
19 gram Act (33 U.S.C. 1131(a)) is amended to read as fol-
20 lows:

21 “(a) GRANTS AND CONTRACTS; FELLOWSHIPS.—
22 There are authorized to be appropriated to carry out sec-
23 tions 205 and 208, \$34,500,000 for fiscal year 1997.”.

24 (2) Section 212(b)(1) of the National Sea Grant Col-
25 lege Program Act (33 U.S.C. 1131(b)(1)) is amended by

1 striking “an amount” and all that follows through “not
2 to exceed \$2,900,000” and inserting in lieu thereof
3 “\$1,500,000 for fiscal year 1997”.

4 (3) Section 203(4) of the National Sea Grant College
5 Program Act (33 U.S.C. 1122(4)) is amended by striking
6 “discipline or field” and all that follows through “public
7 administration)” and inserting in lieu thereof “field or dis-
8 cipline involving scientific research”.

9 (c) COASTAL OCEAN PROGRAM.—There are author-
10 ized to be appropriated to the Secretary, to enable the Na-
11 tional Oceanic and Atmospheric Administration to carry
12 out the Coastal Ocean Program, \$17,300,000 for fiscal
13 year 1997.

14 **Subtitle C—Program Support**

15 **SEC. 431. PROGRAM SUPPORT.**

16 (a) EXECUTIVE DIRECTION AND ADMINISTRATIVE
17 ACTIVITIES.—There are authorized to be appropriated to
18 the Secretary, to enable the National Oceanic and Atmos-
19 pheric Administration to carry out executive direction and
20 administrative activities under the Act of 1970 and any
21 other law involving those activities, \$20,000,000 for fiscal
22 year 1997.

23 (b) CENTRAL ADMINISTRATIVE SUPPORT.—There
24 are authorized to be appropriated to the Secretary, to en-
25 able the National Oceanic and Atmospheric Administra-

1 tion to carry out central administrative support activities
2 under the Act of 1970 and any other law involving those
3 activities, \$33,000,000 for fiscal year 1997.

4 (c) RETIRED PAY.—There are authorized to be ap-
5 propriated to the Secretary, for retired pay for retired
6 commissioned officers of the National Oceanic and Atmos-
7 pheric Administration under the Act of 1970, \$7,706,000
8 for fiscal year 1997.

9 (d) MARINE SERVICES.—

10 (1) SERVICE CONTRACTS.—Notwithstanding
11 any other provision of law and subject to the avail-
12 ability of appropriations, the Secretary shall enter
13 into contracts, including multiyear contracts, subject
14 to paragraph (3), for the use of vessels to conduct
15 oceanographic research and fisheries research, mon-
16 itoring, enforcement, and management, and to ac-
17 quire other data necessary to carry out the missions
18 of the National Oceanic and Atmospheric Adminis-
19 tration. The Secretary shall enter into these con-
20 tracts unless—

21 (A) the cost of the contract is more than
22 the cost (including the cost of vessel operation,
23 maintenance, and all personnel) to the National
24 Oceanic and Atmospheric Administration of ob-

1 taining those services on vessels of the National
2 Oceanic and Atmospheric Administration;

3 (B) the contract is for more than 7 years;

4 or

5 (C) the data is acquired through a vessel
6 agreement pursuant to paragraph (4).

7 (2) VESSELS.—The Secretary may not enter
8 into any contract for the construction, lease-pur-
9 chase, upgrade, or service life extension of any ves-
10 sel.

11 (3) MULTIYEAR CONTRACTS.—

12 (A) IN GENERAL.—Subject to subpara-
13 graphs (B) and (C), and notwithstanding sec-
14 tion 1341 of title 31, United States Code, and
15 section 11 of title 41, United States Code, the
16 Secretary may acquire data under multiyear
17 contracts.

18 (B) REQUIRED FINDINGS.—The Secretary
19 may not enter into a contract pursuant to this
20 paragraph unless the Secretary finds with re-
21 spect to that contract that there is a reasonable
22 expectation that throughout the contemplated
23 contract period the Secretary will request from
24 Congress funding for the contract at the level
25 required to avoid contract termination.

1 (C) REQUIRED PROVISIONS.—The Sec-
2 retary may not enter into a contract pursuant
3 to this paragraph unless the contract includes—

4 (i) a provision under which the obliga-
5 tion of the United States to make pay-
6 ments under the contract for any fiscal
7 year is subject to the availability of appro-
8 priations provided in advance for those
9 payments;

10 (ii) a provision that specifies the term
11 of effectiveness of the contract; and

12 (iii) appropriate provisions under
13 which, in case of any termination of the
14 contract before the end of the term speci-
15 fied pursuant to clause (ii), the United
16 States shall only be liable for the lesser
17 of—

18 (I) an amount specified in the
19 contract for such a termination; or

20 (II) amounts that were appro-
21 priated before the date of the termi-
22 nation for the performance of the con-
23 tract or for procurement of the type
24 of acquisition covered by the contract

1 and are unobligated on the date of the
2 termination.

3 (4) VESSEL AGREEMENTS.—The Secretary shall
4 use excess capacity of University National Oceanographic
5 Laboratory System vessels where appropriate and may enter into memoranda of agreement
6 with the operators of these vessels to carry out this
7 requirement.
8

9 (5) AUTHORIZATION OF APPROPRIATIONS.—
10 There are authorized to be appropriated to the Secretary,
11 to enable the National Oceanic and Atmospheric Administration to carry out marine services
12 activities, \$56,292,000 for fiscal year 1997.
13

14 (e) AIRCRAFT SERVICES.—There are authorized to be
15 appropriated to the Secretary, to enable the National Oceanic
16 and Atmospheric Administration to carry out aircraft
17 services activities (including aircraft operations, maintenance,
18 and support) under the Act of 1970 and any other
19 law involving those activities, \$9,153,000 for fiscal year
20 1997.

21 (f) FACILITIES REPAIRS AND RENOVATIONS.—There
22 are authorized to be appropriated to the Secretary, to enable
23 the National Oceanic and Atmospheric Administration to carry out facilities repairs and renovations,
24 \$7,546,000 for fiscal year 1997.
25

1 **Subtitle D—Streamlining of**
2 **Operations**

3 **SEC. 441. PROGRAMS.**

4 (a) PROGRAMS.—No funds are authorized to be ap-
5 propriated for the following programs and accounts:

6 (1) The National Undersea Research Program.

7 (2) The Fleet Modernization, Shipbuilding, and
8 Construction Account.

9 (3) The Charleston, South Carolina, Special
10 Management Plan.

11 (4) Chesapeake Bay Observation Buoys.

12 (5) Federal/State Weather Modification Grants.

13 (6) The Southeast Storm Research Account.

14 (7) National Institute for Environmental Re-
15 newal.

16 (8) The Lake Champlain Study.

17 (9) The Maine Marine Research Center.

18 (10) The South Carolina Cooperative Geodetic
19 Survey Account.

20 (11) Pacific Island Technical Assistance.

21 (12) VENTS program.

22 (13) National Weather Service non-Federal,
23 non-wildfire Fire Weather Service.

24 (14) National Weather Service Regional Cli-
25 mate Centers.

1 (15) National Weather Service Samoa Weather
2 Forecast Office Repair and Upgrade Account.

3 (16) Dissemination of Weather Charts (Marine
4 Facsimile Service).

5 (17) The Southeast United States Caribbean
6 Fisheries Oceanographic Coordinated Investigations
7 Program.

8 (18) National Coastal Research and Develop-
9 ment Institute Account.

10 (19) Global Learning and Observations to Ben-
11 efit the Environment program.

12 (b) REPORT.—Not later than 60 days after the date
13 of the enactment of this Act, the Secretary shall submit
14 to the Committee on Science of the House of Representa-
15 tives and the Committee on Commerce, Science, and
16 Transportation of the Senate a report certifying that all
17 the programs listed in subsection (a) will be terminated
18 no later than September 30, 1996.

19 (c) REPEAL OF SEA GRANT PROGRAMS.—

20 (1) REPEALS.—(A) Section 208(b) of the Na-
21 tional Sea Grant College Program Act (33 U.S.C.
22 1127(b)) is repealed.

23 (B) Section 3 of the Sea Grant Program Im-
24 provement Act of 1976 (33 U.S.C. 1124a) is re-
25 pealed.

1 (b) SEVERANCE PAY.—Commissioned officers may be
2 separated from the active list of the National Oceanic and
3 Atmospheric Administration. In lieu of separation pay, of-
4 ficers so separated shall be eligible only for severance pay
5 in accordance with the terms and conditions of section
6 5595 of title 5, United States Code, and only to the extent
7 provided in advance in appropriations Acts.

8 (c) TRANSFER.—(1) Subject to the approval of the
9 Secretary of Defense and under terms and conditions
10 specified by the Secretary, commissioned officers subject
11 to subsection (a) may transfer to the armed services under
12 section 716 of title 10, United States Code.

13 (2) Subject to the approval of the Secretary of Trans-
14 portation and under terms and conditions specified by the
15 Secretary, commissioned officers subject to subsection (a)
16 may transfer to the United States Coast Guard under sec-
17 tion 716 of title 10, United States Code.

18 (3) Subject to the approval of the Administrator of
19 the National Oceanic and Atmospheric Administration
20 and under terms and conditions specified by that Adminis-
21 trator, a commissioned officer subject to subsection (a)
22 may be employed by the National Oceanic and Atmos-
23 pheric Administration as a member of the civil service, if
24 the Administrator considers that individual to be the best

1 available candidate for the position. No new civil service
2 position may be created pursuant to this paragraph.

3 (4) The Administrator shall, before December 1,
4 1996, transmit to the Committee on Science of the House
5 of Representatives and the Committee on Commerce,
6 Science, and Transportation of the Senate a report listing
7 all officers employed by the National Oceanic and Atmos-
8 pheric Administration under paragraph (3), a description
9 of their responsibilities as members of the NOAA Corps,
10 and a description of their responsibilities as civil service
11 employees of the National Oceanic and Atmospheric Ad-
12 ministration.

13 (d) REPEALS.—(1) The following provisions of law
14 are repealed:

15 (A) The Coast and Geodetic Survey Commis-
16 sioned Officers' Act of 1948 (33 U.S.C. 853a–853o,
17 853p–853u).

18 (B) The Act of February 16, 1929 (Chapter
19 221, section 5; 45 Stat. 1187; 33 U.S.C. 852a).

20 (C) The Act of January 19, 1942 (Chapter 6;
21 56 Stat. 6).

22 (D) Section 9 of Public Law 87–649 (76 Stat.
23 495).

24 (E) The Act of May 22, 1917 (Chapter 20, sec-
25 tion 16; 40 Stat. 87; 33 U.S.C. 854 et seq.).

1 (F) The Act of December 3, 1942 (Chapter
2 670; 56 Stat. 1038.

3 (G) Sections 1 through 5 of Public Law 91–621
4 (84 Stat. 1863; 33 U.S.C. 857–1 et seq.).

5 (H) The Act of August 10, 1956 (Chapter
6 1041, section 3; 70A Stat. 619; 33 U.S.C. 857a).

7 (I) The Act of May 18, 1920 (Chapter 190,
8 section 11; 41 Stat. 603; 33 U.S.C. 864).

9 (J) The Act of July 22, 1947 (Chapter 286; 61
10 Stat. 400; 33 U.S.C. 873, 874).

11 (K) The Act of August 3, 1956 (Chapter 932;
12 70 Stat. 988; 33 U.S.C. 875, 876).

13 (L) All other Acts inconsistent with this sub-
14 section.

15 Following the repeal of provisions under this paragraph,
16 all retirement benefits for the NOAA Corps which are in
17 existence on September 30, 1996, shall continue to apply
18 to eligible NOAA Corps officers and retirees.

19 (2) The effective date of the repeals under paragraph
20 (1) shall be October 1, 1996.

21 (e) ABOLITION.—The Office of the National Oceanic
22 and Atmospheric Administration Corps of Operations and
23 the Commissioned Personnel Center are abolished effective
24 September 30, 1996.

1 **Subtitle E—Miscellaneous**

2 **SEC. 451. WEATHER DATA BUOYS.**

3 (a) PROHIBITION.—It shall be unlawful for any unau-
4 thORIZED person to remove, change the location of, ob-
5 struct, willfully damage, make fast to, or interfere with
6 any weather data buoy established, installed, operated, or
7 maintained by the National Data Buoy Center.

8 (b) CIVIL PENALTIES.—The Administrator is author-
9 ized to assess a civil penalty against any person who vio-
10 lates any provision of this section in an amount of not
11 more than \$10,000 for each violation. Each day during
12 which such violation continues shall be considered a new
13 offense. Such penalties shall be assessed after notice and
14 opportunity for a hearing.

15 (c) REWARDS.—The Administrator may offer and
16 pay rewards for the apprehension and conviction, or for
17 information helpful therein, of persons found interfering,
18 in violation of law, with data buoys maintained by the Na-
19 tional Data Buoy Center; or for information leading to
20 the discovery of missing National Weather Service prop-
21 erty or the recovery thereof.

22 **SEC. 452. DUTIES OF THE NATIONAL WEATHER SERVICE.**

23 (a) IN GENERAL.—To protect life and property and
24 enhance the national economy, the Secretary, through the

1 National Weather Service, except as outlined in subsection
2 (b), shall be responsible for—

3 (1) forecasts and shall serve as the sole official
4 source of weather warnings;

5 (2) the issue of storm warnings;

6 (3) the collection, exchange, and distribution of
7 meteorological, hydrological, climatic, and oceano-
8 graphic data and information; and

9 (4) the preparation of hydrometeorological guid-
10 ance and core forecast information.

11 (b) COMPETITION WITH PRIVATE SECTOR.—The
12 National Weather Service shall not compete, or assist
13 other entities to compete, with the private sector when a
14 service is currently provided or can be provided by com-
15 mercial enterprise, unless—

16 (1) the Secretary finds that the private sector
17 is unwilling or unable to provide the services; and

18 (2) the service provides vital weather warnings
19 and forecasts for the protection of lives and property
20 of the general public.

21 (c) AMENDMENTS.—The Act of 1890 is amended—

22 (1) by striking section 3 (15 U.S.C. 313); and

23 (2) in section 9 (15 U.S.C. 317), by striking all
24 after “Department of Agriculture” and inserting in
25 lieu thereof a period.

1 (d) REPORT.—Not later than 60 days after the date
 2 of the enactment of this Act, the Secretary shall submit
 3 to the Committee on Science of the House of Representa-
 4 tives and the Committee on Commerce, Science, and
 5 Transportation of the Senate a report detailing all Na-
 6 tional Weather Service activities which do not conform to
 7 the requirements of this section and outlining a timetable
 8 for their termination.

9 **SEC. 453. NATIONAL OCEANOGRAPHIC PARTNERSHIP PRO-**
 10 **GRAM.**

11 (a) PROGRAM REQUIRED.—(1) Subtitle C of title 10,
 12 United States Code, is amended by adding after chapter
 13 663 the following new chapter:

14 **“CHAPTER 665—NATIONAL OCEANO-**
 15 **GRAPHIC PARTNERSHIP PROGRAM**

“Sec.

“7901. National Oceanographic Partnership Program.

“7902. National Ocean Research Leadership Council.

“7903. Ocean Research Partnership Coordinating Group.

“7904. Ocean Research Advisory Panel.

16 **“§ 7901. National Oceanographic Partnership Pro-**
 17 **gram**

18 “(a) ESTABLISHMENT.—The Secretary of the Navy
 19 shall establish a program to be known as the ‘National
 20 Oceanographic Partnership Program’.

21 “(b) PURPOSES.—The purposes of the program are
 22 as follows:

1 “(1) To promote the national goals of assuring
2 national security, protecting quality of life, and
3 strengthening science and education through im-
4 proved knowledge of the ocean.

5 “(2) To coordinate and strengthen oceano-
6 graphic efforts in support of those goals by—

7 “(A) identifying and carrying out partner-
8 ships among Federal agencies, academia, indus-
9 try, and other members of the oceanographic
10 scientific community in the areas of data, re-
11 sources, and education; and

12 “(B) reporting annually to Congress on the
13 program.

14 **“§ 7902. National Ocean Research Leadership Council**

15 “(a) COUNCIL.—There is established a National
16 Ocean Research Leadership Council (hereinafter in this
17 chapter referred to as the “Council”).

18 “(b) MEMBERSHIP.—The Council is composed of the
19 following members:

20 “(1) The Secretary of the Navy, who shall be
21 the chairman of the Council.

22 “(2) The Administrator of the National Oceanic
23 and Atmospheric Administration, who shall be the
24 vice chairman of the Council.

1 “(3) The Director of the National Science
2 Foundation.

3 “(4) The Administrator of the National Aero-
4 nautics and Space Administration.

5 “(5) The Deputy Secretary of Energy.

6 “(6) The Administrator of the Environmental
7 Protection Agency.

8 “(7) The Commandant of the Coast Guard.

9 “(8) The Director of the Geological Survey of
10 the Department of the Interior.

11 “(9) The Director of the Defense Advanced Re-
12 search Projects Agency.

13 “(10) The Director of the Minerals Manage-
14 ment Service of the Department of the Interior.

15 “(11) The President of the National Academy
16 of Sciences, the President of the National Academy
17 of Engineering, and the President of the Institute of
18 Medicine.

19 “(12) The Director of the Office of Science and
20 Technology.

21 “(13) The Director of the Office of Manage-
22 ment and Budget.

23 “(14) One member appointed by the Chairman
24 from among individuals who will represent the views
25 of ocean industries.

1 “(15) One member appointed by the Chairman
2 from among individuals who will represent the views
3 of State governments.

4 “(16) One member appointed by the Chairman
5 from among individuals who will represent the views
6 of academia.

7 “(17) One member appointed by the Chairman
8 from among individuals who will represent such
9 other views as the Chairman considers appropriate.

10 “(c) TERM OF OFFICE.—The term of office of a
11 member of the Council appointed under paragraph (14),
12 (15), (16), or (17) of subsection (b) shall be two years,
13 except that any person appointed to fill a vacancy occur-
14 ring before the expiration of the term for which his prede-
15 cessor was appointed shall be appointed for the remainder
16 of such term.

17 “(d) RESPONSIBILITIES.—The Council shall have the
18 following responsibilities:

19 “(1) To establish the Ocean Research Partner-
20 ship Coordinating Group as provided in section
21 7903.

22 “(2) To establish the Ocean Research Advisory
23 Panel as provided in section 7904.

24 “(3) To submit to Congress an annual report
25 pursuant to subsection (e).

1 “(e) ANNUAL REPORT.—Not later than March 1 of
2 each year, the Council shall submit to Congress a report
3 on the National Oceanographic Partnership Program. The
4 report shall contain the following:

5 “(1) A description of activities of the program
6 carried out during the fiscal year before the fiscal
7 year in which the report is prepared. The description
8 also shall include a list of the members of the Ocean
9 Research Partnership Coordinating Group, the
10 Ocean Research Advisory Panel, and any working
11 groups in existence during the fiscal year covered.

12 “(2) A general outline of the activities planned
13 for the program during the fiscal year in which the
14 report is prepared.

15 “(3) A summary of projects continued from the
16 fiscal year before the fiscal year in which the report
17 is prepared and projects expected to be started dur-
18 ing the fiscal year in which the report is prepared
19 and during the following fiscal year.

20 “(4) A description of the involvement of the
21 program with Federal interagency coordinating enti-
22 ties.

23 “(5) The amounts requested, in the budget sub-
24 mitted to Congress pursuant to section 1105(a) of
25 title 31 for the fiscal year following the fiscal year

1 in which the report is prepared, for the programs,
2 projects, and activities of the program and the esti-
3 mated expenditures under such programs, projects,
4 and activities during such following fiscal year.

5 **“§ 7903. Ocean Research Partnership Coordinating**
6 **Group**

7 “(a) ESTABLISHMENT.—The Council shall establish
8 an entity to be known as the ‘Ocean Research Partnership
9 Coordinating Group’ (hereinafter in this chapter referred
10 to as the ‘Coordinating Group’).

11 “(b) MEMBERSHIP.—The Coordinating Group shall
12 consist of members appointed by the Council, with one
13 member appointed from each Federal department or agen-
14 cy having an oceanographic research or development pro-
15 gram.

16 “(c) CHAIRMAN.—The Council shall appoint the
17 Chairman of the Coordinating Group.

18 “(d) RESPONSIBILITIES.—Subject to the authority,
19 direction, and control of the Council, the Coordinating
20 Group shall have the following responsibilities:

21 “(1) To prescribe policies and procedures to im-
22 plement the National Oceanographic Partnership
23 Program.

1 “(2) To review, select, and identify and allocate
2 funds for partnership projects for implementation
3 under the program, based on the following criteria:

4 “(A) Whether the project addresses critical
5 research objectives or operational goals, such as
6 data accessibility and quality assurance, sharing
7 of resources, or education.

8 “(B) Whether the project has broad par-
9 ticipation within the oceanographic community.

10 “(C) Whether the partners have a long-
11 term commitment to the objectives of the
12 project.

13 “(D) Whether the resources supporting the
14 project are shared among the partners.

15 “(E) Whether the project has been sub-
16 jected to adequate peer review.

17 “(3) To promote participation in partnership
18 projects by each Federal department and agency in-
19 volved with oceanographic research and by prescrib-
20 ing guidelines for participation in the program.

21 “(4) To submit to the Council an annual report
22 pursuant to subsection (i).

23 “(e) PARTNERSHIP PROGRAM OFFICE.—The Coordi-
24 nating Group shall establish, using competitive proce-
25 dures, and oversee a partnership program office to carry

1 out such duties as the Chairman of the Coordinating
2 Group considers appropriate to implement the National
3 Oceanographic Partnership Program, including the follow-
4 ing:

5 “(1) To establish and oversee working groups
6 to propose partnership projects to the Coordinating
7 Group and advise the Group on such projects.

8 “(2) To manage peer review of partnership
9 projects proposed to the Coordinating Group and
10 competitions for projects selected by the Group.

11 “(3) To submit to the Coordinating Group an
12 annual report on the status of all partnership
13 projects and activities of the office.

14 “(f) CONTRACT AND GRANT AUTHORITY.—The Co-
15 ordinating Group may authorize one or more of the de-
16 partments or agencies represented in the Group to enter
17 into contracts and make grants, using funds appropriated
18 pursuant to an authorization for the National Oceano-
19 graphic Partnership Program, for the purpose of imple-
20 menting the program and carrying out the Coordinating
21 Group’s responsibilities.

22 “(g) FORMS OF PARTNERSHIP PROJECTS.—Partner-
23 ship projects selected by the Coordinating Group may be
24 in any form that the Coordinating Group considers appro-
25 priate, including memoranda of understanding, coopera-

1 tive research and development agreements, and similar in-
2 struments.

3 “(h) ANNUAL REPORT.—Not later than February 1
4 of each year, the Coordinating Group shall submit to the
5 Council a report on the National Oceanographic Partner-
6 ship Program. The report shall contain, at a minimum,
7 copies of any recommendations or reports to the Coordi-
8 nating Group by the Ocean Research Advisory Panel.

9 **“§ 7904. Ocean Research Advisory Panel**

10 “(a) ESTABLISHMENT.—The Council shall appoint
11 an Ocean Research Advisory Panel (hereinafter in this
12 chapter referred to as the ‘Advisory Panel’) consisting of
13 not less than 10 and not more than 18 members.

14 “(b) MEMBERSHIP.—Members of the Advisory Panel
15 shall be appointed from among persons who are eminent
16 in the field of marine science, or related fields, and who
17 are representative, at a minimum, of the interests of gov-
18 ernment, academia, and industry.

19 “(c) RESPONSIBILITIES.—(1) The Coordinating
20 Group shall refer to the Advisory Panel, and the Advisory
21 Panel shall review, each proposed partnership project esti-
22 mated to cost more than \$500,000. The Advisory Panel
23 shall make any recommendations to the Coordinating
24 Group that the Advisory Panel considers appropriate re-
25 garding such projects.

1 “(2) The Advisory Panel shall make any rec-
2 ommendations to the Coordinating Group regarding activi-
3 ties that should be addressed by the National Oceano-
4 graphic Partnership Program that the Advisory Panel
5 considers appropriate.”.

6 (2) The table of chapters at the beginning of subtitle
7 C of title 10, United States Code, and at the beginning
8 of part IV of such subtitle, are each amended by inserting
9 after the item relating to chapter 663 the following:

“665. National Oceanographic Partnership Program 7901”.

10 (b) INITIAL APPOINTMENTS OF COUNCIL MEM-
11 BERS.—The Secretary of the Navy shall make the ap-
12 pointments required by section 7902(b) of title 10, United
13 States Code, as added by subsection (a)(1), not later than
14 December 1, 1996.

15 (c) INITIAL APPOINTMENTS OF ADVISORY PANEL
16 MEMBERS.—The National Ocean Research Leadership
17 Council established by section 7902 of title 10, United
18 States Code, as added by subsection (a)(1), shall make
19 the appointments required by section 7904 of such title
20 not later than January 1, 1997.

21 (d) FIRST ANNUAL REPORT OF NATIONAL OCEAN
22 RESEARCH LEADERSHIP COUNCIL.—The first annual re-
23 port required by section 7902(e) of title 10, United States
24 Code, as added by subsection (a)(1), shall be submitted
25 to Congress not later than March 1, 1997. The first report

1 shall include, in addition to the information required by
2 such section, information about the terms of office, proce-
3 dures, and responsibilities of the Ocean Research Advisory
4 Panel established by the Council.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—No
6 funds are authorized to be appropriated by this Act for
7 the National Oceanographic Partnership Program for fis-
8 cal year 1997.

9 **TITLE V—ENVIRONMENTAL**
10 **PROTECTION AGENCY**

11 **SEC. 501. SHORT TITLE.**

12 This title may be cited as the “Environmental Re-
13 search, Development, and Demonstration Authorization
14 Act of 1996”.

15 **SEC. 502. DEFINITIONS.**

16 For the purposes of this title, the term—

17 (1) “Administrator” means the Administrator
18 of the Environmental Protection Agency;

19 (2) “Agency” means the Environmental Protec-
20 tion Agency; and

21 (3) “Assistant Administrator” means the As-
22 sistant Administrator for Research and Development
23 of the Agency.

1 **SEC. 503. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated to the Administrator \$487,126,600 for fiscal year
4 1997 for Science and Technology activities, including pro-
5 gram management and support, in the areas specified in
6 subsection (b).

7 (b) SPECIFIC PROGRAMS AND ACTIVITIES.—Of the
8 amount authorized in subsection (a), there are authorized
9 to be appropriated the following:

10 (1) For air related research, \$74,119,900.

11 (2) For global change research, \$1,400,000.

12 (3) For water quality related research,
13 \$26,294,000.

14 (4) For drinking water related research,
15 \$26,593,700.

16 (5) For toxic substances related research,
17 \$12,341,500.

18 (6) For lab and field expenses, \$73,031,600.

19 (7) For headquarters expenses of the Office of
20 Research and Development, \$9,254,800.

21 (8) For multimedia related research expenses,
22 \$174,060,100, of which \$5,000,000 shall be for
23 graduate student fellowships.

24 (9) For program management expenses,
25 \$6,399,000.

1 (10) For pesticide related research,
2 \$20,632,000.

3 (11) For research related to hazardous waste,
4 \$12,000,000.

5 (12) For environmental research laboratories,
6 \$51,000,000.

7 (c) ADDITIONAL AUTHORIZATIONS.—There are au-
8 thorized to be appropriated to the Administrator for fiscal
9 year 1997—

10 (1) for oil pollution related research,
11 \$2,076,900; and

12 (2) for research related to leaking underground
13 storage tanks, \$769,000.

14 (d) LIMITATIONS.—No funds are authorized to be ap-
15 propriated by this title for—

16 (1) the Environmental Technology Initiative;

17 (2) the Climate Change Action Plan;

18 (3) Indoor Air Research;

19 (4) North Dakota Center for Air Toxic Metals
20 Research;

21 (5) drinking water research conducted by the
22 American Water Works Association Research Foun-
23 dation, other than amounts awarded through a com-
24 petitive process;

1 (6) the Water Environmental Research Founda-
2 tion;

3 (7) the National Urban Air Toxics Research
4 Center;

5 (8) the Gulf Coast Hazardous Substances Re-
6 search Center;

7 (9) urban waste management research at the
8 University of New Orleans, other than amounts
9 awarded through a competitive process;

10 (10) the Resources and Agricultural Policy Sys-
11 tems Program at Iowa State University; or

12 (11) the Oil Spill Remediation Research Center.

13 **SEC. 504. SCIENTIFIC RESEARCH REVIEW.**

14 (a) IN GENERAL.—The Administrator shall assign to
15 the Assistant Administrator the duties of—

16 (1) developing a strategic plan for scientific and
17 technical research activities throughout the Agency;

18 (2) integrating that strategic plan into ongoing
19 Agency planning activities; and

20 (3) reviewing all Agency research to ensure the
21 research—

22 (A) is of high quality; and

23 (B) does not duplicate any other research
24 being conducted by the Agency.

1 (b) REPORT.—The Assistant Administrator shall
2 transmit annually to the Administrator and to the Com-
3 mittee on Science of the House of Representatives and the
4 Committee on Environment and Public Works of the Sen-
5 ate a report detailing—

6 (1) all Agency research the Assistant Adminis-
7 trator finds is not of sufficiently high quality; and

8 (2) all Agency research the Assistant Adminis-
9 trator finds duplicates other Agency research.

10 **SEC. 505. GRADUATE STUDENT FELLOWSHIPS.**

11 In carrying out the graduate student fellowship pro-
12 gram for which funds are authorized to be appropriated
13 by this title, the Administrator shall ensure that any fel-
14 lowship award to a student selected after the date of the
15 enactment of this Act is used only to support scientific
16 research that would further missions of the Office of Re-
17 search and Development in fields in which there exists or
18 is projected to exist a shortage in the number of scientists.

19 **SEC. 506. SCIENCE ADVISORY BOARD.**

20 (a) ANNUAL REPORT.—The Science Advisory Board
21 shall submit to Congress and to the Administrator an an-
22 nual report that contains the views of the Science Advisory
23 Board on proposed research programs as described in the
24 President’s budget for research, development, and dem-
25 onstration activities at the Environmental Protection

1 Agency. Such report shall be submitted to Congress as
2 soon as practicable after the submission of the President's
3 budget to Congress. The Administrator shall cooperate
4 with the Director of the Science Advisory Board, particu-
5 larly with respect to the timely provision of budget infor-
6 mation to the Science Advisory Board, to allow the Science
7 Advisory Board to carry out its duties under this sub-
8 section.

9 (b) EVALUATION.—The Science Advisory Board shall
10 conduct periodic evaluations of selected areas of the cur-
11 rent and planned research, development, and demonstra-
12 tion activities of the Environmental Protection Agency.
13 The areas of evaluation shall be selected by the Science
14 Advisory Board in consultation with the Administrator,
15 the Office of Research and Development, other Agency
16 programs, and appropriate committees of the Congress.
17 Reports containing the Science Advisory Board's evalua-
18 tions and recommendations shall be filed with such com-
19 mittees and the Administrator. The Administrator shall
20 provide to such committees a written response to the
21 Science Advisory Board's evaluation and recommendations
22 within 60 days after the Science Advisory Board's report
23 has been submitted.

24 (c) REVIEW OF CERTAIN RESEARCH ACTIVITIES.—
25 The Science Advisory Board shall annually review the re-

1 search activities of the Environmental Protection Agency
2 and shall include the results of such review in the annual
3 report required by subsection (a).

4 (d) SUBMISSION TO CONGRESS.—The Administrator
5 shall submit to the Congress any report required by law
6 to be submitted to the Administrator by the Science Advi-
7 sory Board. The Administrator shall make any such sub-
8 mission not later than 60 days after the Administrator
9 receives the report from the Science Advisory Board.

10 **TITLE VI—NATIONAL INSTITUTE**
11 **OF STANDARDS AND TECH-**
12 **NOLOGY**

13 **SEC. 601. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated the follow-
15 ing:

16 (1) For Scientific and Technical Research and
17 Services of the National Institute of Standards and
18 Technology, \$280,600,000 for fiscal year 1997, of
19 which—

20 (A) \$38,407,000 shall be for Electronics
21 and Electrical Engineering;

22 (B) \$18,747,000 shall be for Manufactur-
23 ing Engineering;

24 (C) \$33,939,000 shall be for Chemical
25 Science and Technology;

1 (D) \$28,048,000 shall be for Physics;

2 (E) \$54,589,000 shall be for Material
3 Science and Engineering;

4 (F) \$13,085,000 shall be for Building and
5 Fire Research;

6 (G) \$43,076,000 shall be for Computer
7 Science and Applied Mathematics;

8 (H) \$18,950,000 shall be for Technical As-
9 sistance;

10 (I) \$28,772,000 shall be for Research Sup-
11 port; and

12 (J) \$2,987,000 shall be for the Malcolm
13 Baldrige National Quality Program under sec-
14 tion 17 of the Stevenson-Wydler Technology In-
15 novation Act of 1980 (15 U.S.C. 3711a); and

16 (2) for Construction of Research Facilities of
17 the National Institute of Standards and Technology,
18 \$105,240,000 for fiscal year 1997.

1 **TITLE VII—FEDERAL AVIATION**
2 **ADMINISTRATION RESEARCH,**
3 **ENGINEERING, AND DEVEL-**
4 **OPMENT**

5 **SEC. 701. SHORT TITLE.**

6 This title may be cited as the “FAA Research, Engi-
7 neering, and Development Management Reform Act of
8 1996”.

9 **SEC. 702. FINDINGS.**

10 The Congress finds that—

11 (1) considerable effort and expenditure has
12 been devoted since 1981 to the modernization of the
13 National Airspace System, with limited results;

14 (2) long-standing management, organizational,
15 and cultural impediments at the Federal Aviation
16 Administration have led to cost overruns, schedule
17 delays, program terminations, and other wasteful in-
18 efficiencies;

19 (3) a lack of coordination between the tech-
20 nology developers and operational sections of the
21 Federal Aviation Administration has led to research,
22 engineering, and development programs that are un-
23 balanced because they either are too technology driv-
24 en or have operational requirements that are unreal-
25 istic or unwarranted;

1 (4) the research, engineering, and development
2 functions of the Federal Aviation Administration
3 have been carried out without the benefit of critical
4 management education and competencies;

5 (5) the failure to employ contemporary manage-
6 ment techniques and industry best practices has led
7 to inadequate contractor oversight and poor risk
8 management; and

9 (6) significant improvements in modernizing the
10 National Airspace System will require fundamental
11 changes in the Federal Aviation Administration’s ac-
12 quisition management system and in the orientation
13 of the officials who implement the system.

14 **SEC. 703. DEFINITIONS.**

15 For purposes of this title—

16 (1) the term “affordable” means having life-
17 cycle costs that are in consonance with the long-
18 range funding and operational design plans for the
19 National Airspace System;

20 (2) the term “evolutionary acquisition” means
21 an acquisition strategy in which a core capability is
22 fielded with a modular structure that allows for
23 changes as requirements are refined;

24 (3) the term “life-cycle costs” means the total
25 costs to the Federal Government of a system over its

1 useful life, including the costs of research, develop-
2 ment, acquisition, support, and disposal;

3 (4) the term “nondevelopmental” means not re-
4 quiring significant further development to be made
5 usefully operational; and

6 (5) the term “pre-planned product improve-
7 ment” means an acquisition strategy that defers
8 technically difficult or unknown system requirements
9 to mitigate risks or to field a system that incor-
10 porates design considerations that facilitate future
11 changes.

12 **SEC. 704. MANAGEMENT PRINCIPLES.**

13 The Federal Aviation Administration shall develop,
14 implement, and maintain a disciplined acquisition man-
15 agement system that facilitates the transforming of broad-
16 ly stated requirements into affordable, operationally effec-
17 tive and suitable products and services to meet the needs
18 of users of the National Airspace System. Such acquisition
19 management system shall be based on and incorporate the
20 following principles:

21 (1) The employment and integration of—

22 (A) a process to establish and validate re-
23 quirements;

24 (B) full life-cycle acquisition management;

25 and

1 (C) planning, programming, and budget-
2 ing.

3 (2) Full involvement of both acquisition and
4 operational Federal Aviation Administration person-
5 nel in the processes described in paragraph (1)(A),
6 (B), and (C).

7 (3) Early and continuous involvement of Na-
8 tional Airspace System operators and users, advisory
9 committees, and industry vendors and experts in es-
10 tablishing and stabilizing sound, realistic operational
11 requirements.

12 (4) Assignment of acquisition officials based on
13 demonstrated leadership, professionalism, and prov-
14 en acquisition management competencies, consistent
15 with their positional responsibility and authority.

16 (5) Full life-cycle, event-driven acquisition
17 strategies which explicitly link major interim pro-
18 gram decisions and contractual commitments to
19 demonstrated accomplishments in research, engi-
20 neering, and development.

21 (6) The balancing of system design require-
22 ments and constraints based on cost-benefit sensitiv-
23 ity analysis.

24 (7) Consideration of maximum practicable use
25 of nonmaterial, nondevelopmental, or commercial so-

1 lutions before embarking on protracted research, en-
2 gineering, and development activities by the Federal
3 Aviation Administration.

4 (8) Consideration of evolutionary acquisition
5 and pre-planned product improvement strategies to
6 mitigate risks and expeditiously field products and
7 services.

8 (9) Use of contemporary management tech-
9 niques and industry best practices to—

10 (A) compare the current status of a pro-
11 gram to where it should be;

12 (B) reassess the goals of a program and
13 the plans for achieving those goals;

14 (C) assess program risks and strategies for
15 mitigating those risks; and

16 (D) assess whether the program is afford-
17 able.

18 **SEC. 705. DOCUMENT OF APRIL 1, 1996.**

19 The Congress recognizes that the acquisition man-
20 agement system set forth in the document dated April 1,
21 1996, issued by the Federal Aviation Administration, is
22 substantially compatible with the principles stated in sec-
23 tion 704 of this title. The Federal Aviation Administration
24 may implement that proposed system as a suitable compli-
25 ance with the requirements of this title, and may modify

1 elements of that system to the extent that those modifica-
2 tions conform with the principles stated in section 704 of
3 this title.

4 **SEC. 706. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 48102(a) of title 49, United States Code, is
6 amended—

7 (1) by striking “and” at the end of paragraph
8 (1)(J);

9 (2) by striking the period at the end of para-
10 graph (2)(J) and inserting in lieu thereof “; and”;
11 and

12 (3) by adding at the end the following new
13 paragraph:

14 “(3) for fiscal year 1997—

15 “(A) \$10,000,000 for system development
16 and infrastructure projects and activities;

17 “(B) \$39,911,000 for capacity and air
18 traffic management technology projects and ac-
19 tivities;

20 “(C) \$20,371,000 for communications,
21 navigation, and surveillance projects and activi-
22 ties;

23 “(D) \$6,411,000 for weather projects and
24 activities;

1 “(E) \$6,000,000 for airport technology
2 projects and activities;

3 “(F) \$37,978,000 for aircraft safety tech-
4 nology projects and activities;

5 “(G) \$36,045,000 for system security tech-
6 nology projects and activities;

7 “(H) \$23,682,000 for human factors and
8 aviation medicine projects and activities;

9 “(I) \$3,800,000 for environment and en-
10 ergy projects and activities;

11 “(J) \$1,500,000 for innovative/cooperative
12 research projects and activities; and

13 “(K) such sums as may be necessary for
14 other research, engineering, and development
15 activities described in the President’s fiscal year
16 1997 budget request to the Congress under the
17 category ‘Engineering, development, test, and
18 evaluation’ of Facilities and Equipment.”.

19 **SEC. 707. RESEARCH PRIORITIES.**

20 Section 48102(b) of title 49, United States Code, is
21 amended—

22 (1) by redesignating paragraph (2) as para-
23 graph (3); and

24 (2) by striking “AVAILABILITY FOR RE-
25 SEARCH.—(1)” and inserting in lieu thereof “RE-

1 SEARCH PRIORITIES.—(1) The Administrator shall
2 consider the advice and recommendations of the re-
3 search advisory committee established by section
4 44508 of this title in establishing priorities among
5 major categories of research and development activi-
6 ties carried out by the Federal Aviation Administra-
7 tion.

8 “(2)”.

9 **SEC. 708. BUDGET DESIGNATION FOR FEDERAL AVIATION**
10 **ADMINISTRATION RESEARCH AND DEVELOP-**
11 **MENT ACTIVITIES.**

12 Section 48102(c) of title 49, United States Code, is
13 amended to read as follows:

14 “(c) DESIGNATION OF ACTIVITIES.—(1) The
15 amounts appropriated under subsection (a) are for the
16 support of all research and development activities carried
17 out by the Federal Aviation Administration that fall with-
18 in the categories of basic research, applied research, and
19 development, including the design and development of pro-
20 totypes, in accordance with the classifications of the Office
21 of Management and Budget Circular A–11 (Budget For-
22 mulation/Submission Process).

23 “(2) The President’s annual budget request for the
24 Federal Aviation Administration shall include all research
25 and development activities within a single budget category.

1 All of the activities carried out by the Administration with-
2 in the categories of basic research, applied research, and
3 development, as classified by the Office of Management
4 and Budget Circular A-11, shall be placed in this single
5 budget category.”.

6 **SEC. 709. RESEARCH ADVISORY COMMITTEE.**

7 Section 44508(a)(1) of title 49, United States Code,
8 is amended—

9 (1) by striking “and” at the end of subpara-
10 graph (B);

11 (2) by striking the period at the end of sub-
12 paragraph (C) and inserting in lieu thereof “; and”;
13 and

14 (3) by inserting after subparagraph (C) the fol-
15 lowing new subparagraph:

16 “(D) annually review the allocation made by the
17 Administrator of the amounts authorized by section
18 48102(a) of this title among the major categories of
19 research and development activities carried out by
20 the Administration and provide advice and rec-
21 ommendations to the Administrator on whether such
22 allocation is appropriate to meet the needs and ob-
23 jectives identified under subparagraph (A).”.

1 **SEC. 710. NATIONAL AVIATION RESEARCH PLAN.**

2 Section 44501(c) of title 49, United States Code, is
3 amended—

4 (1) in paragraph (2)(A) by striking “15-year”
5 and inserting in lieu thereof “5-year”;

6 (2) by amending subparagraph (B) to read as
7 follows:

8 “(B) The plan shall—

9 (i) provide estimates by year of the schedule,
10 cost, and work force levels for each active and
11 planned major research and development project
12 under sections 40119, 44504, 44505, 44507, 44509,
13 44511–44513, and 44912 of this title, including ac-
14 tivities carried out under cooperative agreements
15 with other Federal departments and agencies;

16 (ii) specify the goals and the priorities for allo-
17 cation of resources among the major categories of
18 research and development activities, including the
19 rationale for the priorities identified;

20 (iii) identify the allocation of resources among
21 long-term research, near-term research, and develop-
22 ment activities; and

23 (iv) highlight the research and development
24 activities that address specific recommendations of
25 the research advisory committee established under
26 section 44508 of this title, and document the rec-

1 ommendations of the committee that are not accept-
2 ed, specifying the reasons for nonacceptance.”; and

3 (3) in paragraph (3) by inserting “, including
4 a description of the dissemination to the private sec-
5 tor of research results and a description of any new
6 technologies developed” after “during the prior fiscal
7 year”.

8 **TITLE VIII—NATIONAL EARTH-**
9 **QUAKE HAZARDS REDUCTION**
10 **PROGRAM**

11 **SEC. 801. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 12 of the Earthquake Hazards Reduction Act
13 of 1977 (42 U.S.C. 7706) is amended—

14 (1) in subsection (a)(7) by striking “and
15 \$25,750,000 for the fiscal year ending September
16 30, 1996” and inserting in lieu thereof
17 “\$25,750,000 for the fiscal year ending September
18 30, 1996, and \$18,825,000 for the fiscal year end-
19 ing September 30, 1997”;

20 (2) in subsection (b) by striking “and
21 \$50,676,000 for the fiscal year ending September
22 30, 1996” and inserting in lieu thereof
23 “\$50,676,000 for the fiscal year ending September
24 30, 1996, and \$46,130,000 for the fiscal year end-
25 ing September 30, 1997”;

1 (3) in subsection (c) by adding at the end the
2 following new sentence: “There are authorized to be
3 appropriated, out of funds otherwise authorized to
4 be appropriated to the National Science Foundation,
5 \$28,400,000 for fiscal year 1997, including
6 \$17,500,000 for engineering research and
7 \$10,900,000 for geosciences research.”; and

8 (4) in subsection (d) by adding at the end the
9 following new sentence: “There are authorized to be
10 appropriated, out of funds otherwise authorized to
11 be appropriated to the National Institute of Stand-
12 ards and Technology, \$1,932,000 for fiscal year
13 1997.”.

14 **TITLE IX—MISCELLANEOUS**

15 **SEC. 901. PROHIBITION OF LOBBYING ACTIVITIES.**

16 None of the funds authorized by this Act shall be
17 available for any activity whose purpose is to influence leg-
18 islation pending before the Congress, except that this shall
19 not prevent officers or employees of the United States or
20 of its departments or agencies from communicating to
21 Members of Congress on the request of any Member or
22 to Congress, through the proper channels, requests for leg-
23 islation or appropriations which they deem necessary for
24 the efficient conduct of the public business.

1 **SEC. 902. LIMITATION ON APPROPRIATIONS.**

2 (a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR
3 1997.—Notwithstanding any other provision of law, no
4 sums are authorized to be appropriated for fiscal year
5 1997 for the activities for which sums are authorized by
6 this Act unless such sums are specifically authorized to
7 be appropriated by this Act.

8 (b) SUBSEQUENT FISCAL YEARS.—No sums are au-
9 thorized to be appropriated for any fiscal year after fiscal
10 year 1997 for the activities for which sums are authorized
11 by this Act unless such sums are specifically authorized
12 to be appropriated by Act of Congress with respect to such
13 fiscal year.

14 **SEC. 903. ELIGIBILITY FOR AWARDS.**

15 (a) IN GENERAL.—The head of each Federal agency
16 for which funds are authorized under this Act shall ex-
17 clude from consideration for awards of financial assistance
18 made by that agency after fiscal year 1996 any person
19 who received funds, other than those described in sub-
20 section (b), appropriated for a fiscal year after fiscal year
21 1996, from any Federal funding source for a project that
22 was not subjected to a competitive, merit-based award
23 process. Any exclusion from consideration pursuant to this
24 section shall be effective for a period of 5 years after the
25 person receives such Federal funds.

1 (b) EXCEPTION.—Subsection (a) shall not apply to
2 awards to persons who are members of a class specified
3 by law for which assistance is awarded to members of the
4 class according to a formula provided by law.