

106TH CONGRESS
1ST SESSION

S. 342

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 1999

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

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Aeronautics and Space Administration Author-
6 ization Act for Fiscal Years 2000, 2001, and 2002”.

7 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

- Sec. 101. International Space Station.
- Sec. 102. Launch Vehicle and Payload Operations.
- Sec. 103. Science, aeronautics, and technology.
- Sec. 104. Mission support.
- Sec. 105. Inspector General.
- Sec. 106. Experimental Program to Stimulate Competitive Research.

Subtitle B—Limitations and Special Authority

- Sec. 111. Use of funds for construction.
- Sec. 112. Availability of appropriated amounts.
- Sec. 113. Reprogramming for construction of facilities.
- Sec. 114. Consideration by committees.
- Sec. 115. Use of funds for scientific consultations or extraordinary expenses.

TITLE II—INTERNATIONAL SPACE STATION

- Sec. 201. International Space Station contingency plan.
- Sec. 202. Cost limitation for the International Space Station.
- Sec. 203. Liability cross-waivers for International Space Station-related activities.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. National Aeronautics and Space Act of 1958 amendments.
- Sec. 302. Use of existing facilities.
- Sec. 303. Authority to reduce or suspend contract payments based on substantial evidence of fraud.
- Sec. 304. Notice.
- Sec. 305. Sense of Congress on the year 2000 problem.
- Sec. 306. Unitary Wind Tunnel Plan Act of 1949 amendments.
- Sec. 307. Enhancement of science and mathematics programs.
- Sec. 308. Authority to vest title.
- Sec. 309. NASA mid-range procurement test program.
- Sec. 310. Space advertising.

1 SEC. 2. FINDINGS.

2 Congress makes the following findings:

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

1 commercial sector systems, while sustaining safety
2 standards for personnel and hardware.

3 (2) The National Aeronautics and Space Ad-
4 ministration should sustain its proud history as the
5 leader of the United States in basic aeronautics and
6 space research.

7 (3) The United States is on the verge of creat-
8 ing and using new technologies in microsattellites, in-
9 formation processing, and space launches that could
10 radically alter the manner in which the Federal Gov-
11 ernment approaches its space mission.

12 (4) The Federal Government should invest in
13 the types of research and innovative technology in
14 which United States commercial providers do not in-
15 vest, while avoiding competition with the activities in
16 which United States commercial providers do invest.

17 (5) International cooperation in space explo-
18 ration and science activities serves the interest of the
19 United States.

20 (6) In participating in the National Aeronauti-
21 cal Test Alliance, the National Aeronautics and
22 Space Administration and the Department of De-
23 fense should cooperate more effectively in leveraging
24 the mutual capabilities of these agencies to conduct
25 joint aeronautics and space missions that not only

1 improve United States aeronautics and space capa-
2 bilities, but also reduce the cost of conducting those
3 missions.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the National
8 Aeronautics and Space Administration.

9 (2) COMMERCIAL PROVIDER.—The term “com-
10 mercial provider” means any person providing space
11 transportation services or other space-related activi-
12 ties, the primary control of which is held by persons
13 other than a Federal, State, local, or foreign govern-
14 ment.

15 (3) CRITICAL PATH.—The term “critical path”
16 means the sequence of events of a schedule of events
17 under which a delay in any event causes a delay in
18 the overall schedule.

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

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

1 (6) MAJOR REORGANIZATION.—With respect to
2 the National Aeronautics and Space Administration,
3 the term “major reorganization” means any reorga-
4 nization of the Administration that involves the reas-
5 signment of more than 25 percent of the employees
6 of the National Aeronautics and Space Administra-
7 tion.

8 (7) STATE.—The term “State” means each of
9 the several States of the United States, the District
10 of Columbia, the Commonwealth of Puerto Rico, the
11 Virgin Islands, Guam, American Samoa, the Com-
12 monwealth of the Northern Mariana Islands, and
13 any other commonwealth, territory, or possession of
14 the United States.

15 **TITLE I—AUTHORIZATION OF**
16 **APPROPRIATIONS**
17 **Subtitle A—Authorizations**

18 **SEC. 101. INTERNATIONAL SPACE STATION.**

19 There are authorized to be appropriated to the Na-
20 tional Aeronautics and Space Administration for the
21 International Space Station—

- 22 (1) \$2,282,700,000 for fiscal year 2000;
23 (2) \$2,328,000,000 for fiscal year 2001; and
24 (3) \$2,091,000,000 for fiscal year 2002.

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

2 There are authorized to be appropriated to National
3 Aeronautics and Space Administration for Launch Vehicle
4 and Payload Operations—

5 (1) for fiscal year 2000—

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

8 (B) \$438,800,000 for space shuttle safety
9 and performance upgrades; and

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

12 (2) for fiscal year 2001—

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

15 (B) \$451,964,000 for space shuttle safety
16 and performance upgrades; and

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

19 (3) for fiscal year 2002—

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

22 (B) \$465,523,000 for space shuttle safety/
23 performance upgrades; and

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

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

2 There are authorized to be appropriated to the Na-
3 tional Aeronautics and Space Administration for Science,
4 Aeronautics, and Technology—

5 (1) for fiscal year 2000—

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

7 (B) \$256,200,000 for life and microgravity
8 sciences and applications, of which \$2,000,000
9 shall be for research and early detection system
10 for breast and ovarian cancer and other wom-
11 en's health issues;

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

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

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

19 (ii) \$254,000,000 shall be used for
20 advanced space transportation technology,
21 of which \$111,600,000 shall be used only
22 for the X-33 advanced technology dem-
23 onstration vehicle program; and

24 (iii) \$132,500,000 shall be used for
25 commercial technology, of which some
26 funds may be used for the expansion of the

1 NASA business incubation program which
2 is designed to foster partnerships between
3 educational institutions and small high-
4 technology businesses with preference
5 given to those programs associated with
6 community colleges;

7 (E) \$406,300,000 for mission communica-
8 tions services; and

9 (F) \$100,000,000 for academic programs,
10 of which \$46,000,000 shall be used for minority
11 university research and education (at institu-
12 tions such as Hispanic-serving institutions and
13 tribally-controlled community colleges), of which
14 \$28,000,000 shall be used for historically black
15 colleges and universities.

16 (2) for fiscal year 2001—

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

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

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

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

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

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

1 (3) for fiscal year 2002—

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

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

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

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

8 (E) \$431,044,000 for mission communica-
9 tions services; and

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

11 **SEC. 104. MISSION SUPPORT.**

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

15 (1) for fiscal year 2000—

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

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

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

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

1 (2) \$2,569,747,000 for fiscal year 2001.

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

3 **SEC. 105. INSPECTOR GENERAL.**

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

7 (1) \$20,800,000 for fiscal year 2000;

8 (2) \$21,424,000 for fiscal year 2001; and

9 (3) \$22,066,720 for fiscal year 2002.

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

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

17 **Subtitle B—Limitations and**
18 **Special Authority**

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

20 (a) **AUTHORIZED USES.**—Funds made available by
21 appropriations under section 101, paragraphs (1)(A),
22 (1)(B), (2)(A), (2)(B), (3)(A), and (3)(B) of section 102,
23 section 103, and paragraphs (1)(A), (1)(B), (2)(A), and
24 (2)(B) of section 104 and funds made available by appro-
25 priations for research operations support pursuant to sec-

1 tion 104 may, at any location in support of the purposes
2 for which such funds are appropriated, be used for—

3 (1) the construction of new facilities; and

4 (2) additions to, repair of, rehabilitation of, or
5 modification of existing facilities (in existence on the
6 date on which such funds are made available by ap-
7 propriation).

8 (b) LIMITATION.—

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

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

23 (c) TITLE TO FACILITIES.—

24 (1) IN GENERAL.—If funds are used pursuant
25 to subsection (a) for grants for the purchase or con-

1 construction of additional research facilities to institu-
2 tions of higher education, or to nonprofit organiza-
3 tions whose primary purpose is the conduct of sci-
4 entific research, title to these facilities shall be vest-
5 ed in the United States.

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

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

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

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

1 **SEC. 113. REPROGRAMMING FOR CONSTRUCTION OF FA-**
2 **CILITIES.**

3 (a) USE OF CONSTRUCTION FUNDS.—Subject to sub-
4 section (b), in addition to the amounts authorized for con-
5 struction of facilities under section 101(4) or section
6 103(3), the Administrator may, for that purpose, from
7 funds otherwise available to the Administrator—

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

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

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

24 **SEC. 114. CONSIDERATION BY COMMITTEES.**

25 (a) IN GENERAL.—

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

8 (A) the annual budget request submitted
9 by the President under section 1105(a) of title
10 31, United States Code, included a request for
11 funding; and

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

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

21 (b) EXCEPTION.—Funds may be used for a program
22 of the National Aeronautics and Space Administration
23 upon the expiration of the 30-day period beginning on the
24 date on which the Administrator provides a notice to the
25 Committee on Commerce, Science, and Transportation of

1 the Senate and the Committee on Science of the House
2 of Representatives that contains—

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

6 (2) the facts and circumstances that the Ad-
7 ministrator relied on to support the proposed action
8 referred to in paragraph (1).

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

16 **SEC. 115. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS**
17 **OR EXTRAORDINARY EXPENSES.**

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

1 **TITLE II—INTERNATIONAL**
2 **SPACE STATION**

3 **SEC. 201. INTERNATIONAL SPACE STATION CONTINGENCY**
4 **PLAN.**

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

13 (1) the Russian Service Module, United States
14 owned Functional Cargo Block, Russian space
15 launch vehicles and launch services; or

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

18 (b) **CONTINGENCY PLAN FOR RUSSIAN ELEMENTS IN**
19 **CRITICAL PATH.**—The Administrator shall develop and
20 deliver to Congress, within 60 days of enactment, a contin-
21 gency plan for the removal or replacement of each Russian
22 Government element of the International Space Station
23 that lies in the Station’s critical path, as well as Russian
24 space launch services. Such plan shall include—

1 (1) decision points for removing or replacing
2 those elements and launch services, to the maximum
3 extent feasible, necessary for completion of the
4 International Space Station;

5 (2) the estimated cost of implementing each
6 such decision; and

7 (3) the cost, to the extent determinable, of re-
8 moving or replacing a Russian Government critical
9 path element or launch service after its decision
10 point has passed, if—

11 (A) the decision at that point was not to
12 remove or replace the Russian Government ele-
13 ment or launch service; and

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

20 (c) BIMONTHLY REPORTING ON RUSSIAN STATUS.—

21 On or before December 1, 1999, and until substantial
22 completion (as defined in section 202(b)(3) of this Act)
23 of the assembly of the International Space Station, the
24 Administrator shall report to Congress on the first day
25 of every other month whether or not the Russians have

1 performed work expected of them and necessary to com-
2 plete the International Space Station. Such report shall
3 also include a statement of the Administrator's judgment
4 concerning Russia's ability to perform work anticipated
5 and required to complete the International Space Station
6 before the next report under this subsection.

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

1 **SEC. 202. COST LIMITATION FOR THE INTERNATIONAL**
2 **SPACE STATION.**

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

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

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

13 (b) **COSTS TO WHICH LIMITATION APPLIES.**—

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

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

24 (3) **SUBSTANTIAL COMPLETION.**—For purposes
25 of this subsection, the International Space Station is
26 considered to be substantially completed when the

1 development costs comprise 5 percent or less of the
2 total International Space Station costs for the fiscal
3 year.

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

8 (1) economic inflation;

9 (2) compliance with changes in Federal, State,
10 or local laws enacted after the date of enactment of
11 this Act;

12 (3) the lack of performance or the termination
13 of participation of any of the International countries
14 participating in the International Space Station; and

15 (4) new technologies to improve safety, reliabil-
16 ity, maintainability, availability, or utilization of the
17 International Space Station, or to reduce costs after
18 completion of assembly, including increases in costs
19 for on-orbit assembly sequence problems, increased
20 ground testing, verification and integration activi-
21 ties, contingency responses to on-orbit failures, and
22 design improvements to reduce the risk of on-orbit
23 failures.

24 (d) NOTICE OF CHANGES.—The Administrator shall
25 provide with each annual budget request a written notice

1 and analysis of any changes under subsection (c) to the
2 amounts set forth in subsection (a) to the Senate Commit-
3 tees on Appropriations and on Commerce, Science, and
4 Transportation and to the House of Representatives Com-
5 mittees on Appropriations and on Science. The written no-
6 tice shall include—

7 (1) an explanation of the basis for the change,
8 including the costs associated with the change and
9 the expected benefit to the program to be derived
10 from the change; and

11 (2) an analysis of the impact on the assembly
12 schedule and annual funding estimates of not receiv-
13 ing the requested increases.

14 (e) REPORTING AND REVIEW.—

15 (1) IDENTIFICATION OF COSTS.—

16 (A) SPACE SHUTTLE.—As part of the over-
17 all space shuttle program budget request for
18 each fiscal year, the Administrator shall iden-
19 tify separately the amounts of the requested
20 funding that are to be used for completion of
21 the assembly of the International Space Sta-
22 tion.

23 (B) INTERNATIONAL SPACE STATION.—As
24 part of the overall International Space Station
25 budget request for each fiscal year, the Admin-

1 istrator shall identify the amount to be used for
2 development of the International Space Station.

3 (2) ACCOUNTING FOR COST LIMITATIONS.—As
4 part of the annual budget request to the Congress,
5 the Administrator shall account for the cost limita-
6 tions imposed by subsection (a).

7 (3) VERIFICATION OF ACCOUNTING.—The Ad-
8 ministrators shall arrange for a verification, by the
9 General Accounting Office, of the accounting sub-
10 mitted to the Congress within 60 days after the date
11 on which the budget request is transmitted to the
12 Congress.

13 (4) INSPECTOR GENERAL.—Within 60 days
14 after the Administrator provides a notice and analy-
15 sis to the Congress under subsection (d), the Inspec-
16 tor General of the National Aeronautics and Space
17 Administration shall review the notice and analysis
18 and report the results of the review to the commit-
19 tees to which the notice and analysis was provided.

20 **SEC. 203. LIABILITY CROSS-WAIVERS FOR INTERNATIONAL**
21 **SPACE STATION-RELATED ACTIVITIES.**

22 (a) IN GENERAL.—Notwithstanding any other provi-
23 sion of law, the Administrator, on behalf of the United
24 States, its departments, agencies, and related entities,
25 may reciprocally waive claims with cooperating parties,

1 and the related entities of such cooperating parties, under
2 which each party to each such waiver agrees to be respon-
3 sible, and agrees to ensure that its own related entities
4 are responsible, for damage or loss to its property or to
5 property for which it is responsible, or for losses resulting
6 from any injury or death sustained by its own employees
7 or agents, as a result of activities connected to the Inter-
8 national Space Station Program.

9 (b) LIMITATIONS.—

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

20 (2) LIABILITY FOR NEGLIGENCE.—A reciprocal
21 waiver under subsection (a) may not absolve any
22 party of liability to any natural person (including,
23 but not limited to, a natural person who is an em-
24 ployee of the United States, the cooperating party,
25 or the cooperating party's subcontractors) or such

1 natural person's estate, survivors, or subrogees for
2 negligence, except with respect to a subrogee that is
3 a party to the waiver or has otherwise agreed to be
4 bound by the terms of the waiver.

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

14 (c) SAFETY OVERSIGHT AND REVIEW REQUIRED.—
15 In the exercise of the authority provided in subsection (a),
16 and consistent with relevant agreements with cooperating
17 parties in the International Space Station Program, the
18 Administrator shall establish overall safety requirements
19 and plans and shall conduct overall integrated system
20 safety reviews for International Space Station elements
21 and payloads, and may undertake any and all authorized
22 steps (including, but not limited to, removal from launch
23 manifest) to ensure, to the maximum extent possible, that
24 such elements and payloads pose no safety risks for the
25 International Space Station.

1 (d) DEFINITIONS.—In this section:

2 (1) COOPERATING PARTY.—The term “cooper-
3 ating party” means any person who enters into an
4 agreement or contract with the Administration for
5 the performance or support of scientific, aeronauti-
6 cal, or space activities in furtherance of the Inter-
7 national Space Station Program.

8 (2) RELATED ENTITY.—The term “related en-
9 tity” includes contractors or subcontractors at any
10 tier, suppliers, grantees, and investigators or
11 detailees.

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

17 (e) EFFECT ON PREVIOUS WAIVERS.—Subsection (a)
18 applies to any waiver of claims entered into by the Admin-
19 istrator without regard to whether it was entered into be-
20 fore, on, or after the date of enactment of this Act.

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

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

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

8 (1) by striking subsection (f);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Section 2307(h)(8) of title 10, United States Code,
10 is amended by striking “and (4)” and inserting “(4), and
11 (6)”.

12 **SEC. 304. NOTICE.**

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

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

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

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

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

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

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

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

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

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

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

8 (2) in section 103—

9 (A) in subsection (a)—

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

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

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

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

19 (a) DEFINITIONS.—In this section:

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

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

4 (b) SENSE OF CONGRESS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **SEC. 309. NASA MID-RANGE PROCUREMENT TEST PRO-**
23 **GRAM.**

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

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

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

13 “(1) of \$2,000,000 or less; or

14 “(2) if options to purchase are involved, of
15 \$10,000,000 or less.”;

16 (3) in subsection (c), by striking
17 “\$100,000,000” and inserting “\$500,000,000”; and

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

20 **SEC. 310. SPACE ADVERTISING.**

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

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

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

3 “(8) ‘obtrusive space advertising’ means adver-
4 tising in outer space that is capable of being recog-
5 nized by a human being on the surface of the Earth
6 without the aid of a telescope or other technological
7 device.”.

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

11 **“§ 70109a. Space advertising**

12 “(a) LICENSING.—Notwithstanding the provisions of
13 this chapter or any other provision of law, the Secretary
14 may not, for the launch of a payload containing any mate-
15 rial to be used for the purposes of obtrusive space
16 advertising—

17 “(1) issue or transfer a license under this chap-
18 ter; or

19 “(2) waive the license requirements of this
20 chapter.

21 “(b) LAUNCHING.—No holder of a license under this
22 chapter may launch a payload containing any material to
23 be used for purposes of obtrusive space advertising on or
24 after the date of enactment of the National Aeronautics

1 and Space Administration Authorization Act for Fiscal
2 Year 2000.

3 “(c) COMMERCIAL SPACE ADVERTISING.—Nothing in
4 this section shall apply to nonobtrusive commercial space
5 advertising, including advertising on—

6 “(1) commercial space transportation vehicles;

7 “(2) space infrastructure, payloads;

8 “(3) space launch facilities; and

9 “(4) launch support facilities.”.

10 (c) NEGOTIATION WITH FOREIGN LAUNCHING NA-
11 TIONS.—

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

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

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

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

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

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

“70109a. Space advertising.”.

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