

109TH CONGRESS
1ST SESSION

S. 1281

To authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2005

Mrs. HUTCHISON (for herself, Mr. NELSON of Florida, Mr. STEVENS, and Mr. INOUE) 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 science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.

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 “Na-
5 tional Aeronautics and Space Administration Authoriza-
6 tion Act of 2005”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Findings.
 Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—AUTHORIZATIONS

- Sec. 101. Fiscal year 2006.
 Sec. 102. Fiscal year 2007.
 Sec. 103. Fiscal year 2008.
 Sec. 104. Fiscal year 2009.
 Sec. 105. Fiscal year 2010.
 Sec. 106. Evaluation criteria for budget request.

SUBTITLE B—GENERAL PROVISIONS

- Sec. 131. Implementation of a science program that extends human knowledge and understanding of the Earth, sun, solar system, and the universe.
 Sec. 132. Biennial reports to Congress on science programs.
 Sec. 133. Status report on Hubble Space Telescope servicing mission.
 Sec. 134. Develop expanded permanent human presence beyond low-Earth orbit.
 Sec. 135. Ground-based analog capabilities.
 Sec. 136. Space launch and transportation transition, capabilities, and development.
 Sec. 137. National policy for aeronautics research and development.
 Sec. 138. Identification of unique NASA core aeronautics research.
 Sec. 139. Lessons learned and best practices.
 Sec. 140. Safety management.
 Sec. 141. Creation of a budget structure that aids effective oversight and management.
 Sec. 142. Earth observing system.

SUBTITLE C—LIMITATIONS AND SPECIAL AUTHORITY

- Sec. 161. Official representational fund.
 Sec. 161. Facilities management.

TITLE II—INTERNATIONAL SPACE STATION

- Sec. 201. International Space Station completion.
 Sec. 202. Research and support capabilities on international Space Station.
 Sec. 20d. National laboratory status for International Space Station.
 Sec. 204. Commercial support of International Space Station operations and utilization.
 Sec. 205. Use of the International Space Station and annual report.

TITLE III—NATIONAL SPACE TRANSPORTATION POLICY

- Sec. 301. United States human-rated launch capacity assessment.
 Sec. 302. Space Shuttle transition.

- Sec. 303. Commercial launch vehicles.
 Sec. 304. Secondary payload capability.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

- Sec. 401. Commercialization plan.
 Sec. 402. Authority for competitive prize program to encourage development of advanced space and aeronautical technologies.
 Sec. 403. Commercial goods and services.

TITLE V—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS

- Sec. 501. Extension of indemnification authority.
 Sec. 502. Intellectual property provisions.
 Sec. 503. Retrocession of jurisdiction.
 Sec. 504. Recovery and disposition authority.
 Sec. 505. Requirement for independent cost analysis.
 Sec. 506. Electronic access to business opportunities.
 Sec. 507. Reports elimination.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) It is the policy of the United States to ad-
 4 vance United States scientific, security, and eco-
 5 nomic interests through a healthy and active space
 6 exploration program.

7 (2) Basic and applied research in space science,
 8 Earth science, and aeronautics remain a significant
 9 part of the Nation's goals for the use and develop-
 10 ment of space. Basic research and development is an
 11 important component of NASA's program of explo-
 12 ration and discovery.

13 (3) Maintaining the capability to safely send
 14 humans into space is essential to United States na-
 15 tional and economic security, United States pre-
 16 eminence in space, and inspiring the next generation
 17 of explorers. Thus, a gap in United States human

1 space flight capability is harmful to the national in-
2 terest.

3 (4) The exploration, development, and perma-
4 nent habitation of the Moon will—

5 (A) inspire the Nation;

6 (B) spur commerce, imagination, and ex-
7 citement around the world; and

8 (C) open the possibility of further explo-
9 ration of Mars.

10 (5) The establishment of the capability for con-
11 sistent access to and stewardship of the region be-
12 tween the Moon and Earth is in the national secu-
13 rity and commercial interests of the United States.

14 (6) Commercial development of space, including
15 exploration and other lawful uses, is in the interest
16 of the United States and the international commu-
17 nity at large.

18 (7) Research and access to capabilities to sup-
19 port a national laboratory facility within the United
20 States segment of the ISS in low-Earth orbit are in
21 the national policy interests of the United States, in-
22 cluding maintenance and development of an active
23 and healthy stream of research from ground to space
24 in areas that can uniquely benefit from access to
25 this facility.

1 (8) NASA should develop vehicles to replace the
2 Shuttle orbiter’s capabilities for transporting crew
3 and heavy cargo while utilizing the current pro-
4 gram’s resources, including human capital, capabili-
5 ties, and infrastructure. Using these resources can
6 ease the transition to a new space transportation
7 system, maintain an essential industrial base, and
8 minimize technology and safety risks.

9 (9) The United States should remain the world
10 leader in aeronautics and aviation. NASA should
11 align its aerospace research to ensure United States
12 leadership. A national effort is needed to assess
13 NASA’s aeronautics programs and infrastructure to
14 allow a consolidated national approach that ensures
15 efficiency and national preeminence in aeronautics
16 and aviation.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) ADMINISTRATOR.—The term “Adminis-
20 trator” means the Administrator of the National
21 Aeronautics and Space Administration.

22 (2) ISS.—The term “ISS” means the inter-
23 national space station.

24 (3) NASA.—The term “NASA” means the Na-
25 tional Aeronautics and Space Administration.

1 (4) SHUTTLE-DERIVED VEHICLE.—The term
2 “shuttle-derived vehicle” means any new space
3 transportation vehicle, piloted or unpiloted, that—

4 (A) is capable of supporting crew or cargo
5 missions; and

6 (B) uses a major component of NASA’s
7 Space Transportation System, such as the solid
8 rocket booster, external tank, engine, and or-
9 biter.

10 (5) IN-SITU RESOURCE UTILIZATION.—The
11 term “in-situ resource utilization” means the tech-
12 nology or systems that can convert indigenous or lo-
13 cally-situated substances into useful materials and
14 products.

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

18 **SEC. 101. FISCAL YEAR 2006.**

19 There are authorized to be appropriated to the Na-
20 tional Aeronautics and Space Administration, for fiscal
21 year 2006 \$16,556,400,000, as follows:

22 (1) For science, aeronautics and exploration,
23 \$9,661,000,000 for the following programs (includ-
24 ing amounts for construction of facilities).

1 (2) For exploration capabilities,
2 \$6,863,000,000, (including amounts for construction
3 of facilities), which shall be used for space oper-
4 ations, and out of which \$100,000,000 shall be used
5 for the purposes of section 202 of this Act.

6 (3) For the Office of Inspector General,
7 \$32,400,000.

8 **SEC. 102. FISCAL YEAR 2007.**

9 There are authorized to be appropriated to the Na-
10 tional Aeronautics and Space Administration, for fiscal
11 year 2007, \$17,052,900,000, as follows:

12 (1) \$10,549,800,000 for science, aeronautics
13 and exploration (including amounts for construction
14 of facilities).

15 (2) For exploration capabilities,
16 \$6,469,600,000, for the following programs (includ-
17 ing amounts for construction of facilities), of which
18 \$6,469,600,000 shall be for space operations.

19 (3) For the Office of Inspector General,
20 \$33,500,000.

21 **SEC. 103. FISCAL YEAR 2008.**

22 There are authorized to be appropriated to the Na-
23 tional Aeronautics and Space Administration, for fiscal
24 year 2008, \$17,470,900,000.

1 **SEC. 104. FISCAL YEAR 2009.**

2 There are authorized to be appropriated to the Na-
3 tional Aeronautics and Space Administration, for fiscal
4 year 2009, \$17,995,000,000.

5 **SEC. 105. FISCAL YEAR 2010.**

6 There are authorized to be appropriated to the Na-
7 tional Aeronautics and Space Administration, for fiscal
8 year 2010, \$18,534,900,000.

9 **SEC. 106. EVALUATION CRITERIA FOR BUDGET REQUEST.**

10 It is the sense of the Congress that each budget of
11 the United States submitted to the Congress after the date
12 of enactment of this Act should be evaluated for compli-
13 ance with the findings and priorities established by this
14 Act and the amendments made by this Act.

15 **Subtitle B—General Provisions**

16 **SEC. 131. IMPLEMENTATION OF A SCIENCE PROGRAM THAT**
17 **EXTENDS HUMAN KNOWLEDGE AND UNDER-**
18 **STANDING OF THE EARTH, SUN, SOLAR SYS-**
19 **TEM, AND THE UNIVERSE.**

20 The Administrator shall—

21 (1) conduct a rich and vigorous set of science
22 activities aimed at better comprehension of the uni-
23 verse, solar system, and Earth, and ensure that the
24 various areas within NASA's science portfolio are
25 developed and maintained in a balanced and healthy
26 manner;

1 (2) plan projected Mars exploration activities in
2 the context of planned lunar robotic precursor mis-
3 sions, ensuring the ability to conduct a broad set of
4 scientific investigations and research around and on
5 the Moon's surface;

6 (3) upon successful completion of the planned
7 return-to-flight schedule of the Space Shuttle, deter-
8 mine the schedule for a Shuttle servicing mission to
9 the Hubble Space Telescope, unless such a mission
10 would compromise astronaut or safety or the integ-
11 rity of NASA's other missions;

12 (4) ensure that, in implementing the provisions
13 of this section, appropriate inter-agency and com-
14 mercial collaboration opportunities are sought and
15 utilized to the maximum feasible extent;

16 (5) seek opportunities to diversify the flight op-
17 portunities for scientific Earth science instruments
18 and seek innovation in the development of instru-
19 ments that would enable greater flight opportunities;

20 (6) develop a long term sustainable relationship
21 with the United States commercial remote sensing
22 industry, and, consistent with applicable policies and
23 law, to the maximum practical extent, rely on their
24 services;

1 (2) any activities undertaken by the Adminis-
2 tration to conform with the Sun-Earth science and
3 applications direction provided in section 131; and

4 (3) efforts to enhance near-Earth object detec-
5 tion and observation.

6 (b) **EXTERNAL REVIEW FINDINGS.**—The Adminis-
7 trator shall include in each report submitted under this
8 section a summary of findings and recommendations from
9 any external reviews of the Administration’s science mis-
10 sion priorities and programs.

11 **SEC. 133. STATUS REPORT ON HUBBLE SPACE TELESCOPE**
12 **SERVICING MISSION.**

13 Within 60 days after the landing of the second Space
14 Shuttle mission for return-to-flight certification, the Ad-
15 ministrators shall transmit to the Senate Committee on
16 Commerce, Science, and Transportation and the House of
17 Representatives Committee on Science a one-time status
18 report on a Hubble Space Telescope servicing mission.

19 **SEC. 134. DEVELOP EXPANDED PERMANENT HUMAN PRES-**
20 **ENCE BEYOND LOW-EARTH ORBIT.**

21 (a) **IN GENERAL.**—As part of the programs author-
22 ized under the National Aeronautics and Space Act of
23 1958 (42 U.S.C. 2451 et seq.), the Administrator shall
24 establish a program to develop a permanently sustained
25 human presence on the Moon, in tandem with an extensive

1 precursor program, to support security, commerce, and
2 scientific pursuits, and as a stepping-stone to future explo-
3 ration of Mars. The Administrator is further authorized
4 to develop and conduct international collaborations in pur-
5 suit of these goals, as appropriate.

6 (b) REQUIREMENTS.—In carrying out this section,
7 the Administrator shall—

8 (1) implement an effective exploration tech-
9 nology program that is focused around the key needs
10 to support lunar human and robotic operations;

11 (2) as part of NASA’s annual budget submis-
12 sion, submit to the Congress the detailed mission,
13 schedule, and budget for key lunar mission-enabling
14 technology areas, including areas for possible innova-
15 tive governmental and commercial activities and
16 partnerships;

17 (3) as part of NASA’s annual budget submis-
18 sion, submit to the Congress a plan for NASA’s
19 lunar robotic precursor and technology programs, in-
20 cluding current and planned technology investments
21 and scientific research that support the lunar pro-
22 gram; and

23 (4) conduct an intensive in-situ resource utiliza-
24 tion technology program in order to develop the ca-
25 pability to use space resources to increase independ-

1 ence from Earth, and sustain exploration beyond
2 low-Earth orbit.

3 **SEC. 135. GROUND-BASED ANALOG CAPABILITIES.**

4 (a) IN GENERAL.—The Administrator shall establish
5 a ground-based analog capability in remote United States
6 locations in order to assist in the development of lunar
7 operations, life support, and in-situ resource utilization ex-
8 perience and capabilities.

9 (b) LOCATIONS.—The Administrator shall select loca-
10 tions for subsection (a) in places that—

- 11 (1) are regularly accessible;
- 12 (2) have significant temperature extremes and
13 range; and
- 14 (3) have access to energy and natural resources
15 (including geothermal, permafrost, volcanic, and
16 other potential resources).

17 (c) INVOLVEMENT OF LOCAL POPULATIONS; PRI-
18 VATE SECTOR PARTNERS.—In carrying out this section,
19 the Administrator shall involve local populations, aca-
20 demia, and industrial partners as much as possible to en-
21 sure that ground-based benefits and applications are en-
22 couraged and developed.

1 **SEC. 136. SPACE LAUNCH AND TRANSPORTATION TRANSI-**
2 **TION, CAPABILITIES, AND DEVELOPMENT.**

3 (a) **POST-ORBITER TRANSITION.**—The Adminis-
4 trator shall develop an implementation plan for the transi-
5 tion to a new crew exploration vehicle and heavy-lift
6 launch vehicle that uses the personnel, capabilities, assets,
7 and infrastructure of the Space Shuttle to the fullest ex-
8 tent possible and addresses how NASA will accommodate
9 the docking of the crew exploration vehicle to the ISS.

10 (b) **AUTOMATED RENDEZVOUS AND DOCKING.**—The
11 Administrator is directed to pursue aggressively auto-
12 mated rendezvous and docking capabilities that can sup-
13 port ISS and other mission requirements and include
14 these activities, progress reports, and plans in the imple-
15 mentation plan.

16 (c) **CONGRESSIONAL SUBMISSION.**—Within 120 days
17 after the date of enactment of this Act the Administrator
18 shall submit a copy of the implementation plan to the Sen-
19 ate Committee on Commerce, Science, and Transportation
20 and the House of Representatives Committee on Science.

21 **SEC. 137. NATIONAL POLICY FOR AERONAUTICS RESEARCH**
22 **AND DEVELOPMENT.**

23 (a) **IN GENERAL.**—The President, through the Direc-
24 tor of the Office of Science and Technology Policy, shall
25 develop, in consultation with NASA and other relevant
26 Federal agencies, a national aeronautics policy to guide

1 the aeronautics programs of the United States through the
2 year 2020.

3 (b) CONTENT.—At a minimum the national aero-
4 nautics policy shall describe—

5 (1) national goals for aeronautics research;

6 (2) the priority areas of research for aero-
7 nautics through fiscal year 2011;

8 (3) the basis of which and the process by which
9 priorities for ensuing fiscal years will be selected;
10 and

11 (4) respective roles and responsibilities of var-
12 ious Federal agencies in aeronautics research.

13 (c) NATIONAL ASSESSMENT OF AERONAUTICS IN-
14 FRASTRUCTURE AND CAPABILITIES.—In developing the
15 national aeronautics policy, the President, through the Di-
16 rector of the Office of Science and Technology Policy, shall
17 conduct a national study of government-owned aeronautics
18 research infrastructure to assess—

19 (1) uniqueness, mission dependency, and indus-
20 try need; and

21 (2) the development or initiation of a consoli-
22 dated national aviation research, development, and
23 support organization.

24 (d) SCHEDULE.—No later than 1 year after the date
25 of enactment of this Act, the President's Science Advisor

1 and the Administrator shall submit the national aero-
2 nautics policy to the Appropriations Committees of the
3 House of Representatives and the Senate, the House Com-
4 mittee on Science, and the Senate Committee on Com-
5 merce, Science, and Transportation.

6 **SEC. 138. IDENTIFICATION OF UNIQUE NASA CORE AERO-**
7 **NAUTICS RESEARCH.**

8 Within 180 days after the date of enactment of this
9 Act, the Administrator shall submit a report to the Senate
10 Committee on Commerce, Science, and Transportation
11 and the House of Representatives Committee on Science
12 that assesses the aeronautics research program for its cur-
13 rent and potential application to new aeronautic and space
14 vehicles and the unique aeronautical research and associ-
15 ated capabilities that must be retained and supported by
16 NASA to further space exploration and support United
17 States economic competitiveness.

18 **SEC 139. LESSONS LEARNED AND BEST PRACTICES**

19 (a) IN GENERAL.—The Administrator shall provide
20 an implementation plan describing NASA’s approach for
21 obtaining, implementing, and sharing lessons learned and
22 best practices for its major programs and projects within
23 180 days after the date of enactment of this Act. The im-
24 plementation plan shall be updated and maintained to as-

1 sure that it is current and consistent with the burgeoning
2 culture of learning and safety that is emerging at NASA.

3 (b) **REQUIRED CONTENT.**—The implementation plan
4 shall contain as a minimum the lessons learned and best
5 practices requirements for NASA, the organizations or po-
6 sitions responsible for enforcement of the requirements,
7 the reporting structure, and the objective performance
8 measures indicating the effectiveness of the activity.

9 (c) **INCENTIVES.**—The Administrator shall provide
10 incentives to encourage sharing and implementation of les-
11 sons learned and best practices by employees, projects,
12 and programs; as well as penalties for programs and
13 projects that are determined not to have demonstrated use
14 of those resources.

15 **SEC. 140. SAFETY MANAGEMENT.**

16 Section 6 of the National Aeronautics and Space Ad-
17 ministration Authorization Act, 1968 (42 U.S.C. 2477) is
18 amended—

19 (1) by inserting “(a) **IN GENERAL.**—” before
20 “There”;

21 (2) by striking “to it” and inserting “to it, in-
22 cluding evaluating NASA’s compliance with the re-
23 turn-to-flight and continue-to-fly recommendations
24 of the Columbia Accident Investigation Board,”;

1 (3) by inserting “and the Congress” after “ad-
2 vise the Administrator”;

3 (4) by striking “and with respect to the ade-
4 quacy of proposed or existing safety standards and
5 shall” and inserting “with respect to the adequacy
6 of proposed or existing safety standards, and with
7 respect to management and culture. The Panel shall
8 also”; and

9 (5) by adding at the end the following:

10 “(b) ANNUAL REPORT.—The Panel shall submit an
11 annual report to the Administrator and to the Congress.
12 In the first annual report submitted after the date of en-
13 actment of the National Aeronautics and Space Adminis-
14 tration Authorization Act of 2005, the Panel shall include
15 an evaluation of NASA’s safety management culture.

16 “(c) SENSE OF THE CONGRESS.—It is the sense of
17 the Congress that the Administrator should—

18 “(1) ensure that NASA employees can raise
19 safety concerns without fear of reprisal;

20 “(2) continue to follow the recommendations of
21 the Columbia Accident Investigation Board for safe-
22 ly returning and continuing to fly; and

23 “(3) continue to inform the Congress from time
24 to time of NASA’s progress in meeting those rec-
25 ommendations.”.

1 **SEC. 141. CREATION OF A BUDGET STRUCTURE THAT AIDS**
2 **EFFECTIVE OVERSIGHT AND MANAGEMENT.**

3 In developing NASA's budget request for inclusion in
4 the Budget of the United States for fiscal year 2007 and
5 thereafter, the Administrator shall—

6 (1) include line items for—

7 (A) science, aeronautics, and exploration;

8 (B) exploration capabilities; and

9 (C) the Office of the Inspector General;

10 (2) enumerate separately, within the science,
11 aeronautics, and exploration account, the requests
12 for—

13 (A) space science;

14 (B) Earth science; and

15 (C) aeronautics;

16 (3) include, within the exploration capabilities
17 account, the requests for—

18 (A) the Space Shuttle; and

19 (B) the ISS; and

20 (4) enumerate separately the specific request
21 for the independent technical authority within the
22 appropriate account.

23 **SEC. 142. EARTH OBSERVING SYSTEM.**

24 (a) IN GENERAL.—Within 6 months after the date
25 of enactment of this Act, the Administrator, in consulta-
26 tion with the Administrator of the National Oceanic and

1 Atmospheric Administration and the Director of the
2 United States Geological Survey, shall submit a plan to
3 the Senate Committee on Commerce, Science, and Trans-
4 portation and the House of Representatives Committee on
5 Science to ensure the long-term vitality of the earth ob-
6 serving system at NASA.

7 (b) PLAN REQUIREMENTS.—The plan shall—

8 (1) address such issues as—

9 (A) out-year budgetary projections;

10 (B) technical requirements for the system;

11 and

12 (C) integration into the Global Earth Ob-
13 serving System of Systems; and

14 (2) evaluate—

15 (A) the need to proceed with any NASA
16 missions that have been delayed or canceled;

17 (B) plans for transferring needed capabili-
18 ties from some canceled or de-scoped missions
19 to the National Polar-orbiting Environmental
20 Satellite System;

21 (C) the technical base for exploratory earth
22 observing systems;

23 (D) the need to strengthen research and
24 analysis programs; and

1 (E) the need to strengthen the approach to
2 obtaining important climate observations and
3 data records.

4 (c) EARTH OBSERVING SYSTEM DEFINED.—In this
5 section, the term “earth observing system” means the se-
6 ries of satellites, a science component, and a data system
7 for long-term global observations of the land surface, bio-
8 sphere, solid Earth, atmosphere, and oceans.

9 **Subtitle C—Limitations and** 10 **Special Authority**

11 **SEC. 161. OFFICIAL REPRESENTATIONAL FUND.**

12 Amounts appropriated pursuant to paragraphs (1)
13 and (2) of section 101 may be used, but not to exceed
14 \$70,000, for official reception and representation ex-
15 penses.

16 **SEC. 162. FACILITIES MANAGEMENT.**

17 (a) IN GENERAL.—Notwithstanding any other provi-
18 sion of law, the Administrator may convey, by sale, lease,
19 exchange, or otherwise, including through leaseback ar-
20 rangements, real and related personal property under the
21 custody and control of the Administration, or interests
22 therein, and retain the net proceeds of such dispositions
23 in an account within NASA’s working capital fund to be
24 used for NASA’s real property capital needs. All net pro-
25 ceeds realized under this section shall be obligated or ex-

1 pended only as authorized by appropriations Acts. To aid
2 in the use of this authority, NASA shall develop a facilities
3 investment plan that takes into account uniqueness, mis-
4 sion dependency, and other studies required by this Act.

5 (b) APPLICATION OF OTHER LAW.—Sales trans-
6 actions under this section are subject to section 501 of
7 the McKinney-Vento Homeless Assistance Act (42 U.S.C.
8 11411).

9 (c) NOTICE OF REPROGRAMMING.—If any funds au-
10 thorized by this Act are subject to a reprogramming action
11 that requires notice to be provided to the Appropriations
12 Committees of the House of Representatives and the Sen-
13 ate, notice of such action shall concurrently be provided
14 to the House of Representatives Committee on Science
15 and the Senate Committee on Commerce, Science, and
16 Transportation.

17 (d) DEFINITIONS.—In this section:

18 (1) NET PROCEEDS.—The term “net proceeds”
19 means the rental and other sums received less the
20 costs of the disposition.

21 (2) REAL PROPERTY CAPITAL NEEDS.—The
22 term “real property capital needs” means any ex-
23 penses necessary and incident to the agency’s real
24 property capital acquisitions, improvements, and dis-
25 positions.

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

3 **SEC. 201. INTERNATIONAL SPACE STATION COMPLETION.**

4 (a) **ELEMENTS, CAPABILITIES, AND CONFIGURATION**
5 **CRITERIA.**—The Administrator shall ensure that the ISS
6 will be able to—

7 (1) fulfill international partner agreements and
8 provide a diverse range of research capacity, includ-
9 ing a high rate of human biomedical research proto-
10 cols, countermeasures, applied bio-technologies, tech-
11 nology and exploration research, and other priority
12 areas;

13 (2) have an ability to support crew size of at
14 least 6 persons;

15 (3) support crew exploration vehicle docking
16 and automated docking of cargo vehicles or modules
17 launched by either heavy-lift or commercially-devel-
18 oped launch vehicles; and

19 (4) be operated at an appropriate risk level.

20 (b) **CONTINGENCY PLAN.**—The transportation plan
21 to support ISS shall include contingency options to ensure
22 sufficient logistics and on-orbit capabilities to support any
23 potential hiatus between Space Shuttle availability and fol-
24 low-on crew and cargo systems, and provide sufficient pre-

1 positioning of spares and other supplies needed to accom-
2 modate any such hiatus.

3 (c) CERTIFICATION.—Within 180 days after the date
4 of enactment of this Act, and before making any change
5 in the ISS assembly sequence in effect on the date of en-
6 actment of this Act, the Administrator shall certify in
7 writing to the Senate Committee on Commerce, Science,
8 and Transportation and the House of Representatives
9 Committee on Science NASA’s plan to meet the require-
10 ments of subsections (a) and (b).

11 (d) COST LIMITATION FOR THE ISS.—Within 6
12 months after the date of enactment of this Act, the Ad-
13 ministrator shall submit to the Congress information per-
14 taining to the impact of the Columbia accident and the
15 implementation of full cost accounting on the development
16 costs of the International Space Station. The Adminis-
17 trator shall also identify any statutory changes needed to
18 section 202 of the NASA Authorization Act of 2000 to
19 address those impacts.

20 **SEC. 202. RESEARCH AND SUPPORT CAPABILITIES ON**
21 **INTERNATIONAL SPACE STATION.**

22 (a) IN GENERAL.—The Administrator shall—

23 (1) within 60 days after the date of enactment
24 of this Act, provide an assessment of biomedical and
25 life science research planned for implementation

1 aboard the ISS that includes the identification of re-
2 search which can be performed in ground-based fa-
3 cilities and then, if appropriate, validated in space to
4 the Senate Committee on Commerce, Science, and
5 Transportation and the House of Representatives
6 Committee on Science;

7 (2) ensure the capacity to support ground-based
8 research leading to spaceflight of scientific research
9 in a variety of disciplines with potential direct na-
10 tional benefits and applications that can advance
11 significantly from the uniqueness of micro-gravity;

12 (3) restore and protect such potential ISS re-
13 search activities as molecular crystal growth, animal
14 research, basic fluid physics, combustion research,
15 cellular biotechnology, low temperature physics, and
16 cellular research at a level which will sustain the ex-
17 isting scientific expertise and research capabilities
18 until such time as additional funding or resources
19 from sources other than NASA can be identified to
20 support these activities within the framework of the
21 National Laboratory provided for in section 203 of
22 this Act; and

23 (4) within 1 year after the date of enactment
24 of this Act, develop a research plan that will dem-
25 onstrate the process by which NASA will evolve the

1 ISS research portfolio in a manner consistent with
2 the planned growth and evolution of ISS on-orbit
3 and transportation capabilities.

4 (b) MAINTENANCE OF ON-ORBIT ANALYTICAL CAPA-
5 BILITIES.—The Administrator shall ensure that on-orbit
6 analytical capabilities to support diagnostic human re-
7 search, as well as on-orbit characterization of molecular
8 crystal growth, cellular research, and other research prod-
9 ucts and results are developed and maintained, as an al-
10 ternative to Earth-based analysis requiring the capability
11 of returning research products to Earth.

12 (c) ASSESSMENT OF POTENTIAL SCIENTIFIC
13 USES.—The Administrator shall assess further potential
14 possible scientific uses of the ISS for other applications,
15 such as technology development, development of manufac-
16 turing processes, Earth observation and characterization,
17 and astronomical observations.

18 (d) TRANSITION TO PUBLIC–PRIVATE RESEARCH OP-
19 ERATIONS.—By no later than the date on which the as-
20 sembly of the ISS is complete (as determined by the Ad-
21 ministrator), the Administrator shall initiate steps to tran-
22 sition research operations on the ISS to a greater private–
23 public operating relationship pursuant to section 203 of
24 this Act.

1 **SEC. 203. NATIONAL LABORATORY STATUS FOR INTER-**
2 **NATIONAL SPACE STATION.**

3 (a) **IN GENERAL.**—In order to accomplish the objec-
4 tives listed in section 202, the United States segment of
5 the ISS is hereby designated a national laboratory facility.
6 The Administrator, after consultation with the Director
7 of the Office of Science and Technology Policy, shall de-
8 velop the national laboratory facility to oversee scientific
9 utilization of an ISS national laboratory within the organi-
10 zational structure of NASA.

11 (b) **NATIONAL LABORATORY FUNCTIONS.**—The Ad-
12 ministrator shall seek to use the national laboratory to in-
13 crease the utilization of the ISS by other national and
14 commercial users and to maximize available NASA fund-
15 ing for research through partnerships, cost-sharing agree-
16 ments, and arrangements with non-NASA entities.

17 (c) **IMPLEMENTATION PLAN.**—Within 1 year after
18 the date of enactment of this Act, the Administrator shall
19 provide an implementation plan to the Senate Committee
20 on Commerce, Science, and Transportation and the House
21 of Representatives Committee on Science for establish-
22 ment of the ISS national laboratory facility which, at a
23 minimum, shall include—

- 24 (1) proposed on-orbit laboratory functions;
25 (2) proposed ground-based laboratory facilities;

1 (3) detailed laboratory management structure,
2 concept of operations, and operational feasibility;

3 (4) detailed plans for integration and conduct
4 of ground and space-based research operations;

5 (5) description of funding and workforce re-
6 source requirements necessary to establish and oper-
7 ate the laboratory;

8 (6) plans for accommodation of existing inter-
9 national partner research obligations and commit-
10 ments; and

11 (7) detailed outline of actions and timeline nec-
12 essary to implement and initiate operations of the
13 laboratory.

14 (d) U.S. SEGMENT DEFINED.—In this section the
15 term “United States Segment of the ISS” means those
16 elements of the ISS manufactured—

17 (1) by the United States; or

18 (2) for the United States by other nations in
19 exchange for funds or launch services.

20 **SEC. 204. COMMERCIAL SUPPORT OF INTERNATIONAL**
21 **SPACE STATION OPERATIONS AND UTILIZA-**
22 **TION.**

23 The Administrator shall purchase commercial serv-
24 ices for support of the ISS for cargo and other needs to

1 the maximum extent possible, in accordance with Federal
2 procurement law.

3 **SEC. 205. USE OF THE INTERNATIONAL SPACE STATION**
4 **AND ANNUAL REPORT.**

5 (a) POLICY.—It is the policy of the United States—

6 (1) to ensure diverse and growing utilization of
7 benefits from the ISS; and

8 (2) to increase commercial operations in low-
9 Earth orbit and beyond that are supported by na-
10 tional and commercial space transportation capabili-
11 ties.

12 (b) USE OF INTERNATIONAL SPACE STATION.—The
13 Administrator shall conduct broadly focused scientific and
14 exploration research and development activities using the
15 ISS in a manner consistent with the provisions of this
16 title, and advance the Nation’s exploration of the Moon
17 and beyond, using the ISS as a test-bed and outpost for
18 operations, engineering, and scientific research.

19 (c) REPORTS.—No later than March 31 of each year
20 the Administrator shall submit a report to the Senate
21 Committee on Commerce, Science, and Transportation
22 and the House of Representatives Committee on Science
23 on the use of the ISS for these purposes, with implementa-
24 tion milestones and associated results.

1 **TITLE III—NATIONAL SPACE**
2 **TRANSPORTATION POLICY**

3 **SEC. 301. UNITED STATES HUMAN-RATED LAUNCH CAPAC-**
4 **ITY ASSESSMENT.**

5 Notwithstanding any other provision of law, the Ad-
6 ministrator shall, within 60 days after the date of enact-
7 ment of this Act, provide to the Senate Committee on
8 Commerce, Science, and Transportation and the House of
9 Representatives Committee on Science, a full description
10 of the transportation requirements needed to support the
11 space launch and transportation transition implementa-
12 tion plan required by section 136 of this Act, as well as
13 for the ISS, including—

14 (1) the manner in which the capabilities of any
15 proposed human-rated crew and launch vehicles
16 meet the requirements of the implementation plan
17 under section 136 of this Act;

18 (2) a retention plan of skilled personnel from
19 the legacy Shuttle program which will sustain the
20 level of safety for that program through the final
21 flight and transition plan that will ensure that any
22 NASA programs can utilize the human capital re-
23 sources of the Shuttle program, to the maximum ex-
24 tent practicable;

1 (3) the implications for and impact on the Na-
2 tion's aerospace industrial base;

3 (4) the manner in which the proposed vehicles
4 contribute to a national mixed fleet launch and flight
5 capacity;

6 (5) the nature and timing of the transition from
7 the Space Shuttle to the workforce, the proposed ve-
8 hicles, and any related infrastructure;

9 (6) support for ISS crew transportation, ISS
10 utilization, and lunar exploration architecture;

11 (7) for any human rated vehicle, a crew escape
12 system, as well as substantial protection against or-
13 bital debris strikes that offers a high level of safety;

14 (8) development risk areas;

15 (9) the schedule and cost;

16 (10) the relationship between crew and cargo
17 capabilities; and

18 (11) the ability to reduce risk through the use
19 of currently qualified hardware.

20 **SEC. 302. SPACE SHUTTLE TRANSITION.**

21 (a) IN GENERAL.—In order to ensure continuous
22 human access to space, the Administrator may not retire
23 the Space Shuttle orbiter until a replacement human-rated
24 spacecraft system has demonstrated that it can take hu-
25 mans into Earth orbit and return them safely, except as

1 may be provided by law enacted after the date of enact-
2 ment of this Act. The Administrator shall conduct the
3 transition from the Space Shuttle orbiter to a replacement
4 capability in a manner that uses the personnel, capabili-
5 ties, assets, and infrastructure of the current Space Shut-
6 tle program to the maximum extent feasible.

7 (b) REPORT.—After providing the information re-
8 quired by section 301 to the Committees, the Adminis-
9 trator shall transmit a report to the Senate Committee
10 on Commerce, Science, and Transportation and the House
11 of Representatives Committee on Science containing a de-
12 tailed and comprehensive Space Shuttle transition plan
13 that includes any necessary recertification, including re-
14 quirements, assumptions, and milestones, in order to uti-
15 lize the Space Shuttle orbiter beyond calendar year 2010.

16 (c) CONTRACT TERMINATIONS; VENDOR REPLACE-
17 MENTS.—The Administrator may not terminate any con-
18 tracts nor replace any vendors associated with the Space
19 Shuttle until the Administrator transmits the report re-
20 quired by subsection (b) to the Committees.

21 **SEC. 303. COMMERCIAL LAUNCH VEHICLES.**

22 It is the sense of Congress that the Administrator
23 should use current and emerging commercial launch vehi-
24 cles to fulfill appropriate mission needs, including the sup-
25 port of low-Earth orbit and lunar exploration operations.

1 **SEC. 304. SECONDARY PAYLOAD CAPABILITY.**

2 In order to help develop a cadre of experienced engi-
3 neers and to provide more routine and affordable access
4 to space, the Administrator shall provide the capabilities
5 to support secondary payloads on United States launch
6 vehicles, including free flyers, for satellites or scientific
7 payloads weighing less than 500 kilograms.

8 **TITLE IV—ENABLING**
9 **COMMERCIAL ACTIVITY**

10 **SEC. 401. COMMERCIALIZATION PLAN.**

11 (a) IN GENERAL.—The Administrator, in consulta-
12 tion with the Associate Administrator for Space Transpor-
13 tation of the Federal Aviation Administration, the Direc-
14 tor of the Office of Space Commercialization of the De-
15 partment of Commerce, and any other relevant agencies,
16 shall develop a commercialization plan to support the
17 human missions to the Moon and Mars, to support Low-
18 Earth Orbit activities and Earth science mission and ap-
19 plications, and to transfer science research and technology
20 to society. The plan shall identify opportunities for the pri-
21 vate sector to participate in the future missions and activi-
22 ties, including opportunities for partnership between
23 NASA and the private sector in the development of tech-
24 nologies and services.

25 (b) REPORT.—Within 180 days after the date of en-
26 actment of this Act, the Administrator shall submit a copy

1 of the plan to the Senate Committee on Commerce,
2 Science, and Transportation and the House of Represent-
3 atives Committee on Science.

4 **SEC. 402. AUTHORITY FOR COMPETITIVE PRIZE PROGRAM**
5 **TO ENCOURAGE DEVELOPMENT OF AD-**
6 **VANCED SPACE AND AERONAUTICAL TECH-**
7 **NOLOGIES.**

8 Title III of the National Aeronautics and Space Act
9 of 1958 (42 U.S.C. 2451 et seq.) is amended by adding
10 at the end the following:

11 **“SEC. 316. PROGRAM ON COMPETITIVE AWARD OF PRIZES**
12 **TO ENCOURAGE DEVELOPMENT OF AD-**
13 **VANCED SPACE AND AERONAUTICAL TECH-**
14 **NOLOGIES.**

15 “(a) PROGRAM AUTHORIZED.—

16 “(1) IN GENERAL.—The Administrator may
17 carry out a program to award prizes to stimulate in-
18 novation in basic and applied research, technology
19 development, and prototype demonstration that have
20 the potential for application to the performance of
21 the space and aeronautical activities of the Adminis-
22 tration.

23 “(2) USE OF PRIZE AUTHORITY.—In carrying
24 out the program, the Administrator shall seek to de-
25 velop and support technologies and areas identified

1 in section 134 of this Act or other areas that the
2 Administrator determines to be providing impetus to
3 NASA’s overall exploration and science architecture
4 and plans, such as private efforts to detect near
5 Earth objects and, where practicable, utilize the
6 prize winner’s technologies in fulfilling NASA’s mis-
7 sions. The Administrator shall widely advertise any
8 competitions conducted under the program and must
9 include advertising to research universities.

10 “(3) COORDINATION.—The program shall be
11 implemented in compliance with section 138 of the
12 National Aeronautics and Space Administration Au-
13 thorization Act of 2005.

14 “(b) PROGRAM REQUIREMENTS.—

15 “(1) COMPETITIVE PROCESS.—Recipients of
16 prizes under the program under this section shall be
17 selected through one or more competitions conducted
18 by the Administrator.

19 “(2) ADVERTISING.—The Administrator shall
20 widely advertise any competitions conducted under
21 the program.

22 “(c) REGISTRATION; ASSUMPTION OF RISK.—

23 “(1) REGISTRATION.—Each potential recipient
24 of a prize in a competition under the program under
25 this section shall register for the competition.

1 “(2) ASSUMPTION OF RISK.—In registering for
2 a competition under paragraph (1), a potential re-
3 cipient of a prize shall assume any and all risks, and
4 waive claims against the United States Government
5 and its related entities, for any injury, death, dam-
6 age, or loss of property, revenue, or profits, whether
7 direct, indirect, or consequential, arising from par-
8 ticipation in the competition, whether such injury,
9 death, damage, or loss arises through negligence or
10 otherwise, except in the case of willful misconduct.

11 “(3) RELATED ENTITY DEFINED.—In this sub-
12 section, the term ‘related entity’ includes a con-
13 tractor or subcontractor at any tier, a supplier, user,
14 customer, cooperating party, grantee, investigator,
15 or detailee.

16 “(d) LIMITATIONS.—

17 “(1) TOTAL AMOUNT.—The total amount of
18 cash prizes available for award in competitions
19 under the program under this section in any fiscal
20 year may not exceed \$50,000,000.

21 “(2) APPROVAL REQUIRED FOR LARGE
22 PRIZES.—No competition under the program may
23 result in the award of more than \$1,000,000 in cash
24 prizes without the approval of the Administrator or
25 a designee of the Administrator.

1 “(e) RELATIONSHIP TO OTHER AUTHORITY.—The
2 Administrator may utilize the authority in this section in
3 conjunction with or in addition to the utilization of any
4 other authority of the Administrator to acquire, support,
5 or stimulate basic and applied research, technology devel-
6 opment, or prototype demonstration projects.

7 “(f) AVAILABILITY OF FUNDS.—Funds appropriated
8 for the program authorized by this section shall remain
9 available until expended.”.

10 **SEC. 403. COMMERCIAL GOODS AND SERVICES.**

11 It is the sense of the Congress that NASA should
12 purchase commercially available space goods and services
13 to the fullest extent feasible in support of the human mis-
14 sions beyond Earth and should encourage commercial use
15 and development of space to the greatest extent prac-
16 ticable.

17 **TITLE V—MISCELLANEOUS AD-**
18 **MINISTRATIVE IMPROVE-**
19 **MENTS**

20 **SEC. 501. EXTENSION OF INDEMNIFICATION AUTHORITY.**

21 Section 309 of the National Aeronautics and Space
22 Act of 1958 (42 U.S.C. 2458c) is amended by striking
23 “December 31, 2002” and inserting “December 31,
24 2007”, and by striking “September 30, 2005” and insert-
25 ing “December 31, 2009”.

1 **SEC. 502. INTELLECTUAL PROPERTY PROVISIONS.**

2 Section 305 of the National Aeronautics and Space
3 Act of 1958, as amended (42 U.S.C. 2457 et seq.), is
4 amended by inserting after subsection (f) the following:

5 “(g) ASSIGNMENT OF PATENT RIGHTS, ETC.—

6 “(1) IN GENERAL.—Under agreements entered
7 into pursuant to paragraph (5) or (6) of section
8 203(c) of this Act (42 U.S.C. 2473(c)(5) or (6)), the
9 Administrator may—

10 “(A) grant or agree to grant in advance to
11 a participating party, patent licenses or assign-
12 ments, or options thereto, in any invention
13 made in whole or in part by an Administration
14 employee under the agreement; or

15 “(B) subject to section 209 of title 35,
16 grant a license to an invention which is Feder-
17 ally owned, for which a patent application was
18 filed before the signing of the agreement, and
19 directly within the scope of the work under the
20 agreement, for reasonable compensation when
21 appropriate.

22 “(2) EXCLUSIVITY.—The Administrator shall
23 ensure, through such agreement, that the partici-
24 pating party has the option to choose an exclusive
25 license for a pre-negotiated field of use for any such
26 invention under the agreement or, if there is more

1 than 1 participating party, that the participating
2 parties are offered the option to hold licensing rights
3 that collectively encompass the rights that would be
4 held under such an exclusive license by one party.

5 “(3) CONDITIONS.—In consideration for the
6 Government’s contribution under the agreement,
7 grants under this subsection shall be subject to the
8 following explicit conditions:

9 “(A) A nonexclusive, nontransferable, ir-
10 revocable, paid-up license from the participating
11 party to the Administration to practice the in-
12 vention or have the invention practiced through-
13 out the world by or on behalf of the Govern-
14 ment. In the exercise of such license, the Gov-
15 ernment shall not publicly disclose trade secrets
16 or commercial or financial information that is
17 privileged or confidential within the meaning of
18 section 552 (b)(4) of title 5, United States
19 Code, or which would be considered as such if
20 it had been obtained from a non-Federal party.

21 “(B) If the Administration assigns title or
22 grants an exclusive license to such an invention,
23 the Government shall retain the right—

24 “(i) to require the participating party
25 to grant to a responsible applicant a non-

1 exclusive, partially exclusive, or exclusive
2 license to use the invention in the appli-
3 cant’s licensed field of use, on terms that
4 are reasonable under the circumstances; or

5 “(ii) if the participating party fails to
6 grant such a license, to grant the license
7 itself.

8 “(C) The Government may exercise its
9 right retained under subparagraph (B) only in
10 exceptional circumstances and only if the Gov-
11 ernment determines that—

12 “(i) the action is necessary to meet
13 health or safety needs that are not reason-
14 ably satisfied by the participating party;

15 “(ii) the action is necessary to meet
16 requirements for public use specified by
17 Federal regulations, and such requirements
18 are not reasonably satisfied by the partici-
19 pating party; or

20 “(iii) the action is necessary to comply
21 with an agreement containing provisions
22 described in section 12(c)(4)(B) of the Ste-
23 venson-Wydler Technology Innovation Act
24 of 1980 (15 U.S.C. 3710a(c)(4)(B)).

1 “(4) APPEAL AND REVIEW OF DETERMINA-
2 TION.—A determination under paragraph
3 (3)(C) is subject to administrative appeal and
4 judicial review under section 203(b) of title 35,
5 United States Code.”.

6 **SEC. 503. RETROCESSION OF JURISDICTION.**

7 Title III of the National Aeronautics and Space Act
8 of 1958, as amended by section 502 of this Act, is further
9 amended by adding at the end the following:

10 **“SEC. 317. RETROCESSION OF JURISDICTION.**

11 “Notwithstanding any other provision of law, the Ad-
12 ministrator may, whenever the Administrator considers it
13 desirable, relinquish to a State all or part of the legislative
14 jurisdiction of the United States over lands or interests
15 under the Administrator’s control in that State. Relin-
16 quishment of legislative jurisdiction under this section
17 may be accomplished (1) by filing with the Governor of
18 the State concerned a notice of relinquishment to take ef-
19 fect upon acceptance thereof, or (2) as the laws of the
20 State may otherwise provide.”.

21 **SEC. 504. RECOVERY AND DISPOSITION AUTHORITY.**

22 Title III of the National Aeronautics and Space Act
23 of 1958, as amended by section 603 of this Act, is further
24 amended by adding at the end the following:

1 **“SEC. 318. RECOVERY AND DISPOSITION AUTHORITY.**

2 “(a) IN GENERAL.—

3 “(1) CONTROL OF REMAINS.—Subject to para-
4 graph (2), when there is an accident or mishap re-
5 sulting in the death of a crewmember of a NASA
6 human space flight vehicle, the Administrator may
7 take control over the remains of the crewmember
8 and order autopsies and other scientific or medical
9 tests.

10 “(2) TREATMENT.—Each crewmember shall
11 provide the Administrator with his or her pref-
12 erences regarding the treatment accorded to his or
13 her remains and the Administrator shall, to the ex-
14 tent possible, respect those stated preferences.

15 “(b) DEFINITIONS.—In this section:

16 “(1) CREWMEMBER.—The term ‘crewmember’
17 means an astronaut or other person assigned to a
18 NASA human space flight vehicle.

19 “(2) NASA HUMAN SPACE FLIGHT VEHICLE.—
20 The term ‘NASA human space flight vehicle’ means
21 a space vehicle, as defined in section 308(f)(1),
22 that—

23 “(A) is intended to transport 1 or more
24 persons;

25 “(B) designed to operate in outer space;

26 and

1 “(C) is either owned by NASA, or owned
2 by a NASA contractor or cooperating party and
3 operated as part of a NASA mission or a joint
4 mission with NASA.”.

5 **SEC. 505. REQUIREMENT FOR INDEPENDENT COST ANAL-**
6 **YSIS.**

7 Section 301 of the National Aeronautics and Space
8 Administration Authorization Act of 2000 (42 U.S.C.
9 2459g) amended—

10 (1) by striking “Phase B” in subsection (a) and
11 inserting “implementation”;

12 (2) by striking “\$150,000,000” in subsection
13 (a) and inserting “\$250,000,000”;

14 (3) by striking “Chief Financial Officer” each
15 place it appears in subsection (a) and inserting “Ad-
16 ministrators”;

17 (4) by inserting “and consider” in subsection
18 (a) after “shall conduct”; and

19 (5) by striking subsection (b) and inserting the
20 following:

21 “(b) IMPLEMENTATION DEFINED.—In this section,
22 the term ‘implementation’ means all activity in the life
23 cycle of a program or project after preliminary design,
24 independent assessment of the preliminary design, and ap-
25 proval to proceed into implementation, including critical

1 design, development, certification, launch, operations, dis-
2 posal of assets, and, for technology programs, develop-
3 ment, testing, analysis and communication of the results
4 to the customers.”.

5 **SEC. 506. ELECTRONIC ACCESS TO BUSINESS OPPORTUNI-**
6 **TIES.**

7 Title III of the National Aeronautics and Space Act
8 of 1958, as amended by section 604 of this Act, is further
9 amended by adding at the end the following:

10 **“SEC. 319. ELECTRONIC ACCESS TO BUSINESS OPPORTUNI-**
11 **TIES.**

12 “(a) IN GENERAL.—The Administrator may imple-
13 ment a pilot program providing for reduction in the wait-
14 ing period between publication of notice of a proposed con-
15 tract action and release of the solicitation for procure-
16 ments conducted by the National Aeronautics and Space
17 Administration.

18 “(b) APPLICABILITY.—The program implemented
19 under subsection (a) shall apply to non-commercial acqui-
20 sitions—

21 “(1) with a total value in excess of \$100,000
22 but not more than \$5,000,000, including options;

23 “(2) that do not involve bundling of contract re-
24 quirements as defined in section 3(o) of the Small
25 Business Act (15 U.S.C. 632(o)); and

1 “(3) for which a notice is required by section
2 8(e) of the Small Business Act (15 U.S.C. 637(e))
3 and section 18(a) of the Office of Federal Procure-
4 ment Policy Act (41 U.S.C. 416(a)).

5 “(c) NOTICE.—

6 “(1) Notice of acquisitions subject to the pro-
7 gram authorized by this section shall be made acces-
8 sible through the single Government-wide point of
9 entry designated in the Federal Acquisition Regula-
10 tion, consistent with section 30(c)(4) of the Office of
11 Federal Procurement Policy Act (41 U.S.C.
12 426(c)(4)).

13 “(2) Providing access to notice in accordance
14 with paragraph (1) satisfies the publication require-
15 ments of section 8(e) of the Small Business Act (15
16 U.S.C. 637(e)) and section 18(a) of the Office of
17 Federal Procurement Policy Act (41 U.S.C. 416(a)).

18 “(d) SOLICITATION.—Solicitations subject to the pro-
19 gram authorized by this section shall be made accessible
20 through the Government-wide point of entry, consistent
21 with requirements set forth in the Federal Acquisition
22 Regulation, except for adjustments to the wait periods as
23 provided in subsection (e).

24 “(e) WAIT PERIOD.—

1 “(1) Whenever a notice required by section
2 8(e)(1)(A) of the Small Business Act (15 U.S.C.
3 637(e)(1)(A)) and section 18(a) of the Office of
4 Federal Procurement Policy Act (41 U.S.C. 416(a))
5 is made accessible in accordance with subsection (c)
6 of this section, the wait period set forth in section
7 8(e)(3)(A) of the Small Business Act (15 U.S.C.
8 637(e)(3)(A)) and section 18(a)(3)(A) of the Office
9 of Federal Procurement Policy Act (41 U.S.C.
10 416(a)(3)(A)), shall be reduced by 5 days. If the so-
11 licitation applying to that notice is accessible elec-
12 tronically in accordance with subsection (d) simulta-
13 neously with issuance of the notice, the wait period
14 set forth in section 8(e)(3)(A) of the Small Business
15 Act (15 U.S.C. 637(e)(3)(A)) and section
16 18(a)(3)(A) of the Office of Federal Procurement
17 Policy Act (41 U.S.C. 416(a)(3)(A)) shall not apply
18 and the period specified in section 8(e)(3)(B) of the
19 Small Business Act and section 18(a)(3)(B) of the
20 Office of Federal Procurement Policy Act for sub-
21 mission of bids or proposals shall begin to run from
22 the date the solicitation is electronically accessible.

23 “(2) When a notice and solicitation are made
24 accessible simultaneously and the wait period is
25 waived pursuant to paragraph (1), the deadline for

1 the submission of bids or proposals shall be not less
2 than 5 days greater than the minimum deadline set
3 forth in section 8(e)(3)(B) of the Small Business
4 Act (15 U.S.C. 637(e)(3)(B)) and section
5 18(a)(3)(B) of the Office of Federal Procurement
6 Policy Act (41 U.S.C. 416(a)(3)(B)).

7 “(f) IMPLEMENTATION.—

8 “(1) Nothing in this section shall be construed
9 as modifying regulatory requirements set forth in
10 the Federal Acquisition Regulation, except with re-
11 spect to—

12 “(A) the applicable wait period between
13 publication of notice of a proposed contract ac-
14 tion and release of the solicitation; and

15 “(B) the deadline for submission of bids or
16 proposals for procurements conducted in ac-
17 cordance with the terms of this pilot program.

18 “(2) This section shall not apply to the extent
19 the President determines it is inconsistent with any
20 international agreement to which the United States
21 is a party.

22 “(g) STUDY.—Within 18 months after the effective
23 date of the program, NASA, in coordination with the
24 Small Business Administration, the General Services Ad-
25 ministration, and the Office of Management and Budget,

1 shall evaluate the impact of the pilot program and submit
2 to Congress a report that—

3 “(1) sets forth in detail the results of the test,
4 including the impact on competition and small busi-
5 ness participation; and

6 “(2) addresses whether the pilot program
7 should be made permanent, continued as a test pro-
8 gram, or allowed to expire.

9 “(h) REGULATIONS.—The Administrator shall pub-
10 lish proposed revisions to the NASA Federal Acquisition
11 Regulation Supplement necessary to implement this sec-
12 tion in the Federal Register not later than 120 days after
13 the date of enactment of the National Aeronautics and
14 Space Administration Authorization Act of 2005. The Ad-
15 ministrator shall—

16 “(1) make the proposed regulations available
17 for public comment for a period of not less than 60
18 days; and

19 “(2) publish final regulations in the Federal
20 Register not later than 240 days after the date of
21 enactment of that Act.

22 “(i) EFFECTIVE DATE.—

23 “(1) IN GENERAL.—The pilot program author-
24 ized by this section shall take effect on the date

1 specified in the final regulations promulgated pursu-
2 ant to subsection (h)(2).

3 “(2) LIMITATION.—The date so specified shall
4 be no less than 30 days after the date on which the
5 final regulation is published.

6 “(j) EXPIRATION OF AUTHORITY.—The authority to
7 conduct the pilot program under subsection (a) and to
8 award contracts under such program shall expire 2 years
9 after the effective date established in the final regulations
10 published in the Federal Register under subsection
11 (h)(2).”.

12 **SEC. 507. REPORTS ELIMINATION.**

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

15 (1) Section 201 of the National Aeronautics
16 and Space Administration Authorization Act of 2000
17 (42 U.S.C. 2451 note).

18 (2) Section 304(d) of the Federal Aviation Ad-
19 ministration Research, Engineering, and Develop-
20 ment Authorization Act of 1992 (49 U.S.C. 47508
21 note).

22 (3) Section 323 of the National Aeronautics
23 and Space Administration Authorization Act of
24 2000.

25 (b) AMENDMENTS.—

1 (1) Section 315 of the National Aeronautics
2 and Space Administration Act of 1958 (42 U.S.C.
3 2459j) is amended by striking subsection (a) and re-
4 designating subsections (b) through (f) as sub-
5 sections (a) through (e).

6 (2) Section 315(a) of the National Aeronautics
7 and Space Administration Authorization Act, Fiscal
8 Year 1993 (42 U.S.C. 2487a(c)) is amended by
9 striking subsection (c) and redesignating subsection
10 (d) as subsection (c).

○