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104TH CONGRESS
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H. R. 2405

IN THE SENATE OF THE UNITED STATES

OCTOBER 17 (legislative day, OCTOBER 10), 1995
Received; read twice and referred to the Committee on Commerce, Science, and Transportation

AN ACT

To authorize appropriations for fiscal years 1996 and 1997 for civilian science activities of the Federal Government, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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TITLE I—NATIONAL SCIENCE FOUNDATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''National Science Foundation Authorization Act of 1995''.

SEC. 102. DEFINITIONS.

For purposes of this title—

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

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

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

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

ated with research institutions located in the United States; and

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

Subtitle A—National Science Foundation Authorization

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) FINDINGS.—The Congress finds that—

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

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

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

(b) FISCAL YEAR 1996.—There are authorized to be appropriated to the Foundation $3,126,000,000 for fiscal year 1996, which shall be available for the following categories:

(1) Research and Related Activities, $2,226,300,000, which shall be available for the following subcategories:

(A) Mathematical and Physical Sciences, $632,200,000.

(B) Engineering, $311,600,000.

(C) Biological Sciences, $293,300,000.

(D) Geosciences, $408,800,000.

(E) Computer and Information Science and Engineering, $249,500,000.

(F) Social, Behavioral, and Economic Sciences, $111,300,000.

(G) United States Polar Research Programs, $156,000,000.

(H) United States Antarctic Logistical Support Activities, $62,600,000.

(I) Critical Technologies Institute, $1,000,000.

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

(3) Major Research Equipment, $70,000,000.

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

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

(6) Office of Inspector General, $4,500,000.

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

(c) FISCAL YEAR 1997.—There are authorized to be appropriated to the Foundation $3,171,400,000 for fiscal year 1997, which shall be available for the following categories:

(1) Research and Related Activities, $2,286,200,000.

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

(3) Major Research Equipment, $55,000,000.

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

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

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

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

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

If the amount appropriated pursuant to section 111(b)(1) is less than the amount authorized under that paragraph, the amount authorized for each subcategory

under that paragraph shall be reduced by the same proportion.

SEC. 113. CONSULTATION AND REPRESENTATION EXPENSES.

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

SEC. 114. REPROGRAMMING.

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

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

30 calendar days have passed after transmission of such written explanation.

Subtitle B—General Provisions

SEC. 121. ANNUAL REPORT.

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

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

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

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

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

''(2) identify the criteria and describe the procedures which the Foundation will use to assess

progress toward achieving the goals identified in accordance with paragraph (1);

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

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

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

SEC. 122. NATIONAL RESEARCH FACILITIES.

(a) FACILITIES PLAN.—The Director shall provide to Congress annually, as a part of the report required under section 3(f) of the National Science Foundation Act of 1950, a plan for the proposed construction of, and repair and upgrades to, national research facilities. The plan shall include estimates of the cost for such construction, repairs, and upgrades, and estimates of the cost for the operation and maintenance of existing and proposed new facilities. For proposed new construction and for major

upgrades to existing facilities, the plan shall include funding profiles by fiscal year and milestones for major phases of the construction. The plan shall include cost estimates in the categories of construction, repair, and upgrades for the year in which the plan is submitted to Congress and for not fewer than the succeeding 4 years.

(b) LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.—No funds appropriated for any project which involves construction of new national research facilities or construction necessary for upgrading the capabilities of existing national research facilities shall be obligated unless the funds are specifically authorized for such purpose by this title or any other Act which is not an appropriations Act, or unless the total estimated cost to the Foundation of the construction project is less than $50,000,000. This subsection shall not apply to construction projects approved by the National Science Board prior to June 30, 1994.

SEC. 123. ELIGIBILITY FOR RESEARCH FACILITY AWARDS.

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

apply to previous funding received for the same multiyear project.''.

SEC. 124. ADMINISTRATIVE AMENDMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 125. INDIRECT COSTS.

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

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

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

(2) reduce the variance among indirect cost rates of different institutions of higher education,

including an evaluation of the relative benefits and burdens of each option on institutions of higher education. Such report shall be transmitted to the Congress no later than December 31, 1995.

SEC. 126. RESEARCH INSTRUMENTATION AND FACILITIES.

The Foundation shall incorporate the guidelines set forth in Important Notice No. 91, dated March 11, 1983

(48 Fed. Reg. 15754, April 12, 1983), relating to the use and operation of Foundation-supported research instrumentation and facilities, in its notice of Grant General Conditions, and shall examine more closely the adherence of grantee organizations to such guidelines.

SEC. 127. FINANCIAL DISCLOSURE.

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

SEC. 128. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE DUTY.

In order to be eligible to receive funds from the Foundation after September 30, 1995, an institution of higher education must provide that whenever any student of the institution who is a member of the National Guard, or other reserve component of the Armed Forces of the United States, is called or ordered to active duty, other than active duty for training, the institution shall grant the member a military leave of absence from their education. Persons on military leave of absence from their institution shall be entitled, upon release from military duty, to be restored to the educational status they had attained prior to their being ordered to military duty without loss

of academic credits earned, scholarships or grants awarded, or tuition and other fees paid prior to the commencement of the military duty. It shall be the duty of the institution to refund tuition or fees paid or to credit the tuition and fees to the next semester or term after the termination of the educational military leave of absence at the option of the student.

SEC. 129. PROHIBITION OF LOBBYING ACTIVITIES.

None of the funds authorized by this title shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 130. SCIENCE STUDIES INSTITUTE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 131. EDUCATIONAL IMPACT.

(a) FINDINGS.—The Congress finds that—

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

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

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

(2) Paragraph (1) shall be effective with respect to any grant or cooperative agreement awarded after September 30, 1996.

(c) REPORT.—The Director shall provide a plan for the implementation of subsection (b) of this section, no later than December 31, 1995, to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources of the Senate.

SEC. 132. DIVISIONS OF THE FOUNDATION.

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

(b) REPORT.—By November 15, 1995, the Director shall transmit to the Congress a report on the reorganization of the National Science Foundation required as a result of the amendment made by subsection (a).

SEC. 133. LIMITATION ON APPROPRIATIONS.

(a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR 1996.—Notwithstanding any other provision of law, no sums are authorized to be appropriated for fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by this title.

(b) SUBSEQUENT FISCAL YEARS.—No sums are authorized to be appropriated for any fiscal year after fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by an Act of Congress with respect to such fiscal year.

SEC. 134. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Director shall exclude from consideration for awards of financial assistance made by the Foundation after fiscal year 1995 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1995, from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to awards to persons who are members of a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Subtitle A—General Provisions

SEC. 201. SHORT TITLE.

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

SEC. 202. FINDINGS.

The Congress makes the following findings:

(1) The National Aeronautics and Space Administration has failed to request sufficient funds to perform all missions it has proposed in annual budget requests. For fiscal year 1996, the budget requested is $140,000,000 below the amount required to fulfill program commitments made by the fiscal year 1995 budget approved by Congress. The request for fiscal year 1996 proposes continued underfunding of the requirements of the National Aeronautics and Space Administration by $439,000,000 for fiscal year 1997, $847,000,000 for fiscal year 1998, $1,189,000,000 for fiscal year 1999, and $1,532,000,000 for fiscal year 2000.

(2) In order to close the gap between projected program requirements and the underfunding re-

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

(3) While institutional reforms, restructurings, and downsizing hold the promise of comporting the projected needs of the National Aeronautics and Space Administration with funding levels requested by the Administration, such reforms provide no guarantee against cancellation of missions in the event reform efforts fail to achieve cost reduction targets.

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

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

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

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

(8) In formulating a national space transportation service policy, the National Aeronautics and Space Administration should aggressively pursue reverse contracting opportunities to support the private sector development of advanced space transportation technologies including reusable space vehicles, single-stage-to-orbit vehicles, and manner space systems.

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

(A) when it—

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

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

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

(B) when it does not—

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

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

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

(iv) transfer sensitive or commercially advantageous technologies or knowledge from the United States to other countries or foreign entities except as required by

those countries or entities to make their contribution to a multilateral space project in partnership with the United States, or on a quid pro quo basis.

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

SEC. 203. DEFINITIONS.

For purposes of this title—

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

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

Subtitle B—Authorization of Appropriations

CHAPTER 1—AUTHORIZATIONS

SEC. 211. HUMAN SPACE FLIGHT.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the National Aeronautics and Space Ad-

ministration for fiscal year 1996 for Human Space Flight the following amounts:

(1) For Space Shuttle Operations, $2,341,800,000.

(2) For Space Shuttle Safety and Performance Upgrades, $837,000,000.

(3) For Payload and Utilization Operations, $315,000,000.

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

(b) CONSTRUCTION OF FACILITIES.—(1) Of the funds authorized to be appropriated under subsection (a)(2), $5,000,000 are authorized for modernization of the Firex Systems, Pads A and B, Kennedy Space Center.

(2) Of the funds authorized to be appropriated under subsection (a)(2), $7,500,000 are authorize for replacement of the Chemical Analysis Facility, Kennedy Space Center.

(3) Of the funds authorized to be appropriated under subsection (a)(2), $4,900,000 are authorized for replacement of the Space Shuttle Main Engine Processing Facility, Kennedy Space Center.

SEC. 212. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the National Aeronautics and Space Ad-

ministration for fiscal year 1996 for Science, Aeronautics, and Technology the following amounts:

(1) For Space Science, $1,995,400,000, of which—

(A) $1,167,600,000 are authorized for Physics and Astronomy, of which $51,500,000 shall be for the Gravity Probe B, except that no funds are authorized for the Space Infrared Telescope Facility; and

(B) $827,800,000 are authorized for Planetary Exploration, of which $30,000,000 shall be for the New Millennium Spacecraft, including $5,000,000 for the National Aeronautics and Space Administration's participation in Clementine 2 (Air Force Program Element 0603401F Advanced Spacecraft Technology).

(2) For Life and Microgravity Sciences and Applications, $293,200,000, of which at least $2,000,000 is reserved for research and early detection systems for breast and ovarian cancer and other women's health issues.

(3) For Mission to Planet Earth, $1,013,100,000, of which $21,500,000 shall only be for activities described in section 248(b)(7)(A), except that no funds are authorized for the Consor-

tium for International Earth Science Information Network (except as provided in section 217) or the Topex Poseidon Follow-On mission. Funds authorized by this paragraph may not be expended to duplicate private sector or other Federal activities or to procure systems to provide data unless the Administrator certifies to Congress that no private sector or Federal entity can provide suitable data in a timely manner. Notwithstanding any other provision of law, funds in excess of those authorized by this paragraph may not be obligated for Mission to Planet Earth.

(4) For Space Access and Technology, $639,800,000 of which—

(A) $193,000,000 are authorized for Advanced Space Transportation;

(B) $10,000,000 are authorized to be made available for defraying the costs of converting or redesigning commercially inconsistent elements of former Federal facilities or to take actions required for conformance with Federal laws or regulations relating to commercial space transportation infrastructure, to remain available until expended;

(C) $20,000,000 shall be for continuing the Launch Voucher Demonstration Program authorized under section 504 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993(15 U.S.C. 5803); and

(D) $33,900,000 are authorized for the Small Spacecraft Technology Initiative, except that funds for such Initiative may not be expended to duplicate private sector activities or to fund any activities that a private sector entity is proposing to carry out for commercial purposes. No funds are authorized under this paragraph for the Partnership for Next Generation Vehicle.

(5) For Aeronautical Research and Technology, $826,900,000, of which—

(A) $354,700,000 are authorized for Research and Technology Base activities;

(B) $245,500,000 are authorized for High Speed Research;

(C) $133,000,000 are authorized for Advanced Subsonic Technology, except that no funds are authorized for concept studies for Ad-

vanced Traffic Management and Affordable Design and Manufacturing;

(D) $40,200,000 are authorized for High-Performance Computing and Communications; and

(E) $48,100,000 are authorized for Numerical Aerodynamic Simulation.

(6) For Mission Communication Services, $461,300,000.

(7) For Academic Programs, $102,200,000.

(b) CONSTRUCTION OF FACILITIES.—(1) Of the funds authorized to be appropriated under subsection (a)(3), $17,000,000 are authorized for construction of the Earth Systems Science Building, Goddard Space Flight Center.

(2) Of the funds authorized to be appropriated under subsection (a)(5), $5,400,000 are authorized for modernization of the Unitary Plan Wind Tunnel Complex, Ames Research Center.

(3) Of the funds authorized to be appropriated under subsection (a)(2), $3,000,000 are authorized for the construction of an addition to the Microgravity and Development Laboratory, Marshall Space Flight Center.

SEC. 213. MISSION SUPPORT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1996 for Mission Support the following amounts:

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

(2) For Space Communication Services, $319,400,000.

(3) For Construction of Facilities, including land acquisition, $152,600,000, of which—

(A) $6,300,000 shall be for restoration of Flight Systems Research Laboratory, Ames Research Center;

(B) $3,000,000 shall be for restoration of chilled water distribution system, Goddard Space Flight Center;

(C) $4,800,000 shall be for replacing chillers, various buildings, Jet Propulsion Laboratory;

(D) $1,100,000 shall be for rehabilitation of electrical distribution system, White Sands Test Facility, Johnson Space Center;

(E) $4,200,000 shall be for replacement of main substation switchgear and circuit breakers, Johnson Space Center;

(F) $1,800,000 shall be for replacement of 15kV load break switches, Kennedy Space Center;

(G) $9,000,000 shall be for rehabilitation of Central Air Equipment Building, Lewis Research Center;

(H) $4,700,000 shall be for restoration of high pressure air compressor system, Marshall Space Flight Center;

(I) $6,800,000 shall be for restoration of Information and Electronic Systems Laboratory, Marshall Space Flight Center;

(J) $1,400,000 shall be for restoration of canal lock, Stennis Space Center;

(K) $2,500,000 shall be for restoration of primary electrical distribution systems, Wallops Flight Facility;

(L) $30,000,000 shall be for repair of facilities at various locations, not in excess of $1,500,000 per project;

(M) $30,000,000 shall be for rehabilitation and modification of facilities at various locations, not in excess of $1,500,000 per project;

(N) $2,000,000 shall be for minor construction of new facilities and additions to exist-

ing facilities at various locations, not in excess of $750,000 per project;

(O) $10,000,000 shall be for facility planning and design not otherwise provided for; and

(P) $35,000,000 shall be for environmental compliance and restoration.

(4) For Research and Program Management, including personnel and related costs, travel, and research operations support, $2,094,800,000.

SEC. 214. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General, $17,300,000 for fiscal year 1996.

SEC. 215. TOTAL AUTHORIZATION.

Notwithstanding any other provision of this subtitle, the total amount authorized to be appropriated to the National Aeronautics and Space Administration under this title shall not exceed $11,547,400,000 for fiscal year 1996.

SEC. 216. ADDITIONAL AUTHORIZATION AND CORRESPONDING REDUCTION.

(a) AUTHORIZATION.—In addition to amounts authorized by section 212(a)(3), there are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1996 for Mission to Planet

Earth $274,360,000, to be derived from amounts otherwise authorized by this title.

(b) OPERATING PLAN.—The Administrator shall, within 30 days after the later of—

(1) the date of the enactment of this Act; and

(2) the date of the enactment of the Act making appropriations for the National Aeronautics and Space Administration for fiscal year 1996,

transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an operating plan which identifies which amounts will be transferred pursuant to subsection (a).

(c) LIMITATION ON OBLIGATION AND EXPENDITURE.—None of the funds authorized by subsection (a) shall be available for obligation or expenditure until—

(1) the National Academy of Sciences has conducted a comprehensive review of the Mission to Planet Earth program as part of its study of the United States Global Change Research Program;

(2) the Administrator has reported to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for implement-

ing the study's recommendations and a formal request for all or part of such funds; and

(3) 90 legislative days have passed after the report is transmitted under paragraph (2).

SEC. 217. LIMITED AVAILABILITY.

Nothing in this title shall interfere with the rights of any parties under contracts. Nothing in this title shall preclude the Consortium for International Earth Science Information Network from receiving a contract awarded following a full and open competition.

CHAPTER 2—RESTRUCTURING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 221. FINDINGS.

The Congress finds that—

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

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

(3) no effort has been undertaken by the National Aeronautics and Space Administration to per-

form a formal economic review of its missions and the Federal assets that support them;

(4) therefore it is premature and unwarranted to attempt closing any National Aeronautics and Space Administration field center until an asset-based review of United States space missions and capabilities to support them is performed; and

(5) cost savings from the closing of National Aeronautics and Space Administration field centers are speculative and potentially injurious to mission goals, unless derived from an asset-based analysis.

SEC. 222. ASSET-BASED REVIEW.

(a) REQUEST FOR PROPOSALS.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall publish in the Commerce Business Daily a request for proposals to perform a National Aeronautics and Space Administration asset-based review.

(b) QUALIFIED PROPOSALS.—Qualified proposals to perform the asset-based review under this section shall be from United States persons whose primary business is corporate financial strategy, investment banking, accounting, or asset management. All proposals shall, at a minimum, propose to review, for each capital asset owned by the National Aeronautics and Space Administration—

(1) its primary function or purpose in relationship to a program, mission, or activity of the National Aeronautics and Space Administration;

(2) the existence of other capital assets which duplicate or overlap with such function or purpose;

(3) the Federal and non-Federal users thereof; and

(4) its necessity to carry out a program, mission, or activity of the National Aeronautics and Space Administration.

(c) REPORT.—The contractor selected to perform the asset-based review under this section shall complete such review and transmit to the Administrator and the Congress, no later than July 31, 1996, a report containing, at a minimum—

(1) for each National Aeronautics and Space Administration field center facility—

(A) a list of capital assets that should be permanently retired or disposed of;

(B) a list of capital assets that may be transferred to non-Federal institutions and corporations, if the transfer of such asset is cost effective; and

(C) a list of capital assets essential to the conduct of National Aeronautics and Space Ad-

ministration programs, missions, or activities, and a justification for retaining the asset;

(2) for each National Aeronautics and Space Administration program element—

(A) a list of capital assets essential to the conduct of the program element; and

(B) a plan for achieving the most cost-effective consolidation and efficient use of necessary capital assets to support such program element, including the use of non-Federal assets where appropriate; and

(3) for each National Aeronautics and Space Administration capital asset—

(A) the total annual cost of maintaining and operating such capital asset, including Federal employee and contractor costs;

(B) the depreciated cost, replacement cost, and salvage value; and

(C) the most cost-effective strategy for maintaining, replacing, upgrading, or disposing of the capital asset, as appropriate.

(d) IMPLEMENTATION.—The Administrator shall consider the results of the asset-based review conducted under this section, and based on the Administrator's recommendations, the President shall propose to Congress

legislation required to implement those recommendations no later than September 30, 1996.

(e) CLOSING OF FIELD CENTERS.—The Administrator shall not close any National Aeronautics and Space Administration field center until after the asset-based review report is transmitted under subsection (c), and may only close field centers that would become obsolete as a result of the implementation of the Administrator's recommendations, and may do so only after enactment of legislation implementing those recommendations.

CHAPTER 3—LIMITATIONS AND SPECIAL AUTHORITY

SEC. 231. USE OF FUNDS FOR CONSTRUCTION.

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

(b) LIMITATION.—None of the funds pursuant to subsection (a) may be expended for a project, the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds $500,000, until 30 days have passed after the Ad-

ministrator has notified the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

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

SEC. 232. AVAILABILITY OF APPROPRIATED AMOUNTS.

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

SEC. 233. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

(a) IN GENERAL.—Appropriations authorized under any paragraph of section 211(b), 212(b), or 213(3)—

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

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

The aggregate amount authorized to be appropriated under sections 211(b), 212(b) and 213(3) shall not be increased as a result of actions authorized under paragraphs (1) and (2) of this subsection.

(b) SPECIAL RULE.—Where the Administrator determines that new developments in the national program of aeronautical and space activities have occurred; and that such developments require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next National Aeronautics and Space Administration Authorization Act would be inconsistent with the interest of the Nation in aeronautical

and space activities, the Administrator may use up to $10,000,000 of the amounts authorized under section 211(b), 212(b), or 213(3) for each fiscal year for such purposes. No such funds may be obligated until a period of 30 days has passed after the Administrator has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a written report describing the nature of the construction, its costs, and the reasons therefor.

SEC. 234. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of law—

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

(2) no amount appropriated to the National Aeronautics and Space Administration may be used for any program in excess of the amount actually authorized for the particular program by October 1; and

(3) no amount appropriated to the National Aeronautics and Space Administration may be used

for any program which has not been presented to the Congress in the President's annual budget request or the supporting and ancillary documents thereto,

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

SEC. 235. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

(a) REPORTS TO CONGRESS.—Not later than 30 days after the later of the date of enactment of an Act making

appropriations to the National Aeronautics and Space Administration for fiscal year 1996 and the date of enactment of this Act, the Administrator shall submit a report to Congress and to the Comptroller General which specifies—

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

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

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

(c) LIMITATION.—Notwithstanding any other provision of law, no funds may be obligated for any programs, projects, or activities of the National Aeronautics and Space Administration for fiscal year 1996 not authorized

under this title until 30 days have passed after the close of the public comment period contained in the notice required in subsection (b).

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

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

SEC. 237. LIMITATION ON TRANSFERS TO RUSSIA.

(a) LIMITATION.—No funds authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1996 may be paid or otherwise transferred to Russia unless—

(1) the payment or transfer is authorized by this title;

(2) the payment or transfer is made in exchange for goods or services that have been provided to the National Aeronautics and Space Administration in accordance with a written agreement between the National Aeronautics and Space Administration and Russia;

(3) the Government of the Russian Federation agrees to provide a monthly report to the National Aeronautics and Space Administration during the

term of such written agreement, that fully accounts for the disposition of the funds paid or transferred, including information with respect to the preceding month on—

(A) the amount of the funds received, and the date of receipt;

(B) the amount of the funds converted from United States currency, the currency into which the funds have been converted, and the date and rate of conversion;

(C) the amount of non-United States currency, and of United States currency, that is disbursed to any contractor or subcontractor, the identity of such contractor or subcontractor, and the date of disbursement; and

(D) the balance of the funds not disbursed as of the date of the report;

(4) Russia has provided all monthly reports with respect to which an agreement was made pursuant to paragraph (3); and

(5) the President, before such payment or transfer and annually upon submission of the President's budget request for fiscal years after fiscal year 1996, has certified to the Congress that—

(A) the presence of any troops of the Russian Federation or the Commonwealth of Independent States; and

(B) any action by the Russian Federation or the Commonwealth of Independent States, in Estonia, Latvia, Lithuania, or any other independent state of the former Soviet Union do not violate the sovereignty of those independent states.

(b) DEFINITION.—For purposes of this section, the term ''Russia'' means the Government of the Russian Federation, the Russian Space Agency, or any agency or instrumentality of the Government of the Russian Federation or the Russian Space Agency.

Subtitle C—Miscellaneous Provisions

SEC. 241. COMMERCIAL SPACE LAUNCH AMENDMENTS.

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

(1) in the table of sections—

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

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

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

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

and

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

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

(2) in section 70101—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) in section 70102—

(A) by inserting ''from Earth'' after ''and any payload'' in paragraph (3);

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

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

''(10) 'reenter' and 'reentry' mean to return or attempt to return, purposefully, a reentry vehicle

and its payload, if any, from Earth orbit, from exo-atmospheric flight, or from outer space to Earth.

''(11) 'reentry services' means—

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

''(B) the conduct of a reentry.

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

''(13) 'reentry vehicle' means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from outer space or exo-atmospheric flight to Earth, substantially intact.''; and

(D) by inserting ''or reentry services'' after ''launch services'' each place it appears in paragraph (15), as so redesignated by subparagraph (B) of this paragraph;

(4) in section 70103(b)—

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

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

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

(5) in section 70104—

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

"§ 70104. Restrictions on launches, operations, and reentries";

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

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

(D) in subsection (b)—

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

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

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

(E) in subsection (c)—

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

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

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

(6) in section 70105—

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

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

(7) in section 70106(a)—

(A) by inserting ''or reentry site'' after ''observer at a launch site''; and

(B) by inserting ''or reentry vehicle'' after ''assemble a launch vehicle'';

(8) in section 70108—

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

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

and

(B) in subsection (a)—

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

(ii) by inserting ''or reentry'' after ''launch or operation'';

(9) in section 70109—

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

"§ 70109. Preemption of scheduled launches or reentries";

(B) in subsection (a)—

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

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

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

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

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

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

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

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

(10) in section 70110—

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

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

(11) in section 70111—

(A) by inserting ''and reentry services'' after ''launch services'' in subsection (a)(1)(B);

(B) by inserting ''or reentry services'' after ''or launch services'' in subsection (a)(2);

(C) by inserting ''or reentry'' after ''commercial launch'' both places it appears in subsection (b)(1);

(D) by inserting ''or reentry services'' after ''launch services'' in subsection (b)(2)(C);

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

(F) by inserting '', reentry vehicle,'' after ''manufacturer of the launch vehicle'' in subsection (d);

(12) in section 70112—

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

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

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

(D) by striking '', Space, and Technology'' in subsection (d)(1);

(E) by inserting ''OR REENTRIES'' after ''LAUNCHES'' in the heading for subsection (e); and

(F) by inserting ''or reentry site or a reentry'' after ''launch site'' in subsection (e);

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

(14) in section 70115(b)(1)(D)(i)—

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

(B) by inserting ''or reentry vehicle'' after ''launch vehicle'' both places it appears;

(15) in section 70117—

(A) by inserting ''or reentry site or reenter a reentry vehicle'' after ''operate a launch site'' in subsection (a);

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

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

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

(D) in subsection (g)—

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

(ii) by striking ''or'' at the end of paragraph (1);

(iii) by inserting ''reentry,'' after ''launch,'' in paragraph (2);

(iv) by striking the period at the end of paragraph (2) and inserting in lieu thereof ''; or''; and

(v) by adding at the end the following new paragraph:

''(3) any amateur and similar small rocket activities, as defined by the Secretary by regulation.''; and

(16) in section 70119, by inserting the following after paragraph (2):

''There are authorized to be appropriated to the Secretary of Transportation $6,000,000 to carry out this chapter for fiscal year 1996. None of the funds authorized by this section may be expended for policy development or analysis activities not directly related to the Secretary's regulatory responsibilities under this chapter.''.

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

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

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

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

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

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

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

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

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

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

(2) The amendment made by paragraph (1)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49,

United States Code, as added by paragraph (1)(F) of this subsection.

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

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

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

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

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

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

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

(5) Section 70105(a)(1) of title 49, United States Code, as amended by subsection (b)(1) of this section, is amended by inserting at the end the following: ''The Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Com-

merce, Science, and Transportation of the Senate a written notice not later than 7 days after any occurrence when a license is not issued within the deadline established by this subsection.''.

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

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

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

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

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

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

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

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

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

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

SEC. 242. OFFICE OF AIR AND SPACE COMMERCIALIZATION AUTHORIZATION.

There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Air and Space Commercialization, $457,000 for fiscal year 1996.

SEC. 243. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

The Chief Financial Officer for the National Aeronautics and Space Administration shall be responsible for conducting independent cost analyses of all new projects estimated to cost more than $5,000,000 and shall report the results annually to Congress at the time of the submission of the President's budget request. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

SEC. 244. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

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

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

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

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

(1) by striking ''January'' and inserting in lieu thereof ''May''; and

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

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

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

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

''(c)(1) The Administrator, on the request of a private sector entity, shall delay for a period of at least one day, but not to exceed 5 years, the unrestricted public disclosure of technical data in the possession of, or under the control of, the Administration that has been generated in the performance of experimental, developmental, or research activities or programs funded jointly by the Administration and such private sector entity.

''(2) Within 1 year after the date of the enactment of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1996, the Administrator shall issue regulations to carry out this subsection. Paragraph (1) shall not take effect until such regulations are issued.

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

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

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

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

''(4) Along with the initial publication of proposed regulations under paragraph (2), the Administrator shall include a list of those experimental, developmental, or research activities or programs conducted by, or funded in whole or in part by, the Administration that may result in products or processes of significant value in maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base. Such list shall be updated biannually.

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

''(6) For purposes of this subsection, the term 'technical data' means any recorded information, including computer software, that is or may be directly applicable to the design, engineering, development, production, manufacture, or operation of products or processes that may

have significant value in maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base.''.

SEC. 245 PROCUREMENT.

(a) PROCUREMENT DEMONSTRATION PROGRAM.—

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

(2) PROCEDURES AND EVALUATION.—The Administrator shall establish procedures for actively seeking from persons outside the National Aeronautics and Space Administration innovative technology concepts, relating to the provision of space hardware, technology, or service to the National Aeronautics and Space Administration, and for the evaluation of such concepts by the National Aeronautics and Space Administration's Advisory Council against mission requirements.

(3) REQUIREMENT.—At least 1 percent of amounts authorized to be appropriated under section 212(a)(4) shall be used for innovative technology

procurements that are determined under paragraph (2) of this subsection to meet mission requirements.

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

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

(b) TECHNOLOGY PROCUREMENT INITIATIVE.—

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

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

(B) achieve a continuous pattern of integrating advanced technology from the commercial sector, and from Federal sources outside the National Aeronautics and Space Adminis-

tration, into the missions and programs of the National Aeronautics and Space Administration;

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

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

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

SEC. 246. ADDITIONAL NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FACILITIES.

The Administrator shall not construct or enter into a new lease for facilities to support National Aeronautics and Space Administration programs unless the Adminis-

trator has certified to the Congress that the Administrator reviewed existing National Aeronautics and Space Administration and other federally owned facilities, including military facilities scheduled for closing or reduction, and found no such facilities appropriate for the intended use.

SEC. 247. PURCHASE OF SPACE SCIENCE DATA.

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

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

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

(3) Conformance with military specifications (Milspec) or National Aeronautics and Space Administration specifications systems with respect to the design, construction, or operation of equipment used in obtaining space science data under contracts entered into under this

section shall not be a requirement for a commercial provider bidding to provide such services.

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

SEC. 248. REPORT ON MISSION TO PLANET EARTH.

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

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

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

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

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

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

(5) an integrated plan for research in the Scientific Research and Mission to Planet Earth enterprises of the National Aeronautics and Space Administration;

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

(7) an analysis of how the United States Government can—

(A) most effectively utilize space-based and airborne Earth remote sensing data, services, distribution, and applications provided by the United States private sector to meet Government goals for Mission to Planet Earth; and

(B) evaluate and foster commercial data sources, commercial archiving services, commercial applications, and commercial distribution of Mission to Planet Earth data.

SEC. 249. SHUTTLE PRIVATIZATION

(a) POLICY AND PREPARATION.—The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contracted oper-

ation, of space transportation systems to the Federal purchase of commercial space transportation services for all nonemergency launch requirements, including human, cargo, and mixed payloads. In those preparations, the Administrator shall take into account the need for short-term economies, as well as the goal of restoring the National Aeronautics and Space Administration's research focus and its mandate to promote the fullest possible commercial use of space. As part of those preparations, the Administrator shall plan for the potential privatization of the Space Shuttle program.

(b) REQUEST FOR PROPOSALS.—Within 30 days after the date of the enactment of this Act, the Administrator shall publish in the Commerce Business Daily a request for proposals to achieve a single prime contract for the space shuttle program. The request for proposals shall include—

(1) a timetable and milestones for selecting a single prime contractor not later than September 30, 1996;

(2) criteria for selection of the single prime contractor;

(3) the annual target cost to be achieved by the single prime contractor;

(4) proposed terms and conditions of the single prime contract, including fee and incentives for achieving the target cost, and for savings below the target cost; and

(5) a requirement that each proposal be accompanied by a plan by the proposer to privatize the space shuttle program.

(c) PRIVATIZATION PLANS.—The Administrator shall forward all privatization plans received pursuant to subsection (b)(5) to the Congress not later than 30 days after the deadline for submitting proposals under subsection (b).

(d) LIMITATION ON USE OF FUNDS.—None of the funds authorized by this title shall be used to plan or prepare for Federal Government, or federally contracted, operation of the Space Shuttle beyond the year 2012, nor for studying, designing, or developing upgrades to the Shuttle whose sole purpose is to extend the operational life of the Space Shuttle system beyond 2012. Nothing in this title shall preclude the Federal, or federally contracted, operation of the Space Shuttle through the year 2012, or the privatized operation of the Space Shuttle after the year 2012.

(e) SAFE OPERATION.—In reviewing proposals for moving to a single prime contractor the Administrator

shall give priority to continued safe operation of space transportation systems.

SEC. 250. AERONAUTICAL RESEARCH AND TECHNOLOGY FACILITIES.

Notwithstanding any other provision of law, no funds may be obligated for fiscal year 1996 for Aeronautical Research and Technology programs of the National Aeronautics and Space Administration in excess of amounts authorized by this title, except to the extent that the Administrator receives from non-Federal sources full reimbursement of such excess amounts through payment of costs associated with research at the aeronautical research and technology facilities of the National Aeronautics and Space Administration.

SEC. 251. LAUNCH VOUCHER DEMONSTRATION PROGRAM AMENDMENTS.

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

(1) in subsection (a)—

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

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

(2) by striking subsection (c); and

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

SEC. 252. PRIVATIZATION OF MICROGRAVITY PARABOLIC FLIGHT OPERATIONS.

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

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

(2) Within 60 days after the date of the enactment of this Act, the Administrator shall issue a request for proposals to provide services which meet the microgravity flight needs of the National Aeronautics and Space Administration, as described in paragraph (1). The Administrator shall coordinate the process of review of such proposals, and shall oversee the transfer of such operations to the private sector as specified in paragraph (3).

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

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

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

SEC. 253. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Administrator shall exclude from consideration for awards of financial assistance made by the National Aeronautics and Space Administration after fiscal year 1995 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1995, from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to awards to persons who are members of a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

SEC. 254. PROHIBITION OF LOBBYING ACTIVITIES.

None of the funds authorized by this title shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this shall

not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 255. LIMITATION ON APPROPRIATIONS.

(a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR 1996.—Notwithstanding any other provision of law, no sums are authorized to be appropriated for fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by this title.

(b) SUBSEQUENT FISCAL YEARS.—No sums are authorized to be appropriated for any fiscal year after fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by Act of Congress with respect to such fiscal year.

SEC. 256. UNITARY WIND TUNNEL PLAN ACT OF 1949 AMENDMENTS.

The Unitary Wind Tunnel Plan Act of 1949 is amended—

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

(2) in section 103 (50 U.S.C. 513)—

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

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

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

SEC. 257. USE OF ABANDONED AND UNDERUTILIZED BUILDINGS, GROUNDS, AND FACILITIES.

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

(b) DEFINITIONS.—For purposes of this section, the term ''depressed communities'' means rural and urban communities that are relatively depressed, in terms of age

of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

TITLE III—DEPARTMENT OF ENERGY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Department of Energy Civilian Research and Development Act of 1995''.

SEC. 302. DEFINITIONS.

For purposes of this title—

(1) the term ''CERN'' means the European Organization for Nuclear Research;

(2) the term ''Department'' means the Department of Energy;

(3) the term ''Large Hadron Collider project'' means the Large Hadron Collider project at CERN;

(4) the term ''major construction project'' means a civilian development, demonstration, or commercial application protect whose construction costs are estimated to exceed $100,000,000 over the life of the project;

(5) the term ''Secretary'' means the Secretary of Energy;

(6) the term ''substantial construction project'' means a civilian research, development, demonstration, or commercial application project whose con-

struction costs are estimated to exceed $10,000,000, but not to exceed $100,000,000, over the life of the project; and

(7) the term ''substantial equipment acquisition'' means the acquisition of civilian research, development, demonstration, or commercial application equipment at a cost estimated to exceed $10,000,000 for the entire acquisition.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) ENERGY SUPPLY RESEARCH AND DEVELOPMENT ACTIVITIES.—There are authorized to be appropriated to the Secretary for fiscal year 1996 for Energy Supply Research and Development operating, capital equipment, and construction the following amounts:

(1) Solar and Renewable Energy, $235,451,000, of which—

(A) $235,331,000 shall be for operating and capital equipment; and

(B) $120,000 shall be for construction of Project GP–C–002, General Plant Projects, National Renewable Energy Laboratory.

(2) Nuclear Energy, $270,448,000, of which—

(A) $267,748,000 shall be for operating and capital equipment, including, subject to sec-

tion 304(c), $14,000,000 for the AP600 light water reactor;

(B) $1,000,000 shall be for construction of Project GPN–102, General Plant Projects, Argonne National Laboratory-West, Idaho; and

(C) $1,700,000 shall be for completion of construction of Project 95–E–207, Modifications to Reactors, Experimental Breeder Reactor–II, Sodium Processing Facility, Argonne National Laboratory-West, Idaho.

(3) Environment, Safety, and Health, $128,433,000 for operating and capital equipment.

(4) Biological and Environmental Research, $369,645,000, of which—

(A) $313,550,000 shall be for operating and capital equipment;

(B) $3,500,000 shall be for construction of Project GPE–120, General Plant Projects, Various Locations;

(C) $5,700,000 shall be for construction of Project 94–E–339, Human Genome Laboratory, Lawrence Berkeley Laboratory;

(D) $4,295,000 shall be for completion of construction of Project 94–E–338, Structural Biology Facility, Argonne National Laboratory;

(E) $2,600,000 shall be for completion of construction of Project 94–E–337, ALS Structural Biology Support Facilities, Lawrence Berkeley Laboratory; and

(F) $40,000,000 shall be for construction of Project 91–EM–100, Environmental Molecular Sciences Laboratory, Pacific Northwest Laboratory.

(5) Fusion Energy, $254,144,000, of which—

(A) $245,144,000 shall be for operating and capital equipment for Magnetic Fusion Energy;

(B) $4,800,000 shall be for operating and capital equipment for Inertial Fusion Energy;

(C) $1,000,000 shall be for construction of Project GPE–900, General Plant Projects, Various Locations; and

(D) $3,200,000 shall be for construction of Project 96–E–310, Elise Project, Lawrence Berkeley Laboratory.

(6) Basic Energy Sciences, $827,981,000, of which—

(A) $805,412,000 shall be for operating and capital equipment, including $60,000,000 for the Scientific Facilities Initiative;

(B) $4,500,000 shall be for construction of Project GPE–400, General Plant Projects, Various Locations;

(C) $12,883,000 shall be for construction of Project 96–E–305, Accelerator and Reactor Improvements and Modifications;

(D) $3,186,000 shall be for completion of construction of Project 89–R–402, 6–7 GeV Synchrotron Radiation Source, Argonne National Laboratory; and

(E) $2,000,000 shall be for construction of Project 87–R–405, Combustion Research Facility, Phase II, Sandia National Laboratories-Livermore.

(7) Advisory and Oversight Program Direction, $6,200,000 for operating.

(8) Policy and Management—Energy Research, $2,200,000 for operating.

(9) Multiprogram Energy Laboratories—Facilities Support—

(A) $15,539,000 shall be for operating and capital equipment;

(B) $8,740,000 shall be for construction of Project GPE–801, General Plant Projects, Various Locations;

(C) $8,740,000 shall be for construction of Project 95–E–310, Multiprogram Laboratory Rehabilitation, Phase 1, Pacific Northwest Laboratory;

(D) $1,500,000 shall be for construction of Project 95–E–303, Electrical Safety Rehabilitation, Pacific Northwest Laboratory;

(E) $3,270,000 shall be for completion of construction of Project 95–E–302, Applied Science Center, Phase 1, Brookhaven National Laboratory;

(F) $2,500,000 shall be for construction of Project 95–E–301, Central Heating Plant Rehabilitation, Phase 1, Argonne National Laboratory;

(G) $2,038,000 shall be for construction of Project 94–E–363, Roofing Improvements, Oak Ridge National Laboratory;

(H) $440,000 shall be for completion of construction of Project 94–E–351, Fuel Storage and Transfer Facility Upgrade, Brookhaven National Laboratory;

(I) $800,000 shall be for construction of Project 96–E–332, Building 801 Renovations, Brookhaven National Laboratory;

(J) $2,400,000 shall be for completion of construction of Project 96–E–331, Sanitary Sewer Restoration, Phase I, Lawrence Berkeley Laboratory;

(K) $1,200,000 shall be for construction of Project 96–E–330, Building Electrical Service Upgrade, Phase I, Argonne National Laboratory;

(L) $2,480,000 shall be for construction of Project 95–E–309, Loss Prevention Upgrade-Electrical Substations, Brookhaven National Laboratory;

(M) $1,540,000 shall be for construction of Project 95–E–308, Sanitary System Modifications, Phase II, Brookhaven National Laboratory;

(N) $1,000,000 shall be for construction of Project 95–E–307, Fire Safety Improvements, Phase III, Argonne National Laboratory;

(O) $1,288,000 shall be for completion of construction of Project 93–E–324, Hazardous Materials Safeguards, Phase I, Lawrence Berkeley Laboratory;

(P) $1,130,000 shall be for completion of construction of Project 93–E–323, Fire and

Safety Systems Upgrade, Phase I, Lawrence Berkeley Laboratory; and

(Q) $2,411,000 shall be for construction of Project 93–E–320, Fire and Safety Improvements, Phase II, Argonne National Laboratory.

Notwithstanding subparagraphs (A) through (Q), the total amount authorized under this paragraph shall not exceed $39,327,000.

(10) Technical Information Management Program, $14,394,000, of which—

(A) $12,894,000 shall be for operating and capital equipment; and

(B) $1,500,000 shall be for construction of Project 95–A–500, Heating, Venting, and Air Conditioning Retrofits, Oak Ridge.

(11) Environmental Management, $644,197,000, of which—

(A) $627,127,000 shall be for operating and capital equipment;

(B) $339,000 shall be for completion of construction of Project 92–E–601, Melton Valley Liquid Low-Level Waste Collection and Transfer System Upgrade, Oak Ridge National Laboratory;

(C) $4,000,000 shall be for construction of Project 88–R–830, Bethel Valley Liquid Low-Level Waste Collection and Transfer System Upgrade, Oak Ridge National Laboratory;

(D) $2,255,000 shall be for construction of Project GPN–103, Oak Ridge Landlord General Plant Projects;

(E) $730,000 shall be for construction of Project GPN–102, Test Reactor Area Landlord General Plant Projects, Idaho National Engineering Laboratory;

(F) $1,900,000 shall be for construction of Project 95–E–201, Test Reactor Area Landlord Fire and Life Safety Improvements, Idaho National Engineering Laboratory;

(G) $2,040,000 shall be for construction of Project GPE–600, General Plant Projects, Waste Management, Non-Defense, Various Locations;

(H) $300,000 shall be for construction of Project 94–E–602, Bethel Valley Federal Facility Agreement Upgrades, Oak Ridge National Laboratory;

(I) $4,048,000 shall be for construction of Project 93–E–900, Dry Cast Storage, Idaho National Engineering Laboratory;

(J) $787,000 shall be for construction of Project 91–E–602, Rehabilitation of Waste Management Building 306, Argonne National Laboratory; and

(K) $671,000 shall be for completion of construction of Project 88–R–812, Hazardous Waste Handling Facility, Lawrence Berkeley Laboratory.

(b) GENERAL SCIENCE AND RESEARCH ACTIVITIES.—There are authorized to be appropriated to the Secretary for fiscal year 1996 for General Science and Research Activities operating, capital equipment, and construction the following amounts:

(1) High Energy Physics, $680,137,000, of which—

(A) $554,191,000 shall be for operating and capital equipment, including $15,000,000 for the Scientific Facilities Initiative;

(B) $12,146,000 shall be for construction of Project GPE–103, General Plant Projects, Various Locations;

(C) $9,800,000 shall be for construction of Project 96–G–301, Accelerator Improvements and Modifications, Various Locations;

(D) $52,000,000 shall be for construction of Project 94–G–305, B-Factory, Stanford Linear Accelerator Center; and

(E) $52,000,000 shall be for construction of Project 92–G–302, Fermilab Main Injector, Fermi National Accelerator Center.

(2) Nuclear Physics, $316,873,000, of which—

(A) $239,773,000 shall be for operating and capital equipment, including $25,000,000 for the Scientific Facilities Initiative;

(B) $3,900,000 shall be for construction of Project GPE–300, General Plant Project, Various Locations;

(C) $3,200,000 shall be for construction of Project 96–G–302, Accelerator Improvements and Modifications, Various Locations; and

(D) $70,000,000 shall be for construction of Project 91–G–300, Relativistic Heavy Ion Collider, Brookhaven National Laboratory.

(3) Program Direction, $9,500,000.

(c) FOSSIL ENERGY RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the

Secretary for fiscal year 1996 for Fossil Energy Research and Development operating, capital equipment, and construction the following amounts:

(1) Coal, $121,265,000 for operating.

(2) Oil Technology, $55,714,000 for operating.

(3) Gas, $112,186,000 for operating.

(4) Program Direction and Management Support, $66,597,000 for operating.

(5) Capital Equipment, $1,701,000.

(6) Construction of Project GPF–100, General Plant Projects for Energy Technology Centers, $2,304,000.

(7) Cooperative Research and Development, $6,295,000.

(8) Fossil Energy Environmental Restoration, $14,919,000.

(9) Fuels Conversion, Natural Gas, and Electricity, $2,687,000.

(d) ENERGY CONSERVATION RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for fiscal year 1996 for Energy Conservation Research and Development operating and capital equipment the following amounts:

(1) Buildings Sector, $88,645,000.

(2) Industry Sector, $109,518,000.

(3) Transportation Sector, $176,568,000.

(4) Technical and Financial Assistance (Non-Grants), $31,600,000.

(5) Policy and Management—Energy Conservation, $7,666,000.

(e) FISCAL YEAR 1997.—There are authorized to be appropriated to the Secretary for fiscal year 1997 for operating, capital equipment, and construction, the following amounts:

(1) Energy Supply Research and Development Activities, $2,600,000,000.

(2) General Science and Research Activities, $950,000,000.

(3) Fossil Energy Research and Development, $220,950,000.

(4) Energy Conservation Research and Development, $230,120,000.

SEC. 304. FUNDING LIMITATIONS.

(a) FISCAL YEAR 1996 APPROPRIATIONS.—None of the funds authorized by this title may be used for the following programs, projects, and activities:

(1) Solar Buildings Technology Research.

(2) Solar International Program.

(3) Solar Technology Transfer.

(4) Solar Program Support.

(5) Hydropowder.

(6) Space Power Reactor Systems.

(7) Nuclear Energy Facilities.

(8) Soviet-Designed Reactor Safety.

(9) Russian Replacement Power Initiative.

(10) Civilian Radioactive Waste Research and Development.

(11) Tokamak Physics Experiment.

(12) Advanced Neutron Source.

(13) Energy Research Analysis.

(14) Energy Research Laboratory Technology Transfer.

(15) University and Science Education.

(16) Technology Partnerships.

(17) In-House Energy Management.

(18) Direct Liquefaction.

(19) Indirect Liquefaction.

(20) Systems for Coproducts.

(21) High Efficiency-Integrated Gasification Combined Cycle.

(22) High Efficiency-Pressurized Fluidized Bed.

(23) Technical and Economic Analysis.

(24) International Program Support.

(25) Coal Technology Export.

(26) Gas Delivery and Storage.

(27) Gas Utilization.

(28) Fuel Cells Climate Change Action Plan.

(29) Clean Coal Technology Program.

(30) Buildings Sector Implementation and Deployment.

(31) Industry Sector Municipal Solid Wastes.

(32) Industry Sector Implementation and Deployment.

(33) Alternative Fuels Utilization.

(34) Transportation Sector Implementation and Deployment.

(35) Utility Sector Integrated Resource Planning.

(36) International Market Development.

(37) Inventions and Innovation Program.

(38) Municipal Energy Management.

(39) Information and Communications.

(40) Gas Turbine-Modular Helium Reactor.

(b) PRIOR FISCAL YEAR OBLIGATION AND EXPENDITURE.—No funds may be available for obligation or expenditure with respect to the following:

(1) University of Nebraska Medical Center Transplant Center.

(2) Oregon Health Sciences University.

(c) LIGHT WATER REACTOR MATCHING FUNDS.—Funds appropriated for the AP600 light water reactor pursuant to section 303(a)(2)(A) shall be available only to the extent that matching private sector funds are provided for such project, and subject to the condition that such Federal funds shall be repaid to the United States out of royalties on the first commercial sale of such reactor design.

SEC. 305. LIMITATION ON APPROPRIATIONS.

(a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR 1996.—Notwithstanding any other provision of law, no sums are authorized to be appropriated for fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by this title.

(b) SUBSEQUENT FISCAL YEARS.—No sums are authorized to be appropriated for any fiscal year after fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by Act of Congress with respect to such fiscal year.

SEC. 306. MERIT REVIEW REQUIREMENT FOR AWARDS OF FINANCIAL ASSISTANCE.

(a) MERIT REVIEW REQUIREMENT.—The Secretary may not award financial assistance to any person for civil-

ian research, development, demonstration, or commercial application activities, including related facility construction, unless an objective merit review process is used to award the financial assistance.

(b) REQUIREMENT OF SPECIFIC MODIFICATION OF MERIT REVIEW PROVISION.—

(1) IN GENERAL.—A provision of law may not be construed as modifying or superseding subsection (a), or as requiring that financial assistance be awarded by the Secretary in a manner inconsistent with subsection (a), unless such provision of law—

(A) specifically refers to this section;

(B) specifically that such provision of law modifies or supersedes subsection (a); and

(C) specifically identifies the person to be awarded the financial assistance and states that the financial assistance to be awarded pursuant to such provision of law is being awarded in a manner inconsistent with subsection (a).

(2) NOTICE AND WAIT REQUIREMENT.—No financial assistance may be awarded pursuant to a provision of law that requires or authorizes the award of the financial assistance in a manner inconsistent with subsection (a) until—

(A) the Secretary submits to the Congress a written notice of the Secretary's intent to award the financial assistance; and

(B) 180 days has elapsed after the date on which the notice is received by the Congress.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''objective merit review process'' means a thorough, consistent, and independent examination of requests for financial assistance based on preestablished criteria and scientific and technical merit by persons knowledgeable in the field for which the financial assistance is requested.

(2) The term ''financial assistance'' means the transfer of funds or property to a recipient or subrecipient to accomplish a public purpose of support or stimulation authorized by Federal law. Such term includes grants, cooperative agreements, and subawards but does not include cooperative research and development agreements as defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), nor any grant that calls upon the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, or the National Academy of Public Administration to investigate, examine, or ex-

periment upon any subject of science or art and to report on such matters to Congress or any agency of the Federal Government.

SEC. 307. POLICY ON CAPITAL PROJECTS AND CONSTRUCTION.

(a) REQUIREMENT OF PRIOR AUTHORIZATION.—(1) No funds are authorized to be appropriated to the Secretary for any substantial construction project, substantial equipment acquisition, or major construction project unless a report on such project or acquisition has been provided to Congress in accordance with subsection (b).

(2) The Secretary may not obligate any funds for any substantial construction project, substantial equipment acquisition, or major construction project unless such project or acquisition has been specifically authorized by statute.

(3) This subsection may not be amended or modified except by specific reference to this subsection.

(b) REPORTS TO CONGRESS.—(1) Within 180 days after the date of the enactment of this Act, the Secretary shall submit to the Congress a report that identifies all construction projects and acquisitions of the Department described in subsection (a) for which the preliminary design phase is completed but the construction or acquisition is not completed. Such report shall include—

(A) an estimate of the total cost of completion of the construction project or acquisition, itemized by individual activity and by fiscal year; and

(B) an identification of which construction projects or acquisitions have not been specifically authorized by statute.

The Secretary shall annually update and resubmit the report required by this paragraph, as part of the report required under section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914).

(2) The Secretary shall, after completion of the preliminary design phase of a major construction project, submit to the Congress a report containing—

(A) an estimate of the total cost of construction of the facility;

(B) an estimate of the time required to complete construction;

(C) an estimate of the annual operating costs of the facility;

(D) the intended useful operating life of the facility; and

(E) an identification of any existing facilities to be closed as a result of the operation of the facility.

SEC. 308. FURTHER AUTHORIZATIONS.

Nothing in this title shall preclude further authorization of appropriations for civilian research, development, demonstration, and commercial application activities of the Department of Energy for fiscal year 1996: *Provided,* That authorization allocations adopted by the Conference Committee on House Concurrent Resolution 67, and approved by Congress, allow for such further authorizations.

SEC. 309. HIGH ENERGY AND NUCLEAR PHYSICS.

(a) LARGE HADRON COLLIDER PROJECT.—

(1) NEGOTIATIONS.—The Secretary, in consultation with the Director of the National Science Foundation and the Secretary of State, shall enter into negotiations with CERN concerning United States participation in the planning and construction of the Large Hadron Collider project, and shall ensure that any agreement incorporates provisions to protect the United States investment in the project, including provisions for—

(A) fair allocation of costs and benefits among project participants;

(B) a limitation on the amount of United States contribution to project construction and an estimate of the United States contribution to subsequent operating costs;

(C) a cost and schedule control system for the total project;

(D) a preliminary statement of costs and the schedule for all component design, testing, and fabrication, including technical, goals and milestones, and a final statement of such costs and schedule within 1 year after the date on which the parties enter into the agreement;

(E) a preliminary statement of costs and the schedule for total project construction and operation, including technical goals and milestones, and a final statement of such costs and schedule within 1 year after the date on which the parties enter into the agreement;

(F) reconsideration of the extent of United States participation if technical or operational milestones described in subparagraphs (D) and (E) are not met, or if the project falls significantly behind schedule;

(G) conditions of access for United States and other scientists to the facility; and

(H) a process for addressing international coordination and cost sharing on high energy physics projects beyond the Large Hadron Collider.

(2) OTHER INTERNATIONAL NEGOTIATIONS.—Nothing in this title shall be construed to preclude the President from entering into negotiations with respect to international science agreements.

(b) REPORT TO CONGRESS.—Before January 1, 1996, the Secretary, in consultation with the Director of the National Science Foundation and with the high energy and nuclear physics communities, shall prepare and transmit to the Congress a strategic plan for the high energy and nuclear physics activities of the Department, assuming a combined budget of $950,000,000 for all activities authorized under section 303(b) for fiscal year 1997, and assuming a combined budget of $900,000,000 for all activities authorized under section 303(b) for each of the fiscal years 1998, 1999, and 2000. The report shall include—

(1) a list of research opportunities to be purchased including both ongoing and proposed activities;

(2) an analysis of the relevance of each research facility to the research opportunities listed under paragraph (1);

(3) a statement of the optimal balance among facility operations, construction, and research sup-

port and the optimal balance between university and laboratory research programs;

(4) schedules for the continuation, consolidation, or termination of each research program, and continuation, upgrade, transfer, or closure of each research facility; and

(5) a statement by project of efforts to coordinate research projects with the international communities to maximize the use of limited resources and avoid unproductive duplication of efforts.

SEC. 310. PROHIBITION OF LOBBYING ACTIVITIES.

None of the funds authorized by this title shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 311. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Secretary shall exclude from consideration for awards of financial assistance made by the Department after fiscal year 1995 any person who received funds, other than those described in subsection (b),

appropriated for a fiscal year after fiscal year 1995, from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to awards to persons who are members of a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

SEC. 312. TERMINATION COSTS.

Subject to further appropriations, unobligated funds previously appropriated for the Clean Coal Technology program may be used to pay costs associated with the termination of Energy Supply Research and Development, General Science and Research, Fossil Energy Research and Development, and Energy Conservation Research and Development programs, projects, and activities of the Department.

TITLE IV—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''National Oceanic and Atmospheric Administration Authorization Act of 1995''.

SEC. 402. DEFINITIONS.

For the purposes of this title, the term—

(1) ''Act of 1890'' means the Act entitled ''An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture'', approved October 1, 1890 (26 Stat. 653);

(2) ''Act of 1947'' means the Act entitled ''An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes'', approved August 6, 1947 (33 U.S.C. 883a et seq.);

(3) ''Act of 1970'' means the Act entitled ''An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes'', approved December 31, 1970 (33 U.S.C. 857–1 et seq.);

(4) ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration; and

(5) ''Secretary'' means the Secretary of Commerce.

Subtitle A—Atmospheric, Weather, and Satellite Programs

SEC. 411. NATIONAL WEATHER SERVICE.

(a) OPERATIONS AND RESEARCH.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the operations and research duties of the National Weather Service, $472,338,000 for fiscal year 1996. Such duties include meteorological, hydrological, and oceanographic public warnings and forecasts, as well as applied research in support of such warnings and forecasts.

(b) SYSTEMS ACQUISITION.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the public warning and forecast systems duties of the National Weather Service, $79,034,000 for fiscal year 1996. Such duties include the development, acquisition, and implementation of major public warning and forecast systems. None of the funds authorized under this subsection shall be used for the purposes for which funds are authorized under section 102(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102–567). None of the funds authorized by such sec-

tion 102(b) shall be expended for a particular NEXRAD installation unless—

(1) it is identified as a National Weather Service NEXRAD installation in the National Implementation Plan for modernization of the National Weather Service, required under section 703 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102–567); or

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

(c) NEW NEXRAD INSTALLATIONS.—No funds may be obligated for NEXRAD installations not identified in the National Implementation Plan for 1996, unless the Secretary certifies that such NEXRAD installations can be acquired within the authorization of NEXRAD contained in section 102(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992.

(d) ASOS PROGRAM AUTHORIZATION.—Of the sums authorized in subsection (b), $16,952,000 for fiscal year 1996 are authorized to be appropriated to the Secretary, for the acquisition and deployment of—

(1) the Automated Surface Observing System and related systems, including multisensor and

backup arrays for National Weather Service sites at airports; and

(2) Automated Meteorological Observing System and Remote Automated Meteorological Observing System replacement units.

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

(e) AWIPS AUTHORIZATION.—Of the sums authorized in subsection (b), there are authorized to be appropriated to the Secretary $52,097,000 for fiscal year 1996, to remain available until expended, for—

(1) the acquisition and deployment of the Advanced Weather Interactive Processing System and NOAA Port and associated activities; and

(2) associated program management and operations and maintenance.

(f) CONSTRUCTION OF WEATHER FORECAST OFFICES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out construction, repair, and modification activities relating to new and existing weather forecast offices, $20,628,000 for fiscal year 1996. Such activities include planning, design, and land acquisition related to such offices.

(g) WEATHER SERVICE MODERNIZATION.—Title VII of the National Oceanic and Atmospheric Administration Authorization Act of 1992 is amended—

(1) in section 706—

(A) by amending subsection (b)(6) to read as follows:

''(6) any recommendations of the Committee submitted under section 707(c) that evaluate the certification.'';

(B) by striking ''60-day'' in subsection (c)(2) and inserting in lieu thereof ''30-day'';

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

''(d) FINAL DECISION.—If the Secretary decides to close, consolidate, automate, or relocate any such field office, the Secretary shall publish the certification in the Federal Register and submit the certification to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.''; and

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

''(f) TRANSITION PROGRAM.—The Secretary shall maintain for a period of at least two years after the closure of any weather office a program to—

''(1) provide timely information regarding the activities of the National Weather Service which may affect service to the community, including modernization and restructuring; and

''(2) work with area weather service users, including persons associated with general aviation, civil defense, emergency preparedness, and the news media, with respect to the provision of timely weather warnings and forecasts.''; and

(2) by amending section 707(c) to read as follows:

''(c) DUTIES.—The Committee may review any certification under section 706 for which the Secretary has provided a notice of intent to certify in the plan, including any certification for which there is a significant potential for degradation of service within the affected area. Upon the request of the Committee, the Secretary shall make available to the Committee the supporting documents developed by the Secretary in connection with the certification. The Committee shall evaluate any certification reviewed on the basis of the modernization criteria and with respect to the requirement that there be no degradation of service, and advise the Secretary accordingly.''.

(h) NEXRAD OPERATIONAL AVAILABILITY AND RELIABILITY.—(1) The Secretary of Defense, in conjunction

with the Administrator of the National Oceanic and Atmospheric Administration, shall take immediate steps to ensure that NEXRADs operated by the Department of Defense that provide primary detection coverage over a portion of their range function as fully committed, reliable elements of the national weather radar network, operating with the same standards, quality, and availability as the National Weather Service-operated NEXRADs.

(2) NEXRADs operated by the Department of Defense that provide primary detection coverage over a portion of their range are to be considered as integral parts of the National Weather Radar Network.

(i) REPORT.—Section 704 of the Weather Service Modernization Act (15 U.S.C. 313 note) is amended by adding at the end the following new subsection:

''(c) REPORT.—The Secretary shall contract with the National Research Council for a review of the NEXRAD Network radar coverage pattern as indicated in the 1996 National Implementation Plan of the National Weather Service for a determination of areas of inadequate radar coverage. In conducting such a review, the National Research Council shall prepare and submit to the Secretary, no later than 6 months after the date of the enactment of this Act, a report which assesses the feasibility of existing and future Federal Aviation Administration Terminal

Doppler Weather Radars to provide reliable weather radar data, in a cost-effective manner, to nearby weather forecast offices. The Secretary shall report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 60 days after receiving the report under this subsection, on recommendations to implement the findings in such report.''.

SEC. 412. ATMOSPHERIC RESEARCH.

(a) CLIMATE AND AIR QUALITY RESEARCH.—(1) There is authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research duties, $86,757,000 for fiscal year 1996. Such duties include internannual and seasonal climate research and long-term climate and air quality research.

(2) The Administrator shall ensure that at least the same percentage of the climate and air quality research funds that were provided to institutions of higher education for fiscal year 1995 is provided to institutions of higher education from funds authorized by this subsection.

(b) ATMOSPHERIC PROGRAMS.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research duties, $39,894,000 for fiscal

year 1996. Such duties include research for developing improved prediction capabilities for atmospheric processes, as well as solar-terrestrial research and services.

(c) GLOBE AUTHORIZATION.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Global Learning and Observations to Benefit the Environment program, $7,000,000 for fiscal year 1996.

(d) Nothing in this Act shall preclude the National Oceanic and Atmospheric Administration from carrying out studies of long-term climate and global change.

SEC. 413. NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE.

(a) SATELLITE OBSERVING SYSTEMS.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its satellite observing systems duties, $319,448,000 for fiscal year 1996, to remain available until expended. Such duties include spacecraft procurement, launch, and associated ground station systems involving polar orbiting and geostationary environmental satellites, as well as the operation of such satellites. None of the funds authorized under this subsection shall be used for the purposes for which funds are authorized under section 105(d) of the National Oceanic and Atmospheric Ad-

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

(b) POES PROGRAM AUTHORIZATION.—Of the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary $184,425,000 for fiscal year 1996, to remain available until expended, for the procurement of Polar Orbiting Environmental Satellites, K, L, M, N, and N[1], and the procurement of the launching and supporting ground systems of such satellites.

(c) GEOSTATIONARY OPERATIONAL ENVIRONMENTAL SATELLITES.—Of the sums authorized in subsection (a), there are authorized to be appropriated to the Administrator $46,300,000 for fiscal year 1996, to remain available until expended—

(1) to procure up to three additional Geostationary Operational Environmental NEXT Satellites (GOES I–M clones) and instruments; and

(2) for contracts, and amendments or modifications of contracts, with the developer of previous GOES-NEXT satellites for the acquisition of the additional satellites and instruments described in paragraph (1).

(d) ENVIRONMENTAL DATA AND INFORMATION SERVICES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmos-

pheric Administration to carry out its environmental data and information services duties, $35,665,000 for fiscal year 1996. Such duties include climate data services, geophysical data services, and environmental assessment and information services.

(e) NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM PROGRAM AUTHORIZATION.—Of the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary, for fiscal year 1996, $39,500,000, to remain available until expended, for the procurement of the National Polar-Orbiting Operational Environmental Satellite System, and the procurement of the launching and supporting ground systems of such satellites.

Subtitle B—Marine Research

SEC. 421. NATIONAL OCEAN SERVICE.

(a) MAPPING AND CHARTING.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out mapping and charting activities under the Act of 1947 and any other law involving those activities, $29,149,000.

(b) GEODESY.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out geodesy ac-

tivities under the Act of 1947 and any other law involving those activities, $19,927,000 for fiscal year 1996.

(c) OBSERVATION AND PREDICTION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out observation and prediction activities under the Act of 1947 and any other law involving those activities, $11,279,000 for fiscal year 1996.

(2) CIRCULATORY SURVEY PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out the Circulatory Survey Program, $695,000 for fiscal year 1996.

(3) OCEAN AND EARTH SCIENCES.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out ocean and earth science activities, $4,231,000 for fiscal year 1996.

(d) ESTUARINE AND COASTAL ASSESSMENT.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to

support estuarine and coastal assessment activities under the Act of 1947 and any other law involving those activities, $1,171,000 for fiscal year 1996.

(2) OCEAN ASSESSMENT.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out the National Status and Trends Program, the Strategic Environmental Assessment Program, and the Hazardous Materials Response Program, $8,401,000 for fiscal year 1996.

(3) DAMAGE ASSESSMENT PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out the Damage Assessment Program, $585,000 for fiscal year 1996.

(4) COASTAL OCEAN PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out the Coastal Ocean Program, $9,158,000 for fiscal year 1996.

SEC. 422. OCEAN AND GREAT LAKES RESEARCH.

(a) MARINE PREDICTION RESEARCH.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out marine prediction research activities under the Act of 1947, the Act of 1890, and any other law involving those activities, $13,763,000 for fiscal year 1996.

(b) NATIONAL SEA GRANT COLLEGE PROGRAM.—(1) Section 212(a) of the National Sea Grant College Program Act (33 U.S.C. 1131(a)) is amended to read as follows:

''(a) GRANTS AND CONTRACTS; FELLOWSHIPS.—There are authorized to be appropriated to carry out sections 205 and 208, $51,000,000 for fiscal year 1996.''.

(2) Section 212(b)(1) of the National Sea Grant College Program Act (33 U.S.C. 1131(b)(1)) is amended by striking ''an amount'' and all that follows through ''not to exceed $2,900,000'' and inserting in lieu thereof ''$2,000,000 for fiscal year 1996''.

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

SEC. 423. USE OF OCEAN RESEARCH RESOURCES OF OTHER FEDERAL AGENCIES.

(a) FINDINGS.—The Congress finds the following:

(1) Observing, monitoring, and predicting the ocean environment has been a high priority for the defense community to support ocean operations.

(2) Many advances in ocean research have been made by the defense community which could be shared with civilian researchers.

(3) The National Oceanic and Atmospheric Administration's missions to describe and predict the ocean environment, manage the Nation's ocean and coastal resources, and promote stewardship of the world's oceans would benefit from increased cooperation with defense agencies.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the National Oceanic and Atmospheric Administration should expand its efforts to develop interagency agreements to further the use of defense-related technologies, data, and other resources to support its oceanic missions.

(c) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to the Committee on Science and the Committee on Resources of the

House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the feasibility of expanding the use of defense-related technologies, data, and other resources to support and enhance the oceanic missions of the National Oceanic and Atmospheric Administration.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) a detailed listing of defense-related resources currently available to the National Oceanic and Atmospheric Administration and the National Oceanic and Atmospheric Administration missions which utilize those resources;

(B) detailed findings and recommendations, including funding requirements, on the potential for expanding the use of available defense-related resources;

(C) a detailed listing and funding history of the National Oceanic and Atmospheric Administration resources, including data and technology, which could be supplemented by defense-related resources;

(D) a listing of currently unavailable defense-related resources, including data and

technology, which if made available would enhance the National Oceanic and Atmospheric Administration mission performance;

(E) recommendations on the regulatory and legislative structures needed to maximize the use of defense-related resources;

(F) an assessment of the respective roles in the use of defense-related resources of the Army Corps of Engineers, data centers, operational centers, and research facilities of the National Oceanic and Atmospheric Administration; and

(G) recommendations on how to provide access to relevant defense-related data for non-Federal scientific users.

Subtitle C—Program Support

SEC. 431. PROGRAM SUPPORT.

(a) EXECUTIVE DIRECTION AND ADMINISTRATIVE ACTIVITIES.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out executive direction and administrative activities under the Act of 1970 and any other law involving those activities, $20,632,000 for fiscal year 1996.

(b) CENTRAL ADMINISTRATIVE SUPPORT.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out central administrative support activities under the Act of 1970 and any other law involving those activities, $30,000,000 for fiscal year 1996.

(c) RETIRED PAY.—There are authorized to be appropriated to the Secretary, for retired pay for retired commissioned officers of the National Oceanic and Atmospheric Administration under the Act of 1970, $7,706,000 for fiscal year 1996.

(d) MARINE SERVICES.—

(1) SERVICE CONTRACTS.—Notwithstanding any other provision of law and subject to the availability of appropriations, the Secretary shall enter into contracts, including multiyear contracts, subject to paragraph (3), for the use of vessels to conduct oceanographic research and fisheries research, monitoring, enforcement, and management, and to acquire other data necessary to carry out the missions of the National Oceanic and Atmospheric Administration. The Secretary shall enter into these contracts unless—

(A) the cost of the contract is more than the cost (including the cost of vessel operation,

maintenance, and all personnel) to the National Oceanic and Atmospheric Administration of obtaining those services on vessels of the National Oceanic and Atmospheric Administration;

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

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

(2) VESSELS.—The Secretary may not enter into any contract for the construction, lease-purchase, upgrade, or service life extension of any vessel.

(3) MULTIYEAR CONTRACTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), and notwithstanding section 1341 of title 31, United States Code, and section 11 of title 41, United States Code, the Secretary may acquire data under multiyear contracts.

(B) REQUIRED FINDINGS.—The Secretary may not enter into a contract pursuant to this paragraph unless the Secretary finds with respect to that contract that there is a reasonable expectation that throughout the contemplated contract period the Secretary will request from

Congress funding for the contract at the level required to avoid contract termination.

(C) REQUIRED PROVISIONS.—The Secretary may not enter into a contract pursuant to this paragraph unless the contract includes—

(i) a provision under which the obligation of the United States to make payments under the contract for any fiscal year is subject to the availability of appropriations provided in advance for those payments;

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

(iii) appropriate provisions under which, in case of any termination of the contract before the end of the term specified pursuant to clause (ii), the United States shall only be liable for the lesser of—

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

(II) amounts that were appropriated before the date of the termination for the performance of the contract or for procurement of the type

of acquisition covered by the contract and are unobligated on the date of the termination.

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

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out marine services activities, $60,689,000 for fiscal year 1996.

(e) AIRCRAFT SERVICES.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out aircraft services activities (including aircraft operations, maintenance, and support) under the Act of 1970 and any other law involving those activities, $9,548,000 for fiscal year 1996.

(f) FACILITIES REPAIRS AND RENOVATIONS.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administra-

tion to carry out facilities repairs and renovations, $7,374,000 for fiscal year 1996.

Subtitle D—Streamlining of Operations

SEC. 441. PROGRAM TERMINATIONS.

(a) TERMINATIONS.—No funds may be appropriated for the following programs and accounts:

(1) The National Undersea Research Program.

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

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

(4) Chesapeake Bay Observation Buoys as of September 30, 1996.

(5) Federal/State Weather Modification Grants.

(6) The Southeast Storm Research Account.

(7) National Institute for Environmental Renewal.

(8) The Lake Champlain Study.

(9) The Maine Marine Research Center.

(10) The South Carolina Cooperative Geodetic Survey Account.

(11) Pacific Island Technical Assistance.

(12) VENTS program.

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

(14) National Weather Service Regional Climate Centers.

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

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

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Resources and the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report certifying that all the programs listed in subsection (a) will be terminated no later than September 30, 1995.

(c) REPEAL OF SEA GRANT PROGRAMS.—

(1) REPEALS.—(A) Section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)) is repealed.

(B) Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

(2) CONFORMING AMENDMENT.—Section 209 of the National Sea Grant College Program Act (33

U.S.C. 1128(b)(1)) is amended by striking ''and section 3 of the Sea Grant Program Improvement Act of 1976''.

(d) ADDITIONAL REPEAL.—The NOAA Fleet Modernization Act (33 U.S.C. 851 note) is repealed.

SEC. 442. LIMITATIONS ON APPROPRIATIONS.

(a) SUBSEQUENT FISCAL YEARS.—No sums are authorized to be appropriated for any fiscal year after fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by Act of Congress with respect to such fiscal year.

(b) FISCAL YEAR 1996.—No more than $1,692,470,000 is authorized to be appropriated to the Secretary for fiscal year 1996, by this Act or any other Act, to enable the National Oceanic and Atmospheric Administration to carry out all activities associated with Operations, Research, and Facilities.

(c) REDUCTION IN TRAVEL BUDGET.—Of the sums appropriated under this Act for Operations, Research, and Facilities, no more than $20,000,000 may be used for reimbursement of travel and related expenses for National Oceanic and Atmospheric Administration personnel.

SEC. 443. TERMINATION OF THE CORPS OF COMMISSIONED OFFICERS.

(a) NUMBER OF OFFICERS.—Notwithstanding section 8 of the Act of June 3, 1948 (33 U.S.C. 853g), the total number of commissioned officers on the active list of the National Oceanic and Atmospheric Administration shall not exceed 358 for fiscal year 1996. No commissioned officers are authorized for any fiscal year after fiscal year 1996.

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

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

(2) Subject to the approval of the Secretary of Transportation and under terms and conditions specified by the Secretary, commissioned officers subject to subsection (a) may transfer to the United States Coast Guard under section 716 of title 10, United States Code.

(3) Subject to the approval of the Administrator of the National Oceanic and Atmospheric Administration and under terms and conditions specified by that Administrator, commissioned officers subject to subsection (a) may be employed by the National Oceanic and Atmospheric Administration as members of the civil service.

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

(A) The Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a–853o, 853p–853u).

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

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

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

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

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

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

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

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

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

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

(L) All other Acts inconsistent with this subsection.

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

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

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

Subtitle E—Miscellaneous

SEC. 451. WEATHER DATA BUOYS.

(a) PROHIBITION.—It shall be unlawful for any unauthorized person to remove, change the location of, obstruct, willfully damage, make fast to, or interfere with any weather data buoy established, installed, operated, or maintained by the National Data Buoy Center.

(b) CIVIL PENALTIES.—The Administrator is authorized to assess a civil penalty against any person who violates any provision of this section in an amount of not more than $10,000 for each violation. Each day during which such violation continues shall be considered a new offense. Such penalties shall be assessed after notice and opportunity for a hearing.

(c) REWARDS.—The Administrator may offer and pay rewards for the apprehension and conviction, or for information helpful therein, of persons found interfering, in violation of law, with data buoys maintained by the National Data Buoy Center; or for information leading to the discovery of missing National Weather Service property or the recovery thereof.

SEC. 452. DUTIES OF THE NATIONAL WEATHER SERVICE.

(a) IN GENERAL.—To protect life and property and enhance the national economy, the Secretary, through the National Weather Service, except as outlined in subsection (b), shall be responsible for—

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

(2) the issue of storm warnings;

(3) the collection, exchange, and distribution of meteorological, hydrological, climatic, and oceanographic data and information; and

(4) the preparation of hydrometeorological guidance and core forecast information.

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

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

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

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

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

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

(d) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing all National Weather Service activities which do not conform to the requirements of this section and outlining a timetable for their termination.

SEC. 453. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Administrator shall exclude from consideration for awards of financial assistance made by the National Oceanic and Atmospheric Administration after fiscal year 1995 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1995, from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to awards to persons who are members of a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

SEC. 454. PROHIBITION OF LOBBYING ACTIVITIES.

None of the funds authorized by this title shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 455. REPORT ON LABORATORIES.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall conduct a review of the laboratories operated by the National Oceanic and Atmospheric Administration and submit a report to the Committee on Resources and the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

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

(1) address potential efficiencies and savings which could be achieved through closing or consolidating laboratory facilities;

(2) review each laboratory's—

(A) mission and activities and their correlation to the mission priorities of the National Oceanic and Atmospheric Administration;

(B) physical assets, equipment, condition, and personnel resources; and

(C) organization and program management; and

(3) address other issues the Inspector General consider relevant.

SEC. 456. CONVEYANCE OF NATIONAL MARINE FISHERIES SERVICE LABORATORY AT GLOUCESTER, MASSACHUSETTS.

(a) CONVEYANCE REQUIRED.—

(1) IN GENERAL.—The Secretary shall convey to the Commonwealth of Massachusetts all right, title, and interest of the United States in and to the property comprising the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.

(2) TERMS.—A conveyance of property under paragraph (1) shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions specified under subsections (b) and (c).

(b) CONDITIONS FOR TRANSFER.—

(1) IN GENERAL.—As a condition of any conveyance of property under this section, the Commonwealth of Massachusetts shall assume full responsibility for maintenance of the property for as long as the Commonwealth retains the right and title to that property.

(2) CONTINUED USE OF PROPERTY BY NMFS.—The Secretary may enter into a memorandum of understanding with the Commonwealth of Massachusetts under which the National Marine Fisheries

Service is authorized to occupy existing laboratory space on the property conveyed under this section, if—

(A) the term of the memorandum of understanding is for a period of not longer than 5 years beginning on the date of enactment of this Act; and

(B) the square footage of the space to be occupied by the National Marine Fisheries Service does not conflict with the needs of, and is agreeable to, the Commonwealth of Massachusetts.

(c) REVERSIONARY INTEREST.—All right, title, and interest in and to all property conveyed under this section shall revert to the United States on the date on which the Commonwealth of Massachusetts uses any of the property for any purpose other than the Commonwealth of Massachusetts Division of Marine Fisheries resource management program.

SEC. 457. CLEANUP OF NOAA FACILITIES.

(a) IN GENERAL.—The Secretary shall cleanup landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, and contaminants (including, without limitation, petroleum products and their derivatives), on lands which the National Oceanic and Atmos-

pheric Administration and its predecessor agencies abandoned, quitclaimed, or otherwise transferred, or is obligated to transfer, to local entities or landowners on the Pribilof Islands, Alaska, pursuant to the Fur Seal Act of 1966 (16 U.S.C. 1161 et seq.).

(b) SPECIFIC REQUIREMENTS.—To carry out subsection (a), the Secretary shall—

(1) by December 31, 1995, execute agreements with the State of Alaska, affected local entities and landowners, and in the case of new landfills, the Indian Health Service;

(2) manage the cleanup required in subsection (a) with the minimum possible Federal overhead, delay, and duplication of State and local planning and design work;

(3) receive approval of the State of Alaska for the cleanup plans prepared as a result of the agreements described in subsection (b)(1) where said cleanup is required by State law;

(4) receive approval of affected local entities and landowners before conducting cleanup work on their property, if such approval is not obtained by agreement in accordance with paragraph (5);

(5) to the maximum extent possible, and notwithstanding any other law, carry out duties under

this Act and under other Federal laws on the Pribilof Islands through contracts, grants, or cooperative agreements, including agreements on a reimbursable basis, with the local entities and landowners and with residents of the Pribilof Islands; and

(6) not require financial contributions by or from local entities or landowners.

(c) CONTENTS OF AGREEMENTS.—The agreements described in subsection (b)(1) shall—

(1) require the Secretary to clean up all sites referred to in subsection (a), as soon as possible;

(2) specify the Secretary's responsibility to—

(A) contribute to the planning and construction of new or redeveloped landfills;

(B) provide technical and financial assistance and training to the local entities and landowners and residents of the Pribilof Islands; and

(C) to the greatest extent possible, secure their participation in carrying out this section.

(d) DEFINITIONS.—For purposes of this section—

(1) the term ''cleanup'' means, without limitation, planning and execution of remediation actions for lands described in subsection (a) and redevelop-

ment of landfills to meet regulatory requirements; and

(2) the term ''local entities and landowners'' means those local political subdivisions and entities that have received or are eligible to receive lands under the Fur Seal Act of 1966 (16 U.S.C. 1161 et seq.).

SEC. 458. OCEAN APPLICATIONS BRANCH.

(a) ESTABLISHMENT.—The Secretary of commerce shall establish and maintain within the Administration a program to be known as the Ocean Applications Branch (in this section referred to as the ''Branch'').

(b) PURPOSE.—The purpose of the Branch shall be to make oceanographic and other information developed by the Department of Defense Fleet Numerical Meterology and Oceanography Center available for private, educational, and government use pursuant to agreement between the Secretary of Defense and the Secretary of Commerce. It shall be the goal of the Secretary of Commerce to support the activities of the Ocean Applications Branch through user fees.

(c) LIMITATION ON CLOSURE.—The Secretary of Commerce shall not terminate operation of the Branch, before the Branch fully funds its operations through pri-

vate sources, including user fees, or fiscal year 1996, whichever comes first.

TITLE V—ENVIRONMENTAL PROTECTION AGENCY

SEC. 501. SHORT TITLE.

This title may be cited as the ''Environmental Research, Development, and Demonstration Authorization Act of 1995''.

SEC. 502. DEFINITIONS.

For the purposes of this title, the term—

(1) ''Administrator'' means the Administrator of the Environmental Protection Agency;

(2) ''Agency'' means the Environmental Protection Agency; and

(3) ''Assistant Administrator'' means the Assistant Administrator for Research and Development of the Agency.

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Administrator $490,000,000 for fiscal year 1996 for the Office of Research and Development for environmental research, development, and demonstration activities, including program management and support, in the areas specified in subsection (b), of which—

(1) $321,694,800 shall be for Research and Development; and

(2) $109,263,400 shall be for Program and Research Operations.

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

(1) For air related research, $93,915,200, of which—

(A) $67,111,400 shall be for Research and Development; and

(B) $26,803,800 shall be for Program and Research Operations.

(2) For global change research, $2,385,700, of which—

(A) $2,125,400 shall be for Research and Development; and

(B) $260,300 shall be for Program and Research Operations.

(3) For water quality related research, $21,243,100, of which—

(A) $9,453,100 shall be for Research and Development; and

(B) $11,790,000 shall be for Program and Research Operations.

(4) For drinking water related research, $20,652,400, of which—

(A) $10,376,500 shall be for Research and Development; and

(B) $10,275,900 shall be for Program and Research Operations.

(5) For toxic chemical related research, $11,053,900, of which—

(A) $5,028,600 shall be for Research and Development; and

(B) $6,025,300 shall be for Program and Research Operations.

(6) For lab and field expenses, $73,031,600, all of which shall be for Research and Development.

(7) For headquarters expenses of the Office of Research and Development, $9,254,800, all of which shall be for Research and Development.

(8) For multimedia related research expenses, $158,656,800, of which—

(A) $122,142,900 shall be for Research and Development;

(B) $31,513,900 shall be for Program and Research Operations; and

(C) $5,000,000 shall be for graduate student fellowships.

(9) For program management expenses, $6,399,300, all of which shall be for Program and Research Operations.

(10) For pesticide related research, $13,345,200, of which—

(A) $7,192,800 shall be for Research and Development; and

(B) $6,152,400 shall be for Program and Research Operations.

(11) For oil pollution related research, $2,076,900.

(12) For research related to leaking underground storage tanks, $769,400.

(13) For research related to cleanup of contaminated sites, $56,195,500.

(14) For research related to hazardous waste, $21,020,200, of which—

(A) $10,977,700 shall be for Research and Development; and

(B) $10,042,500 shall be for Program and Research Operations.

(c) LIMITATIONS.—(1) No funds are authorized to be appropriated by this title for—

(A) the Environmental Technology Initiative;

(B) the Climate Change Action Plan; or

(C) indoor air pollution research.

(2) No sums are authorized to be appropriated for any fiscal year after fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by Act of Congress with respect to such fiscal year.

(3) Notwithstanding any other provision of law, no sums are authorized to be appropriated for fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by this title.

SEC. 504. SCIENTIFIC RESEARCH REVIEW.

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

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

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

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

(A) is of high quality; and

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

(b) REPORT.—The Assistant Administrator shall transmit annually to the Administrator and to the Com-

mittee on Science of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(1) all Agency research the Assistant Administrator finds is not of sufficiently high quality; and

(2) all Agency research the Assistant Administrator finds duplicates other Agency research.

SEC. 505. PROHIBITION OF LOBBYING ACTIVITIES.

None of the funds authorized by this title shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 506. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Administrator shall exclude from consideration for awards of financial assistance made by the Office of Research and Development after fiscal year 1995 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1995, from any Federal funding source for a project that was not subjected to a competitive,

merit-based award process. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to awards to persons who are members of a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

SEC. 507. GRADUATE STUDENT FELLOWSHIPS.

In carrying out the graduate student fellowship program for which funds are authorized to be appropriated by this title, the Administrator shall ensure that any fellowship award to a student selected after the date of the enactment of this Act is used only to support research that would further missions of the Office of Research and Development in fields in which there exists or is projected to exist a shortage in the number of scientists.

TITLE VI—TECHNOLOGY

Subtitle A—Technology Administration

SEC. 601. SHORT TITLE.

This title may be cited as the ''American Technology Advancement Act of 1995''.

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

(a) UNDER SECRETARY FOR TECHNOLOGY.—There are authorized to be appropriated for the Office of the

Under Secretary of Commerce for Technology/Office of Technology Policy $5,066,000 for fiscal year 1996.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated the following:

(1) For Scientific and Technical Research and Services of the National Institute of Standards and Technology, $275,579,000 for fiscal year 1996, of which—

(A) $39,628,000 shall be for Electronics and Electrical Engineering;

(B) $19,565,000 shall be for Manufacturing Engineering;

(C) $28,127,000 shall be for Chemical Science and Technology;

(D) $28,082,000 shall be for Physics;

(E) $54,314,000 shall be for Material Science and Engineering;

(F) $13,517,000 shall be for Building and Fire Research;

(G) $30,704,000 shall be for Computer Systems;

(H) $10,964,000 shall be for Applied Mathematics and Scientific Computing;

(I) $19,109,000 shall be for Technical Assistance;

(J) $28,169,000 shall be for Research Support; and

(K) $3,400,000 shall be for the Malcolm Baldrige National Quality Program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a); and

(2) for Construction of Research Facilities of the National Institute of Standards and Technology, $62,055,000 for fiscal year 1996.

SEC. 603. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) in section 10(a)—

(A) by striking ''nine'' and inserting in lieu thereof ''15''; and

(B) by striking ''five'' and inserting in lieu thereof ''10'';

(2) in section 15—

(A) by striking ''Pay Act of 1945; and'' and inserting in lieu thereof ''Pay Act of 1945;''; and

(B) by inserting ''; and (h) the provision of transportation services for employees of the Institute between the facilities of the Institute and nearby public transportation, notwithstanding section 1344 of title 31, United States Code'' after ''interests of the Government''; and

(3) in section 19, by striking ''nor more than forty'' and inserting in lieu thereof ''nor more than 60''.

SEC. 604. STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980 AMENDMENTS.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended—

(1) in section 11(i) (15 U.S.C. 3710(i))—

(A) by inserting ''loan, lease,'' after ''department, may''; and

(B) by inserting ''Actions taken under this subsection shall not be subject to Federal requirements on the disposal of property.'' after ''education and research activities.''; and

(2) in section 17(c) (15 U.S.C. 3711a(c))—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as so redesignated by subparagraph (B) of this paragraph, by striking ''two'' and inserting in lieu thereof ''4''.

SEC. 605. PERSONNEL.

The personnel management demonstration project established under section 10 of the National Bureau of Standards Authorization Act for Fiscal Year 1987 (15 U.S.C. 275 note) is extended indefinitely.

SEC. 606. FASTENER QUALITY ACT AMENDMENTS.

(a) SECTION 2 AMENDMENTS.—Section 2 of the Fastener Quality Act (15 U.S.C. 5401) is amended—

(1) by striking subsection (a)(4), and redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively;

(2) in subsection (a)(7), as so redesignated by paragraph (1) of this subsection, by striking ''by lot number''; and

(3) in subsection (b), by striking ''used in critical applications'' and inserting in lieu thereof ''in commerce''.

(b) SECTION 3 AMENDMENTS.—Section 3 of the Fastener Quality Act (15 U.S.C. 5402) is amended—

(1) in paragraph (1)(B) by striking ''having a minimum tensile strength of 150,000 pounds per

square inch'' and inserting in lieu thereof ''having a minimum Rockwell C hardness of 40 or above'';

(2) in paragraph (2)—

(A) by inserting ''International Organization for Standardization,'' after ''Society of Automotive Engineers,''; and

(B) by inserting ''consensus'' after ''or any other'';

(3) in paragraph (5)—

(A) by inserting ''or'' after ''standard or specification,'' in subparagraph (B);

(B) by striking ''or'' at the end of subparagraph (C);

(C) by striking subparagraph (D); and

(D) by inserting ''or produced in accordance with ASTM F 432'' after ''307 Grade A'';

(4) in paragraph (6) by striking ''other person'' and inserting in lieu thereof ''government agency'';

(5) in paragraph (8) by striking ''Standard'' and inserting in lieu thereof ''Standards'';

(6) by striking paragraph (11) and redesignating paragraphs (12) through (15) as paragraphs (11) through (14), respectively;

(7) in paragraph (13), as so redesignated by paragraph (6) of this subsection, by striking '', a

government agency'' and all that follows through ''markings of any fastener'' and inserting in lieu thereof ''or a government agency''; and

(8) in paragraph (14), as so redesignated by paragraph (6) of this subsection, by inserting ''for the purpose of achieving a uniform hardness'' after ''quenching and tempering''.

(c) SECTION 4 REPEAL.—Section 4 of the Fastener Quality Act (15 U.S.C. 5403) is repealed.

(d) SECTION 5 AMENDMENTS.—Section 5 of the Fastener Quality Act (15 U.S.C. 5404) is amended—

(1) in subsection (a)(1)(B) and (2)(A)(i) by striking ''subsections (b) and (c)'' and inserting in lieu thereof ''subsections (b), (c), and (d)'';

(2) in subsection (c)(2) by striking ''or, where applicable'' and all that follows through ''section 7(c)(1)'';

(3) in subsection (c)(3) by striking '', such as the chemical, dimensional, physical, mechanical, and any other'';

(4) in subsection (c)(4) by inserting ''except as provided in subsection (d),'' before ''state whether''; and

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

"(d) ALTERNATIVE PROCEDURE FOR CHEMICAL CHARACTERISTICS.—Notwithstanding the requirements of subsections (b) and (c), a manufacturer shall be deemed to have demonstrated, for purposes of subsection (a)(1), that the chemical characteristics of a lot conform to the standards and specifications to which the manufacturer represents such lot has been manufactured if the following requirements are met:

"(1) The coil or heat number of metal from which such lot was fabricated has been inspected and tested with respect to its chemical characteristics by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6.

"(2) Such laboratory has provided to the manufacturer, either directly or through the metal manufacturer, a written inspection and testing report, which shall be in a form prescribed by the Secretary by regulation, listing the chemical characteristics of such coil or heat number.

"(3) The report described in paragraph (2) indicates that the chemical characteristics of such coil or heat number conform to those required by the standards and specifications to which the manufacturer represents such lot has been manufactured.

"(4) The manufacturer demonstrates that such lot has been fabricated from the coil or heat number of metal to which the report described in paragraphs (2) and (3) relates.

In prescribing the form of report required by subsection (c), the Secretary shall provide for an alternative to the statement required by subsection (c)(4), insofar as such statement pertains to chemical characteristics, for cases in which a manufacturer elects to use the procedure permitted by this subsection.".

(e) SECTION 6 AMENDMENT.—Section 6(a)(1) of the Fastener Quality Act (15 U.S.C. 5405(a)(1)) is amended by striking "Within 180 days after the date of enactment of this Act, the" and inserting in lieu thereof "The".

(f) SECTION 7 AMENDMENTS.—Section 7 of the Fastener Quality Act (15 U.S.C. 5406) is amended—

(1) by amending subsection (a) to read as follows:

"(a) DOMESTICALLY PRODUCED FASTENERS.—It shall be unlawful for a manufacturer to sell any shipment of fasteners covered by this Act which are manufactured in the United States unless the fasteners—

"(1) have been manufactured according to the requirements of the applicable standards and specifications and have been inspected and tested by a

laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6; and

''(2) an original laboratory testing report described in section 5(c) and a manufacturer's certificate of conformance are on file with the manufacturer, or under such custody as may be prescribed by the Secretary, and available for inspection,'';

(2) in subsection (c)(2) by inserting ''to the same'' after ''in the same manner and'';

(3) in subsection (d)(1) by striking ''certificate'' and inserting in lieu thereof ''test report''; and

(4) by striking subsections (e), (f), and (g) and inserting in lieu thereof the following:

''(e) COMMINGLING.—It shall be unlawful for any manufacturer, importer, or private label distributor to commingle like fasteners from different lots in the same container, except that such manufacturer, importer, or private label distributor may commingle like fasteners of the same type, grade, and dimension from not more than two tested and certified lots in the same container during repackaging and plating operations. Any container which contains fasteners from two lots shall be conspicuously marked with the lot identification numbers of both lots.

''(f) SUBSEQUENT PURCHASER.—If a person who purchases fasteners for any purpose so requests either prior to the sale or at the time of sale, the seller shall conspicuously mark the container of the fasteners with the lot number from which such fasteners were taken.''.

(g) SECTION 9 AMENDMENT.—Section 9 of the Fastener Quality Act (15 U.S.C. 5408) is amended by adding at the end the following new subsection:

''(d) ENFORCEMENT.—The Secretary may designate officers or employees of the Department of Commerce to conduct investigations pursuant to this Act. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this Act, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.''.

(h) SECTION 10 AMENDMENTS.—Section 10 of the Fastener Quality Act (15 U.S.C. 5409) is amended—

(1) in subsections (a) and (b), by striking ''10 years'' and inserting in lieu thereof ''5 years''; and

(2) in subsection (b), by striking ''any subsequent'' and inserting in lieu thereof ''the subsequent''.

(i) SECTION 13 AMENDMENT.—Section 13 of the Fastener Quality Act (15 U.S.C. 5412) is amended by

striking ''within 180 days after the date of enactment of this Act''.

(j) SECTION 14 REPEAL.—Section 14 of the Fastener Quality Act (15 U.S.C. 5413) is repealed.

SEC. 607. PROHIBITION OF LOBBYING ACTIVITIES.

None of the funds authorized by this title shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 608. LIMITATION ON APPROPRIATIONS.

(a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR 1996.—Notwithstanding any other provision of law, no sums are authorized to be appropriated for fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized to be appropriated by this title.

(b) SUBSEQUENT FISCAL YEARS.—No sums are authorized to be appropriated for any fiscal year after fiscal year 1996 for the activities for which sums are authorized by this title unless such sums are specifically authorized

to be appropriated by Act of Congress with respect to such fiscal year.

SEC. 609. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Director shall exclude from consideration for awards of financial assistance made by the Under Secretary for Technology/Office of Technology Policy or the National Institute of Standards and Technology after fiscal year 1995 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1995, from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to awards to persons who are members of a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

SEC. 610. STANDARDS CONFORMITY.

(a) USE OF STANDARDS.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) by striking ‘‘, including comparing standards’’ and all that follows through ‘‘Federal Government’’;

(2) by redesignating paragraphs (3) through (11) as paragraphs (4) through (12), respectively; and

(3) by inserting after paragraph (2) the following new paragraph:

‘‘(3) to compare standards used in scientific investigations, engineering, manufacturing, commerce, industry, and educational institutions with the standards adopted or recognized by the Federal Government and to coordinate the use by Federal agencies of private sector standards, emphasizing where possible the use of standards developed by private, consensus organizations;’’.

(b) CONFORMITY ASSESSMENT ACTIVITIES.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) by striking ‘‘and’’ at the end of paragraph (11), as so redesignated by subsection (a)(2) of this section;

(2) by striking the period at the end of paragraph (12), as so redesignated by subsection (a)(2)

of this section, and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following new paragraph:

''(13) to coordinate Federal, State, local, and private sector standards conformity assessment activities, with the goal of eliminating unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures.''.

(c) TRANSMITTAL OF PLAN TO CONGRESS.—The National Institute of Standards and Technology shall, by January 1, 1996, transmit to the Congress a plan for implementing the amendments made by this section.

SEC. 611. FURTHER AUTHORIZATIONS.

Nothing in this Act shall preclude further authorization of appropriations for the Manufacturing Extension Partnerships program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l) for fiscal year 1996: *Provided,* That authorization allocations adopted by the Conference Committee on House Concurrent Resolution 67, and approved by Congress, allow for such further authorizations.

SEC. 612. AVAILABLE FUNDING.

Nothing in this title prohibits the National Institute of Standards and Technology from using available funds to perform standards-related research and development activities relating to environmental technologies, health care, information infrastructure, and construction technologies.

TITLE VII—UNITED STATES FIRE ADMINISTRATION

SEC. 701 SHORT TITLE.

This title may be cited as the ''Fire Administration Authorization Act of 1995''.

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

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

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

''(G) $28,000,000 for the fiscal year ending September 30, 1996, which, notwithstanding subsection (h), includes any amounts appropriated

under subsection (h) (3) and (4) for fiscal year 1996; and

''(H) $28,000,000 for the fiscal year ending September 30, 1997.''.

SEC. 703. FIRE SAFETY SYSTEMS IN ARMY HOUSING.

Section 31(c)(1)(A)(ii)(II) is amended by inserting '', or in the case of housing under the control of the Department of the Army, 6 years after such date of enactment'' after ''date of enactment''.

SEC. 704. SUCCESSOR FIRE SAFETY STANDARDS.

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

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

(2) in section 29(a)(2), by inserting ''or any successor standards thereto,'' after ''whichever is appropriate,'';

(3) in section 29(b)(2), by inserting '', or any successor standards thereto'' after ''Association Standard 13 or 13–R'';

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

(5) in section 31(c)(2)(B)(ii), by inserting ''or any successor standard thereto,'' after ''Association Standard 101,''.

SEC. 705. TERMINATION OR PRIVATIZATION OF FUNCTIONS.

The Administrator of the United States Fire Administration shall transmit to Congress a report providing notice at least 60 days in advance of the termination or transfer to a private sector entity of any significant function of the United States Fire Administration.

SEC. 706. REPORT ON BUDGETARY REDUCTION.

The Administrator of the United States Fire Administration shall transmit to Congress, within three months after the date of the enactment of this Act, a report setting forth the manner in which the United States Fire Administration intends to implement the budgetary reduction represented by the difference between the amount appropriated to the United States Fire Administration for fiscal year 1996 and the amount requested in the President's budget request for such fiscal year. Such report shall be prepared in consultation with the Alliance for Fire and Emergency Management, the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Fire Protection Association, the National Volunteer Fire Council, the National Association

of State Fire Marshals, and the International Association of Arson Investigators.

TITLE VIII—BUY AMERICAN

SEC. 801. BUY AMERICAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this Act, or under any amendment made by this Act, should purchase, when available and cost-effective, American made equipment and products when expending grant monies.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this Act, or under any amendment made by this Act, the Secretary shall provide to each recipient a notice describing the statement made in subsection (a) by the Congress.

Passed the House of Representatives October 12, 1995.

Attest: ROBIN H. CARLE,
Clerk.

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