

Calendar No. 204

104TH CONGRESS
1ST SESSION

S. 1048

[Report No. 104-155]

A BILL

To authorize appropriations for fiscal year 1996 to the National Aeronautics and Space Administration for human space flight; science, aeronautics, and technology; mission support; and Inspector General; and for other purposes.

OCTOBER 11 (legislative day, OCTOBER 10), 1995

Reported with an amendment in the nature of a substitute

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IN THE SENATE OF THE UNITED STATES

JULY 18 (legislative day, JULY 10), 1995

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

OCTOBER 11 (legislative day, OCTOBER 10), 1995

Reported by Mr. PRESSLER, with an amendment in the nature of a substitute
[Strike all after the enacting clause and insert the part printed in italic]

A BILL

To authorize appropriations for fiscal year 1996 to the National Aeronautics and Space Administration for human space flight; science, aeronautics, and technology; mission support; and Inspector General; and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Aeronautics
3 and Space Administration Authorization Act, Fiscal Year
4 1996”.

5 **SEC. 2. DEFINITIONS.**

6 For the purposes of this Act—

7 (1) the term “Administrator” means the Ad-
8 ministrator of the National Aeronautics and Space
9 Administration;

10 (2) the term “NASA” means the National Aer-
11 onautics and Space Administration; and

12 (3) the term “institution of higher education”
13 has the meaning given such term in section 1201(a)
14 of the Higher Education Act of 1965 (20 U.S.C.
15 1141(a)).

16 **TITLE I—AUTHORIZATION OF APPROPRIATIONS**

17 **SEC. 101. HUMAN SPACE FLIGHT.**

18 There are authorized to be appropriated to the Na-
19 tional Aeronautics and Space Administration for Human
20 Space Flight the following amounts, to become available
21 October 1, 1995:

22 (1) Space Station, \$1,818,800,000.

23 (2) Russian Cooperation, \$129,200,000.

24 (3) Space Shuttle, \$3,031,800,000.

25 (4) Payload and Utilization Operations,
26 \$293,000,000.

1 **SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.**

2 There are authorized to be appropriated to the Na-
3 tional Aeronautics and Space Administration for Science,
4 Aeronautics, and Technology the following amounts, to be-
5 come available October 1, 1995:

6 (1) Space Science, \$1,958,900,000, of which
7 \$48,700,000 shall be allocated to the Stratospheric
8 Observatory for Infrared Astronomy, \$15,000,000
9 shall be allocated to the Space Infrared Telescope
10 Facility, and \$30,000,000 shall be allocated to the
11 New Millennium initiative.

12 (2) Life and Microgravity Sciences and Applica-
13 tions, \$507,000,000, of which \$3,000,000 shall be
14 allocated for the construction of an addition to the
15 Microgravity Development Laboratory, Marshall
16 Space Flight Center.

17 (3) Mission to Planet Earth, \$1,360,100,000,
18 of which \$17,000,000 shall be allocated to the con-
19 struction of the Earth Systems Science Building,
20 Goddard Space Flight Center.

21 (4) Aeronautical Research and Technology,
22 \$891,300,000, of which \$5,400,000 shall be allo-
23 cated to the modernization of the Unitary Plan
24 Wind Tunnel Complex, Ames Research Center.

25 (5) Space Access and Technology,
26 \$766,600,000, of which at least \$70,000,000 shall

1 be allocated to support a shuttle flight for the Shut-
 2 tle Imaging Radar-C, of which \$5,000,000 shall be
 3 used to establish a Rural Technology Transfer and
 4 Commercialization Center for the Rocky Mountains
 5 and Upper Plains States region, and of which
 6 \$159,000,000 shall be allocated to the Reusable
 7 Launch Vehicle program.

8 (6) Mission Communication Services,
 9 \$461,300,000.

10 (7) Academic Programs, \$104,700,000, of
 11 which \$3,000,000 shall be allocated to support the
 12 establishment of an Upper Plains States regional
 13 science education and outreach center and of which
 14 \$1,000,000 shall be allocated to establish a Rural
 15 Teacher Resource Center.

16 **SEC. 103. MISSION SUPPORT.**

17 There are authorized to be appropriated to the Na-
 18 tional Aeronautics and Space Administration for Mission
 19 Support the following amounts, to become available Octo-
 20 ber 1, 1995:

21 (1) Safety, Reliability, and Quality Assurance,
 22 \$37,600,000.

23 (2) Space Communication Services,
 24 \$219,400,000.

1 (3) Research and Program Management, in-
2 cluding personnel and related costs, travel, and re-
3 search operations support, \$2,047,800,000.

4 (4) Construction of Facilities, including land acqui-
5 sition, \$135,000,000, including the following:

6 (A) Restoration of Flight Systems Re-
7 search Laboratory, Ames Research Center;

8 (B) Restoration of chilled water distribu-
9 tion system, Goddard Space Flight Center;

10 (C) Replace chillers, various buildings, Jet
11 Propulsion Laboratory;

12 (D) Rehabilitation of electrical distribution
13 system, White Sands Test Facility, Johnson
14 Space Center;

15 (E) Replace main substation switchgear
16 and circuit breakers, Johnson Space Center;

17 (E) Replace 15kv load break switches,
18 Kennedy Space Center;

19 (F) Rehabilitation of Central Air Equip-
20 ment Building, Lewis Research Center;

21 (G) Restoration of high pressure air com-
22 pressor system, Marshall Space Flight Center;

23 (H) Restoration of Information and Elec-
24 tronic Systems Laboratory, Marshall Space
25 Flight Center;

1 (I) Restoration of canal lock, Stennis
2 Space Center;

3 (J) Restoration of primary electrical dis-
4 tribution system, Wallops Flight Facility;

5 (K) Repair of facilities at various locations,
6 not in excess of \$1,500,000 per project;

7 (L) Rehabilitation and modification of fa-
8 cilities at various locations, not in excess of
9 \$1,500,000 per project;

10 (M) Minor construction of new facilities
11 and additions to existing facilities at various lo-
12 cations, not in excess of \$1,500,000 per project;

13 (N) Facility planning and design, not oth-
14 erwise provided for; and

15 (O) Environmental compliance and res-
16 toration.

17 **SEC. 104. INSPECTOR GENERAL.**

18 There are authorized to be appropriated to the Na-
19 tional Aeronautics and Space Administration for Inspector
20 General \$17,300,000, to become available October 1,
21 1995.

22 **SEC. 105. OFFICE OF COMMERCIAL SPACE TRANSPOR-**
23 **TATION.**

24 There are authorized to be appropriated to the Office
25 of Commercial Space Transportation of the Department

1 of Transportation \$7,000,000, to become available Octo-
2 ber 1, 1995.

3 TITLE II—LIMITATIONS AND GENERAL
4 PROVISIONS

5 **SEC. 201. SPACE STATION LIMITATION.**

6 The aggregate amount authorized to be appropriated
7 for Space Station and related activities under sections
8 101, 102, and 103 shall not exceed \$2,100,000,000.

9 **SEC. 202. EXPERIMENTAL PROGRAM TO STIMULATE COM-**
10 **PETITIVE RESEARCH.**

11 Of the amounts appropriated under sections 101 and
12 102, \$6,900,000 are authorized for the Experimental Pro-
13 gram to Stimulate Competitive Research in accordance
14 with title III of the National Aeronautics and Space Ad-
15 ministration Act, Fiscal Year 1993 (Public Law 102-588;
16 106 Stat. 5119).

17 **SEC. 203. SPECIAL TECHNOLOGY ENHANCEMENT GRANTS**

18 (a) IN GENERAL.—

19 (1) GRANTS.—The Administrator shall make up
20 to 4 special technology enhancement grants to areas
21 or States that have not participated fully in the Ad-
22 ministration's aeronautical and space programs in
23 order to enable such areas or States to increase their
24 capabilities in technology development, utilization,
25 and transfer in aeronautics, space science, and relat-

1 ed areas. At least one such grant shall be made
2 available to a consortium of States, each one of
3 which has an average population density of less than
4 12.3 persons per square mile, based on data for
5 1993 from the Bureau of the Census.

6 (2) ACTIVITIES.—Grants made under this sec-
7 tion shall be available for—

8 (A) assessment of resources and needs;

9 (B) development of infrastructure, includ-
10 ing incubators and prototype demonstration fa-
11 cilities;

12 (C) collaborations with industry;

13 (D) expansion of capabilities in procure-
14 ment;

15 (E) development of technology transfer
16 and commercialization support capabilities;

17 (F) activities to increase participation in
18 the Small Business Innovation Research pro-
19 gram and other NASA research, development,
20 and technology utilization and transfer pro-
21 grams;

22 (G) relevant research of interest to NASA;

23 and

24 (H) such other activities as the Adminis-
25 trator shall deem appropriate.

1 (3) SPECIAL CONSIDERATION.—In making
2 grants under this section, the Administrator shall
3 give special consideration to proposals that—

4 (A) will build upon and expand a develop-
5 ing research and technology base, and

6 (B) will insure a lasting research and de-
7 velopment and technology development and
8 transfer capability.

9 (b) ELIGIBLE ENTITIES.—Grants under subsection
10 (a)(1) may be made to—

11 (1) State and local governments;

12 (2) institutions of higher education; and

13 (3) organizations with expertise in research and
14 development, technology development, and tech-
15 nology transfer in areas of interest to NASA.

16 (c) FUNDING OF PROGRAM.—Of the amounts author-
17 ized in section 102 for the Space Access and Technology
18 account, \$15,000,000 are authorized to be used for grants
19 under subsection (a).

20 **SEC. 204. CLEAR LAKE DEVELOPMENT FACILITY.**

21 The Administrator shall acquire, for no more than
22 \$35,000,000, a certain parcel of land, together with exist-
23 ing facilities, located on the site of the property referred
24 to as the Clear Lake Development Facility, Clear Lake,
25 Texas, comprising approximately 13 acres and including

1 a light manufacturing facility, an avionics development fa-
2 cility, and an assembly and test building which shall be
3 modified for use as a neutral buoyancy laboratory in sup-
4 port of human space flight activities.

5 **SEC. 205. YELLOW CREEK FACILITY.**

6 Notwithstanding any other provision of law or regula-
7 tion, the National Aeronautics and Space Administration
8 (NASA) shall convey, without reimbursement, to the State
9 of Mississippi, all rights, title, and interest of the United
10 States of the United States in the property known as the
11 Yellow Creek Facility and consisting of approximately
12 1,200 acres near the city of Iuka, Mississippi, including
13 all improvements thereon and any personal property
14 owned by NASA that is currently located on-site and
15 which the State of Mississippi requires to facilitate the
16 transfer: *Provided* That appropriated funds shall be used
17 to effect this conveyance: *Provided further*, That
18 \$10,000,000 in appropriated funds otherwise available to
19 NASA shall be transferred to the State of Mississippi to
20 be used in the transition of the facility: *Provided further*,
21 That each Federal agency with prior contact to the site
22 shall remain responsible for any and all environmental re-
23 mediation made necessary as a result of its activities on
24 the site: *Provided further*, That in consideration of this
25 conveyance, NASA may require such other terms and con-

1 ditions as the Administrator deems appropriate to protect
2 the interests of the United States: *Provided further*, That
3 the conveyance of the site and the transfer of the funds
4 to the State of Mississippi shall occur not later than 30
5 days after the date of enactment of this Act.

6 **SEC. 206. RADAR REMOTE SENSING SATELLITES.**

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

8 (1) radar satellites represent one of the most
9 important developments in remote sensing satellite
10 technology in recent years;

11 (2) the ability of radar satellites to provide
12 high-quality Earth imagery regardless of cloud cover
13 and to provide three-dimensional pictures of the
14 Earth's surface when the satellites are flown in com-
15 bination dramatically enhance conventional optical
16 remote sensing satellite capabilities and usefulness;

17 (3) the National Aeronautics and Space Admin-
18 istration has developed a unique background and ex-
19 pertise in developing and operating radar satellites
20 as a result of their activities connected with its
21 radar satellites, Shuttle Imaging Radar (SIR)-A,
22 SIR-B, and SIR-C, which has flown twice on the
23 Space Shuttle;

24 (4) other nations currently have operational
25 radar satellite systems, including Japan and West-

1 ern Europe, with other spacefaring nations expected
2 to develop such systems in the near future; and

3 (5) the development of an operational radar
4 satellite program at NASA featuring free-flying sat-
5 ellites and a related ground system is critical to
6 maintain United States leadership in remote sensing
7 satellite technology and is important to our national
8 security and international competitiveness.

9 (b) POLICY.—It is the policy of the United States
10 that—

11 (1) NASA should develop and operate a radar
12 satellite program as soon as practicable;

13 (2) NASA should build on the experience and
14 knowledge gained from its previous radar endeavors;

15 (3) NASA should work with other Federal
16 agencies and, as appropriate, with other spacefaring
17 nations, in its radar satellite activities; and

18 (4) NASA should make maximum use of exist-
19 ing National remote sensing assets such as the
20 Landsat system, activities connected with the Mis-
21 sion to Planet Earth, and the data management fa-
22 cilities of the Department of the Interior in all of its
23 radar satellite activities.

24 (c) PROGRAM REQUIREMENTS.—NASA shall initiate
25 a program to develop and operate a radar satellite pro-

1 gram. The program shall employ the most advanced radar
2 satellite technology currently available. To the maximum
3 extent possible, all of the data processing, dissemination,
4 and archiving functions shall be performed by the Depart-
5 ment of the Interior. The program should be planned in
6 such a way that the data from the radar satellite system
7 is converted into a broad range of informational products
8 with research, commercial, and government applications
9 and any other applications that are in the public interest
10 and to distribute such products over the widest user com-
11 munity that is practicable, including industry, academia,
12 research institutions, local and State governments, and
13 other Federal agencies. The program should coordinate
14 with, and make appropriate use of, other remote sensing
15 satellite programs, such as the Landsat program.

16 (d) PLAN.—Within 90 days after the enactment of
17 this Act, the Administrator shall submit a detailed plan
18 for implementation of the radar satellite program to the
19 Committee on Commerce, Science, and Transportation of
20 the Senate and the Committee on Science of the House
21 of Representatives. The plan should include—

22 (1) the goals and mission of the program;

23 (2) planned activities for the next 5 years to
24 achieve such goals and mission;

1 (3) strategies for maximizing the usefulness of
2 the satellite data to the scientific and academic com-
3 munities, the private sector, all levels of government,
4 and the general public;

5 (4) concepts for integrating the program with
6 other related NASA activities (such as Mission to
7 Planet Earth), the Landsat program, and other cur-
8 rent and emerging remote sensing satellite programs
9 and activities in the Federal government and all
10 other public and private sectors so that the program
11 complements and strengthens such programs and ac-
12 tivities and is not duplicative of these efforts;

13 (5) concepts developed in consultation with De-
14 partment of the Interior, for processing, archiving,
15 and disseminating the satellite data using, to the
16 maximum extent possible, existing Federal govern-
17 ment programs and assets at the Department of the
18 Interior and other Federal agencies;

19 (6) targets and timetables for undertaking spe-
20 cific activities and actions within the program;

21 (7) a 5-year budget profile for the program;
22 and

23 (8) a comparison between the program and the
24 radar satellite programs of other spacefaring na-

1 tions, addressing their respective costs, capabilities,
2 and other relevant features.

3 (e) AUTHORIZATION.—Of the funds authorized in
4 section 102 for the Earth Probes account, the Adminis-
5 trator shall allocate at least \$15,000,000 to the radar sat-
6 ellite program to conduct Phase A and Phase B studies.

7 **SEC. 207. STUDY OF THE HYDROLOGY OF THE UPPER MIS-**
8 **SOURI RIVER BASIN.**

9 The Administrator shall initiate a project to conduct
10 research on the hydrology of the Upper Missouri River
11 Basin. The project shall be part of the Mission to Planet
12 Earth program and shall employ satellite observations,
13 surface-based radar data, and ground-based hydrological
14 and other scientific measurements to develop quantitative
15 models that address complex atmospheric and surface
16 hydrological processes. The project shall be incorporated
17 into NASA's activities connected with the multiagency
18 Global Energy and Water Cycle Experiment to understand
19 the interactions between the atmosphere and land sur-
20 faces. In implementing the project, NASA shall coordinate
21 and consult with other appropriate federal agencies, in-
22 cluding the Department of Commerce, the Department of
23 the Interior, and the National Science Foundation. To the
24 maximum extent possible, NASA shall employ the assist-
25 ance of universities, local and State governments, indus-

1 try, and any other appropriate entities from the Upper
2 Missouri River Basin region to carry out this program and
3 the Administrator is authorized to support the project-re-
4 lated work of such entities with grants, technical advice,
5 equipment, in-kind help, and any other type of appropriate
6 assistance. Within 90 days after the enactment of this Act,
7 the Administrator shall submit a plan for the implementa-
8 tion of this project, which shall set forth the goals, project
9 costs, planned activities, and overall strategies for the
10 project, to the Committee on Commerce, Science, and
11 Transportation of the Senate and the Committee on
12 Science of the House of Representatives. Of the funds au-
13 thorized in section 102 for Mission to Planet Earth, at
14 least \$10,000,000 shall be allocated by the Administrator
15 to the Upper Missouri River Basin project.

16 **SEC. 208. SHUTTLE PRIVATIZATION.**

17 (a) The Administrator is hereby directed to conduct
18 a study of the feasibility of implementing the recommenda-
19 tion of the Independent Shuttle Management Review
20 Team that NASA transition towards the privatization of
21 the Shuttle. The study shall identify, discuss, and, where
22 possible, present options for resolving, the major policy
23 and legal issues that must be addressed before the Shuttle
24 is privatized, including, but not limited to, the following
25 issues—

1 (1) whether the government or the Shuttle con-
2 tractor should own the Shuttle orbiters and Shuttle
3 ground facilities;

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

8 (3) whether commercial payloads should be al-
9 lowed to be launched on the Shuttle and whether
10 any classes of payloads should be made ineligible for
11 launch consideration;

12 (4) whether NASA and federal government pay-
13 loads should have priority over non-federal govern-
14 ment payloads in the Shuttle launch assignments
15 and what policies should be developed to prioritize
16 among payloads generally;

17 (5) whether the public interest requires that
18 certain Shuttle functions continue to be performed
19 by the federal government; and

20 (6) whether privatization of the Shuttle would
21 produce any significant cost savings and, if so, how
22 much cost savings.

23 (b) Within 60 days of the enactment of this Act,
24 NASA shall complete the study and shall submit a report
25 on that study to the Committee on Commerce, Science,

1 and Transportation of the Senate and the Committee on
2 Science of the House of Representatives.

3 (c) ~~As a transitional step towards Shuttle privatiza-~~
4 ~~tion, NASA shall take all necessary and appropriate ac-~~
5 ~~tions to consolidate Shuttle contractor activities under one~~
6 ~~prime contractor and, within 180 days of the enactment~~
7 ~~of this Act, report to the Committee on Commerce,~~
8 ~~Science, and Transportation of the Senate and the Com-~~
9 ~~mittee on Science of the House of Representatives on~~
10 ~~those actions. If NASA has failed to complete such con-~~
11 ~~solidation by the expiration of the 180-day period, the re-~~
12 ~~port shall explain the reasons for that failure and describe~~
13 ~~the steps being taken by NASA to finalize the consolida-~~
14 ~~tion as expeditiously as possible.~~

15 **SEC. 209. USE OF FUNDS FOR CONSTRUCTION.**

16 (a) ~~AUTHORIZED USES.~~—The Administrator may use
17 funds appropriate for purposes other than those appro-
18 priated for—

19 (1) ~~construction of facilities;~~

20 (2) ~~research and program management, exclud-~~
21 ~~ing research operations support; and~~

22 (3) ~~Inspector General,~~

23 ~~for the construction of new facilities and additions to, re-~~
24 ~~pair of, rehabilitation of, or modification of, existing facili-~~

1 ties at any location in support of the purposes for which
2 such funds are appropriated.

3 (b) ~~LIMITATION.~~—None of the funds used pursuant
4 to subsection (a) may be expended for a project, the esti-
5 mated cost of which to the National Aeronautics and
6 Space Administration, including collateral equipment, ex-
7 ceeds \$750,000, until 30 days have passed after the Ad-
8 ministrator has notified the Committee on Science of the
9 House of Representatives and the Committee on Com-
10 merce, Science, and Transportation of the Senate of the
11 nature, location, and estimated cost to the National Aero-
12 nautics and Space Administration of such project.

13 **SEC. 210. CONSTRUCTION OF FACILITIES.**

14 (a) ~~REPROGRAMMING FOR CONSTRUCTION OF FA-~~
15 ~~CILITIES.~~—If the Administrator determines that—

16 (1) new developments in the national program
17 of aeronautical and space activities have occurred;

18 (2) such developments require the use of addi-
19 tional funds for the purpose of construction, expan-
20 sion, or modification of facilities at any location; and

21 (3) deferral of such action until the enactment
22 of the next National Aeronautics and Space Admin-
23 istration authorization Act would be inconsistent
24 with the interest of the Nation in aeronautical and
25 space sciences;

1 the Administrator may use the amounts authorized for
2 construction of facilities pursuant to this Act or previous
3 National Aeronautics and Space Administration author-
4 ization Acts for such purposes. The amounts may be used
5 to acquire, construct, convert, rehabilitate, or install tem-
6 porary or permanent public works, including land acqui-
7 sition, site preparation, appurtenances, utilities, and equip-
8 ment. The Administrator may use such amounts for facil-
9 ity consolidations, closures, and demolition required to
10 downsize the NASA physical plant to improve operations
11 and reduce costs.

12 ~~(c) LIMITATIONS.—~~

13 ~~(1) Amounts appropriated for a construction-of-~~
14 ~~facilities project—~~

15 ~~(A) may be varied upward by 10 percent at~~
16 ~~the discretion of the Administrator; or~~

17 ~~(B) may be varied upward by 25 percent~~
18 ~~to meet unusual cost variations after the expi-~~
19 ~~ration of 30 days following a report on the cir-~~
20 ~~cumstances of such action by the Administrator~~
21 ~~to the Committee on Commerce, Science, and~~
22 ~~Transportation of the Senate and the Commit-~~
23 ~~tee on Science of the House of Representatives.~~
24 ~~The aggregate amount authorized to be appro-~~
25 ~~riated for construction of facilities shall not be~~

1 increased as a result of actions authorized
2 under this section.

3 ~~(2) No amounts may be obligated until a period~~
4 ~~of 30 days has passed after the Administrator or the~~
5 ~~Administrator's designee has transmitted to the~~
6 ~~Committee on Science of the House of Representa-~~
7 ~~tives, and to the Committee on Commerce, Science,~~
8 ~~and Transportation of the Senate, a written report~~
9 ~~describing the nature of the acquisition, construc-~~
10 ~~tion, conversion, rehabilitation, or installation, its~~
11 ~~cost, and the reasons therefor.~~

12 ~~(d) TITLE TO FACILITIES.—If funds are used pursu-~~
13 ~~ant to subsection (a) for grants to institutions of higher~~
14 ~~education, or to nonprofit organizations whose primary~~
15 ~~purpose is the conduct of scientific research, for purchase~~
16 ~~or construction of additional research facilities, title to~~
17 ~~such facilities shall be vested in the United States unless~~
18 ~~the Administrator determines that the national program~~
19 ~~of aeronautical and space activities will best be served by~~
20 ~~vesting title in the grantee institution or organization.~~
21 ~~Each such grant shall be made under such conditions as~~
22 ~~the Administrator shall determine to be required to ensure~~
23 ~~that the United States will receive therefrom benefits ade-~~
24 ~~quate to justify the making of that grant.~~

1 **SEC. 210. AVAILABILITY OF APPROPRIATED AMOUNTS.**

2 To the extent provided in appropriations Acts, appro-
3 priations authorized under this Act may remain available
4 without fiscal year limitation.

5 **SEC. 211. CONSIDERATION BY COMMITTEES.**

6 Notwithstanding any other provision of this Act—

7 (1) no amount appropriated pursuant to this
8 Act may be used for any program deleted by the
9 Congress from requests as originally made to either
10 the Committee on Science of the House of Rep-
11 resentatives or the Committee on Commerce,
12 Science, and Transportation of the Senate; and

13 (2) no amount appropriated pursuant to the
14 Act may be used for any program in excess of the
15 amount actually authorized for that particular pro-
16 gram, excluding construction-of-facility projects,

17 unless a period of 30 days has passed after the receipt
18 by such Committee of notice given by the Administrator
19 or the Administrator's designee containing a full and com-
20 plete statement of the action proposed to be taken and
21 the facts and circumstances relied upon in support of the
22 proposed action. NASA shall keep those Committees fully
23 and currently informed with respect to all activities and
24 responsibilities within their jurisdiction. Except as other-
25 wise provided by law, any Federal department, agency, or
26 independent establishment shall furnish any information

1 requested by either such Committee relating to any activ-
2 ity or responsibility.

3 **SEC. 212. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS**
4 **OR EXTRAORDINARY EXPENSES.**

5 Funds appropriated under section 103 may be used
6 for scientific consultations or extraordinary expenses upon
7 the authority of the Administrator, but not to exceed
8 \$35,000 .

9 **SEC. 213. REPORTING REQUIREMENTS.**

10 (a) REPORTING PERIOD.—Section 206(a) of the Na-
11 tional Aeronautics and Space Act of 1958 (42 U.S.C.
12 2476(a)) is amended—

13 (1) by striking “January” and inserting “May”;
14 and

15 (2) by striking “calendar” and inserting “fis-
16 cal”.

17 (b) PROTECTION OF COMMERCIALY VALUABLE IN-
18 FORMATION.—Section 303 of the National Aeronautics
19 and Space Act of 1958 (42 U.S.C. 2454) is amended by
20 adding at the end the following:

21 “(c)(1) The Administrator may delay, for a period
22 not to exceed 5 years, the unrestricted public disclosure
23 of technical data, related to a competitively sensitive tech-
24 nology, in the possession of, or under the control of, the
25 Administration that has been generated in the perform-

1 ance of experimental, developmental, or research activities
2 or programs conducted by, or funded in whole or in part
3 by, the Administration, if the technical data has signifi-
4 cant value in maintaining leadership or competitiveness,
5 in civil and governmental aeronautical and space activities
6 by the United States industrial base.

7 “(2) The Administrator shall publish biannually in
8 the Federal Register a list of all competitively sensitive
9 technology areas which it believes have a significant value
10 in maintaining the United States leadership or competi-
11 tiveness in civil and governmental aeronautical and space
12 activities. The list shall be generated after consultation
13 with appropriate Government agencies and a diverse cross
14 section of companies—

15 “(A) that conduct a significant level of re-
16 search, development, engineering, and manufactur-
17 ing in the United States; and

18 “(B) the majority ownership or control of which
19 is held by United States citizens.

20 “(3) The Administrator shall provide an opportunity
21 for written objections to the list within a 60-day period
22 after it is published. After the expiration of that 60-day
23 period, and after consideration of all written objections re-
24 ceived by the Administrator during that period, NASA

1 shall issue a final list of competitively sensitive technology
2 areas.

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

11 **SEC. 214. INDEPENDENT RESEARCH AND DEVELOPMENT.**

12 The Congress finds that it is appropriate for costs
13 contributed by a contractor under a cooperative agreement
14 with the National Aeronautics and Space Administration
15 to be considered as allowable independent research and de-
16 velopment costs, for purposes of section 31.205-18 of the
17 Federal Acquisition Regulations if the work performed
18 would have been allowable as contractor independent re-
19 search and development costs had there been no coopera-
20 tive agreement. The Administration shall seek a revision
21 to that section of the Federal Acquisition Regulations to
22 reflect the intent of the Congress expressed in the preced-
23 ing sentence.

1 **SEC. 215. RESTRUCTURING OF THE EARTH OBSERVING SYS-**
2 **TEM DATA AND INFORMATION SYSTEM.**

3 The Administrator is prohibited from restructuring
4 or downscaling the baseline plan for the Earth Observing
5 System Data and Information System in place at the time
6 of the President's budget submission for NASA for fiscal
7 year 1996 unless, 60 days before undertaking such action,
8 the Administrator has submitted to the Committee on
9 Commerce, Science, and Transportation of the Senate and
10 the Committee on Science of the House of Representatives
11 a written report containing—

12 (1) a detailed description of the planned agency
13 action;

14 (2) the reasons and justifications for such ac-
15 tion;

16 (3) an analysis of the cost impact of such ac-
17 tion;

18 (4) an analysis of the impact of the action on
19 the scientific benefits of the program and the effect
20 of the action on the expected applications of the sat-
21 ellite data from the System in such areas as global
22 climate research, land-use planning, state and local
23 government management, mineral exploration, agri-
24 culture, forestry, national security, and any other
25 areas that the Administrator deems appropriate;

1 (5) an analysis of the impact of the action on
2 the United States Global Climate Change Research
3 program and international global climate change re-
4 search activities; and

5 (6) an explanation of what measures, if any,
6 are planned by NASA to compensate for any likely
7 reductions in the scientific value and data collection,
8 processing, and distribution capabilities of the Sys-
9 tem as a result of the action.

10 TITLE III—COMMERCIAL SPACE LAUNCH ACT
11 AMENDMENTS

12 **SEC. 301. AMENDMENT OF TITLE 49.**

13 Except as otherwise expressly provided, whenever in
14 this title an amendment or repeal is expressed in terms
15 of an amendment to, or repeal of, a section or other provi-
16 sion, the reference shall be considered to be made to a
17 section or other provision of title 49, United States Code.

18 **SEC. 302. AMENDMENT OF SECTION 70101.**

19 Section 70101 (relating to findings and purposes) is
20 amended—

21 (1) by inserting “microgravity research,” after
22 “information services,” in subsection (a)(3);

23 (2) by inserting “commercial space transpor-
24 tation services, including in-space transportation ac-
25 tivities and” after “providing” in subsection (a)(4);

1 (3) by striking “commercial launch vehicles” in
2 subsection (a)(5) and inserting “commercial space
3 transportation including commercial launch vehicles,
4 in-space transportation activities, reentry vehicles,”;

5 (4) by inserting “in-space transportation, and
6 reentry” after “launch” in subsection (a)(6);

7 (5) by inserting “, in-space transportation ac-
8 tivities, reentries” after “launches” each place it ap-
9 pears in subsection (a)(7);

10 (6) by striking “and complementary facilities,
11 the providing of launch” in subsection (a)(8) and in-
12 serting “, in-space transportation control sites, re-
13 entry sites, and complementary facilities, the provid-
14 ing of launch, in-space transportation, and reentry”;

15 (7) by inserting “, in-space transportation con-
16 trol sites, reentry sites,” after “launch sites,” in
17 subsection (a)(9);

18 (8) by striking “launch vehicles” in subsection
19 (b)(2) and inserting “commercial space transpor-
20 tation services, including launch vehicles, in-space
21 transportation activities, reentry vehicles,”;

22 (9) by inserting “, in-space transportation vehi-
23 cle, and reentry” after “commercial launch” the first
24 place it appears in subsection (b)(3);

1 (10) by striking “commercial launch” the sec-
2 ond place it appears in subsection (b)(3); and

3 (11) by inserting “; in-space transportation ve-
4 hicle control facilities; and development of reentry
5 sites” after “facilities” in subsection (b)(4).

6 **SEC. 303. AMENDMENT OF SECTION 70102.**

7 Section 70102 (relating to definitions) is amended—

8 (1) by inserting “from Earth, including a re-
9 entry vehicle and its payload, if any,” after “and
10 any payload” in paragraph (3);

11 (2) by inserting “; including a reentry vehicle
12 and its payload, if any,” after “object” the first
13 place it appears in paragraph (8);

14 (3) by redesignating paragraphs (9) through
15 (12) as paragraphs (16) through (19), respectively;

16 (4) by inserting after paragraph (8) the follow-
17 ing:

18 “(9) ‘in-space transportation vehicle’ means any
19 vehicle designed to operate in space and designed to
20 transport any payload or object substantially intact
21 from one orbit to another orbit.

22 “(10) ‘in-space transportation services’
23 means—

1 “(A) those activities involved in the direct
2 transportation or attempted transportation of a
3 payload or object from one orbit to another;

4 “(B) the procedures, actions, and activities
5 necessary for conduct of those transportation
6 services; and

7 “(C) the conduct of transportation serv-
8 ices.

9 “(11) ‘in-space transportation control site’
10 means a location from which an in-space transpor-
11 tation vehicle is controlled or operated (as such
12 terms may be defined in any license the Secretary is-
13 sues or transfers under this chapter).

14 “(12) ‘reenter’ and ‘reentry’ mean to return
15 purposefully, or attempt to return, a reentry vehicle
16 and payload, if any, from Earth orbit or outer space
17 to Earth.

18 “(13) ‘reentry services’ means—

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

22 “(B) the conduct of a reentry.

23 “(14) ‘reentry site’ means the location on
24 Earth to which a reentry vehicle is intended to

1 return (as defined in a license the Secretary is-
2 sues or transfers under this chapter).

3 “(15) ‘reentry vehicle’ means any vehicle de-
4 signed to return substantially intact from Earth
5 orbit or outer space to Earth.”;

6 (5) by inserting “, in-space transportation ac-
7 tivities, or reentry services” after “launch services”
8 each place it appears in paragraph (18), as redesign-
9 nated.

10 **SEC. 304. AMENDMENT OF SECTION 70103.**

11 Section 70103(b) (relating to facilitating commercial
12 launches) is amended—

13 (1) by striking “LAUNCHES” in the caption and
14 inserting “SPACE ACTIVITIES”;

15 (2) by striking “commercial space launches” in
16 paragraph (1) and inserting “commercial space
17 transportation services”; and

18 (3) by striking “a space launch” in subsection
19 (b)(2) and inserting “space transportation”.

20 **SEC. 305. AMENDMENT OF SECTION 70104.**

21 Section 70104 (relating to restrictions on launches
22 and operations) is amended—

23 (1) by striking the section designation and
24 heading and inserting the following:

1 **“§70104. Restrictions on launches, in-space transportation ac-**
 2 **tivities, operations, and reentries”;**

3 (2) by inserting “, an in-space transportation
 4 operations site, reentry site, or reenter a reentry ve-
 5 hicle,” after “operate a launch site” each place it
 6 appears in subsection (a);

7 (3) by striking “launch or operation” in sub-
 8 sections (a) (3) and (4) and inserting “launch, in-
 9 space transportation activity, or reentry operation”;

10 (4) by striking subsection (b) and inserting the
 11 following:

12 ~~“(b) COMPLIANCE WITH PAYLOAD REQUIRE-~~
 13 ~~MENTS.—The holder of a license under this chapter may~~
 14 ~~launch a payload, operate an in-space transportation vehi-~~
 15 ~~cle, or reenter a payload only if the payload or vehicle com-~~
 16 ~~plies with all requirements of the laws of the United States~~
 17 ~~related to launching a payload, operating an in-space~~
 18 ~~transportation vehicle, or reentering a payload.”;~~

19 (5) by striking the caption of subsection (c) and
 20 inserting the following: ~~“(c) PREVENTING~~
 21 ~~LAUNCHES, IN-SPACE TRANSPORTATION ACTIVITIES,~~
 22 ~~OR REENTRIES.—”;~~ and

23 (6) by inserting “, in-space transportation ac-
 24 tivity, or reentry” after “the launch” each place it
 25 appears in subsection (c).

1 **SEC. 306. AMENDMENT OF SECTION 70105.**

2 Section 70105 (relating to license applications and
3 requirements) is amended—

4 (1) by inserting “, an in-space transportation
5 control site, or a reentry site or the reentry of a re-
6 entry vehicle,” after “operation of a launch site” in
7 subsection (b)(1); and

8 (2) by striking “or operation” and inserting in
9 lieu thereof “, in-space transportation activity, oper-
10 ation, or reentry” in subsection (b)(2)(A).

11 **SEC. 307. AMENDMENT OF SECTION 70106.**

12 Section 70106(a) (relating to monitoring activities
13 general requirements) is amended—

14 (1) by inserting “, in-space transportation con-
15 trol site, or reentry site” after “launch site”; and

16 (2) by inserting “, in-space transportation vehi-
17 cle, or reentry vehicle” after “launch vehicle” each
18 place it appears.

19 **SEC. 308. AMENDMENT OF SECTION 70108.**

20 Section 70108 (relating to prohibition, suspension,
21 and end of launches and operation of launch sites) is
22 amended—

23 (1) by striking the section designation and
24 heading and inserting the following:

1 **“§ 70108. Prohibition, suspension, and end of launches, in-space**
 2 **transportation activities, reentries, or operation**
 3 **of launch sites, in-space transportation control**
 4 **sites, or reentry sites”;**

5 and

6 (2) by inserting “, in-space transportation con-
 7 trol site, in-space transportation activity, or reentry
 8 site, or reentry of a reentry vehicle,” in subsection
 9 (a) after “operation of a launch site”; and
 10 (3) by striking “launch or operation” in sub-
 11 section (a) and inserting “launch, in-space transpor-
 12 tation activity, operation, or reentry”.

13 **SEC. 309. AMENDMENT OF SECTION 70109.**

14 (a) **CAPTION.**—The section designation and heading
 15 of section 70109 (relating to preemption of scheduled
 16 launches) is amended to read as follows:

17 **“§ 70109. Preemption of scheduled launches, in-space transpor-**
 18 **tation activities, or reentries”.**

19 (b) **AMENDMENT OF SUBSECTION (a).**—Subsection
 20 (a) is amended—

21 (1) by inserting “or reentry” after “ensure that
 22 a launch”;

23 (2) by inserting “, reentry site,” after “Govern-
 24 ment launch site”;

1 (3) by inserting “, nor shall an in-space trans-
2 portation activity or operation be preempted,” after
3 “launch property” the first place it appears;

4 (4) by inserting “or reentry date commitment”
5 after “launch date commitment”;

6 (5) by inserting “or reentry” after “obtained
7 for a launch”;

8 (6) by inserting “, reentry site,” after “access
9 to a launch site”;

10 (7) by inserting “, or services related to a re-
11 entry,” after “amount for launch services”;

12 (8) by inserting “or reentry” after “the sched-
13 uled launch”; and

14 (9) by adding at the end thereof the following:
15 “A licensee or transferee preempted from access to
16 a reentry site does not have to pay the Government
17 agency responsible for the preemption any amount
18 for reentry services attributable only to the sched-
19 uled reentry prevented by the preemption.”.

20 (c) AMENDMENT OF SUBSECTION (c).—Subsection
21 (c) is amended by inserting “or reentry” after “prompt
22 launching” in subsection (c).

23 **SEC. 310. AMENDMENT OF SECTION 70110.**

24 Section 70110 (relating to administrative hearings
25 and judicial review) is amended—

1 (1) by inserting “, in-space transportation ac-
2 tivity, or reentry” after “prevent the launch” in sub-
3 section (a)(2); and

4 (B) by inserting “, in-space transportation
5 control site, in-space transportation activity, re-
6 entry site, or reentry of a reentry vehicle,” after
7 “operation of a launch site” in subsection
8 (a)(3)(B).

9 **SEC. 311. AMENDMENT OF SECTION 70111.**

10 Section 70111 (relating to acquiring United States
11 Government property and services) is amended—

12 (1) by inserting “, in-space transportation ac-
13 tivities, or reentry services” after “launch services”
14 each place it appears in subsection (a);

15 (2) by inserting “, or reentry property,” after
16 “launch property” in subsection (a)(2)(A);

17 (3) by inserting “, or reentry property,” after
18 “launch property” in subsection (a)(2)(B);

19 (4) by inserting “, in-space transportation ac-
20 tivity, or reentry” after “commercial launch” each
21 place it appears in subsection (b)(1);

22 (5) by inserting “, in-space transportation ac-
23 tivities or services, or reentry services” after “launch
24 services” in subsection (b)(2)(C); and

1 (6) by striking subsection (d) and inserting the
2 following:

3 ~~“(d) COLLECTION BY OTHER GOVERNMENTAL~~
4 ~~HEADS.—The head of a department, agency, or instru-~~
5 ~~mentality of the Government may collect a payment for~~
6 ~~any activity involved in producing a launch vehicle, in-~~
7 ~~space transportation vehicle, or reentry vehicle or its pay-~~
8 ~~load for launch, in-space transportation activity, or re-~~
9 ~~entry if the activity was agreed to by the owner or manu-~~
10 ~~facturer of the launch vehicle, in-space transportation ve-~~
11 ~~hicle, reentry vehicle, or payload.”.~~

12 **SEC. 312. AMENDMENT OF SECTION 70112.**

13 Section 70112 (relating to liability insurance and fi-
14 nancial responsibility requirements) is amended—

15 (1) by inserting “or reentry, or to the oper-
16 ations of each in-space transportation vehicle” after
17 “one launch” in subsection (a)(3);

18 (2) by inserting “, in-space transportation ac-
19 tivities, or reentry services” after “launch services”
20 each place it appears in subsections (a)(4), (b)(1),
21 and (b)(2);

22 (3) by inserting “applicable” after “carried out
23 under the” in subsections (b)(1) and (2);

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

1 (5) by inserting “, IN-SPACE TRANSPORTATION
2 ACTIVITIES, OR REENTRIES” after “LAUNCHES” in
3 the caption of subsection (e); and

4 (6) by inserting “, in-space transportation con-
5 trol site, or control of an in-space transportation ve-
6 hicle or activity, or reentry site or a reentry” after
7 “launch site” in subsection (e).

8 **SEC. 313. AMENDMENT OF SECTION 70113.**

9 Section 70113 (relating to paying claims exceeding
10 liability insurance and financial responsibility require-
11 ments) is amended by inserting “, operation of one in-
12 space transportation vehicle, or one reentry” after “one
13 launch” each place it appears in subsections (a)(1), (d)(1),
14 and (d)(2).

15 **SEC. 314. AMENDMENT OF SECTION 70115.**

16 Section 70115(b)(1)(D)(i) (relating to enforcement
17 and penalty general authority) is amended—

18 (1) by inserting “, in-space transportation con-
19 trol site, or reentry site,” after “launch site,”; and

20 (2) by inserting “, in-space transportation vehi-
21 cle, or reentry vehicle” after “launch vehicle” each
22 place it appears.

1 **SEC. 315. AMENDMENT OF SECTION 70117.**

2 Section 70117 (relating to relationship to other execu-
3 tive agencies, laws, and international obligations) is
4 amended—

5 (1) by inserting “, perform in-space transpor-
6 tation activities or operate an in-space transpor-
7 tation control site or reentry site, or reenter a re-
8 entry vehicle” after “launch site” in subsection (a);

9 (2) by inserting “, perform an in-space trans-
10 portation activity, or reentry” after “a space
11 launch” in subsection (d);

12 (3) by striking subsections (f) and (g), and in-
13 serting the following:

14 “(f) LAUNCH NOT AN EXPORT OR IMPORT.—A
15 launch vehicle, reentry vehicle, or payload that is launched
16 or reentered is not, because of the launch or reentry, an
17 export or import for purposes of a law controlling exports
18 or imports.

19 “(g) NONAPPLICATION.—This chapter does not apply
20 to—

21 “(1) a launch, in-space transportation activity,
22 reentry, operation of a launch vehicle, in-space
23 transportation vehicle, or reentry vehicle, or of a
24 launch site, in-space transportation control site, or
25 reentry site, or other space activity the Government
26 carries out for the Government; or

1 “(2) planning or policies related to the launch,
2 in-space transportation activity, reentry, or oper-
3 ation.”.

4 **SEC. 316. REPORT TO CONGRESS.**

5 Chapter 701 is amended by adding at the end thereof
6 the following new section:

7 **“§ 70120. Report to Congress**

8 “The Secretary of Transportation shall submit to
9 Congress an annual report to accompany the President’s
10 budget request that—

11 “(1) describes all activities undertaken under
12 this chapter, including a description of the process
13 for the application for and approval of licenses under
14 this chapter and recommendations for legislation
15 that may further commercial launches and reentries;
16 and

17 “(2) reviews the performance of the regulatory
18 activities and the effectiveness of the Office of Com-
19 mercial Space Transportation.”.

20 **SEC. 317. AMENDMENT OF TABLE OF SECTIONS.**

21 The table of sections for chapter 701 of title 49,
22 United States Code, is amended—

23 (1) by amending the item relating to section
24 70104 to read as follows:

“70104. Restrictions on launches, in-space transportation activities, operations,
and reentries”;

1 (2) by amending the item relating to section
2 70108 to read as follows:

“70108. Prohibition, suspension, and end of launches, in-space transportation activities, reentries, or operation of launch sites; in-space transportation control sites, or reentry sites”;

3 (3) by amending the item relating to section
4 70109 to read as follows:

“70109. Preemption of scheduled launches, in-space transportation activities, or reentries”;

5 and

6 (4) by adding at the end the following new
7 item:

“70120. Report to Congress”.

8 **SEC. 318. REGULATIONS.**

9 The Secretary of Transportation shall issue regula-
10 tions under chapter 701 of title 49, United States Code,
11 that include—

12 (1) guidelines for industry to obtain sufficient
13 insurance coverage for potential damages to third
14 parties;

15 (2) procedures for requesting and obtaining li-
16 censes to operate a commercial launch vehicle and
17 reentry vehicle;

18 (3) procedures for requesting and obtaining op-
19 erator licenses for launch and reentry; and

20 (4) procedures for the application of govern-
21 ment indemnification.

1 **SEC. 319. SPACE ADVERTISING.**

2 (a) DEFINITION.—Section 70102, as amended by sec-
 3 tion 303, is amended by redesignating paragraphs (12)
 4 through (19) as (13) through (20), respectively, and by
 5 inserting after paragraph (11) the following new para-
 6 graph:

7 “(12) ‘obtrusive space advertising’ means ad-
 8 vertising in outer space that is capable of being rec-
 9 ognized by a human being on the surface of the
 10 earth without the aid of a telescope or other techno-
 11 logical device;”.

12 (b) PROHIBITION.—Chapter 701 is amended by in-
 13 serting after section 70109 the following new section:

14 **“§ 70109a. Space advertising**

15 “(a) LICENSING.—Notwithstanding the provisions of
 16 this chapter or any other provision of law, the Secretary
 17 shall not—

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

20 “(2) waive the license requirements of this
 21 chapter;

22 for the launch of a payload containing any material to be
 23 used for the purposes of obtrusive space advertising.

24 “(b) LAUNCHING.—No holder of a license under this
 25 chapter may launch a payload containing any material to
 26 be used for purposes of obtrusive space advertising on or

1 after the date of enactment of the National Aeronautics
2 and Space Administration Authorization Act, Fiscal Year
3 1996.

4 “(c) COMMERCIAL SPACE ADVERTISING.—Nothing in
5 this section shall apply to nonobtrusive commercial space
6 advertising, including advertising on commercial space
7 transportation vehicles, space infrastructure, payloads,
8 space launch facilities, and launch support facilities.”.

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

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

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

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

23 (A) which launches, or procures the
24 launching of, a payload into outer space; or

1 (B) from whose territory or facility a pay-
2 load is launched into outer space.

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

“70109a. Space advertising”.

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “National Aeronautics*
8 *and Space Administration Authorization Act, Fiscal Year*
9 *1996”.*

10 **SEC. 2. DEFINITIONS.**

11 *For the purposes of this Act—*

12 (1) *the term “Administrator” means the Admin-*
13 *istrator of the National Aeronautics and Space Ad-*
14 *ministration;*

15 (2) *the term “NASA” means the National Aero-*
16 *navitics and Space Administration; and*

17 (3) *the term “institution of higher education”*
18 *has the meaning given such term in section 1201(a)*
19 *of the Higher Education Act of 1965 (20 U.S.C.*
20 *1141(a)).*

21 **TITLE I—AUTHORIZATION OF APPROPRIATIONS**

22 **SEC. 101. HUMAN SPACE FLIGHT.**

23 *There are authorized to be appropriated to the Na-*
24 *tional Aeronautics and Space Administration for Human*

1 *Space Flight the following amounts, to become available Oc-*
2 *tober 1, 1995:*

3 (1) *Space Station, \$1,818,800,000.*

4 (2) *Russian Cooperation, \$129,200,000.*

5 (3) *Space Shuttle, \$3,031,800,000.*

6 (4) *Payload and Utilization Operations,*
7 *\$293,000,000.*

8 ***SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.***

9 *There are authorized to be appropriated to the Na-*
10 *tional Aeronautics and Space Administration for Science,*
11 *Aeronautics, and Technology the following amounts, to be-*
12 *come available October 1, 1995:*

13 (1) *Space Science, \$1,958,900,000, of which*
14 *\$48,700,000 shall be allocated to the Stratospheric*
15 *Observatory for Infrared Astronomy, \$15,000,000*
16 *shall be allocated to the Space Infrared Telescope Fa-*
17 *ility, and \$30,000,000 shall be allocated to the New*
18 *Millennium initiative.*

19 (2) *Life and Microgravity Sciences and Applica-*
20 *tions, \$507,000,000, of which \$3,000,000 shall be allo-*
21 *cated for the construction of an addition to the Micro-*
22 *gravity Development Laboratory, Marshall Space*
23 *Flight Center.*

24 (3) *Mission to Planet Earth, \$1,360,100,000, of*
25 *which \$17,000,000 shall be allocated to the construc-*

1 *tion of the Earth Systems Science Building, Goddard*
2 *Space Flight Center.*

3 (4) *Aeronautical Research and Technology,*
4 *\$891,300,000, of which \$5,400,000 shall be allocated*
5 *to the modernization of the Unitary Plan Wind Tun-*
6 *nel Complex, Ames Research Center.*

7 (5) *Space Access and Technology, \$766,600,000,*
8 *of which at least \$70,000,000 shall be allocated to*
9 *support a shuttle flight for the Shuttle Imaging*
10 *Radar-C, of which \$5,000,000 shall be used to estab-*
11 *lish a Rural Technology Transfer and Commercializa-*
12 *tion Center for the Rocky Mountains and Upper*
13 *Plains States region, and of which \$159,000,000 shall*
14 *be allocated to the Reusable Launch Vehicle program.*

15 (6) *Mission Communications Services,*
16 *\$461,300,000.*

17 (7) *Academic Programs, \$104,700,000, of which*
18 *\$3,000,000 shall be allocated to support the establish-*
19 *ment of an Upper Plains States regional science edu-*
20 *cation and outreach center and of which \$1,000,000*
21 *shall be allocated to establish a Rural Teacher Re-*
22 *source Center.*

23 **SEC. 103. MISSION SUPPORT.**

24 *There are authorized to be appropriated to the Na-*
25 *tional Aeronautics and Space Administration for Mission*

1 *Support the following amounts, to become available October*
2 *1, 1995:*

3 *(1) Safety, Reliability, and Quality Assurance,*
4 *\$37,600,000.*

5 *(2) Space Communications Services,*
6 *\$219,400,000.*

7 *(3) Research and Program Management, includ-*
8 *ing personnel and related costs, travel, and research*
9 *operations support, \$2,047,800,000.*

10 *(4) Construction of Facilities, including land ac-*
11 *quisition, \$135,000,000, including the following:*

12 *(A) Restoration of Flight Systems Research*
13 *Laboratory, Ames Research Center;*

14 *(B) Restoration of chilled water distribution*
15 *system, Goddard Space Flight Center;*

16 *(C) Replace chillers, various buildings, Jet*
17 *Propulsion Laboratory;*

18 *(D) Rehabilitation of electrical distribution*
19 *system, White Sands Test Facility, Johnson*
20 *Space Center;*

21 *(E) Replace main substation switchgear*
22 *and circuit breakers, Johnson Space Center;*

23 *(F) Replace 15kv load break switches, Ken-*
24 *nedy Space Center;*

1 (G) *Rehabilitation of Central Air Equip-*
2 *ment Building, Lewis Research Center;*

3 (H) *Restoration of high pressure air com-*
4 *pressor system, Marshall Space Flight Center;*

5 (I) *Restoration of Information and Elec-*
6 *tronic Systems Laboratory, Marshall Space*
7 *Flight Center;*

8 (J) *Restoration of canal lock, Stennis Space*
9 *Center;*

10 (K) *Restoration of primary electrical dis-*
11 *tribution system, Wallops Flight Facility;*

12 (L) *Repair of facilities at various locations,*
13 *not in excess of \$1,500,000 per project;*

14 (M) *Rehabilitation and modification of fa-*
15 *ilities at various locations, not in excess of*
16 *\$1,500,000 per project;*

17 (N) *Minor construction of new facilities and*
18 *additions to existing facilities at various loca-*
19 *tions, not in excess of \$1,500,000 per project;*

20 (O) *Facility planning and design, not oth-*
21 *erwise provided for; and*

22 (P) *Environmental compliance and restora-*
23 *tion.*

1 **SEC. 104. INSPECTOR GENERAL.**

2 *There are authorized to be appropriated to the Na-*
3 *tional Aeronautics and Space Administration for Inspector*
4 *General \$17,300,000, to become available October 1, 1995.*

5 **SEC. 105. OFFICE OF COMMERCIAL SPACE TRANSPOR-**
6 **TATION.**

7 *There are authorized to be appropriated to the Office*
8 *of Commercial Space Transportation of the Department of*
9 *Transportation \$7,000,000, to become available October 1,*
10 *1995.*

11 **TITLE II—LIMITATIONS AND GENERAL**
12 **PROVISIONS**

13 **SEC. 201. SPACE STATION LIMITATION.**

14 *The aggregate amount authorized to be appropriated*
15 *for Space Station and related activities under sections 101,*
16 *102, and 103 shall not exceed \$2,100,000,000.*

17 **SEC. 202. EXPERIMENTAL PROGRAM TO STIMULATE COM-**
18 **PETITIVE RESEARCH.**

19 *Of the amounts appropriated under sections 101 and*
20 *102, \$6,900,000 are authorized for the Experimental Pro-*
21 *gram to Stimulate Competitive Research in accordance*
22 *with title III of the National Aeronautics and Space Ad-*
23 *ministration Act, Fiscal Year 1993 (Public Law 102-588;*
24 *106 Stat. 5119).*

25 **SEC. 203. SPECIAL TECHNOLOGY ENHANCEMENT GRANTS.**

26 (a) *IN GENERAL.*—

1 (1) *GRANTS.*—*The Administrator shall make up*
2 *to 4 special technology enhancement grants to areas*
3 *or States that have not participated fully in the Ad-*
4 *ministration’s aeronautical and space programs in*
5 *order to enable such areas or States to increase their*
6 *capabilities in technology development, utilization,*
7 *and transfer in aeronautics, space science, and related*
8 *areas. At least one such grant shall be made available*
9 *to a consortium of States, each one of which has an*
10 *average population density of less than 12.3 persons*
11 *per square mile, based on data for 1993 from the Bu-*
12 *reau of the Census.*

13 (2) *ACTIVITIES.*—*Grants made under this section*
14 *shall be available for—*

15 (A) *assessment of resources and needs;*

16 (B) *development of infrastructure, including*
17 *incubators and prototype demonstration facili-*
18 *ties;*

19 (C) *collaborations with industry;*

20 (D) *expansion of capabilities in procure-*
21 *ment;*

22 (E) *development of technology transfer and*
23 *commercialization support capabilities;*

24 (F) *activities to increase participation in*
25 *the Small Business Innovation Research pro-*

1 *gram and other NASA research, development,*
2 *and technology utilization and transfer pro-*
3 *grams;*

4 *(G) relevant research of interest to NASA;*
5 *and*

6 *(H) such other activities as the Adminis-*
7 *trator shall deem appropriate.*

8 (3) *SPECIAL CONSIDERATION.*—*In making*
9 *grants under this section, the Administrator shall give*
10 *special consideration to proposals that—*

11 *(A) will build upon and expand a develop-*
12 *ing research and technology base, and*

13 *(B) will insure a lasting research and devel-*
14 *opment and technology development and transfer*
15 *capability.*

16 (b) *ELIGIBLE ENTITIES.*—*Grants under subsection*
17 *(a)(1) may be made to—*

18 (1) *State and local governments;*

19 (2) *institutions of higher education; and*

20 (3) *organizations with expertise in research and*
21 *development, technology development, and technology*
22 *transfer in areas of interest to NASA.*

23 (c) *FUNDING OF PROGRAM.*—*Of the amounts author-*
24 *ized in section 102 for the Space Access and Technology*

1 account, \$15,000,000 are authorized to be used for grants
2 under subsection (a).

3 **SEC. 204. CLEAR LAKE DEVELOPMENT FACILITY.**

4 The Administrator is authorized to acquire, for no
5 more than \$35,000,000, a certain parcel of land, together
6 with existing facilities, located on the site of the property
7 referred to as the Clear Lake Development Facility, Clear
8 Lake, Texas, comprising approximately 13 acres and in-
9 cluding a light manufacturing facility, an avionics develop-
10 ment facility, and an assembly and test building which
11 shall be modified for use as a neutral buoyancy laboratory
12 in support of human space flight activities.

13 **SEC. 205. YELLOW CREEK FACILITY.**

14 Notwithstanding any other provision of law or regula-
15 tion, the National Aeronautics and Space Administration
16 (NASA) is authorized to convey, without reimbursement, to
17 the State of Mississippi, all rights, title, and interest of the
18 United States of the United States in the property known
19 as the Yellow Creek Facility and consisting of approxi-
20 mately 1,200 acres near the city of Iuka, Mississippi, in-
21 cluding all improvements thereon and any personal prop-
22 erty owned by NASA that is currently located on-site and
23 which the State of Mississippi requires to facilitate the
24 transfer: Provided, That appropriated funds shall be used
25 to effect this conveyance: Provided further, That

1 \$10,000,000 in appropriated funds otherwise available to
2 NASA shall be transferred to the State of Mississippi to
3 be used in the transition of the facility: Provided further,
4 That each Federal agency with prior contact to the site shall
5 remain responsible for any and all environmental remedi-
6 ation made necessary as a result of its activities on the site:
7 Provided further, That in consideration of this conveyance,
8 NASA may require such other terms and conditions as the
9 Administrator deems appropriate to protect the interests of
10 the United States: Provided further, That the conveyance
11 of the site and the transfer of the funds to the State of Mis-
12 sissippi shall occur not later than 30 days after the date
13 of enactment of this Act.

14 **SEC. 206. RADAR REMOTE SENSING SATELLITES.**

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

16 (1) radar satellites represent one of the most im-
17 portant developments in remote sensing satellite tech-
18 nology in recent years;

19 (2) the ability of radar satellites to provide high-
20 quality Earth imagery regardless of cloud cover and
21 to provide three-dimensional pictures of the Earth's
22 surface when the satellites are flown in combination
23 dramatically enhance conventional optical remote
24 sensing satellite capabilities and usefulness;

1 (3) *the National Aeronautics and Space Admin-*
2 *istration has developed a unique background and ex-*
3 *pertise in developing and operating radar satellites as*
4 *a result of their activities connected with its radar*
5 *satellites, Shuttle Imaging Radar (SIR)-A, SIR-B,*
6 *and SIR-C, which has flown twice on the Space Shut-*
7 *tle;*

8 (4) *other nations currently have operational*
9 *radar satellite systems, including Japan and Western*
10 *Europe, with other spacefaring nations expected to*
11 *develop such systems in the near future; and*

12 (5) *the development of an operational radar sat-*
13 *ellite program at NASA featuring free-flying satellites*
14 *and a related ground system is critical to maintain*
15 *United States leadership in remote sensing satellite*
16 *technology and is important to our national security*
17 *and international competitiveness.*

18 (b) *POLICY.—It is the policy of the United States*
19 *that—*

20 (1) *NASA should develop and operate a radar*
21 *satellite program as soon as practicable;*

22 (2) *NASA should build on the experience and*
23 *knowledge gained from its previous radar endeavors;*

1 (3) NASA should work with other Federal agen-
2 cies and, as appropriate, with other spacefaring na-
3 tions, in its radar satellite activities; and

4 (4) NASA should make maximum use of existing
5 National remote sensing assets such as the Landsat
6 system, activities connected with the Mission to Plan-
7 et Earth, and the data management facilities of the
8 Department of the Interior in all of its radar satellite
9 activities.

10 (c) PROGRAM REQUIREMENTS.—NASA shall initiate
11 a program to develop and operate a radar satellite pro-
12 gram. The program shall employ the most advanced radar
13 satellite technology currently available. To the maximum
14 extent possible, all of the data processing, dissemination,
15 and archiving functions shall be performed by the Depart-
16 ment of the Interior. The program should be planned in
17 such a way that the data from the radar satellite system
18 are converted into a broad range of informational products
19 with research, commercial, and government applications
20 and any other applications that are in the public interest
21 and that such products are distributed over the widest user
22 community that is practicable, including industry, aca-
23 demia, research institutions, local and State governments,
24 and other Federal agencies. The program should coordinate

1 *with, and make appropriate use of, other remote sensing*
2 *satellite programs, such as the Landsat program.*

3 *(d) PLAN.—Within 90 days after the enactment of this*
4 *Act, the Administrator shall submit a detailed plan for im-*
5 *plementation of the radar satellite program to the Commit-*
6 *tee on Commerce, Science, and Transportation of the Senate*
7 *and the Committee on Science of the House of Representa-*
8 *tives. The plan should include—*

9 *(1) the goals and mission of the program;*

10 *(2) planned activities for the next 5 years to*
11 *achieve such goals and mission;*

12 *(3) strategies for maximizing the usefulness of*
13 *the satellite data to the scientific and academic com-*
14 *munities, the private sector, all levels of government,*
15 *and the general public;*

16 *(4) concepts for integrating the program with*
17 *other related NASA activities (such as Mission to*
18 *Planet Earth), the Landsat program, and other cur-*
19 *rent and emerging remote sensing satellite programs*
20 *and activities in the Federal government and all*
21 *other public and private sectors so that the program*
22 *complements and strengthens such programs and ac-*
23 *tivities and is not duplicative of these efforts;*

24 *(5) concepts developed in consultation with De-*
25 *partment of the Interior, for processing, archiving,*

1 *and disseminating the satellite data using, to the*
2 *maximum extent possible, existing Federal govern-*
3 *ment programs and assets at the Department of the*
4 *Interior and other Federal agencies;*

5 *(6) targets and timetables for undertaking spe-*
6 *cific activities and actions within the program;*

7 *(7) a 5-year budget profile for the program; and*

8 *(8) a comparison between the program and the*
9 *radar satellite programs of other spacefaring nations,*
10 *addressing their respective costs, capabilities, and*
11 *other relevant features.*

12 *(e) AUTHORIZATION.—Of the funds authorized in sec-*
13 *tion 102 for the Earth Probes account, the Administrator*
14 *shall allocate at least \$15,000,000 to the radar satellite pro-*
15 *gram to conduct Phase A and Phase B studies.*

16 ***SEC. 207. STUDY OF THE HYDROLOGY OF THE UPPER MIS-***
17 ***SOURI RIVER BASIN.***

18 *The Administrator shall initiate a project to conduct*
19 *research on the hydrology of the Upper Missouri River*
20 *Basin. The project shall be part of the Mission to Planet*
21 *Earth program and shall employ satellite observations, sur-*
22 *face-based radar data, and ground-based hydrological and*
23 *other scientific measurements to develop quantitative mod-*
24 *els that address complex atmospheric and surface*
25 *hydrological processes. The project shall be incorporated*

1 *into NASA's activities connected with the multiagency*
2 *Global Energy and Water Cycle Experiment to understand*
3 *the interactions between the atmosphere and land surfaces.*
4 *In implementing the project, NASA shall coordinate and*
5 *consult with other appropriate federal agencies, including*
6 *the Department of Commerce, the Department of the Inte-*
7 *rior, and the National Science Foundation. To the maxi-*
8 *mum extent possible, NASA shall employ the assistance of*
9 *universities, local and State governments, industry, and*
10 *any other appropriate entities from the Upper Missouri*
11 *River Basin region to carry out this program and the Ad-*
12 *ministrator is authorized to support the project-related*
13 *work of such entities with grants, technical advice, equip-*
14 *ment, in-kind help, and any other type of appropriate as-*
15 *sistance. Within 90 days after the enactment of this Act,*
16 *the Administrator shall submit a plan for the implementa-*
17 *tion of this project, which shall set forth the goals, project*
18 *costs, planned activities, and overall strategies for the*
19 *project, to the Committee on Commerce, Science, and*
20 *Transportation of the Senate and the Committee on Science*
21 *of the House of Representatives. Of the funds authorized in*
22 *section 102 for Mission to Planet Earth, at least*
23 *\$10,000,000 shall be allocated by the Administrator to the*
24 *Upper Missouri River Basin project.*

1 **SEC. 208. SHUTTLE PRIVATIZATION.**

2 (a) *The Administrator is hereby directed to conduct*
3 *a study of the feasibility of implementing the recommenda-*
4 *tion of the Independent Shuttle Management Review Team*
5 *that NASA transition towards the privatization of the*
6 *Shuttle. The study shall identify, discuss, and, where pos-*
7 *sible, present options for resolving, the major policy and*
8 *legal issues that must be addressed before the Shuttle is*
9 *privatized, including, but not limited to, the following*
10 *issues—*

11 (1) *whether the government or the Shuttle con-*
12 *tractor should own the Shuttle orbiters and Shuttle*
13 *ground facilities;*

14 (2) *whether the federal government should in-*
15 *demnify the contractor for any third party liability*
16 *arising from Shuttle operations, and, if so, under*
17 *what terms and conditions;*

18 (3) *whether commercial payloads should be al-*
19 *lowed to be launched on the Shuttle and whether any*
20 *classes of payloads should be made ineligible for*
21 *launch consideration;*

22 (4) *whether NASA and federal government pay-*
23 *loads should have priority over non-federal govern-*
24 *ment payloads in the Shuttle launch assignments and*
25 *what policies should be developed to prioritize among*
26 *payloads generally;*

1 (5) *whether the public interest requires that cer-*
2 *tain Shuttle functions continue to be performed by the*
3 *federal government; and*

4 (6) *whether privatization of the Shuttle would*
5 *produce any significant cost savings and, if so, how*
6 *much cost savings.*

7 (b) *Within 60 days of the enactment of this Act, NASA*
8 *shall complete the study and shall submit a report on that*
9 *study to the Committee on Commerce, Science, and Trans-*
10 *portation of the Senate and the Committee on Science of*
11 *the House of Representatives.*

12 (c) *As a transitional step towards Shuttle privatiza-*
13 *tion, NASA shall take all necessary and appropriate actions*
14 *to consolidate Shuttle contractor activities under one prime*
15 *contractor and, within 180 days of the enactment of this*
16 *Act, report to the Committee on Commerce, Science, and*
17 *Transportation of the Senate and the Committee on Science*
18 *of the House of Representatives on those actions. If NASA*
19 *has failed to complete such consolidation by the expiration*
20 *of the 180-day period, the report shall explain the reasons*
21 *for that failure and describe the steps being taken by NASA*
22 *to finalize the consolidation as expeditiously as possible.*

1 **SEC. 209. USE OF FUNDS FOR CONSTRUCTION.**

2 (a) *AUTHORIZED USES.*—The Administrator may use
3 funds appropriate for purposes other than those appro-
4 priated for—

5 (1) *construction of facilities;*

6 (2) *research and program management, exclud-*
7 *ing research operations support; and*

8 (3) *Inspector General,*

9 *for the construction of new facilities and additions to, re-*
10 *pair of, rehabilitation of, or modification of, existing facili-*
11 *ties at any location in support of the purposes for which*
12 *such funds are appropriated.*

13 (b) *LIMITATION.*—None of the funds used pursuant to
14 subsection (a) may be expended for a project, the estimated
15 cost of which to the National Aeronautics and Space Ad-
16 ministration, including collateral equipment, exceeds
17 \$750,000, until 30 days have passed after the Administrator
18 has notified the Committee on Science of the House of Rep-
19 resentatives and the Committee on Commerce, Science, and
20 Transportation of the Senate of the nature, location, and
21 estimated cost to the National Aeronautics and Space Ad-
22 ministration of such project.

23 **SEC. 210. CONSTRUCTION OF FACILITIES.**

24 (a) *REPROGRAMMING FOR CONSTRUCTION OF FACILI-*
25 *TIES.*—If the Administrator determines that—

1 (1) *new developments in the national program of*
2 *aeronautical and space activities have occurred;*

3 (2) *such developments require the use of addi-*
4 *tional funds for the purpose of construction, expan-*
5 *sion, or modification of facilities at any location; and*

6 (3) *deferral of such action until the enactment of*
7 *the next National Aeronautics and Space Administra-*
8 *tion authorization Act would be inconsistent with the*
9 *interest of the Nation in aeronautical and space*
10 *sciences;*

11 *the Administrator may use the amounts authorized for con-*
12 *struction of facilities pursuant to this Act or previous Na-*
13 *tional Aeronautics and Space Administration authoriza-*
14 *tion Acts for such purposes. The amounts may be used to*
15 *acquire, construct, convert, rehabilitate, or install tem-*
16 *porary or permanent public works, including land acquisi-*
17 *tion, site preparation, appurtenances, utilities, and equip-*
18 *ment. The Administrator may use such amounts for facility*
19 *consolidations, closures, and demolition required to*
20 *downsize the NASA physical plant to improve operations*
21 *and reduce costs.*

22 (c) *LIMITATIONS.—*

23 (1) *Amounts appropriated for a construction-of-*
24 *facilities project—*

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

3 (B) may be varied upward by 25 percent to
4 meet unusual cost variations after the expiration
5 of 30 days following a report on the cir-
6 cumstances of such action by the Administrator
7 to the Committee on Commerce, Science, and
8 Transportation of the Senate and the Committee
9 on Science of the House of Representatives. The
10 aggregate amount authorized to be appropriated
11 for construction of facilities shall not be in-
12 creased as a result of actions authorized under
13 this section.

14 (2) No amounts may be obligated for a construc-
15 tion-of-facilities project until a period of 30 days has
16 passed after the Administrator or the Administrator's
17 designee has transmitted to the Committee on Science
18 of the House of Representatives, and to the Committee
19 on Commerce, Science, and Transportation of the
20 Senate, a written report describing the nature of the
21 acquisition, construction, conversion, rehabilitation,
22 or installation, its cost, and the reasons therefor.

23 (d) TITLE TO FACILITIES.—If funds are used pursuant
24 to subsection (a) for grants to institutions of higher edu-
25 cation, or to nonprofit organizations whose primary pur-

1 *pose is the conduct of scientific research, for purchase or*
2 *construction of additional research facilities, title to such*
3 *facilities shall be vested in the United States unless the Ad-*
4 *ministrator determines that the national program of aero-*
5 *nautical and space activities will best be served by vesting*
6 *title in the grantee institution or organization. Each such*
7 *grant shall be made under such conditions as the Adminis-*
8 *trator shall determine to be required to ensure that the*
9 *United States will receive therefrom benefits adequate to*
10 *justify the making of that grant.*

11 **SEC. 211. AVAILABILITY OF APPROPRIATED AMOUNTS.**

12 *To the extent provided in appropriations Acts, appro-*
13 *priations authorized under this Act may remain available*
14 *without fiscal year limitation.*

15 **SEC. 212. CONSIDERATION BY COMMITTEES.**

16 *Notwithstanding any other provision of this Act—*

17 *(1) no amount appropriated pursuant to this*
18 *Act may be used for any program deleted by the Con-*
19 *gress from requests as originally made to either the*
20 *Committee on Science of the House of Representatives*
21 *or the Committee on Commerce, Science, and Trans-*
22 *portation of the Senate; and*

23 *(2) no amount appropriated pursuant to the Act*
24 *may be used for any program in excess of the amount*

1 *actually authorized for that particular program, ex-*
2 *cluding construction-of-facility projects,*
3 *unless a period of 30 days has passed after the receipt by*
4 *such Committee of notice given by the Administrator or the*
5 *Administrator's designee containing a full and complete*
6 *statement of the action proposed to be taken and the facts*
7 *and circumstances relied upon in support of the proposed*
8 *action. NASA shall keep those Committees fully and cur-*
9 *rently informed with respect to all activities and respon-*
10 *sibilities within their jurisdiction. Except as otherwise pro-*
11 *vided by law, any Federal department, agency, or inde-*
12 *pendent establishment shall furnish any information re-*
13 *quested by either such Committee relating to any activity*
14 *or responsibility.*

15 **SEC. 213. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS**
16 **OR EXTRAORDINARY EXPENSES.**

17 *Funds appropriated under section 103 may be used*
18 *for scientific consultations or extraordinary expenses upon*
19 *the authority of the Administrator, but not to exceed*
20 *\$35,000 .*

21 **SEC. 214. REPORTING REQUIREMENTS.**

22 *(a) REPORTING PERIOD.—Section 206(a) of the Na-*
23 *tional Aeronautics and Space Act of 1958 (42 U.S.C.*
24 *2476(a)) is amended—*

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

2 and

3 (2) by striking “calendar” and inserting “fis-

4 cal”.

5 (b) *PROTECTION OF COMMERCIALY VALUABLE INFOR-*

6 *MATION.—Section 303 of the National Aeronautics and*

7 *Space Act of 1958 (42 U.S.C. 2454) is amended by adding*

8 *at the end the following:*

9 “(c)(1) *The Administrator may delay, for a period not*

10 *to exceed 5 years, the unrestricted public disclosure of tech-*

11 *nical data, related to a competitively sensitive technology,*

12 *in the possession of, or under the control of, the Administra-*

13 *tion that has been generated in the performance of experi-*

14 *mental, developmental, or research activities or programs*

15 *conducted by, or funded in whole or in part by, the Admin-*

16 *istration, if the technical data has significant value in*

17 *maintaining leadership or competitiveness, in civil and*

18 *governmental aeronautical and space activities by the*

19 *United States industrial base.*

20 “(2) *The Administrator shall publish biannually in*

21 *the Federal Register a list of all competitively sensitive tech-*

22 *nology areas which it believes have a significant value in*

23 *maintaining the United States leadership or competitive-*

24 *ness in civil and governmental aeronautical and space ac-*

25 *tivities. The list shall be generated after consultation with*

1 *appropriate Government agencies and a diverse cross sec-*
2 *tion of companies—*

3 “(A) *that conduct a significant level of research,*
4 *development, engineering, and manufacturing in the*
5 *United States; and*

6 “(B) *the majority ownership or control of which*
7 *is held by United States citizens.*

8 “(3) *The Administrator shall provide an opportunity*
9 *for written objections to the list within a 60-day period*
10 *after it is published. After the expiration of that 60-day*
11 *period, and after consideration of all written objections re-*
12 *ceived by the Administrator during that period, NASA shall*
13 *issue a final list of competitively sensitive technology areas.*

14 “(4) *For purposes of this subsection, the term ‘tech-*
15 *nical data’ means any recorded information, including*
16 *computer software, that is or may be directly applicable*
17 *to the design, engineering, development, production, manu-*
18 *facture, or operation of products or processes that may have*
19 *significant value in maintaining leadership or competitive-*
20 *ness in civil and governmental aeronautical and space ac-*
21 *tivities by the United States industrial base.’.*

22 ***SEC. 215. INDEPENDENT RESEARCH AND DEVELOPMENT.***

23 *The Congress finds that it is appropriate for costs con-*
24 *tributed by a contractor under a cooperative agreement*
25 *with the National Aeronautics and Space Administration*

1 *to be considered as allowable independent research and de-*
2 *velopment costs, for purposes of section 31.205–18 of the*
3 *Federal Acquisition Regulations if the work performed*
4 *would have been allowable as contractor independent re-*
5 *search and development costs had there been no cooperative*
6 *agreement. The Administration shall seek a revision to that*
7 *section of the Federal Acquisition Regulations to reflect the*
8 *intent of the Congress expressed in the preceding sentence.*

9 **SEC. 216. RESTRUCTURING OF THE EARTH OBSERVING SYS-**
10 **TEM DATA AND INFORMATION SYSTEM.**

11 *The Administrator is prohibited from restructuring or*
12 *downscaling the baseline plan for the Earth Observing Sys-*
13 *tem Data and Information System in place at the time of*
14 *the President's budget submission for NASA for fiscal year*
15 *1996 unless, 60 days before undertaking such action, the*
16 *Administrator has submitted to the Committee on Com-*
17 *merce, Science, and Transportation of the Senate and the*
18 *Committee on Science of the House of Representatives a*
19 *written report containing—*

- 20 *(1) a detailed description of the planned agency*
21 *action;*
22 *(2) the reasons and justifications for such action;*
23 *(3) an analysis of the cost impact of such action;*
24 *(4) an analysis of the impact of the action on the*
25 *scientific benefits of the program and the effect of the*

1 *action on the expected applications of the satellite*
2 *data from the System in such areas as global climate*
3 *research, land-use planning, state and local govern-*
4 *ment management, mineral exploration, agriculture,*
5 *forestry, national security, and any other areas that*
6 *the Administrator deems appropriate;*

7 *(5) an analysis of the impact of the action on the*
8 *United States Global Climate Change Research pro-*
9 *gram and international global climate change re-*
10 *search activities; and*

11 *(6) an explanation of what measures, if any, are*
12 *planned by NASA to compensate for any likely reduc-*
13 *tions in the scientific value and data collection, proc-*
14 *essing, and distribution capabilities of the System as*
15 *a result of the action.*

16 *TITLE III—COMMERCIAL SPACE LAUNCH ACT*
17 *AMENDMENTS*

18 **SEC. 301. AMENDMENT OF TITLE 49.**

19 *Except as otherwise expressly provided, whenever in*
20 *this title an amendment or repeal is expressed in terms of*
21 *an amendment to, or repeal of, a section or other provision,*
22 *the reference shall be considered to be made to a section or*
23 *other provision of title 49, United States Code.*

1 **SEC. 302. AMENDMENT OF SECTION 70101.**

2 *Section 70101 (relating to findings and purposes) is*
3 *amended—*

4 *(1) by inserting “microgravity research,” after*
5 *“information services,” in subsection (a)(3);*

6 *(2) by inserting “commercial space transpor-*
7 *tation services, including in-space transportation ac-*
8 *tivities and” after “providing” in subsection (a)(4);*

9 *(3) by striking “commercial launch vehicles” in*
10 *subsection (a)(5) and inserting “commercial space*
11 *transportation including commercial launch vehicles,*
12 *in-space transportation activities, reentry vehicles,”;*

13 *(4) by striking “launch” in subsection (a)(6) and*
14 *inserting “launch, in-space transportation, and re-*
15 *entry”;*

16 *(5) by striking “launches” each place it appears*
17 *in subsection (a)(7) and inserting “launches, in-space*
18 *transportation activities, reentries” after ;*

19 *(6) by striking “sites and complementary facili-*
20 *ties, the providing of launch” in subsection (a)(8) and*
21 *inserting “sites, in-space transportation control sites,*
22 *reentry sites, and complementary facilities, the pro-*
23 *viding of launch, in-space transportation, and re-*
24 *entry”;*

1 (7) by inserting “in-space transportation control
2 sites, reentry sites,” after “launch sites,” in subsection
3 (a)(9);

4 (8) by striking “launch vehicles” in subsection
5 (b)(2) and inserting “commercial space transpor-
6 tation services, including launch vehicles, in-space
7 transportation activities, reentry vehicles,”;

8 (9) by striking “launch” the first place it ap-
9 pears in subsection (b)(3) and inserting “launch, in-
10 space transportation vehicle, and reentry”;

11 (10) by striking “commercial launch” the second
12 place it appears in subsection (b)(3); and

13 (11) by inserting “in-space transportation vehi-
14 cle control facilities, and development of reentry sites”
15 after “facilities,” in subsection (b)(4).

16 **SEC. 303. AMENDMENT OF SECTION 70102.**

17 Section 70102 (relating to definitions) is amended—

18 (1) by inserting “from Earth, including a re-
19 entry vehicle and its payload, if any” after “and any
20 payload” in paragraph (3);

21 (2) by striking “object” the first place it appears
22 in paragraph (8) and inserting “object, including a
23 reentry vehicle and its payload, if any,”;

24 (3) by redesignating paragraphs (9) through (12)
25 as paragraphs (16) through (19), respectively;

1 (4) by inserting after paragraph (8) the follow-
2 ing:

3 “(9) ‘in-space transportation vehicle’ means any
4 vehicle designed to operate in space and designed to
5 transport any payload or object substantially intact
6 from one orbit to another orbit.

7 “(10) ‘in-space transportation services’ means—

8 “(A) those activities involved in the direct
9 transportation or attempted transportation of a
10 payload or object from one orbit to another;

11 “(B) the procedures, actions, and activities
12 necessary for conduct of those transportation
13 services; and

14 “(C) the conduct of transportation services.

15 “(11) ‘in-space transportation control site’
16 means a location from which an in-space transpor-
17 tation vehicle is controlled or operated (as such terms
18 may be defined in any license the Secretary issues or
19 transfers under this chapter).

20 “(12) ‘reenter’ and ‘reentry’ mean to return pur-
21 posefully, or attempt to return, a reentry vehicle and
22 payload, if any, from Earth orbit or outer space to
23 Earth.

24 “(13) ‘reentry services’ means—

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

4 “(B) the conduct of a reentry.

5 “(14) ‘reentry site’ means the location on Earth
6 to which a reentry vehicle is intended to return (as
7 defined in a license the Secretary issues or transfers
8 under this chapter).

9 “(15) ‘reentry vehicle’ means any vehicle de-
10 signed to return substantially intact from Earth orbit
11 or outer space to Earth.”;

12 (5) by striking “launch” each place it appears in
13 paragraph (18), as redesignated and inserting
14 “launch services, in-space transportation activities, or
15 reentry”.

16 **SEC. 304. AMENDMENT OF SECTION 70103.**

17 Section 70103(b) (relating to facilitating commercial
18 launches) is amended—

19 (1) by striking “LAUNCHES” in the caption and
20 inserting “SPACE ACTIVITIES”;

21 (2) by striking “commercial space launches” in
22 paragraph (1) and inserting “commercial space
23 transportation services”; and

24 (3) by striking “a space launch” in subsection
25 (b)(2) and inserting “space transportation”.

1 **SEC. 305. AMENDMENT OF SECTION 70104.**

2 *Section 70104 (relating to restrictions on launches and*
3 *operations) is amended—*

4 *(1) by striking the section caption and inserting*
5 *the following:*

6 ***“Restrictions on launches, in-space transportation activities, op-***
7 ***erations, and reentries”;***

8 *(2) by striking “site” each place it appears in*
9 *subsection (a) and inserting “site, an in-space trans-*
10 *portation operations site, reentry site, or reenter a re-*
11 *entry vehicle,”;*

12 *(3) by striking “launch or operation” in sub-*
13 *sections (a) (3) and (4) and inserting “launch, in-*
14 *space transportation activity, or reentry operation”;*

15 *(4) by striking subsection (b) and inserting the*
16 *following:*

17 ***“(b) COMPLIANCE WITH PAYLOAD REQUIREMENTS.—***
18 ***The holder of a license under this chapter may launch a***
19 ***payload, operate an in-space transportation vehicle, or re-***
20 ***enter a payload only if the payload or vehicle complies with***
21 ***all requirements of the laws of the United States related***
22 ***to launching a payload, operating an in-space transpor-***
23 ***tation vehicle, or reentering a payload.”;***

24 *(5) by striking the caption of subsection (c) and*
25 *inserting the following: “(c) PREVENTING LAUNCHES,*

1 *IN-SPACE TRANSPORTATION ACTIVITIES, OR REEN-*
2 *TRIES.—*”; and

3 (6) by striking “launch” each place it appears in
4 subsection (c) and inserting “launch, in-space trans-
5 portation activity, or reentry”.

6 **SEC. 306. AMENDMENT OF SECTION 70105.**

7 *Section 70105 (relating to license applications and re-*
8 *quirements) is amended—*

9 (1) by striking “site” in subsection (b)(1) and
10 inserting “site, an in-space transportation control
11 site, or a reentry site or the reentry of a reentry vehi-
12 cle.”; and

13 (2) by striking “or operation” and inserting in
14 lieu thereof “, in-space transportation activity, oper-
15 ation, or reentry” in subsection (b)(2)(A).

16 **SEC. 307. AMENDMENT OF SECTION 70106.**

17 *Section 70106(a) (relating to monitoring activities*
18 *general requirements) is amended—*

19 (1) by striking “launch site” and inserting
20 “launch site, in-space transportation control site, or
21 reentry site”;

22 (2) by inserting “in-space transportation vehicle,
23 or reentry vehicle,” after “launch vehicle,” and

24 (3) by striking “vehicle.” and inserting “vehicle,
25 in-space transportation vehicle, or reentry vehicle.”.

1 **SEC. 308. AMENDMENT OF SECTION 70108.**

2 *Section 70108 (relating to prohibition, suspension,*
3 *and end of launches and operation of launch sites) is*
4 *amended—*

5 *(1) by striking the section caption and inserting*
6 *the following:*

7 ***“Prohibition, suspension, and end of launches, in-space trans-***
8 ***portation activities, reentries, or operation of***
9 ***launch sites, in-space transportation control sites,***
10 ***or reentry sites”;***

11 *and*

12 *(2) by striking “site” in subsection (a) and in-*
13 *serting “site, in-space transportation control site, in-*
14 *space transportation activity, or reentry site, or re-*
15 *entry of a reentry vehicle,”; and*

16 *(3) by striking “launch or operation” in sub-*
17 *section (a) and inserting “launch, in-space transpor-*
18 *tation activity, operation, or reentry”.*

19 **SEC. 309. AMENDMENT OF SECTION 70109.**

20 *(a) CAPTION.—The section caption of section 70109*
21 *(relating to preemption of scheduled launches) is amended*
22 *to read as follows:*

23 ***“Preemption of scheduled launches, in-space transportation ac-***
24 ***tivities, or reentries”.***

25 *(b) AMENDMENT OF SUBSECTION (a).—Subsection (a)*
26 *is amended—*

1 (1) by inserting “or reentry” after “ensure that
2 a launch”;

3 (2) by striking “site” in the first sentence and
4 inserting “site, reentry site,”;

5 (3) by inserting “nor shall an in-space transpor-
6 tation activity or operation be preempted,” after
7 “launch property,” in the first sentence;

8 (4) by inserting “or reentry date commitment”
9 after “launch date commitment”;

10 (5) by inserting “or reentry” after “obtained for
11 a launch”;

12 (6) by striking “site” in the second sentence and
13 inserting “site, reentry site,”;

14 (7) by striking “services” in the second sentence
15 and inserting “services, or services related to a re-
16 entry,”;

17 (8) by inserting “or reentry” after “the scheduled
18 launch”; and

19 (9) by adding at the end thereof the following:
20 “A licensee or transferee preempted from access to a
21 reentry site does not have to pay the Government
22 agency responsible for the preemption any amount for
23 reentry services attributable only to the scheduled re-
24 entry prevented by the preemption.”.

1 (c) *AMENDMENT OF SUBSECTION (c).*—Subsection (c)
2 *is amended by inserting “or reentry” after “prompt launch-*
3 *ing” in subsection (c).*

4 **SEC. 310. AMENDMENT OF SECTION 70110.**

5 Section 70110 (relating to administrative hearings
6 and judicial review) is amended—

7 (1) by striking “launch” in subsection (a)(2) and
8 inserting “launch, in-space transportation activity, or
9 reentry”; and

10 (2) by striking “site” in subsection (a)(3)(B)
11 and inserting “site, in-space transportation control
12 site, in-space transportation activity, reentry site, or
13 reentry of a reentry vehicle,”.

14 **SEC. 311. AMENDMENT OF SECTION 70111.**

15 Section 70111 (relating to acquiring United States
16 Government property and services) is amended—

17 (1) by inserting “in-space transportation activi-
18 ties, or reentry services” after “launch services,” in
19 subsection (a)(1)(B);

20 (2) by striking “services” in subsection (a)(2)
21 and inserting “services, in-space transportation ac-
22 tivities, or reentry services”;

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

1 (4) by inserting “or reentry” after “launch” the
2 first place it appears in subsection (a)(2)(B);

3 (5) by striking “launch” each place it appears in
4 subsection (b)(1) and inserting “launch, in-space
5 transportation activity, or reentry”;

6 (6) by striking “services” the first place it ap-
7 pears in subsection (b)(2)(C) and inserting “services,
8 in-space transportation activities or services, or re-
9 entry services”; and

10 (7) by striking subsection (d) and inserting the
11 following:

12 “(d) *COLLECTION BY OTHER GOVERNMENTAL*
13 *HEADS.—The head of a department, agency, or instrumen-*
14 *tality of the Government may collect a payment for any*
15 *activity involved in producing a launch vehicle, in-space*
16 *transportation vehicle, or reentry vehicle or its payload for*
17 *launch, in-space transportation activity, or reentry if the*
18 *activity was agreed to by the owner or manufacturer of the*
19 *launch vehicle, in-space transportation vehicle, reentry ve-*
20 *hicle, or payload.”.*

21 **SEC. 312. AMENDMENT OF SECTION 70112.**

22 *Section 70112 (relating to liability insurance and fi-*
23 *nancial responsibility requirements) is amended—*

1 (1) by inserting “one reentry, or to the oper-
2 ations of each in-space transportation vehicle” after
3 “launch,” in subsection (a)(3);

4 (2) by inserting “in-space transportation activi-
5 ties, or reentry services,” after “launch services,” each
6 place it appears in subsections (a)(4) and (b)(2);

7 (3) by striking “services” in subsection (b)(1)
8 and the third place it appears in subsection (b)(2)
9 and inserting “services, in-space transportation ac-
10 tivities, or reentry services,”;

11 (4) by inserting “applicable” after “carried out
12 under the” in subsections (b)(1) and (2);

13 (5) by striking “Science, Space, and Technology”
14 in subsection (d) and inserting “Science”;

15 (6) by striking “LAUNCHES” in the caption of
16 subsection (e) and inserting “LAUNCHES, IN-SPACE
17 TRANSPORTATION ACTIVITIES, OR REENTRIES”; AND

18 (7) by striking “site” in subsection (e) and in-
19 serting “site, in-space transportation control site, or
20 control of an in-space transportation vehicle or activ-
21 ity, or reentry site or a reentry”.

22 **SEC. 313. AMENDMENT OF SECTION 70113.**

23 Section 70113 (relating to paying claims exceeding li-
24 ability insurance and financial responsibility require-
25 ments) is amended by striking “launch” each place it ap-

1 *pears in subsections (a)(1), (d)(1), and (d)(2) and inserting*
2 *“launch, operation of one in-space transportation vehicle,*
3 *or one reentry”.*

4 **SEC. 314. AMENDMENT OF SECTION 70115.**

5 *Section 70115(b)(1)(D)(i) (relating to enforcement and*
6 *penalty general authority) is amended—*

7 *(1) by inserting “in-space transportation control*
8 *site, or reentry site,” after “launch site,”;*

9 *(2) by inserting “in-space transportation vehicle,*
10 *or reentry vehicle” after “launch vehicle,”; and*

11 *(3) by striking “vehicle” the second place it ap-*
12 *pears and inserting “vehicle, in-space transportation*
13 *vehicle, or reentry vehicle”.*

14 **SEC. 315. AMENDMENT OF SECTION 70117.**

15 *Section 70117 (relating to relationship to other execu-*
16 *tive agencies, laws, and international obligations) is*
17 *amended—*

18 *(1) by striking “vehicle or operate a launch site.”*
19 *in subsection (a) and inserting “vehicle, operate a*
20 *launch site, perform in-space transportation activities*
21 *or operate an in-space transportation control site or*
22 *reentry site, or reenter a reentry vehicle.”;*

23 *(2) by striking “launch” in subsection (d) and*
24 *inserting “launch, perform an in-space transportation*
25 *activity, or reentry”;*

1 (3) *by striking subsections (f) and (g), and in-*
2 *serting the following:*

3 “(f) *LAUNCH NOT AN EXPORT OR IMPORT.—A launch*
4 *vehicle, reentry vehicle, or payload that is launched or reen-*
5 *tered is not, because of the launch or reentry, an export*
6 *or import for purposes of a law controlling exports or im-*
7 *ports.*

8 “(g) *NONAPPLICATION.—This chapter does not apply*
9 *to—*

10 “(1) *a launch, in-space transportation activity,*
11 *reentry, operation of a launch vehicle, in-space trans-*
12 *portation vehicle, or reentry vehicle, or of a launch*
13 *site, in-space transportation control site, or reentry*
14 *site, or other space activity the Government carries*
15 *out for the Government; or*

16 “(2) *planning or policies related to the launch,*
17 *in-space transportation activity, reentry, or oper-*
18 *ation.”.*

19 **SEC. 316. REPORT TO CONGRESS.**

20 *Chapter 701 is amended by adding at the end thereof*
21 *the following new section:*

22 **“§ 70120. Report to Congress**

23 *“The Secretary of Transportation shall submit to Con-*
24 *gress an annual report to accompany the President’s budget*
25 *request that—*

1 “(1) describes all activities undertaken under
2 this chapter, including a description of the process for
3 the application for and approval of licenses under
4 this chapter and recommendations for legislation that
5 may further commercial launches and reentries; and

6 “(2) reviews the performance of the regulatory
7 activities and the effectiveness of the Office of Com-
8 mercial Space Transportation.”.

9 **SEC. 317. AMENDMENT OF TABLE OF SECTIONS.**

10 The table of sections for chapter 701 of title 49, United
11 States Code, is amended—

12 (1) by amending the item relating to section
13 70104 to read as follows:

“70104. Restrictions on launches, in-space transportation activities, operations,
and reentries”;

14 (2) by amending the item relating to section
15 70108 to read as follows:

“70108. Prohibition, suspension, and end of launches, in-space transportation ac-
tivities, reentries, or operation of launch sites, in-space transpor-
tation control sites, or reentry sites”;

16 (3) by amending the item relating to section
17 70109 to read as follows:

“70109. Preemption of scheduled launches, in-space transportation activities, or
reentries”;

18 and

19 (4) by adding at the end the following new item:

“70120. Report to Congress”.

1 **SEC. 318. REGULATIONS.**

2 *The Secretary of Transportation shall issue regula-*
3 *tions under chapter 701 of title 49, United States Code, that*
4 *include—*

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

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

11 *(3) procedures for requesting and obtaining oper-*
12 *ator licenses for launch and reentry; and*

13 *(4) procedures for the application of government*
14 *indemnification.*

15 **SEC. 319. SPACE ADVERTISING.**

16 *(a) DEFINITION.—Section 70102, as amended by sec-*
17 *tion 303, is amended by redesignating paragraphs (12)*
18 *through (19) as (13) through (20), respectively, and by in-*
19 *serting after paragraph (11) the following new paragraph:*

20 *“(12) ‘obtrusive space advertising’ means adver-*
21 *tising in outer space that is capable of being recog-*
22 *nized by a human being on the surface of the earth*
23 *without the aid of a telescope or other technological*
24 *device;”.*

25 *(b) PROHIBITION.—Chapter 701 is amended by insert-*
26 *ing after section 70109 the following new section:*

1 **“§ 70109a. Space advertising**

2 “(a) *LICENSING.*—Notwithstanding the provisions of
3 this chapter or any other provision of law, the Secretary
4 shall not—

5 “(1) issue or transfer a license under this chap-
6 ter; or

7 “(2) waive the license requirements of this chap-
8 ter;

9 for the launch of a payload containing any material to be
10 used for the purposes of obtrusive space advertising.

11 “(b) *LAUNCHING.*—No holder of a license under this
12 chapter may launch a payload containing any material to
13 be used for purposes of obtrusive space advertising on or
14 after the date of enactment of the National Aeronautics and
15 Space Administration Authorization Act, Fiscal Year 1996.

16 “(c) *COMMERCIAL SPACE ADVERTISING.*—Nothing in
17 this section shall apply to nonobtrusive commercial space
18 advertising, including advertising on commercial space
19 transportation vehicles, space infrastructure, payloads,
20 space launch facilities, and launch support facilities.”.

21 (c) *NEGOTIATION WITH FOREIGN LAUNCHING NA-*
22 *TIONS.*—

23 (1) The President is requested to negotiate with
24 foreign launching nations for the purpose of reaching
25 an agreement or agreements that prohibit the use of
26 outer space for obtrusive space advertising purposes.

1 (2) *It is the sense of Congress that the President*
 2 *should take such action as is appropriate and feasible*
 3 *to enforce the terms of any agreement to prohibit the*
 4 *use of outer space for obtrusive space advertising pur-*
 5 *poses.*

6 (3) *As used in this subsection, the term “foreign*
 7 *launching nation” means a nation—*

8 (A) *which launches, or procures the launch-*
 9 *ing of, a payload into outer space; or*

10 (B) *from whose territory or facility a pay-*
 11 *load is launched into outer space.*

12 (d) *CLERICAL AMENDMENT.—The table of sections for*
 13 *chapter 701 is amended by inserting the following after the*
 14 *item relating to section 70109:*

“70109a. Space advertising”.

○

S 1048 RS—2

S 1048 RS—3

S 1048 RS—4

S 1048 RS—5

S 1048 RS—6

S 1048 RS—7