

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2405

---

## AN ACT

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

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

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Omnibus Civilian Science Authorization Act of 1995”.

4 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL SCIENCE FOUNDATION

Sec. 101. Short title.

Sec. 102. Definitions.

Subtitle A—National Science Foundation Authorization

Sec. 111. Authorization of appropriations.

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

Sec. 113. Consultation and representation expenses.

Sec. 114. Reprogramming.

Subtitle B—General Provisions.

Sec. 121. Annual report.

Sec. 122. National research facilities.

Sec. 123. Eligibility for research facility awards.

Sec. 124. Administrative amendments.

Sec. 125. Indirect costs.

Sec. 126. Research instrumentation and facilities.

Sec. 127. Financial disclosure.

Sec. 128. Educational leave of absence for active duty.

Sec. 129. Prohibition of lobbying activities.

Sec. 130. Science Studies Institute.

Sec. 131. Educational impact.

Sec. 132. Divisions of the Foundation.

Sec. 133. Limitation on appropriations.

Sec. 134. Eligibility for awards.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Subtitle A—General Provisions

Sec. 201. Short title.

Sec. 202. Findings.

Sec. 203. Definitions.

Subtitle B—Authorization of Appropriations

CHAPTER 1—AUTHORIZATIONS

Sec. 211. Human space flight.

Sec. 212. Science, aeronautics, and technology.

Sec. 213. Mission support.

Sec. 214. Inspector General.

Sec. 215. Total authorization.

Sec. 216. Additional authorization and corresponding reduction.

Sec. 217. Limited availability.

CHAPTER 2—RESTRUCTURING THE NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION

Sec. 221. Findings.

Sec. 222. Asset-based review.

CHAPTER 3—LIMITATIONS AND SPECIAL AUTHORITY

Sec. 231. Use of funds for construction.

Sec. 232. Availability of appropriated amounts.

Sec. 233. Reprogramming for construction of facilities.

Sec. 234. Consideration by committees.

Sec. 235. Limitation on obligation of unauthorized appropriations.

Sec. 236. Use of funds for scientific consultations or extraordinary expenses.

Sec. 237. Limitation on transfers to Russia.

Subtitle C—Miscellaneous Provisions

Sec. 241. Commercial space launch amendments.

Sec. 242. Office of Air and Space Commercialization authorization.

Sec. 243. Requirement for independent cost analysis.

Sec. 244. National Aeronautics and Space Act of 1958 amendments.

Sec. 245. Procurement.

Sec. 246. Additional National Aeronautics and Space Administration facilities.

Sec. 247. Purchase of space science data.

Sec. 248. Report on Mission to Planet Earth.

Sec. 249. Shuttle privatization.

Sec. 250. Aeronautical research and technology facilities.

Sec. 251. Launch voucher demonstration program amendments.

Sec. 252. Privatization of microgravity parabolic flight operations.

Sec. 253. Eligibility for awards.

Sec. 254. Prohibition of lobbying activities.

Sec. 255. Limitation on appropriations.

Sec. 256. Unitary Wind Tunnel Plan Act of 1949 amendments.

Sec. 257. Use of abandoned and underutilized buildings, grounds, and facilities.

TITLE III—DEPARTMENT OF ENERGY

Sec. 301. Short title.

Sec. 302. Definitions.

Sec. 303. Authorization of appropriations.

Sec. 304. Funding limitations.

Sec. 305. Limitation on appropriations.

Sec. 306. Merit review requirements for awards of financial assistance.

Sec. 307. Policy on capital projects and construction.

Sec. 308. Further authorizations.

Sec. 309. High energy and nuclear physics.

Sec. 310. Prohibition of lobbying activities.

Sec. 311. Eligibility for awards.

Sec. 312. Termination costs.

TITLE IV—NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

Sec. 401. Short title.

Sec. 402. Definitions.

Subtitle A—Atmospheric, Weather, and Satellite Programs

Sec. 411. National Weather Service.

Sec. 412. Atmospheric research.

Sec. 413. National Environmental Satellite, Data, and Information Service.

Subtitle B—Marine Research

Sec. 421. National Ocean Service.

Sec. 422. Ocean and Great Lakes research.

Sec. 423. Use of ocean research resources of other Federal agencies.

Subtitle C—Program Support

Sec. 431. Program support.

Subtitle D—Streamlining of Operations

Sec. 441. Program terminations.

Sec. 442. Limitations on appropriations.

Sec. 443. Termination of the corps of commissioned officers.

Subtitle E—Miscellaneous

Sec. 451. Weather data buoys.

Sec. 452. Duties of the National Weather Service.

Sec. 453. Eligibility for awards.

Sec. 454. Prohibition of lobbying activities.

Sec. 455. Report on laboratories.

Sec. 456. Conveyance of National Marine Fisheries Service laboratory at Gloucester, Massachusetts.

Sec. 457. Cleanup of NOAA facilities.

Sec. 458. Ocean Applications Branch.

TITLE V—ENVIRONMENTAL PROTECTION AGENCY

Sec. 501. Short title.

Sec. 502. Definitions.

Sec. 503. Authorization of appropriations.

Sec. 504. Scientific research review.

Sec. 505. Prohibition of lobbying activities.

Sec. 506. Eligibility for awards.

Sec. 507. Graduate student fellowships.

TITLE VI—TECHNOLOGY

Subtitle A—Technology Administration

Sec. 601. Short title.

Sec. 602. Authorization of appropriations.

Sec. 603. National Institute of Standards and Technology Act amendments.

Sec. 604. Stevenson-Wydler Technology Innovation Act of 1980 amendments.

Sec. 605. Personnel.

Sec. 606. Fastener Quality Act amendments.

Sec. 607. Prohibition of lobbying activities.

Sec. 608. Limitation on appropriations.

Sec. 609. Eligibility for awards.

- Sec. 610. Standards conformity.  
 Sec. 611. Further authorizations.  
 Sec. 612. Available funding.

TITLE VII—UNITED STATES FIRE ADMINISTRATION

- Sec. 701. Short title.  
 Sec. 702. Authorization of appropriations.  
 Sec. 703. Fire safety systems in Army housing.  
 Sec. 704. Successor fire safety standards.  
 Sec. 705. Termination or privatization of functions.  
 Sec. 706. Report on budgetary reduction.

TITLE VIII—BUY AMERICAN

- Sec. 801. Buy American.

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

3   **SEC. 101. SHORT TITLE.**

4       This title may be cited as the “National Science  
 5 Foundation Authorization Act of 1995”.

6   **SEC. 102. DEFINITIONS.**

7       For purposes of this title—

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) FISCAL YEAR 1996.—There are authorized to be  
2 appropriated to the Foundation \$3,126,000,000 for fiscal  
3 year 1996, which shall be available for the following cat-  
4 egories:

5 (1) Research and Related Activities,  
6 \$2,226,300,000, which shall be available for the fol-  
7 lowing subcategories:

8 (A) Mathematical and Physical Sciences,  
9 \$632,200,000.

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

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

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

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

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

17 (G) United States Polar Research Pro-  
18 grams, \$156,000,000.

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

21 (I) Critical Technologies Institute,  
22 \$1,000,000.

23 (2) Education and Human Resources Activities,  
24 \$600,000,000.

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

1 (4) Academic Research Facilities Moderniza-  
2 tion, \$100,000,000.

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

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

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

6 (c) FISCAL YEAR 1997.—There are authorized to be  
7 appropriated to the Foundation \$3,171,400,000 for fiscal  
8 year 1997, which shall be available for the following cat-  
9 egories:

10 (1) Research and Related Activities,  
11 \$2,286,200,000.

12 (2) Education and Human Resources Activities,  
13 \$600,000,000.

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

15 (4) Academic Research Facilities Moderniza-  
16 tion, \$100,000,000.

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

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

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

20 **SEC. 112. PROPORTIONAL REDUCTION OF RESEARCH AND**  
21 **RELATED ACTIVITIES AMOUNTS.**

22 If the amount appropriated pursuant to section  
23 111(b)(1) is less than the amount authorized under that  
24 paragraph, the amount authorized for each subcategory



1 under that paragraph shall be reduced by the same pro-  
2 portion.

3 **SEC. 113. CONSULTATION AND REPRESENTATION EX-**  
4 **PENSES.**

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

12 **SEC. 114. REPROGRAMMING.**

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

18 (b) GREATER THAN \$500,000.—In addition, the Di-  
19 rector may propose transfers to or from any subcategory  
20 exceeding \$500,000. An explanation of any proposed  
21 transfer under this subsection must be transmitted in  
22 writing to the Committee on Science of the House of Rep-  
23 resentatives, and the Committees on Labor and Human  
24 Resources and Commerce, Science, and Transportation of  
25 the Senate. The proposed transfer may be made only when

1 30 calendar days have passed after transmission of such  
2 written explanation.

### 3 **Subtitle B—General Provisions**

#### 4 **SEC. 121. ANNUAL REPORT.**

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

8 “(f) The Foundation shall provide an annual report  
9 to the President which shall be submitted by the Director  
10 to the Congress at the time of the President’s annual  
11 budget submission. The report shall—

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

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

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

23 “(2) identify the criteria and describe the proce-  
24 dures which the Foundation will use to assess

1 progress toward achieving the goals identified in ac-  
2 cordance with paragraph (1);

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

11 “(4) contain such recommendations as the  
12 Foundation considers appropriate; and

13 “(5) include information on the acquisition and  
14 disposition by the Foundation of any patents and  
15 patent rights.”.

16 **SEC. 122. NATIONAL RESEARCH FACILITIES.**

17 (a) FACILITIES PLAN.—The Director shall provide to  
18 Congress annually, as a part of the report required under  
19 section 3(f) of the National Science Foundation Act of  
20 1950, a plan for the proposed construction of, and repair  
21 and upgrades to, national research facilities. The plan  
22 shall include estimates of the cost for such construction,  
23 repairs, and upgrades, and estimates of the cost for the  
24 operation and maintenance of existing and proposed new  
25 facilities. For proposed new construction and for major

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

7 (b) LIMITATION ON OBLIGATION OF UNAUTHORIZED  
8 APPROPRIATIONS.—No funds appropriated for any project  
9 which involves construction of new national research facili-  
10 ties or construction necessary for upgrading the capabili-  
11 ties of existing national research facilities shall be obli-  
12 gated unless the funds are specifically authorized for such  
13 purpose by this title or any other Act which is not an ap-  
14 propriations Act, or unless the total estimated cost to the  
15 Foundation of the construction project is less than  
16 \$50,000,000. This subsection shall not apply to construc-  
17 tion projects approved by the National Science Board  
18 prior to June 30, 1994.

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

20 Section 203(b) of the Academic Research Facilities  
21 Modernization Act of 1988 is amended by striking the  
22 final sentence of paragraph (3) and inserting in lieu there-  
23 of the following: “The Director shall give priority to insti-  
24 tutions or consortia that have not received such funds in  
25 the preceding 5 years, except that this sentence shall not

1 apply to previous funding received for the same multiyear  
2 project.”.

3 **SEC. 124. ADMINISTRATIVE AMENDMENTS.**

4 (a) NATIONAL SCIENCE FOUNDATION ACT OF 1950  
5 AMENDMENTS.—The National Science Foundation Act of  
6 1950 (42 U.S.C. 1861 et seq.) is amended—

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

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

13 “(2) Any delegation of authority or imposition of con-  
14 ditions under paragraph (1) shall be promptly published  
15 in the Federal Register and reported to the Committees  
16 on Labor and Human Resources and Commerce, Science,  
17 and Transportation of the Senate and the Committee on  
18 Science of the House of Representatives.”;

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

23 (4) by striking section 14(j) (42 U.S.C.  
24 1873(j)); and

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

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

9           (c) NATIONAL SCIENCE FOUNDATION AUTHORIZA-  
10          TION ACT OF 1988 AMENDMENTS.—(1) Section  
11          117(a)(1)(B)(v) of the National Science Foundation Au-  
12          thorization Act of 1988 (42 U.S.C. 1881b(1)(B)(v)) is  
13          amended to read as follows:

14                 “(v) from schools established outside the several  
15                 States and the District of Columbia by any agency  
16                 of the Federal Government for dependents of its em-  
17                 ployees.”.

18          (2) Section 117(a)(3)(A) of such Act (42 U.S.C.  
19          1881b(3)(A)) is amended by striking “Science and Engi-  
20          neering Education” and inserting in lieu thereof “Edu-  
21          cation and Human Resources”.

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

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

4 **SEC. 125. INDIRECT COSTS.**

5 (a) MATCHING FUNDS.—Matching funds required  
6 pursuant to section 204(a)(2)(C) of the Academic Re-  
7 search Facilities Modernization Act of 1988 (42 U.S.C.  
8 1862c(a)(2)(C)) shall not be considered facilities costs for  
9 purposes of determining indirect cost rates.

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

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

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

19 including an evaluation of the relative benefits and bur-  
20 dens of each option on institutions of higher education.

21 Such report shall be transmitted to the Congress no later  
22 than December 31, 1995.

23 **SEC. 126. RESEARCH INSTRUMENTATION AND FACILITIES.**

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

1 (48 Fed. Reg. 15754, April 12, 1983), relating to the use  
2 and operation of Foundation-supported research instru-  
3 mentation and facilities, in its notice of Grant General  
4 Conditions, and shall examine more closely the adherence  
5 of grantee organizations to such guidelines.

6 **SEC. 127. FINANCIAL DISCLOSURE.**

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

12 **SEC. 128. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE**  
13 **DUTY.**

14 In order to be eligible to receive funds from the Foun-  
15 dation after September 30, 1995, an institution of higher  
16 education must provide that whenever any student of the  
17 institution who is a member of the National Guard, or  
18 other reserve component of the Armed Forces of the  
19 United States, is called or ordered to active duty, other  
20 than active duty for training, the institution shall grant  
21 the member a military leave of absence from their edu-  
22 cation. Persons on military leave of absence from their in-  
23 stitution shall be entitled, upon release from military duty,  
24 to be restored to the educational status they had attained  
25 prior to their being ordered to military duty without loss



1 of academic credits earned, scholarships or grants award-  
2 ed, or tuition and other fees paid prior to the commence-  
3 ment of the military duty. It shall be the duty of the insti-  
4 tution to refund tuition or fees paid or to credit the tuition  
5 and fees to the next semester or term after the termi-  
6 nation of the educational military leave of absence at the  
7 option of the student.

8 **SEC. 129. PROHIBITION OF LOBBYING ACTIVITIES.**

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

18 **SEC. 130. SCIENCE STUDIES INSTITUTE.**

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

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

1           (2) in subsection (b) by striking “As deter-  
2           mined by the chairman of the committee referred to  
3           in subsection (c), the” and inserting in lieu thereof  
4           “‘The’”;

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

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

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

12           (B) by striking “with particular emphasis”  
13           in paragraph (1) and all that follows through  
14           the end of such paragraph and inserting in lieu  
15           thereof “and developing and maintaining rel-  
16           evant informational and analytical tools.”;

17           (C) by striking “to determine” and all that  
18           follows through “technology policies” in para-  
19           graph (2) and inserting in lieu thereof “with  
20           particular attention to the scope and content of  
21           the Federal science and technology research  
22           and develop portfolio as it affects interagency  
23           and national issues”;

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

1           “(3) Initiation of studies and analysis of alter-  
2 natives available for ensuring the long-term strength  
3 of the United States in the development and applica-  
4 tion of science and technology, including appropriate  
5 roles for the Federal Government, State govern-  
6 ments, private industry, and institutions of higher  
7 education in the development and application of  
8 science and technology.”;

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

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

13           “(B) to the interagency committees and  
14 panels of the Federal Government concerned  
15 with science and technology.”;

16           (5) in subsection (d), as so redesignated by  
17 paragraph (3) of this subsection, by striking “sub-  
18 section (d)” and inserting in lieu thereof “subsection  
19 (c)”;

20           (6) by amending subsection (f), as so redesign-  
21 ated by paragraph (3) of this subsection, to read  
22 as follows:

23           “(f) SPONSORSHIP.—The Director of the Office of  
24 Science and Technology Policy shall be the sponsor of the  
25 Institute.”.

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

5 **SEC. 131. EDUCATIONAL IMPACT.**

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

7 (1) Federal research funds made available to  
8 institutions of higher education often create incen-  
9 tives for such institutions to emphasize research over  
10 undergraduate teaching and to narrow the focus of  
11 their graduate programs; and

12 (2) National Science Foundation funds for Re-  
13 search and Related Activities should be spent in the  
14 manner most likely to improve the quality of under-  
15 graduate and graduate education in institutions of  
16 higher education.

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

23 (2) Paragraph (1) shall be effective with respect to  
24 any grant or cooperative agreement awarded after Sep-  
25 tember 30, 1996.

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

7 **SEC. 132. DIVISIONS OF THE FOUNDATION.**

8 (a) AMENDMENT.—Section 8 of the National Science  
9 Foundation Act of 1950 (42 U.S.C. 1866) is amended by  
10 inserting “The Director may appoint, in consultation with  
11 the Board, not more than 6 Assistant Directors to assist  
12 in managing the Divisions.” after “time to time deter-  
13 mine.”.

14 (b) REPORT.—By November 15, 1995, the Director  
15 shall transmit to the Congress a report on the reorganiza-  
16 tion of the National Science Foundation required as a re-  
17 sult of the amendment made by subsection (a).

18 **SEC. 133. LIMITATION ON APPROPRIATIONS.**

19 (a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR  
20 1996.—Notwithstanding any other provision of law, no  
21 sums are authorized to be appropriated for fiscal year  
22 1996 for the activities for which sums are authorized by  
23 this title unless such sums are specifically authorized to  
24 be appropriated by this title.

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

7 **SEC. 134. ELIGIBILITY FOR AWARDS.**

8           (a) IN GENERAL.—The Director shall exclude from  
9 consideration for awards of financial assistance made by  
10 the Foundation after fiscal year 1995 any person who re-  
11 ceived funds, other than those described in subsection (b),  
12 appropriated for a fiscal year after fiscal year 1995, from  
13 any Federal funding source for a project that was not sub-  
14 jected to a competitive, merit-based award process. Any  
15 exclusion from consideration pursuant to this section shall  
16 be effective for a period of 5 years after the person re-  
17 ceives such Federal funds.

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

1 **TITLE II—NATIONAL AERO-**  
2 **NAUTICS AND SPACE ADMIN-**  
3 **ISTRATION**

4 **Subtitle A—General Provisions**

5 **SEC. 201. SHORT TITLE.**

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

9 **SEC. 202. FINDINGS.**

10 The Congress makes the following findings:

11 (1) The National Aeronautics and Space Ad-  
12 ministration has failed to request sufficient funds to  
13 perform all missions it has proposed in annual budg-  
14 et requests. For fiscal year 1996, the budget re-  
15 quested is \$140,000,000 below the amount required  
16 to fulfill program commitments made by the fiscal  
17 year 1995 budget approved by Congress. The re-  
18 quest for fiscal year 1996 proposes continued  
19 underfunding of the requirements of the National  
20 Aeronautics and Space Administration by  
21 \$439,000,000 for fiscal year 1997, \$847,000,000 for  
22 fiscal year 1998, \$1,189,000,000 for fiscal year  
23 1999, and \$1,532,000,000 for fiscal year 2000.

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

1 requested, the National Aeronautics and Space Admin-  
2 istration should aggressively pursue actions and re-  
3 forms directed at reducing institutional costs, includ-  
4 ing management restructuring, facility consolidation,  
5 procurement reform, personnel base downsizing, and  
6 convergence with other defense and private sector  
7 systems.

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

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

21 (5) Commercial space activity is in a delicate  
22 state of growth but has the potential to eclipse Fed-  
23 eral space activity in its economic return to the Na-  
24 tion if not stifled.



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

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

12          (8) In formulating a national space transpor-  
13          tation service policy, the National Aeronautics and  
14          Space Administration should aggressively pursue re-  
15          verse contracting opportunities to support the pri-  
16          vate sector development of advanced space transpor-  
17          tation technologies including reusable space vehicles,  
18          single-stage-to-orbit vehicles, and manner space sys-  
19          tems.

20          (9) International cooperation in space explo-  
21          ration and science activities serves the United States  
22          national interest—

23                   (A) when it—

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

4 (ii) enables the United States to pur-  
5 sue missions that it could not otherwise af-  
6 ford to pursue unilaterally; or

7 (iii) enhances United States capabili-  
8 ties to use and develop space for the bene-  
9 fit of United States citizens; and

10 (B) when it does not—

11 (i) otherwise harm or interfere with  
12 the ability of United States private sector  
13 firms to develop or explore space commer-  
14 cially;

15 (ii) interfere with the ability of Fed-  
16 eral agencies to use space to complete their  
17 missions;

18 (iii) undermine the ability of United  
19 States private enterprise to compete favor-  
20 ably with foreign entities in the commercial  
21 space arena; or

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

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

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

11 **SEC. 203. DEFINITIONS.**

12          For purposes of this title—

13           (1) the term “Administrator” means the Ad-  
14          ministrator of the National Aeronautics and Space  
15          Administration; and

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

20           **Subtitle B—Authorization of**  
21           **Appropriations**

22           **CHAPTER 1—AUTHORIZATIONS**

23 **SEC. 211. HUMAN SPACE FLIGHT.**

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

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

3 (1) For Space Shuttle Operations,  
4 \$2,341,800,000.

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

7 (3) For Payload and Utilization Operations,  
8 \$315,000,000.

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

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

14 (2) Of the funds authorized to be appropriated under  
15 subsection (a)(2), \$7,500,000 are authorize for replace-  
16 ment of the Chemical Analysis Facility, Kennedy Space  
17 Center.

18 (3) Of the funds authorized to be appropriated under  
19 subsection (a)(2), \$4,900,000 are authorized for replace-  
20 ment of the Space Shuttle Main Engine Processing Facil-  
21 ity, Kennedy Space Center.

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

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

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

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

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

10 (B) \$827,800,000 are authorized for Plan-  
11 etary Exploration, of which \$30,000,000 shall  
12 be for the New Millennium Spacecraft, includ-  
13 ing \$5,000,000 for the National Aeronautics  
14 and Space Administration's participation in  
15 Clementine 2 (Air Force Program Element  
16 0603401F Advanced Spacecraft Technology).

17 (2) For Life and Microgravity Sciences and Ap-  
18 plications, \$293,200,000, of which at least  
19 \$2,000,000 is reserved for research and early detec-  
20 tion systems for breast and ovarian cancer and other  
21 women's health issues.

22 (3) For Mission to Planet Earth,  
23 \$1,013,100,000, of which \$21,500,000 shall only be  
24 for activities described in section 248(b)(7)(A), ex-  
25 cept that no funds are authorized for the Consor-

1 tium for International Earth Science Information  
2 Network (except as provided in section 217) or the  
3 Topex Poseidon Follow-On mission. Funds author-  
4 ized by this paragraph may not be expended to du-  
5 plicate private sector or other Federal activities or to  
6 procure systems to provide data unless the Adminis-  
7 trator certifies to Congress that no private sector or  
8 Federal entity can provide suitable data in a timely  
9 manner. Notwithstanding any other provision of law,  
10 funds in excess of those authorized by this para-  
11 graph may not be obligated for Mission to Planet  
12 Earth.

13 (4) For Space Access and Technology,  
14 \$639,800,000 of which—

15 (A) \$193,000,000 are authorized for Ad-  
16 vanced Space Transportation;

17 (B) \$10,000,000 are authorized to be  
18 made available for defraying the costs of con-  
19 verting or redesigning commercially inconsistent  
20 elements of former Federal facilities or to take  
21 actions required for conformance with Federal  
22 laws or regulations relating to commercial space  
23 transportation infrastructure, to remain avail-  
24 able until expended;

1           (C) \$20,000,000 shall be for continuing  
2 the Launch Voucher Demonstration Program  
3 authorized under section 504 of the National  
4 Aeronautics and Space Administration Author-  
5 ization Act, Fiscal Year 1993(15 U.S.C. 5803);  
6 and

7           (D) \$33,900,000 are authorized for the  
8 Small Spacecraft Technology Initiative, except  
9 that funds for such Initiative may not be ex-  
10 pended to duplicate private sector activities or  
11 to fund any activities that a private sector en-  
12 tity is proposing to carry out for commercial  
13 purposes. No funds are authorized under this  
14 paragraph for the Partnership for Next Genera-  
15 tion Vehicle.

16           (5) For Aeronautical Research and Technology,  
17 \$826,900,000, of which—

18           (A) \$354,700,000 are authorized for Re-  
19 search and Technology Base activities;

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

22           (C) \$133,000,000 are authorized for Ad-  
23 vanced Subsonic Technology, except that no  
24 funds are authorized for concept studies for Ad-

1           vanded Traffic Management and Affordable De-  
2           sign and Manufacturing;

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

6           (E) \$48,100,000 are authorized for Nu-  
7           merical Aerodynamic Simulation.

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

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

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

16          (2) Of the funds authorized to be appropriated under  
17 subsection (a)(5), \$5,400,000 are authorized for mod-  
18 ernization of the Unitary Plan Wind Tunnel Complex,  
19 Ames Research Center.

20          (3) Of the funds authorized to be appropriated under  
21 subsection (a)(2), \$3,000,000 are authorized for the con-  
22 struction of an addition to the Microgravity and Develop-  
23 ment Laboratory, Marshall Space Flight Center.



1 **SEC. 213. MISSION SUPPORT.**

2 There are authorized to be appropriated to the Na-  
3 tional Aeronautics and Space Administration for fiscal  
4 year 1996 for Mission Support the following amounts:

5 (1) For Safety, Reliability, and Quality Assur-  
6 ance, \$37,600,000.

7 (2) For Space Communication Services,  
8 \$319,400,000.

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

11 (A) \$6,300,000 shall be for restoration of  
12 Flight Systems Research Laboratory, Ames Re-  
13 search Center;

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

17 (C) \$4,800,000 shall be for replacing  
18 chillers, various buildings, Jet Propulsion Lab-  
19 oratory;

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

23 (E) \$4,200,000 shall be for replacement of  
24 main substation switchgear and circuit break-  
25 ers, Johnson Space Center;

1 (F) \$1,800,000 shall be for replacement of  
2 15kV load break switches, Kennedy Space Cen-  
3 ter;

4 (G) \$9,000,000 shall be for rehabilitation  
5 of Central Air Equipment Building, Lewis Re-  
6 search Center;

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

10 (I) \$6,800,000 shall be for restoration of  
11 Information and Electronic Systems Labora-  
12 tory, Marshall Space Flight Center;

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

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

18 (L) \$30,000,000 shall be for repair of fa-  
19 cilities at various locations, not in excess of  
20 \$1,500,000 per project;

21 (M) \$30,000,000 shall be for rehabilitation  
22 and modification of facilities at various loca-  
23 tions, not in excess of \$1,500,000 per project;

24 (N) \$2,000,000 shall be for minor con-  
25 struction of new facilities and additions to exist-

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

3 (O) \$10,000,000 shall be for facility plan-  
4 ning and design not otherwise provided for; and

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

7 (4) For Research and Program Management,  
8 including personnel and related costs, travel, and re-  
9 search operations support, \$2,094,800,000.

10 **SEC. 214. INSPECTOR GENERAL.**

11 There are authorized to be appropriated to the Na-  
12 tional Aeronautics and Space Administration for Inspector  
13 General, \$17,300,000 for fiscal year 1996.

14 **SEC. 215. TOTAL AUTHORIZATION.**

15 Notwithstanding any other provision of this subtitle,  
16 the total amount authorized to be appropriated to the Na-  
17 tional Aeronautics and Space Administration under this  
18 title shall not exceed \$11,547,400,000 for fiscal year  
19 1996.

20 **SEC. 216. ADDITIONAL AUTHORIZATION AND CORRESPOND-**  
21 **ING REDUCTION.**

22 (a) AUTHORIZATION.—In addition to amounts au-  
23 thorized by section 212(a)(3), there are authorized to be  
24 appropriated to the National Aeronautics and Space Ad-  
25 ministration for fiscal year 1996 for Mission to Planet

1 Earth \$274,360,000, to be derived from amounts other-  
2 wise authorized by this title.

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

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

6 (2) the date of the enactment of the Act mak-  
7 ing appropriations for the National Aeronautics and  
8 Space Administration for fiscal year 1996,

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

14 (c) LIMITATION ON OBLIGATION AND EXPENDI-  
15 TURE.—None of the funds authorized by subsection (a)  
16 shall be available for obligation or expenditure until—

17 (1) the National Academy of Sciences has con-  
18 ducted a comprehensive review of the Mission to  
19 Planet Earth program as part of its study of the  
20 United States Global Change Research Program;

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

1       ing the study’s recommendations and a formal re-  
2       quest for all or part of such funds; and

3               (3) 90 legislative days have passed after the re-  
4       port is transmitted under paragraph (2).

5       **SEC. 217. LIMITED AVAILABILITY.**

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

11      **CHAPTER 2—RESTRUCTURING THE NA-**  
12      **TIONAL AERONAUTICS AND SPACE AD-**  
13      **MINISTRATION**

14      **SEC. 221. FINDINGS.**

15      The Congress finds that—

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

20               (2) to restructure the National Aeronautics and  
21      Space Administration rapidly without reducing mis-  
22      sion content and safety requires objective financial  
23      judgment;

24               (3) no effort has been undertaken by the Na-  
25      tional Aeronautics and Space Administration to per-

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

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

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

12 **SEC. 222. ASSET-BASED REVIEW.**

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

18 (b) QUALIFIED PROPOSALS.—Qualified proposals to  
19 perform the asset-based review under this section shall be  
20 from United States persons whose primary business is cor-  
21 porate financial strategy, investment banking, accounting,  
22 or asset management. All proposals shall, at a minimum,  
23 propose to review, for each capital asset owned by the Na-  
24 tional Aeronautics and Space Administration—

1           (1) its primary function or purpose in relation-  
2           ship to a program, mission, or activity of the Na-  
3           tional Aeronautics and Space Administration;

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

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

8           (4) its necessity to carry out a program, mis-  
9           sion, or activity of the National Aeronautics and  
10          Space Administration.

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

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

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

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

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

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

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

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

7                   (B) a plan for achieving the most cost-ef-  
8                   fective consolidation and efficient use of nec-  
9                   essary capital assets to support such program  
10                  element, including the use of non-Federal assets  
11                  where appropriate; and

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

14                   (A) the total annual cost of maintaining  
15                   and operating such capital asset, including Fed-  
16                   eral employee and contractor costs;

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

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

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



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

3 (e) CLOSING OF FIELD CENTERS.—The Adminis-  
4 trator shall not close any National Aeronautics and Space  
5 Administration field center until after the asset-based re-  
6 view report is transmitted under subsection (c), and may  
7 only close field centers that would become obsolete as a  
8 result of the implementation of the Administrator's rec-  
9 ommendations, and may do so only after enactment of leg-  
10 islation implementing those recommendations.

11 **CHAPTER 3—LIMITATIONS AND SPECIAL**  
12 **AUTHORITY**

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

14 (a) AUTHORIZED USES.—Funds appropriated under  
15 sections 211(a), 212(a), and 213 (1) and (2), and funds  
16 appropriated for research operations support under sec-  
17 tion 213(4), may be used for the construction of new fa-  
18 cilities and additions to, repair of, rehabilitation of, or  
19 modification of existing facilities at any location in support  
20 of the purposes for which such funds are authorized.

21 (b) LIMITATION.—None of the funds pursuant to  
22 subsection (a) may be expended for a project, the esti-  
23 mated cost of which to the National Aeronautics and  
24 Space Administration, including collateral equipment, ex-  
25 ceeds \$500,000, until 30 days have passed after the Ad-

1 administrator has notified the Committee on Science of the  
2 House of Representatives and the Committee on Com-  
3 merce, Science, and Transportation of the Senate of the  
4 nature, location, and estimated cost to the National Aero-  
5 nautics and Space Administration of such project.

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

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

20 To the extent provided in appropriations Acts, appro-  
21 priations authorized under chapter 1 may remain available  
22 without fiscal year limitation.

1 **SEC. 233. REPROGRAMMING FOR CONSTRUCTION OF FA-**  
2 **CILITIES.**

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

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

7 (2) may be varied upward by 25 percent, to  
8 meet unusual cost variations, after the expiration of  
9 15 days following a report on the circumstances of  
10 such action by the Administrator to the Committee  
11 on Science of the House of Representatives and the  
12 Committee on Commerce, Science, and Transpor-  
13 tation of the Senate.

14 The aggregate amount authorized to be appropriated  
15 under sections 211(b), 212(b) and 213(3) shall not be in-  
16 creased as a result of actions authorized under paragraphs  
17 (1) and (2) of this subsection.

18 (b) SPECIAL RULE.—Where the Administrator deter-  
19 mines that new developments in the national program of  
20 aeronautical and space activities have occurred; and that  
21 such developments require the use of additional funds for  
22 the purposes of construction, expansion, or modification  
23 of facilities at any location; and that deferral of such ac-  
24 tion until the enactment of the next National Aeronautics  
25 and Space Administration Authorization Act would be in-  
26 consistent with the interest of the Nation in aeronautical

1 and space activities, the Administrator may use up to  
2 \$10,000,000 of the amounts authorized under section  
3 211(b), 212(b), or 213(3) for each fiscal year for such  
4 purposes. No such funds may be obligated until a period  
5 of 30 days has passed after the Administrator has trans-  
6 mitted to the Committee on Commerce, Science, and  
7 Transportation of the Senate and the Committee on  
8 Science of the House of Representatives a written report  
9 describing the nature of the construction, its costs, and  
10 the reasons therefor.

11 **SEC. 234. CONSIDERATION BY COMMITTEES.**

12 Notwithstanding any other provision of law—

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

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

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

1 for any program which has not been presented to  
2 the Congress in the President's annual budget re-  
3 quest or the supporting and ancillary documents  
4 thereto,  
5 unless a period of 30 days has passed after the receipt  
6 by the Committee on Science of the House of Representa-  
7 tives and the Committee on Commerce, Science, and  
8 Transportation of the Senate of notice given by the Ad-  
9 ministrator containing a full and complete statement of  
10 the action proposed to be taken and the facts and cir-  
11 cumstances relied upon in support of such proposed ac-  
12 tion. The National Aeronautics and Space Administration  
13 shall keep the Committee on Science of the House of Rep-  
14 resentatives and the Committee on Commerce, Science,  
15 and Transportation of the Senate fully and currently in-  
16 formed with respect to all activities and responsibilities  
17 within the jurisdiction of those committees. Except as oth-  
18 erwise provided by law, any Federal department, agency,  
19 or independent establishment shall furnish any informa-  
20 tion requested by either committee relating to any such  
21 activity or responsibility.

22 **SEC. 235. LIMITATION ON OBLIGATION OF UNAUTHORIZED**  
23 **APPROPRIATIONS.**

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

1 appropriations to the National Aeronautics and Space Ad-  
2 ministration for fiscal year 1996 and the date of enact-  
3 ment of this Act, the Administrator shall submit a report  
4 to Congress and to the Comptroller General which speci-  
5 fies—

6           (1) the portion of such appropriations which are  
7           for programs, projects, or activities not authorized  
8           under chapter 1 of this subtitle, or which are in ex-  
9           cess of amounts authorized for the relevant program,  
10          project, or activity under this title; and

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

13          (b) FEDERAL REGISTER NOTICE.—The Adminis-  
14 trator shall, coincident with the submission of the report  
15 required by subsection (a), publish in the Federal Register  
16 a notice of all programs, projects, or activities for which  
17 funds are appropriated but which were not authorized  
18 under this title, and solicit public comment thereon re-  
19 garding the impact of such programs, projects, or activi-  
20 ties on the conduct and effectiveness of the national aero-  
21 nautics and space program.

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

1 under this title until 30 days have passed after the close  
2 of the public comment period contained in the notice re-  
3 quired in subsection (b).

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

6 Not more than \$30,000 of the funds appropriated  
7 under section 212 may be used for scientific consultations  
8 or extraordinary expenses, upon the authority of the Ad-  
9 ministrator.

10 **SEC. 237. LIMITATION ON TRANSFERS TO RUSSIA.**

11 (a) LIMITATION.—No funds authorized to be appro-  
12 priated to the National Aeronautics and Space Adminis-  
13 tration for fiscal year 1996 may be paid or otherwise  
14 transferred to Russia unless—

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

17 (2) the payment or transfer is made in ex-  
18 change for goods or services that have been provided  
19 to the National Aeronautics and Space Administra-  
20 tion in accordance with a written agreement between  
21 the National Aeronautics and Space Administration  
22 and Russia;

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

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

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

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

11 (C) the amount of non-United States cur-  
12 rency, and of United States currency, that is  
13 disbursed to any contractor or subcontractor,  
14 the identity of such contractor or subcontractor,  
15 and the date of disbursement; and

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

18 (4) Russia has provided all monthly reports  
19 with respect to which an agreement was made pur-  
20 suant to paragraph (3); and

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



1 (A) the presence of any troops of the Rus-  
2 sian Federation or the Commonwealth of Inde-  
3 pendent States; and

4 (B) any action by the Russian Federation  
5 or the Commonwealth of Independent States, in  
6 Estonia, Latvia, Lithuania, or any other inde-  
7 pendent state of the former Soviet Union do not  
8 violate the sovereignty of those independent  
9 states.

10 (b) DEFINITION.—For purposes of this section, the  
11 term “Russia” means the Government of the Russian  
12 Federation, the Russian Space Agency, or any agency or  
13 instrumentality of the Government of the Russian Federa-  
14 tion or the Russian Space Agency.

## 15 **Subtitle C—Miscellaneous** 16 **Provisions**

### 17 **SEC. 241. COMMERCIAL SPACE LAUNCH AMENDMENTS.**

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

20 (1) in the table of sections—

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

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

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

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

3 and

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

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

6 (2) in section 70101—

7 (A) by inserting “microgravity research,”  
8 after “information services,” in subsection  
9 (a)(3);

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

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

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

16 (E) by inserting “, reentries,” after  
17 “launches” both places it appears in subsection  
18 (a)(7);

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

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

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

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

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

7 (K) by striking “launch” in subsection  
8 (b)(2)(A);

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

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

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

16 (3) in section 70102—

17 (A) by inserting “from Earth” after “and  
18 any payload” in paragraph (3);

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

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

24 “(10) ‘reenter’ and ‘reentry’ mean to return or  
25 attempt to return, purposefully, a reentry vehicle

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

3 “(11) ‘reentry services’ means—

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

7 “(B) the conduct of a reentry.

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

12 “(13) ‘reentry vehicle’ means a vehicle designed  
13 to return from Earth orbit or outer space to Earth,  
14 or a reusable launch vehicle designed to return from  
15 outer space or exo-atmospheric flight to Earth, sub-  
16 stantially intact.”; and

17 (D) by inserting “or reentry services” after  
18 “launch services” each place it appears in para-  
19 graph (15), as so redesignated by subparagraph  
20 (B) of this paragraph;

21 (4) in section 70103(b)—

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

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

1 (C) by inserting “and reentry” after  
2 “space launch” in paragraph (2);  
3 (5) in section 70104—

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

6 **“§ 70104. Restrictions on launches, operations, and**  
7 **reentries”;**

8 (B) by inserting “or reentry site, or reen-  
9 ter a reentry vehicle,” after “operate a launch  
10 site” each place it appears in subsection (a);

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

13 (D) in subsection (b)—

14 (i) by striking “launch license” and  
15 inserting in lieu thereof “license”;

16 (ii) by inserting “or reenter” after  
17 “may launch”; and

18 (iii) by inserting “or reentering” after  
19 “related to launching”; and

20 (E) in subsection (c)—

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

24 (ii) by inserting “or reentry” after  
25 “prevent the launch”; and

1 (iii) by inserting “or reentry” after  
2 “decides the launch”;

3 (6) in section 70105—

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

7 (B) by striking “or operation” and insert-  
8 ing in lieu thereof “, operation, or reentry” in  
9 subsection (b)(2)(A);

10 (7) in section 70106(a)—

11 (A) by inserting “or reentry site” after  
12 “observer at a launch site”; and

13 (B) by inserting “or reentry vehicle” after  
14 “assemble a launch vehicle”;

15 (8) in section 70108—

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

18 **“§ 70108. Prohibition, suspension, and end of**  
19 **launches, operation of launch sites and**  
20 **reentry sites, and reentries”;**

21 and

22 (B) in subsection (a)—

23 (i) by inserting “or reentry site, or re-  
24 entry of a reentry vehicle,” after “oper-  
25 ation of a launch site”; and

1 (ii) by inserting “or reentry” after  
2 “launch or operation”;

3 (9) in section 70109—

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

6 **“§ 70109. Preemption of scheduled launches or reen-**  
7 **tries”;**

8 (B) in subsection (a)—

9 (i) by inserting “or reentry” after  
10 “ensure that a launch”;

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

13 (iii) by inserting “or reentry date  
14 commitment” after “launch date commit-  
15 ment”;

16 (iv) by inserting “or reentry” after  
17 “obtained for a launch”;

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

20 (vi) by inserting “, or services related  
21 to a reentry,” after “amount for launch  
22 services”; and

23 (vii) by inserting “or reentry” after  
24 “the scheduled launch”; and

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

3 (10) in section 70110—

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

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

9 (11) in section 70111—

10 (A) by inserting “and reentry services”  
11 after “launch services” in subsection (a)(1)(B);

12 (B) by inserting “or reentry services” after  
13 “or launch services” in subsection (a)(2);

14 (C) by inserting “or reentry” after “com-  
15 mercial launch” both places it appears in sub-  
16 section (b)(1);

17 (D) by inserting “or reentry services” after  
18 “launch services” in subsection (b)(2)(C);

19 (E) by striking “or its payload for launch”  
20 in subsection (d) and inserting in lieu thereof  
21 “or reentry vehicle, or the payload of either, for  
22 launch or reentry”; and

23 (F) by inserting “, reentry vehicle,” after  
24 “manufacturer of the launch vehicle” in sub-  
25 section (d);



1 (12) in section 70112—

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

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

6 (C) by inserting “or reentry services” after  
7 “launch services” each place it appears in sub-  
8 section (b);

9 (D) by striking “, Space, and Technology”  
10 in subsection (d)(1);

11 (E) by inserting “OR REENTRIES” after  
12 “LAUNCHES” in the heading for subsection (e);  
13 and

14 (F) by inserting “or reentry site or a re-  
15 entry” after “launch site” in subsection (e);

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

19 (14) in section 70115(b)(1)(D)(i)—

20 (A) by inserting “reentry site,” after  
21 “launch site,”; and

22 (B) by inserting “or reentry vehicle” after  
23 “launch vehicle” both places it appears;

24 (15) in section 70117—

1 (A) by inserting “or reentry site or reenter  
2 a reentry vehicle” after “operate a launch site”  
3 in subsection (a);

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

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

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

13 (D) in subsection (g)—

14 (i) by striking “operation of a launch  
15 vehicle or launch site,” in paragraph (1)  
16 and inserting in lieu thereof “reentry, op-  
17 eration of a launch vehicle or reentry vehi-  
18 cle, or operation of a launch site or reentry  
19 site,”;

20 (ii) by striking “or” at the end of  
21 paragraph (1);

22 (iii) by inserting “reentry,” after  
23 “launch,” in paragraph (2);

1 (iv) by striking the period at the end  
2 of paragraph (2) and inserting in lieu  
3 thereof “; or”; and

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

6 “(3) any amateur and similar small rocket ac-  
7 tivities, as defined by the Secretary by regulation.”;  
8 and

9 (16) in section 70119, by inserting the follow-  
10 ing after paragraph (2):

11 “There are authorized to be appropriated to the Secretary  
12 of Transportation \$6,000,000 to carry out this chapter for  
13 fiscal year 1996. None of the funds authorized by this sec-  
14 tion may be expended for policy development or analysis  
15 activities not directly related to the Secretary’s regulatory  
16 responsibilities under this chapter.”.

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

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

21 (B) by striking “receiving an application” both  
22 places it appears in subsection (a) and inserting in  
23 lieu thereof “accepting an application in accordance  
24 with criteria established pursuant to subsection  
25 (b)(2)(D)”;

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

3 “(2) In carrying out paragraph (1), the Secretary  
4 may establish procedures for certification of the safety of  
5 a launch vehicle, reentry vehicle, or safety system, proce-  
6 dure, service, or personnel that may be used in conducting  
7 licensed commercial space launch or reentry activities.”;

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

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

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

15 “(D) regulations establishing criteria for ac-  
16 cepting or rejecting an application for a license  
17 under this chapter within 60 days after receipt of  
18 such application.”; and

19 (G) by inserting “, or the requirement to obtain  
20 a license,” after “waive a requirement” in subsection  
21 (b)(3).

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

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

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

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

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

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

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

15 (A) in the subsection heading, as amended by  
16 subsection (a)(4)(A) of this section, by inserting  
17 “AND STATE SPONSORED SPACEPORTS” after “AND  
18 REENTRIES”; and

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

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

1 merce, Science, and Transportation of the Senate a writ-  
2 ten notice not later than 7 days after any occurrence when  
3 a license is not issued within the deadline established by  
4 this subsection.”.

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

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

9 “The Secretary shall establish criteria and procedures for  
10 determining the priority of competing requests from the  
11 private sector and State governments for property and  
12 services under this section.”;

13 (B) by striking “actual costs” in subsection  
14 (b)(1) and inserting in lieu thereof “additive costs  
15 only”; and

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

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

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

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

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

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

5 **SEC. 242. OFFICE OF AIR AND SPACE COMMERCIALIZATION**  
6 **AUTHORIZATION.**

7 There are authorized to be appropriated to the Sec-  
8 retary of Commerce for the activities of the Office of Air  
9 and Space Commercialization, \$457,000 for fiscal year  
10 1996.

11 **SEC. 243. REQUIREMENT FOR INDEPENDENT COST ANALY-**  
12 **SIS.**

13 The Chief Financial Officer for the National Aero-  
14 nautics and Space Administration shall be responsible for  
15 conducting independent cost analyses of all new projects  
16 estimated to cost more than \$5,000,000 and shall report  
17 the results annually to Congress at the time of the submis-  
18 sion of the President’s budget request. In developing cost  
19 accounting and reporting standards for carrying out this  
20 section, the Chief Financial Officer shall, to the extent  
21 practicable and consistent with other laws, solicit the ad-  
22 vice of expertise outside of the National Aeronautics and  
23 Space Administration.

1 **SEC. 244. NATIONAL AERONAUTICS AND SPACE ACT OF 1958**

2 **AMENDMENTS.**

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

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

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

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

15 (1) by striking “January” and inserting in lieu  
16 thereof “May”; and

17 (2) by striking “calendar” and inserting in lieu  
18 thereof “fiscal”.

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

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

24 (2) by adding at the end the following new sub-  
25 section:



1       “(c)(1) The Administrator, on the request of a pri-  
2 vate sector entity, shall delay for a period of at least one  
3 day, but not to exceed 5 years, the unrestricted public dis-  
4 closure of technical data in the possession of, or under  
5 the control of, the Administration that has been generated  
6 in the performance of experimental, developmental, or re-  
7 search activities or programs funded jointly by the Admin-  
8 istration and such private sector entity.

9       “(2) Within 1 year after the date of the enactment  
10 of the National Aeronautics and Space Administration Au-  
11 thorization Act, Fiscal Year 1996, the Administrator shall  
12 issue regulations to carry out this subsection. Paragraph  
13 (1) shall not take effect until such regulations are issued.

14       “(3) Regulations issued pursuant to paragraph (2)  
15 shall include—

16               “(A) guidelines for a determination of whether  
17 data is technical data within the meaning of this  
18 subsection;

19               “(B) provisions to ensure that technical data is  
20 available for dissemination within the United States  
21 to United States persons and entities in furtherance  
22 of the objective of maintaining leadership or com-  
23 petitiveness in civil and governmental aeronautical  
24 and space activities by the United States industrial  
25 base; and

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

10          “(4) Along with the initial publication of proposed  
11          regulations under paragraph (2), the Administrator shall  
12          include a list of those experimental, developmental, or re-  
13          search activities or programs conducted by, or funded in  
14          whole or in part by, the Administration that may result  
15          in products or processes of significant value in maintain-  
16          ing leadership or competitiveness in civil and governmental  
17          aeronautical and space activities by the United States in-  
18          dustrial base. Such list shall be updated biannually.

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

21          “(6) For purposes of this subsection, the term ‘tech-  
22          nical data’ means any recorded information, including  
23          computer software, that is or may be directly applicable  
24          to the design, engineering, development, production, man-  
25          ufacture, or operation of products or processes that may

1 have significant value in maintaining leadership or com-  
2 petitiveness in civil and governmental aeronautical and  
3 space activities by the United States industrial base.”.

4 **SEC. 245 PROCUREMENT.**

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

6 (1) **IN GENERAL.**—The Administrator shall es-  
7 tablish within the Office of Space Access and Tech-  
8 nology a program of expedited technology procure-  
9 ment for the purpose of demonstrating how innova-  
10 tive technology concepts can rapidly be brought to  
11 bear upon space missions of the National Aero-  
12 nautics and Space Administration.

13 (2) **PROCEDURES AND EVALUATION.**—The Ad-  
14 ministrator shall establish procedures for actively  
15 seeking from persons outside the National Aero-  
16 nautics and Space Administration innovative tech-  
17 nology concepts, relating to the provision of space  
18 hardware, technology, or service to the National Aer-  
19 onautics and Space Administration, and for the eval-  
20 uation of such concepts by the National Aeronautics  
21 and Space Administration’s Advisory Council against  
22 mission requirements.

23 (3) **REQUIREMENT.**—At least 1 percent of  
24 amounts authorized to be appropriated under section  
25 212(a)(4) shall be used for innovative technology

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

3 (4) SPECIAL AUTHORITY.—In order to carry  
4 out this subsection the Administrator shall recruit  
5 and hire for limited term appointments persons from  
6 outside the National Aeronautics and Space Admin-  
7 istration with special expertise and experience relat-  
8 ed to the innovative technology concepts with respect  
9 to which procurements are made under this sub-  
10 section.

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

13 (b) TECHNOLOGY PROCUREMENT INITIATIVE.—

14 (1) IN GENERAL.—The Administrator shall co-  
15 ordinate National Aeronautics and Space Adminis-  
16 tration resources in the areas of procurement, com-  
17 mercial programs, and advanced technology in order  
18 to—

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

22 (B) achieve a continuous pattern of inte-  
23 grating advanced technology from the commer-  
24 cial sector, and from Federal sources outside  
25 the National Aeronautics and Space Adminis-

1           tration, into the missions and programs of the  
2           National Aeronautics and Space Administra-  
3           tion;

4           (C) incorporate private sector buying and  
5           bidding procedures, including fixed price con-  
6           tracts, into procurements; and

7           (D) provide incentives for cost-plus con-  
8           tractors of the National Aeronautics and Space  
9           Administration to integrate commercially avail-  
10          able technology in subsystem contracts on a  
11          fixed-price basis.

12          (2) CERTIFICATION.—Upon solicitation of any  
13          procurement for space hardware, technology, or serv-  
14          ices that are not commercially available, the Admin-  
15          istrator shall certify, by publication of a notice and  
16          opportunity to comment in the Commerce Business  
17          Daily, for each such procurement action, that no  
18          functional equivalent, commercially, available space  
19          hardware, technology, or service exists and that no  
20          commercial method of procurement is available.

21 **SEC. 246. ADDITIONAL NATIONAL AERONAUTICS AND**  
22 **SPACE ADMINISTRATION FACILITIES.**

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

1 trator has certified to the Congress that the Administrator  
2 reviewed existing National Aeronautics and Space Admin-  
3 istration and other federally owned facilities, including  
4 military facilities scheduled for closing or reduction, and  
5 found no such facilities appropriate for the intended use.

6 **SEC. 247. PURCHASE OF SPACE SCIENCE DATA.**

7 (a) IN GENERAL.—To the maximum extent possible,  
8 the National Aeronautics and Space Administration shall  
9 purchase from the private sector space science data. Ex-  
10 amples of such data include scientific data concerning the  
11 elemental and mineralogical resources of the moon and the  
12 planets, Earth environmental data obtained through re-  
13 mote sensing observations, and solar storm monitoring.

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

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

20 (3) Conformance with military specifications  
21 (Milspec) or National Aeronautics and Space Administra-  
22 tion specifications systems with respect to the design, con-  
23 struction, or operation of equipment used in obtaining  
24 space science data under contracts entered into under this

1 section shall not be a requirement for a commercial pro-  
2 vider bidding to provide such services.

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

6 **SEC. 248. REPORT ON MISSION TO PLANET EARTH.**

7 (a) REQUIREMENT.—The Administrator shall, within  
8 6 months after the date of the enactment of this Act,  
9 transmit to the Congress a report on Mission to Planet  
10 Earth.

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

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

17 (2) an analysis of how the Department of De-  
18 fense’s airborne and space sensor programs could be  
19 used in Mission to Planet Earth;

20 (3) a plan for infusing advanced technology into  
21 the Mission to Planet Earth program, including  
22 milestones and an identification of available re-  
23 sources;

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

4 (5) an integrated plan for research in the Sci-  
5 entific Research and Mission to Planet Earth enter-  
6 prises of the National Aeronautics and Space Ad-  
7 ministration;

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

11 (7) an analysis of how the United States Gov-  
12 ernment can—

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

18 (B) evaluate and foster commercial data  
19 sources, commercial archiving services, commer-  
20 cial applications, and commercial distribution of  
21 Mission to Planet Earth data.

22 **SEC. 249. SHUTTLE PRIVATIZATION**

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



1 ation, of space transportation systems to the Federal pur-  
2 chase of commercial space transportation services for all  
3 nonemergency launch requirements, including human,  
4 cargo, and mixed payloads. In those preparations, the Ad-  
5 ministrator shall take into account the need for short-term  
6 economies, as well as the goal of restoring the National  
7 Aeronautics and Space Administration's research focus  
8 and its mandate to promote the fullest possible commercial  
9 use of space. As part of those preparations, the Adminis-  
10 trator shall plan for the potential privatization of the  
11 Space Shuttle program.

12 (b) REQUEST FOR PROPOSALS.—Within 30 days  
13 after the date of the enactment of this Act, the Adminis-  
14 trator shall publish in the Commerce Business Daily a re-  
15 quest for proposals to achieve a single prime contract for  
16 the space shuttle program. The request for proposals shall  
17 include—

18 (1) a timetable and milestones for selecting a  
19 single prime contractor not later than September 30,  
20 1996;

21 (2) criteria for selection of the single prime con-  
22 tractor;

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

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

5           (5) a requirement that each proposal be accom-  
6           panied by a plan by the proposer to privatize the  
7           space shuttle program.

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

13          (d) LIMITATION ON USE OF FUNDS.—None of the  
14          funds authorized by this title shall be used to plan or pre-  
15          pare for Federal Government, or federally contracted, op-  
16          eration of the Space Shuttle beyond the year 2012, nor  
17          for studying, designing, or developing upgrades to the  
18          Shuttle whose sole purpose is to extend the operational  
19          life of the Space Shuttle system beyond 2012. Nothing in  
20          this title shall preclude the Federal, or federally con-  
21          tracted, operation of the Space Shuttle through the year  
22          2012, or the privatized operation of the Space Shuttle  
23          after the year 2012.

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

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

3 **SEC. 250. AERONAUTICAL RESEARCH AND TECHNOLOGY**  
4 **FACILITIES.**

5 Notwithstanding any other provision of law, no funds  
6 may be obligated for fiscal year 1996 for Aeronautical Re-  
7 search and Technology programs of the National Aero-  
8 nautics and Space Administration in excess of amounts  
9 authorized by this title, except to the extent that the Ad-  
10 ministrator receives from non-Federal sources full reim-  
11 bursement of such excess amounts through payment of  
12 costs associated with research at the aeronautical research  
13 and technology facilities of the National Aeronautics and  
14 Space Administration.

15 **SEC. 251. LAUNCH VOUCHER DEMONSTRATION PROGRAM**  
16 **AMENDMENTS.**

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

20 (1) in subsection (a)—

21 (A) by striking “the Office of Commercial  
22 Programs within”; and

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

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

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

3 **SEC. 252. PRIVATIZATION OF MICROGRAVITY PARABOLIC**  
4 **FLIGHT OPERATIONS.**

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

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

18          (2) Within 60 days after the date of the enactment  
19 of this Act, the Administrator shall issue a request for  
20 proposals to provide services which meet the microgravity  
21 flight needs of the National Aeronautics and Space Ad-  
22 ministration, as described in paragraph (1). The Adminis-  
23 trator shall coordinate the process of review of such pro-  
24 posals, and shall oversee the transfer of such operations  
25 to the private sector as specified in paragraph (3).

1           (3) Within 6 months after the issuance of a request  
2 for proposals under paragraph (2), the Administrator shall  
3 award one or more contracts for microgravity parabolic  
4 flight services to a microgravity flight provider certified  
5 by the Federal Aviation Administration, and, except as  
6 provided in paragraph (4), shall cease all National Aero-  
7 nautics and Space Administration-operated parabolic air-  
8 craft flights, and shall thereafter procure all microgravity  
9 parabolic flight services from private sector providers. Na-  
10 tional Aeronautics and Space Administration experi-  
11 menters, and National Aeronautics and Space Administra-  
12 tion-funded experimenters, who would otherwise use Na-  
13 tional Aeronautics and Space Administration-owned or op-  
14 erated microgravity parabolic flight aircraft, shall be is-  
15 sued vouchers for the procurement of microgravity  
16 parabolic flight services from the private sector.

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

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

6 **SEC. 253. ELIGIBILITY FOR AWARDS.**

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

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

22 **SEC. 254. PROHIBITION OF LOBBYING ACTIVITIES.**

23       None of the funds authorized by this title shall be  
24 available for any activity whose purpose is to influence leg-  
25 islation pending before the Congress, except that this shall

1 not prevent officers or employees of the United States or  
2 of its departments or agencies from communicating to  
3 Members of Congress on the request of any Member or  
4 to Congress, through the proper channels, requests for leg-  
5 islation or appropriations which they deem necessary for  
6 the efficient conduct of the public business.

7 **SEC. 255. LIMITATION ON APPROPRIATIONS.**

8 (a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR  
9 1996.—Notwithstanding any other provision of law, no  
10 sums are authorized to be appropriated for fiscal year  
11 1996 for the activities for which sums are authorized by  
12 this title unless such sums are specifically authorized to  
13 be appropriated by this title.

14 (b) SUBSEQUENT FISCAL YEARS.—No sums are au-  
15 thorized to be appropriated for any fiscal year after fiscal  
16 year 1996 for the activities for which sums are authorized  
17 by this title unless such sums are specifically authorized  
18 to be appropriated by Act of Congress with respect to such  
19 fiscal year.

20 **SEC. 256. UNITARY WIND TUNNEL PLAN ACT OF 1949**  
21 **AMENDMENTS.**

22 The Unitary Wind Tunnel Plan Act of 1949 is  
23 amended—

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

4 (2) in section 103 (50 U.S.C. 513)—

5 (A) by striking “laboratories” in sub-  
6 section (a) and inserting in lieu thereof “labora-  
7 tories and centers”;

8 (B) by striking “supersonic” in subsection  
9 (a) and inserting in lieu thereof “transonic, su-  
10 peronic, and hypersonic”; and

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

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

15 (a) IN GENERAL.—In meeting the needs of the Na-  
16 tional Aeronautics and Space Administration for addi-  
17 tional facilities, the Administrator, whenever feasible, shall  
18 select abandoned and underutilized buildings, grounds,  
19 and facilities in depressed communities that can be con-  
20 verted to National Aeronautics and Space Administration  
21 facilities at a reasonable cost, as determined by the Ad-  
22 ministrator.

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



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

3       **TITLE III—DEPARTMENT OF**  
4                               **ENERGY**

5       **SEC. 301. SHORT TITLE.**

6           This title may be cited as the “Department of Energy  
7 Civilian Research and Development Act of 1995”.

8       **SEC. 302. DEFINITIONS.**

9           For purposes of this title—

10               (1) the term “CERN” means the European Or-  
11 ganization for Nuclear Research;

12               (2) the term “Department” means the Depart-  
13 ment of Energy;

14               (3) the term “Large Hadron Collider project”  
15 means the Large Hadron Collider project at CERN;

16               (4) the term “major construction project”  
17 means a civilian development, demonstration, or  
18 commercial application project whose construction  
19 costs are estimated to exceed \$100,000,000 over the  
20 life of the project;

21               (5) the term “Secretary” means the Secretary  
22 of Energy;

23               (6) the term “substantial construction project”  
24 means a civilian research, development, demonstra-  
25 tion, or commercial application project whose con-

1 construction costs are estimated to exceed \$10,000,000,  
2 but not to exceed \$100,000,000, over the life of the  
3 project; and

4 (7) the term “substantial equipment acquisition” means the acquisition of civilian research, development, demonstration, or commercial application  
5 equipment at a cost estimated to exceed  
6 \$10,000,000 for the entire acquisition.  
7

8  
9 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) ENERGY SUPPLY RESEARCH AND DEVELOPMENT  
11 ACTIVITIES.—There are authorized to be appropriated to  
12 the Secretary for fiscal year 1996 for Energy Supply Re-  
13 search and Development operating, capital equipment, and  
14 construction the following amounts:

15 (1) Solar and Renewable Energy,  
16 \$235,451,000, of which—

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

19 (B) \$120,000 shall be for construction of  
20 Project GP-C-002, General Plant Projects, Na-  
21 tional Renewable Energy Laboratory.

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

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

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

3           (B) \$1,000,000 shall be for construction of  
4           Project GPN-102, General Plant Projects, Ar-  
5           gonne National Laboratory-West, Idaho; and

6           (C) \$1,700,000 shall be for completion of  
7           construction of Project 95-E-207, Modifica-  
8           tions to Reactors, Experimental Breeder Reac-  
9           tor-II, Sodium Processing Facility, Argonne  
10          National Laboratory-West, Idaho.

11          (3) Environment, Safety, and Health,  
12          \$128,433,000 for operating and capital equipment.

13          (4) Biological and Environmental Research,  
14          \$369,645,000, of which—

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

17           (B) \$3,500,000 shall be for construction of  
18           Project GPE-120, General Plant Projects, Var-  
19           ious Locations;

20           (C) \$5,700,000 shall be for construction of  
21           Project 94-E-339, Human Genome Labora-  
22           tory, Lawrence Berkeley Laboratory;

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

1 (E) \$2,600,000 shall be for completion of  
2 construction of Project 94–E–337, ALS Struc-  
3 tural Biology Support Facilities, Lawrence  
4 Berkeley Laboratory; and

5 (F) \$40,000,000 shall be for construction  
6 of Project 91–EM–100, Environmental Molecu-  
7 lar Sciences Laboratory, Pacific Northwest  
8 Laboratory.

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

10 (A) \$245,144,000 shall be for operating  
11 and capital equipment for Magnetic Fusion En-  
12 ergy;

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

15 (C) \$1,000,000 shall be for construction of  
16 Project GPE–900, General Plant Projects, Var-  
17 ious Locations; and

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

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

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

1 (B) \$4,500,000 shall be for construction of  
2 Project GPE-400, General Plant Projects, Var-  
3 ious Locations;

4 (C) \$12,883,000 shall be for construction  
5 of Project 96-E-305, Accelerator and Reactor  
6 Improvements and Modifications;

7 (D) \$3,186,000 shall be for completion of  
8 construction of Project 89-R-402, 6-7 GeV  
9 Synchrotron Radiation Source, Argonne Na-  
10 tional Laboratory; and

11 (E) \$2,000,000 shall be for construction of  
12 Project 87-R-405, Combustion Research Facil-  
13 ity, Phase II, Sandia National Laboratories-  
14 Livermore.

15 (7) Advisory and Oversight Program Direction,  
16 \$6,200,000 for operating.

17 (8) Policy and Management—Energy Research,  
18 \$2,200,000 for operating.

19 (9) Multiprogram Energy Laboratories—Facili-  
20 ties Support—

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

23 (B) \$8,740,000 shall be for construction of  
24 Project GPE-801, General Plant Projects, Var-  
25 ious Locations;

1           (C) \$8,740,000 shall be for construction of  
2 Project 95-E-310, Multiprogram Laboratory  
3 Rehabilitation, Phase 1, Pacific Northwest Lab-  
4 oratory;

5           (D) \$1,500,000 shall be for construction of  
6 Project 95-E-303, Electrical Safety Rehabilita-  
7 tion, Pacific Northwest Laboratory;

8           (E) \$3,270,000 shall be for completion of  
9 construction of Project 95-E-302, Applied  
10 Science Center, Phase 1, Brookhaven National  
11 Laboratory;

12           (F) \$2,500,000 shall be for construction of  
13 Project 95-E-301, Central Heating Plant Re-  
14 habilitation, Phase 1, Argonne National Lab-  
15 oratory;

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

19           (H) \$440,000 shall be for completion of  
20 construction of Project 94-E-351, Fuel Stor-  
21 age and Transfer Facility Upgrade, Brookhaven  
22 National Laboratory;

23           (I) \$800,000 shall be for construction of  
24 Project 96-E-332, Building 801 Renovations,  
25 Brookhaven National Laboratory;

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

5 (K) \$1,200,000 shall be for construction of  
6 Project 96-E-330, Building Electrical Service  
7 Upgrade, Phase I, Argonne National Labora-  
8 tory;

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

13 (M) \$1,540,000 shall be for construction  
14 of Project 95-E-308, Sanitary System Modi-  
15 fications, Phase II, Brookhaven National Lab-  
16 oratory;

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

20 (O) \$1,288,000 shall be for completion of  
21 construction of Project 93-E-324, Hazardous  
22 Materials Safeguards, Phase I, Lawrence  
23 Berkeley Laboratory;

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

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

3 (Q) \$2,411,000 shall be for construction of  
4 Project 93-E-320, Fire and Safety Improve-  
5 ments, Phase II, Argonne National Laboratory.

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

9 (10) Technical Information Management Pro-  
10 gram, \$14,394,000, of which—

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

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

16 (11) Environmental Management,  
17 \$644,197,000, of which—

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

20 (B) \$339,000 shall be for completion of  
21 construction of Project 92-E-601, Melton Val-  
22 ley Liquid Low-Level Waste Collection and  
23 Transfer System Upgrade, Oak Ridge National  
24 Laboratory;



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

5 (D) \$2,255,000 shall be for construction of  
6 Project GPN-103, Oak Ridge Landlord Gen-  
7 eral Plant Projects;

8 (E) \$730,000 shall be for construction of  
9 Project GPN-102, Test Reactor Area Landlord  
10 General Plant Projects, Idaho National Engi-  
11 neering Laboratory;

12 (F) \$1,900,000 shall be for construction of  
13 Project 95-E-201, Test Reactor Area Landlord  
14 Fire and Life Safety Improvements, Idaho Na-  
15 tional Engineering Laboratory;

16 (G) \$2,040,000 shall be for construction of  
17 Project GPE-600, General Plant Projects,  
18 Waste Management, Non-Defense, Various Lo-  
19 cations;

20 (H) \$300,000 shall be for construction of  
21 Project 94-E-602, Bethel Valley Federal Facil-  
22 ity Agreement Upgrades, Oak Ridge National  
23 Laboratory;

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

4 (J) \$787,000 shall be for construction of  
5 Project 91-E-602, Rehabilitation of Waste  
6 Management Building 306, Argonne National  
7 Laboratory; and

8 (K) \$671,000 shall be for completion of  
9 construction of Project 88-R-812, Hazardous  
10 Waste Handling Facility, Lawrence Berkeley  
11 Laboratory.

12 (b) GENERAL SCIENCE AND RESEARCH ACTIVI-  
13 TIES.—There are authorized to be appropriated to the  
14 Secretary for fiscal year 1996 for General Science and Re-  
15 search Activities operating, capital equipment, and con-  
16 struction the following amounts:

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

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

22 (B) \$12,146,000 shall be for construction  
23 of Project GPE-103, General Plant Projects,  
24 Various Locations;

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

4 (D) \$52,000,000 shall be for construction  
5 of Project 94-G-305, B-Factory, Stanford Lin-  
6 ear Accelerator Center; and

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

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

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

14 (B) \$3,900,000 shall be for construction of  
15 Project GPE-300, General Plant Project, Var-  
16 ious Locations;

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

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

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

24 (c) FOSSIL ENERGY RESEARCH AND DEVELOP-  
25 MENT.—There are authorized to be appropriated to the

1 Secretary for fiscal year 1996 for Fossil Energy Research  
2 and Development operating, capital equipment, and con-  
3 struction the following amounts:

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

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

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

7 (4) Program Direction and Management Sup-  
8 port, \$66,597,000 for operating.

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

10 (6) Construction of Project GPF-100, General  
11 Plant Projects for Energy Technology Centers,  
12 \$2,304,000.

13 (7) Cooperative Research and Development,  
14 \$6,295,000.

15 (8) Fossil Energy Environmental Restoration,  
16 \$14,919,000.

17 (9) Fuels Conversion, Natural Gas, and Elec-  
18 tricity, \$2,687,000.

19 (d) ENERGY CONSERVATION RESEARCH AND DEVEL-  
20 OPMENT.—There are authorized to be appropriated to the  
21 Secretary for fiscal year 1996 for Energy Conservation  
22 Research and Development operating and capital equip-  
23 ment the following amounts:

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

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

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

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

4 (5) Policy and Management—Energy Conserva-  
5 tion, \$7,666,000.

6 (e) FISCAL YEAR 1997.—There are authorized to be  
7 appropriated to the Secretary for fiscal year 1997 for op-  
8 erating, capital equipment, and construction, the following  
9 amounts:

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

12 (2) General Science and Research Activities,  
13 \$950,000,000.

14 (3) Fossil Energy Research and Development,  
15 \$220,950,000.

16 (4) Energy Conservation Research and Develop-  
17 ment, \$230,120,000.

18 **SEC. 304. FUNDING LIMITATIONS.**

19 (a) FISCAL YEAR 1996 APPROPRIATIONS.—None of  
20 the funds authorized by this title may be used for the fol-  
21 lowing programs, projects, and activities:

22 (1) Solar Buildings Technology Research.

23 (2) Solar International Program.

24 (3) Solar Technology Transfer.

25 (4) Solar Program Support.

- 1 (5) Hydropowder.
- 2 (6) Space Power Reactor Systems.
- 3 (7) Nuclear Energy Facilities.
- 4 (8) Soviet-Designed Reactor Safety.
- 5 (9) Russian Replacement Power Initiative.
- 6 (10) Civilian Radioactive Waste Research and  
7 Development.
- 8 (11) Tokamak Physics Experiment.
- 9 (12) Advanced Neutron Source.
- 10 (13) Energy Research Analysis.
- 11 (14) Energy Research Laboratory Technology  
12 Transfer.
- 13 (15) University and Science Education.
- 14 (16) Technology Partnerships.
- 15 (17) In-House Energy Management.
- 16 (18) Direct Liquefaction.
- 17 (19) Indirect Liquefaction.
- 18 (20) Systems for Coproducts.
- 19 (21) High Efficiency-Integrated Gasification  
20 Combined Cycle.
- 21 (22) High Efficiency-Pressurized Fluidized  
22 Bed.
- 23 (23) Technical and Economic Analysis.
- 24 (24) International Program Support.
- 25 (25) Coal Technology Export.

1 (26) Gas Delivery and Storage.

2 (27) Gas Utilization.

3 (28) Fuel Cells Climate Change Action Plan.

4 (29) Clean Coal Technology Program.

5 (30) Buildings Sector Implementation and De-  
6 ployment.

7 (31) Industry Sector Municipal Solid Wastes.

8 (32) Industry Sector Implementation and De-  
9 ployment.

10 (33) Alternative Fuels Utilization.

11 (34) Transportation Sector Implementation and  
12 Deployment.

13 (35) Utility Sector Integrated Resource Plan-  
14 ning.

15 (36) International Market Development.

16 (37) Inventions and Innovation Program.

17 (38) Municipal Energy Management.

18 (39) Information and Communications.

19 (40) Gas Turbine-Modular Helium Reactor.

20 (b) PRIOR FISCAL YEAR OBLIGATION AND EXPENDI-  
21 TURE.—No funds may be available for obligation or ex-  
22 penditure with respect to the following:

23 (1) University of Nebraska Medical Center  
24 Transplant Center.

25 (2) Oregon Health Sciences University.

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

9 **SEC. 305. LIMITATION ON APPROPRIATIONS.**

10 (a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR  
11 1996.—Notwithstanding any other provision of law, no  
12 sums are authorized to be appropriated for fiscal year  
13 1996 for the activities for which sums are authorized by  
14 this title unless such sums are specifically authorized to  
15 be appropriated by this title.

16 (b) SUBSEQUENT FISCAL YEARS.—No sums are au-  
17 thorized to be appropriated for any fiscal year after fiscal  
18 year 1996 for the activities for which sums are authorized  
19 by this title unless such sums are specifically authorized  
20 to be appropriated by Act of Congress with respect to such  
21 fiscal year.

22 **SEC. 306. MERIT REVIEW REQUIREMENT FOR AWARDS OF**  
23 **FINANCIAL ASSISTANCE.**

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



1   ian research, development, demonstration, or commercial  
2   application activities, including related facility construc-  
3   tion, unless an objective merit review process is used to  
4   award the financial assistance.

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

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

12           (A) specifically refers to this section;

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

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

20      (2) NOTICE AND WAIT REQUIREMENT.—No fi-  
21      nancial assistance may be awarded pursuant to a  
22      provision of law that requires or authorizes the  
23      award of the financial assistance in a manner incon-  
24      sistent with subsection (a) until—

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

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

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

7 (1) The term “objective merit review process”  
8 means a thorough, consistent, and independent ex-  
9 amination of requests for financial assistance based  
10 on preestablished criteria and scientific and technical  
11 merit by persons knowledgeable in the field for  
12 which the financial assistance is requested.

13 (2) The term “financial assistance” means the  
14 transfer of funds or property to a recipient or sub-  
15 recipient to accomplish a public purpose of support  
16 or stimulation authorized by Federal law. Such term  
17 includes grants, cooperative agreements, and  
18 subawards but does not include cooperative research  
19 and development agreements as defined in section  
20 12(d)(1) of the Stevenson-Wydler Technology Inno-  
21 vation Act of 1980 (15 U.S.C. 3710a(d)(1)), nor  
22 any grant that calls upon the National Academy of  
23 Sciences, the National Academy of Engineering, the  
24 Institute of Medicine, or the National Academy of  
25 Public Administration to investigate, examine, or ex-

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

4       **SEC. 307. POLICY ON CAPITAL PROJECTS AND CONSTRUC-**  
5                                   **TION.**

6       (a) REQUIREMENT OF PRIOR AUTHORIZATION.—(1)  
7       No funds are authorized to be appropriated to the Sec-  
8       retary for any substantial construction project, substantial  
9       equipment acquisition, or major construction project un-  
10      less a report on such project or acquisition has been pro-  
11      vided to Congress in accordance with subsection (b).

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

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

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

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

4 (B) an identification of which construction  
5 projects or acquisitions have not been specifically au-  
6 thorized by statute.

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

11 (2) The Secretary shall, after completion of the pre-  
12 liminary design phase of a major construction project,  
13 submit to the Congress a report containing—

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

16 (B) an estimate of the time required to com-  
17 plete construction;

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

20 (D) the intended useful operating life of the fa-  
21 cility; and

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

1 **SEC. 308. FURTHER AUTHORIZATIONS.**

2 Nothing in this title shall preclude further authoriza-  
3 tion of appropriations for civilian research, development,  
4 demonstration, and commercial application activities of  
5 the Department of Energy for fiscal year 1996: *Provided*,  
6 That authorization allocations adopted by the Conference  
7 Committee on House Concurrent Resolution 67, and ap-  
8 proved by Congress, allow for such further authorizations.

9 **SEC. 309. HIGH ENERGY AND NUCLEAR PHYSICS.**

10 (a) LARGE HADRON COLLIDER PROJECT.—

11 (1) NEGOTIATIONS.—The Secretary, in con-  
12 sultation with the Director of the National Science  
13 Foundation and the Secretary of State, shall enter  
14 into negotiations with CERN concerning United  
15 States participation in the planning and construction  
16 of the Large Hadron Collider project, and shall en-  
17 sure that any agreement incorporates provisions to  
18 protect the United States investment in the project,  
19 including provisions for—

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

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

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

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

9 (E) a preliminary statement of costs and  
10 the schedule for total project construction and  
11 operation, including technical goals and mile-  
12 stones, and a final statement of such costs and  
13 schedule within 1 year after the date on which  
14 the parties enter into the agreement;

15 (F) reconsideration of the extent of United  
16 States participation if technical or operational  
17 milestones described in subparagraphs (D) and  
18 (E) are not met, or if the project falls signifi-  
19 cantly behind schedule;

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

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

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

5           (b) REPORT TO CONGRESS.—Before January 1,  
6 1996, the Secretary, in consultation with the Director of  
7 the National Science Foundation and with the high energy  
8 and nuclear physics communities, shall prepare and trans-  
9 mit to the Congress a strategic plan for the high energy  
10 and nuclear physics activities of the Department, assum-  
11 ing a combined budget of \$950,000,000 for all activities  
12 authorized under section 303(b) for fiscal year 1997, and  
13 assuming a combined budget of \$900,000,000 for all ac-  
14 tivities authorized under section 303(b) for each of the  
15 fiscal years 1998, 1999, and 2000. The report shall in-  
16 clude—

17           (1) a list of research opportunities to be pur-  
18           chased including both ongoing and proposed activi-  
19           ties;

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

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

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

3 (4) schedules for the continuation, consolida-  
4 tion, or termination of each research program, and  
5 continuation, upgrade, transfer, or closure of each  
6 research facility; and

7 (5) a statement by project of efforts to coordi-  
8 nate research projects with the international commu-  
9 nities to maximize the use of limited resources and  
10 avoid unproductive duplication of efforts.

11 **SEC. 310. PROHIBITION OF LOBBYING ACTIVITIES.**

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

21 **SEC. 311. ELIGIBILITY FOR AWARDS.**

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



1 appropriated for a fiscal year after fiscal year 1995, from  
2 any Federal funding source for a project that was not sub-  
3 jected to a competitive, merit-based award process. Any  
4 exclusion from consideration pursuant to this section shall  
5 be effective for a period of 5 years after the person re-  
6 ceives such Federal funds.

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

11 **SEC. 312. TERMINATION COSTS.**

12 Subject to further appropriations, unobligated funds  
13 previously appropriated for the Clean Coal Technology  
14 program may be used to pay costs associated with the ter-  
15 mination of Energy Supply Research and Development,  
16 General Science and Research, Fossil Energy Research  
17 and Development, and Energy Conservation Research and  
18 Development programs, projects, and activities of the De-  
19 partment.

20 **TITLE IV—NATIONAL OCEANIC**  
21 **AND ATMOSPHERIC ADMINIS-**  
22 **TRATION**

23 **SEC. 401. SHORT TITLE.**

24 This title may be cited as the “National Oceanic and  
25 Atmospheric Administration Authorization Act of 1995”.

1 **SEC. 402. DEFINITIONS.**

2 For the purposes of this title, the term—

3 (1) “Act of 1890” means the Act entitled “An  
4 Act to increase the efficiency and reduce the ex-  
5 penses of the Signal Corps of the Army, and to  
6 transfer the Weather Bureau to the Department of  
7 Agriculture”, approved October 1, 1890 (26 Stat.  
8 653);

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

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

19 (4) “Administrator” means the Administrator  
20 of the National Oceanic and Atmospheric Adminis-  
21 tration; and

22 (5) “Secretary” means the Secretary of Com-  
23 merce.

1     **Subtitle A—Atmospheric, Weather,**  
2                     **and Satellite Programs**

3     **SEC. 411. NATIONAL WEATHER SERVICE.**

4             (a) OPERATIONS AND RESEARCH.—There are au-  
5 thorized to be appropriated to the Secretary to enable the  
6 National Oceanic and Atmospheric Administration to  
7 carry out the operations and research duties of the Na-  
8 tional Weather Service, \$472,338,000 for fiscal year 1996.  
9 Such duties include meteorological, hydrological, and  
10 oceanographic public warnings and forecasts, as well as  
11 applied research in support of such warnings and fore-  
12 casts.

13            (b) SYSTEMS ACQUISITION.—There are authorized to  
14 be appropriated to the Secretary to enable the National  
15 Oceanic and Atmospheric Administration to carry out the  
16 public warning and forecast systems duties of the National  
17 Weather Service, \$79,034,000 for fiscal year 1996. Such  
18 duties include the development, acquisition, and imple-  
19 mentation of major public warning and forecast systems.  
20 None of the funds authorized under this subsection shall  
21 be used for the purposes for which funds are authorized  
22 under section 102(b) of the National Oceanic and Atmos-  
23 pheric Administration Authorization Act of 1992 (Public  
24 Law 102–567). None of the funds authorized by such sec-

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

3 (1) it is identified as a National Weather Serv-  
4 ice NEXRAD installation in the National Implemen-  
5 tation Plan for modernization of the National  
6 Weather Service, required under section 703 of the  
7 National Oceanic and Atmospheric Administration  
8 Authorization Act of 1992 (Public Law 102-567);  
9 or

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

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

19 (d) ASOS PROGRAM AUTHORIZATION.—Of the sums  
20 authorized in subsection (b), \$16,952,000 for fiscal year  
21 1996 are authorized to be appropriated to the Secretary,  
22 for the acquisition and deployment of—

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

1 backup arrays for National Weather Service sites at  
2 airports; and

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

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

8 (e) AWIPS AUTHORIZATION.—Of the sums author-  
9 ized in subsection (b), there are authorized to be appro-  
10 priated to the Secretary \$52,097,000 for fiscal year 1996,  
11 to remain available until expended, for—

12 (1) the acquisition and deployment of the Ad-  
13 vanced Weather Interactive Processing System and  
14 NOAA Port and associated activities; and

15 (2) associated program management and oper-  
16 ations and maintenance.

17 (f) CONSTRUCTION OF WEATHER FORECAST OF-  
18 FICES.—There are authorized to be appropriated to the  
19 Secretary to enable the National Oceanic and Atmospheric  
20 Administration to carry out construction, repair, and  
21 modification activities relating to new and existing weath-  
22 er forecast offices, \$20,628,000 for fiscal year 1996. Such  
23 activities include planning, design, and land acquisition re-  
24 lated to such offices.

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

4 (1) in section 706—

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

7 “(6) any recommendations of the Committee  
8 submitted under section 707(c) that evaluate the  
9 certification.”;

10 (B) by striking “60-day” in subsection  
11 (c)(2) and inserting in lieu thereof “30-day”;

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

14 “(d) FINAL DECISION.—If the Secretary decides to  
15 close, consolidate, automate, or relocate any such field of-  
16 fice, the Secretary shall publish the certification in the  
17 Federal Register and submit the certification to the Com-  
18 mittee on Commerce, Science, and Transportation of the  
19 Senate and the Committee on Science of the House of  
20 Representatives.”; and

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

23 “(f) TRANSITION PROGRAM.—The Secretary shall  
24 maintain for a period of at least two years after the clo-  
25 sure of any weather office a program to—

1           “(1) provide timely information regarding the  
2           activities of the National Weather Service which may  
3           affect service to the community, including mod-  
4           ernization and restructuring; and

5           “(2) work with area weather service users, in-  
6           cluding persons associated with general aviation,  
7           civil defense, emergency preparedness, and the news  
8           media, with respect to the provision of timely weath-  
9           er warnings and forecasts.”; and

10           (2) by amending section 707(c) to read as fol-  
11           lows:

12           “(c) DUTIES.—The Committee may review any cer-  
13           tification under section 706 for which the Secretary has  
14           provided a notice of intent to certify in the plan, including  
15           any certification for which there is a significant potential  
16           for degradation of service within the affected area. Upon  
17           the request of the Committee, the Secretary shall make  
18           available to the Committee the supporting documents de-  
19           veloped by the Secretary in connection with the certifi-  
20           cation. The Committee shall evaluate any certification re-  
21           viewed on the basis of the modernization criteria and with  
22           respect to the requirement that there be no degradation  
23           of service, and advise the Secretary accordingly.”.

24           (h) NEXRAD OPERATIONAL AVAILABILITY AND RE-  
25           LIABILITY.—(1) The Secretary of Defense, in conjunction

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

9 (2) NEXRADs operated by the Department of De-  
10 fense that provide primary detection coverage over a por-  
11 tion of their range are to be considered as integral parts  
12 of the National Weather Radar Network.

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

16 “(c) REPORT.—The Secretary shall contract with the  
17 National Research Council for a review of the NEXRAD  
18 Network radar coverage pattern as indicated in the 1996  
19 National Implementation Plan of the National Weather  
20 Service for a determination of areas of inadequate radar  
21 coverage. In conducting such a review, the National Re-  
22 search Council shall prepare and submit to the Secretary,  
23 no later than 6 months after the date of the enactment  
24 of this Act, a report which assesses the feasibility of exist-  
25 ing and future Federal Aviation Administration Terminal



1 Doppler Weather Radars to provide reliable weather radar  
2 data, in a cost-effective manner, to nearby weather fore-  
3 cast offices. The Secretary shall report to the Committee  
4 on Science of the House of Representatives and the Com-  
5 mittee on Commerce, Science, and Transportation of the  
6 Senate, not later than 60 days after receiving the report  
7 under this subsection, on recommendations to implement  
8 the findings in such report.”.

9 **SEC. 412. ATMOSPHERIC RESEARCH.**

10 (a) CLIMATE AND AIR QUALITY RESEARCH.—(1)  
11 There is authorized to be appropriated to the Secretary  
12 to enable the National Oceanic and Atmospheric Adminis-  
13 tration to carry out its climate and air quality research  
14 duties, \$86,757,000 for fiscal year 1996. Such duties in-  
15 clude internannual and seasonal climate research and  
16 long-term climate and air quality research.

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

22 (b) ATMOSPHERIC PROGRAMS.—There are author-  
23 ized to be appropriated to the Secretary to enable the Na-  
24 tional Oceanic and Atmospheric Administration to carry  
25 out its atmospheric research duties, \$39,894,000 for fiscal

1 year 1996. Such duties include research for developing im-  
2 proved prediction capabilities for atmospheric processes,  
3 as well as solar-terrestrial research and services.

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

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

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

14 (a) SATELLITE OBSERVING SYSTEMS.—There are  
15 authorized to be appropriated to the Secretary to enable  
16 the National Oceanic and Atmospheric Administration to  
17 carry out its satellite observing systems duties,  
18 \$319,448,000 for fiscal year 1996, to remain available  
19 until expended. Such duties include spacecraft procure-  
20 ment, launch, and associated ground station systems in-  
21 volving polar orbiting and geostationary environmental  
22 satellites, as well as the operation of such satellites. None  
23 of the funds authorized under this subsection shall be used  
24 for the purposes for which funds are authorized under sec-  
25 tion 105(d) of the National Oceanic and Atmospheric Ad-

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

3 (b) POES PROGRAM AUTHORIZATION.—Of the sums  
4 authorized in subsection (a), there are authorized to be  
5 appropriated to the Secretary \$184,425,000 for fiscal year  
6 1996, to remain available until expended, for the procure-  
7 ment of Polar Orbiting Environmental Satellites, K, L, M,  
8 N, and N<sup>1</sup>, and the procurement of the launching and sup-  
9 porting ground systems of such satellites.

10 (c) GEOSTATIONARY OPERATIONAL ENVIRONMENTAL  
11 SATELLITES.—Of the sums authorized in subsection (a),  
12 there are authorized to be appropriated to the Adminis-  
13 trator \$46,300,000 for fiscal year 1996, to remain avail-  
14 able until expended—

15 (1) to procure up to three additional Geo-  
16 stationary Operational Environmental NEXT Sat-  
17 ellites (GOES I–M clones) and instruments; and

18 (2) for contracts, and amendments or modifica-  
19 tions of contracts, with the developer of previous  
20 GOES-NEXT satellites for the acquisition of the ad-  
21 ditional satellites and instruments described in para-  
22 graph (1).

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

1 pheric Administration to carry out its environmental data  
2 and information services duties, \$35,665,000 for fiscal  
3 year 1996. Such duties include climate data services, geo-  
4 physical data services, and environmental assessment and  
5 information services.

6 (e) NATIONAL POLAR-ORBITING OPERATIONAL EN-  
7 VIRONMENTAL SATELLITE SYSTEM PROGRAM AUTHOR-  
8 IZATION.—Of the sums authorized in subsection (a), there  
9 are authorized to be appropriated to the Secretary, for fis-  
10 cal year 1996, \$39,500,000, to remain available until ex-  
11 pended, for the procurement of the National Polar-Orbit-  
12 ing Operational Environmental Satellite System, and the  
13 procurement of the launching and supporting ground sys-  
14 tems of such satellites.

## 15 **Subtitle B—Marine Research**

### 16 **SEC. 421. NATIONAL OCEAN SERVICE.**

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

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

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

3 (c) OBSERVATION AND PREDICTION.—

4 (1) IN GENERAL.—There are authorized to be  
5 appropriated to the Secretary, to enable the Na-  
6 tional Oceanic and Atmospheric Administration to  
7 carry out observation and prediction activities under  
8 the Act of 1947 and any other law involving those  
9 activities, \$11,279,000 for fiscal year 1996.

10 (2) CIRCULATORY SURVEY PROGRAM.—In addi-  
11 tion to amounts authorized under paragraph (1),  
12 there are authorized to be appropriated to the Sec-  
13 retary, to enable the National Oceanic and Atmos-  
14 pheric Administration to carry out the Circulatory  
15 Survey Program, \$695,000 for fiscal year 1996.

16 (3) OCEAN AND EARTH SCIENCES.—In addition  
17 to amounts authorized under paragraph (1), there  
18 are authorized to be appropriated to the Secretary,  
19 to enable the National Oceanic and Atmospheric Ad-  
20 ministration to carry out ocean and earth science ac-  
21 tivities, \$4,231,000 for fiscal year 1996.

22 (d) ESTUARINE AND COASTAL ASSESSMENT.—

23 (1) IN GENERAL.—There are authorized to be  
24 appropriated to the Secretary, to enable the Na-  
25 tional Oceanic and Atmospheric Administration to

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

4 (2) OCEAN ASSESSMENT.—In addition to  
5 amounts authorized under paragraph (1), there are  
6 authorized to be appropriated to the Secretary, to  
7 enable the National Oceanic and Atmospheric Ad-  
8 ministration to carry out the National Status and  
9 Trends Program, the Strategic Environmental As-  
10 sessment Program, and the Hazardous Materials  
11 Response Program, \$8,401,000 for fiscal year 1996.

12 (3) DAMAGE ASSESSMENT PROGRAM.—In addi-  
13 tion to amounts authorized under paragraph (1),  
14 there are authorized to be appropriated to the Sec-  
15 retary, to enable the National Oceanic and Atmos-  
16 pheric Administration to carry out the Damage As-  
17 sessment Program, \$585,000 for fiscal year 1996.

18 (4) COASTAL OCEAN PROGRAM.—In addition to  
19 amounts authorized under paragraph (1), there are  
20 authorized to be appropriated to the Secretary, to  
21 enable the National Oceanic and Atmospheric Ad-  
22 ministration to carry out the Coastal Ocean Pro-  
23 gram, \$9,158,000 for fiscal year 1996.

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

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

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

12 “(a) GRANTS AND CONTRACTS; FELLOWSHIPS.—  
13 There are authorized to be appropriated to carry out sec-  
14 tions 205 and 208, \$51,000,000 for fiscal year 1996.”.

15 (2) Section 212(b)(1) of the National Sea Grant Col-  
16 lege Program Act (33 U.S.C. 1131(b)(1)) is amended by  
17 striking “an amount” and all that follows through “not  
18 to exceed \$2,900,000” and inserting in lieu thereof  
19 “\$2,000,000 for fiscal year 1996”.

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

1 **SEC. 423. USE OF OCEAN RESEARCH RESOURCES OF OTHER**  
2 **FEDERAL AGENCIES.**

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

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

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

10 (3) The National Oceanic and Atmospheric Ad-  
11 ministration's missions to describe and predict the  
12 ocean environment, manage the Nation's ocean and  
13 coastal resources, and promote stewardship of the  
14 world's oceans would benefit from increased coopera-  
15 tion with defense agencies.

16 (b) SENSE OF CONGRESS.—It is the sense of the  
17 Congress that the National Oceanic and Atmospheric Ad-  
18 ministration should expand its efforts to develop inter-  
19 agency agreements to further the use of defense-related  
20 technologies, data, and other resources to support its oce-  
21 anic missions.

22 (c) REPORT.—

23 (1) IN GENERAL.—Not later than 120 days  
24 after the date of the enactment of this Act, the Sec-  
25 retary of Commerce shall submit to the Committee  
26 on Science and the Committee on Resources of the



1 House of Representatives and the Committee on  
2 Commerce, Science, and Transportation of the Sen-  
3 ate a report on the feasibility of expanding the use  
4 of defense-related technologies, data, and other re-  
5 sources to support and enhance the oceanic missions  
6 of the National Oceanic and Atmospheric Adminis-  
7 tration.

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

10 (A) a detailed listing of defense-related re-  
11 sources currently available to the National Oce-  
12 anic and Atmospheric Administration and the  
13 National Oceanic and Atmospheric Administra-  
14 tion missions which utilize those resources;

15 (B) detailed findings and recommenda-  
16 tions, including funding requirements, on the  
17 potential for expanding the use of available de-  
18 fense-related resources;

19 (C) a detailed listing and funding history  
20 of the National Oceanic and Atmospheric Ad-  
21 ministration resources, including data and tech-  
22 nology, which could be supplemented by de-  
23 fense-related resources;

24 (D) a listing of currently unavailable de-  
25 fense-related resources, including data and

1 technology, which if made available would en-  
2 hance the National Oceanic and Atmospheric  
3 Administration mission performance;

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

7 (F) an assessment of the respective roles  
8 in the use of defense-related resources of the  
9 Army Corps of Engineers, data centers, oper-  
10 ational centers, and research facilities of the  
11 National Oceanic and Atmospheric Administra-  
12 tion; and

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

## 16 **Subtitle C—Program Support**

### 17 **SEC. 431. PROGRAM SUPPORT.**

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

1       (b) CENTRAL ADMINISTRATIVE SUPPORT.—There  
2 are authorized to be appropriated to the Secretary, to en-  
3 able the National Oceanic and Atmospheric Administra-  
4 tion to carry out central administrative support activities  
5 under the Act of 1970 and any other law involving those  
6 activities, \$30,000,000 for fiscal year 1996.

7       (c) RETIRED PAY.—There are authorized to be ap-  
8 propriated to the Secretary, for retired pay for retired  
9 commissioned officers of the National Oceanic and Atmos-  
10 pheric Administration under the Act of 1970, \$7,706,000  
11 for fiscal year 1996.

12       (d) MARINE SERVICES.—

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

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

1 maintenance, and all personnel) to the National  
2 Oceanic and Atmospheric Administration of ob-  
3 taining those services on vessels of the National  
4 Oceanic and Atmospheric Administration;

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

6 or

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

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

13 (3) MULTIYEAR CONTRACTS.—

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

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

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

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

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

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

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

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

22 (II) amounts that were appro-  
23 priated before the date of the termi-  
24 nation for the performance of the con-  
25 tract or for procurement of the type

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

4 (4) VESSEL AGREEMENTS.—The Secretary shall  
5 use excess capacity of University National Oceanographic  
6 Laboratory System vessels where appropriate and may enter into memoranda of agreement  
7 with the operators of these vessels to carry out this  
8 requirement.  
9

10 (5) AUTHORIZATION OF APPROPRIATIONS.—  
11 There are authorized to be appropriated to the Secretary,  
12 to enable the National Oceanic and Atmospheric Administration to carry out marine services  
13 activities, \$60,689,000 for fiscal year 1996.  
14

15 (e) AIRCRAFT SERVICES.—There are authorized to be  
16 appropriated to the Secretary, to enable the National Oceanic  
17 and Atmospheric Administration to carry out aircraft  
18 services activities (including aircraft operations, maintenance,  
19 and support) under the Act of 1970 and any other  
20 law involving those activities, \$9,548,000 for fiscal year  
21 1996.

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

1 tion to carry out facilities repairs and renovations,  
2 \$7,374,000 for fiscal year 1996.

3           **Subtitle D—Streamlining of**  
4                           **Operations**

5 **SEC. 441. PROGRAM TERMINATIONS.**

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

8                   (1) The National Undersea Research Program.

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

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

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

15                   (5) Federal/State Weather Modification Grants.

16                   (6) The Southeast Storm Research Account.

17                   (7) National Institute for Environmental Re-  
18 newal.

19                   (8) The Lake Champlain Study.

20                   (9) The Maine Marine Research Center.

21                   (10) The South Carolina Cooperative Geodetic  
22 Survey Account.

23                   (11) Pacific Island Technical Assistance.

24                   (12) VENTS program.

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

3           (14) National Weather Service Regional Cli-  
4 mate Centers.

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

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

9           (b) REPORT.—Not later than 60 days after the date  
10 of the enactment of this Act, the Secretary shall submit  
11 to the Committee on Resources and the Committee on  
12 Science of the House of Representatives and the Commit-  
13 tee on Commerce, Science, and Transportation of the Sen-  
14 ate a report certifying that all the programs listed in sub-  
15 section (a) will be terminated no later than September 30,  
16 1995.

17           (c) REPEAL OF SEA GRANT PROGRAMS.—

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

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

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



1 U.S.C. 1128(b)(1)) is amended by striking “and sec-  
2 tion 3 of the Sea Grant Program Improvement Act  
3 of 1976”.

4 (d) ADDITIONAL REPEAL.—The NOAA Fleet Mod-  
5 ernization Act (33 U.S.C. 851 note) is repealed.

6 **SEC. 442. LIMITATIONS ON APPROPRIATIONS.**

7 (a) SUBSEQUENT FISCAL YEARS.—No sums are au-  
8 thorized to be appropriated for any fiscal year after fiscal  
9 year 1996 for the activities for which sums are authorized  
10 by this title unless such sums are specifically authorized  
11 to be appropriated by Act of Congress with respect to such  
12 fiscal year.

13 (b) FISCAL YEAR 1996.—No more than  
14 \$1,692,470,000 is authorized to be appropriated to the  
15 Secretary for fiscal year 1996, by this Act or any other  
16 Act, to enable the National Oceanic and Atmospheric Ad-  
17 ministration to carry out all activities associated with Op-  
18 erations, Research, and Facilities.

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

1 **SEC. 443. TERMINATION OF THE CORPS OF COMMISSIONED**  
2 **OFFICERS.**

3 (a) NUMBER OF OFFICERS.—Notwithstanding sec-  
4 tion 8 of the Act of June 3, 1948 (33 U.S.C. 853g), the  
5 total number of commissioned officers on the active list  
6 of the National Oceanic and Atmospheric Administration  
7 shall not exceed 358 for fiscal year 1996. No commis-  
8 sioned officers are authorized for any fiscal year after fis-  
9 cal year 1996.

10 (b) SEVERANCE PAY.—Commissioned officers may be  
11 separated from the active list of the National Oceanic and  
12 Atmospheric Administration. In lieu of separation pay, of-  
13 ficers so separated shall be eligible only for severance pay  
14 in accordance with the terms and conditions of section  
15 5595 of title 5, United States Code, and only to the extent  
16 provided in advance in appropriations Acts.

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

22 (2) Subject to the approval of the Secretary of Trans-  
23 portation and under terms and conditions specified by the  
24 Secretary, commissioned officers subject to subsection (a)  
25 may transfer to the United States Coast Guard under sec-  
26 tion 716 of title 10, United States Code.

1       (3) Subject to the approval of the Administrator of  
2 the National Oceanic and Atmospheric Administration  
3 and under terms and conditions specified by that Adminis-  
4 trator, commissioned officers subject to subsection (a)  
5 may be employed by the National Oceanic and Atmos-  
6 pheric Administration as members of the civil service.

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

9           (A) The Coast and Geodetic Survey Commis-  
10 sioned Officers' Act of 1948 (33 U.S.C. 853a–853o,  
11 853p–853u).

12           (B) The Act of February 16, 1929 (Chapter  
13 221, section 5; 45 Stat. 1187; 33 U.S.C. 852a).

14           (C) The Act of January 19, 1942 (Chapter 6;  
15 56 Stat. 6).

16           (D) Section 9 of Public Law 87–649 (76 Stat.  
17 495).

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

20           (F) The Act of December 3, 1942 (Chapter  
21 670; 56 Stat. 1038).

22           (G) Sections 1 through 5 of Public Law 91–621  
23 (84 Stat. 1863; 33 U.S.C. 857–1 et seq.).

24           (H) The Act of August 10, 1956 (Chapter  
25 1041, section 3; 70A Stat. 619; 33 U.S.C. 857a).

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

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

5 (K) The Act of August 3, 1956 (Chapter 932;  
6 70 Stat. 988; 33 U.S.C. 875, 876).

7 (L) All other Acts inconsistent with this sub-  
8 section.

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

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

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

## 19 **Subtitle E—Miscellaneous**

### 20 **SEC. 451. WEATHER DATA BUOYS.**

21 (a) PROHIBITION.—It shall be unlawful for any unau-  
22 thorized person to remove, change the location of, ob-  
23 struct, willfully damage, make fast to, or interfere with  
24 any weather data buoy established, installed, operated, or  
25 maintained by the National Data Buoy Center.

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

8 (c) REWARDS.—The Administrator may offer and  
9 pay rewards for the apprehension and conviction, or for  
10 information helpful therein, of persons found interfering,  
11 in violation of law, with data buoys maintained by the Na-  
12 tional Data Buoy Center; or for information leading to  
13 the discovery of missing National Weather Service prop-  
14 erty or the recovery thereof.

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

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

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

22 (2) the issue of storm warnings;

23 (3) the collection, exchange, and distribution of  
24 meteorological, hydrological, climatic, and oceano-  
25 graphic data and information; and

1           (4) the preparation of hydrometeorological guid-  
2           ance and core forecast information.

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

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

10           (2) the service provides vital weather warnings  
11           and forecasts for the protection of lives and property  
12           of the general public.

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

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

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

18           (d) REPORT.—Not later than 60 days after the date  
19 of the enactment of this Act, the Secretary shall submit  
20 to the Committee on Science of the House of Representa-  
21 tives and the Committee on Commerce, Science, and  
22 Transportation of the Senate a report detailing all Na-  
23 tional Weather Service activities which do not conform to  
24 the requirements of this section and outlining a timetable  
25 for their termination.

1 **SEC. 453. ELIGIBILITY FOR AWARDS.**

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

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

17 **SEC. 454. PROHIBITION OF LOBBYING ACTIVITIES.**

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

1 **SEC. 455. REPORT ON LABORATORIES.**

2 (a) IN GENERAL.—Not later than 120 days after the  
3 date of the enactment of this Act, the Secretary shall con-  
4 duct a review of the laboratories operated by the National  
5 Oceanic and Atmospheric Administration and submit a re-  
6 port to the Committee on Resources and the Committee  
7 on Science of the House of Representatives and the Com-  
8 mittee on Commerce, Science, and Transportation of the  
9 Senate.

10 (b) REQUIREMENTS.—The report required by sub-  
11 section (a) shall—

12 (1) address potential efficiencies and savings  
13 which could be achieved through closing or consoli-  
14 dating laboratory facilities;

15 (2) review each laboratory's—

16 (A) mission and activities and their cor-  
17 relation to the mission priorities of the National  
18 Oceanic and Atmospheric Administration;

19 (B) physical assets, equipment, condition,  
20 and personnel resources; and

21 (C) organization and program manage-  
22 ment; and

23 (3) address other issues the Inspector General  
24 consider relevant.



1 **SEC. 456. CONVEYANCE OF NATIONAL MARINE FISHERIES**  
2 **SERVICE LABORATORY AT GLOUCESTER,**  
3 **MASSACHUSETTS.**

4 (a) CONVEYANCE REQUIRED.—

5 (1) IN GENERAL.—The Secretary shall convey  
6 to the Commonwealth of Massachusetts all right,  
7 title, and interest of the United States in and to the  
8 property comprising the National Marine Fisheries  
9 Service laboratory located on Emerson Avenue in  
10 Gloucester, Massachusetts.

11 (2) TERMS.—A conveyance of property under  
12 paragraph (1) shall be made—

13 (A) without payment of consideration; and

14 (B) subject to the terms and conditions  
15 specified under subsections (b) and (c).

16 (b) CONDITIONS FOR TRANSFER.—

17 (1) IN GENERAL.—As a condition of any con-  
18 veyance of property under this section, the Common-  
19 wealth of Massachusetts shall assume full respon-  
20 sibility for maintenance of the property for as long  
21 as the Commonwealth retains the right and title to  
22 that property.

23 (2) CONTINUED USE OF PROPERTY BY NMFS.—

24 The Secretary may enter into a memorandum of un-  
25 derstanding with the Commonwealth of Massachu-  
26 setts under which the National Marine Fisheries

1 Service is authorized to occupy existing laboratory  
2 space on the property conveyed under this section,  
3 if—

4 (A) the term of the memorandum of un-  
5 derstanding is for a period of not longer than  
6 5 years beginning on the date of enactment of  
7 this Act; and

8 (B) the square footage of the space to be  
9 occupied by the National Marine Fisheries  
10 Service does not conflict with the needs of, and  
11 is agreeable to, the Commonwealth of Massa-  
12 chusetts.

13 (c) REVERSIONARY INTEREST.—All right, title, and  
14 interest in and to all property conveyed under this section  
15 shall revert to the United States on the date on which  
16 the Commonwealth of Massachusetts uses any of the prop-  
17 erty for any purpose other than the Commonwealth of  
18 Massachusetts Division of Marine Fisheries resource man-  
19 agement program.

20 **SEC. 457. CLEANUP OF NOAA FACILITIES.**

21 (a) IN GENERAL.—The Secretary shall cleanup land-  
22 fills, wastes, dumps, debris, storage tanks, property, haz-  
23 ardous or unsafe conditions, and contaminants (including,  
24 without limitation, petroleum products and their deriva-  
25 tives), on lands which the National Oceanic and Atmos-

1 pheric Administration and its predecessor agencies aban-  
2 doned, quitclaimed, or otherwise transferred, or is obli-  
3 gated to transfer, to local entities or landowners on the  
4 Pribilof Islands, Alaska, pursuant to the Fur Seal Act of  
5 1966 (16 U.S.C. 1161 et seq.).

6 (b) SPECIFIC REQUIREMENTS.—To carry out sub-  
7 section (a), the Secretary shall—

8 (1) by December 31, 1995, execute agreements  
9 with the State of Alaska, affected local entities and  
10 landowners, and in the case of new landfills, the In-  
11 dian Health Service;

12 (2) manage the cleanup required in subsection  
13 (a) with the minimum possible Federal overhead,  
14 delay, and duplication of State and local planning  
15 and design work;

16 (3) receive approval of the State of Alaska for  
17 the cleanup plans prepared as a result of the agree-  
18 ments described in subsection (b)(1) where said  
19 cleanup is required by State law;

20 (4) receive approval of affected local entities  
21 and landowners before conducting cleanup work on  
22 their property, if such approval is not obtained by  
23 agreement in accordance with paragraph (5);

24 (5) to the maximum extent possible, and not-  
25 withstanding any other law, carry out duties under

1 this Act and under other Federal laws on the  
2 Pribilof Islands through contracts, grants, or cooper-  
3 ative agreements, including agreements on a reim-  
4 bursable basis, with the local entities and land-  
5 owners and with residents of the Pribilof Islands;  
6 and

7 (6) not require financial contributions by or  
8 from local entities or landowners.

9 (c) CONTENTS OF AGREEMENTS.—The agreements  
10 described in subsection (b)(1) shall—

11 (1) require the Secretary to clean up all sites  
12 referred to in subsection (a), as soon as possible;

13 (2) specify the Secretary’s responsibility to—

14 (A) contribute to the planning and con-  
15 struction of new or redeveloped landfills;

16 (B) provide technical and financial assist-  
17 ance and training to the local entities and land-  
18 owners and residents of the Pribilof Islands;

19 and

20 (C) to the greatest extent possible, secure  
21 their participation in carrying out this section.

22 (d) DEFINITIONS.—For purposes of this section—

23 (1) the term “cleanup” means, without limita-  
24 tion, planning and execution of remediation actions  
25 for lands described in subsection (a) and redevelop-

1 ment of landfills to meet regulatory requirements;  
2 and

3 (2) the term “local entities and landowners”  
4 means those local political subdivisions and entities  
5 that have received or are eligible to receive lands  
6 under the Fur Seal Act of 1966 (16 U.S.C. 1161 et  
7 seq.).

8 **SEC. 458. OCEAN APPLICATIONS BRANCH.**

9 (a) ESTABLISHMENT.—The Secretary of commerce  
10 shall establish and maintain within the Administration a  
11 program to be known as the Ocean Applications Branch  
12 (in this section referred to as the “Branch”).

13 (b) PURPOSE.—The purpose of the Branch shall be  
14 to make oceanographic and other information developed  
15 by the Department of Defense Fleet Numerical  
16 Meteorology and Oceanography Center available for pri-  
17 vate, educational, and government use pursuant to agree-  
18 ment between the Secretary of Defense and the Secretary  
19 of Commerce. It shall be the goal of the Secretary of Com-  
20 merce to support the activities of the Ocean Applications  
21 Branch through user fees.

22 (c) LIMITATION ON CLOSURE.—The Secretary of  
23 Commerce shall not terminate operation of the Branch,  
24 before the Branch fully funds its operations through pri-

1 vate sources, including user fees, or fiscal year 1996,  
2 whichever comes first.

3       **TITLE V—ENVIRONMENTAL**  
4               **PROTECTION AGENCY**

5 **SEC. 501. SHORT TITLE.**

6       This title may be cited as the “Environmental Re-  
7 search, Development, and Demonstration Authorization  
8 Act of 1995”.

9 **SEC. 502. DEFINITIONS.**

10       For the purposes of this title, the term—

11           (1) “Administrator” means the Administrator  
12       of the Environmental Protection Agency;

13           (2) “Agency” means the Environmental Protec-  
14       tion Agency; and

15           (3) “Assistant Administrator” means the As-  
16       sistant Administrator for Research and Development  
17       of the Agency.

18 **SEC. 503. AUTHORIZATION OF APPROPRIATIONS.**

19       (a) IN GENERAL.—There are authorized to be appro-  
20       priated to the Administrator \$490,000,000 for fiscal year  
21       1996 for the Office of Research and Development for envi-  
22       ronmental research, development, and demonstration ac-  
23       tivities, including program management and support, in  
24       the areas specified in subsection (b), of which—

1           (1) \$321,694,800 shall be for Research and De-  
2           velopment; and

3           (2) \$109,263,400 shall be for Program and Re-  
4           search Operations.

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

8           (1) For air related research, \$93,915,200, of  
9           which—

10           (A) \$67,111,400 shall be for Research and  
11           Development; and

12           (B) \$26,803,800 shall be for Program and  
13           Research Operations.

14           (2) For global change research, \$2,385,700, of  
15           which—

16           (A) \$2,125,400 shall be for Research and  
17           Development; and

18           (B) \$260,300 shall be for Program and  
19           Research Operations.

20           (3) For water quality related research,  
21           \$21,243,100, of which—

22           (A) \$9,453,100 shall be for Research and  
23           Development; and

24           (B) \$11,790,000 shall be for Program and  
25           Research Operations.

1           (4) For drinking water related research,  
2           \$20,652,400, of which—

3                   (A) \$10,376,500 shall be for Research and  
4           Development; and

5                   (B) \$10,275,900 shall be for Program and  
6           Research Operations.

7           (5) For toxic chemical related research,  
8           \$11,053,900, of which—

9                   (A) \$5,028,600 shall be for Research and  
10          Development; and

11                  (B) \$6,025,300 shall be for Program and  
12          Research Operations.

13          (6) For lab and field expenses, \$73,031,600, all  
14          of which shall be for Research and Development.

15          (7) For headquarters expenses of the Office of  
16          Research and Development, \$9,254,800, all of which  
17          shall be for Research and Development.

18          (8) For multimedia related research expenses,  
19          \$158,656,800, of which—

20                  (A) \$122,142,900 shall be for Research  
21          and Development;

22                  (B) \$31,513,900 shall be for Program and  
23          Research Operations; and

24                  (C) \$5,000,000 shall be for graduate stu-  
25          dent fellowships.



1           (9) For program management expenses,  
2           \$6,399,300, all of which shall be for Program and  
3           Research Operations.

4           (10) For pesticide related research,  
5           \$13,345,200, of which—

6                   (A) \$7,192,800 shall be for Research and  
7                   Development; and

8                   (B) \$6,152,400 shall be for Program and  
9                   Research Operations.

10          (11) For oil pollution related research,  
11          \$2,076,900.

12          (12) For research related to leaking under-  
13          ground storage tanks, \$769,400.

14          (13) For research related to cleanup of con-  
15          taminated sites, \$56,195,500.

16          (14) For research related to hazardous waste,  
17          \$21,020,200, of which—

18                   (A) \$10,977,700 shall be for Research and  
19                   Development; and

20                   (B) \$10,042,500 shall be for Program and  
21                   Research Operations.

22          (c) LIMITATIONS.—(1) No funds are authorized to be  
23          appropriated by this title for—

24                   (A) the Environmental Technology Initiative;

25                   (B) the Climate Change Action Plan; or

1 (C) indoor air pollution research.

2 (2) No sums are authorized to be appropriated for  
3 any fiscal year after fiscal year 1996 for the activities for  
4 which sums are authorized by this title unless such sums  
5 are specifically authorized to be appropriated by Act of  
6 Congress with respect to such fiscal year.

7 (3) Notwithstanding any other provision of law, no  
8 sums are authorized to be appropriated for fiscal year  
9 1996 for the activities for which sums are authorized by  
10 this title unless such sums are specifically authorized to  
11 be appropriated by this title.

12 **SEC. 504. SCIENTIFIC RESEARCH REVIEW.**

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

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

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

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

21 (A) is of high quality; and

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

24 (b) REPORT.—The Assistant Administrator shall  
25 transmit annually to the Administrator and to the Com-

1 mittee on Science of the House of Representatives and the  
2 Committee on Environment and Public Works of the Sen-  
3 ate a report detailing—

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

6 (2) all Agency research the Assistant Adminis-  
7 trator finds duplicates other Agency research.

8 **SEC. 505. PROHIBITION OF LOBBYING ACTIVITIES.**

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

18 **SEC. 506. ELIGIBILITY FOR AWARDS.**

19 (a) IN GENERAL.—The Administrator shall exclude  
20 from consideration for awards of financial assistance made  
21 by the Office of Research and Development after fiscal  
22 year 1995 any person who received funds, other than those  
23 described in subsection (b), appropriated for a fiscal year  
24 after fiscal year 1995, from any Federal funding source  
25 for a project that was not subjected to a competitive,

1 merit-based award process. Any exclusion from consider-  
2 ation pursuant to this section shall be effective for a period  
3 of 5 years after the person receives such Federal funds.

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

8 **SEC. 507. GRADUATE STUDENT FELLOWSHIPS.**

9 In carrying out the graduate student fellowship pro-  
10 gram for which funds are authorized to be appropriated  
11 by this title, the Administrator shall ensure that any fel-  
12 lowship award to a student selected after the date of the  
13 enactment of this Act is used only to support research that  
14 would further missions of the Office of Research and De-  
15 velopment in fields in which there exists or is projected  
16 to exist a shortage in the number of scientists.

17 **TITLE VI—TECHNOLOGY**

18 **Subtitle A—Technology**

19 **Administration**

20 **SEC. 601. SHORT TITLE.**

21 This title may be cited as the “American Technology  
22 Advancement Act of 1995”.

23 **SEC. 602. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) UNDER SECRETARY FOR TECHNOLOGY.—There  
25 are authorized to be appropriated for the Office of the

1 Under Secretary of Commerce for Technology/Office of  
2 Technology Policy \$5,066,000 for fiscal year 1996.

3 (b) NATIONAL INSTITUTE OF STANDARDS AND  
4 TECHNOLOGY.—There are authorized to be appropriated  
5 the following:

6 (1) For Scientific and Technical Research and  
7 Services of the National Institute of Standards and  
8 Technology, \$275,579,000 for fiscal year 1996, of  
9 which—

10 (A) \$39,628,000 shall be for Electronics  
11 and Electrical Engineering;

12 (B) \$19,565,000 shall be for Manufactur-  
13 ing Engineering;

14 (C) \$28,127,000 shall be for Chemical  
15 Science and Technology;

16 (D) \$28,082,000 shall be for Physics;

17 (E) \$54,314,000 shall be for Material  
18 Science and Engineering;

19 (F) \$13,517,000 shall be for Building and  
20 Fire Research;

21 (G) \$30,704,000 shall be for Computer  
22 Systems;

23 (H) \$10,964,000 shall be for Applied  
24 Mathematics and Scientific Computing;

1 (I) \$19,109,000 shall be for Technical As-  
2 sistance;

3 (J) \$28,169,000 shall be for Research  
4 Support; and

5 (K) \$3,400,000 shall be for the Malcolm  
6 Baldrige National Quality Program under sec-  
7 tion 17 of the Stevenson-Wydler Technology In-  
8 novation Act of 1980 (15 U.S.C. 3711a); and

9 (2) for Construction of Research Facilities of  
10 the National Institute of Standards and Technology,  
11 \$62,055,000 for fiscal year 1996.

12 **SEC. 603. NATIONAL INSTITUTE OF STANDARDS AND TECH-**  
13 **NOLOGY ACT AMENDMENTS.**

14 The National Institute of Standards and Technology  
15 Act (15 U.S.C. 271 et seq.) is amended—

16 (1) in section 10(a)—

17 (A) by striking “nine” and inserting in lieu  
18 thereof “15”; and

19 (B) by striking “five” and inserting in lieu  
20 thereof “10”;

21 (2) in section 15—

22 (A) by striking “Pay Act of 1945; and”  
23 and inserting in lieu thereof “Pay Act of  
24 1945;”; and

1 (B) by inserting “; and (h) the provision of  
2 transportation services for employees of the In-  
3 stitute between the facilities of the Institute  
4 and nearby public transportation, notwithstand-  
5 ing section 1344 of title 31, United States  
6 Code” after “interests of the Government”; and  
7 (3) in section 19, by striking “nor more than  
8 forty” and inserting in lieu thereof “nor more than  
9 60”.

10 **SEC. 604. STEVENSON-WYDLER TECHNOLOGY INNOVATION**  
11 **ACT OF 1980 AMENDMENTS.**

12 The Stevenson-Wydler Technology Innovation Act of  
13 1980 (15 U.S.C. 3701 et seq.) is amended—

14 (1) in section 11(i) (15 U.S.C. 3710(i))—

15 (A) by inserting “loan, lease,” after “de-  
16 partment, may”; and

17 (B) by inserting “Actions taken under this  
18 subsection shall not be subject to Federal re-  
19 quirements on the disposal of property.” after  
20 “education and research activities.”; and

21 (2) in section 17(c) (15 U.S.C. 3711a(c))—

22 (A) by striking paragraph (2);

23 (B) by redesignating paragraph (3) as  
24 paragraph (2); and

1 (C) in paragraph (2), as so redesignated  
2 by subparagraph (B) of this paragraph, by  
3 striking “two” and inserting in lieu thereof  
4 “4”.

5 **SEC. 605. PERSONNEL.**

6 The personnel management demonstration project es-  
7 tablished under section 10 of the National Bureau of  
8 Standards Authorization Act for Fiscal Year 1987 (15  
9 U.S.C. 275 note) is extended indefinitely.

10 **SEC. 606. FASTENER QUALITY ACT AMENDMENTS.**

11 (a) SECTION 2 AMENDMENTS.—Section 2 of the Fas-  
12 tener Quality Act (15 U.S.C. 5401) is amended—

13 (1) by striking subsection (a)(4), and redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively;

16 (2) in subsection (a)(7), as so redesignated by  
17 paragraph (1) of this subsection, by striking “by lot  
18 number”; and

19 (3) in subsection (b), by striking “used in critical applications” and inserting in lieu thereof “in commerce”.

22 (b) SECTION 3 AMENDMENTS.—Section 3 of the Fas-  
23 tener Quality Act (15 U.S.C. 5402) is amended—

24 (1) in paragraph (1)(B) by striking “having a  
25 minimum tensile strength of 150,000 pounds per



1 square inch” and inserting in lieu thereof “having a  
2 minimum Rockwell C hardness of 40 or above”;

3 (2) in paragraph (2)—

4 (A) by inserting “International Organiza-  
5 tion for Standardization,” after “Society of  
6 Automotive Engineers,”; and

7 (B) by inserting “consensus” after “or any  
8 other”;

9 (3) in paragraph (5)—

10 (A) by inserting “or” after “standard or  
11 specification,” in subparagraph (B);

12 (B) by striking “or” at the end of subpara-  
13 graph (C);

14 (C) by striking subparagraph (D); and

15 (D) by inserting “or produced in accord-  
16 ance with ASTM F 432” after “307 Grade A”;

17 (4) in paragraph (6) by striking “other person”  
18 and inserting in lieu thereof “government agency”;

19 (5) in paragraph (8) by striking “Standard”  
20 and inserting in lieu thereof “Standards”;

21 (6) by striking paragraph (11) and redesignat-  
22 ing paragraphs (12) through (15) as paragraphs  
23 (11) through (14), respectively;

24 (7) in paragraph (13), as so redesignated by  
25 paragraph (6) of this subsection, by striking “, a

1 government agency” and all that follows through  
2 “markings of any fastener” and inserting in lieu  
3 thereof “or a government agency”; and

4 (8) in paragraph (14), as so redesignated by  
5 paragraph (6) of this subsection, by inserting “for  
6 the purpose of achieving a uniform hardness” after  
7 “quenching and tempering”.

8 (c) SECTION 4 REPEAL.—Section 4 of the Fastener  
9 Quality Act (15 U.S.C. 5403) is repealed.

10 (d) SECTION 5 AMENDMENTS.—Section 5 of the Fas-  
11 tener Quality Act (15 U.S.C. 5404) is amended—

12 (1) in subsection (a)(1)(B) and (2)(A)(i) by  
13 striking “subsections (b) and (c)” and inserting in  
14 lieu thereof “subsections (b), (c), and (d)”;

15 (2) in subsection (c)(2) by striking “or, where  
16 applicable” and all that follows through “section  
17 7(c)(1)”;

18 (3) in subsection (c)(3) by striking “, such as  
19 the chemical, dimensional, physical, mechanical, and  
20 any other”;

21 (4) in subsection (c)(4) by inserting “except as  
22 provided in subsection (d),” before “state whether”;  
23 and

24 (5) by adding at the end the following new sub-  
25 section:

1       “(d) ALTERNATIVE PROCEDURE FOR CHEMICAL  
2 CHARACTERISTICS.—Notwithstanding the requirements of  
3 subsections (b) and (c), a manufacturer shall be deemed  
4 to have demonstrated, for purposes of subsection (a)(1),  
5 that the chemical characteristics of a lot conform to the  
6 standards and specifications to which the manufacturer  
7 represents such lot has been manufactured if the following  
8 requirements are met:

9           “(1) The coil or heat number of metal from  
10 which such lot was fabricated has been inspected  
11 and tested with respect to its chemical characteris-  
12 tics by a laboratory accredited in accordance with  
13 the procedures and conditions specified by the Sec-  
14 retary under section 6.

15           “(2) Such laboratory has provided to the manu-  
16 facturer, either directly or through the metal manu-  
17 facturer, a written inspection and testing report,  
18 which shall be in a form prescribed by the Secretary  
19 by regulation, listing the chemical characteristics of  
20 such coil or heat number.

21           “(3) The report described in paragraph (2) in-  
22 dicates that the chemical characteristics of such coil  
23 or heat number conform to those required by the  
24 standards and specifications to which the manufac-  
25 turer represents such lot has been manufactured.

1           “(4) The manufacturer demonstrates that such  
2           lot has been fabricated from the coil or heat number  
3           of metal to which the report described in paragraphs  
4           (2) and (3) relates.

5 In prescribing the form of report required by subsection  
6 (c), the Secretary shall provide for an alternative to the  
7 statement required by subsection (c)(4), insofar as such  
8 statement pertains to chemical characteristics, for cases  
9 in which a manufacturer elects to use the procedure per-  
10 mitted by this subsection.”.

11           (e) SECTION 6 AMENDMENT.—Section 6(a)(1) of the  
12 Fastener Quality Act (15 U.S.C. 5405(a)(1)) is amended  
13 by striking “Within 180 days after the date of enactment  
14 of this Act, the” and inserting in lieu thereof “The”.

15           (f) SECTION 7 AMENDMENTS.—Section 7 of the Fas-  
16 tener Quality Act (15 U.S.C. 5406) is amended—

17           (1) by amending subsection (a) to read as fol-  
18           lows:

19           “(a) DOMESTICALLY PRODUCED FASTENERS.—It  
20 shall be unlawful for a manufacturer to sell any shipment  
21 of fasteners covered by this Act which are manufactured  
22 in the United States unless the fasteners—

23           “(1) have been manufactured according to the  
24           requirements of the applicable standards and speci-  
25           fications and have been inspected and tested by a

1 laboratory accredited in accordance with the proce-  
2 dures and conditions specified by the Secretary  
3 under section 6; and

4 “(2) an original laboratory testing report de-  
5 scribed in section 5(c) and a manufacturer’s certifi-  
6 cate of conformance are on file with the manufac-  
7 turer, or under such custody as may be prescribed  
8 by the Secretary, and available for inspection,”;

9 (2) in subsection (c)(2) by inserting “to the  
10 same” after “in the same manner and”;

11 (3) in subsection (d)(1) by striking “certificate”  
12 and inserting in lieu thereof “test report”; and

13 (4) by striking subsections (e), (f), and (g) and  
14 inserting in lieu thereof the following:

15 “(e) COMMINGLING.—It shall be unlawful for any  
16 manufacturer, importer, or private label distributor to  
17 commingle like fasteners from different lots in the same  
18 container, except that such manufacturer, importer, or  
19 private label distributor may commingle like fasteners of  
20 the same type, grade, and dimension from not more than  
21 two tested and certified lots in the same container during  
22 repackaging and plating operations. Any container which  
23 contains fasteners from two lots shall be conspicuously  
24 marked with the lot identification numbers of both lots.

1       “(f) SUBSEQUENT PURCHASER.—If a person who  
2 purchases fasteners for any purpose so requests either  
3 prior to the sale or at the time of sale, the seller shall  
4 conspicuously mark the container of the fasteners with the  
5 lot number from which such fasteners were taken.”.

6       (g) SECTION 9 AMENDMENT.—Section 9 of the Fas-  
7 tener Quality Act (15 U.S.C. 5408) is amended by adding  
8 at the end the following new subsection:

9       “(d) ENFORCEMENT.—The Secretary may designate  
10 officers or employees of the Department of Commerce to  
11 conduct investigations pursuant to this Act. In conducting  
12 such investigations, those officers or employees may, to  
13 the extent necessary or appropriate to the enforcement of  
14 this Act, exercise such authorities as are conferred upon  
15 them by other laws of the United States, subject to policies  
16 and procedures approved by the Attorney General.”.

17       (h) SECTION 10 AMENDMENTS.—Section 10 of the  
18 Fastener Quality Act (15 U.S.C. 5409) is amended—

19             (1) in subsections (a) and (b), by striking “10  
20 years” and inserting in lieu thereof “5 years”; and

21             (2) in subsection (b), by striking “any subse-  
22 quent” and inserting in lieu thereof “the subse-  
23 quent”.

24       (i) SECTION 13 AMENDMENT.—Section 13 of the  
25 Fastener Quality Act (15 U.S.C. 5412) is amended by

1 striking “within 180 days after the date of enactment of  
2 this Act”.

3 (j) SECTION 14 REPEAL.—Section 14 of the Fastener  
4 Quality Act (15 U.S.C. 5413) is repealed.

5 **SEC. 607. PROHIBITION OF LOBBYING ACTIVITIES.**

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

15 **SEC. 608. LIMITATION ON APPROPRIATIONS.**

16 (a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR  
17 1996.—Notwithstanding any other provision of law, no  
18 sums are authorized to be appropriated for fiscal year  
19 1996 for the activities for which sums are authorized by  
20 this title unless such sums are specifically authorized to  
21 be appropriated by this title.

22 (b) SUBSEQUENT FISCAL YEARS.—No sums are au-  
23 thorized to be appropriated for any fiscal year after fiscal  
24 year 1996 for the activities for which sums are authorized  
25 by this title unless such sums are specifically authorized

1 to be appropriated by Act of Congress with respect to such  
2 fiscal year.

3 **SEC. 609. ELIGIBILITY FOR AWARDS.**

4 (a) IN GENERAL.—The Director shall exclude from  
5 consideration for awards of financial assistance made by  
6 the Under Secretary for Technology/Office of Technology  
7 Policy or the National Institute of Standards and Tech-  
8 nology after fiscal year 1995 any person who received  
9 funds, other than those described in subsection (b), appro-  
10 priated for a fiscal year after fiscal year 1995, from any  
11 Federal funding source for a project that was not sub-  
12 jected to a competitive, merit-based award process. Any  
13 exclusion from consideration pursuant to this section shall  
14 be effective for a period of 5 years after the person re-  
15 ceives such Federal funds.

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

20 **SEC. 610. STANDARDS CONFORMITY.**

21 (a) USE OF STANDARDS.—Section 2(b) of the Na-  
22 tional Institute of Standards and Technology Act (15  
23 U.S.C. 272(b)) is amended—



1           (1) by striking “, including comparing stand-  
2           ards” and all that follows through “Federal Govern-  
3           ment”;

4           (2) by redesignating paragraphs (3) through  
5           (11) as paragraphs (4) through (12), respectively;  
6           and

7           (3) by inserting after paragraph (2) the follow-  
8           ing new paragraph:

9           “(3) to compare standards used in scientific in-  
10          vestigations, engineering, manufacturing, commerce,  
11          industry, and educational institutions with the  
12          standards adopted or recognized by the Federal Gov-  
13          ernment and to coordinate the use by Federal agen-  
14          cies of private sector standards, emphasizing where  
15          possible the use of standards developed by private,  
16          consensus organizations;”.

17          (b) CONFORMITY ASSESSMENT ACTIVITIES.—Section  
18          2(b) of the National Institute of Standards and Tech-  
19          nology Act (15 U.S.C. 272(b)) is amended—

20                 (1) by striking “and” at the end of paragraph  
21                 (11), as so redesignated by subsection (a)(2) of this  
22                 section;

23                 (2) by striking the period at the end of para-  
24                 graph (12), as so redesignated by subsection (a)(2)

1 of this section, and inserting in lieu thereof “; and”;  
2 and

3 (3) by adding at the end the following new  
4 paragraph:

5 “(13) to coordinate Federal, State, local, and  
6 private sector standards conformity assessment ac-  
7 tivities, with the goal of eliminating unnecessary du-  
8 plication and complexity in the development and pro-  
9 mulgation of conformity assessment requirements  
10 and measures.”.

11 (c) TRANSMITTAL OF PLAN TO CONGRESS.—The Na-  
12 tional Institute of Standards and Technology shall, by  
13 January 1, 1996, transmit to the Congress a plan for im-  
14 plementing the amendments made by this section.

15 **SEC. 611. FURTHER AUTHORIZATIONS.**

16 Nothing in this Act shall preclude further authoriza-  
17 tion of appropriations for the Manufacturing Extension  
18 Partnerships program under sections 25 and 26 of the Na-  
19 tional Institute of Standards and Technology Act (15  
20 U.S.C. 278k and 278l) for fiscal year 1996: *Provided,*  
21 That authorization allocations adopted by the Conference  
22 Committee on House Concurrent Resolution 67, and ap-  
23 proved by Congress, allow for such further authorizations.

1 **SEC. 612. AVAILABLE FUNDING.**

2 Nothing in this title prohibits the National Institute  
3 of Standards and Technology from using available funds  
4 to perform standards-related research and development  
5 activities relating to environmental technologies, health  
6 care, information infrastructure, and construction tech-  
7 nologies.

8 **TITLE VII—UNITED STATES FIRE**  
9 **ADMINISTRATION**

10 **SEC. 701 SHORT TITLE.**

11 This title may be cited as the “Fire Administration  
12 Authorization Act of 1995”.

13 **SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

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

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

18 (2) by striking the period at the end of sub-  
19 paragraph (F) and inserting in lieu thereof a semi-  
20 colon; and

21 (3) by adding at the end the following new sub-  
22 paragraphs:

23 “(G) \$28,000,000 for the fiscal year ending  
24 September 30, 1996, which, notwithstanding sub-  
25 section (h), includes any amounts appropriated

1 under subsection (h) (3) and (4) for fiscal year  
2 1996; and

3 “(H) \$28,000,000 for the fiscal year ending  
4 September 30, 1997.”.

5 **SEC. 703. FIRE SAFETY SYSTEMS IN ARMY HOUSING.**

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

10 **SEC. 704. SUCCESSOR FIRE SAFETY STANDARDS.**

11 The Federal Fire Prevention and Control Act of 1974  
12 is amended—

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

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

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

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

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

4 **SEC. 705. TERMINATION OR PRIVATIZATION OF FUNC-**  
5 **TIONS.**

6           The Administrator of the United States Fire Admin-  
7           istration shall transmit to Congress a report providing no-  
8           tice at least 60 days in advance of the termination or  
9           transfer to a private sector entity of any significant func-  
10          tion of the United States Fire Administration.

11 **SEC. 706. REPORT ON BUDGETARY REDUCTION.**

12          The Administrator of the United States Fire Admin-  
13          istration shall transmit to Congress, within three months  
14          after the date of the enactment of this Act, a report set-  
15          ting forth the manner in which the United States Fire  
16          Administration intends to implement the budgetary reduc-  
17          tion represented by the difference between the amount ap-  
18          propriated to the United States Fire Administration for  
19          fiscal year 1996 and the amount requested in the Presi-  
20          dent’s budget request for such fiscal year. Such report  
21          shall be prepared in consultation with the Alliance for Fire  
22          and Emergency Management, the International Associa-  
23          tion of Fire Chiefs, the International Association of Fire  
24          Fighters, the National Fire Protection Association, the  
25          National Volunteer Fire Council, the National Association

1 of State Fire Marshals, and the International Association  
2 of Arson Investigators.

3       **TITLE VIII—BUY AMERICAN**

4       **SEC. 801. BUY AMERICAN.**

5       (a) SENSE OF CONGRESS.—It is the sense of Con-  
6 gress that any recipient of a grant under this Act, or  
7 under any amendment made by this Act, should purchase,  
8 when available and cost-effective, American made equip-  
9 ment and products when expending grant monies.

10       (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In al-  
11 locating grants under this Act, or under any amendment  
12 made by this Act, the Secretary shall provide to each re-  
13 cipient a notice describing the statement made in sub-  
14 section (a) by the Congress.

Passed the House of Representatives October 12,  
1995.

Attest:

*Clerk.*



104TH CONGRESS  
1ST SESSION

H. R. 2405

---

**AN ACT**

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