

October 15, 1986

CONGRESSIONAL RECORD — HOUSE

H 10515

Conference agreement compared with:

New budget (obligational) authority, fiscal year 1986	+122,089,000
Budget estimates of new (obligational) authority, fiscal year 1987	+1,715,756,000
House bill, fiscal year 1987	+181,281,000
Senate bill, fiscal year 1987	+477,372,000

SIDNEY R. YATES,
JOHN P. MURTHA,
NORMAN D. DICKS,
EDWARD P. BOLAND,
LES AU COIN,
TOM BEVILL,
JAMIE L. WHITTEN,
RALPH REGULA,
JOSEPH M. MCDADE,
SILVIO O. CONTE,

Managers on the Part of the House.

JAMES A. MCCLURE,
TED STEVENS,
PAUL LAXALT,
JAKE GARN,
THAD COCHRAN,
MARK ANDREWS,
WARREN RUDMAN,
LOWELL P. WEICKER, Jr.,
ROBERT C. BYRD,
J. BENNETT JOHNSTON,
DENNIS DECONCINI,
QUENTIN N. BURDICK,
DALE BUMPERS,
ERNEST F. HOLLINGS,

Managers on the Part of the Senate.

□ 1430

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1987

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5495) to authorize appropriations to the National Aeronautics and Space Administration, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment and the House amendment to the Senate amendment, as follows:

Senate amendment: strike out all after the enacting clause and insert:

That this Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1986".

Sec. 2. There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1986:

(a) For "Research and development", for the following programs:

- (1) Space station, \$410,000,000;
- (2) Space transportation capability development, \$515,500,000;
- (3) Physics and astronomy, \$529,400,000;
- (4) Life sciences, \$74,300,000;
- (5) Planetary exploration, \$374,300,000;
- (6) Space applications, \$552,600,000;
- (7) Technology utilization, \$13,300,000;
- (8) Commercial use of space, \$27,000,000;
- (9) Aeronautical research and technology, \$376,000,000;

(10) Transatmospheric research and technology, \$40,000,000;

(11) Space research and technology, \$183,200,000; and

(12) Tracking and data advanced systems, \$17,100,000.

(b) For "Space flight, control and data communications", for the following programs:

(1) Space shuttle production and operational capability, \$783,800,000;

(2) Space transportation operations, \$1,350,700,000; and

(3) Space and ground network, communications and data systems, \$860,900,000.

(c) For "Construction of facilities", including land acquisition, as follows:

(1) Construction of addition to Orbiter Processing Facility Annex, John F. Kennedy Space Center, \$3,400,000;

(2) Construction of addition to the Systems Integration and Mockup Laboratory, Johnson Space Center, \$5,000,000;

(3) Construction of Central Computing Facility, Johnson Space Center, \$9,000,000;

(4) Modifications to Test Stand 300 for Space Station Hydrogen/Oxygen Propulsion Systems Development, George C. Marshall Space Flight Center, \$2,100,000;

(5) Construction of Spacecraft Systems Development and Integration Facility, Goddard Space Flight Center, \$8,000,000;

(6) Construction of Engineering Support Building, Jet Propulsion Laboratory, \$9,800,000;

(7) Modification of Uninterruptible Power System in Space Flight Operations Facility, Jet Propulsion Laboratory, \$2,600,000;

(8) Construction of Human Performance Research Laboratory, Ames Research Center, \$9,400,000;

(9) Construction of Integrated Test Facility, Dryden Flight Research Facility, \$17,500,000;

(10) Modifications to 8-Foot High Temperature Tunnel, Langley Research Center, \$9,700,000;

(11) Construction of addition for Non-Destructive Evaluation Research Laboratory, Langley Research Center, \$2,000,000;

(12) Construction of Power Systems Facility, Lewis Research Center, \$5,800,000;

(13) Construction of the Second Tracking and Data Relay Satellite System Ground Terminal Facility, New Mexico, \$22,000,000;

(14) Repair of facilities at various locations, not in excess of \$750,000 per project, \$24,000,000;

(15) Rehabilitation and modification of facilities at various locations, not in excess of \$750,000 per project, \$30,000,000;

(16) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$500,000 per project, \$7,000,000; and

(17) Facility planning and design not otherwise provided for, \$14,000,000.

Notwithstanding paragraphs (1) through (17) of this subsection, the total amount authorized by this subsection shall not exceed \$161,300,000.

(d) For "Research and program management" \$1,425,000,000.

(e) Notwithstanding the provisions of subsection (h), appropriations authorized in this Act for "Research and development" and "Space flight, control and data communications" may be used for (1) any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless

the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" and "Space flight, control and data communications" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$500,000, unless the Administrator or the Administrator's designee has notified the President of the Senate and the Speaker of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives of the nature, location, and estimated cost of such facility.

(f) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development," for "Space flight, control and data communications" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of 12 months beginning at any time during the fiscal year.

(g) Appropriations made pursuant to subsection (d) may be used, but not to exceed \$35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator, and the Administrator's determination shall be final and conclusive upon the accounting officers of the Government.

(h) Of the funds appropriated pursuant to subsections (a), (b), and (d), not in excess of \$100,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection (a) or (b), not in excess of \$500,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

Sec. 3. Authorization is granted whereby any of the amounts prescribed in paragraphs (1) through (11) of section 2(c) of this Act—

(1) in the discretion of the Administrator or the Administrator's designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or the Administrator's designee to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives on the circumstances of such action, may be varied upward 25 percent.

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Sec. 4. Not to exceed one-half of 1 percent of the funds appropriated pursuant to section 2(a) or (b) of this Act may be transferred to and merged with the "Construction of facilities" appropriation, and when so transferred, together with \$10,000,000 of funds appropriated pursuant to section 2(c) of this Act (other than funds appropriated pursuant to paragraph (12) of such section) shall be available for expenditure to con-

struct, expand, and modify laboratories and other installations at any location (including locations specified in section 2(c)), if (1) the Administrator determines that such action is necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) the Administrator determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the President of the Senate and to the Speaker of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a written report containing a full and complete statement concerning (a) the nature of such construction, expansion, or modification, (B) the cost thereof including the cost of any real estate action pertaining thereto, and (C) the reason why such construction, expansion, or modification is necessary in the national interest.

Sec. 5. Notwithstanding any other provision of this Act, no amount appropriated pursuant to this Act may be used for any program—

(1) deleted by the Congress from requests as originally made either to the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Science and Technology of the House of Representatives;

(2) in excess of the amount actually authorized for that particular program by section 2(a), (b), and (d); and

(3) which has not been presented to either such committee,

unless a period of 30 days has passed after the receipt by the President of the Senate and the Speaker of the House of Representatives and each such committee of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

Sec. 6. The President shall, on the date of the submittal to the Congress of a budget for the National Aeronautics and Space Administration for fiscal year 1988, submit to the Congress budget estimates for the recommended level of program activity and subactivity funding for fiscal years 1989 and 1990 of a permanently manned space station.

Sec. 7. No civil space station authorized under section 2(a)(1) of this Act may be used to carry or place in orbit any nuclear weapon or any other weapon of mass destruction, to install any such weapon on any celestial body, or to station any such weapon in space in any other manner. This civil space station may be used only for peaceful purposes.

Sec. 8. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 9. (a) Section 24 of the Commercial Space Launch Act (49 App. U.S.C. 2623) is amended by adding at the end thereof the following: "There is authorized to be appropriated to the Secretary to carry out this Act \$1,120,000 for fiscal year 1987."

(b) Section 5(a)(1) of the Commercial Space Launch Act (49 App. U.S.C. 2604(a)(1)) is amended to read as follows:

"(1) pursuant to authorization and subject to the availability of appropriations, encourage and facilitate commercial space launches by the private sectors, in consonance with the space policies of the United States as established in public law; and"

(c) Section 15(b) of the Commercial Space Launch Act (49 App. U.S.C. 2614(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) For purposes of paragraph (1), direct costs shall not include costs associated with meeting the space transportation needs of the United States. Notwithstanding the provisions of this paragraph, charges for the use of government payload processing facilities and associated services for commercial payloads shall continue to be based on the current full cost recovery standard."

Sec. 10. The Administrator of the National Aeronautics and Space Administration shall review the proposed space agenda submitted by the National Commission on Space pursuant to title II of the National Aeronautics and Space Administration Authorization Act, 1985 (Public Law 98-361; 98 Stat. 427) and recommended to the appropriate committees of the Congress a long-range plan to implement such proposed space agenda, including a specific agenda for the five-year period beginning on the date of enactment of this Act. Such recommendations shall be made not later than February 15, 1987.

Sec. 11. (a) The Administrator of the National Aeronautics and Space Administration shall prepare and submit to the Congress, not later than March 31, 1987, a comprehensive acquisition strategy and plan for the continued procurement of space shuttle solid rocket motors. Such strategy and plan shall specifically address (1) the decisions made by the Administrator regarding the motor design or designs, (2) alternatives for establishing and maintaining competition in the future procurements, and (3) costs and benefits of each such alternative.

(b) Upon completion of the solid rocket motor redesign and the upgraded motor evaluation efforts, and the determination of a safe and reasonable flight rate, but before signing or extending any production contract for follow-on solid rocket motors beyond those currently under contract, the Administrator shall (1) issue a request for proposal for a second source for a redesigned motor, or (2) issue a request for proposal for an upgraded motor.

(c) The Administrator shall determine whether a request to the Congress for second source qualification funding is necessary or desirable in order to permit the second source to compete with the incumbent on a fair and effective basis, consistent with the Competition in Contracting Act of 1984 (Public Law 98-369; 98 Stat. 1175).

(d) The Administrator shall consider the competitive advantages of the nozzle and solid rocket motor separately. No determination of the advantages of the second source of either the solid rocket motor or the nozzle shall preclude a judgment on the advantages of the other. In evaluating proposals received in response to the request for proposal issued pursuant to subsection

(b) of this section, the Administrator shall consider costs and cost savings in accordance with applicable law.

(e) The comprehensive acquisition strategy and plan prepared under subsection (a) of this section and proposals for a second source for a redesigned motor under subsection (b) of this section shall apply to all modifications of the solid rocket motor that are intended for production.

(f) In addition to the requirements of subsection (b) of this section, the Administrator, before signing or extending any production contract for follow-on solid rocket motors beyond those currently under contract, shall notify the Congress of the number of additional solid rocket motors required in order to allow the space shuttle transportation system to continue to operate if a new contractor, selected pursuant to subsection (b)(1) or (2) of this section, is not able to provide any of such additional solid rocket motors. The Administrator shall not sign or extend any such contract until a period of 30 calendar days during which either House of Congress is in session has passed after the date of such notification.

(g) Nothing in this section shall be construed to direct the Administrator to select and qualify a second source or upgraded source of production for solid rocket motors if the proposals received pursuant to subsection (b)(1) of this section are inconsistent with the requirements of section 2304(b)(1) of title 10, United States Code, or if the proposals received pursuant to subsection (b)(2) of this section are inconsistent with the requirements of section 2304(a)(1) of title 10, United States Code.

Sec. 12. (a) It is the sense of the Congress that the United States must promptly restore its space transportation capabilities and such restoration must be accomplished without deemphasizing other space programs.

(b) The Administrator of the National Aeronautics and Space Administration is directed to take the necessary steps to return safely the space shuttle fleet to flight status.

(c) There are authorized to be appropriated for fiscal year 1987 \$100,600,000 to carry out this section.

Sec. 13. (a)(1) The Administrator of the National Aeronautics and Space Administration shall promptly take such steps as may be necessary to construct a fourth space shuttle orbiter as a replacement for the space shuttle orbiter Challenger.

(2) There are authorized to be appropriated for fiscal year 1987 \$272,000,000 to begin the construction required by paragraph (1) of this subsection.

(b) The Administrator shall explore the availability of private funding for construction of the replacement orbiter authorized by subsection (a) of this section. The Administrator shall accept private funding for such construction—

(1) if the Administrator finds that such private funding is available; and

(2) if the Administrator finds that such funding—

(A) is in the best interests of the United States; and

(B) results in no additional net costs to the Federal Government.

Private funding accepted under this subsection shall replace appropriated funding obligated or expended for such a replacement orbiter.

Sec. 14. (a) The Administrator of the National Aeronautics and Space Administration, in cooperation with the Secretary of Defense, and before July 1, 1987, shall submit to the Congress a five-year plan, to be updated annually and presented to Con-

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gress along with the President's annual budget request, setting forth—

(1) a schedule for planned reimbursements from the Department of Defense for space shuttle services; and

(2) a schedule for the provision of such services.

(b) There is authorized to be appropriated for fiscal year 1987 \$531,000,000 as payment to the National Aeronautics and Space Administration for reimbursable services provided to the Department of Defense.

Sec. 15. (a) The space shuttle shall be the primary United States launch system for manned missions and missions needing its unique capabilities. The space shuttle shall also be available for other missions, including the launch of non-shuttle-unique foreign and commercial payloads, pursuant to the priorities specified in subsection (b)(2) of this section.

(b) The Administrator of the National Aeronautics and Space Administration shall make best efforts to develop a space shuttle launch manifest that—

(1) ensures that existing commitments of the National Aeronautics and Space Administration to its customers, including launch service agreements, are met within the priority constraints contained in paragraph (2) of this subsection; and

(2) reflects the following priorities (in descending order):

(A) Payloads deemed critical to the national security.

(B) Significant civil government missions, including those having limited launch opportunities.

(C) Government payloads other than those referred to in subparagraph (A) and (B) of this paragraph.

(D) Payloads other than those referred to in subparagraphs (A) through (C) of this paragraph, including foreign and commercial payloads.

(c) The Administrator shall submit the current flight manifest to the Congress reflecting the priorities contained in this section not later than November 1, 1986. The Administrator shall keep the Congress fully and currently informed of the status of the flight manifest.

Sec. 16. (a) It is the sense of the Congress that the shuttle pricing policy established in title II of the National Aeronautics and Space Administration Authorization Act of 1986 (Public Law 99-170; 99 Stat. 1017) remains valid and should be implemented so as to assure reliable access to space for all United States space users.

(b) In the report required by title II of such Act submitted with the budget request for fiscal year 1988, the Administrator of the National Aeronautics and Space Administration shall include a description of how the Administrator's implementation of the pricing policy will accomplish the objectives of this section.

Sec. 17. (a) It is the sense of the Congress that in order to ensure reliable access to space, in order to meet national security, scientific, and commercial objectives of the United States space program, and in order to ensure that the United States does not conclude the commercial launch vehicle business to foreign competition, the United States should utilize the capability of expendable launch vehicles as well as the space shuttle for placing government payloads into orbit.

(b) In order to meet the requirements of subsection (a) of this section, the Administrator of the National Aeronautics and Space Administration shall develop a plan for the purchase, through competitive procurement, of expendable launch vehicle services for the purpose of launching government payloads, as aggregated by the Ad-

ministrator. The services purchased under this subsection shall be provided on a reimbursable basis.

(c) The Administrator shall report to the Congress on how the Administrator will carry out this section not later than February 15, 1987. Such report shall include—

(1) an estimate of expendable launch vehicle requirements for the five years following the date of enactment of this Act;

(2) an explanation of how the National Aeronautics and Space Administration intends to utilize expendable launch vehicle launches for future civil launch requirements, including but not limited to the availability of a commercial expendable launch vehicle capability, a National Aeronautics and Space Administration expendable launch vehicle capability, and a Department of Defense expendable launch vehicle capability;

(3) an explanation of how such utilization of expendable launch vehicles can be carried out in a manner which fosters the development of a competitive expendable launch vehicle industry;

(4) a proposed procurement plan for commercial expendable launch vehicle services for the five years following the date of enactment of this Act; and

(5) an estimate of the authorizations of appropriations that are necessary to procure launch services for United States Government satellites by expendable launch vehicles for fiscal year 1988 and the four succeeding fiscal years.

Sec. 18. (a) Congress finds that the National Aeronautics and Space Administration should take every action available to it to restore, to its previous standards of excellence, its commitment to quality assurance, reliability, and safety.

(b) The Administrator of the National Aeronautics and Space Administration shall identify as a separate item in the budget submitted by the President under section 1105 of title 31, United States Code, for any fiscal year, the number of individuals per facility of the National Aeronautics and Space Administration whose functions relate to quality assurance, reliability, and safety.

Sec. 19. (a) There is hereby established, in the Executive Office of the President, the National Aeronautics and Space Council (hereinafter called the "Council") which shall be composed of—

(1) the Vice President, who shall be Chairman of the Council;

(2) the Secretary of State;

(3) the Secretary of Defense;

(4) the Secretary of Transportation;

(5) the Secretary of Commerce;

(6) the Director of Central Intelligence; and

(7) the Administrator of the National Aeronautics and Space Administration, who shall be the Vice Chairman of the Council.

(b) The President shall from time to time designate one of the members of the Council to preside over meetings of the Council during the absence, disability, or unavailability of the Chairman.

(c) Each member of the Council may designate another officer of their department or agency to serve on the Council as their alternative in their unavoidable absence.

(d) Each alternate member designated under subsection (c) of this section shall be designated to serve as such by and with the advice and consent of the Senate unless at the time of such members' designation the member holds an office in the Federal Government to which the member was appointed by and with the advice and consent of the Senate.

(e) It shall be the function of the Council to advise and assist the President, as the President may request, with respect to the

performance of functions in the aeronautics and space field, including the following functions:

(1) survey all significant aeronautical and space activities, including the policies, plans, programs, and accomplishments of the United States, including all departments and agencies of the United States engaged in such activities, and other nations;

(2) develop a comprehensive program of aeronautical and space activities to be conducted by departments and agencies of the United States;

(3) designate and fix responsibility for the direction of major aeronautical and space activities;

(4) provide for effective cooperation among all departments and agencies of the United States engaged in aeronautical and space activities, and specify, in any case in which primary responsibility for any category of aeronautical and space activities has been assigned to any department or agency, which of those activities may be carried on concurrently by other departments or agencies; and

(5) resolve differences arising among departments and agencies of the United States with respect to aeronautical and space activities under this Act, including differences as to whether a particular project is an aeronautical and space activity.

(f) The Council may employ a staff to be headed by a civilian executive secretary who shall be appointed by the President by and with the advice and consent of the Senate. The executive secretary, subject to the direction of the Council, is authorized to appoint and fix the compensation of such personnel, including not more than seven persons, as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions. Each appointment under this subsection shall be subject to the same security requirements as those established for personnel of the National Aeronautics and Space Administration appointed under section 203(c)(2) of this Act. Other provisions of law or regulations relating to Government employment shall apply to employees of the Council reporting directly to the Chairman to the extent that such provisions are applicable to employees in the Office of the Vice President.

(g)(1) The Council shall establish a Users' Advisory Group composed of nine non-Federal representatives of industries and other persons involved in space activities.

(2) The Vice President shall name a Chairman of the Users' Advisory Group.

(3) The Council shall from time to time, but not less often than once a year, meet with the Users' Advisory Group.

(4) The functions of the Users' Advisory Group is to ensure that the interests of industries and other non-Federal entities involved in space activities, including in particular commercial entities, are adequately represented in the Council.

(5) The Users' Advisory Group may be assisted by the staff of the Council.

Sec. 20. The Administrator of the National Aeronautics and Space Administration shall submit a report to the Congress by January 30, 1987, detailing the Administrator's actions to comply with Executive Order 12564.

Sec. 21. (a) The Congress finds and declares that—

(1) the implementation of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.) has begun and some of the major milestones contained in such Act have been met;

(2) the Congress remains strongly committed to the guiding principles set forth in such Act;

(3) notwithstanding the accomplishments thus far, the relationships among the involved Federal agencies and the private sector have not been adequately defined; and

(4) inasmuch as the technical development and commercial applications of future land remote-sensing systems cannot now be predicted with certainty, it is in the national interest of the United States that the involved Federal agencies and the private sector remain flexible in carrying out their respective responsibilities under such Act.

(b) It is therefore the purpose of this section to set forth amendments to the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.) to ensure that—

(1) the original intent of such Act is carried out in the most effective manner consistent with the guiding principles expressed in such Act;

(2) specific mechanisms for carrying out the original intent of such Act are provided in those cases where none have materialized thus far; and

(3) the working relationships among involved Federal agencies and private sector parties for the purpose of carrying out such Act are fully developed and mutually understood.

(c) Section 202(a)(4) of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4212(a)(4)) is amended by inserting before the semi-colon the following: “, except in the case of research and development activities conducted in accordance with section 504”.

(d) Title III of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4221 et seq.) is amended by adding at the end thereof the following:

“DISPOSITION OF GOVERNMENT ASSETS

“Sec. 308. Following the completion of a contract made pursuant to this title, the Secretary may, upon 30 days advance notice to the Committee on Commerce, Science, and Transportation of the Senate and the Committee, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives, dispose of assets (other than real property) under the control of the Secretary in a manner which best ensures the continuation of the contractor's commercial activity.”

(e) Section 502 of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4262) is amended to read as follows:

“RESEARCH AND DEVELOPMENT ACTIVITIES OF FEDERAL AGENCIES

“Sec. 502. Each Federal agency is authorized and encouraged to provide data gathered in experimental remote-sensing space programs to related research and development programs funded by the Federal Government (including applications programs) and to cooperative research programs if the Federal agency involved determines that the data will not be used—

“(1) for any commercial purpose, or

“(2) in substantial competition with data available from a licensee under this Act, except pursuant to section 503.”

(f) Title V of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4261 et seq.) is amended by adding at the end thereof the following:

“RESEARCH AND DEVELOPMENT ACTIVITIES OF SYSTEM OPERATORS

“Sec. 504. Notwithstanding section 601, any system operator under title II, III, or IV, or any marketing entity under section 503, may provide data for research and development programs if—

“(1) a complete and timely disclosure of the results of such research and development is made in the open technical literature or is otherwise made publicly available;

“(2) the system operator or marketing entity provides to the Secretary an annual report of all research and development data transactions including the nature of any cooperative agreements and the prices charged for data; and

“(3) the data are not used for commercial purposes or in substantial competition with data available from a licensee under this Act.”

(g) Section 603 of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4273) is amended to read as follows:

“NONREPRODUCTION

“Sec. 603. In addition to such other terms and conditions as the system operator may set forth in compliance with section 601, the system operator may require that unenhanced data not be reproduced or disseminated by any foreign or domestic purchaser.”

Sec. 22. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its public warning and forecast service duties under law, \$330,598,000 for fiscal year 1987. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to public warning and forecast specified by the Act entitled “An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture”, approved October 1, 1890 (15 U.S.C. 311 et seq.), the Act entitled “An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes”, approved August 6, 1947 (33 U.S.C. 883a et seq.), and by any other law involving such duties. Such duties include meteorological, hydrological, and oceanographic public warnings and forecasts.

(b) Of the amount authorized to be appropriated by subsection (a) of this section, \$45,500,000 is authorized to be appropriated only for activities related to the Next Generation Weather Radar Program. Such activities may include site surveys, preparation for production radars, limited radar production, initial operational test and evaluation of radars, training of personnel, release of long lead items for full production, award of the production contract, and land acquisition for radar sites.

Sec. 23. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric and hydrological research duties under law, \$68,044,000 for fiscal year 1987. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to atmospheric and hydrological research specified by the Act entitled “An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture”, approved October 1, 1890 (15 U.S.C. 311 et seq.) and by any other law involving such duties. Such duties include research for developing improved prediction capabilities for atmospheric and hydrological processes.

Sec. 24. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite services duties under law, \$72,606,000 for fiscal year 1987. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to satellite

services specified by the Act entitled “An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture”, approved October 1, 1890 (15 U.S.C. 311 et seq.), the National Aeronautics and Space Administration Authorization Act, 1985, approved July 16, 1984 (Public Law 98-361; 98 Stat. 422), and by any other law involving such duties. Such duties include satellite maintenance and operations and satellite data analysis.

Sec. 25. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite systems duties under laws, \$168,139,000 for fiscal year 1987. Moneys appropriated pursuant to this authorization shall be used by the National Oceanic and Atmospheric Administration to purchase, launch and operate the most reliable polar-orbiting meteorological satellite system that is feasible, including a full complement of all present instruments in the afternoon orbit and a backup capability for additional reliability in the morning orbit. In addition, such moneys shall be used to fund those duties relating to satellite systems specified by the Act entitled “An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture”, approved October 1, 1890 (15 U.S.C. 311 et seq.), the National Aeronautics and Space Administration Authorization Act, 1985, approved July 16, 1984 (Public Law 98-361; 98 Stat. 422), and by any other law involving such duties. Such duties include spacecraft procurement, launch, and associated ground station system changes involving polar-orbiting and geostationary environmental satellites.

Sec. 26. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its data and information services duties under law, \$22,734,000 for fiscal year 1987. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act entitled “An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture”, approved October 1, 1890 (15 U.S.C. 311 et seq.), and by any other law involving such duties. Such include environmental data and information products and services in the atmospheric, marine, solid earth, and solar-terrestrial sciences.

Sec. 27. (a) Section 2(d) of Reorganization Plan No. 4 of 1970 (5 U.S.C. App. I) is amended to read as follows:

“(d) There shall be in the Administration a Chief Scientist of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). The Chief Scientist shall be the principal scientific adviser to the Administrator, and shall perform such other duties as the Administrator may direct. The Chief Scientist shall be an individual who is, by reason of scientific education and experience, knowledgeable in the principles of oceanic, atmospheric, or other scientific disciplines important to the work of the Administration.”

(b) Section 5315 of title 5, United States Code, is amended by striking “Associate Administrator, National Oceanic and Atmospheric Administration.”

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(c) Section 5316 of title 5, United States Code, is amended by inserting at the end thereof the following:

"Chief Scientist, National Oceanic and Atmospheric Administration."

House amendment to the Senate amendment: In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

That this Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1987".

TITLE I—NASA AUTHORIZATION

Sec. 101. There is hereby authorized to be appropriated to the National Aeronautics and Space Administration, to become available October 1, 1986:

(a) For "Research and development", for the following programs:

- (1) Permanently manned space station, \$410,000,000.
- (2) Space transportation capability development, \$515,500,000.
- (3) Physics and astronomy, \$529,400,000.
- (4) Life sciences, \$74,300,000.
- (5) Planetary exploration, \$374,300,000.
- (6) Solid earth observations, \$74,100,000.
- (7) Environmental observations, \$313,900,000.
- (8) Materials processing in space, \$43,900,000.
- (9) Communications, \$99,500,000.
- (10) Information systems, \$21,200,000.
- (11) Technology utilization, \$13,300,000.
- (12) Commercial use of space, \$27,000,000.
- (13) Aeronautical research and technology, \$376,000,000.
- (14) Transatmospheric research and technology, \$40,000,000.
- (15) Space research and technology, \$183,200,000.
- (16) Tracking and data advanced systems, \$17,100,000.

(b) For "Space flight, control and data communication", for the following programs:

- (1) Space shuttle production and operational capability, \$783,800,000.
- (2) Space transportation operations, \$1,350,700,000.
- (3) Space and ground networks, communication, and data systems, \$860,900,000.

(c) For "Construction of facilities," including land acquisition, as follows:

- (1) Construction of Central Computing Facility, Johnson Space Center, \$9,000,000.
- (2) Facilities for a permanently manned space station as follows:

(A) Construction of addition to the Systems Integration and Mockup Laboratory, Johnson Space Center, \$5,000,000.

(B) Construction of Power Systems Facility, Lewis Research Center, \$5,800,000.

(C) Modifications to Test Stand 300 for Space Station Hydrogen/Oxygen Propulsion Systems Development, George C. Marshall Space Flight Center, \$2,100,000.

(3) Construction of addition to Orbiter Processing Facility Annex, John F. Kennedy Space Center, \$3,400,000.

(4) Construction of Spacecraft Systems Development and Integration Facility, Goddard Space Flight Center, \$8,000,000.

(5) Construction of Engineering Support Building, Jet Propulsion Laboratory, \$9,800,000.

(6) Modification of Uninterruptible Power System in Space Flight Operations Facility, Jet Propulsion Laboratory, \$2,600,000.

(7) Construction of Human Performance Research Laboratory, Ames Research Center, \$9,400,000.

(8) Construction of Integrated Test Facility, Dryden Flight Research Facility, \$17,500,000.

(9) Modifications to 8-Foot High Temperature Tunnel, Langley Research Center, \$9,700,000.

(10) Construction of addition for Non-Destructive Evaluation Research Laboratory, Langley Research Center, \$2,000,000.

(11) Construction of the Second Tracking and Data Relay Satellite System Ground Terminal Facility, New Mexico, \$22,000,000.

(12) Repair of facilities at various locations, not in excess of \$750,000 per project, \$24,000,000.

(13) Rehabilitation and modification of facilities at various locations, not in excess of \$750,000 per project, \$30,000,000.

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$500,000 per project, \$7,000,000.

(15) Facility planning and design not otherwise provided for, \$14,000,000.

In no case shall the total amount appropriated under paragraphs (1) through (15) exceed \$161,300,000.

(d) For "Research and program management", \$1,425,000,000.

(e) Notwithstanding the provisions of subsection (h), appropriations hereby authorized for "Research and development" and "Space flight, control and data communications" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator of the National Aeronautics and Space Administration (hereinafter in this Act referred to as the "Administrator") determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" and "Space flight, control and data communications" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$500,000, unless the Administrator or the Administrator's designee has notified the President of the Senate and the Speaker of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives of the nature, location, and estimated cost of such facility.

(f) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development", for "Space flight, control and data communications", or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(g) Appropriations made pursuant to subsection (d) may be used, but not to exceed \$35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator, and the Administrator's determination shall be final and conclusive upon the accounting officers of the Government.

(h) Of the funds appropriated pursuant to subsections (a), (b), and (d), not in excess of \$100,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities. Of the funds appropriated pursuant to subsection (a) or (b), not in excess of \$500,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

(i)(1) The Administrator shall submit by November 15, 1986, to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the reassignment of technical work responsibilities for a permanently manned Space Station.

(2) The report referred to in paragraph (1) shall include a full justification in terms of—

- (A) anticipated costs and benefits;
- (B) management factors; and
- (C) impacts on facility and personnel resources;

of any such proposed reassignment.

Sec. 102. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive, of section 101(c)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

(2) following a report by the Administrator of his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the circumstances of such action, may be varied upward 25 percent,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Sec. 103. Not to exceed one-half of 1 percent of the funds appropriated pursuant to section 101(a) or 101(b) may be transferred to and merged with the "Construction of facilities" appropriation, and, when so transferred, together with \$10,000,000 of funds appropriated pursuant to subsection (c) of section 101 (other than funds appropriated pursuant to paragraph (15) of such subsection) shall be available for expenditure to construct, expand, and modify laboratories and other installations at any location (including locations specified in section 101(c)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the President of the Senate and to the Speaker of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a written report containing a full and complete

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statement concerning (A) the nature of such construction, expansion, or modification, (B) the cost thereof including the cost of any real estate action pertaining thereto, and (C) the reason why such construction, expansion, or modification is necessary in the national interest.

Sec. 104. Notwithstanding any other provision of this Act, no amount appropriated pursuant to this Act may be used for any program—

(1) deleted by the Congress from requests as originally made to either the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Science and Technology of the House of Representatives;

(2) in excess of the amount actually authorized for that particular program by sections 101(a) 101(b), and 101(d); and

(3) which has not been presented to either such committee,

unless a period of 30 days has passed after the receipt by the President or the Senate and the Speaker of the House of Representatives and each such committee of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

Sec. 105. The President shall, on the date of the submittal to the Congress of a budget for the National Aeronautics and Space Administration for fiscal year 1988, submit to the Congress budget estimates for the recommended level of program activity and subactivity funding for fiscal years 1989 and 1990 of a permanently manned space station.

Sec. 106. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Sec. 107. No civil space station authorized under section 101(a)(1) of this Act may be used to carry or place in orbit any nuclear weapon or any other weapon of mass destruction, to install any such weapon on any celestial body, or to station any such weapon in space in any other manner. Any civil space station may be used only for peaceful purposes.

Sec. 108. (a) The Administrator of the National Aeronautics and Space Administration shall prepare and submit to the Congress, not later than March 31, 1987, a comprehensive acquisition strategy and plan for the continued procurement of space shuttle solid rocket motors. Such strategy and plan shall specifically address (1) the decisions made by the Administrator regarding the motor design or designs, (2) alternatives for establishing and maintaining competition in future procurements, and (3) costs and benefits of each such alternative.

(b) Upon completion of the solid rocket motor redesign and the upgraded motor evaluation efforts, and the determination of a safe and reasonable flight rate, but before signing or extending any production contract for follow-on solid rocket motors beyond those currently under contract, the Administrator shall either (1) issue a request for proposal for a second source for a redesigned motor, or (2) issue a request for proposal for an upgraded motor.

(c) The Administrator shall determine whether a request to the Congress for second source qualification funding is necessary or desirable in order to permit the second source to compete with the incumbent

on a fair and effective basis, consistent with the Competition in Contracting Act of 1984 and the amendments made by that Act (Public Law 98-369; 98 Stat. 1175).

(d) The Administrator shall consider the competitive advantages of the nozzle and solid rocket motor separately. No determination of the advantages of the second source of either the solid rocket motor or the nozzle shall preclude a judgment on the advantages of the other. In evaluating proposals received in response to the request for proposal issued pursuant to subsection (b) of this section, the Administrator shall consider costs and cost savings in accordance with applicable law.

(e) The comprehensive acquisition strategy and plan prepared under subsection (a) of this section and proposals for a second source for a redesigned motor under subsection (b) of this section shall apply to all modifications of the solid rocket motor that are intended for production.

(f) In addition to the requirements of subsection (b) of this section, the Administrator, before signing or extending any production contract for follow-on solid rocket motors beyond those currently under contract, shall notify the Congress of the number of additional solid rocket motors required in order to allow the space shuttle transportation system to continue to operate if a new contractor, selected pursuant to subsection (b)(1) or (2) of this section, is not able to provide any of such additional solid rocket motors. The Administrator shall not sign or extend any such contract until a period of 30 calendar days during which either House of Congress is in session has passed after the date of such notification.

(g) Nothing in this section shall be construed to direct the Administrator to select and qualify a second source of production for solid rocket motors if the proposals received pursuant to subsection (b)(1) of this section are inconsistent with the requirements of section 2304(b)(1) of title 10, United States Code, or if the request for proposals issued pursuant to subsection (b)(2) of this section is consistent with the requirements of section 2304(a)(1) of title 10, United States Code.

Sec. 109. (a) Congress finds that the National Aeronautics and Space Administration should take every action available to it to restore, to its previous standards of excellence, its commitment to safety, reliability, and quality assurance.

(b) The Administrator shall identify as a separate item in the budget submitted by the President under section 1105 of title 31, United States Code, for any fiscal year, the number of individuals per NASA facility whose functions relate to safety, reliability, and quality assurance.

Sec. 110. The Administrator shall—

(1) review the findings and recommendations of the National Commission on Space (established pursuant to the National Aeronautics and Space Administration Authorization Act, 1985 (Public Law 98-361)); and

(2) submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by February 15, 1987, a long-range plan for implementing the findings and recommendations referred to in paragraph (1), including a specific agenda for the five-year period beginning on the date of enactment of this Act.

Sec. 111. (a) The Administrator is authorized and encouraged to award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 50 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 5 percent.

(b) This section shall not apply to the extent to which the Administrator determines that—

(1) such applicability will not be in the public interest; or

(2) compelling national security considerations require otherwise.

(c) For purposes of this section—

(1) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(2) the term "foreign firm" means a business entity not described in paragraph (1).

(d) This section shall apply only to contracts for which—

(1) amounts are made available by this Act; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

TITLE II—OFFICE OF COMMERCIAL SPACE TRANSPORTATION

Sec. 201. Section 24 of the Commercial Space Launch Act (49 U.S.C. App. 2623) is amended by adding at the end the following: "There are authorized to be appropriated to the Secretary to carry out this Act \$1,120,000 for fiscal year 1987."

TITLE III—SPACE TRANSPORTATION RECOVERY

SEC. 301. RETURNING THE SPACE SHUTTLE FLEET TO FLIGHT STATUS.

(a) It is the sense of the Congress that the United States must promptly restore its space transportation capabilities and such restoration must be accomplished without deemphasizing other space programs.

(b) The Administrator is directed to take the necessary steps to safely return the space shuttle fleet to flight status.

(c) There are authorized to be appropriated for fiscal year 1987 \$100,600,000 to carry out this section.

SEC. 302. CONSTRUCTION OF A REPLACEMENT ORBITER.

(a)(1) The administrator shall promptly take such steps as may be necessary to construct a fourth space shuttle orbiter as a replacement for the space shuttle orbiter Challenger.

(2) There are authorized to be appropriated for fiscal year 1987 such sums as may be necessary to begin the construction required by paragraph (1).

(b) The Administrator shall explore the availability of private funding for construction of the replacement orbiter authorized by subsection (a). The Administrator shall accept private funding for such construction—

(1) if the Administrator finds such private funding is available; and

(2) if the Administrator finds that such funding—

(A) is in the best interest of the United States; and

(B) results in no additional net costs to the Federal Government.

Private funding accepted under this subsection shall replace appropriated funding obligated or expended for such a replacement orbiter.

(c) Title I of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is

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amended by adding at the end the following:

"DONATIONS FOR SPACE SHUTTLE ORBITER

"SEC. 208. (a) The Administrator may accept gifts and donations of services, money, and real, personal, tangible, and intangible property, and use such gifts and donations for the construction of a space shuttle orbiter.

"(b)(1) The authority of the Administrator to accept gifts or donations pursuant to subsection (a) shall terminate five years after the date of the enactment of this section.

"(2) All gifts and donations accepted by the Administrator pursuant to subsection (a) which are not needed for construction of a space shuttle orbiter shall be used by the Administrator for an appropriate purpose—

"(A) in tribute to the dedicated crew of the space shuttle Challenger, and

"(B) in furtherance of the exploration of space.

"(c) The name of a space shuttle orbiter constructed in whole or in part with gifts or donations whose acceptance and use are authorized by subsection (a) shall be selected by the Administrator of the National Aeronautics and Space Administration from among suggestions submitted by students in elementary and secondary schools."

SEC. 303. SPACE SHUTTLE LAUNCH PRIORITIES.

(a) The space shuttle shall be the primary United States launch system for manned missions and missions needing its unique capabilities. The space shuttle shall also be available for other missions, including the launch of non-shuttle-unique foreign and commercial payloads, pursuant to the priorities specified in subsection (b)(2).

(b) The Administrator shall make best efforts to develop a space shuttle launch manifest that—

(1) ensures that commitments of the National Aeronautics and Space Administration to its customers in effect in January 1986, including launch service agreements, are met within the priority constraints contained in subsection (b)(2); and

(2) reflects the following priorities (in descending order):

(A) Payloads deemed critical to the national security.

(B) Significant civil government missions, including those having limited launch opportunities.

(C) Government payloads other than those referred to in subparagraphs (A) and (B).

(D) Payloads other than those referred to in subparagraphs (A) through (C), including foreign and commercial payloads.

(c) The Administrator shall submit the Administrator's current flight manifest to the Congress reflecting the priorities contained in this section no later than December 1, 1986. The Administrator shall keep the Congress fully and currently informed of the status of the flight manifest.

SEC. 304. SHUTTLE PRICING POLICY.

(a) It is the sense of the Congress that the shuttle pricing policy established in title II of Public Law 99-170 remains valid and should be implemented so as to assure reliable access to space for all United States space users.

(b) In the report required by title II of Public Law 99-170 submitted with his budget request for fiscal year 1988 the Administrator shall include a description of how this implementation of the pricing policy will accomplish the objectives of this title.

SEC. 305. USE OF EXPENDABLE LAUNCH VEHICLES.

(a) It is the sense of the Congress that in order to ensure reliable access to space, in

order to meet national security, scientific, and commercial objectives of the United States space program, and in order to ensure that the United States does not concede the commercial launch vehicle business to foreign competition, the United States should utilize the capability of expendable launch vehicles as well as the space shuttle for placing government payloads into orbit.

(b) In order to meet the requirements of subsection (a), the Administrator of the National Aeronautics and Space Administration shall develop a plan for the purchase, through competitive procurement, of expendable launch vehicle services for the purpose of launching government payloads, as aggregated by the Administrator. The services purchased under this subsection shall be provided on a reimbursable basis.

(c) The Administrator shall report to Congress on how he will carry out this section no later than February 15, 1987. Such report shall include—

(1) an estimate of expendable launch vehicle requirements for the five years following the date of enactment of this Act;

(2) an explanation of how the National Aeronautics and Space Administration intends to utilize expendable launch vehicles (ELV) launches for future civil launch requirements, including but not limited to the availability of a commercial ELV capability, a NASA ELV capability, and a Department of Defense ELV capability;

(3) an explanation of how such utilization of ELV's can be carried out in a manner which fosters the development of a competitive expendable launch vehicle industry;

(4) a proposed procurement plan for commercial expendable launch vehicle services for the five years following the date of enactment of this Act; and

(5) an estimate of the authorizations of appropriations that are necessary to procure launch services for United States Government satellites by expendable launch vehicles for fiscal year 1988 and the four succeeding fiscal years.

SEC. 306. REIMBURSEMENT POLICY.

(a) The Administrator, in cooperation with the Secretary of Defense, and before July 1, 1987, shall submit to the Congress a five year plan, to be updated annually and presented to Congress along with the President's annual budget request, setting forth—

(1) a schedule for planned reimbursements from the Department of Defense for space shuttle services; and

(2) a schedule for the provision of such services.

(b) There is authorized to be appropriated for fiscal year 1987 such sums as may be necessary as payment for reimbursable services provided by the National Aeronautics and Space Administration to the Department of Defense.

SEC. 307. USE OF GOVERNMENT LAUNCH FACILITIES.

Section 15(b) of the Commercial Space Launch Act is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph: "(2) For purposes of paragraph (1), direct costs shall not include costs associated with meeting the space transportation needs of the United States."

SEC. 308. RESPONSIBILITIES UNDER COMMERCIAL SPACE LAUNCH ACT.

Section 5(a)(1) of the Commercial Space Launch Act is amended to read as follows:

"(1) pursuant to authorization and subject to the availability of appropriations, encourage and facilitate commercial space launches by the private sector, in consonance with the space policies of the United States as established in public law; and"

TITLE IV—DRUG TESTING**SEC. 401. DRUG TESTING.**

The Administrator of the National Aeronautics and Space Administration shall submit a report to the Congress by January 30, 1987, detailing the Administrator's actions to comply with Executive Order 12564.

TITLE V—LAND REMOTE-SENSING COMMERCIALIZATION**SECTION 501. SHORT TITLE.**

This title may be cited as the "Land Remote-Sensing Commercialization Act Amendments of 1986".

SEC. 502. FINDINGS.

The Congress finds and declares that—

(1) the implementation of the Land Remote-Sensing Commercialization Act of 1984 has begun and some of the major milestones contained in that Act have been met;

(2) Congress remains strongly committed to the guiding principles set forth in that Act;

(3) notwithstanding the accomplishments thus far, the relationships among the involved Federal agencies and the private sector have not yet been adequately defined; and

(4) inasmuch as the technical development and commercial applications of future land remote-sensing systems cannot now be predicted with certainty, it is in the national interest of the United States that the involved Federal agencies and the private sector remain flexible in carrying out their respective responsibilities under this title.

SEC. 503. PURPOSES.

It is therefore the purpose of this title to set forth amendments to the Land Remote-Sensing Commercialization Act of 1984 to ensure that—

(1) the original intent of that Act is carried out in the most effective manner consistent with the guiding principles expressed therein;

(2) specific mechanisms for carrying out the original intent of that Act are provided in those cases where none have materialized thus far; and

(3) the working relationships among involved Federal agencies and private sector parties for the purpose of carrying out this title are fully developed and mutually understood.

SEC. 504. CONTRACTOR EXEMPTION FROM FEDERAL FULL REIMBURSEMENT PROVISION IN THE CASE OF RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 202(a)(4) of the Act is amended by inserting before the semicolon at the end thereof the following: ", except in the case of research and development activities conducted in accordance with section 504".

SEC. 505. DISPOSITION OF ASSETS FOLLOWING THE TERMINATION OF THE SECRETARY'S AUTHORITY.

Title III of the Act is amended by adding at the end thereof the following new section:

"DISPOSITION OF GOVERNMENT ASSETS

"Sec. 308. Following the completion of a contract made pursuant to this title, the Secretary may, upon 30 days advance notice to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate, dispose of assets (other than real property) under the control of the Secretary in a manner which best ensures the continuation of the contractor's commercial activity."

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SEC. 506. CLARIFICATION OF THE USE OF EXPERIMENTAL DATA FROM FEDERAL RESEARCH AND DEVELOPMENT PROGRAMS.

Section 502 of the Act is amended to read as follows:

"RESEARCH AND DEVELOPMENT ACTIVITIES OF FEDERAL AGENCIES

"Sec. 502. Each Federal agency is authorized and encouraged to provide data gathered in experimental remote-sensing space programs to related research and development programs funded by the Federal Government (including applications programs) and to cooperative research programs if the Federal agency involved determines that the data will not be used—

- "(1) for any commercial purpose, or
- "(2) in substantial competition with data available from a license under this Act, except pursuant to section 503."

SEC. 507. CLARIFICATION OF THE USE OF NON-FEDERAL DATA FOR RESEARCH AND DEVELOPMENT PROGRAMS.

Title V of the Act is amended by adding at the end thereof the following new section:

"RESEARCH AND DEVELOPMENT ACTIVITIES OF SYSTEM OPERATORS

"Sec. 504. Notwithstanding section 601, any system operator under title II, III, or IV of this act, or any marketing entity under section 503 of this Act, may provide data for any research and development programs if—

- "(1) a complete and timely disclosure of the results of such research and development is made in the open technical literature or is otherwise made publicly available;
- "(2) the system operator or marketing entity provides to the Secretary an annual report of all research and development data transaction including the nature of any cooperative agreements and the prices charged for data; and
- "(3) the data are not used for commercial purposes or in substantial competition with data available from a licensee under this Act."

SEC. 508. CLARIFICATION OF OPERATOR RIGHTS TO IMPOSE LIMITATION ON REPRODUCTION, DISSEMINATION, AND OTHER ACTIVITIES ON A NONDISCRIMINATORY BASIS.

Section 603 of the Act is amended to read as follows:

"NONPRODUCTION

"SEC. 603. In addition to such other terms and conditions as the system operator may set forth in compliance with section 601 of this Act, the system operator may require that unenhanced data not be reproduced or disseminated by any foreign or domestic purchaser."

TITLE VI—NOAA AUTHORITY.

SEC. 601. ORGANIZATION OF NOAA.

(a) Section 2(d) of Reorganization Plan No. 4 of 1970 (5 U.S.C. App. 1) is amended to read as follows:

"(d) There shall be in the Administration a Chief Scientist of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule (5 U.S.C. 5316). The Chief Scientist shall be the principal scientific adviser to the Administrator, and shall perform such other duties as the Administrator may direct. The Chief Scientist shall be an individual who is, by reason of scientific education and experience, knowledgeable in the principles of oceanic, atmospheric, or other scientific disciplines important to the work of the Administration."

(b) Section 5315 of title 5, United States Code, is amended by striking "Associate Ad-

ministrator, National Oceanic and Atmospheric Administration."

(c) Section 5316 of title 5, United States Code, is amended by inserting at the end thereof the following:

"Chief Scientist, National Oceanic and Atmospheric Administration."

Mr. FUQUA (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Florida?

Mr. LUJAN. Mr. Speaker, reserving the right to object, and I do so to ask the gentleman from Florida to give us some of the particulars of the bill as it is and of some of the amendments that will be in it.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from Florida [Mr. FUQUA].

(Mr. FUQUA asked and was given permission to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, I rise today to urge my colleagues to support H.R. 5495; the NASA fiscal year 1987 authorization bill. The House overwhelmingly passed the bill on September 25 and the other body has now sent it back with an amendment in the nature of a substitute. We propose a further amendment in the nature of a substitute which represents a compromise which has been hammered out among representatives of both Houses of Congress on both sides of the aisle. Although the House substitute does not accomplish everything that would have been accomplished by the original version of H.R. 5495, it does have great merit.

The provisions of the House amendment are very significant and will be valuable in getting our space program back on track. First, the amendment establishes an authorization of appropriations for NASA which provides concrete congressional direction for the recovery of that agency. It continues funding for important scientific research and development efforts in support of this country's aeronautics and space program. It authorizes a replacement for the space shuttle *Challenger*, recognizing the important role of the space shuttle in maintaining the pre-eminence of America's space activities. And it takes the first step toward the next generation in aerospace transportation—the aerospace plane. Finally, the bill ensures the authorization of reimbursement of NASA by DOD for shuttle programs and services that ultimately support DOD.

The House substitute also contains a majority of the policy directives which had been included in H.R. 5495 as overwhelmingly supported by my colleagues on September 25.

Among these, the bill:

Takes steps to assure this country's access to space, including encouraging

the development of a commercial expendable launch vehicle industry. One particular provision needs emphasis. Section 307 of our amendment would facilitate the use of Government launch facilities by private expendable launch vehicle companies. This would be done by making sure that such a private user would only pay the additive costs of using Government launch facilities. That is, the private user would not have to pay part of the costs incurred by the Government for meeting its own space transportation needs. The other body had added language related to payload processing facilities. That language apparently anticipates a situation in which a private operator of payload processing facilities could be undercut by a Government operation if the Government could charge merely additive cost for the processing. We would agree that such a situation is undesirable, but feel that it is already precluded by OMB Circular A-76 which prohibits the Government from competing with private sector activities. Thus, the new language is unnecessary and, therefore, is not included in our amendment which retains the original House-passed language.

Sets priorities for establishment of the shuttle manifest after the shuttle resumes flying. Directs NASA to honor launch commitments existing as of January 1986.

Requires that the Administrator review the recommendations of the National Commission on Space and develop a plan for implementing those recommendations.

Requests out-year budget estimates for the Permanently Manned Space Station Program and reaffirms that the space station will be used for peaceful purposes.

Directs NASA to consider and competitively select a second source for supply of the redesigned space shuttle solid rocket motors if it is economical to do so; however, should NASA decide to go to an upgraded design of solid rocket motor, the new motor must be competitively procured. In the bill "redesigned" refers to motors that are modifications of the preaccident design and which can use some existing motor cases. The term "upgrade design" refers to a totally new design which would mean starting over. NASA will probably begin flying with a redesigned motor, but may later switch to an upgraded design when it is available. We should know fair soon—by March 1987—whether the plan to go to an upgraded design.

In addition, both Houses of Congress are committed to review the shuttle pricing policy during the next Congress to determine how that policy might be revised to reflect the reality of the situation facing the Nation and its ability to have reliable access to space.

In the original House-passed version of this bill we provided for reestablish-