

Public Law 102-195
102d Congress

An Act

To authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes.

Dec. 9, 1991
[H.R. 1988]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, Fiscal Year 1992".

National
Aeronautics and
Space
Administration
Authorization
Act, Fiscal Year
1992.
42 USC 2451
note.

SEC. 2. FINDINGS.

Congress finds that—

(1) the report of the Advisory Committee on the Future of the United States Space Program has provided a framework within which a consensus on the goals of the space program can be developed;

(2) a balanced civil space science program should be funded at a level of at least 20 percent of the aggregate amount in the budget of the National Aeronautics and Space Administration for "Research and development" and "Space flight, control, and data communications";

(3) development of an adequate data base for life sciences in space will be greatly enhanced through closer scientific cooperation with the Soviet Union, including active use of manned Soviet space stations;

(4) the space program can make substantial contributions to health-related research and should be an integral part of the Nation's health research and development program;

(5) Landsat data and the continuation of the Landsat system beyond Landsat 6 are essential to the Mission to Planet Earth and other long-term environmental research programs;

(6) increased use of defense-related remote sensing data and data technology by civilian agencies and the scientific community can benefit national environmental study and monitoring programs;

(7) the generation of trained scientists and engineers through educational initiatives and academic research programs outside of the National Aeronautics and Space Administration is essential to the future of the United States civil space program;

(8) the strengthening and expansion of the Nation's space transportation infrastructure, including the enhancement of launch sites and launch site support facilities, are essential to support the full range of the Nation's space-related activities;

(9) the aeronautical program contributes to the Nation's technological competitive advantage, and it has been a key factor in maintaining preeminence in aviation over many decades; and

(10) the National Aero Space Plane program can have benefits to the military and civilian aviation programs from the new and innovative technologies developed in propulsion systems, aerodynamics, and control systems that could be enormous, especially for high-speed aeronautical and space flight.

42 USC 2451
note.

SEC. 3. POLICY.

It is the policy of the United States that—

(1) the Administrator of the National Aeronautics and Space Administration (hereinafter referred to as the "Administrator"), in planning for national programs in environmental study and human space flight and exploration, should ensure the resiliency of the space infrastructure;

(2) a stable and balanced program of civil space science should be planned to minimize future year funding requirements in order to accommodate a steady stream of new initiatives;

(3) any new launch system undertaken or jointly undertaken by the National Aeronautics and Space Administration should be based on defined mission and program requirements or national policies established by Congress;

(4) in fulfilling the mission of the National Aeronautics and Space Administration to improve the usefulness, performance, speed, safety, and efficiency of space vehicles, the Administrator should establish a program of research and development to enhance the competitiveness and cost effectiveness of commercial expendable launch vehicles; and

(5) the National Aeronautics and Space Administration should promote and support efforts to advance scientific understanding by conducting or otherwise providing for research on environmental problems, including global change, ozone depletion, acid precipitation, deforestation, and smog.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR NASA.

(a) **RESEARCH AND DEVELOPMENT.**—There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1991, for "Research and development", for the following programs:

(1) United States International Space Station Freedom, \$2,028,900,000 for fiscal year 1992, of which \$18,000,000 is authorized for the design and development of an Assured Crew Return Vehicle.

(2) Space transportation capability development, \$679,800,000, of which \$40,000,000 is authorized for propulsion technology development, and \$10,000,000 is authorized for launch vehicle design studies, including single-stage-to-orbit vehicles.

(3) Physics and astronomy, \$1,104,600,000, of which \$3,000,000 is authorized for carrying out scientific programs which have otherwise been eliminated from the Space Station.

(4) Life sciences, \$163,900,000.

(5) Planetary exploration, \$299,300,000.

(6) Earth science and applications, \$756,600,000, of which—

(A) \$5,000,000 is authorized for the purchase of Landsat data at cost for global change research;

(B) \$5,000,000 is authorized for the purchase of long-lead parts for a follow-on to Landsat 6;

(C) \$1,000,000 is authorized for remote sensing data conversion;

(D) \$3,000,000 is authorized for a pilot study and prototype demonstration to convert remotely-sensed aircraft and satellite data into machine readable form for global change research; and

(E) \$2,000,000 is authorized for converting Landsat data collected prior to the date of enactment of this Act into a more durable archive medium.

(7) Materials processing in space, \$120,800,000.

(8) Communications, \$39,400,000.

(9) Information systems, \$42,000,000.

(10) Technology utilization, \$32,000,000.

(11) Commercial use of space, \$107,000,000.

(12) Aeronautical research and technology, \$591,200,000.

(13) Transatmospheric research and technology, \$72,000,000.

(14) Space research and technology, \$324,800,000, of which \$10,000,000 is authorized for a solar dynamics power research and technology development program, including a ground test of the technology, and \$10,000,000 for a program of component technology development, validation, and demonstration directed at commercial launch competitiveness.

(15) Exploration activities, \$34,500,000.

(16) Safety, reliability, and quality assurance, \$33,600,000.

(17) Tracking and data advanced systems, \$22,000,000.

(18) Academic programs, \$64,600,000.

(b) **SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS.**—There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1991, for "Space flight, control, and data communications", for the following programs:

(1) Space shuttle production and operational capability, \$1,328,900,000, of which \$375,000,000 is authorized for the Advanced Solid Rocket Motor program.

(2) Space shuttle operations, \$2,970,600,000.

(3) Launch services, \$291,900,000, amounts of which may be expended for the Mobile Satellite launch if—

(A) the Administrator, in consultation with the Chairman of the Federal Communications Commission, determines that uncertainties with respect to the status of the American Mobile Satellite Corporation as the sole Federal Communications Commission license holder for mobile satellite services have been resolved; and

(B) at least 30 days prior to the obligation of any funds for the Mobile Satellite launch, the Administrator submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report detailing plans for reimbursement to the National Aeronautics and Space Administration for its portion of launch costs of the Mobile Satellite.

(4) Space and ground network, communications, and data systems, \$920,900,000.

(c) **CONSTRUCTION OF FACILITIES.**—There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1991, for "Construction of facilities", including land acquisition, as follows:

(1) Construction of Space Station Processing Facility, Kennedy Space Center, \$35,000,000.

Reports.

- (2) Modification for Earthquake Protection, Downey/Palmdale, California, Johnson Space Center, \$4,400,000.
- (3) Modifications for Safe Haven, Vehicle Assembly Building, High-Bay 2, Kennedy Space Center, \$7,500,000.
- (4) Rehabilitation of Crawlerway, Kennedy Space Center, \$3,000,000.
- (5) Restoration of Shuttle Landing Facility Shoulders, Kennedy Space Center, \$4,000,000.
- (6) Restoration of the High Pressure Gas Facility, Stennis Space Center, \$6,500,000.
- (7) Construction of Addition for Flight Training and Operations, Johnson Space Center, \$13,000,000.
- (8) Construction of Advanced Solid Rocket Motor Program Facilities (various locations), \$100,000,000.
- (9) Modernization of Industrial Area Chilled Water System, Kennedy Space Center, \$4,000,000.
- (10) Rehabilitation and Expansion of Communications Duct Banks, Kennedy Space Center, \$1,400,000.
- (11) Replacement of 15 KV Load Break Switches, Kennedy Space Center, \$1,300,000.
- (12) Repair of Site Water System, White Sands Test Facility, \$1,300,000.
- (13) Replacement of Central Plant Chillers and Boiler, Johnson Space Center, \$5,700,000.
- (14) Modifications to X-Ray Calibration Facility (XRCF), Marshall Space Flight Center, \$5,200,000.
- (15) Restoration and Modernization of High Voltage Distribution System, Goddard Space Flight Center, \$7,000,000.
- (16) Construction of Earth Observing System Data Information System Facility, Goddard Space Flight Center, \$17,000,000.
- (17) Modernization of Main Electrical Substation, Jet Propulsion Laboratory, \$5,500,000.
- (18) Restoration of Utilities, Wallops Flight Facility, \$3,500,000.
- (19) Repair and Modernization of the 12-foot Pressure Wind Tunnel, Ames Research Center, \$25,000,000.
- (20) Upgrade of Outdoor Aerodynamic Research Facility, Ames Research Center, \$3,300,000.
- (21) Modernization of 16-foot Transonic Tunnel, Langley Research Center, \$3,400,000.
- (22) Modifications to the High Pressure Air System, Langley Research Center, \$11,700,000.
- (23) Rehabilitation of Central Air System, Lewis Research Center, \$5,600,000.
- (24) Rehabilitation of Icing Research Tunnel, Lewis Research Center, \$2,600,000.
- (25) Construction of Data Interface Facility, White Sands Test Facility, \$4,000,000.
- (26) Rehabilitation of Tracking and Data Relay Satellite System (TDRSS) Ground Terminal, White Sands Test Facility, \$5,700,000.
- (27) Repair of facilities at various locations, not in excess of \$1,000,000 per project, \$31,700,000.
- (28) Rehabilitation and modification of facilities at various locations, not in excess of \$1,000,000 per project, \$34,800,000.

(29) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$750,000 per project, \$12,900,000.

(30) Environmental compliance and restoration, \$36,000,000.

(31) Facility planning and design, not otherwise provided for, \$34,000,000.

Notwithstanding the amounts authorized in paragraphs (1) through (31), the total amount authorized by this subsection shall not exceed \$430,300,000.

(d) **RESEARCH AND PROGRAM MANAGEMENT.**—There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1991, for “Research and program management”, \$2,422,300,000.

(e) **INSPECTOR GENERAL.**—There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1991, for “Inspector General”, \$14,600,000.

(f) **USE OF FUNDS FOR CERTAIN CAPITAL ITEMS AND GRANTS.**—(1) Notwithstanding the provisions of subsection (i), appropriations authorized in this Act for “Research and development” and “Space flight, control, and data communications” may be used—

(A) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the National Aeronautics and Space Administration for the performance of research and development contracts; and

(B) 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.

(2) Title to facilities described in paragraph (1)(B) shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each grant under paragraph (1)(B) shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

(3) 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 facility, the estimated cost of which, including collateral equipment, exceeds \$750,000, unless the Administrator has notified the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of the nature, location, and estimated cost of such facility.

(g) **AVAILABILITY OF APPROPRIATED AMOUNTS.**—Appropriations authorized under this section for “Research and development”, for “Space flight, control, and data communications”, or for “Construction of facilities” may remain available until expended. Appropriations authorized under this section for “Research and program management” for maintenance and operation of facilities and for other services shall remain available through the next fiscal year following the fiscal year for which such amount is appropriated.

(h) **USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS AND EXTRAORDINARY EXPENSES.**—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.

(i) **USE OF FUNDS FOR FACILITIES.**—(1) Except as provided in subsection (f), funds appropriated pursuant to subsections (a), (b), and (d) may be used for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of existing facilities, but only if the cost of each such project, including collateral equipment, does not exceed \$200,000.

(2) Except as provided in subsection (f), funds appropriated pursuant to subsections (a) and (b) may be used for unforeseen programmatic facility project needs, but only if the cost of each such project, including collateral equipment, does not exceed \$750,000.

(3) Funds appropriated pursuant to subsection (d) may be used for repair, rehabilitation, or modification of facilities controlled by the General Services Administration, but only if the cost of each project, including collateral equipment, does not exceed \$500,000.

(j) **CRAF/CASSINI MISSION.**—Section 103(a)(1)(S) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991 (Public Law 101-611; 104 Stat. 3192), is amended—

(1) by striking "\$1,600,000,000" and inserting in lieu thereof "\$1,900,000,000";

(2) in clause (i), by striking the semicolon at the end and inserting in lieu thereof ", of which not more than \$263,000,000 shall be available for fiscal year 1992;"; and

(3) in clause (iii), by striking "\$640,000,000" and inserting in lieu thereof "\$940,000,000".

(k) **TOTAL AUTHORIZATIONS FOR FISCAL YEARS 1993 AND 1994.**—There is authorized to be appropriated to the National Aeronautics and Space Administration for "Research and development", "Space flight, control, and data communications", "Construction of facilities", "Research and program management", and "Inspector General" a total amount of \$15,601,000,000 for fiscal year 1993, and \$16,959,000,000, for fiscal year 1994, to remain available until expended.

(l) **REPROGRAMMING FOR TRANSATMOSPHERIC RESEARCH AND TECHNOLOGY.**—The Administrator may reprogram up to \$67,000,000 of the amount authorized for "Research and development" for fiscal year 1992 to use for the purposes described in subsection (a)(13). No such funds may be obligated until a period of 30 days has passed after the Administrator has notified the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of such transfer.

SEC. 5. CONSTRUCTION OF FACILITIES REPROGRAMMING.

Appropriations authorized under section 4(c) (1) through (31)—

(1) in the discretion of the Administrator or the Administrator's designee, may be varied upward by 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, Space, and Technology of the House of Representatives on the circumstances of such action, may be varied upward by 25 percent, to meet unusual cost variations.

The total amount authorized to be appropriated under section 4(c) (1) through (31) shall not be increased as a result of actions authorized under paragraphs (1) and (2).

Reports.

SEC. 6. SPECIAL REPROGRAMMING AUTHORITY FOR CONSTRUCTION OF FACILITIES.

Where the Administrator determines that new developments or scientific or engineering changes in the national program of aeronautical and space activities have occurred; and that such changes require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities; the Administrator may transfer not to exceed one-half of 1 percent of the funds appropriated pursuant to section 4 (a) and (b) to the "Construction of facilities" appropriation for such purposes. The Administrator may also use up to \$10,000,000 of the amounts authorized under section 4(c) for such purposes. The funds so made available pursuant to this section 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 such funds may be obligated until a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a written report describing the nature of the construction, its cost, and the reasons therefor.

Reports.

SEC. 7. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by Congress from requests as originally made to either the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Science, Space, and Technology of the House of Representatives;

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by section 4 (a), (b), and (d); and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to either such committee,

unless a period of 30 days has passed after the receipt, by 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. The National Aeronautics and Space Administration shall keep the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 8. FACILITY MAINTENANCE OFFICE.

The Administrator shall create a Facility Maintenance Office within the Office of Management Systems and Facilities which shall plan and direct facilities maintenance management for all National Aeronautics and Space Administration sites.

42 USC 2459.

SEC. 9. GEOGRAPHICAL DISTRIBUTION.

It is the sense of 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. 10. PEACEFUL USES OF SPACE STATION.

No civil space station authorized under section 4(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.

42 USC 2473
note.**SEC. 11. TRANSMISSION OF BUDGET ESTIMATES.**

The Administrator shall, at the time of submission of the President's annual budget, transmit to Congress—

- (1) a 5-year budget detailing the estimated development costs for each individual program under the jurisdiction of the National Aeronautics and Space Administration for which development costs are expected to exceed \$200,000,000; and
- (2) an estimate of the life-cycle costs associated with each such program.

SEC. 12. NATIONAL SCHOLARS PROGRAM FEASIBILITY STUDY.

(a) **STUDY.**—The Administrator shall conduct a study to evaluate the feasibility of initiating a National Scholars Program, as described under subsection (b), under which a select group of students would receive Federal support for education in mathematics, science, and related disciplines. The purpose of the National Scholars Program would be to help increase the number of Ph.D. recipients in mathematics, science, and related disciplines among the Nation's economically disadvantaged.

(b) **DESCRIPTION OF NATIONAL SCHOLARS PROGRAM.**—Under the National Scholars Program referred to in subsection (a), the Administrator would—

- (1) select economically disadvantaged high school students for participation in science programs supported by the National Aeronautics and Space Administration or other institutions where they would receive specialized instruction in mathematics and science and would learn about practical applications of mathematics and science in the programs and activities of the National Aeronautics and Space Administration; and
- (2) select economically disadvantaged undergraduate and graduate students as recipients of Federal financial support for predoctoral and doctoral studies in mathematics, science, and related disciplines.

(c) **CONTENTS OF STUDY.**—The study required by subsection (a) shall address, among other matters—

- (1) whether the National Aeronautics and Space Administration could adequately implement the National Scholars Program;
- (2) different options for structuring the National Scholars Program, including its establishment as a pilot program;
- (3) the cost of the Program, with annual cost estimates for the first 10 years of the Program;

- (4) alternative funding sources for the Program;
- (5) the criteria for selecting students for participation in the Program;
- (6) the appropriate number of students for annual participation in the Program;
- (7) the organizational location within the National Aeronautics and Space Administration at which the Program and its activities would be administered;
- (8) the management of the Program;
- (9) the possible ways in which the Program or its concepts can be extended to other Federal agencies, State agencies, educational institutions, and private organizations;
- (10) the existence of any current public or private sector programs which are similar to the Program, the benefits and disadvantages of those similar programs, and whether a new program would unnecessarily duplicate current efforts; and
- (11) the extent to which existing Federal, State, and other science education programs and activities could be used to complement or supplement the Program.

(d) **REPORT.**—Within 6 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the results of the study required by subsection (a).

SEC. 13. COMMERCIAL SPACE LAUNCH ACT AUTHORIZATION.

Section 24 of the Commercial Space Launch Act (49 App. U.S.C. 2623) is amended to read as follows:

“AUTHORIZED APPROPRIATIONS

“SEC. 24. There is authorized to be appropriated to the Secretary for fiscal year 1992—

“(1) \$5,104,000 to carry out this Act; and

“(2) \$20,000,000 for a program to ensure the resiliency of the Nation’s space launch infrastructure, only if a statute is enacted into law to establish that program within the Department of Transportation.”.

SEC. 14. NATIONAL SPACE COUNCIL AUTHORIZATION.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out the activities of the National Space Council established by section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (42 U.S.C. 2471). \$1,491,000 for fiscal year 1992, of which not more than \$1,000 shall be available for official reception and representation expenses. The National Space Council shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

42 USC 2471
note.

(b) **LANDSAT DATA CONTINUITY.**—It is the sense of Congress that the National Space Council, in coordination with the Committee on Earth and Environmental Sciences, should establish policy recommendations for carrying out the President’s commitment to maintaining the continuity of Landsat data, including plans and programs for a successor to Landsat 6, organizational options and recommendations for acquiring Landsat data for global change research, national security, environmental management, and other

governmental purposes, and options and recommendations for encouraging the use of Landsat data by commercial firms and development of the commercial market for such data. Such policy recommendations shall be transmitted in writing to Congress at the time of submission of the President's fiscal year 1993 budget.

SEC. 15. OFFICE OF SPACE COMMERCE AUTHORIZATION.

There are authorized to be appropriated to the Secretary of Commerce for the Office of Space Commerce \$491,000 for fiscal year 1992.

SEC. 16. AMENDMENT OF PUBLIC LAW 100-147.

Section 107(a) of the National Aeronautics and Space Administration Authorization Act of 1988 (Public Law 100-147; 101 Stat. 864) is amended—

(1) by inserting “, in both then year and constant dollars,” immediately after “estimated cost”;

(2) by inserting “assembly (including related costs);” immediately after “construction of facilities;”; and

(3) by adding at the end the following new sentence: “Each such plan shall also include the estimated cost, in both then year and constant dollars, of operations for at least the first full year of steady operations of the space station.”.

SEC. 17. MULTIYEAR CONTRACTING.

Along with submission to Congress of the National Aeronautics and Space Administration fiscal year 1993 budget request, the Administrator shall—

(1) present a study which assesses the usefulness of granting similar authority as under section 2306(h) of title 10, United States Code, to the National Aeronautics and Space Administration; and

(2) recommend no less than five candidate programs to be considered by Congress for multiyear contracting.

SEC. 18. USE OF DOMESTIC PRODUCTS.

(a) **PROHIBITION AGAINST FRAUDULENT USE OF “MADE IN AMERICA” LABELS.**—(1) A person shall not intentionally affix a label bearing the inscription “Made in America”, or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this Act, including any subcontract under such a contract.

(b) **COMPLIANCE WITH BUY AMERICAN ACT.**—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the “Buy American Act”).

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act to be made available; and

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

(3) The Administrator, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

Reports.

(c) DEFINITIONS.—For the purposes of this section, the term “domestic product” means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

SEC. 19. QUALITY ASSURANCE PERSONNEL.

42 USC 2459e.

(a) EXCLUSION OF NASA PERSONNEL.—A person providing articles to the National Aeronautics and Space Administration under a contract entered into after the date of enactment of this Act may not exclude National Aeronautics and Space Administration quality assurance personnel from work sites except as provided in a contract provision described in subsection (b).

(b) CONTRACT PROVISIONS.—The National Aeronautics and Space Administration shall not enter into any contract which permits the exclusion of National Aeronautics and Space Administration quality assurance personnel from work sites unless the Administrator has submitted a copy of the provision permitting such exclusion to the Congress at least 60 days before entering into such contract.

SEC. 20. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ENDEAVOR TEACHER FELLOWSHIP TRUST FUND.

42 USC 2467a.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States, in tribute to the dedicated crew of the Space Shuttle Challenger, a trust fund to be known as the “National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund” (hereafter in this section referred to as the “Trust Fund”). The Trust Fund shall consist of gifts and donations accepted by the National Aeronautics and Space Administration pursuant to section 208 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476b), as well as other amounts which may from time to time, at the discretion of the Administrator, be transferred from the National Aeronautics and Space Administration Gifts and Donations Trust Fund.

Gifts and property.

(b) INVESTMENT OF TRUST FUND.—The Administrator shall direct the Secretary of the Treasury to invest and reinvest funds in the Trust Fund in public debt securities with maturities suitable for the needs of the Trust Fund, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Interest earned shall be credited to the Trust Fund.

(c) PURPOSE.—Income accruing from the Trust Fund principal shall be used to create the National Aeronautics and Space Administration Endeavor Teacher Fellowship Program, to the extent provided in advance in appropriation Acts. The Administrator is authorized to use such funds to award fellowships to selected United States nationals who are undergraduate students pursuing a course of study leading to certified teaching degrees in elementary education or in secondary education in mathematics, science, or technology disciplines. Awards shall be made pursuant to standards established for the fellowship program by the Administrator.

Civil Space
Employee
Testing Act of
1991.
42 USC 2473c.

SEC. 21. DRUG AND ALCOHOL TESTING.

(a) **SHORT TITLE.**—This section may be cited as the “Civil Space Employee Testing Act of 1991”.

(b) **FINDINGS.**—The Congress finds that—

(1) alcohol abuse and illegal drug use pose significant dangers to the safety and welfare of the Nation;

(2) the success of the United States civil space program is contingent upon the safe and successful development and deployment of the many varied components of that program;

(3) the greatest efforts must be expended to eliminate the abuse of alcohol and use of illegal drugs, whether on duty or off duty, by those individuals who are involved in the positions affecting safety, security, and national security;

(4) the use of alcohol and illegal drugs has been demonstrated to adversely affect the performance of individuals, and has been proven to have been a critical factor in accidents in the workplace;

(5) the testing of uniformed personnel of the Armed Forces has shown that the most effective deterrent to abuse of alcohol and use of illegal drugs is increased testing, including random testing;

(6) adequate safeguards can be implemented to ensure that testing for abuse of alcohol or use of illegal drugs is performed in a manner which protects an individual's right of privacy, ensures that no individual is harassed by being treated differently from other individuals, and ensures that no individual's reputation or career development is unduly threatened or harmed; and

(7) rehabilitation is a critical component of any testing program for abuse of alcohol or use of illegal drugs, and should be made available to individuals, as appropriate.

(c) **TESTING PROGRAM.**—(1) The Administrator shall establish a program applicable to employees of the National Aeronautics and Space Administration whose duties include responsibility for safety-sensitive, security, or national security functions. Such program shall provide for preemployment, reasonable suspicion, random, and post-accident testing for use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regulations, as the Administrator considers appropriate in the interest of safety, security, and national security, for the conduct of periodic recurring testing of such employees for such use in violation of applicable law or Federal regulation.

Regulations.

(2) The Administrator shall, in the interest of safety, security, and national security, prescribe regulations within 18 months after the date of enactment of this Act. Such regulations shall establish a program which requires National Aeronautics and Space Administration contractors to conduct preemployment, reasonable suspicion, random, and post-accident testing of contractor employees responsible for safety-sensitive, security, or national security functions (as determined by the Administrator) for use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regulations, as the Administrator considers appropriate in the interest of safety, security, and national security, for the conduct of periodic recurring testing of such

employees for such use in violation of applicable law or Federal regulation.

(3) In prescribing regulations under the programs required by this subsection, the Administrator shall require, as the Administrator considers appropriate, the suspension, disqualification, or dismissal of any employee to which paragraph (1) or (2) applies, in accordance with the provisions of this section, in any instance where a test conducted and confirmed under this section indicates that such employee has used, in violation of applicable law or Federal regulation, alcohol or a controlled substance.

(d) **PROHIBITION ON SERVICE.**—(1) No individual who is determined by the Administrator under this section to have used, in violation of applicable law or Federal regulation, alcohol or a controlled substance after the date of enactment of this Act shall serve as a National Aeronautics and Space Administration employee with responsibility for safety-sensitive, security, or national security functions (as determined by the Administrator), or as a National Aeronautics and Space Administration contractor employee with such responsibility, unless such individual has completed a program of rehabilitation described in subsection (e).

(2) Any such individual determined by the Administrator under this section to have used, in violation of applicable law or Federal regulation, alcohol or a controlled substance after the date of enactment of this Act who—

- (A) engaged in such use while on duty;
- (B) prior to such use had undertaken or completed a rehabilitation program described in subsection (e);
- (C) following such determination refuses to undertake such a rehabilitation program; or
- (D) following such determination fails to complete such a rehabilitation program,

shall not be permitted to perform the duties which such individual performed prior to the date of such determination.

(e) **PROGRAM FOR REHABILITATION.**—(1) The Administrator shall prescribe regulations setting forth requirements for rehabilitation programs which at a minimum provide for the identification and opportunity for treatment of employees referred to in subsection (c) in need of assistance in resolving problems with the use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. Each contractor is encouraged to make such a program available to all of its employees in addition to those employees referred to in subsection (c)(2). The Administrator shall determine the circumstances under which such employees shall be required to participate in such a program. Nothing in this subsection shall preclude any National Aeronautics and Space Administration contractor from establishing a program under this subsection in cooperation with any other such contractor.

Regulations.

(2) The Administrator shall establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of those employees of the National Aeronautics and Space Administration whose duties include responsibility for safety-sensitive, security, or national security functions who are in need of assistance in resolving problems with the use of alcohol or controlled substances.

(f) **PROCEDURES FOR TESTING.**—In establishing the programs required under subsection (c), the Administrator shall develop requirements which shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

(2) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

(A) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

(B) establish the minimum list of controlled substances for which individuals may be tested; and

(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

(3) require that all laboratories involved in the controlled substances testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

(4) provide that all tests which indicate the use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

(5) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within 3 days after being advised of the results of the initial confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

(7) provide for the confidentiality of test results and medical information of employees; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(g) **EFFECT ON OTHER LAWS AND REGULATIONS.**—(1) No State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations promulgated under this section.

(2) Nothing in this section shall be construed to restrict the discretion of the Administrator to continue in force, amend, or further supplement any regulations issued before the date of enact-

ment of this Act that govern the use of alcohol and controlled substances by National Aeronautics and Space Administration employees with responsibility for safety-sensitive, security, and national security functions (as determined by the Administrator), or by National Aeronautics and Space Administration contractor employees with such responsibility.

(h) **DEFINITION.**—For the purposes of this section, the term “controlled substance” means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) specified by the Administrator.

Approved December 9, 1991.

LEGISLATIVE HISTORY—H.R. 1988:

HOUSE REPORTS: No. 102-41 (Comm. on Science, Space, and Technology).

SENATE REPORTS: No. 102-97 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 137 (1991):

May 2, considered and passed House.

Sept. 27, considered and passed Senate, amended.

Nov. 7, concurred in Senate amendment with an amendment.

Nov. 22, concurred in House amendment.