

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 6063) TO AUTHORIZE
THE PROGRAMS OF THE NATIONAL AERONAUTICS AND SPACE ADMINIS-
TRATION, AND FOR OTHER PURPOSES

JUNE 10, 2008.—Referred to the House Calendar and ordered to be printed

Mr. HASTINGS of Florida, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1257]

The Committee on Rules, having had under consideration House Resolution 1257, by a record vote of 9–4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The rule makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recom-

mit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) includes a waiver of clause 4(a) of rule XIII, requiring a three-day layover of the committee report. Although the rule waives of all points of order against the committee amendment in the nature of a substitute (except for clause 10 of rule XXI), the committee is not aware of any points of order against the substitute. The waiver is prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 529

Date: June 10, 2008.

Measure: H.R. 6063.

Motion by: Mr. Dreier.

Summary of motion: To grant an open rule.

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 530

Date: June 10, 2008.

Measure: H.R. 6063.

Motion by: Mr. Diaz-Balart.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Gingrey (GA), Shadegg (AZ), Blackburn (TN), Hensarling (TX), Bishop (UT), and Conaway (TX), #5, which repeals section 526 of the Energy Independence and Income Security Act of 2007 (Public Law 110–140), which prohibits federal agencies from purchasing alternative or synthetic fuels unless the greenhouse gas emissions of such fuel are less than the emissions of conventional fuel produced from conventional petroleum sources, and an amendment by Rep. Gingrey (GA), Shadegg (AZ), and Bishop (UT), #6, which provides waiver authority to the NASA Administrator (or designee) to section 526 of the Energy Independence Act of 2007 (procurement and acquisition of alternative fuels) if such a waiver is deemed necessary by the Administrator, in his/her sole discretion, to further the mission of NASA.

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 531

Date: June 10, 2008.

Measure: H.R. 6063.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Shadegg (AZ), #9, which directs NASA to, not later than six months after enactment, establish a research program to lower energy prices, including the price of gasoline, using old and new technologies developed by NASA, with the highest priority placed on technologies that utilize hydrogen, solar energy, or would allow for safer, cleaner development of resources in the Alaska National Wildlife Refuge and the Outer Continental Shelf.

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 532

Date: June 10, 2008.

Measure: H.R. 6063.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Roskam (IL), #1, which strikes Section 207, a plan for the Deep Space Climate Observatory, and adds a new Section 311 to direct the NASA administrator to work with other federal agencies in developing an initiative of research, development, and demonstration of an alternative fuel for commercial aviation.

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 533

Date: June 10, 2008.

Measure: H.R. 6063.

Motion by: Mr. McGovern.

Summary of motion: To report the rule.

Results: Adopted 9–4.

Vote by Members: McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Cardoza—Yea; Welch—Yea; Castor—Yea; Arcuri—Yea; Sutton—Yea; Dreier—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Slaughter—Yea.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Gordon (TN): Includes a provision related to coordination with the FAA on sonic boom research. It also replaces Secs. 305 and 306 with equivalent language from Secs. 903 and 905 respectively of the House-passed FAA Reauthorization, H.R. 2881. It adds sub-orbital reusable launch vehicles to the list of suborbital science re-

search platforms. The amendment includes a sense of Congress on the value of NASA's EarthKam and robotics competitions for inspiring students. It also includes sense of Congress language urging NASA to use entrepreneurial companies to conduct appropriate R&D and seek ways to ensure that firms that rely on fixed price proposals aren't disadvantaged. The amendment also includes NASA workforce-related provisions, including an extension of the RIF moratorium, a limit on the use of term positions in FY 2009, and a temporary continuation of coverage of health benefits. (10 minutes)

2. Rohrabacher (CA): Expresses the sense of Congress that the U.S. should seek to obtain cooperation from other nations in discovering and monitoring near-Earth asteroids. (10 minutes)

3. Wu (OR): Encourages the United States to lead confidence building measures that advance the long-term initiative for international cooperation. (10 minutes)

4. Wu (OR): Expresses the sense of Congress that NASA should not dilute, distort, suppress, or impede scientific research or the dissemination thereof. (10 minutes)

5. Lampson (TX): Exempts NASA from Section 526(a) of the Energy Independence and Security Act of 2007 if the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional source, the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source, and the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source. (10 minutes)

6. Arcuri (NY): Amends Title IV, Section 407 to require the National Aeronautics and Space Administration (NASA) to examine the feasibility of contracting non-federal actors to disseminate images and multi-media records delivered from space to the public as part of NASA's participatory exploration technology plan. Additionally, the amendment would require NASA to employ a transparent bidding process to award any such contracts, pursuant to U.S. law. (10 minutes)

7. DeFazio (OR): Requires CBO to update their report from 2004 on the budgetary analysis of the NASA's Vision for the Nation's Space Exploration Program. This report is to be completed in 6 months. (10 minutes)

8. Harman (CA)/Ehlers (MI): Expresses the sense of Congress that NASA should work with other government agencies and the aerospace industry to develop and implement policies to sustain and expand the aerospace industry workforce. (10 minutes)

9. Braley (IA): Directs NASA to prioritize any existing cooperatives with the National Oceanic Atmospheric Administration (NOAA) that are related to the study of tornadoes and tornado force winds with the goal of determining the nation's ability to predict tornado events. The amendment would also require NASA to examine if there are other areas where NASA can work with NOAA in the area of tornado research. (10 minutes)

10. Hodes (NH): Establishes a scholarship program in honor of Christa McAulliffe, a teacher from Concord, New Hampshire who died in the 1986 Challenger Space Shuttle disaster. The scholar-

ship would go to women pursuing degrees in mathematics, science, and engineering. (10 minutes)

11. Yarmuth (KY): Requires NASA to respond to recommendations in recent reports of the Government Accountability Office and the National Academy of Sciences to ensure the public has access to correct and timely research and data on global warming. (10 minutes)

12. Jackson-Lee (TX): Clarifies that the NASA Outreach and Technology Assistance Program will include small, minority-owned, and women-owned businesses. It would also give preference, in selection for the program, to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GORDON OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 303, add at the end the following new subsection:

(c) **COORDINATION.**—The Administrator shall ensure that sonic boom research is coordinated as appropriate with the Administrator of the Federal Aviation Administration, and as appropriate make use of the expertise of the Partnership for Air Transportation Noise and Emissions Reduction Center of Excellence sponsored by NASA and the Federal Aviation Administration.

Amend section 305 to read as follows:

SEC. 305. INTERAGENCY RESEARCH INITIATIVE ON THE IMPACT OF AVIATION ON THE CLIMATE.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration, in coordination with NASA and the United States Climate Change Science Program, shall establish a research initiative to assess the impact of aviation on the climate and, if warranted, to evaluate approaches to mitigate that impact.

(b) **RESEARCH PLAN.**—Not later than one year after the date of enactment of this Act, the participating Federal entities shall jointly develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

Amend section 306 to read as follows (and amend the table of contents accordingly):

SEC. 306. RESEARCH ON DESIGN FOR CERTIFICATION.

(a) **ESTABLISHMENT OF PROGRAM.**—Not later than 6 months after the date of enactment of this Act, the Federal Aviation Administration, in consultation with other agencies as appropriate, shall establish a research program on methods to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(b) **RESEARCH PLAN.**—Not later than 1 year after the date of enactment of this Act, as part of the activity described in subsection (a), the Federal Aviation Administration shall develop a plan for the research program that contains the objectives, proposed tasks, milestones, and five-year budgetary profile.

(c) **REVIEW.**—The Administrator of the Federal Aviation Administration shall have the National Research Council conduct an inde-

pendent review of the research program plan and provide the results of that review to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

In section 504, strike “and high-altitude balloons,” and insert “high-altitude balloons, and suborbital reusable launch vehicles,”.

In title VII, add at the end the following new section (and amend the table of contents accordingly):

SEC. 703. SENSE OF CONGRESS.

It is the sense of Congress that NASA’s educational programs are important sources of inspiration and hands-on learning for the next generation of engineers and scientists and should be supported. In that regard, programs such as EarthKAM, which brings NASA directly into American classrooms by enabling students to talk directly with Astronauts aboard International Space Station and take photographs of Earth from space, and NASA involvement in robotics competitions for students of all levels, are particularly worthy undertakings and NASA should support them and look for additional opportunities to engage students through NASA’s space and aeronautics activities.

In section 901, insert “It is further the sense of Congress that United States entrepreneurial space companies have the potential to develop and deliver innovative technology solutions at affordable costs. NASA is encouraged to use United States entrepreneurial space companies to conduct appropriate research and development activities. NASA is further encouraged to seek ways to ensure that firms that rely on fixed-price proposals are not disadvantaged when NASA seeks to procure technology development.” after “provide those services.”.

In title XI, add at the end the following new sections (and amend the table of contents accordingly):

SEC. 1109. REDUCTION-IN-FORCE MORATORIUM.

NASA shall not initiate or implement a reduction-in-force, or conduct any other involuntary separations of permanent, non-Senior Executive Service, civil servant employees except for cause on charges of misconduct, delinquency, or inefficiency prior to December 31, 2010.

SEC. 1110. LIMIT ON THE USE OF TERM POSITIONS.

NASA shall limit the percentage of employees in term positions, excluding students and cooperatives, within NASA to less than or equal to ten percent of the total number of non-Senior Executive Service, civil servant employees in fiscal year 2009.

SEC. 1111. TEMPORARY CONTINUATION OF COVERAGE OF HEALTH BENEFITS.

(a) Section 8905a (d) of title 5, United States Code, is amended by adding at the end the following new paragraph:

“(6)(A) If the basis for continued coverage under this section is, as a result of the termination of the Space Shuttle Program, an involuntary separation from a position due to a reduction-in-force or declination of a directed reassignment or transfer of function, or a voluntary separation from a surplus position in the National Aeronautics and Space Administration—

“(i) the individual shall be liable for not more than the employee contributions referred to in paragraph (1)(A)(i); and

“(ii) the National Aeronautics and Space Administration shall pay the remaining portion of the amount required under paragraph (1) (A).

“(B) This paragraph shall only apply with respect to individuals whose continued coverage is based on a separation occurring on or after the date of enactment of this paragraph and before December 31, 2010.

“(C) For purposes of this paragraph, “surplus position” means a position which is—

“(i) identified in pre-reduction-in-force planning as no longer required, and which is expected to be eliminated under formal reduction-in-force procedures as a result of the termination of the Space Shuttle Program; or

“(ii) encumbered by an employee who has received official certification from the National Aeronautics and Space Administration consistent with the Administration’s career transition assistance program regulations that the position is being abolished as a result of the termination of the Space Shuttle Program.”.

(b) Paragraph (1)(A) of such subsection (d) is amended by striking “(4) and (5)” and inserting “(4), (5), and (6)”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROHRBACHER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title VIII, add at the end the following new section (and amend the table of contents accordingly):

SEC. 807. INTERNATIONAL RESOURCES.

It is the sense of Congress that, since an estimated 25,000 asteroids of concern have yet to be discovered and monitored, the United States should seek to obtain commitments for cooperation from other nations with significant resources for contributing to a thorough and timely search for such objects and an identification of their characteristics.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WU OF OREGON, OR HIS DEISGNEE, DEBATABLE FOR 10 MINUTES

In section 401 insert at the end the following: “When appropriate, the United States should lead confidence building measures that advance the long-term initiative for international cooperation.”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WU OF OREGON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. SENSE OF CONGRESS.

It is the sense of Congress that NASA should not dilute, distort, suppress, or impede scientific research or the dissemination thereof.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LAMPSON OF TEXAS OR HIS DESIGNEE DEBATABLE FOR 10 MINUTES

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit NASA from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a non-conventional petroleum source, if—

- (1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a non-conventional petroleum source;
- (2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and
- (3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ARCURI OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 407(a), add at the end the following: “As part of the technology plan, the Administrator shall examine the feasibility of having NASA enter into contracts with appropriate public, private sector, and international partners to broadcast electronically, including via the Internet, images and multimedia records delivered from its missions in space to the public and shall identify issues associated with such contracts. In any such contracts, NASA would be required to adhere to a transparent bidding process to award contracts, pursuant to United States law.”

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEFazio OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title IV, add at the end the following new section (and amend the table of contents accordingly):

SEC. 409. CONGRESSIONAL BUDGET OFFICE REPORT UPDATE.

Not later than 6 months after the date of enactment of this Act, the Congressional Budget Office shall update its report from 2004 on the budgetary analysis of NASA’s Vision for the Nation’s Space Exploration Program, including new estimates for Project Constellation, NASA’s new generation of spacecraft designed for human spaceflight that will replace the Space Shuttle program.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HARMAN OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. SENSE OF CONGRESS REGARDING THE NEED FOR A ROBUST WORKFORCE.

It is the sense of Congress that—

(1) a robust and highly skilled workforce is critical to the success of NASA's programs;

(2) voluntary attrition, the retirement of many senior workers, and difficulties in recruiting could leave NASA without access to the intellectual capital necessary to compete with its global competitors; and

(3) NASA should work cooperatively with other agencies of the United States Government responsible for programs related to space and the aerospace industry to develop and implement policies, including those with an emphasis on improving science, technology, engineering, and mathematics education at all levels, to sustain and expand the diverse workforce available to NASA.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRALEY OF IOWA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title II, add at the end the following new section (and amend the table of contents accordingly):

SEC. 208. TORNADOES.

The Administrator shall ensure that NASA gives high priority to those parts of its existing cooperative activities with NOAA that are related to the study of tornadoes, tornado-force winds, and other factors determined to influence the development of tornadoes, with the goal of improving the Nation's ability to predict tornado events. Further, the Administrator shall examine whether there are additional cooperative activities with NOAA that should be undertaken in the area of tornado research.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HODES OF NEW HAMPSHIRE, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. CHRISTA MCAULIFFE SCHOLARSHIP PROGRAM FOR FIELDS RELATED TO THE MISSION OF NASA.

The Administrator shall establish a scholarship program in honor of Christa McAuliffe, who died in the 1986 Challenger Space Shuttle Disaster. The scholarship fund would provide scholarships each year of \$10,000 each to three women who are going to college to study in fields related to the mission of NASA, with the goal of seeking careers in space science, aeronautics, and other fields related to NASA.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YARMUTH OF KENTUCKY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title II, add at the end the following new section (and amend the table of contents accordingly):

SEC. 209. SHARING WEATHER RESEARCH.

The Administrator shall work to ensure that NASA's policies on the sharing of climate related data respond to the recommendations of the Government Accountability Office's report on climate change research and data-sharing policies and to the recommendations on the processing, distribution, and archiving of data by the National Academies Earth Science Decadal Survey, Earth Science and Applications from Space, and other relevant National Academies reports, to enhance and facilitate their availability and widest possible use to ensure public access to accurate and current data on global warming.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON-LEE OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 1108—

(1) in subsection (a), strike “small businesses” and insert “small, minority-owned, and women-owned businesses”; and

(2) in subsection (b)(2), insert “, giving preference to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. This paragraph shall not apply to any contracting actions entered into or taken by the Agency” after “to small businesses”.