



Legislative Bulletin.....June 11, 2008

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Amendments to H.R. 6063—National Aeronautics and Space Administration Authorization Act of 2008
2009

Order of Business: H.R. 6063 is scheduled to be considered on Wednesday, June 11, 2008, under a structured rule ([H.Res. 1257](#)). The rule waives all points of order against consideration of the bill (except those for PAYGO and earmarks), provides for one hour of general debate, and makes in order the following 12 amendments.

Note: The summaries below are based on RSC staff review of *actual amendment text* and thus differ from what's on the Rules Committee website. For a summary of the underlying bill, see a separate RSC document released today.

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AMENDMENTS MADE IN ORDER UNDER THE RULE

1. **Gordon (D-TN):** The amendment would make the following changes to the underlying bill:

- Requires NASA to coordinate research regarding the effect of sonic booms on the environment (which is required by H.R. 6063) with the Federal Aviation Administration (FAA);
- Requires NASA to coordinate with FAA to establish a research initiative to study the impact of aviation on the environment. In the current bill text, NASA is required to coordinate with “appropriate agencies” in this effort, but not with the FAA specifically.
- Requires the FAA, rather than NASA, to lead the establishment of a research program to improve the quality and timeliness of introducing new technologies into the national airspace system.
- Expresses the sense of Congress that NASA’s educational programs are important sources of learning for future generations and should be supported and expanded.
- Expresses the sense of Congress that NASA should use entrepreneurial space companies when conducting research and development and that NASA should not disadvantage companies that rely on “fixed price proposals.”
- Prohibits NASA from reducing its workforce for any reason other than misconduct, delinquency, or inefficiency until 2011.
- Limits the number of term (temporary) positions within NASA to no more than 10% of the total number of non-Senior employees in FY 2009.
- Temporarily extends federal health coverage benefits to NASA employees who are terminated as a result of the end of the Space Shuttle program, a reduction-in-force, or a

transfer of function. The temporary extension would apply to any employee who separates from NASA prior to 2011.

2. Rohrabacher (R-CA): The amendment expresses the sense of Congress that the U.S. should seek to obtain commitments from other nations to cooperate in the search for and identification of asteroids.

3. Wu (D-OR): The amendment stipulates that, when appropriate, the U.S. should “lead confidence building measures that advance the long-term initiative for international cooperation.”

4. Wu (D-OR): The amendment expresses the sense of Congress that NASA should not “dilute, distort, suppress, or impede scientific research or the dissemination thereof.” This amendment may be in response to claims made by James Hansen, NASA’s chief climate scientist, that he has been stopped by NASA from disseminating the “facts” about the reality of global climate change.

5. Lampson (D-TX): The amendment exempts NASA from Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140). This would allow NASA to purchase a generally available fuel, as long as the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from an nonconventional petroleum source, is not aimed at obtaining an alternative or synthetic fuel or fuel from an unconventional petroleum source, or provide incentives for a refinery upgrade or expansion to use or increase the use of petroleum from unconventional sources.

NOTE: Rep. Hensarling and Rep. Mike Conaway (R-TX) have a stand-alone bill, H.R. 5656, to completely repeal Section 526.

Section 526 of the recently enacted energy law states in its entirety:

No Federal agency shall enter into a contract for procurement of an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources, for any mobility-related use, other than for research or testing, unless the contract specifies that the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract must, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources.

Though short, this section, which raises concerns over national security, economic security, and bureaucratic uncertainty, has powerful and harmful implications. It affects all federal agencies and could harm the markets for a variety of energy products, from oil shale and ethanol to tar sands and coal-to-liquids.

Section 526 was added by Speaker Nancy Pelosi (D-CA) and Rep. Henry Waxman (D-CA) largely to stifle the Defense Department’s plans to buy coal-based (or “coal-to-liquids”) jet fuels, which environmentalists contend will ultimately produce more greenhouse gas emissions than would traditional petroleum—a contention that is uncertain at best and that does not account for ongoing improvements in carbon-capture technologies. Plus, no one can come up with a workable definition for “lifecycle greenhouse gas emissions.”

Furthermore, Canada is currently the largest U.S. oil supplier. It sent 1.8 million barrels per day of crude oil and 500,000 barrels per day of refined products to the United States in 2006, according to

the Canadian Government. About half of Canadian crude is derived from oil sands, with sands production forecast to reach about 3 million barrels per day in 2015. Section 526 could choke this flow of fuel from one of our nation's most reliable allies and economic partners. Oil producers, the Air Force, the Canadian Government, and the Center for Unconventional Fuels have all called for the repeal of Section 526.

6. *Arcuri (D-NY)*: The amendment requires NASA to examine the feasibility of entering into contracts with public, private sector, and international partners to broadcast images and multimedia records transmitted during space missions. It would also require that any such contract has to be competitively bid.

7. *DeFazio (D-OR)*: The amendment requires the Congressional Budget Office (CBO) to update its 2004 budget analysis of the president's Vision for the Nation's Space Exploration Program, including NASA's new manned spacecraft development. The updated budget assessment would have to be completed within six months of enactment of H.R. 6063.

8. *Harman (D-CA)/Ehlers (R-MI)*: The amendment expresses the sense of the Congress that NASA should work with other agencies to develop and implement policies to sustain and expand NASA's diverse workforce.

9. *Bralely (D-IA)*: The amendment would require the Administrator of NASA to give high priority to existing cooperative activities with the National Oceanic and Atmospheric Administration (NOAA) related to tornado research. The amendment also stipulates that NASA must examine whether NASA and NOAA should conduct more cooperative efforts to research tornados.

10. *Hodes (D-NH)*: The amendment would require the Administrator of NASA to establish a scholarship program in honor of Christa McAuliffe, the teacher who died in the 1986 Challenger disaster. The scholarship program would provide \$10,000 annually to three women going to college and studying fields related to NASA, with goals of having careers in space science or aeronautics.

11. *Yarmuth (D-KY)*: Requires NASA to enhance and facilitate the widest possible sharing of data concerning global warming and the global climate with the public. The amendment would stipulate that NASA's policies on sharing climate-related data should respond to recommendations on data sharing put forth by the Government Accountability Office and the National Academies (which is comprised of the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, and the National Research Council).

12. *Jackson-Lee (D-TX)*: The amendment strikes the term "small business" and inserts "small minority-owned, and women-owned businesses" from section 1108 of the bill which establishes a program for NASA to transfer space technology and technical assistance to small businesses. According to the bill's current text, the outreach and assistance program was supposed to transfer technology to "small businesses n communities across the United States." The amendment would limit the program to minority-owned and women-owned small businesses and give additional preference to businesses owned by service-disabled veterans and businesses in HUBZones.