

104TH CONGRESS  
2D SESSION

# H. R. 4239

To provide for the licensing of commercial space reentry vehicles and reentry sites, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 1996

Mr. BROWN of California introduced the following bill; which was referred to the Committee on Science

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## A BILL

To provide for the licensing of commercial space reentry vehicles and reentry sites, and for other purposes.

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

3       **SECTION 1. COMMERCIAL SPACE LAUNCH AMENDMENTS.**

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

6               (1) in the table of sections—

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

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

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

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

3 and

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

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

6 (2) in section 70101—

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

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

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

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

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

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

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

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

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

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

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

9 (L) by inserting “and reentry” after “con-  
10 duct of commercial launch” in subsection  
11 (b)(3);

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

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

17 (3) in section 70102—

18 (A) by striking “and any payload” and in-  
19 serting in lieu thereof “or reentry vehicle and  
20 any payload from Earth” in paragraph (3);

21 (B) by inserting “or reentry vehicle” after  
22 “means of a launch vehicle” in paragraph (8);

23 (C) by redesignating paragraphs (10)  
24 through (12) as paragraphs (14) through (16),  
25 respectively;

1 (D) by inserting after paragraph (9) the  
2 following new paragraphs:

3 “(10) ‘reenter’ and ‘reentry’ mean to return or  
4 attempt to return, purposefully, a reentry vehicle  
5 and its payload, if any, from Earth orbit or from  
6 outer space to Earth.

7 “(11) ‘reentry services’ means—

8 “(A) activities involved in the preparation  
9 of a reentry vehicle and its payload, if any, for  
10 reentry; and

11 “(B) the conduct of a reentry.

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

16 “(13) ‘reentry vehicle’ means a vehicle designed  
17 to return from Earth orbit or outer space to Earth,  
18 or a reusable launch vehicle designed to return from  
19 outer space substantially intact.”; and

20 (E) by inserting “or reentry services” after  
21 “launch services” each place it appears in para-  
22 graph (15), as so redesignated by subparagraph  
23 (C) of this paragraph;

24 (4) in section 70103(b)—

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

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

5 (C) by inserting “and reentry” after  
6 “space launch” in paragraph (2);

7 (5) in section 70104—

8 (A) by amending the section designation  
9 and heading to read as follows:

10 **“§ 70104. Restrictions on launches, operations, and**  
11 **reentries”;**

12 (B) by inserting “or reentry site, or to re-  
13 enter a reentry vehicle,” after “operate a  
14 launch site” each place it appears in subsection  
15 (a);

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

18 (D) in subsection (b)—

19 (i) by striking “launch license” and  
20 inserting in lieu thereof “license”;

21 (ii) by inserting “or reenter” after  
22 “may launch”; and

23 (iii) by inserting “or reentering” after  
24 “related to launching”; and

25 (E) in subsection (c)—

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

4 (ii) by inserting “or reentry” after  
5 “prevent the launch”; and

6 (iii) by inserting “or reentry” after  
7 “decides the launch”;

8 (6) in section 70105—

9 (A) by inserting “or a reentry site, or the  
10 reentry of a reentry vehicle,” after “operation  
11 of a launch site” in subsection (b)(1); and

12 (B) by striking “or operation” and insert-  
13 ing in lieu thereof “, operation, or reentry” in  
14 subsection (b)(2)(A);

15 (7) in section 70106(a)—

16 (A) by inserting “or reentry site” after  
17 “observer at a launch site”;

18 (B) by inserting “or reentry vehicle” after  
19 “assemble a launch vehicle”; and

20 (C) by inserting “or reentry vehicle” after  
21 “with a launch vehicle”;

22 (8) in section 70108—

23 (A) by amending the section designation  
24 and heading to read as follows:

1 **“§ 70108. Prohibition, suspension, and end of**  
2 **launches, operation of launch sites and**  
3 **reentry sites, and reentries”;**

4 and

5 (B) in subsection (a)—

6 (i) by inserting “or reentry site, or re-  
7 entry of a reentry vehicle,” after “oper-  
8 ation of a launch site”; and

9 (ii) by inserting “or reentry” after  
10 “launch or operation”;

11 (9) in section 70109—

12 (A) by amending the section designation  
13 and heading to read as follows:

14 **“§ 70109. Preemption of scheduled launches or reen-**  
15 **tries”;**

16 (B) in subsection (a)—

17 (i) by inserting “or reentry” after  
18 “ensure that a launch”;

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

21 (iii) by inserting “or reentry date  
22 commitment” after “launch date commit-  
23 ment”;

24 (iv) by inserting “or reentry” after  
25 “obtained for a launch”;

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

3 (vi) by inserting “, or services related  
4 to a reentry,” after “amount for launch  
5 services”; and

6 (vii) by inserting “or reentry” after  
7 “the scheduled launch”; and

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

10 (10) in section 70110—

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

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

16 (11) in section 70111—

17 (A) by inserting “or reentry” after  
18 “launch” in subsection (a)(1)(A);

19 (B) by inserting “and reentry services”  
20 after “launch services” in subsection (a)(1)(B);

21 (C) in subsection (a)(1), by inserting after  
22 subparagraph (B) the following:

23 “The Secretary shall coordinate the establishment of cri-  
24 teria and procedures for determining the priority of com-

1 peting requests from the private sector and State govern-  
2 ments for property and services under this section.”;

3 (D) by inserting “or reentry services” after  
4 “or launch services” in subsection (a)(2);

5 (E) by inserting “or reentry” after “com-  
6 mercial launch” both places it appears in sub-  
7 section (b)(1);

8 (F) by inserting “or reentry services” after  
9 “launch services” in subsection (b)(2)(C);

10 (G) by striking “or its payload for launch”  
11 in subsection (d) and inserting in lieu thereof  
12 “or reentry vehicle, or the payload of either, for  
13 launch or reentry”; and

14 (H) by inserting “, reentry vehicle,” after  
15 “manufacturer of the launch vehicle” in sub-  
16 section (d);

17 (12) in section 70112—

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

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

22 (C) by inserting “or reentry services” after  
23 “launch services” each place it appears in sub-  
24 section (b);

1 (D) by inserting “applicable” after “car-  
2 ried out under the” in paragraphs (1) and (2)  
3 of subsection (b);

4 (E) by striking “, Space, and Technology”  
5 in subsection (d)(1);

6 (F) by inserting “OR REENTRIES” after  
7 “LAUNCHES” in the heading for subsection (e);  
8 and

9 (G) by inserting “or reentry site or a re-  
10 entry” after “launch site” in subsection (e);

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

14 (14) in section 70115(b)(1)(D)(i)—

15 (A) by inserting “reentry site,” after  
16 “launch site,”; and

17 (B) by inserting “or reentry vehicle” after  
18 “launch vehicle” both places it appears; and

19 (15) in section 70117—

20 (A) by inserting “or reentry site, or to re-  
21 enter a reentry vehicle” after “operate a launch  
22 site” in subsection (a);

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

1 (C) by amending subsection (f) to read as  
2 follows:

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

8 (D) in subsection (g)—

9 (i) by striking “operation of a launch  
10 vehicle or launch site,” in paragraph (1)  
11 and inserting in lieu thereof “reentry, op-  
12 eration of a launch vehicle or reentry vehi-  
13 cle, operation of a launch site or reentry  
14 site,”; and

15 (ii) by inserting “reentry,” after  
16 “launch,” in paragraph (2).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (4) Section 70111(b) of title 49, United States Code,  
14 is amended by inserting after paragraph (2) the following  
15 new paragraph:

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

19 (5) Section 70112 of title 49, United States Code,  
20 is amended—

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

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

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

3 (c) REGULATIONS.—(1) Chapter 701 of title 49,  
4 United States Code, is amended by adding at the end the  
5 following new section:

6 **“§ 70120. Regulations**

7 “The Secretary of Transportation, within 6 months  
8 after the date of the enactment of this section, shall issue  
9 regulations to carry out this chapter that include—

10 “(1) guidelines for industry to obtain sufficient  
11 insurance coverage for potential damages to third  
12 parties;

13 “(2) procedures for requesting and obtaining li-  
14 censes to operate a commercial launch vehicle or re-  
15 entry vehicle;

16 “(3) procedures for requesting and obtaining  
17 operator licenses for launch or reentry;

18 “(4) procedures for requesting and obtaining  
19 launch site or reentry site operator licenses; and

20 “(5) procedures for the application of govern-  
21 ment indemnification.”.

22 (2) The table of sections for such chapter 701 is  
23 amended by adding after the item relating to section  
24 70119 the following new item:

“70120. Regulations.”.

1 (d) REPORT TO CONGRESS.—(1) Chapter 701 of title  
2 49, United States Code, is further amended by adding at  
3 the end the following new section:

4 **“§ 70121. Report to Congress**

5 “The Secretary of Transportation shall submit to  
6 Congress an annual report to accompany the President’s  
7 budget request that—

8 “(1) describes all activities undertaken under  
9 this chapter, including a description of the process  
10 for the application for and approval of licenses under  
11 this chapter and recommendations for legislation  
12 that may further commercial launches and reentries;  
13 and

14 “(2) reviews the performance of the regulatory  
15 activities and the effectiveness of the Office of Com-  
16 mercial Space Transportation.”.

17 (2) The table of sections for such chapter 701 is fur-  
18 ther amended by adding after the item relating to section  
19 70120, as added by subsection (c)(2) of this section, the  
20 following new item:

“70121. Report to Congress.”.

○