

105TH CONGRESS
2^D SESSION

H. RES. 572

Providing for the consideration of the bill H.R. 1702 and the Senate amendment thereto.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 1998

Mr. SENSENBRENNER submitted the following resolution; which was considered and agreed to

RESOLUTION

Providing for the consideration of the bill H.R. 1702 and the Senate amendment thereto.

1 *Resolved*, That, upon the adoption of this resolution,
2 the House shall be considered to have taken from the
3 Speaker's table the bill H.R. 1702 together with the Sen-
4 ate amendment thereto, and to have concurred in the Sen-
5 ate amendment with an amendment as follows: In lieu of
6 the matter proposed to be inserted by the Senate amend-
7 ment, insert the following:

8 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

9 (a) SHORT TITLE.—This Act may be cited as the
10 “Commercial Space Act of 1998”.

1 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

- Sec. 101. Commercialization of Space Station.
 Sec. 102. Commercial space launch amendments.
 Sec. 103. Launch voucher demonstration program.
 Sec. 104. Promotion of United States Global Positioning System standards.
 Sec. 105. Acquisition of space science data.
 Sec. 106. Administration of Commercial Space Centers.
 Sec. 107. Sources of Earth science data.

TITLE II—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

- Sec. 201. Requirement to procure commercial space transportation services.
 Sec. 202. Acquisition of commercial space transportation services.
 Sec. 203. Launch Services Purchase Act of 1990 amendments.
 Sec. 204. Shuttle privatization.
 Sec. 205. Use of excess intercontinental ballistic missiles.
 Sec. 206. National launch capability study.

2 **SEC. 2. DEFINITIONS.**

3 For purposes of this Act—

4 (1) the term “Administrator” means the Ad-
 5 ministrator of the National Aeronautics and Space
 6 Administration;

7 (2) the term “commercial provider” means any
 8 person providing space transportation services or
 9 other space-related activities, primary control of
 10 which is held by persons other than Federal, State,
 11 local, and foreign governments;

12 (3) the term “payload” means anything that a
 13 person undertakes to transport to, from, or within
 14 outer space, or in suborbital trajectory, by means of
 15 a space transportation vehicle, but does not include

1 the space transportation vehicle itself except for its
2 components which are specifically designed or adapt-
3 ed for that payload;

4 (4) the term “space-related activities” includes
5 research and development, manufacturing, process-
6 ing, service, and other associated and support activi-
7 ties;

8 (5) the term “space transportation services”
9 means the preparation of a space transportation ve-
10 hicle and its payloads for transportation to, from, or
11 within outer space, or in suborbital trajectory, and
12 the conduct of transporting a payload to, from, or
13 within outer space, or in suborbital trajectory;

14 (6) the term “space transportation vehicle”
15 means any vehicle constructed for the purpose of op-
16 erating in, or transporting a payload to, from, or
17 within, outer space, or in suborbital trajectory, and
18 includes any component of such vehicle not specifi-
19 cally designed or adapted for a payload;

20 (7) the term “State” means each of the several
21 States of the Union, the District of Columbia, the
22 Commonwealth of Puerto Rico, the Virgin Islands,
23 Guam, American Samoa, the Commonwealth of the
24 Northern Mariana Islands, and any other common-

1 wealth, territory, or possession of the United States;
2 and

3 (8) the term “United States commercial pro-
4 vider” means a commercial provider, organized
5 under the laws of the United States or of a State,
6 which is—

7 (A) more than 50 percent owned by United
8 States nationals; or

9 (B) a subsidiary of a foreign company and
10 the Secretary of Transportation finds that—

11 (i) such subsidiary has in the past evi-
12 denced a substantial commitment to the
13 United States market through—

14 (I) investments in the United
15 States in long-term research, develop-
16 ment, and manufacturing (including
17 the manufacture of major components
18 and subassemblies); and

19 (II) significant contributions to
20 employment in the United States; and

21 (ii) the country or countries in which
22 such foreign company is incorporated or
23 organized, and, if appropriate, in which it
24 principally conducts its business, affords
25 reciprocal treatment to companies de-

1 scribed in subparagraph (A) comparable to
2 that afforded to such foreign company's
3 subsidiary in the United States, as evi-
4 denced by—

5 (I) providing comparable oppor-
6 tunities for companies described in
7 subparagraph (A) to participate in
8 Government sponsored research and
9 development similar to that authorized
10 under this Act;

11 (II) providing no barriers, to
12 companies described in subparagraph
13 (A) with respect to local investment
14 opportunities, that are not provided to
15 foreign companies in the United
16 States; and

17 (III) providing adequate and ef-
18 fective protection for the intellectual
19 property rights of companies de-
20 scribed in subparagraph (A).

1 **TITLE I—PROMOTION OF COM-**
2 **MERCIAL SPACE OPPORTUNI-**
3 **TIES**

4 **SEC. 101. COMMERCIALIZATION OF SPACE STATION.**

5 (a) **POLICY.**—The Congress declares that a priority
6 goal of constructing the International Space Station is the
7 economic development of Earth orbital space. The Con-
8 gress further declares that free and competitive markets
9 create the most efficient conditions for promoting eco-
10 nomic development, and should therefore govern the eco-
11 nomic development of Earth orbital space. The Congress
12 further declares that the use of free market principles in
13 operating, servicing, allocating the use of, and adding ca-
14 pabilities to the Space Station, and the resulting fullest
15 possible engagement of commercial providers and partici-
16 pation of commercial users, will reduce Space Station
17 operational costs for all partners and the Federal Govern-
18 ment’s share of the United States burden to fund oper-
19 ations.

20 (b) **REPORTS.**—(1) The Administrator shall deliver to
21 the Committee on Science of the House of Representatives
22 and the Committee on Commerce, Science, and Transpor-
23 tation of the Senate, within 90 days after the date of the
24 enactment of this Act, a study that identifies and exam-
25 ines—

1 (A) the opportunities for commercial providers
2 to play a role in International Space Station activi-
3 ties, including operation, use, servicing, and aug-
4 mentation;

5 (B) the potential cost savings to be derived
6 from commercial providers playing a role in each of
7 these activities;

8 (C) which of the opportunities described in sub-
9 paragraph (A) the Administrator plans to make
10 available to commercial providers in fiscal years
11 1999 and 2000;

12 (D) the specific policies and initiatives the Ad-
13 ministrator is advancing to encourage and facilitate
14 these commercial opportunities; and

15 (E) the revenues and cost reimbursements to
16 the Federal Government from commercial users of
17 the Space Station.

18 (2) The Administrator shall deliver to the Committee
19 on Science of the House of Representatives and the Com-
20 mittee on Commerce, Science, and Transportation of the
21 Senate, within 180 days after the date of the enactment
22 of this Act, an independently-conducted market study that
23 examines and evaluates potential industry interest in pro-
24 viding commercial goods and services for the operation,
25 servicing, and augmentation of the International Space

1 Station, and in the commercial use of the International
2 Space Station. This study shall also include updates to
3 the cost savings and revenue estimates made in the study
4 described in paragraph (1) based on the external market
5 assessment.

6 (3) The Administrator shall deliver to the Congress,
7 no later than the submission of the President's annual
8 budget request for fiscal year 2000, a report detailing how
9 many proposals (whether solicited or not) the National
10 Aeronautics and Space Administration received during
11 calendar years 1997 and 1998 regarding commercial oper-
12 ation, servicing, utilization, or augmentation of the Inter-
13 national Space Station, broken down by each of these four
14 categories, and specifying how many agreements the Na-
15 tional Aeronautics and Space Administration has entered
16 into in response to these proposals, also broken down by
17 these four categories.

18 (4) Each of the studies and reports required by para-
19 graphs (1), (2), and (3) shall include consideration of the
20 potential role of State governments as brokers in promot-
21 ing commercial participation in the International Space
22 Station program.

23 **SEC. 102. COMMERCIAL SPACE LAUNCH AMENDMENTS.**

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

1 (1) in the table of sections—

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

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

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

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

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

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

8 and

9 (D) by adding at the end the following new
10 items:

“70120. Regulations.

“70121. Report to Congress.”.

11 (2) in section 70101—

12 (A) by inserting “microgravity research,”
13 after “information services,” in subsection
14 (a)(3);

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

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

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

1 (E) by inserting “, reentries,” after
2 “launches” both places it appears in subsection
3 (a)(7);

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

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

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

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

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

14 (K) by striking “launch” in subsection
15 (b)(2)(A);

16 (L) by inserting “and reentry” after “con-
17 duct of commercial launch” in subsection
18 (b)(3);

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

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

24 (3) in section 70102—

25 (A) in paragraph (3)—

1 (i) by striking “and any payload” and
2 inserting in lieu thereof “or reentry vehicle
3 and any payload from Earth”;

4 (ii) by striking the period at the end
5 of subparagraph (C) and inserting in lieu
6 thereof a comma; and

7 (iii) by adding after subparagraph (C)
8 the following:

9 “including activities involved in the preparation of a
10 launch vehicle or payload for launch, when those ac-
11 tivities take place at a launch site in the United
12 States.”;

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

15 (C) by redesignating paragraphs (10),
16 (11), and (12) as paragraphs (14), (15), and
17 (16), respectively;

18 (D) by inserting after paragraph (9) the
19 following new paragraphs:

20 “(10) ‘reenter’ and ‘reentry’ mean to return or
21 attempt to return, purposefully, a reentry vehicle
22 and its payload, if any, from Earth orbit or from
23 outer space to Earth.

24 “(11) ‘reentry services’ means—

1 “(A) activities involved in the preparation
2 of a reentry vehicle and its payload, if any, for
3 reentry; and

4 “(B) the conduct of a reentry.

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

9 “(13) ‘reentry vehicle’ means a vehicle designed
10 to return from Earth orbit or outer space to Earth,
11 or a reusable launch vehicle designed to return from
12 Earth orbit or outer space to Earth, substantially in-
13 tact.”; and

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

18 (4) in section 70103(b)—

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

21 (B) by inserting “and reentries” after
22 “commercial space launches” in paragraph (1);
23 and

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

1 (5) in section 70104—

2 (A) by amending the section designation
3 and heading to read as follows:

4 **“§ 70104. Restrictions on launches, operations, and**
5 **reentries”;**

6 (B) by inserting “or reentry site, or to re-
7 enter a reentry vehicle,” after “operate a
8 launch site” each place it appears in subsection
9 (a);

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

12 (D) in subsection (b)—

13 (i) by striking “launch license” and
14 inserting in lieu thereof “license”;

15 (ii) by inserting “or reenter” after
16 “may launch”; and

17 (iii) by inserting “or reentering” after
18 “related to launching”; and

19 (E) in subsection (c)—

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

23 (ii) by inserting “or reentry” after
24 “prevent the launch”; and

1 (iii) by inserting “or reentry” after
2 “decides the launch”;

3 (6) in section 70105—

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

6 (B) by striking “receiving an application”
7 both places it appears in subsection (a) and in-
8 serting in lieu thereof “accepting an application
9 in accordance with criteria established pursuant
10 to subsection (b)(2)(D)”;

11 (C) by adding at the end of subsection (a)
12 the following: “The Secretary shall transmit to
13 the Committee on Science of the House of Rep-
14 resentatives and the Committee on Commerce,
15 Science, and Transportation of the Senate a
16 written notice not later than 30 days after any
17 occurrence when a license is not issued within
18 the deadline established by this subsection.

19 “(2) In carrying out paragraph (1), the Secretary
20 may establish procedures for safety approvals of launch
21 vehicles, reentry vehicles, safety systems, processes, serv-
22 ices, or personnel that may be used in conducting licensed
23 commercial space launch or reentry activities.”;

1 (D) by inserting “or a reentry site, or the
2 reentry of a reentry vehicle,” after “operation
3 of a launch site” in subsection (b)(1);

4 (E) by striking “or operation” and insert-
5 ing in lieu thereof “, operation, or reentry” in
6 subsection (b)(2)(A);

7 (F) by striking “and” at the end of sub-
8 section (b)(2)(B);

9 (G) by striking the period at the end of
10 subsection (b)(2)(C) and inserting in lieu there-
11 of “; and”;

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

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

18 (I) by inserting “, including the require-
19 ment to obtain a license,” after “waive a re-
20 quirement” in subsection (b)(3);

21 (7) in section 70106(a)—

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

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

1 (C) by inserting “or reentry vehicle” after
2 “with a launch vehicle”;

3 (8) in section 70108—

4 (A) by amending the section designation
5 and heading to read as follows:

6 **“§ 70108. Prohibition, suspension, and end of**
7 **launches, operation of launch sites and**
8 **reentry sites, and reentries”;**

9 and

10 (B) in subsection (a)—

11 (i) by inserting “or reentry site, or re-
12 entry of a reentry vehicle,” after “oper-
13 ation of a launch site”; and

14 (ii) by inserting “or reentry” after
15 “launch or operation”;

16 (9) in section 70109—

17 (A) by amending the section designation
18 and heading to read as follows:

19 **“§ 70109. Preemption of scheduled launches or reen-**
20 **tries”;**

21 (B) in subsection (a)—

22 (i) by inserting “or reentry” after
23 “ensure that a launch”;

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

1 (iii) by inserting “or reentry date
2 commitment” after “launch date commit-
3 ment”;

4 (iv) by inserting “or reentry” after
5 “obtained for a launch”;

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

8 (vi) by inserting “, or services related
9 to a reentry,” after “amount for launch
10 services”; and

11 (vii) by inserting “or reentry” after
12 “the scheduled launch”; and

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

15 (10) in section 70110—

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

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

21 (11) in section 70111—

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

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

1 (C) by inserting “or reentry services” after
2 “or launch services” in subsection (a)(2);

3 (D) by striking “source.” in subsection
4 (a)(2) and inserting “source, whether such
5 source is located on or off a Federal range.”;

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

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

11 (G) by inserting after subsection (b)(2) the
12 following new paragraph:

13 “(3) The Secretary shall ensure the establishment of
14 uniform guidelines for, and consistent implementation of,
15 this section by all Federal agencies.”;

16 (H) by striking “or its payload for launch”
17 in subsection (d) and inserting in lieu thereof
18 “or reentry vehicle, or the payload of either, for
19 launch or reentry”; and

20 (I) by inserting “, reentry vehicle,” after
21 “manufacturer of the launch vehicle” in sub-
22 section (d);

23 (12) in section 70112—

24 (A) in subsection (a)(1), by inserting
25 “launch or reentry” after “(1) When a”;

1 (B) by inserting “or reentry” after “one
2 launch” in subsection (a)(3);

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

5 (D) in subsection (b)(1), by inserting
6 “launch or reentry” after “(1) A”;

7 (E) by inserting “or reentry services” after
8 “launch services” each place it appears in sub-
9 section (b);

10 (F) by inserting “applicable” after “car-
11 ried out under the” in paragraphs (1) and (2)
12 of subsection (b);

13 (G) by inserting “OR REENTRIES” after
14 “LAUNCHES” in the heading for subsection (e);

15 (H) by inserting “or reentry site or a re-
16 entry” after “launch site” in subsection (e);
17 and

18 (I) in subsection (f), by inserting “launch
19 or reentry” after “carried out under a”;

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

23 (14) in section 70115(b)(1)(D)(i)—

24 (A) by inserting “reentry site,” after
25 “launch site,”; and

1 (B) by inserting “or reentry vehicle” after
2 “launch vehicle” both places it appears;
3 (15) in section 70117—

4 (A) by inserting “or reentry site, or to re-
5 enter a reentry vehicle” after “operate a launch
6 site” in subsection (a);

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

9 (C) by amending subsection (f) to read as
10 follows:

11 “(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN
12 IMPORT.—A launch vehicle, reentry vehicle, or payload
13 that is launched or reentered is not, because of the launch
14 or reentry, an export or import, respectively, for purposes
15 of a law controlling exports or imports, except that pay-
16 loads launched pursuant to foreign trade zone procedures
17 as provided for under the Foreign Trade Zones Act (19
18 U.S.C. 81a–81u) shall be considered exports with regard
19 to customs entry.”; and

20 (D) in subsection (g)—

21 (i) by striking “operation of a launch
22 vehicle or launch site,” in paragraph (1)
23 and inserting in lieu thereof “reentry, op-
24 eration of a launch vehicle or reentry vehi-

1 cle, operation of a launch site or reentry
2 site,”; and

3 (ii) by inserting “reentry,” after
4 “launch,” in paragraph (2); and

5 (16) by adding at the end the following new
6 sections:

7 **“§ 70120. Regulations**

8 “(a) IN GENERAL.—The Secretary of Transpor-
9 tation, within 9 months after the date of the enactment
10 of this section, shall issue regulations to carry out this
11 chapter that include—

12 “(1) guidelines for industry and State govern-
13 ments to obtain sufficient insurance coverage for po-
14 tential damages to third parties;

15 “(2) procedures for requesting and obtaining li-
16 censes to launch a commercial launch vehicle;

17 “(3) procedures for requesting and obtaining
18 operator licenses for launch;

19 “(4) procedures for requesting and obtaining
20 launch site operator licenses; and

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

23 “(b) REENTRY.—The Secretary of Transportation,
24 within 6 months after the date of the enactment of this

1 section, shall issue a notice of proposed rulemaking to
2 carry out this chapter that includes—

3 “(1) procedures for requesting and obtaining li-
4 censes to reenter a reentry vehicle;

5 “(2) procedures for requesting and obtaining
6 operator licenses for reentry; and

7 “(3) procedures for requesting and obtaining
8 reentry site operator licenses.

9 **“§ 70121. Report to Congress**

10 “The Secretary of Transportation shall submit to
11 Congress an annual report to accompany the President’s
12 budget request that—

13 “(1) describes all activities undertaken under
14 this chapter, including a description of the process
15 for the application for and approval of licenses under
16 this chapter and recommendations for legislation
17 that may further commercial launches and reentries;
18 and

19 “(2) reviews the performance of the regulatory
20 activities and the effectiveness of the Office of Com-
21 mercial Space Transportation.”.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
23 70119 of title 49, United States Code, is amended to read
24 as follows:

1 **“§ 70119. Authorization of appropriations**

2 “There are authorized to be appropriated to the Sec-
3 retary of Transportation for the activities of the Office
4 of the Associate Administrator for Commercial Space
5 Transportation—

6 “(1) \$6,275,000 for the fiscal year ending Sep-
7 tember 30, 1999; and

8 “(2) \$6,600,000 for the fiscal year ending Sep-
9 tember 30, 2000.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 subsection (a)(6)(B) shall take effect upon the effective
12 date of final regulations issued pursuant to section
13 70105(b)(2)(D) of title 49, United States Code, as added
14 by subsection (a)(6)(H).

15 **SEC. 103. LAUNCH VOUCHER DEMONSTRATION PROGRAM.**

16 Section 504 of the National Aeronautics and Space
17 Administration Authorization Act, Fiscal Year 1993 (15
18 U.S.C. 5803) is amended—

19 (1) in subsection (a)—

20 (A) by striking “the Office of Commercial
21 Programs within”; and

22 (B) by striking “Such program shall not
23 be effective after September 30, 1995.”;

24 (2) by striking subsection (c); and

25 (3) by redesignating subsections (d) and (e) as
26 subsections (c) and (d), respectively.

1 **SEC. 104. PROMOTION OF UNITED STATES GLOBAL POSI-**
2 **TIONING SYSTEM STANDARDS.**

3 (a) FINDING.—The Congress finds that the Global
4 Positioning System, including satellites, signal equipment,
5 ground stations, data links, and associated command and
6 control facilities, has become an essential element in civil,
7 scientific, and military space development because of the
8 emergence of a United States commercial industry which
9 provides Global Positioning System equipment and related
10 services.

11 (b) INTERNATIONAL COOPERATION.—In order to
12 support and sustain the Global Positioning System in a
13 manner that will most effectively contribute to the na-
14 tional security, public safety, scientific, and economic in-
15 terests of the United States, the Congress encourages the
16 President to—

17 (1) ensure the operation of the Global Position-
18 ing System on a continuous worldwide basis free of
19 direct user fees;

20 (2) enter into international agreements that
21 promote cooperation with foreign governments and
22 international organizations to—

23 (A) establish the Global Positioning Sys-
24 tem and its augmentations as an acceptable
25 international standard; and

1 (B) eliminate any foreign barriers to appli-
2 cations of the Global Positioning System world-
3 wide; and

4 (3) provide clear direction and adequate re-
5 sources to the Assistant Secretary of Commerce for
6 Communications and Information so that on an
7 international basis the Assistant Secretary can—

8 (A) achieve and sustain efficient manage-
9 ment of the electromagnetic spectrum used by
10 the Global Positioning System; and

11 (B) protect that spectrum from disruption
12 and interference.

13 **SEC. 105. ACQUISITION OF SPACE SCIENCE DATA.**

14 (a) ACQUISITION FROM COMMERCIAL PROVIDERS.—
15 The Administrator shall, to the extent possible and while
16 satisfying the scientific or educational requirements of the
17 National Aeronautics and Space Administration, and
18 where appropriate, of other Federal agencies and scientific
19 researchers, acquire, where cost effective, space science
20 data from a commercial provider.

21 (b) TREATMENT OF SPACE SCIENCE DATA AS COM-
22 Mercial ITEM UNDER ACQUISITION LAWS.—Acquisitions
23 of space science data by the Administrator shall be carried
24 out in accordance with applicable acquisition laws and reg-
25 ulations (including chapters 137 and 140 of title 10,

1 United States Code). For purposes of such law and regula-
2 tions, space science data shall be considered to be a com-
3 mercial item. Nothing in this subsection shall be construed
4 to preclude the United States from acquiring, through
5 contracts with commercial providers, sufficient rights in
6 data to meet the needs of the scientific and educational
7 community or the needs of other government activities.

8 (c) DEFINITION.—For purposes of this section, the
9 term “space science data” includes scientific data concern-
10 ing—

11 (1) the elemental and mineralogical resources of
12 the moon, asteroids, planets and their moons, and
13 comets;

14 (2) microgravity acceleration; and

15 (3) solar storm monitoring.

16 (d) SAFETY STANDARDS.—Nothing in this section
17 shall be construed to prohibit the Federal Government
18 from requiring compliance with applicable safety stand-
19 ards.

20 (e) LIMITATION.—This section does not authorize the
21 National Aeronautics and Space Administration to provide
22 financial assistance for the development of commercial
23 systems for the collection of space science data.

1 **SEC. 106. ADMINISTRATION OF COMMERCIAL SPACE CEN-**
2 **TERS.**

3 The Administrator shall administer the Commercial
4 Space Center program in a coordinated manner from Na-
5 tional Aeronautics and Space Administration head-
6 quarters in Washington, DC.

7 **SEC. 107. SOURCES OF EARTH SCIENCE DATA.**

8 (a) ACQUISITION.—The Administrator shall, to the
9 extent possible and while satisfying the scientific or edu-
10 cational requirements of the National Aeronautics and
11 Space Administration, and where appropriate, of other
12 Federal agencies and scientific researchers, acquire, where
13 cost-effective, space-based and airborne Earth remote
14 sensing data, services, distribution, and applications from
15 a commercial provider.

16 (b) TREATMENT AS COMMERCIAL ITEM UNDER AC-
17 QUISTION LAWS.—Acquisitions by the Administrator of
18 the data, services, distribution, and applications referred
19 to in subsection (a) shall be carried out in accordance with
20 applicable acquisition laws and regulations (including
21 chapters 137 and 140 of title 10, United States Code).
22 For purposes of such law and regulations, such data, serv-
23 ices, distribution, and applications shall be considered to
24 be a commercial item. Nothing in this subsection shall be
25 construed to preclude the United States from acquiring,
26 through contracts with commercial providers, sufficient

1 rights in data to meet the needs of the scientific and edu-
2 cational community or the needs of other government ac-
3 tivities.

4 (c) STUDY.—(1) The Administrator shall conduct a
5 study to determine the extent to which the baseline sci-
6 entific requirements of Earth Science can be met by com-
7 mercial providers, and how the National Aeronautics and
8 Space Administration will meet such requirements which
9 cannot be met by commercial providers.

10 (2) The study conducted under this subsection
11 shall—

12 (A) make recommendations to promote the
13 availability of information from the National Aero-
14 nautics and Space Administration to commercial
15 providers to enable commercial providers to better
16 meet the baseline scientific requirements of Earth
17 Science;

18 (B) make recommendations to promote the dis-
19 semination to commercial providers of information
20 on advanced technology research and development
21 performed by or for the National Aeronautics and
22 Space Administration; and

23 (C) identify policy, regulatory, and legislative
24 barriers to the implementation of the recommenda-
25 tions made under this subsection.

1 (3) The results of the study conducted under this
2 subsection shall be transmitted to the Congress within 6
3 months after the date of the enactment of this Act.

4 (d) SAFETY STANDARDS.—Nothing in this section
5 shall be construed to prohibit the Federal Government
6 from requiring compliance with applicable safety stand-
7 ards.

8 (e) ADMINISTRATION AND EXECUTION.—This section
9 shall be carried out as part of the Commercial Remote
10 Sensing Program at the Stennis Space Center.

11 (f) REMOTE SENSING.—

12 (1) APPLICATION CONTENTS.—Section 201(b)
13 of the Land Remote Sensing Policy Act of 1992 (15
14 U.S.C. 5621(b)) is amended—

15 (A) by inserting “(1)” after “NATIONAL
16 SECURITY.—”; and

17 (B) by adding at the end the following new
18 paragraph:

19 “(2) The Secretary, within 6 months after the date
20 of the enactment of the Commercial Space Act of 1998,
21 shall publish in the Federal Register a complete and spe-
22 cific list of all information required to comprise a complete
23 application for a license under this title. An application
24 shall be considered complete when the applicant has pro-
25 vided all information required by the list most recently

1 published in the Federal Register before the date the ap-
2 plication was first submitted. Unless the Secretary has,
3 within 30 days after receipt of an application, notified the
4 applicant of information necessary to complete an applica-
5 tion, the Secretary may not deny the application on the
6 basis of the absence of any such information.”.

7 (2) NOTIFICATION OF AGREEMENTS.—Section
8 202(b)(6) of the Land Remote Sensing Policy Act of
9 1992 (15 U.S.C. 5622(b)(6)) is amended by insert-
10 ing “significant or substantial” after “Secretary of
11 any”.

12 **TITLE II—FEDERAL ACQUISI-** 13 **TION OF SPACE TRANSPOR-** 14 **TATION SERVICES**

15 **SEC. 201. REQUIREMENT TO PROCURE COMMERCIAL** 16 **SPACE TRANSPORTATION SERVICES.**

17 (a) IN GENERAL.—Except as otherwise provided in
18 this section, the Federal Government shall acquire space
19 transportation services from United States commercial
20 providers whenever such services are required in the
21 course of its activities. To the maximum extent prac-
22 ticable, the Federal Government shall plan missions to ac-
23 commodate the space transportation services capabilities
24 of United States commercial providers.

1 (b) EXCEPTIONS.—The Federal Government shall
2 not be required to acquire space transportation services
3 under subsection (a) if, on a case-by-case basis, the Ad-
4 ministrator or, in the case of a national security issue,
5 the Secretary of the Air Force, determines that—

6 (1) a payload requires the unique capabilities of
7 the Space Shuttle;

8 (2) cost effective space transportation services
9 that meet specific mission requirements would not be
10 reasonably available from United States commercial
11 providers when required;

12 (3) the use of space transportation services
13 from United States commercial providers poses an
14 unacceptable risk of loss of a unique scientific oppor-
15 tunity;

16 (4) the use of space transportation services
17 from United States commercial providers is incon-
18 sistent with national security objectives;

19 (5) the use of space transportation services
20 from United States commercial providers is incon-
21 sistent with international agreements for inter-
22 national collaborative efforts relating to science and
23 technology;

24 (6) it is more cost effective to transport a pay-
25 load in conjunction with a test or demonstration of

1 a space transportation vehicle owned by the Federal
2 Government; or

3 (7) a payload can make use of the available
4 cargo space on a Space Shuttle mission as a second-
5 ary payload, and such payload is consistent with the
6 requirements of research, development, demonstra-
7 tion, scientific, commercial, and educational pro-
8 grams authorized by the Administrator.

9 Nothing in this section shall prevent the Administrator
10 from planning or negotiating agreements with foreign en-
11 tities for the launch of Federal Government payloads for
12 international collaborative efforts relating to science and
13 technology.

14 (c) DELAYED EFFECT.—Subsection (a) shall not
15 apply to space transportation services and space transpor-
16 tation vehicles acquired or owned by the Federal Govern-
17 ment before the date of the enactment of this Act, or with
18 respect to which a contract for such acquisition or owner-
19 ship has been entered into before such date.

20 (d) HISTORICAL PURPOSES.—This section shall not
21 be construed to prohibit the Federal Government from ac-
22 quiring, owning, or maintaining space transportation vehi-
23 cles solely for historical display purposes.

1 **SEC. 202. ACQUISITION OF COMMERCIAL SPACE TRANS-**
2 **PORTATION SERVICES.**

3 (a) TREATMENT OF COMMERCIAL SPACE TRANSPOR-
4 TATION SERVICES AS COMMERCIAL ITEM UNDER ACQUI-
5 SITION LAWS.—Acquisitions of space transportation serv-
6 ices by the Federal Government shall be carried out in
7 accordance with applicable acquisition laws and regula-
8 tions (including chapters 137 and 140 of title 10, United
9 States Code). For purposes of such law and regulations,
10 space transportation services shall be considered to be a
11 commercial item.

12 (b) SAFETY STANDARDS.—Nothing in this section
13 shall be construed to prohibit the Federal Government
14 from requiring compliance with applicable safety stand-
15 ards.

16 **SEC. 203. LAUNCH SERVICES PURCHASE ACT OF 1990**
17 **AMENDMENTS.**

18 The Launch Services Purchase Act of 1990 (42
19 U.S.C. 2465b et seq.) is amended—

20 (1) by striking section 202;

21 (2) in section 203—

22 (A) by striking paragraphs (1) and (2);

23 and

24 (B) by redesignating paragraphs (3) and

25 (4) as paragraphs (1) and (2), respectively;

26 (3) by striking sections 204 and 205; and

1 (4) in section 206—

2 (A) by striking “(a) COMMERCIAL PAY-
3 LOADS ON THE SPACE SHUTTLE.—”; and

4 (B) by striking subsection (b).

5 **SEC. 204. SHUTTLE PRIVATIZATION.**

6 (a) **POLICY AND PREPARATION.**—The Administrator
7 shall prepare for an orderly transition from the Federal
8 operation, or Federal management of contracted oper-
9 ation, of space transportation systems to the Federal pur-
10 chase of commercial space transportation services for all
11 nonemergency space transportation requirements for
12 transportation to and from Earth orbit, including human,
13 cargo, and mixed payloads. In those preparations, the Ad-
14 ministrator shall take into account the need for short-term
15 economies, as well as the goal of restoring the National
16 Aeronautics and Space Administration’s research focus
17 and its mandate to promote the fullest possible commercial
18 use of space. As part of those preparations, the Adminis-
19 trator shall plan for the potential privatization of the
20 Space Shuttle program. Such plan shall keep safety and
21 cost effectiveness as high priorities. Nothing in this section
22 shall prohibit the National Aeronautics and Space Admin-
23 istration from studying, designing, developing, or funding
24 upgrades or modifications essential to the safe and eco-
25 nomical operation of the Space Shuttle fleet.

1 (b) FEASIBILITY STUDY.—The Administrator shall
2 conduct a study of the feasibility of implementing the rec-
3 ommendation of the Independent Shuttle Management Re-
4 view Team that the National Aeronautics and Space Ad-
5 ministration transition toward the privatization of the
6 Space Shuttle. The study shall identify, discuss, and,
7 where possible, present options for resolving, the major
8 policy and legal issues that must be addressed before the
9 Space Shuttle is privatized, including—

10 (1) whether the Federal Government or the
11 Space Shuttle contractor should own the Space
12 Shuttle orbiters and ground facilities;

13 (2) whether the Federal Government should in-
14 demnify the contractor for any third party liability
15 arising from Space Shuttle operations, and, if so,
16 under what terms and conditions;

17 (3) whether payloads other than National Aero-
18 nautics and Space Administration payloads should
19 be allowed to be launched on the Space Shuttle, how
20 missions will be prioritized, and who will decide
21 which mission flies and when;

22 (4) whether commercial payloads should be al-
23 lowed to be launched on the Space Shuttle and
24 whether any classes of payloads should be made in-
25 eligible for launch consideration;

1 (5) whether National Aeronautics and Space
2 Administration and other Federal Government pay-
3 loads should have priority over non-Federal payloads
4 in the Space Shuttle launch assignments, and what
5 policies should be developed to prioritize among pay-
6 loads generally;

7 (6) whether the public interest requires that
8 certain Space Shuttle functions continue to be per-
9 formed by the Federal Government; and

10 (7) how much cost savings, if any, will be gen-
11 erated by privatization of the Space Shuttle.

12 (c) REPORT TO CONGRESS.—Within 60 days after
13 the date of the enactment of this Act, the National Aero-
14 nautics and Space Administration shall complete the study
15 required under subsection (b) and shall submit a report
16 on the study to the Committee on Commerce, Science, and
17 Transportation of the Senate and the Committee on
18 Science of the House of Representatives.

19 **SEC. 205. USE OF EXCESS INTERCONTINENTAL BALLISTIC**
20 **MISSILES.**

21 (a) IN GENERAL.—The Federal Government shall
22 not—

23 (1) convert any missile described in subsection
24 (c) to a space transportation vehicle configuration;
25 or

1 (2) transfer ownership of any such missile to
2 another person, except as provided in subsection (b).

3 (b) AUTHORIZED FEDERAL USES.—(1) A missile de-
4 scribed in subsection (c) may be converted for use as a
5 space transportation vehicle by the Federal Government
6 if, except as provided in paragraph (2) and at least 30
7 days before such conversion, the agency seeking to use the
8 missile as a space transportation vehicle transmits to the
9 Committee on National Security and the Committee on
10 Science of the House of Representatives, and to the Com-
11 mittee on Armed Services and the Committee on Com-
12 merce, Science, and Transportation of the Senate, a cer-
13 tification that the use of such missile—

14 (A) would result in cost savings to the Federal
15 Government when compared to the cost of acquiring
16 space transportation services from United States
17 commercial providers;

18 (B) meets all mission requirements of the agen-
19 cy, including performance, schedule, and risk re-
20 quirements;

21 (C) is consistent with international obligations
22 of the United States; and

23 (D) is approved by the Secretary of Defense or
24 his designee.

1 (2) The requirement under paragraph (1) that the
2 certification described in that paragraph must be trans-
3 mitted at least 30 days before conversion of the missile
4 shall not apply if the Secretary of Defense determines that
5 compliance with that requirement would be inconsistent
6 with meeting immediate national security requirements.

7 (c) MISSILES REFERRED TO.— The missiles referred
8 to in this section are missiles owned by the United States
9 that—

10 (1) were formerly used by the Department of
11 Defense for national defense purposes as interconti-
12 nental ballistic missiles; and

13 (2) have been declared excess to United States
14 national defense needs and are in compliance with
15 international obligations of the United States.

16 **SEC. 206. NATIONAL LAUNCH CAPABILITY STUDY.**

17 (a) FINDINGS.—Congress finds that a robust satellite
18 and launch industry in the United States serves the inter-
19 est of the United States by—

20 (1) contributing to the economy of the United
21 States;

22 (2) strengthening employment, technological,
23 and scientific interests of the United States; and

24 (3) serving the foreign policy and national secu-
25 rity interests of the United States.

1 (b) DEFINITIONS.—In this section:

2 (1) SECRETARY.—The term “Secretary” means
3 the Secretary of Defense.

4 (2) TOTAL POTENTIAL NATIONAL MISSION
5 MODEL.—The term “total potential national mission
6 model” means a model that—

7 (A) is determined by the Secretary, in con-
8 sultation with the Administrator, to assess the
9 total potential space missions to be conducted
10 in the United States during a specified period
11 of time; and

12 (B) includes all launches in the United
13 States (including launches conducted on or off
14 a Federal range).

15 (c) REPORT.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of this Act, the Sec-
18 retary shall, in consultation with the Administrator
19 and appropriate representatives of the satellite and
20 launch industry and the governments of States and
21 political subdivisions thereof—

22 (A) prepare a report that meets the re-
23 quirements of this subsection; and

24 (B) submit that report to the Committee
25 on Commerce, Science, and Transportation of

1 the Senate and the Committee on Science of the
2 House of Representatives.

3 (2) REQUIREMENTS FOR REPORT.—The report
4 prepared under this subsection shall—

5 (A) identify the total potential national
6 mission model for the period beginning on the
7 date of the report and ending on December 31,
8 2007;

9 (B) identify the resources that are nec-
10 essary or available to carry out the total poten-
11 tial national mission model described in sub-
12 paragraph (A), including—

13 (i) launch property and services of the
14 Department of Defense, the National Aero-
15 nautics and Space Administration, and
16 non-Federal facilities; and

17 (ii) the ability to support commercial
18 launch-on-demand on short notification,
19 taking into account Federal requirements,
20 at launch sites or test ranges in the United
21 States;

22 (C) identify each deficiency in the re-
23 sources referred to in subparagraph (B); and

24 (D) with respect to the deficiencies identi-
25 fied under subparagraph (C), include estimates

1 of the level of funding necessary to address
2 those deficiencies for the period described in
3 subparagraph (A).

4 (d) RECOMMENDATIONS.—Based on the reports
5 under subsection (c), the Secretary, after consultation
6 with the Secretary of Transportation, the Secretary of
7 Commerce, and representatives from interested private
8 sector entities, States, and local governments, shall—

9 (1) identify opportunities for investment by
10 non-Federal entities (including States and political
11 subdivisions thereof and private sector entities) to
12 assist the Federal Government in providing launch
13 capabilities for the commercial space industry in the
14 United States;

15 (2) identify 1 or more methods by which, if suf-
16 ficient resources referred to in subsection (c)(2)(D)
17 are not available to the Department of Defense and
18 the National Aeronautics and Space Administration,
19 the control of the launch property and launch serv-
20 ices of the Department of Defense and the National
21 Aeronautics and Space Administration may be trans-
22 ferred from the Department of Defense and the Na-
23 tional Aeronautics and Space Administration to—

24 (A) 1 or more other Federal agencies;

1 (B) 1 or more States (or subdivisions
2 thereof);

3 (C) 1 or more private sector entities; or

4 (D) any combination of the entities de-
5 scribed in subparagraphs (A) through (C); and

6 (3) identify the technical, structural, and legal
7 impediments associated with making launch sites or
8 test ranges in the United States viable and competi-
9 tive.

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