

H. Res. 572

In the House of Representatives, U.S.,

October 5, 1998.

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 1702 together with the Senate amendment thereto, and to have concurred in the Senate amendment with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

4 (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.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act—

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

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

11 (3) the term “payload” means anything that a
 12 person undertakes to transport to, from, or within
 13 outer space, or in suborbital trajectory, by means of
 14 a space transportation vehicle, but does not include
 15 the space transportation vehicle itself except for its
 16 components which are specifically designed or adapt-
 17 ed for that payload;

18 (4) the term “space-related activities” includes
 19 research and development, manufacturing, process-
 20 ing, service, and other associated and support activi-
 21 ties;

22 (5) the term “space transportation services”
 23 means the preparation of a space transportation ve-

hicle and its payloads for transportation to, from, or within outer space, or in suborbital trajectory, and the conduct of transporting a payload to, from, or within outer space, or in suborbital trajectory;

(6) the term “space transportation vehicle” means any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory, and includes any component of such vehicle not specifically designed or adapted for a payload;

(7) the term “State” means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(8) the term “United States commercial provider” means a commercial provider, organized under the laws of the United States or of a State, which is—

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

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

1 (i) such subsidiary has in the past evi-
2 denced a substantial commitment to the
3 United States market through—

4 (I) investments in the United
5 States in long-term research, develop-
6 ment, and manufacturing (including
7 the manufacture of major components
8 and subassemblies); and

9 (II) significant contributions to
10 employment in the United States; and

11 (ii) the country or countries in which
12 such foreign company is incorporated or
13 organized, and, if appropriate, in which it
14 principally conducts its business, affords
15 reciprocal treatment to companies de-
16 scribed in subparagraph (A) comparable to
17 that afforded to such foreign company's
18 subsidiary in the United States, as evi-
19 denced by—

20 (I) providing comparable oppor-
21 tunities for companies described in
22 subparagraph (A) to participate in
23 Government sponsored research and
24 development similar to that authorized
25 under this Act;

1 (II) providing no barriers, to
2 companies described in subparagraph
3 (A) with respect to local investment
4 opportunities, that are not provided to
5 foreign companies in the United
6 States; and

7 (III) providing adequate and ef-
8 fective protection for the intellectual
9 property rights of companies de-
10 scribed in subparagraph (A).

11 **TITLE I—PROMOTION OF COM-**
12 **MERCIAL SPACE OPPORTUNI-**
13 **TIES**

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

15 (a) POLICY.—The Congress declares that a priority
16 goal of constructing the International Space Station is the
17 economic development of Earth orbital space. The Con-
18 gress further declares that free and competitive markets
19 create the most efficient conditions for promoting eco-
20 nomic development, and should therefore govern the eco-
21 nomic development of Earth orbital space. The Congress
22 further declares that the use of free market principles in
23 operating, servicing, allocating the use of, and adding ca-
24 pabilities to the Space Station, and the resulting fullest
25 possible engagement of commercial providers and partici-

1 pation of commercial users, will reduce Space Station
2 operational costs for all partners and the Federal Govern-
3 ment's share of the United States burden to fund oper-
4 ations.

5 (b) REPORTS.—(1) The Administrator shall deliver to
6 the Committee on Science of the House of Representatives
7 and the Committee on Commerce, Science, and Transpor-
8 tation of the Senate, within 90 days after the date of the
9 enactment of this Act, a study that identifies and exam-
10 ines—

11 (A) the opportunities for commercial providers
12 to play a role in International Space Station activi-
13 ties, including operation, use, servicing, and aug-
14 mentation;

15 (B) the potential cost savings to be derived
16 from commercial providers playing a role in each of
17 these activities;

18 (C) which of the opportunities described in sub-
19 paragraph (A) the Administrator plans to make
20 available to commercial providers in fiscal years
21 1999 and 2000;

22 (D) the specific policies and initiatives the Ad-
23 ministrator is advancing to encourage and facilitate
24 these commercial opportunities; and

1 (E) the revenues and cost reimbursements to
2 the Federal Government from commercial users of
3 the Space Station.

4 (2) The Administrator shall deliver to the Committee
5 on Science of the House of Representatives and the Com-
6 mittee on Commerce, Science, and Transportation of the
7 Senate, within 180 days after the date of the enactment
8 of this Act, an independently-conducted market study that
9 examines and evaluates potential industry interest in pro-
10 viding commercial goods and services for the operation,
11 servicing, and augmentation of the International Space
12 Station, and in the commercial use of the International
13 Space Station. This study shall also include updates to
14 the cost savings and revenue estimates made in the study
15 described in paragraph (1) based on the external market
16 assessment.

17 (3) The Administrator shall deliver to the Congress,
18 no later than the submission of the President's annual
19 budget request for fiscal year 2000, a report detailing how
20 many proposals (whether solicited or not) the National
21 Aeronautics and Space Administration received during
22 calendar years 1997 and 1998 regarding commercial oper-
23 ation, servicing, utilization, or augmentation of the Inter-
24 national Space Station, broken down by each of these four
25 categories, and specifying how many agreements the Na-

1 tional Aeronautics and Space Administration has entered
 2 into in response to these proposals, also broken down by
 3 these four categories.

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

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

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

12 (1) in the table of sections—

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

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

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

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

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

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

19 and

20 (D) by adding at the end the following new
 21 items:

“70120. Regulations.

“70121. Report to Congress.”.

1 (2) in section 70101—

2 (A) by inserting “microgravity research,”
3 after “information services,” in subsection
4 (a)(3);

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

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

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

11 (E) by inserting “, reentries,” after
12 “launches” both places it appears in subsection
13 (a)(7);

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

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

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

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

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

24 (K) by striking “launch” in subsection
25 (b)(2)(A);

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

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

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

9 (3) in section 70102—

10 (A) in paragraph (3)—

11 (i) by striking “and any payload” and
12 inserting in lieu thereof “or reentry vehicle
13 and any payload from Earth”;

14 (ii) by striking the period at the end
15 of subparagraph (C) and inserting in lieu
16 thereof a comma; and

17 (iii) by adding after subparagraph (C)
18 the following:

19 “including activities involved in the preparation of a
20 launch vehicle or payload for launch, when those ac-
21 tivities take place at a launch site in the United
22 States.”;

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

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

4 (D) by inserting after paragraph (9) the
5 following new paragraphs:

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

10 “(11) ‘reentry services’ means—

11 “(A) activities involved in the preparation
12 of a reentry vehicle and its payload, if any, for
13 reentry; and

14 “(B) the conduct of a reentry.

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

19 “(13) ‘reentry vehicle’ means a vehicle designed
20 to return from Earth orbit or outer space to Earth,
21 or a reusable launch vehicle designed to return from
22 Earth orbit or outer space to Earth, substantially in-
23 tact.”; and

24 (E) by inserting “or reentry services” after
25 “launch services” each place it appears in para-

1 graph (15), as so redesignated by subparagraph
2 (C) of this paragraph;
3 (4) in section 70103(b)—

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

6 (B) by inserting “and reentries” after
7 “commercial space launches” in paragraph (1);
8 and

9 (C) by inserting “and reentry” after
10 “space launch” in paragraph (2);
11 (5) in section 70104—

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

14 **“§ 70104. Restrictions on launches, operations, and**
15 **reentries”;**

16 (B) by inserting “or reentry site, or to re-
17 enter a reentry vehicle,” after “operate a
18 launch site” each place it appears in subsection
19 (a);

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

22 (D) in subsection (b)—

23 (i) by striking “launch license” and
24 inserting in lieu thereof “license”;

1 (ii) by inserting “or reenter” after
2 “may launch”; and

3 (iii) by inserting “or reentering” after
4 “related to launching”; and

5 (E) in subsection (c)—

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

9 (ii) by inserting “or reentry” after
10 “prevent the launch”; and

11 (iii) by inserting “or reentry” after
12 “decides the launch”;

13 (6) in section 70105—

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

16 (B) by striking “receiving an application”
17 both places it appears in subsection (a) and in-
18 serting in lieu thereof “accepting an application
19 in accordance with criteria established pursuant
20 to subsection (b)(2)(D)”;

21 (C) by adding at the end of subsection (a)
22 the following: “The Secretary shall transmit to
23 the Committee on Science of the House of Rep-
24 resentatives and the Committee on Commerce,
25 Science, and Transportation of the Senate a

1 written notice not later than 30 days after any
2 occurrence when a license is not issued within
3 the deadline established by this subsection.

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

9 (D) 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);

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

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

17 (G) by striking the period at the end of
18 subsection (b)(2)(C) and inserting in lieu there-
19 of “; and”;

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

22 “(D) regulations establishing criteria for ac-
23 cepting or rejecting an application for a license
24 under this chapter within 60 days after receipt of
25 such application.”; and

1 (I) by inserting “, including the require-
 2 ment to obtain a license,” after “waive a re-
 3 quirement” in subsection (b)(3);
 4 (7) in section 70106(a)—

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

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

9 (C) by inserting “or reentry vehicle” after
 10 “with a launch vehicle”;
 11 (8) in section 70108—

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

14 **“§ 70108. Prohibition, suspension, and end of**
 15 **launches, operation of launch sites and**
 16 **reentry sites, and reentries”;**

17 and

18 (B) in subsection (a)—

19 (i) by inserting “or reentry site, or re-
 20 entry of a reentry vehicle,” after “oper-
 21 ation of a launch site”; and

22 (ii) by inserting “or reentry” after
 23 “launch or operation”;

24 (9) in section 70109—

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

3 **“§ 70109. Preemption of scheduled launches or reen-**
4 **tries”;**

5 (B) in subsection (a)—

6 (i) by inserting “or reentry” after
7 “ensure that a launch”;

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

10 (iii) by inserting “or reentry date
11 commitment” after “launch date commit-
12 ment”;

13 (iv) by inserting “or reentry” after
14 “obtained for a launch”;

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

17 (vi) by inserting “, or services related
18 to a reentry,” after “amount for launch
19 services”; and

20 (vii) by inserting “or reentry” after
21 “the scheduled launch”; and

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

24 (10) in section 70110—

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

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

6 (11) in section 70111—

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

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

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

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

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

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

21 (G) by inserting after subsection (b)(2) the
22 following new paragraph:

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

1 (H) by striking “or its payload for launch”
2 in subsection (d) and inserting in lieu thereof
3 “or reentry vehicle, or the payload of either, for
4 launch or reentry”; and

5 (I) by inserting “, reentry vehicle,” after
6 “manufacturer of the launch vehicle” in sub-
7 section (d);

8 (12) in section 70112—

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

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

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

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

17 (E) by inserting “or reentry services” after
18 “launch services” each place it appears in sub-
19 section (b);

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

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

1 (H) by inserting “or reentry site or a re-
 2 entry” after “launch site” in subsection (e);
 3 and

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

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

9 (14) in section 70115(b)(1)(D)(i)—

10 (A) by inserting “reentry site,” after
 11 “launch site,”; and

12 (B) by inserting “or reentry vehicle” after
 13 “launch vehicle” both places it appears;

14 (15) in section 70117—

15 (A) by inserting “or reentry site, or to re-
 16 enter a reentry vehicle” after “operate a launch
 17 site” in subsection (a);

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

20 (C) by amending subsection (f) to read as
 21 follows:

22 “(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN
 23 IMPORT.—A launch vehicle, reentry vehicle, or payload
 24 that is launched or reentered is not, because of the launch
 25 or reentry, an export or import, respectively, for purposes

1 of a law controlling exports or imports, except that pay-
 2 loads launched pursuant to foreign trade zone procedures
 3 as provided for under the Foreign Trade Zones Act (19
 4 U.S.C. 81a–81u) shall be considered exports with regard
 5 to customs entry.”; and

6 (D) in subsection (g)—

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

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

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

17 **“§ 70120. Regulations**

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

22 “(1) guidelines for industry and State govern-
 23 ments to obtain sufficient insurance coverage for po-
 24 tential damages to third parties;

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

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

5 “(4) procedures for requesting and obtaining
6 launch site operator licenses; and

7 “(5) procedures for the application of govern-
8 ment indemnification.

9 “(b) REENTRY.—The Secretary of Transportation,
10 within 6 months after the date of the enactment of this
11 section, shall issue a notice of proposed rulemaking to
12 carry out this chapter that includes—

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

15 “(2) procedures for requesting and obtaining
16 operator licenses for reentry; and

17 “(3) procedures for requesting and obtaining
18 reentry site operator licenses.

19 **“§ 70121. Report to Congress**

20 “The Secretary of Transportation shall submit to
21 Congress an annual report to accompany the President’s
22 budget request that—

23 “(1) describes all activities undertaken under
24 this chapter, including a description of the process
25 for the application for and approval of licenses under

1 this chapter and recommendations for legislation
2 that may further commercial launches and reentries;
3 and

4 “(2) reviews the performance of the regulatory
5 activities and the effectiveness of the Office of Com-
6 mercial Space Transportation.”.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
8 70119 of title 49, United States Code, is amended to read
9 as follows:

10 **“§ 70119. Authorization of appropriations**

11 “There are authorized to be appropriated to the Sec-
12 retary of Transportation for the activities of the Office
13 of the Associate Administrator for Commercial Space
14 Transportation—

15 “(1) \$6,275,000 for the fiscal year ending Sep-
16 tember 30, 1999; and

17 “(2) \$6,600,000 for the fiscal year ending Sep-
18 tember 30, 2000.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 subsection (a)(6)(B) shall take effect upon the effective
21 date of final regulations issued pursuant to section
22 70105(b)(2)(D) of title 49, United States Code, as added
23 by subsection (a)(6)(H).

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

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

5 (1) in subsection (a)—

6 (A) by striking “the Office of Commercial
7 Programs within”; and

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

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

11 (3) by redesignating subsections (d) and (e) as
12 subsections (c) and (d), respectively.

13 **SEC. 104. PROMOTION OF UNITED STATES GLOBAL POSI-**
14 **TIONING SYSTEM STANDARDS.**

15 (a) FINDING.—The Congress finds that the Global
16 Positioning System, including satellites, signal equipment,
17 ground stations, data links, and associated command and
18 control facilities, has become an essential element in civil,
19 scientific, and military space development because of the
20 emergence of a United States commercial industry which
21 provides Global Positioning System equipment and related
22 services.

23 (b) INTERNATIONAL COOPERATION.—In order to
24 support and sustain the Global Positioning System in a
25 manner that will most effectively contribute to the na-
26 tional security, public safety, scientific, and economic in-

1 terests of the United States, the Congress encourages the
2 President to—

3 (1) ensure the operation of the Global Position-
4 ing System on a continuous worldwide basis free of
5 direct user fees;

6 (2) enter into international agreements that
7 promote cooperation with foreign governments and
8 international organizations to—

9 (A) establish the Global Positioning Sys-
10 tem and its augmentations as an acceptable
11 international standard; and

12 (B) eliminate any foreign barriers to appli-
13 cations of the Global Positioning System world-
14 wide; and

15 (3) provide clear direction and adequate re-
16 sources to the Assistant Secretary of Commerce for
17 Communications and Information so that on an
18 international basis the Assistant Secretary can—

19 (A) achieve and sustain efficient manage-
20 ment of the electromagnetic spectrum used by
21 the Global Positioning System; and

22 (B) protect that spectrum from disruption
23 and interference.

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

2 (a) ACQUISITION FROM COMMERCIAL PROVIDERS.—

3 The Administrator shall, to the extent possible and while
4 satisfying the scientific or educational requirements of the
5 National Aeronautics and Space Administration, and
6 where appropriate, of other Federal agencies and scientific
7 researchers, acquire, where cost effective, space science
8 data from a commercial provider.

9 (b) TREATMENT OF SPACE SCIENCE DATA AS COM-
10 Mercial ITEM UNDER ACQUISITION LAWS.—Acquisitions
11 of space science data by the Administrator shall be carried
12 out in accordance with applicable acquisition laws and reg-
13 ulations (including chapters 137 and 140 of title 10,
14 United States Code). For purposes of such law and regula-
15 tions, space science data shall be considered to be a com-
16 mercial item. Nothing in this subsection shall be construed
17 to preclude the United States from acquiring, through
18 contracts with commercial providers, sufficient rights in
19 data to meet the needs of the scientific and educational
20 community or the needs of other government activities.

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

24 (1) the elemental and mineralogical resources of
25 the moon, asteroids, planets and their moons, and
26 comets;

1 (2) microgravity acceleration; and

2 (3) solar storm monitoring.

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

7 (e) LIMITATION.—This section does not authorize the
8 National Aeronautics and Space Administration to provide
9 financial assistance for the development of commercial
10 systems for the collection of space science data.

11 **SEC. 106. ADMINISTRATION OF COMMERCIAL SPACE CEN-**
12 **TERS.**

13 The Administrator shall administer the Commercial
14 Space Center program in a coordinated manner from Na-
15 tional Aeronautics and Space Administration head-
16 quarters in Washington, D.C.

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

18 (a) ACQUISITION.—The Administrator shall, to the
19 extent possible and while satisfying the scientific or edu-
20 cational requirements of the National Aeronautics and
21 Space Administration, and where appropriate, of other
22 Federal agencies and scientific researchers, acquire, where
23 cost-effective, space-based and airborne Earth remote
24 sensing data, services, distribution, and applications from
25 a commercial provider.

1 (b) TREATMENT AS COMMERCIAL ITEM UNDER AC-
2 QUISITION LAWS.—Acquisitions by the Administrator of
3 the data, services, distribution, and applications referred
4 to in subsection (a) shall be carried out in accordance with
5 applicable acquisition laws and regulations (including
6 chapters 137 and 140 of title 10, United States Code).
7 For purposes of such law and regulations, such data, serv-
8 ices, distribution, and applications shall be considered to
9 be a commercial item. Nothing in this subsection shall be
10 construed to preclude the United States from acquiring,
11 through contracts with commercial providers, sufficient
12 rights in data to meet the needs of the scientific and edu-
13 cational community or the needs of other government ac-
14 tivities.

15 (c) STUDY.—(1) The Administrator shall conduct a
16 study to determine the extent to which the baseline sci-
17 entific requirements of Earth Science can be met by com-
18 mercial providers, and how the National Aeronautics and
19 Space Administration will meet such requirements which
20 cannot be met by commercial providers.

21 (2) The study conducted under this subsection
22 shall—

23 (A) make recommendations to promote the
24 availability of information from the National Aero-
25 nautics and Space Administration to commercial

1 providers to enable commercial providers to better
2 meet the baseline scientific requirements of Earth
3 Science;

4 (B) make recommendations to promote the dis-
5 semination to commercial providers of information
6 on advanced technology research and development
7 performed by or for the National Aeronautics and
8 Space Administration; and

9 (C) identify policy, regulatory, and legislative
10 barriers to the implementation of the recommenda-
11 tions made under this subsection.

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

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

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

22 (f) REMOTE SENSING.—

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

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

3 (B) by adding at the end the following new
4 paragraph:

5 “(2) The Secretary, within 6 months after the date
6 of the enactment of the Commercial Space Act of 1998,
7 shall publish in the Federal Register a complete and spe-
8 cific list of all information required to comprise a complete
9 application for a license under this title. An application
10 shall be considered complete when the applicant has pro-
11 vided all information required by the list most recently
12 published in the Federal Register before the date the ap-
13 plication was first submitted. Unless the Secretary has,
14 within 30 days after receipt of an application, notified the
15 applicant of information necessary to complete an applica-
16 tion, the Secretary may not deny the application on the
17 basis of the absence of any such information.”.

18 (2) NOTIFICATION OF AGREEMENTS.—Section
19 202(b)(6) of the Land Remote Sensing Policy Act of
20 1992 (15 U.S.C. 5622(b)(6)) is amended by insert-
21 ing “significant or substantial” after “Secretary of
22 any”.

1 **TITLE II—FEDERAL ACQUI-**
2 **SION OF SPACE TRANSPOR-**
3 **TATION SERVICES**

4 **SEC. 201. REQUIREMENT TO PROCURE COMMERCIAL**
5 **SPACE TRANSPORTATION SERVICES.**

6 (a) IN GENERAL.—Except as otherwise provided in
7 this section, the Federal Government shall acquire space
8 transportation services from United States commercial
9 providers whenever such services are required in the
10 course of its activities. To the maximum extent prac-
11 ticable, the Federal Government shall plan missions to ac-
12 commodate the space transportation services capabilities
13 of United States commercial providers.

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

19 (1) a payload requires the unique capabilities of
20 the Space Shuttle;

21 (2) cost effective space transportation services
22 that meet specific mission requirements would not be
23 reasonably available from United States commercial
24 providers when required;

1 (3) the use of space transportation services
2 from United States commercial providers poses an
3 unacceptable risk of loss of a unique scientific oppor-
4 tunity;

5 (4) the use of space transportation services
6 from United States commercial providers is incon-
7 sistent with national security objectives;

8 (5) the use of space transportation services
9 from United States commercial providers is incon-
10 sistent with international agreements for inter-
11 national collaborative efforts relating to science and
12 technology;

13 (6) it is more cost effective to transport a pay-
14 load in conjunction with a test or demonstration of
15 a space transportation vehicle owned by the Federal
16 Government; or

17 (7) a payload can make use of the available
18 cargo space on a Space Shuttle mission as a second-
19 ary payload, and such payload is consistent with the
20 requirements of research, development, demonstra-
21 tion, scientific, commercial, and educational pro-
22 grams authorized by the Administrator.

23 Nothing in this section shall prevent the Administrator
24 from planning or negotiating agreements with foreign en-
25 tities for the launch of Federal Government payloads for

1 international collaborative efforts relating to science and
2 technology.

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

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

13 **SEC. 202. ACQUISITION OF COMMERCIAL SPACE TRANS-**
14 **PORTATION SERVICES.**

15 (a) TREATMENT OF COMMERCIAL SPACE TRANSPOR-
16 TATION SERVICES AS COMMERCIAL ITEM UNDER ACQUI-
17 SITION LAWS.—Acquisitions of space transportation serv-
18 ices by the Federal Government shall be carried out in
19 accordance with applicable acquisition laws and regula-
20 tions (including chapters 137 and 140 of title 10, United
21 States Code). For purposes of such law and regulations,
22 space transportation services shall be considered to be a
23 commercial item.

24 (b) SAFETY STANDARDS.—Nothing in this section
25 shall be construed to prohibit the Federal Government

1 from requiring compliance with applicable safety stand-
 2 ards.

3 **SEC. 203. LAUNCH SERVICES PURCHASE ACT OF 1990**
 4 **AMENDMENTS.**

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

7 (1) by striking section 202;

8 (2) in section 203—

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

10 and

11 (B) by redesignating paragraphs (3) and

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

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

14 (4) in section 206—

15 (A) by striking “(a) COMMERCIAL PAY-

16 LOADS ON THE SPACE SHUTTLE.—”; and

17 (B) by striking subsection (b).

18 **SEC. 204. SHUTTLE PRIVATIZATION.**

19 (a) **POLICY AND PREPARATION.**—The Administrator
 20 shall prepare for an orderly transition from the Federal
 21 operation, or Federal management of contracted oper-
 22 ation, of space transportation systems to the Federal pur-
 23 chase of commercial space transportation services for all
 24 nonemergency space transportation requirements for
 25 transportation to and from Earth orbit, including human,

1 cargo, and mixed payloads. In those preparations, the Ad-
2 ministrator shall take into account the need for short-term
3 economies, as well as the goal of restoring the National
4 Aeronautics and Space Administration's research focus
5 and its mandate to promote the fullest possible commercial
6 use of space. As part of those preparations, the Adminis-
7 trator shall plan for the potential privatization of the
8 Space Shuttle program. Such plan shall keep safety and
9 cost effectiveness as high priorities. Nothing in this section
10 shall prohibit the National Aeronautics and Space Admin-
11 istration from studying, designing, developing, or funding
12 upgrades or modifications essential to the safe and eco-
13 nomical operation of the Space Shuttle fleet.

14 (b) FEASIBILITY STUDY.—The Administrator shall
15 conduct a study of the feasibility of implementing the rec-
16 ommendation of the Independent Shuttle Management Re-
17 view Team that the National Aeronautics and Space Ad-
18 ministration transition toward the privatization of the
19 Space Shuttle. The study shall identify, discuss, and,
20 where possible, present options for resolving, the major
21 policy and legal issues that must be addressed before the
22 Space Shuttle is privatized, including—

23 (1) whether the Federal Government or the
24 Space Shuttle contractor should own the Space
25 Shuttle orbiters and ground facilities;

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

5 (3) whether payloads other than National Aero-
6 nautics and Space Administration payloads should
7 be allowed to be launched on the Space Shuttle, how
8 missions will be prioritized, and who will decide
9 which mission flies and when;

10 (4) whether commercial payloads should be al-
11 lowed to be launched on the Space Shuttle and
12 whether any classes of payloads should be made in-
13 eligible for launch consideration;

14 (5) whether National Aeronautics and Space
15 Administration and other Federal Government pay-
16 loads should have priority over non-Federal payloads
17 in the Space Shuttle launch assignments, and what
18 policies should be developed to prioritize among pay-
19 loads generally;

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

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

1 (c) REPORT TO CONGRESS.—Within 60 days after
2 the date of the enactment of this Act, the National Aero-
3 nautics and Space Administration shall complete the study
4 required under subsection (b) and shall submit a report
5 on the study to the Committee on Commerce, Science, and
6 Transportation of the Senate and the Committee on
7 Science of the House of Representatives.

8 **SEC. 205. USE OF EXCESS INTERCONTINENTAL BALLISTIC**
9 **MISSILES.**

10 (a) IN GENERAL.—The Federal Government shall
11 not—

12 (1) convert any missile described in subsection
13 (c) to a space transportation vehicle configuration;
14 or

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

17 (b) AUTHORIZED FEDERAL USES.—(1) A missile de-
18 scribed in subsection (c) may be converted for use as a
19 space transportation vehicle by the Federal Government
20 if, except as provided in paragraph (2) and at least 30
21 days before such conversion, the agency seeking to use the
22 missile as a space transportation vehicle transmits to the
23 Committee on National Security and the Committee on
24 Science of the House of Representatives, and to the Com-
25 mittee on Armed Services and the Committee on Com-

1 merce, Science, and Transportation of the Senate, a cer-
2 tification that the use of such missile—

3 (A) would result in cost savings to the Federal
4 Government when compared to the cost of acquiring
5 space transportation services from United States
6 commercial providers;

7 (B) meets all mission requirements of the agen-
8 cy, including performance, schedule, and risk re-
9 quirements;

10 (C) is consistent with international obligations
11 of the United States; and

12 (D) is approved by the Secretary of Defense or
13 his designee.

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

20 (c) MISSILES REFERRED TO.— The missiles referred
21 to in this section are missiles owned by the United States
22 that—

23 (1) were formerly used by the Department of
24 Defense for national defense purposes as interconti-
25 nental ballistic missiles; and

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

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

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

8 (1) contributing to the economy of the United
9 States;

10 (2) strengthening employment, technological,
11 and scientific interests of the United States; and

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

14 (b) DEFINITIONS.—In this section:

15 (1) SECRETARY.—The term “Secretary” means
16 the Secretary of Defense.

17 (2) TOTAL POTENTIAL NATIONAL MISSION
18 MODEL.—The term “total potential national mission
19 model” means a model that—

20 (A) is determined by the Secretary, in con-
21 sultation with the Administrator, to assess the
22 total potential space missions to be conducted
23 in the United States during a specified period
24 of time; and

1 (B) includes all launches in the United
2 States (including launches conducted on or off
3 a Federal range).

4 (c) REPORT.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the Sec-
7 retary shall, in consultation with the Administrator
8 and appropriate representatives of the satellite and
9 launch industry and the governments of States and
10 political subdivisions thereof—

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

13 (B) submit that report to the Committee
14 on Commerce, Science, and Transportation of
15 the Senate and the Committee on Science of the
16 House of Representatives.

17 (2) REQUIREMENTS FOR REPORT.—The report
18 prepared under this subsection shall—

19 (A) identify the total potential national
20 mission model for the period beginning on the
21 date of the report and ending on December 31,
22 2007;

23 (B) identify the resources that are nec-
24 essary or available to carry out the total poten-

1 tial national mission model described in sub-
2 paragraph (A), including—

3 (i) launch property and services of the
4 Department of Defense, the National Aero-
5 nautics and Space Administration, and
6 non-Federal facilities; and

7 (ii) the ability to support commercial
8 launch-on-demand on short notification,
9 taking into account Federal requirements,
10 at launch sites or test ranges in the United
11 States;

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

14 (D) with respect to the deficiencies identi-
15 fied under subparagraph (C), include estimates
16 of the level of funding necessary to address
17 those deficiencies for the period described in
18 subparagraph (A).

19 (d) RECOMMENDATIONS.—Based on the reports
20 under subsection (c), the Secretary, after consultation
21 with the Secretary of Transportation, the Secretary of
22 Commerce, and representatives from interested private
23 sector entities, States, and local governments, shall—

24 (1) identify opportunities for investment by
25 non-Federal entities (including States and political

1 subdivisions thereof and private sector entities) to
2 assist the Federal Government in providing launch
3 capabilities for the commercial space industry in the
4 United States;

5 (2) identify one or more methods by which, if
6 sufficient resources referred to in subsection
7 (c)(2)(D) are not available to the Department of De-
8 fense and the National Aeronautics and Space Ad-
9 ministration, the control of the launch property and
10 launch services of the Department of Defense and
11 the National Aeronautics and Space Administration
12 may be transferred from the Department of Defense
13 and the National Aeronautics and Space Administra-
14 tion to—

15 (A) one or more other Federal agencies;

16 (B) one or more States (or subdivisions
17 thereof);

18 (C) one or more private sector entities; or

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

21 (3) identify the technical, structural, and legal
22 impediments associated with making launch sites or

- 1 test ranges in the United States viable and competi-
- 2 tive.

Attest:

Clerk.