

opportunity to take this bill through the committee process so we could have discussed it either at the subcommittee or at the full committee level. This bill has not gone through that process.

The second thing that I would just like to say, in listening to the debate I have heard the comment, It is only \$3 million; \$3 million is a lot of money.

We also have to take a look, and I think rethink some of the myths here in Washington. Is the granting of money, is the spending of more money, is spending money and creating another program, and spending money that we do not have, is that the highest tribute and the only tribute that we can pay to Members or people who have given in government service?

That is the myth in Washington. Any time we see a problem or we see the need to recognize somebody, it is time to spend more money. I think there are other ways to do that.

I think Texas A&M is setting a great example by how they have moved forward with this program without any help from Washington. I do not think at this point in time they need that additional help.

The greatest tribute perhaps to George Bush at this time is to demonstrate that the school can start in a different way and that his fellowships would be provided and funded through the private sector and not here from Washington.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have a feeling that in some cases there is a little preelection rhetoric going on on the floor of the House today. I say that because we have two choices. We have this choice, of providing a living monument, something that is going to benefit the living, and at a 1-year expense only. It did not go through the committee process, but it went through careful scrutiny by the chairman of the committee, and because of the manager's amendment, it is a 1-year authorization. As I indicated, it is a living monument.

The second choice that we have, of course, which will happen, there is no question, you can talk about it now but when the election is over, it will happen. We can have some expensive monument sitting out there somewhere that will cost the taxpayer a fortune from now until the end of time, or we can have some park development that will cost a great deal of money, or we can have this living monument to two wonderful people who are going to participate and give to the young people of this country a great deal for many years to come.

So if I have my choice, and anybody who really sits down and analyzes the choices, the choice certainly should be to have a living monument that will benefit people and that will be honoring someone who wants to be honored in that manner rather than some flow-

ery tribute in relationship to a monument or something of that nature.

I would call on my colleagues to think strictly in terms of what is the best way to honor George and Barbara Bush, because they are going to be honored. There is no question about it. So let us do it with a living monument, with a one-time authorization only from the Treasury of the United States in an appropriation.

Mr. PORTMAN. Mr. Speaker, I rise today to express my strong support for H.R. 3803, The George Bush School of Government and Public Service Act. As former staff member in the Bush White House, I had the true honor of learning first-hand the values and principles of public service life that President Bush exemplified. He taught that honor, integrity and responsibility are the most important code of conduct for a public official, and he also taught the importance of public officials teaching those values to others. Now, through this legislation, Congress can help to instill these values in the new generation of leaders.

As a former President, Vice President, Ambassador, Party Chairman, CIA Director, and Member of Congress, George Bush saw many different sides of public service during his long and distinguished career. By creating the George H.W. Bush Fellowship Program today, we pass that experience on to future leaders—and provide young scholars with access to programs that develop the leadership skills they will need to guide this Nation in the next century. In addition to learning directly from President and Mrs. Bush, Fellows will have the chance to learn from distinguished world leaders such as Margaret Thatcher and Brian Mulroney—who have both agreed to participate in the program. Their experience, knowledge and wisdom will be a tremendous gift for our future generations.

I know there are some who are concerned about the \$3 million authorization provided by this bill—and that is a legitimate concern that President Bush himself would have raised in his days as a Member. But we have to remember that this is "seed money" that will lead to many millions more being spent by the private sector and the State of Texas to promote this worthy project. This is an authorization for a one-time appropriation to ensure that this program gets up and running for the first year. I would also note that it is very much in line with what we have done to honor other former Presidents, and that private funds will be used to endow the program in future years. It is, as Mr. GOODLING noted, a living monument that will benefit future generations of American leaders.

I know that I would not be here in this Chamber today if it were not for the tremendous learning opportunity that George Bush gave me. Let's do a little to ensure that same opportunity for so many young people. I urge my colleagues on both sides of the aisle to support this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 3803, as amended.

The question was taken.

Mr. HOEKSTRA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3675, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Ms. GREENE of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 104-803) on the resolution (H. Res. 522) waiving points of order against the conference report to accompany the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### SPACE COMMERCIALIZATION PROMOTION ACT OF 1996

Mr. WALKER. Mr. Speaker, I move to suspend the rule and pass the bill (H.R. 3936) to encourage the development of a commercial space industry in the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3936

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Space Commercialization Promotion Act of 1996".

(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. Exceptions to employment restrictions.

Sec. 104. Launch voucher demonstration program.

Sec. 105. Promotion of United States Global Positioning System standards.

Sec. 106. Acquisition of space science data.

#### TITLE II—REMOTE SENSING

Sec. 201. Land Remote Sensing Policy Act of 1992 amendments.

Sec. 202. Acquisition of earth remote sensing data.

#### TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

Sec. 301. Requirement to procure commercial space transportation services.

Sec. 302. Acquisition of space transportation services.

Sec. 303. Launch Services Purchase Act of 1990 amendments.

Sec. 304. Use of excess intercontinental ballistic missiles.

#### SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

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

(3) the term "payload" means anything that a person undertakes to transport to, from, or within outer space, or in suborbital trajectory, by means of a space transportation vehicle, but does not include the space transportation vehicle itself except for its components which are specifically designed or adapted for that payload;

(4) the term "space-related activities" includes research and development, manufacturing, processing, service, and other associated and support activities;

(5) the term "space transportation services" means the preparation of a space transportation vehicle 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—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

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

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

#### **TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES**

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

(a) **POLICY.**—The Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. The Congress further declares that free and competi-

tive markets create the most efficient conditions for promoting economic development, and should therefore govern the economic development of Earth orbital space. The Congress further declares that free market principles should be used in operating and adding capabilities to the Space Station whenever possible.

(b) **REPORT.**—The Administrator shall deliver to the Congress, within 60 days after the date of the enactment of this Act, a market study that examines the role of commercial ventures which could supply, use, service, or augment the International Space Station, the specific policies and initiatives the Administrator is advancing to encourage these commercial opportunities, the cost savings to be realized by the international partnership from applying commercial approaches to cost-shared operations, and the cost reimbursements to the United States Government from commercial users of the Space Station.

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

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

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries.";

(B) by amending the item relating to section 70108 to read as follows:

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

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries.";

and

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

"70120. Regulations.

"70121. Report to Congress."

(2) in section 70101—

(A) by inserting "microgravity research," after "information services," in subsection (a)(3);

(B) by inserting ", reentry," after "launching" both places it appears in subsection (a)(4);

(C) by inserting ", reentry vehicles," after "launch vehicles" in subsection (a)(5);

(D) by inserting "and reentry services" after "launch services" in subsection (a)(6);

(E) by inserting ", reentries," after "launches" both places it appears in subsection (a)(7);

(F) by inserting ", reentry sites," after "launch sites" in subsection (a)(8);

(G) by inserting "and reentry services" after "launch services" in subsection (a)(8);

(H) by inserting "reentry sites," after "launch sites," in subsection (a)(9);

(I) by inserting "and reentry site" after "launch site" in subsection (a)(9);

(J) by inserting ", reentry vehicles," after "launch vehicles" in subsection (b)(2);

(K) by striking "launch" in subsection (b)(2)(A);

(L) by inserting "and reentry" after "conduct of commercial launch" in subsection (b)(3);

(M) by striking "launch" after "and transfer commercial" in subsection (b)(3); and

(N) by inserting "and development of reentry sites," after "launch-site support facilities," in subsection (b)(4);

(3) in section 70102—

(A) by striking "and any payload" and inserting in lieu thereof "or reentry vehicle and any payload from Earth" in paragraph (3);

(B) in paragraph (5)—

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

(ii) by inserting before subparagraph (B), as so redesignated by clause (i) of this subparagraph, the following new subparagraph:

"(A) activities directly related to the preparation of a launch site or payload facility for one or more launches;"

(C) by inserting "or reentry vehicle" after "means of a launch vehicle" in paragraph (8);

(D) by redesignating paragraphs (10) through (12) as paragraphs (14) through (16), respectively;

(E) by inserting after paragraph (9) the following new paragraphs:

"(10) 'reenter' and 'reentry' mean to return or attempt to return, purposefully, a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth.

"(11) 'reentry services' means—

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

"(B) the conduct of a reentry.

"(12) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

"(13) 'reentry vehicle' means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from outer space to Earth, substantially intact.";

(F) by inserting "or reentry services" after "launch services" each place it appears in paragraph (15), as so redesignated by subparagraph (D) of this paragraph;

(4) in section 70103—

(A) by striking "The Secretary" in subsection (a) and inserting in lieu thereof "Except as provided in section 70122, the Secretary"; and

(B) in subsection (b)—

(i) by inserting "AND REENTRIES AND STATE SPONSORED SPACEPORTS" after "LAUNCHES" in the subsection heading;

(ii) by striking "by the private sector" in paragraph (1) and inserting in lieu thereof "and reentries by the private sector and State sponsored spaceports" after "space launches"; and

(iii) by inserting "and reentry" after "space launch" in paragraph (2);

(5) in section 70104—

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

##### **"§70104. Restrictions on launches, operations, and reentries";**

(B) by inserting "or reentry site, or to reenter a reentry vehicle," after "operate a launch site" each place it appears in subsection (a);

(C) by inserting "or reentry" after "launch or operation" in subsection (a)(3) and (4);

(D) in subsection (b)—

(i) by striking "launch license" and inserting in lieu thereof "license";

(ii) by inserting "or reenter" after "may launch"; and

(iii) by inserting "or reentering" after "related to launching"; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES AND REENTRIES.—";

(ii) by inserting "or reentry" after "prevent the launch"; and

(iii) by inserting "or reentry" after "decides the launch";

(6) in section 70105—

(A) by inserting "(1)" before "A person may apply" in subsection (a);

(B) by striking "receiving an application" both places it appears in subsection (a) and

inserting in lieu thereof "accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)";

(C) by inserting at the end of subsection (a) the following: "The Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 7 days after any occurrence when a license is not issued within the deadline established by this subsection.";

(D) by adding at the end of subsection (a) the following new paragraph:

"(2) In carrying out paragraph (1), the Secretary may establish procedures for certification of the safety of launch vehicles, reentry vehicles, safety systems, procedures, services, or personnel that may be used in conducting licensed commercial space launch or reentry activities.";

(E) by inserting "or a reentry site, or the reentry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1);

(F) by striking "or operation" and inserting in lieu thereof "operation, or reentry" in subsection (b)(2)(A);

(G) by striking "and" at the end of subsection (b)(2)(B);

(H) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof "and";

(I) by adding at the end of subsection (b)(2) the following new subparagraph:

"(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application."; and

(J) by inserting "including the requirement to obtain a license," after "waive a requirement" in subsection (b)(3);

(7) in section 70106(a)—

(A) by inserting "or reentry site" after "observer at a launch site";

(B) by inserting "or reentry vehicle" after "assemble a launch vehicle"; and

(C) by inserting "or reentry vehicle" after "with a launch vehicle";

(8) in section 70108—

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

**"§70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries";**

and

(B) in subsection (a)—

(i) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site"; and

(ii) by inserting "or reentry" after "launch or operation";

(9) in section 70109—

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

**"§70109. Preemption of scheduled launches or reentries";**

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting "reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting "reentry site," after "access to a launch site";

(vi) by inserting "or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(10) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting "or reentry" after "launch" in subsection (a)(1)(A);

(B) by inserting "and reentry services" after "launch services" in subsection (a)(1)(B);

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

"The Secretary shall coordinate the establishment of criteria and procedures for determining the priority of competing requests from the private sector and State governments for property and services under this section.";

(D) by inserting "or reentry services" after "or launch services" in subsection (a)(2);

(E) by inserting "or reentry" after "commercial launch" both places it appears in subsection (b)(1);

(F) by inserting "or reentry services" after "launch services" in subsection (b)(2)(C);

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

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

(H) by striking "or its payload for launch" in subsection (d) and inserting in lieu thereof "or reentry vehicle, or the payload of either, for launch or reentry"; and

(I) by inserting "reentry vehicle," after "manufacturer of the launch vehicle" in subsection (d);

(12) in section 70112—

(A) in subsection (a)(1), by inserting "launch, reentry, or site operator" after "(1) When a";

(B) by inserting "or reentry" after "one launch" in subsection (a)(3);

(C) by inserting "or reentry services" after "launch services" in subsection (a)(4);

(D) in subsection (b)(1), by inserting "launch, reentry, or site operator" after "(1) A";

(E) by inserting "or reentry services" after "launch services" each place it appears in subsection (b);

(F) by inserting "applicable" after "carried out under the" in paragraphs (1) and (2) of subsection (b);

(G) by striking "Space, and Technology" in subsection (d)(1);

(H) by inserting "OR REENTRIES" after "LAUNCHES" in the heading for subsection (e);

(I) by inserting "or reentry site or a reentry" after "launch site" in subsection (e); and

(J) in subsection (f), by inserting "launch, reentry, or site operator" after "carried out under a";

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

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "launch vehicle" both places it appears;

(15) in section 70117—

(A) by inserting "or reentry site, or to reenter a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

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

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

(D) in subsection (g)—

(i) by striking "operation of a launch vehicle or launch site," in paragraph (1) and inserting in lieu thereof "reentry, operation of a launch vehicle or reentry vehicle, operation of a launch site or reentry site,"; and

(ii) by inserting "reentry," after "launch," in paragraph (2); and

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

#### **"§ 70120. Regulations**

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

"(1) guidelines for industry to obtain sufficient insurance coverage for potential damages to third parties;

"(2) procedures for requesting and obtaining licenses to operate a commercial launch vehicle or reentry vehicle;

"(3) procedures for requesting and obtaining operator licenses for launch or reentry;

"(4) procedures for requesting and obtaining launch site or reentry site operator licenses; and

"(5) procedures for the application of government indemnification.

#### **"§ 70121. Report to Congress**

"The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

"(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

"(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation."

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

#### **SEC. 103. EXCEPTIONS TO EMPLOYMENT RESTRICTIONS.**

(a) INAPPLICABILITY OF CERTAIN POST-EMPLOYMENT RESTRICTIONS.—Subsections (a) and (c) of section 207 of title 18, United States Code, and section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)) shall not apply to employees or former employees of the National Aeronautics and Space Administration seeking employment with an entity that is awarded the Space Flight Operations Contract for the Space Shuttle.

(b) EXCEPTION.—Subsection (a) shall not apply to an employee or former employee who, while employed with the National Aeronautics and Space Administration—

(1) served, at the time of selection of the contractor for the contract referred to in subsection (a) or the award of such contract, as the procuring contracting officer, the source selection authority, a member of the source selection evaluation board, or the chief of a financial or technical evaluation team;

(2) served as the program manager, deputy program manager, or administrative contracting officer for the contract; or

(3) personally made for the National Aeronautics and Space Administration a decision to award the contract or a modification of the contract.

#### **SEC. 104. LAUNCH VOUCHER DEMONSTRATION PROGRAM.**

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

(1) in subsection (a)—

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

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

(2) by striking subsection (c); and

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

**SEC. 105. PROMOTION OF UNITED STATES GLOBAL POSITIONING SYSTEM STANDARDS.**

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

(b) INTERNATIONAL COOPERATION.—The Congress therefore encourages the President to—

(1) undertake a coordinated effort within the executive branch to promote cooperation with foreign governments and international organizations to advance United States interests with respect to the Global Positioning System standards and augmentations; and

(2) ensure the operation of the Global Positioning System on a continuous worldwide basis free of direct user fees.

**SEC. 106. ACQUISITION OF SPACE SCIENCE DATA.**

(a) ACQUISITION FROM PRIVATE SECTOR.—The Administrator shall, to the maximum extent possible and while fully satisfying the scientific requirements of the National Aeronautics and Space Administration, acquire, where cost effective, space science data from the private sector.

(b) TREATMENT OF SPACE SCIENCE DATA AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space science data shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) DEFINITION.—For purposes of this section, the term “space science data” includes scientific data concerning the elemental and mineralogical resources of the moon and the planets, Earth environmental data obtained through remote sensing observations, and solar storm monitoring.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

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

**TITLE II—REMOTE SENSING**

**SEC. 201. LAND REMOTE SENSING POLICY ACT OF 1992 AMENDMENTS.**

The Land Remote Sensing Policy Act of 1992 is amended—

(1) in section 2 (15 U.S.C. 5601)—

(A) by amending paragraph (5) to read as follows:

“(5) Commercialization of land remote sensing is a near-term goal, and should remain a long-term goal, of United States policy.”;

(B) by striking paragraph (6) and redesignating paragraphs (7) through (16) as paragraphs (6) through (15), respectively; and

(C) in paragraph (11), as so redesignated by subparagraph (B) of this paragraph, by striking “determining the design” and all that follows through “international consortium” and inserting in lieu thereof “ensuring the continuity of Landsat quality data”;

(2) in section 101 (15 U.S.C. 5611)—

(A) by inserting the following after subsection (b)(4):

“The Director of the Office of Science and Technology Policy shall, no later than 60 days after the date of the enactment of the Space Commercialization Promotion Act of 1996, transmit the management plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”;

(B) in subsection (c)—

(i) by inserting “and” at the end of paragraph (6);

(ii) by striking paragraph (7); and

(iii) by redesignating paragraph (8) as paragraph (7); and

(C) in subsection (e)(1)—

(i) by inserting “and” at the end of subparagraph (A);

(ii) by striking “, and” at the end of subparagraph (B) and inserting in lieu thereof a period; and

(iii) by striking subparagraph (C);

(3) in section 201 (15 U.S.C. 5621)—

(A) by inserting “(1)” after “NATIONAL SECURITY.” in subsection (b);

(B) in subsection (b)(1), as so designated by subparagraph (A) of this paragraph, by striking “No license” and inserting in lieu thereof “Except as provided in paragraph (3), no license”;

(C) by adding at the end of subsection (b) the following new paragraphs:

“(2) The Secretary, within 6 months after the date of the enactment of the Space Commercialization Promotion Act of 1996, shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application for a license under this title. An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Secretary has, within 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Secretary may not deny the application on the basis of the absence of any such information.

“(3) The Secretary shall grant a license under this title to any United States commercial provider (as such term is defined in section 2 of the Space Commercialization Promotion Act of 1996) whose application is in full compliance with the requirements of this title.”;

(D) in subsection (c), by amending the second sentence thereof to read as follows: “If the Secretary has not granted the license within such 120-day period, the Secretary shall inform the applicant, within such period, of any pending issues and actions required to be carried out by the applicant or the Secretary in order to result in the granting of a license.”; and

(E) in subsection (e)(2)(B), by striking “and the importance of promoting widespread access to remote sensing data from United States and foreign systems”;

(4) in section 202 (15 U.S.C. 5622)—

(A) by striking “section 506” in subsection (b)(1) and inserting in lieu thereof “section 507”;

(B) in subsection (b)(2), by striking “as soon as such data are available and on reasonable terms and conditions” and inserting in lieu thereof “on reasonable terms and con-

ditions, including the provision of such data in a timely manner”;

(C) in subsection (b)(6), by striking “any agreement” and inserting in lieu thereof “any significant or substantial agreement relating to land remote sensing”; and

(D) by inserting after paragraph (6) of subsection (b) the following:

“The Secretary may not terminate, modify, or suspend a license issued pursuant to this title on the basis of an agreement the Secretary receives notification of under paragraph (6) unless the Secretary has, within 30 days after receipt of such notification, transmitted to the licensee a statement that such agreement is inconsistent with the national security or international obligations of the United States, including an explanation of such inconsistency.”;

(5) in section 203 (15 U.S.C. 5623)—

(A) in subsection (a)(2), by striking “under this title and” and inserting in lieu thereof “under this title or”;

(B) in subsection (a)(3), by striking “provide penalties” and inserting in lieu thereof “seek, in a United States District Court with personal jurisdiction over the licensee, penalties”; and

(C) in subsection (b), by striking “(a)(3).”;

(6) in section 204 (15 U.S.C. 5624), by striking “may” and inserting in lieu thereof “shall”;

(7) in section 205(c) (15 U.S.C. 5625(c)), by striking “if such remote sensing space system is licensed by the Secretary before commencing operation” and inserting in lieu thereof “if such private remote sensing space system will be licensed by the Secretary before commencing its commercial operation”;

(8) by adding at the end of title II the following new section:

**“SEC. 206. NOTIFICATION.**

“(a) LIMITATIONS ON LICENSEE.—Not later than 30 days after a determination by the Secretary to require a licensee to limit collection or distribution of data from a system licensed under this title, the Secretary shall provide written notification to Congress of such determination, including the reasons therefor, the limitations imposed on the licensee, and the period during which such limitations apply.

“(b) TERMINATION, MODIFICATION, OR SUSPENSION.—Not later than 30 days after an action by the Secretary to seek an order of injunction or other judicial determination pursuant to section 203(a)(2), the Secretary shall provide written notification to Congress of such action and the reasons therefor.”;

(9) in section 301 (15 U.S.C. 5631)—

(A) by inserting “, that are not being commercially developed” after “and its environment” in subsection (a)(2)(B); and

(B) by adding at the end the following new subsection:

“(d) DUPLICATION OF COMMERCIAL SECTOR ACTIVITIES.—The Federal Government shall not undertake activities under this section which duplicate activities available from the commercial sector, unless such activities would result in significant cost savings to the Federal Government.”;

(10) in section 302 (15 U.S.C. 5632)—

(A) by striking “(a) GENERAL RULE.—”;

(B) by striking “, including unenhanced data gathered under the technology demonstration program carried out pursuant to section 303,” and inserting in lieu thereof “that is not otherwise available from the commercial sector”;

(C) by striking subsection (b);

(11) by repealing section 303 (15 U.S.C. 5633);

(12) in section 401(b)(3) (15 U.S.C. 5641(b)(3)), by striking “, including any such enhancements developed under the technology demonstration program under section 303.”;

(13) in section 501(a) (15 U.S.C. 5651(a)), by striking "section 506" and inserting in lieu thereof "section 507";

(14) in section 502(c)(7) (15 U.S.C. 5652(c)(7)), by striking "section 506" and inserting in lieu thereof "section 507";

(15) in section 506 (15 U.S.C. 5656)—

(A) by inserting "(1)" after "COMMUNICATIONS COMMISSION.—" in subsection (a);

(B) by inserting at the end of subsection (a) the following new paragraph:

"(2) The Federal Communications Commission, within 6 months after the date of the enactment of the Space Commercialization Promotion Act of 1996, shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application described in paragraph (1). An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Federal Communications Commission has, within 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Federal Communications Commission may not deny the application on the basis of the absence of any such information."; and

(C) by adding at the end the following new subsection:

"(e) FEES.—The Federal Communications Commission shall ensure that any licensing or other fees that a private remote sensing space system operator subject to the licensing requirements of title II is required to pay such Commission shall be proportional to the cost to the Commission of the radio licensing process for such person relative to the cost to the Commission of licensing other entities subject to the fee."; and

(16) in section 507 (15 U.S.C. 5657)—

(A) by amending subsection (a) to read as follows:

"(a) RESPONSIBILITY OF THE SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense on all matters under this Act affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States, and for notifying the Secretary promptly of such conditions. Not later than 60 days after receiving a request from the Secretary, the Secretary of Defense shall recommend to the Secretary any conditions for a license issued under title II, consistent with this Act, that the Secretary of Defense determines are needed to protect the national security of the United States. If no such recommendation has been received by the Secretary within such 60-day period, the Secretary shall deem activities proposed in the license application to be consistent with the protection of the national security of the United States.";

(B) by striking subsection (b)(1) and (2) and inserting in lieu thereof the following:

"(b) RESPONSIBILITY OF THE SECRETARY OF STATE.—(1) The Secretary shall consult with the Secretary of State on all matters under this Act affecting international obligations of the United States. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations of the United States and for notifying the Secretary promptly of such conditions. Not later than 60 days after receiving a request from the Secretary, the Secretary of State shall recommend to the Secretary any conditions for a license issued under title II, consistent with this Act, that the Secretary of State determines are needed to meet international obligations of the United States. If

no such recommendation has been received by the Secretary within such 60-day period, the Secretary shall deem activities proposed in the license application to be consistent with the international obligations and policies of the United States.

"(2) Appropriate United States Government agencies are authorized and encouraged to provide to developing nations, as a component of international aid, resources for purchasing remote sensing data, training, and analysis from United States commercial providers."; and

(C) in subsection (d), by striking "Secretary may require" and inserting in lieu thereof "Secretary shall, where appropriate, require".

#### SEC. 202. ACQUISITION OF EARTH REMOTE SENSING DATA.

(a) ACQUISITION FROM PRIVATE SECTOR.—For purposes of meeting Government goals for Mission to Planet Earth, the Administrator shall, to the maximum extent possible and while fully satisfying the scientific requirements of the National Aeronautics and Space Administration, acquire, where cost effective, space-based and airborne Earth remote sensing data, services, distribution, and applications from the private sector.

(b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that such data, services, distribution, and applications shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) STUDY.—(1) The Administrator shall conduct a study to determine the extent to which the baseline scientific requirements of Mission to Planet Earth can be met by the private sector, and how the National Aeronautics and Space Administration will meet such requirements which cannot be met by the private sector.

(2) The study conducted under this subsection shall—

(A) make recommendations to promote the availability of information from the National Aeronautics and Space Administration to the private sector to enable the private sector to better meet the baseline scientific requirements of Mission to Planet Earth;

(B) make recommendations to promote the dissemination to the private sector of information on advanced technology research and development performed by or for the National Aeronautics and Space Administration; and

(C) identify policy, regulatory, and legislative barriers to the implementation of the recommendations made under this subsection.

(3) For purposes of carrying out this subsection, determination of the baseline scientific requirements of Mission to Planet Earth shall be carried out by the Goddard Space Flight Center. The Commercial Remote Sensing Program at the Stennis Space Center shall be responsible for identifying private sector data, services, distributions, and applications that can meet the scientific requirements of Mission to Planet Earth. The Administrator shall be responsible for determining the extent to which the baseline scientific requirements of Mission to Planet Earth can be met by the private sector, and shall ensure that the Stennis Space Center plays a major coordinating role.

(4) The results of the study conducted under this subsection shall be transmitted to the Congress within 9 months after the date of the enactment of this Act.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

#### TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

##### SEC. 301. REQUIREMENT TO PROCURE COMMERCIAL SPACE TRANSPORTATION SERVICES.

(a) IN GENERAL.—Except as otherwise provided in this section, the Federal Government shall acquire space transportation services from the private sector whenever such services are required in the course of its activities. To the maximum extent practicable, the Federal Government shall plan missions to accommodate the space transportation services capabilities of United States commercial providers.

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

(1) a payload requires the unique capabilities of the space shuttle;

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

(3) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;

(4) the use of space transportation services from United States commercial providers is inconsistent with national security objectives;

(5) the use of space transportation services from United States commercial providers poses an unacceptable risk to foreign policy objectives;

(6) it is more cost effective to transport a payload in conjunction with a test or demonstration of a space transportation vehicle owned by the Federal Government; or

(7) a payload can make use of the available cargo space on a Space Shuttle mission as a secondary payload, and such payload is consistent with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

(c) DELAYED EFFECT.—Subsection (a) shall not apply to space transportation services and space transportation vehicles acquired or owned by the Federal Government before the date of the enactment of this Act, or with respect to which a contract for such acquisition or ownership has been entered into before such date.

(d) HISTORICAL PURPOSES.—This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation vehicles solely for historical display purposes.

##### SEC. 302. ACQUISITION OF SPACE TRANSPORTATION SERVICES.

(a) TREATMENT OF SPACE TRANSPORTATION SERVICES AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space transportation services by the Federal Government shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space transportation services shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost

or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(b) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

**SEC. 303. LAUNCH SERVICES PURCHASE ACT OF 1990 AMENDMENTS.**

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

- (1) by striking section 202;
- (2) in section 203—
  - (A) by striking paragraphs (1) and (2); and
  - (B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively;
- (3) by striking sections 204 and 205; and
- (4) in section 206—
  - (A) by striking “(a) COMMERCIAL PAYLOADS ON THE SPACE SHUTTLE.—”; and
  - (B) by striking subsection (b).

**SEC. 304. USE OF EXCESS INTERCONTINENTAL BALLISTIC MISSILES.**

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

- (1) convert any missile described in subsection (c) to a space transportation vehicle configuration or otherwise use any such missile to place a payload in space; or
- (2) transfer ownership of any such missile to another person,

except as provided in subsection (b).

(b) AUTHORIZED FEDERAL USES.—(1) A missile described in subsection (c) may be converted for use as a space transportation vehicle by the Federal Government if—

(A) except as provided in paragraph (2), at least 120 days before such conversion the agency seeking to use the missile as a space transportation vehicle transmits to the Committee on National Security and the Committee on Science of the House of Representatives, and to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate, a report that contains—

- (i) a certification that the use of such missile—

(I) would result in significant cost savings to the Federal Government when compared to the cost of acquiring space transportation services from United States commercial providers; and

(II) meets all mission requirements of the agency, including performance, schedule, and risk requirements; and

(ii) comments obtained from United States commercial providers in response to prior public notice published in the Commerce Business Daily;

(B) the use of such missile is consistent with international obligations of the United States; and

(C) the Secretary of Defense approves of such conversion.

(2) The requirement under paragraph (1)(A) that the report described in that subparagraph must be transmitted at least 120 days before conversion of the missile shall not apply if the Secretary of Defense determines that compliance with that requirement would be inconsistent with meeting immediate national security requirements.

(c) MISSILES REFERRED TO.—The missiles referred to in this section are missiles owned by the United States that were formerly used by the Department of Defense for national defense purposes as intercontinental ballistic missiles and that have been retired from service in compliance with international obligations of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great pleasure that I bring before the House H.R. 3936, the Space Commercialization Promotion Act of 1996. Commercial space activities by U.S. companies generated over \$6.2 billion of revenue in 1994 and \$7.5 billion of revenue in 1995.

This legislation aims to improve the legal and regulatory conditions that currently handicap the commercial space industry. The present environment accommodates Federal, civil, and military space programs, not business opportunities. By providing investment incentives and risk reduction measures for investors, H.R. 3936 will encourage private sector participation in the space industry.

Through this bill we are striving to provide the stable business environment that businesses need to invest their money, build commercial space businesses, offer new and better services to the American people, and employ more Americans in high-skilled jobs.

Briefly this bill amends the Commercial Space Launch Act to take into account the legal and technical advances that have occurred since its enactment; gives the Department of Transportation the responsibility and authority to license reentry from orbit, in anticipation of the day when commercial experiments will be returned to Earth, and the reusable launch vehicle will be in operation; updates the Launch Services Purchase Act of 1990, so that government will act more like a commercial buyer when it places payloads in space; makes changes to the Land Remote Sensing Policy Act of 1992, updating it to take into account the experience we have gained over the last few years in licensing the operators of remote sensing satellites; eliminates, in a very narrow situation, some of the postemployment restrictions that could prevent NASA civil servants with critical skills in space shuttle operations from transferring to the new single prime contractor; and encourages NASA to purchase scientific data about the Earth and solar system from the private sector.

During my years of service on the Committee on Science, I have been an ardent advocate of space commercialization and the promise that it holds for a new economic frontier. For all of the wonderful accomplishments NASA has achieved in designing and building space transportation vehicles, sending humans to the Moon, and exploring our solar system and beyond, this Nation has only begun to realize the potential of doing business in space. It is not for lack of imagination; there are entrepreneurs who envision all kinds of space commerce, from on-orbit power stations to revolutionary pharmaceuticals.

□ 1700

It is because it still costs too much to get to space and because our com-

mercial laws, some of which have been on the books for years, were not written to take into account the possibility of space commerce.

Some of the most visionary and creative people I have ever met are in the space business. That is why when we began drafting this legislation we went right to the source. We held a Space Business Roundtable and several hearings, to which we invited industry experts and representatives from the executive branch, academia and space advocacy groups.

We found not a dearth of ideas, but a wealth of enthusiasm from individuals from all over the country who are making it their life's work to plumb the opportunities that space-based commerce presents. They are not looking to us for subsidies, but they are looking to us to modernize the fundamental underpinnings of present commercial law so that their new businesses can thrive.

This bill builds on the foundation we laid in earlier legislation. Much remains to be done beyond this bill, but that will be the challenge of future Congresses.

In closing, I want to acknowledge the cooperation of the Committees on Government Reform and Oversight, Commerce, and National Security on the issues over which we share jurisdiction. I am also grateful for the support of my committee colleagues, the gentleman from Wisconsin, JIM SENSENBRENNER, the gentleman from Texas, RALPH HALL, and the gentleman from California, GEORGE BROWN.

Mr. Speaker, I urge the passage of this bill.

Ms. GREENE of Utah. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Utah.

Ms. GREENE of Utah. Mr. Speaker, I appreciate the gentleman's yielding to me.

It is my understanding that NASA, as part of its research into a completely reusable launch vehicle, in developing the X-33, will be flight testing this over populated areas, or at least proposes to do that over populated areas, including my State of Utah, and that NASA is in the process of reviewing what sort of indemnification would be necessary for the private contractor that would be building the X-33.

We have not as yet had any public or congressional hearings regarding such indemnification issues or the safety of such overflights over populated areas. It is my understanding this legislation does not have any impact on those questions of indemnification for X-33 overflight testing, and this is an issue that can be raised in the next Congress after we have had these hearings.

Is that the gentleman's understanding?

Mr. WALKER. Mr. Speaker, reclaiming my time, the gentlewoman is correct with regard to the bill. It contains no such language with regard to that issue.

I would agree with the gentlewoman that the issue remains for the next Congress and should be pursued after appropriate hearings have been held.

Ms. GREENE of Utah. Mr. Speaker, I thank the gentleman.

Mr. WALKER. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of California. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I want to thank the gentleman for his work on this committee and thank him for this opportunity to rise to express concern about the bill pending before us.

I have not read, frankly, the final language of the bill, which I understand, however, is far better than the original proposal. Late this morning I understand a number of changes were approved that make the bill acceptable enough that the chairman and NASA are not opposing it.

However, Mr. Speaker, I cannot let this bill pass without expressing my concern about its potential impact on the Mission to Planet Earth Program, which is administered at Goddard Space Flight Center in Maryland. Over and over this program has been attacked by opponents who fail, I think, to realize the enormous asset that its data will be to the private sector. Long-term climate forecasting will prove tremendously useful to businesses ranging from agricultural to retailing and construction, and as we saw so vividly in North Carolina, earlier notice of major natural disasters can only help in response of the Government and the private sector to provide for relief and evacuation.

I am disappointed, therefore, that the House Committee on Science included more than a \$300 million cut in authorization for Mission to Planet Earth. Today I am disappointed they are bringing to the floor a bill that requires a study of partial privatization of this important program.

NASA already recognizes that the private sector may well be able to play a significant role in Mission to Planet Earth. The agency's fiscal 1997 budget included \$50 million for data acquisition. NASA requested information from companies that are interested in participating and 11 so far have replied. Their proposals will be carefully reviewed by the scientific experts at Goddard to ensure that they are helpful.

While I recognize that the Stennis Center has proven expertise in commercialization, we should not take control of the Mission to Planet Earth funding away from Goddard Space Flight Center, which has a top notch international reputation in the field.

I understand that the bill before us would team Goddard and Stennis for the study with the final authority resting with Administrator Goldin. I am pleased at that. Some might say why not study this? The fact is that Mission to Planet Earth has been studied over and over and over and over again. The

program has been reduced 60 percent by a series of internal and external reviews. Surely if more commercialization makes sense, that fact would have been uncovered during those studies. The fact is that each of these studies costs money and staff time.

Finally, Mr. Speaker, I want to emphasize my longstanding view that Federal employees often do as good a job or better than their private sector counterparts. I have been to Goddard many times. I am sure many of my colleagues have as well. Each time I am impressed by the evident dedication and competence of its work force, both the more than 3,000 civil servants and the approximately 8,000 private sector contractors who work there.

I get frustrated therefore, sometimes, with those that believe everything is done better in the private sector. Time and time again that popular rhetoric has been proved wrong.

That is not in any way to diminish the private sector. Obviously, it is the private sector that has made this Nation the greatest economy that the world has ever known and provided the highest standard of living for the people of this Nation that the world has ever known. However, our public sector employees have also provided, frankly, the most efficient and effective civil service the world has ever known.

I hope that in the rush to pass this bill in the closing days of the Congress we will not forget the fine work done by the Federal workers who manage Mission to Planet Earth or the incredible promise of this important program.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume and say, in response to the distinguished gentleman from Maryland, I understand fully his concern about the role that Goddard would play in this whole subject of space commercialization.

I share his very strong support for the Mission to Planet Earth and the very important role that Goddard plays there. I assure him that we have worked diligently to make sure that the language would not preclude the full utilization of Goddard, and we believe that the corrections that have been made by the committee should resolve the matter to his satisfaction.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to thank the gentleman for those comments. I know that he has been and continues to be a very strong supporter of Mission to Planet Earth, and I want to tell him that I very much appreciate his focus on this issue and appreciate his comments.

Mr. BROWN of California. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

Mr. Speaker, I rise today in support of H.R. 3936, the Space Commercialization Promotion Act of 1996, as amended.

This bill represents a bipartisan effort to continue Congress' support for the development of a robust and growing commercial space sector, support that stretches back to the earliest years of the Space Age. Members of the Committee on Science on both sides of the aisle believe that when it makes sense, we can begin to capitalize on our past Federal investments in the space program and look to the private sector to play an increasingly important role.

That is not to say that a vibrant commercial sector obviates the need for a continuing strong Federal commitment to space research and development. Rather, it is a simple recognition that commercial space activities offer the potential to make a significant contribution to the Nation's economic health and to its international competitiveness.

One need only look at the growth of the multibillion dollar satellite communication industry for confirmation of the view that private-public investments in R&D can deliver significant benefits down the road. From the first limited experiments in communicating by satellites that were carried out at the dawn of the Space Age almost 40 years ago, we have reached the point at which communication satellites are an integral part of the world's telecommunications infrastructure. Even more exciting developments are on the horizon, enabled by investments made in space R&D.

Yet it was not just technological advancements that led to the preeminent position that American companies have achieved in the rapidly evolving satellite communication market. It was also the result of wise policy decisions made by previous Congresses and previous administrations in the 1960's. Now, another space-related industry, commercial remote sensing, seems poised for a similar explosion of growth, in part due to policies enacted by Congress in the 1980's and the 1990's.

The legislation that is being considered today under suspension is relatively modest in scope, but I believe that it continues the bipartisan effort to help ensure the health and growth of the Nation's emerging commercial space sector.

It represents the fruits of various policy initiatives undertaken by the Committee on Science, including some initiated in the 103d Congress. Among its provisions are ones that update several provisions of the Land Remote Sensing Act of 1992 and of the Commercial Space Launch Act. It also codifies administration policies on the Global Positioning System and on the use of excess ballistic missile assets.

The bill before the House today is an amendment to the original text of H.R. 3936 that addresses many of the concerns that I had when the bill was introduced, including the concerns that were expressed by the gentleman from Maryland. It also incorporates provisions requested by the Committee on Government Reform and Oversight,



which was given joint referral along with the Committee on Science.

I believe that the resulting legislation before us today represents a constructive step in Congress' continuing efforts to nurture this still evolving sector of our economy, and I urge my colleagues to suspend the rules and to pass the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WALKER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], chairman of the Subcommittee on Space and Aeronautics.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support to this legislation. In addition to all the reasons given by my colleagues from Pennsylvania and California on why it should pass, let me add one, and that is that unless we update our commercial launch legislation, we are going to become, as a Nation, more and more uncompetitive with foreign countries for the commercial space launch business, particularly nonmarket countries such as Russia, China, and the Ukraine.

I do think it is important to rebut somewhat the allegations that have been made by the gentleman from Maryland [Mr. HOYER]. First of all, this Congress has not been parsimonious with Mission to Planet Earth. The appropriation legislation that was approved by the House provides about a billion dollars for fiscal year 1997 for this purpose. That is a little bit less than was requested, but it still is a significant amount of money, \$1 billion.

The problem exists in providing a proper balance for the various types of programs that NASA is involved in. Both the OMB budget lines and the Republican balanced budget budget lines give NASA a declining amount of money between now and the year 2002.

The OMB line is about \$2 billion less than that which the Congress approved, but the fact is that NASA's budget is going to be pinched as time goes on and we cannot provide for unchecked increases in any of NASA's accounts.

The fear that I have, looking at both the OMB and the Republican budget lines is that if we do have unchecked increases in Mission to Planet Earth, then NASA's science will be squeezed almost down to a zero amount, and that would be a shame if we ended up squeezing science in fiscal year 1998 and fiscal year 1999 because the scientific accomplishments with NASA's robotic programs have been literally amazing in the 35 years of NASA's existence.

So let us face it, we do not have enough money for everything. We would like to have more, but at the same time we have to have a proper balance between the various accounts. I think that the appropriation bill and the Committee on Science authorization bill does that. The reductions in

the request for Mission to Planet Earth end up being reflected in more money being spent in NASA's science accounts.

We want to have both a healthy Mission to Planet Earth and a healthy Committee on Science budget for the next 2 or 3 fiscal years. I think that this bill will provide for the leveraging of the Government dollars in Mission to Planet Earth. And if we can attract private sector dollars to replace public sector dollars, so much the better.

□ 1715

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just comment briefly about the remarks of the gentleman from Wisconsin [Mr. SENSENBRENNER], my distinguished colleague and my friend.

I agree with the thrust of what he has said. There is no question but what the NASA budget over the next several years is going to be under considerable pressure from any budget that I have seen up to the present time, and it is necessary that we exercise extremely good judgment in how these reductions are going to be allocated.

There are not reductions in the rate of growth, these are actual dollar reductions of a substantial amount.

The fears which the gentleman from Maryland [Mr. HOYER] expressed are reasonable when understood in context. The Mission to Planet Earth budget line in the NASA Program is a very large item. It was subjected to approximately a 20 percent cut, which I think is more than the science budgets and others. And I will interpret Mr. HOYER's comments as merely asking that there be reasonably comparable treatment to all of these budget lines and not that the Mission to Planet Earth be given any special consideration.

I know that we will be looking closely at this particular situation in future years, and I look forward to working with Mr. SENSENBRENNER in trying to work out, that is assuming I return to Congress, working with him in making sure that whatever reductions NASA has to take are fairly and equitably distributed throughout all of the very important items in their budget.

I share the gentleman's view that there are many extremely exciting and productive science programs which need to be given full attention, and I hope that we will be able to do that as well as maintaining as strong a program as we possibly can involving the Mission to Planet Earth.

Mr. Speaker, I reserve the balance of my time.

Mr. WALKER. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding and I rise in strong support of this legislation.

Mr. Speaker, I want to thank the gentleman from Wisconsin [Mr. SEN-

SENBRENNER], and as well in particular, the chairman of the full committee, the gentleman from Pennsylvania, [Mr. WALKER], who I know has been working on this issue for more than a year now. This is good legislation. It is going to be very, very helpful to our emerging commercial space industries to help them to be more competitive in future years.

In particular we have an emerging situation in my district where the Florida Spaceport Authority is now less than 1 year away from its first commercial space launch. It has been a very slow process in getting the appropriate regulatory authority from the Office of Commercial Space Transportation, allowing them to be able to proceed in this. Fortunately, it appears as though the appropriate regulations will be coming forward. And I know that this legislation will be helping our commercial space industry in Florida and Spaceport Florida to be competitive in the future.

I also want to commend the chairman for including in this legislation language that will enable the National Aeronautics and Space Administration to more easily shift critical NASA employees over to the emerging shuttle contractor positions to thus ensure the continued safe operation of our space shuttle. Our space shuttle, as most are aware, went off yesterday morning flawlessly. Indeed every time it launches it is on the news. It is the pride of our Nation.

In order to continue in the future as we change the management structure of the shuttle program, that the program continues to function in an efficient but as well in a perfectly safe way, we need to make sure that the critical personnel who are now in civil service positions shift over to the contractor positions and that there is no inappropriate obstacle in existing Federal law to stand in the way of the continued safe operation of the shuttle.

So, in closing, I just want to congratulate the chairman and take this moment to congratulate him on the legacy that he is leaving our Nation, for his hard work on behalf of science, space and technology, and say that I know he will be very much missed in the future by myself and many of us on the committee.

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would say thank you to the gentleman from Florida for his kind words. I also do not want to dwell on this, but I want to come back to the point made by the gentleman from California and the gentleman from Maryland as well as the discussion of the gentleman from Wisconsin, just to say thank you to the gentleman from California for him and his staff working with us on some language that I think did address the concerns raised by the gentleman from Maryland.

Under this bill the Goddard Space Center will continue to be the lead center on all of these matters, including



the study of Mission to Planet Earth. But the fact is that what you have is an emerging set of technologies that may prove to be valuable to Mission to Planet Earth.

While it is true that it has been studied intensely by any number of people, the fact is that these new technologies do hold the promise of being able to give us a robust program at a perhaps savings, and that is what we are looking at here. And by having Goddard take the lead and having Stennis come in with some of the things they have found in terms of commercial applications, we think it would strengthen the Mission to Planet Earth mission over the year and do so within budget constraints that it is going to be operating under. Between us we have come up with the right language and approach here that satisfies the various needs, and I thank the gentleman from California and his staff for their cooperation in helping us develop that.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume just to make a concluding remark.

Let me thank the gentleman for his comments. He has been extremely cooperative in modifying the language here to provide certain reassurances that will be helpful in connection with this.

I also want to note that the remarks of the gentleman from Florida are very appropriate. We have a large and flourishing space launch there that is the preeminent spaceport at this time in the country. If there is nobody here from Alaska or Hawaii or some of the other States which also hope to have flourishing spaceports, may I make a comment that California also desires to get into this race and we have the beginnings of our own commercial launch facility in California which may be championed by the gentleman from California [Mrs. SEASTRAND]. We hope that at some point we will be able to offer both through the private sector and perhaps through some government business, a major launch facility in California.

The point here is that we see the emergence of a major new economic activity that pervades the entire United States, including Alaska and Hawaii, in competition for this business. And I think that the gentleman from Pennsylvania [Mr. WALKER] and I both give very strong allegiance to the importance of competition and ascertaining what is the best source of any particular program and what can benefit the taxpayers of this country most. I anticipate that this developing competition is going to be good for the whole country and I look forward to it.

This bill is intended to facilitate that and I again urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the mo-

tion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and pass the bill, H.R. 3936, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SOCIAL SECURITY MISCELLANEOUS AMENDMENTS ACT OF 1996

Mr. BUNNING of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4039) to make technical and clarifying amendments to recently enacted provisions relating to titles II and XVI of the Social Security Act and to provide for a temporary extension of demonstration project authority in the Social Security Administration, as amended.

The Clerk read as follows:

H.R. 4039

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Miscellaneous Amendments Act of 1996".

#### SEC. 2. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) CLARIFICATIONS RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—

(1) AMENDMENTS RELATING TO DISABILITY BENEFITS UNDER TITLE II.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104-121; 110 Stat. 853) is amended—

(A) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(B) by adding at the end the following new subparagraph:

"(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.".

(2) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME DISABILITY BENEFITS UNDER TITLE XVI.—Section 105(b)(5) of such Act (Public Law 104-121; 110 Stat. 853) is amended—

(A) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(B) by adding at the end the following new subparagraph:

"(D) For purposes of this paragraph, an individual's claim, with respect to supplemental security income benefits under title XVI of the Social Security Act based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.".

(b) CORRECTIONS TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEES AND TREATMENT REFERRALS OF DRUG ADDICTS AND ALCOHOLICS.—

(1) AMENDMENTS RELATING TO TITLE II DISABILITY BENEFICIARIES.—Section 105(a)(5)(B) of such Act (Public Law 104-121; 110 Stat. 853) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act, or

"(ii) whose entitlement to benefits is based upon an entitlement redetermination made pursuant to subparagraph (C)."

(2) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME RECIPIENTS.—Section 105(b)(5)(B) of such Act (Public Law 104-121; 110 Stat. 853) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act, or

"(ii) whose eligibility for benefits is based upon an eligibility redetermination made pursuant to subparagraph (C)."

(c) REPEAL OF OBSOLETE REPORTING REQUIREMENTS.—Subsections (a)(3)(B) and (b)(3)(B)(ii) of section 201 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103-296; 108 Stat. 1497, 1504) are repealed.

(d) EFFECTIVE DATES.—

(1) The amendments made by subsections (a) and (b) shall be effective as though they had been included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104-121; 110 Stat. 852 et seq.).

(2) The repeals made by subsection (c) shall take effect on the date of the enactment of this Act.

#### SEC. 3. CLARIFICATION REGARDING REVIEW OF DETERMINATIONS BY STATE DISABILITY DETERMINATION SERVICES.

Section 221(d) of the Social Security Act (42 U.S.C. 421(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) No determination under this section shall be reviewed by any person, tribunal, or governmental agency, except as provided in paragraph (1)."

#### SEC. 4. EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) IN GENERAL.—Section 505 of the Social Security Disability Amendments of 1980 (Public Law 96-265; 94 Stat. 473), as amended by section 12101 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272; 100 Stat. 282), section 10103 of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101-239; 103 Stat. 2472), section 5120(f) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388-282), and section 315 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103-296; 108 Stat. 1531), is further amended—

(1) in paragraph (1) of subsection (a), by adding at the end the following new sentence: "The Commissioner may expand the