

Union Calendar No. 438

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3936**

[Report No. 104-801, Part I]

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## **A BILL**

To encourage the development of a commercial space industry in the United States, and for other purposes.

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SEPTEMBER 17, 1996

Reported from the Committee on Science with an amendment

SEPTEMBER 17, 1996

Referral to the Committee on Government Reform and Oversight extended for a period not later than September 17, 1996

SEPTEMBER 17, 1996

The Committee on Government Reform and Oversight discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1996

Mr. WALKER (for himself, Mr. SENSENBRENNER, Mr. LARGENT, Mr. WELDON of Florida, Mr. ROHRABACHER, Mr. HILLEARY, Mr. STOCKMAN, Mr. DAVIS, Mr. CALVERT, Mr. BAKER of California, Mrs. SEASTRAND, and Mr. TIAHRT) introduced the following bill; which was referred to the Committee on Science, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 17, 1996

Reported from the Committee on Science with an amendment  
[Strike out all after the enacting clause and insert the part printed in *italic*]

SEPTEMBER 17, 1996

Referral to the Committee on Government Reform and Oversight extended for a period not later than September 17, 1996

SEPTEMBER 17, 1996

The Committee on Government Reform and Oversight discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on August 1, 1996]

# A BILL

To encourage the development of a commercial space industry in the United States, and for other purposes.

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

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

4        (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5 *“Space Commercialization Promotion Act of 1996”.*

6        (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. Purchase 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.*

7 **SEC. 2. DEFINITIONS.**

8        *For purposes of this Act—*

9                (1) *the term “Administrator” means the Admin-*  
 10 *istrator of the National Aeronautics and Space Ad-*  
 11 *ministration;*

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

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

13          (4) *the term “space-related activities” includes*  
14          *research and development, manufacturing, processing,*  
15          *service, and other associated and support activities;*

16          (5) *the term “space transportation services”*  
17          *means the preparation of a space transportation vehi-*  
18          *cle and its payloads for transportation to, from, or*  
19          *within outer space, or in suborbital trajectory, and*  
20          *the conduct of transporting a payload to, from, or*  
21          *within outer space, or in suborbital trajectory;*

22          (6) *the term “space transportation vehicle”*  
23          *means any vehicle constructed for the purpose of oper-*  
24          *ating in, or transporting a payload to, from, or with-*  
25          *in, outer space, or in suborbital trajectory, and in-*

1 *cludes any component of such vehicle not specifically*  
2 *designed or adapted for a payload;*

3 *(7) the term “State” means each of the several*  
4 *States of the Union, the District of Columbia, the*  
5 *Commonwealth of Puerto Rico, the Virgin Islands,*  
6 *Guam, American Samoa, the Commonwealth of the*  
7 *Northern Mariana Islands, and any other common-*  
8 *wealth, territory, or possession of the United States;*  
9 *and*

10 *(8) the term “United States commercial pro-*  
11 *vider” means a commercial provider, organized under*  
12 *the laws of the United States or of a State, which is—*

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

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

17 *(i) such subsidiary has in the past evi-*  
18 *denced a substantial commitment to the*  
19 *United States market through—*

20 *(I) investments in the United*  
21 *States in long-term research, develop-*  
22 *ment, and manufacturing (including*  
23 *the manufacture of major components*  
24 *and subassemblies); and*

1                   (ii) significant contributions to  
2                   employment in the United States; and  
3                   (ii) the country or countries in which  
4                   such foreign company is incorporated or or-  
5                   ganized, and, if appropriate, in which it  
6                   principally conducts its business, affords re-  
7                   ciprocal treatment to companies described  
8                   in subparagraph (A) comparable to that af-  
9                   forded to such foreign company's subsidiary  
10                  in the United States, as evidenced by—

11                   (I) providing comparable oppor-  
12                  tunities for companies described in  
13                  subparagraph (A) to participate in  
14                  Government sponsored research and de-  
15                  velopment similar to that authorized  
16                  under this Act;

17                   (II) providing no barriers to com-  
18                  panies described in subparagraph (A)  
19                  with respect to local investment oppor-  
20                  tunities that are not provided to for-  
21                  eign companies in the United States;  
22                  and

23                   (III) providing adequate and ef-  
24                  fective protection for the intellectual

1 *property rights of companies described*  
2 *in subparagraph (A).*

3 **TITLE I—PROMOTION OF COM-**  
4 **MERCIAL SPACE OPPORTUNI-**  
5 **TIES**

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

7 *(a) POLICY.—The Congress declares that a priority*  
8 *goal of constructing the International Space Station is the*  
9 *economic development of Earth orbital space. The Congress*  
10 *further declares that free and competitive markets create the*  
11 *most efficient conditions for promoting economic develop-*  
12 *ment, and should therefore govern the economic development*  
13 *of Earth orbital space. The Congress further declares that*  
14 *free market principles should be used in operating and add-*  
15 *ing capabilities to the Space Station whenever possible.*

16 *(b) REPORT.—The Administrator shall deliver to the*  
17 *Congress, within 60 days after the date of the enactment*  
18 *of this Act, a market study that examines the role of com-*  
19 *mercial ventures which could supply, use, service, or aug-*  
20 *ment the International Space Station, the specific policies*  
21 *and initiatives the Administrator is advancing to encour-*  
22 *age these commercial opportunities, the cost savings to be*  
23 *realized by the international partnership from applying*  
24 *commercial approaches to cost-shared operations, and the*

1 *cost reimbursements to the United States Government from*  
2 *commercial users of the Space Station.*

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

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

6 (1) *in the table of sections—*

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

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

9 (B) *by amending the item relating to sec-*  
10 *tion 70108 to read as follows:*

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

11 (C) *by amending the item relating to sec-*  
12 *tion 70109 to read as follows:*

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

13 *and*

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

*“70120. Regulations.*

*“70121. Report to Congress.”;*

16 (2) *in section 70101—*

17 (A) *by inserting “microgravity research,”*  
18 *after “information services,” in subsection (a)(3);*

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



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

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

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

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

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

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

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

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

18          (K) by striking “launch” in subsection  
19 (b)(2)(A);

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

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

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

4           (3) in section 70102—

5           (A) by striking “and any payload” and in-  
6           serting in lieu thereof “or reentry vehicle and  
7           any payload from Earth” in paragraph (3);

8           (B) in paragraph (5)—

9           (i) by redesignating subparagraphs (A)  
10          and (B) as subparagraphs (B) and (C), re-  
11          spectively; and

12          (ii) by inserting before subparagraph  
13          (B), as so redesignated by clause (i) of this  
14          subparagraph, the following new subpara-  
15          graph:

16          “(A) activities directly related to the prepa-  
17          ration of a launch site or payload facility for  
18          one or more launches;”;

19          (C) by inserting “or reentry vehicle” after  
20          “means of a launch vehicle” in paragraph (8);

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

24          (E) by inserting after paragraph (9) the fol-  
25          lowing new paragraphs:

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

5           “(11) ‘reentry services’ means—

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

9                   “(B) the conduct of a reentry.

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

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

18                   (F) by inserting “or reentry services” after  
19                   “launch services” each place it appears in para-  
20                   graph (15), as so redesignated by subparagraph  
21                   (D) of this paragraph;

22           (4) in section 70103—

23                   (A) by striking “The Secretary” in sub-  
24                   section (a) and inserting in lieu thereof “Except

1 as provided in section 70122, the Secretary”;  
2 and

3 (B) in subsection (b)—

4 (i) by inserting “AND REENTRIES AND  
5 STATE SPONSORED SPACEPORTS” after  
6 “LAUNCHES” in the subsection heading;

7 (ii) by striking “by the private sector”  
8 in paragraph (1) and inserting in lieu  
9 thereof “and reentries by the private sector  
10 and State sponsored spaceports” after  
11 “space launches”; and

12 (iii) by inserting “and reentry” after  
13 “space launch” in paragraph (2);

14 (5) in section 70104—

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

17 **“§ 70104. Restrictions on launches, operations, and re-**  
18 **entries”;**

19 (B) by inserting “or reentry site, or to reen-

20 ter a reentry vehicle,” after “operate a launch

21 site” each place it appears in subsection (a);

22 (C) by inserting “or reentry” after “launch

23 or operation” in subsection (a)(3) and (4);

24 (D) in subsection (b)—

1                   (i) by striking “launch license” and  
2                   inserting in lieu thereof “license”;

3                   (ii) by inserting “or reenter” after  
4                   “may launch”; and

5                   (iii) by inserting “or reentering” after  
6                   “related to launching”; and

7                   (E) in subsection (c)—

8                   (i) by amending the subsection heading  
9                   to read as follows: “*PREVENTING LAUNCHES*  
10                   *AND REENTRIES.—*”;

11                   (ii) by inserting “or reentry” after  
12                   “prevent the launch”; and

13                   (iii) by inserting “or reentry” after  
14                   “decides the launch”;

15                   (6) in section 70105—

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

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

23                   (C) by inserting at the end of subsection (a)  
24                   the following: “The Secretary shall submit to the  
25                   Committee on Science of the House of Represent-

1           *atives and the Committee on Commerce, Science,*  
2           *and Transportation of the Senate a written no-*  
3           *tice not later than 7 days after any occurrence*  
4           *when a license is not issued within the deadline*  
5           *established by this subsection.”;*

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

8           *“(2) In carrying out paragraph (1), the Secretary may*  
9           *establish procedures for certification of the safety of launch*  
10          *vehicles, reentry vehicles, safety systems, procedures, serv-*  
11          *ices, or personnel that may be used in conducting licensed*  
12          *commercial space launch or reentry activities.”;*

13                    *(E) by inserting “or a reentry site, or the*  
14          *reentry of a reentry vehicle,” after “operation of*  
15          *a launch site” in subsection (b)(1);*

16                    *(F) by striking “or operation” and insert-*  
17          *ing in lieu thereof “, operation, or reentry” in*  
18          *subsection (b)(2)(A);*

19                    *(G) by striking “and” at the end of sub-*  
20          *section (b)(2)(B);*

21                    *(H) by striking the period at the end of sub-*  
22          *section (b)(2)(C) and inserting in lieu thereof “;*  
23          *and”;*

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

1           “(D) regulations establishing criteria for accept-  
2           ing or rejecting an application for a license under  
3           this chapter within 60 days after receipt of such ap-  
4           plication.”; and

5                   (J) by inserting “, including the require-  
6                   ment to obtain a license,” after “waive a require-  
7                   ment” in subsection (b)(3);

8           (7) in section 70106(a)—

9                   (A) by inserting “or reentry site” after “ob-  
10                  server at a launch site”;

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

13                  (C) by inserting “or reentry vehicle” after  
14                  “with a launch vehicle”;

15           (8) in section 70108—

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

18   **“§ 70108. Prohibition, suspension, and end of**  
19           **launches, operation of launch sites and**  
20           **reentry sites, and reentries”;**

21           and

22                   (B) in subsection (a)—

23                          (i) by inserting “or reentry site, or re-  
24                          entry of a reentry vehicle,” after “operation  
25                          of a launch site”; and

1                   (ii) by inserting “or reentry” after  
2                   “launch or operation”;

3           (9) in section 70109—

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

6   **“§ 70109. Preemption of scheduled launches or reen-**  
7                   **tries”;**

8                   (B) in subsection (a)—

9                           (i) by inserting “or reentry” after “en-  
10                           sure that a launch”;

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

13                           (iii) by inserting “or reentry date com-  
14                           mitment” after “launch date commitment”;

15                           (iv) by inserting “or reentry” after  
16                           “obtained for a launch”;

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

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

22                           (vii) by inserting “or reentry” after  
23                           “the scheduled launch”; and

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



1           (10) in section 70110—

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

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

7           (11) in section 70111—

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

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

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

14           *“The Secretary shall establish criteria and procedures for*  
15           *determining the priority of competing requests from the pri-*  
16           *vate sector and State governments for property and services*  
17           *under this section.”;*

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

20                  (E) by striking “actual costs” in subsection  
21           (b)(1) and inserting in lieu thereof “additive  
22           costs only”;

23                  (F) by inserting “or reentry” after “com-  
24           mercial launch” both places it appears in sub-  
25           section (b)(1);

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

3           (H) by inserting after subsection (b)(2) the  
4           following new paragraph:

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

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

12           (J) by inserting “, reentry vehicle,” after  
13           “manufacturer of the launch vehicle” in sub-  
14           section (d);

15           (12) in section 70112—

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

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

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

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

1           (E) by inserting “or reentry services” after  
2           “launch services” each place it appears in sub-  
3           section (b);

4           (F) by inserting “applicable” after “carried  
5           out under the” in paragraphs (1) and (2) of sub-  
6           section (b);

7           (G) by striking “, Space, and Technology”  
8           in subsection (d)(1);

9           (H) by inserting “OR REENTRIES” after  
10          “LAUNCHES” in the heading for subsection (e);

11          (I) by inserting “or reentry site or a re-  
12          entry” after “launch site” in subsection (e); and

13          (J) in subsection (f), by inserting “launch,  
14          reentry, or site operator” after “carried out  
15          under a”;

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

19          (14) in section 70115(b)(1)(D)(i)—

20               (A) by inserting “reentry site,” after  
21               “launch site,”; and

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

24          (15) in section 70117—

1           (A) by inserting “or reentry site, or to reen-  
2           ter a reentry vehicle” after “operate a launch  
3           site” in subsection (a);

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

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

8           “(f) *LAUNCH NOT AN EXPORT; REENTRY NOT AN IM-*  
9           *PORT.—A launch vehicle, reentry vehicle, or payload that*  
10          *is launched or reentered is not, because of the launch or*  
11          *reentry, an export or import, respectively, for purposes of*  
12          *a law controlling exports or imports.”; and*

13          (D) in subsection (g)—

14               (i) by striking “operation of a launch  
15               vehicle or launch site,” in paragraph (1)  
16               and inserting in lieu thereof “reentry, oper-  
17               ation of a launch vehicle or reentry vehicle,  
18               operation of a launch site or reentry site,”;  
19               and

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

22          (16) by adding at the end the following new sec-  
23          tions:

1 **“§ 70120. Regulations**

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

5           *“(1) guidelines for industry to obtain sufficient*  
6 *insurance coverage for potential damages to third*  
7 *parties;*

8           *“(2) procedures for requesting and obtaining li-*  
9 *censes to operate a commercial launch vehicle or re-*  
10 *entry vehicle;*

11           *“(3) procedures for requesting and obtaining op-*  
12 *erator licenses for launch or reentry;*

13           *“(4) procedures for requesting and obtaining*  
14 *launch site or reentry site operator licenses; and*

15           *“(5) procedures for the application of govern-*  
16 *ment indemnification.*

17 **“§ 70121. Report to Congress**

18       *“The Secretary of Transportation shall submit to Con-*  
19 *gress an annual report to accompany the President’s budget*  
20 *request that—*

21           *“(1) describes all activities undertaken under*  
22 *this chapter, including a description of the process for*  
23 *the application for and approval of licenses under*  
24 *this chapter and recommendations for legislation that*  
25 *may further commercial launches and reentries; and*

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

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

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

10          **(a) GENERAL RULE.**—Section 207 (a) and (c) of title  
11          18, United States Code, and section 27(f)(1) of the Federal  
12          Procurement Policy Act (41 U.S.C. 423(f)(1)) shall not  
13          apply to employees or former employees of the National Aer-  
14          onautics and Space Administration seeking employment  
15          with an entity that is awarded the Space Flight Operations  
16          Contract for the Space Shuttle.

17          **(b) EXCEPTIONS.**—Subsection (a) shall not apply to  
18          an employee who, while employed with the National Aero-  
19          nautics and Space Administration, was actively and sig-  
20          nificantly involved in the selection of the entity that is  
21          awarded the Space Flight Operations Contract for the  
22          Space Shuttle.

1 **SEC. 104. 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 be*  
9 *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. 105. PROMOTION OF UNITED STATES GLOBAL POSI-**  
14 **TIONING SYSTEM STANDARDS.**

15 *(a) FINDING.—The Congress finds that the Global Po-*  
16 *sitioning 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.—The Congress*  
24 *therefore encourages the President to—*

25 *(1) undertake a coordinated effort within the ex-*  
26 *ecutive branch to promote cooperation with foreign*

1        *governments and international organizations to ad-*  
2        *vance United States interests with respect to the Glob-*  
3        *al Positioning System standards and augmentations;*  
4        *and*

5                *(2) ensure the operation of the Global Position-*  
6        *ing System on a continuous worldwide basis free of*  
7        *direct user fees.*

8        **SEC. 106. PURCHASE OF SPACE SCIENCE DATA.**

9                *(a) IN GENERAL.—To the maximum extent possible,*  
10        *while satisfying the National Aeronautics and Space Ad-*  
11        *ministration’s scientific requirements, the National Aero-*  
12        *nautics and Space Administration shall, where cost effec-*  
13        *tive, purchase from the United States private sector space*  
14        *science data. Examples of such data include scientific data*  
15        *concerning the elemental and mineralogical resources of the*  
16        *moon and the planets, Earth environmental data obtained*  
17        *through remote sensing observations, and solar storm mon-*  
18        *itoring.*

19                *(b) COMPETITIVE BIDDING.—(1) Contracts for the*  
20        *purchase of space science data under this section shall be*  
21        *awarded in a process of full, fair, and open competitive bid-*  
22        *ding.*

23                *(2) Submission of cost data, either for the purposes of*  
24        *supporting the bid or fulfilling the contract, shall not be*  
25        *required of bidders or awardees of the contract, except in*



1 cases where only one credible bid meeting the requirements  
2 of the solicitation is received.

3 (3) Reasonable performance specifications, rather than  
4 design or construction specifications, shall be used to the  
5 maximum extent feasible to define requirements for United  
6 States commercial providers with respect to the design, con-  
7 struction, or operation of equipment used in obtaining  
8 space science data under contracts entered into under this  
9 section. This subsection shall not be construed to prohibit  
10 the Federal Government from requiring compliance with  
11 applicable safety standards.

12 (4) Contracts under this section shall not provide for  
13 the Federal Government to obtain ownership of data not  
14 specifically sought by the Federal Government.

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

## 19 **TITLE II—REMOTE SENSING**

### 20 **SEC. 201. LAND REMOTE SENSING POLICY ACT OF 1992**

#### 21 **AMENDMENTS.**

22 The Land Remote Sensing Policy Act of 1992 is  
23 amended—

24 (1) in section 2 (15 U.S.C. 5601)—

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

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

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

9           (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”;

15          (2) in section 101 (15 U.S.C. 5611)—

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

18          “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  
20 1996, transmit the management plan to the Committee on  
21 Science of the House of Representatives and the Committee  
22 on Commerce, Science, and Transportation of the Senate.”;

24           (B) in subsection (c)—

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

3                   (ii) by striking paragraph (7); and

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

6                   (C) in subsection (e)(1)—

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

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

12                  (iii) by striking subparagraph (C);

13                  (3) in section 201 (15 U.S.C. 5621)—

14                  (A) by inserting “(1)” after “NATIONAL SE-  
15                  CURITY.—” in subsection (b);

16                  (B) in subsection (b)(1), as so designated by  
17                  subparagraph (A) of this paragraph, by striking  
18                  “No license” and inserting in lieu thereof “Ex-  
19                  cept as provided in paragraph (3), no license”;

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

22                  “(2) The Secretary, within 6 months after the date of  
23                  the enactment of the Space Commercialization Promotion  
24                  Act of 1996, shall publish in the Federal Register a complete  
25                  and specific list of all information required to comprise a

1 *complete application for a license under this title. An appli-*  
2 *cation shall be considered complete when the applicant has*  
3 *provided all information required by the list most recently*  
4 *published in the Federal Register before the date the appli-*  
5 *cation was first submitted. Unless the Secretary has, within*  
6 *30 days after receipt of an application, notified the appli-*  
7 *cant of information necessary to complete an application,*  
8 *the Secretary may not deny the application on the basis*  
9 *of the absence of any such information.*

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

15 *(D) in subsection (c), by amending the sec-*  
16 *ond sentence thereof to read as follows: “If the*  
17 *Secretary has not granted the license within such*  
18 *120-day period, the Secretary shall inform the*  
19 *applicant, within such period, of any pending*  
20 *issues and actions required to be carried out by*  
21 *the applicant or the Secretary in order to result*  
22 *in the granting of a license.”; and*

23 *(E) in subsection (e)(2)(B), by striking*  
24 *“and the importance of promoting widespread*

1           *access to remote sensing data from United States*  
2           *and foreign systems”;*

3           *(4) in section 202 (15 U.S.C. 5622)—*

4                   *(A) by striking “section 506” in subsection*  
5                   *(b)(1) and inserting in lieu thereof “section*  
6                   *507”;*

7                   *(B) in subsection (b)(2), by striking “as*  
8                   *soon as such data are available and on reason-*  
9                   *able terms and conditions” and inserting in lieu*  
10                   *thereof “on reasonable terms and conditions, in-*  
11                   *cluding the provision of such data in a timely*  
12                   *manner”;*

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

17                   *(D) by inserting after paragraph (6) of sub-*  
18                   *section (b) the following:*

19           *“The Secretary may not terminate, modify, or suspend a*  
20           *license issued pursuant to this title on the basis of an agree-*  
21           *ment the Secretary receives notification of under paragraph*  
22           *(6) unless the Secretary has, within 30 days after receipt*  
23           *of such notification, transmitted to the licensee a statement*  
24           *that such agreement is inconsistent with the national secu-*

1 *rity or international obligations of the United States, in-*  
2 *cluding an explanation of such inconsistency.”;*

3 (5) *in section 203 (15 U.S.C. 5623)—*

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

7 (B) *in subsection (a)(3), by striking “pro-*  
8 *vide penalties” and inserting in lieu thereof*  
9 *“seek, in a United States District Court with*  
10 *personal jurisdiction over the licensee, penalties”;*  
11 *and*

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

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

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

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

23 **“SEC. 206. NOTIFICATION.**

24 *“(a) LIMITATIONS ON LICENSEE.—Not later than 30*  
25 *days after a determination by the Secretary to require a*

1 *licensee to limit collection or distribution of data from a*  
2 *system licensed under this title, the Secretary shall provide*  
3 *written notification to Congress of such determination, in-*  
4 *cluding the reasons therefor, the limitations imposed on the*  
5 *licensee, and the period during which such limitations*  
6 *apply.*

7       “(b) *TERMINATION, MODIFICATION, OR SUSPEN-*  
8 *SION.—Not later than 30 days after an action by the Sec-*  
9 *retary to seek an order of injunction or other judicial deter-*  
10 *mination pursuant to section 203(a)(2), the Secretary shall*  
11 *provide written notification to Congress of such action and*  
12 *the reasons therefor.”;*

13               (9) *in section 301 (15 U.S.C. 5631)—*

14                       (A) *by inserting “, that are not being com-*  
15 *mercially developed” after “and its environ-*  
16 *ment” in subsection (a)(2)(B); and*

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

19       “(d) *DUPLICATION OF COMMERCIAL SECTOR ACTIVI-*  
20 *TIES.—The Federal Government shall not undertake activi-*  
21 *ties under this section which duplicate activities available*  
22 *from the commercial sector, unless such activities would re-*  
23 *sult in significant cost savings to the Federal Government.”;*

24               (10) *in section 302 (15 U.S.C. 5632)—*

25                       (A) *by striking “(a) GENERAL RULE.—”;*

1           (B) by striking “, including unenhanced  
2           data gathered under the technology demonstra-  
3           tion program carried out pursuant to section  
4           303,” and inserting in lieu thereof “that is not  
5           otherwise available from the commercial sector”;  
6           and

7           (C) by striking subsection (b);  
8           (11) by repealing section 303 (15 U.S.C. 5633);  
9           (12) in section 401(b)(3) (15 U.S.C. 5641(b)(3)),  
10          by striking “, including any such enhancements devel-  
11          oped under the technology demonstration program  
12          under section 303,”;

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

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

19          (15) in section 506 (15 U.S.C. 5656)—

20                 (A) by inserting “(1)” after “COMMUNICA-  
21                 TIONS COMMISSION.—” in subsection (a);

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

24                 “(2) The Federal Communications Commission, with-  
25                 in 6 months after the date of the enactment of the Space



1 *Commercialization Promotion Act of 1996, shall publish in*  
2 *the Federal Register a complete and specific list of all infor-*  
3 *mation required to comprise a complete application de-*  
4 *scribed in paragraph (1). An application shall be consid-*  
5 *ered complete when the applicant has provided all informa-*  
6 *tion required by the list most recently published in the Fed-*  
7 *eral Register before the date the application was first sub-*  
8 *mitted. Unless the Federal Communications Commission*  
9 *has, within 30 days after receipt of an application, notified*  
10 *the applicant of information necessary to complete an ap-*  
11 *plication, the Federal Communications Commission may*  
12 *not deny the application on the basis of the absence of any*  
13 *such information.”; and*

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

16 *“(e) FEES.—The Federal Communications Commis-*  
17 *sion shall ensure that any licensing or other fees that a pri-*  
18 *vate remote sensing space system operator subject to the li-*  
19 *icensing requirements of title II is required to pay such*  
20 *Commission shall be proportional to the cost to the Commis-*  
21 *sion of the radio licensing process for such person relative*  
22 *to the cost to the Commission of licensing other entities sub-*  
23 *ject to the fee.”; and*

24 *(16) in section 507 (15 U.S.C. 5657)—*

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

3                   “(a) *RESPONSIBILITY OF THE SECRETARY OF DE-*  
4 *FENSE.—The Secretary shall consult with the Secretary of*  
5 *Defense on all matters under this Act affecting national se-*  
6 *curity. The Secretary of Defense shall be responsible for de-*  
7 *termining those conditions, consistent with this Act, nec-*  
8 *essary to meet national security concerns of the United*  
9 *States, and for notifying the Secretary promptly of such*  
10 *conditions. Not later than 60 days after receiving a request*  
11 *from the Secretary, the Secretary of Defense shall rec-*  
12 *ommend to the Secretary any conditions for a license issued*  
13 *under title II, consistent with this Act, that the Secretary*  
14 *of Defense determines are needed to protect the national se-*  
15 *curity of the United States. If no such recommendation has*  
16 *been received by the Secretary within such 60-day period,*  
17 *the Secretary shall deem activities proposed in the license*  
18 *application to be consistent with the protection of the na-*  
19 *tional security of the United States.”;*

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

22                   “(b) *RESPONSIBILITY OF THE SECRETARY OF*  
23 *STATE.—(1) The Secretary shall consult with the Secretary*  
24 *of State on all matters under this Act affecting inter-*  
25 *national obligations of the United States. The Secretary of*

1 *State shall be responsible for determining those conditions,*  
2 *consistent with this Act, necessary to meet international ob-*  
3 *ligations of the United States and for notifying the Sec-*  
4 *retary promptly of such conditions. Not later than 60 days*  
5 *after receiving a request from the Secretary, the Secretary*  
6 *of State shall recommend to the Secretary any conditions*  
7 *for a license issued under title II, consistent with this Act,*  
8 *that the Secretary of State determines are needed to meet*  
9 *international obligations of the United States. If no such*  
10 *recommendation has been received by the Secretary within*  
11 *such 60-day period, the Secretary shall deem activities pro-*  
12 *posed in the license application to be consistent with the*  
13 *international obligations and policies of the United States.*

14       “(2) *Appropriate United States Government agencies*  
15 *are authorized and encouraged to provide to developing na-*  
16 *tions, as a component of international aid, resources for*  
17 *purchasing remote sensing data, training, and analysis*  
18 *from United States commercial providers.”; and*

19               (C) *in subsection (d), by striking “Secretary*  
20               *may require” and inserting in lieu thereof “Sec-*  
21               *retary shall, where appropriate, require”.*

22 **SEC. 202. ACQUISITION OF EARTH REMOTE SENSING DATA.**

23       (a) *ACQUISITION.—To the maximum extent possible,*  
24 *while satisfying the National Aeronautics and Space Ad-*  
25 *ministration’s scientific requirements, the Administrator*

1 *shall, where cost effective, acquire space-based and airborne*  
2 *Earth remote sensing data, services, distribution, and ap-*  
3 *plications provided by the United States private sector to*  
4 *meet Government goals for Mission to Planet Earth.*

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

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

12               **(A)** *make recommendations to promote the avail-*  
13 *ability of information from the National Aeronautics*  
14 *and Space Administration to the private sector to en-*  
15 *able the private sector to better meet the baseline sci-*  
16 *entific requirements of Mission to Planet Earth;*

17               **(B)** *make recommendations to promote the dis-*  
18 *semination to the private sector of information on ad-*  
19 *vanced technology research and development per-*  
20 *formed by or for the National Aeronautics and Space*  
21 *Administration; and*

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



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

3           (B) space transportation services that meet spe-  
4           cific mission requirements would not be reasonably  
5           available from United States commercial providers  
6           when required;

7           (C) the use of space transportation services from  
8           United States commercial providers poses an unac-  
9           ceptable risk of loss of a unique scientific opportunity;

10          (D) the use of space transportation services from  
11          United States commercial providers is inconsistent  
12          with national security objectives; or

13          (E) 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.

17          (2) Determinations under paragraph (1) shall be made  
18          by the Administrator or the Secretary of the Air Force.

19          (c) *PARTNERSHIPS*.—The acquisition of space trans-  
20          portation services in connection with a payload with re-  
21          spect to which the Federal Government has provided a  
22          greater amount of the funding required for construction and  
23          operation than any other source, shall be subject to the re-  
24          quirements of this section.

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

7           (e) *HISTORICAL PURPOSES.*—This section shall not be  
8 construed to prohibit the Federal Government from acquir-  
9 ing, owning, or maintaining space transportation vehicles  
10 solely for historical display purposes.

11 **SEC. 302. ACQUISITION OF SPACE TRANSPORTATION SERV-**  
12 **ICES.**

13           (a) *COMPETITIVE BIDDING.*—(1) Contracts for the ac-  
14 quisition of space transportation services by the Federal  
15 Government shall be awarded subject to applicable Federal  
16 law requiring full, fair, and open competition, including  
17 section 2304 of title 10, United States Code, and section  
18 311 of the National Aeronautics and Space Act of 1958 (42  
19 U.S.C. 2459c).

20           (2) Bidders for a contract for the acquisition by the  
21 Federal Government of space transportation services shall  
22 not be required to provide cost data for the purpose of sup-  
23 porting such a bid or fulfilling such a contract, except in  
24 cases where only one credible bid meeting the requirements  
25 of the solicitation is received.

1       (b) *SPECIFICATION SYSTEMS.*—Reasonable perform-  
 2       *ance specifications, rather than design or construction spec-*  
 3       *ifications, shall be used to the maximum extent feasible to*  
 4       *define requirements for United States commercial providers*  
 5       *bidding to provide or providing space transportation serv-*  
 6       *ices to the Federal Government. This subsection shall not*  
 7       *be construed to prohibit the Federal Government from re-*  
 8       *quiring compliance with applicable safety standards.*

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

10                               **AMENDMENTS.**

11       *The Launch Services Purchase Act of 1990 (42 U.S.C.*  
 12       *2465b et seq.) is amended—*

13                       (1) *by striking section 202;*

14                       (2) *in section 203—*

15                               (A) *by striking paragraphs (1) and (2); and*

16                               (B) *by redesignating paragraphs (3) and*

17                               (4) *as paragraphs (1) and (2), respectively;*

18                               (3) *by striking sections 204 and 205; and*

19                               (4) *in section 206—*

20                               (A) *by striking “(a) COMMERCIAL PAY-*

21                               *LOADS ON THE SPACE SHUTTLE.—”;* and

22                               (B) *by striking subsection (b).*



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

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

5 (1) *convert any missile described in subsection*  
6 *(c) to a space transportation vehicle configuration or*  
7 *otherwise use any such missile to place a payload in*  
8 *space; or*

9 (2) *transfer ownership of any such missile to an-*  
10 *other person,*  
11 *except as provided in subsection (b).*

12 (b) *AUTHORIZED FEDERAL USES.*—(1) *A missile de-*  
13 *scribed in subsection (c) may be converted for use as a space*  
14 *transportation vehicle by the Federal Government if—*

15 (A) *except as provided in paragraph (2), at least*  
16 *120 days before such conversion the agency seeking to*  
17 *use the missile as a space transportation vehicle*  
18 *transmits to the Committee on National Security and*  
19 *the Committee on Science of the House of Representa-*  
20 *tives, and to the Committee on Armed Services and*  
21 *the Committee on Commerce, Science, and Transpor-*  
22 *tation of the Senate, a report that contains—*

23 (i) *a certification that the use of such mis-*  
24 *sile—*

25 (I) *would result in significant cost sav-*  
26 *ings to the Federal Government when com-*

1            *pared to the cost of acquiring space trans-*  
2            *portation services from United States com-*  
3            *mercial providers; and*

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

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

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

13           *(C) the Secretary of Defense approves of such*  
14           *conversion.*

15           *(2) The requirement under paragraph (1)(A) that the*  
16           *report described in that subparagraph must be transmitted*  
17           *at least 120 days before conversion of the missile shall not*  
18           *apply if the Secretary of Defense determines that compli-*  
19           *ance with that requirement would be inconsistent with*  
20           *meeting immediate national security requirements.*

21           *(c) MISSILES REFERRED TO.—The missiles referred to*  
22           *in this section are missiles owned by the United States that*  
23           *were formerly used by the Department of Defense for na-*  
24           *tional defense purposes as intercontinental ballistic missiles*

- 1 *and that have been retired from service in compliance with*
- 2 *international obligations of the United States.*