

***In the Senate of the United States,***

*July 30, 1998.*

*Resolved*, That the bill from the House of Representatives (H.R. 1702) entitled “An Act to encourage the development of a commercial space industry in the United States, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the*  
3 *“Commercial Space Act of 1997”.*

4 (b) *TABLE OF CONTENTS.*—

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definitions.*

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

*Sec. 101. Commercialization of space station.*

*Sec. 102. Commercial space launch amendments.*

*Sec. 103. Promotion of United States Global Positioning System standards.*

*Sec. 104. Acquisition of space science data.*

*Sec. 105. Administration of Commercial Space Centers.*

***TITLE II—REMOTE SENSING***

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

*Sec. 202. Acquisition of earth science data.*

TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION  
SERVICES

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

*Sec. 302. Acquisition of commercial space transportation services.*

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

*Sec. 304. Shuttle privatization.*

*Sec. 305. Use of excess intercontinental ballistic missiles.*

*Sec. 306. National launch capability study.*

1 **SEC. 2. DEFINITIONS.**

2 *For purposes of this Act—*

3 *(1) the term “Administrator” means the Admin-*  
4 *istrator of the National Aeronautics and Space Ad-*  
5 *ministration;*

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

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

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

1           (5) the term “space transportation services”  
2           means the preparation of a space transportation vehi-  
3           cle and its payloads for transportation to, from, or  
4           within outer space, or in suborbital trajectory, and  
5           the conduct of transporting a payload to, from, or  
6           within outer space, or in suborbital trajectory;

7           (6) the term “space transportation vehicle”  
8           means any vehicle constructed for the purpose of oper-  
9           ating in, or transporting a payload to, from, or with-  
10          in, outer space, or in suborbital trajectory, and in-  
11          cludes any component of such vehicle not specifically  
12          designed or adapted for a payload;

13          (7) the term “State” means each of the several  
14          States of the Union, the District of Columbia, the  
15          Commonwealth of Puerto Rico, the Virgin Islands,  
16          Guam, American Samoa, the Commonwealth of the  
17          Northern Mariana Islands, and any other common-  
18          wealth, territory, or possession of the United States;  
19          and

20          (8) the term “United States commercial pro-  
21          vider” means a commercial provider, organized under  
22          the laws of the United States or of a State, which is—

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

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

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

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

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

13                   (ii) the country or countries in which  
14                   such foreign company is incorporated or or-  
15                   ganized, and, if appropriate, in which it  
16                   principally conducts its business, affords re-  
17                   ciprocal treatment to companies described  
18                   in subparagraph (A) comparable to that af-  
19                   forded to such foreign company's subsidiary  
20                   in the United States, as evidenced by—

21                           (I) providing comparable oppor-  
22                           tunities for companies described in  
23                           subparagraph (A) to participate in  
24                           Government sponsored research and de-

1                    *velopment similar to that authorized*  
2                    *under this Act;*

3                    *(II) providing no barriers, to*  
4                    *companies described in subparagraph*  
5                    *(A) with respect to local investment op-*  
6                    *portunities, that are not provided to*  
7                    *foreign companies in the United*  
8                    *States; and*

9                    *(III) providing adequate and ef-*  
10                    *fective protection for the intellectual*  
11                    *property rights of companies described*  
12                    *in subparagraph (A).*

13 ***TITLE I—PROMOTION OF COM-***  
14 ***MERCIAL SPACE OPPORTUNI-***  
15 ***TIES***

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

17            *(a) POLICY.—The Congress declares that a priority*  
18 *goal of constructing the International Space Station is the*  
19 *economic development of Earth orbital space. The Congress*  
20 *further declares that free and competitive markets create the*  
21 *most efficient conditions for promoting economic develop-*  
22 *ment, and should therefore govern the economic development*  
23 *of Earth orbital space. The Congress further declares that*  
24 *the use of free market principles in operating, servicing,*  
25 *allocating the use of, and adding capabilities to the Space*

1 *Station, and the resulting fullest possible engagement of*  
2 *commercial providers and participation of commercial*  
3 *users, will reduce Space Station operational costs for all*  
4 *partners and the Federal Government's share of the United*  
5 *States burden to fund operations.*

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

12               **(A)** *the opportunities for commercial providers to*  
13 *play a role in International Space Station activities,*  
14 *including operation, use, servicing, and augmenta-*  
15 *tion;*

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

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

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

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

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

16       (3) *The Administrator shall deliver to the Congress,*  
17       *no later than the submission of the President's annual budg-*  
18       *et request for fiscal year 2000, a report detailing how many*  
19       *proposals (whether solicited or not) the National Aero-*  
20       *navitics and Space Administration received during cal-*  
21       *endar year 1998 regarding commercial operation, servicing,*  
22       *utilization, or augmentation of the International Space*  
23       *Station, broken down by each of these four categories, and*  
24       *specifying how many agreements the National Aeronautics*

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

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

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

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

11 (1) *in the table of sections—*

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

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

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

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

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

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

18 *and*

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

*“70120. Regulations.*

*“70121. Report to Congress.”.*

21 (2) *in section 70101—*



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

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

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

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

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

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

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

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

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

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

22           (K) by striking “launch” in subsection  
23 (b)(2)(A);

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

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

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

6           (3) in section 70102—

7           (A) in paragraph (3)—

8                   (i) by striking “and any payload” and  
9                   inserting in lieu thereof “or reentry vehicle  
10                  and any payload from Earth”;

11                  (ii) by striking the period at the end of  
12                  subparagraph (C) and inserting in lieu  
13                  thereof a comma; and

14                  (iii) by adding after subparagraph (C)  
15                  the following:

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

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

22           (C) by redesignating paragraphs (10), (11),  
23           and (12) as paragraphs (14), (15), and (16), re-  
24           spectively;

1                   (D) by inserting after paragraph (10) the  
2                   following new paragraphs:

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

7                   “(11) ‘reentry services’ means—

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

11                  “(B) the conduct of a reentry.

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

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

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

25                  (4) in section 70103(b)—

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

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

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

8 (5) in section 70104—

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

11 **“§ 70104. Restrictions on launches, operations, and re-**  
12 **entries”;**

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

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

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

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

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

18 (D) in subsection (b)—

19 (i) by striking “launch license” and

20 inserting in lieu thereof “license”;

21 (ii) by inserting “or reenter” after

22 “may launch”; and

23 (iii) by inserting “or reentering” after

24 “related to launching”; and

25 (E) in subsection (c)—

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

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

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

8                   (6) in section 70105—

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

11                  (B) by striking “receiving an application”  
12                  both places it appears in subsection (a) and in-  
13                  serting in lieu thereof “accepting an application  
14                  in accordance with criteria established pursuant  
15                  to subsection (b)(2)(D)”;

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

24                  “(2) In carrying out paragraph (1), the Secretary may  
25                  establish procedures for safety approvals of launch vehicles,

1 *reentry vehicles, safety systems, processes, services, or per-*  
2 *sonnel that may be used in conducting licensed commercial*  
3 *space launch or reentry activities.”;*

4 *(D) by inserting “or a reentry site, or the*  
5 *reentry of a reentry vehicle,” after “operation of*  
6 *a launch site” in subsection (b)(1);*

7 *(E) by striking “or operation” and insert-*  
8 *ing in lieu thereof “, operation, or reentry” in*  
9 *subsection (b)(2)(A);*

10 *(F) by striking “and” at the end of sub-*  
11 *section (b)(2)(B);*

12 *(G) by striking the period at the end of sub-*  
13 *section (b)(2)(C) and inserting in lieu thereof “;*  
14 *and”;*

15 *(H) by adding at the end of subsection*  
16 *(b)(2) the following new subparagraph:*

17 *“(D) regulations establishing criteria for accept-*  
18 *ing or rejecting an application for a license under*  
19 *this chapter within 60 days after receipt of such ap-*  
20 *plication.”; and*

21 *(I) by inserting “, including the require-*  
22 *ment to obtain a license,” after “waive a require-*  
23 *ment” in subsection (b)(3);*

24 *(7) in section 70106(a)—*

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

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

5 (C) by inserting “or reentry vehicle” after  
6 “with a launch vehicle”;

7 (8) in section 70108—

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

10 **“§ 70108. Prohibition, suspension, and end of**  
11 **launches, operation of launch sites and**  
12 **reentry sites, and reentries”;**

13 *and*

14 (B) in subsection (a)—

15 (i) by inserting “or reentry site, or re-  
16 entry of a reentry vehicle,” after “operation  
17 of a launch site”; and

18 (ii) by inserting “or reentry” after  
19 “launch or operation”;

20 (9) in section 70109—

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

23 **“§ 70109. Preemption of scheduled launches or reen-**  
24 **tries”;**

25 (B) in subsection (a)—

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

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

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

7           (iv) by inserting “or reentry” after  
8           “obtained for a launch”;

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

11          (vi) by inserting “, or services related  
12          to a reentry,” after “amount for launch  
13          services”; and

14          (vii) by inserting “or reentry” after  
15          “the scheduled launch”; and

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

18          (10) in section 70110—

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

21                  (B) by inserting “or reentry site, or reentry  
22                  of a reentry vehicle,” after “operation of a  
23                  launch site” in subsection (a)(3)(B);

24          (11) in section 70111—



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

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

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

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

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

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

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

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

20           (H) by striking “or its payload for launch”  
21 in subsection (d) and inserting in lieu thereof  
22 “or reentry vehicle, or the payload of either, for  
23 launch or reentry”; and

1           (I) by inserting “, reentry vehicle,” after  
2 “manufacturer of the launch vehicle” in sub-  
3 section (d);

4 (12) in section 70112—

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

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

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

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

13           (E) by inserting “or reentry services” after  
14 “launch services” each place it appears in sub-  
15 section (b);

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

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

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

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

1           *(J) in subsection (f), by inserting “launch*  
2           *or reentry” after “carried out under a”;*

3           *(13) in section 70113—by inserting “or reentry”*  
4           *after “one launch” each place it appears in para-*  
5           *graphs (1) and (2) of subsection (d);*

6           *(14) in section 70115(b)(1)(D)(i)—*

7           *(A) by inserting “reentry site,” after*  
8           *“launch site,”; and*

9           *(B) by inserting “or reentry vehicle” after*  
10          *“launch vehicle” both places it appears;*

11          *(15) in section 70117—*

12          *(A) by inserting “or reentry site, or to reen-*  
13          *ter a reentry vehicle” after “operate a launch*  
14          *site” in subsection (a);*

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

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

19          *“(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN IM-*  
20          *PORT.—A launch vehicle, reentry vehicle, or payload that*  
21          *is launched or reentered is not, because of the launch or*  
22          *reentry, an export or import, respectively, for purposes of*  
23          *a law controlling exports or imports, except that payloads*  
24          *launched pursuant to foreign trade zone procedures as pro-*  
25          *vided for under the Foreign Trade Zones Act (19 U.S.C.*

1 81a–81u) shall be considered exports with regard to customs  
2 entry.”; and

3 (D) in subsection (g)—

4 (i) by striking “operation of a launch  
5 vehicle or launch site,” in paragraph (1)  
6 and inserting in lieu thereof “reentry, oper-  
7 ation of a launch vehicle or reentry vehicle,  
8 or operation of a launch site or reentry  
9 site,”; and

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

12 (16) by adding at the end the following new sec-  
13 tions:

14 **“§ 70120. Regulations**

15 “(a) *IN GENERAL.*—The Secretary of Transportation,  
16 within 9 months after the date of the enactment of this sec-  
17 tion, shall issue regulations to carry out this chapter that  
18 include—

19 “(1) guidelines for industry and State govern-  
20 ments to obtain sufficient insurance coverage for po-  
21 tential damages to third parties;

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

24 “(3) procedures for requesting and obtaining op-  
25 erator licenses for launch;

1           “(4) procedures for requesting and obtaining  
2           launch site operator licenses; and

3           “(5) procedures for the application of govern-  
4           ment indemnification.

5           “(b) *REENTRY*.—The Secretary of Transportation,  
6           within 6 months after the date of the enactment of this sec-  
7           tion, shall issue a notice of proposed rulemaking to carry  
8           out this chapter that includes—

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

11           “(2) procedures for requesting and obtaining op-  
12           erator licenses for reentry; and

13           “(3) procedures for requesting and obtaining re-  
14           entry site operator licenses.

15           **“§ 70121. Report to Congress**

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

19           “(1) describes all activities undertaken under  
20           this chapter, including a description of the process for  
21           the application for and approval of licenses under  
22           this chapter and recommendations for legislation that  
23           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) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
5           70119 of title 49, United States Code, is amended to read  
6           as follows:

7           **“§ 70119. Authorization of appropriations**

8           “*There are authorized to be appropriated to the Sec-*  
9           *retary of Transportation for the activities of the Office of*  
10           *the Associate Administrator for Commercial Space Trans-*  
11           *portation—*

12           “*(1) \$6,182,000 for the fiscal year ending Sep-*  
13           *tember 30, 1998;*

14           “*(2) \$6,275,000 for the fiscal year ending Sep-*  
15           *tember 30, 1999; and*

16           “*(3) \$6,600,000 for the fiscal year ending Sep-*  
17           *tember 30, 2000.*”.

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

1 **SEC. 103. PROMOTION OF UNITED STATES GLOBAL POSI-**  
2 **TIONING SYSTEM STANDARDS.**

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

11 (b) *INTERNATIONAL COOPERATION.*—*In order to sup-*  
12 *port and sustain the Global Positioning System in a man-*  
13 *ner that will most effectively contribute to the national secu-*  
14 *rity, public safety, scientific, and economic interests of the*  
15 *United States, the Congress encourages the President to—*

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

19 (2) *enter into international agreements that pro-*  
20 *mote cooperation with foreign governments and inter-*  
21 *national organizations to—*

22 (A) *establish the Global Positioning System*  
23 *and its augmentations as an acceptable inter-*  
24 *national standard; and*

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

4           (3) provide clear direction and adequate re-  
5           sources to United States representatives so that on an  
6           international basis they can—

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

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

12 **SEC. 104. ACQUISITION OF SPACE SCIENCE DATA.**

13          (a) *ACQUISITION FROM COMMERCIAL PROVIDERS.*—In  
14          order to satisfy the scientific and educational requirements  
15          of the National Aeronautics and Space Administration, and  
16          where practicable of other Federal agencies and scientific  
17          researchers, the Administrator shall to the maximum extent  
18          possible acquire, where cost effective, space science data  
19          from a commercial provider.

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



1 *ered to be a commercial item for purposes of such laws and*  
2 *regulations. Nothing in this subsection shall be construed*  
3 *to preclude the United States from acquiring sufficient*  
4 *rights in data to meet the needs of the scientific and edu-*  
5 *cational community or the needs of other government activi-*  
6 *ties.*

7       (c) *DEFINITION.*—*For purposes of this section, the*  
8 *term “space science data” includes scientific data concern-*  
9 *ing the elemental and mineralogical resources of the moon,*  
10 *asteroids, planets and their moons, and comets, micro-*  
11 *gravity acceleration, and solar storm monitoring.*

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

15       (e) *LIMITATION.*—*This section does not authorize the*  
16 *National Aeronautics and Space Administration to provide*  
17 *financial assistance for the development of commercial sys-*  
18 *tems for the collection of space science data.*

19 **SEC. 105. ADMINISTRATION OF COMMERCIAL SPACE CEN-**  
20 **TERS.**

21       *The Administrator shall administer the Commercial*  
22 *Space Center program in a coordinated manner from Na-*  
23 *tional Aeronautics and Space Administration headquarters*  
24 *in Washington, D.C.*

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

(a) *FINDINGS.*—*The Congress finds that—*

(1) *a robust domestic United States industry in high resolution Earth remote sensing is in the economic, employment, technological, scientific, and national security interests of the United States;*

(2) *to secure its national interests the United States must nurture a commercial remote sensing industry that leads the world;*

(3) *the Federal Government must provide policy and regulations that promote a stable business environment for that industry to succeed and fulfill the national interest;*

(4) *it is the responsibility of the Federal Government to create domestic and international conditions favorable to the health and growth of the United States commercial remote sensing industry;*

(5) *it is a fundamental goal of United States policy to support and enhance United States industrial competitiveness in the field of remote sensing, while at the same time protecting the national security concerns and international obligations of the United States; and*

1           (6) *it is fundamental that the states be able to*  
2 *deploy and utilize this technology in their land man-*  
3 *agement responsibilities. To date, very few states have*  
4 *the ability to do so without engaging the academic in-*  
5 *stitutions within their boundaries. In order to develop*  
6 *a market for the commercial sector, the states must*  
7 *have the capacity to fully utilize the technology.*

8           (b) *AMENDMENTS.—The Land Remote Sensing Policy*  
9 *Act of 1992 is amended—*

10           (1) *in section 2 (15 U.S.C. 5601)—*

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

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

16           (B) *by striking paragraph (6) and redesign-*  
17 *ating paragraphs (7) through (16) as para-*  
18 *graphs (6) through (15), respectively;*

19           (C) *in paragraph (11), as so redesignated*  
20 *by subparagraph (B) of this paragraph, by strik-*  
21 *ing “determining the design” and all that follows*  
22 *through “international consortium” and insert-*  
23 *ing in lieu thereof “ensuring the continuity of*  
24 *Landsat quality data”; and*

1                   (D) by adding at the end the following new  
2                   paragraphs:

3                   “(16) *The United States should encourage remote*  
4                   *sensing systems to promote access to land remote sens-*  
5                   *ing data by scientific researchers and educators.*

6                   “(17) *It is in the best interest of the United*  
7                   *States to encourage remote sensing systems whether*  
8                   *privately-funded or publicly-funded, to promote wide-*  
9                   *spread affordable access to unenhanced land remote*  
10                   *sensing data by scientific researchers and educators*  
11                   *and to allow such users appropriate rights for redis-*  
12                   *tribution for scientific and educational noncommer-*  
13                   *cial purposes.”;*

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

15                   (A) *in subsection (c)—*

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

18                   (ii) *by striking paragraph (7); and*

19                   (iii) *by redesignating paragraph (8) as*  
20                   *paragraph (7); and*

21                   (B) *in subsection (e)(1)—*

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

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

4                   (iii) by striking subparagraph (C);

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

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

8                   (B) in subsection (b)(1), as so redesignated  
9                   by subparagraph (A) of this paragraph—

10                   (i) by striking “No license shall be  
11                   granted by the Secretary unless the Sec-  
12                   retary determines in writing that the appli-  
13                   cant will comply” and inserting in lieu  
14                   thereof “The Secretary shall grant a license  
15                   if the Secretary determines that the activi-  
16                   ties proposed in the application are consist-  
17                   ent”;

18                   (ii) by inserting “, and that the appli-  
19                   cant has provided assurances adequate to  
20                   indicate, in combination with other infor-  
21                   mation available to the Secretary that is  
22                   relevant to activities proposed in the appli-  
23                   cation, that the applicant will comply with  
24                   all terms of the license” after “concerns of  
25                   the United States”; and

1                   (iii) by inserting “and policies” after  
2                   “international obligations”;

3                   (C) by adding at the end of subsection (b)  
4                   the following new paragraph:

5                   “(2) The Secretary, within 6 months after the date of  
6 the enactment of the Commercial Space Act of 1997, shall  
7 publish in the Federal Register a complete and specific list  
8 of all information required to comprise a complete applica-  
9 tion for a license under this title. An application shall be  
10 considered complete when the applicant has provided all in-  
11 formation required by the list most recently published in  
12 the Federal Register before the date the application was first  
13 submitted. Unless the Secretary has, within 30 days after  
14 receipt of an application, notified the applicant of informa-  
15 tion necessary to complete an application, the Secretary  
16 may not deny the application on the basis of the absence  
17 of any such information.”; and

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

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

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

5                   (B) *in subsection (b)(2), by striking “as*  
6                   *soon as such data are available and on reason-*  
7                   *able terms and conditions” and inserting in lieu*  
8                   *thereof “on reasonable terms and conditions, in-*  
9                   *cluding the provision of such data in a timely*  
10                   *manner subject to United States national secu-*  
11                   *rity and foreign policy interests”;*

12                   (C) *in subsection (b)(6), by striking “any*  
13                   *agreement” and all that follows through “nations*  
14                   *or entities” and inserting in lieu thereof “any*  
15                   *significant or substantial agreement”;* and

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

18                   *“The Secretary may not seek to enjoin a company from en-*  
19                   *tering into a foreign agreement the Secretary receives notifi-*  
20                   *cation of under paragraph (6) unless the Secretary has,*  
21                   *within 30 days after receipt of such notification, transmit-*  
22                   *ted to the licensee a statement that such agreement is incon-*  
23                   *sistent with the national security, foreign policy, or inter-*  
24                   *national obligations of the United States, including an ex-*  
25                   *planation of such inconsistency.”;*

1           (5) *in section 203(a)(2) (15 U.S.C. 5623(a)(2)),*  
2           *by striking “under this title and” and inserting in*  
3           *lieu thereof “under this title or”;*

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

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

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

14   **“SEC. 206. NOTIFICATION.**

15           “(a) *LIMITATIONS ON LICENSEE.—Not later than 30*  
16           *days after a determination by the Secretary to require a*  
17           *licensee to limit collection or distribution of data from a*  
18           *system licensed under this title, the Secretary shall provide*  
19           *written notification to Congress of such determination, in-*  
20           *cluding the reasons therefor, the limitations imposed on the*  
21           *licensee, and the period during which such limitations*  
22           *apply.*

23           “(b) *TERMINATION, MODIFICATION, OR SUSPEN-*  
24           *SION.—Not later than 30 days after an action by the Sec-*  
25           *retary to seek an order of injunction or other judicial deter-*



1 *mination pursuant to section 202(b) or section 203(a)(2),*  
2 *the Secretary shall provide written notification to Congress*  
3 *of such action and the reasons therefor.”;*

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

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

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

10 *“(d) DUPLICATION OF COMMERCIAL SECTOR ACTIVI-*  
11 *TIES.—The Federal Government shall not undertake activi-*  
12 *ties under this section which duplicate activities available*  
13 *from the United States commercial sector, unless such ac-*  
14 *tivities would result in significant cost savings to the Fed-*  
15 *eral Government, or are necessary for reasons of national*  
16 *security or international obligations or policies.”;*

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

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

19 *(B) by striking “, including unenhanced*  
20 *data gathered under the technology demonstra-*  
21 *tion program carried out pursuant to section*  
22 *303,”; and*

23 *(C) by striking subsection (b);*

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

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

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

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

11          (15) in section 507 (15 U.S.C. 5657)—

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

14                 “(a) *RESPONSIBILITY OF THE SECRETARY OF DE-*  
15 *FENSE.—The Secretary shall consult with the Secretary of*  
16 *Defense on all matters under title II affecting national secu-*  
17 *rity. The Secretary of Defense shall be responsible for deter-*  
18 *mining those conditions, consistent with this Act, necessary*  
19 *to meet national security concerns of the United States, and*  
20 *for notifying the Secretary promptly of such conditions. The*  
21 *Secretary of Defense shall convey to the Secretary the deter-*  
22 *minations for a license issued under title II, consistent with*  
23 *this Act, that the Secretary of Defense determines necessary*  
24 *to meet the national security concerns of the United*  
25 *States.”;*

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

3           “(b) *RESPONSIBILITY OF THE SECRETARY OF*  
4 *STATE.—(1) The Secretary shall consult with the Secretary*  
5 *of State on all matters under title II affecting international*  
6 *obligations and policies of the United States. The Secretary*  
7 *of State shall be responsible for determining those condi-*  
8 *tions, consistent with this Act, necessary to meet inter-*  
9 *national obligations and policies of the United States and*  
10 *for notifying the Secretary promptly of such conditions. The*  
11 *Secretary of State shall convey to the Secretary the deter-*  
12 *minations for a license issued under title II, consistent with*  
13 *this Act, that the Secretary of State determines necessary*  
14 *to meet the international obligations and policies of the*  
15 *United States.*

16           “(2) *Appropriate United States Government agencies*  
17 *are authorized and encouraged to provide to developing na-*  
18 *tions, as a component of international aid, resources for*  
19 *purchasing remote sensing data, training, and analysis*  
20 *from commercial providers. National Aeronautics and*  
21 *Space Administration, United States Geological Survey,*  
22 *and National Oceanic and Atmospheric Administration*  
23 *should develop and implement a program to aid the transfer*  
24 *of remote sensing technology and Mission to Planet Earth*  
25 *(OES) science at the state level”; and*

1                   (C) in subsection (d), by striking “Secretary  
2                   may require” and inserting in lieu thereof “Sec-  
3                   retary shall, where appropriate, require”.

4 **SEC. 202. ACQUISITION OF EARTH SCIENCE DATA.**

5           (a) *ACQUISITION.*—For purposes of meeting Govern-  
6           ment goals for Mission to Planet Earth, and in order to  
7           satisfy the scientific and educational requirements of the  
8           National Aeronautics and Space Administration, and  
9           where appropriate of other Federal agencies and scientific  
10           researchers, the Administrator shall to the maximum extent  
11           possible acquire, where cost-effective, space-based and air-  
12           borne Earth remote sensing data, services, distribution, and  
13           applications from a commercial provider.

14           (b) *TREATMENT AS COMMERCIAL ITEM UNDER ACQUI-*  
15           *SITION LAWS.*—Acquisitions by the Administrator of the  
16           data, services, distribution, and applications referred to in  
17           subsection (a) shall be carried out in accordance with appli-  
18           cable acquisition laws and regulations (including chapters  
19           137 and 140 of title 10, United States Code), except that  
20           such data, services, distribution, and applications shall be  
21           considered to be a commercial item for purposes of such  
22           laws and regulations. Nothing in this subsection shall be  
23           construed to preclude the United States from acquiring suf-  
24           ficient rights in data to meet the needs of the scientific and

1 *educational community or the needs of other government*  
2 *activities.*

3 (c) *SAFETY STANDARDS.*—*Nothing in this section shall*  
4 *be construed to prohibit the Federal Government from re-*  
5 *quiring compliance with applicable safety standards.*

6 (d) *ADMINISTRATION AND EXECUTION.*—*This section*  
7 *shall be carried out as part of the Commercial Remote Sens-*  
8 *ing Program at the Stennis Space Center.*

9 **TITLE III—FEDERAL ACQUI-**  
10 **SION OF SPACE TRANSPOR-**  
11 **TATION SERVICES**

12 **SEC. 301. REQUIREMENT TO PROCURE COMMERCIAL SPACE**  
13 **TRANSPORTATION SERVICES.**

14 (a) *IN GENERAL.*—*Except as otherwise provided in*  
15 *this section, the Federal Government shall acquire space*  
16 *transportation services from United States commercial pro-*  
17 *viders whenever such services are required in the course of*  
18 *its activities. To the maximum extent practicable, the Fed-*  
19 *eral Government shall plan missions to accommodate the*  
20 *space transportation services capabilities of United States*  
21 *commercial providers.*

22 (b) *EXCEPTIONS.*—*The Federal Government shall not*  
23 *be required to acquire space transportation services under*  
24 *subsection (a) if, on a case-by-case basis, the Administrator*

1 *or, in the case of a national security issue, the Secretary*  
2 *of the Air Force, determines that—*

3 *(1) a payload requires the unique capabilities of*  
4 *the Space Shuttle;*

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

9 *(3) the use of space transportation services from*  
10 *United States commercial providers poses an unac-*  
11 *ceptable risk of loss of a unique scientific opportunity;*

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

15 *(5) the use of space transportation services from*  
16 *United States commercial providers is inconsistent*  
17 *with foreign policy purposes, or launch of the payload*  
18 *by a foreign entity serves foreign policy purposes;*

19 *(6) it is more cost effective to transport a pay-*  
20 *load in conjunction with a test or demonstration of*  
21 *a space transportation vehicle owned by the Federal*  
22 *Government; or*

23 *(7) a payload can make use of the available*  
24 *cargo space on a Space Shuttle mission as a second-*  
25 *ary payload, and such payload is consistent with the*

1        *requirements of research, development, demonstration,*  
2        *scientific, commercial, and educational programs au-*  
3        *thorized by the Administrator.*

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

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

14       **SEC. 302. ACQUISITION OF COMMERCIAL SPACE TRANSPOR-**  
15       **TATION SERVICES.**

16       *(a) TREATMENT OF COMMERCIAL SPACE TRANSPOR-*  
17       *TATION SERVICES AS COMMERCIAL ITEM UNDER ACQUISSI-*  
18       *TION LAWS.—Acquisitions of space transportation services*  
19       *by the Federal Government shall be carried out in accord-*  
20       *ance with applicable acquisition laws and regulations (in-*  
21       *cluding chapters 137 and 140 of title 10, United States*  
22       *Code), except that space transportation services shall be*  
23       *considered to be a commercial item for purposes of such*  
24       *laws and regulations.*

1           **(b) SAFETY STANDARDS.**—*Nothing in this section shall*  
 2 *be construed to prohibit the Federal Government from re-*  
 3 *quiring compliance with applicable safety standards.*

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

6           *The Launch Services Purchase Act of 1990 (42 U.S.C.*  
 7 *2465b et seq.) is amended—*

8                     (1) *by striking section 202;*

9                     (2) *in section 203—*

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

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

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

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

14                             (4) *in section 206—*

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

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

18 **SEC. 304. SHUTTLE PRIVATIZATION.**

19           **(a) POLICY AND PREPARATION.**—*The Administrator*  
 20 *shall prepare for an orderly transition from the Federal op-*  
 21 *eration, or Federal management of contracted operation, of*  
 22 *space transportation systems to the Federal purchase of*  
 23 *commercial space transportation services for all non-*  
 24 *emergency launch requirements, including human, cargo,*  
 25 *and mixed payloads. In those preparations, the Adminis-*



1 *trator shall take into account the need for short-term econo-*  
2 *mies, as well as the goal of restoring the National Aero-*  
3 *navitics and Space Administration's research focus and its*  
4 *mandate to promote the fullest possible commercial use of*  
5 *space. As part of those preparations, the Administrator*  
6 *shall plan for the potential privatization of the Space Shut-*  
7 *tle program. Such plan shall keep safety and cost effective-*  
8 *ness as high priorities. Nothing in this section shall prohibit*  
9 *the National Aeronautics and Space Administration from*  
10 *studying, designing, developing, or funding upgrades or*  
11 *modifications essential to the safe and economical operation*  
12 *of the Space Shuttle fleet.*

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

22               **(1)** *whether the Federal Government or the Space*  
23 *Shuttle contractor should own the Space Shuttle or-*  
24 *biters and ground facilities;*

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

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

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

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

20          (6) *whether the public interest requires that cer-*  
21 *tain Space Shuttle functions continue to be performed*  
22 *by the Federal Government; and*

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

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

8 **SEC. 305. USE OF EXCESS INTERCONTINENTAL BALLISTIC**  
9 **MISSILES.**

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

12                 (1) convert any missile described in subsection  
13 (c) to a space transportation vehicle configuration or  
14 otherwise use any such missile to place a payload in  
15 space; or

16                 (2) transfer ownership of any such missile to an-  
17 other person, except as provided in subsection (b).

18           (b) *AUTHORIZED FEDERAL USES.*—

19                 (1) A missile described in subsection (c) may be  
20 converted for use as a space transportation vehicle by  
21 the Federal Government if, except as provided in  
22 paragraph (2) and at least 30 days before such con-  
23 version, the agency seeking to use the missile as a  
24 space transportation vehicle transmits to the Commit-  
25 tee on National Security and the Committee on

1 *Science of the House of Representatives, and to the*  
2 *Committee on Armed Services and the Committee on*  
3 *Commerce, Science, and Transportation of the Senate,*  
4 *a certification that the use of such missile—*

5 *(A) would result in cost savings to the Fed-*  
6 *eral Government when compared to the cost of*  
7 *acquiring space transportation services from*  
8 *United States commercial providers;*

9 *(B) meets all mission requirements of the*  
10 *agency, including performance, schedule, and*  
11 *risk requirements;*

12 *(C) is consistent with international obliga-*  
13 *tions of the United States; and*

14 *(D) is approved by the Secretary of Defense*  
15 *or his designee.*

16 *(2) The requirement under paragraph (1) that*  
17 *the assurance described in that paragraph must be*  
18 *transmitted at least 30 days before conversion of the*  
19 *missile shall not apply if the Secretary of Defense de-*  
20 *termines that compliance with that requirement*  
21 *would be inconsistent with meeting immediate na-*  
22 *tional security requirements.*

23 *(c) MISSILES REFERRED TO.— The missiles referred*  
24 *to in this section are missiles owned by the United States*  
25 *that—*

1           (1) *were formerly used by the Department of De-*  
2 *fense for national defense purposes as intercontinental*  
3 *ballistic missiles; and*

4           (2) *have been declared excess to United States*  
5 *national defense needs and are in compliance with*  
6 *international obligations of the United States.*

7 **SEC. 306. NATIONAL LAUNCH CAPABILITY STUDY.**

8 (a) *FINDINGS.—Congress finds that—*

9           (1) *a robust satellite and launch industry in the*  
10 *United States serves the interest of the United States*  
11 *by—*

12                   (A) *contributing to the economy of the*  
13 *United States;*

14                   (B) *strengthening employment, techno-*  
15 *logical, and scientific interests of the United*  
16 *States; and*

17                   (C) *servicing the foreign policy and national*  
18 *security interests of the United States.*

19 (b) *DEFINITIONS.—In this section:*

20           (1) *SECRETARY.—The term “Secretary” means*  
21 *the Secretary of Defense.*

22           (2) *TOTAL POTENTIAL NATIONAL MISSION*  
23 *MODEL.—The term “total potential national mission*  
24 *model” means a model that—*

1           (A) is determined by the Secretary, in con-  
2           sultation with the Administrator, to assess the  
3           total potential space missions to be conducted by  
4           the United States during a specified period of  
5           time; and

6           (B) includes all United States launches (in-  
7           cluding launches conducted on or off a Federal  
8           range).

9           (c) *REPORT.*—

10           (1) *IN GENERAL.*—Not later than 180 days after  
11           the date of enactment of this Act, the Secretary shall,  
12           in consultation with the Administrator and appro-  
13           priate representatives of the satellite and launch in-  
14           dustry and the governments of States and political  
15           subdivisions thereof—

16           (A) prepare a report that meets the require-  
17           ments of this subsection; and

18           (B) submit that report to the Committee on  
19           Commerce, Science, and Transportation of the  
20           Senate and the Committee on Science of the  
21           House of Representatives.

22           (2) *REQUIREMENTS FOR REPORT.*—The report  
23           prepared under this section shall—

24           (A) identify the total potential national  
25           mission model for the period beginning on the

1           date of the report and ending on December 31,  
2           2007;

3           (B) identify the resources that are necessary  
4           to carry out the total potential national mission  
5           model described in subparagraph (A), including  
6           providing for—

7                   (i) launch property and services of the  
8                   Department of Defense; and

9                   (ii) the ability to support commercial  
10                  launch-on-demand on short notification at  
11                  national launch sites or test ranges;

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

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

19           (3) *QUINQUENNIAL UPDATES.*—The Secretary  
20           shall update the report required by paragraph (1)  
21           quinquennially beginning with 2012.

22           (d) *RECOMMENDATIONS.*—Based on the reports under  
23           subsection (c), the Secretary, after consultation with the  
24           Secretary of Transportation, the Secretary of Commerce,

1 *and representatives from interested private sector entities,*  
2 *States, and local governments, shall—*

3           (1) *identify opportunities for investment by non-*  
4 *Federal entities (including States and political sub-*  
5 *divisions thereof and private sector entities) to assist*  
6 *the Federal Government in providing launch capa-*  
7 *bilities for the commercial space industry in the*  
8 *United States;*

9           (2) *identify 1 or more methods by which, if suffi-*  
10 *cient resources referred to in subsection (c)(2)(D) are*  
11 *not available to the Department of Defense, the con-*  
12 *trol of the launch property and launch services of the*  
13 *Department of Defense may be transferred from the*  
14 *Department of Defense to—*

15                   (A) *1 or more other Federal agencies;*

16                   (B) *1 or more States (or subdivisions there-*  
17 *of);*

18                   (C) *1 or more private sector entities; or*

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



- 1           (3) *identify the technical, structural, and legal*
- 2           *impediments associated with making national ranges*
- 3           *in the United States viable and competitive.*

Attest:

*Secretary.*

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

**H. R. 1702**

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**AMENDMENT**

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