

105TH CONGRESS
1ST SESSION

H. R. 1702

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

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1997

Mr. SENSENBRENNER (for himself, Mr. ROHRABACHER, Mr. BROWN of California, Mr. CRAMER, and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on Science

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 “Commercial Space Act of 1997”.

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. Launch voucher demonstration program.

Sec. 104. Promotion of United States Global Positioning System standards.

Sec. 105. Acquisition of space science data.

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 space transportation services.

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

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act—

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

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

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

18 (4) the term “space-related activities” includes
19 research and development, manufacturing, process-

1 ing, service, and other associated and support activi-
2 ties;

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

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

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

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

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

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

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

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

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

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

24 (I) providing comparable oppor-
25 tunities for companies described in

1 subparagraph (A) to participate in
2 Government sponsored research and
3 development similar to that authorized
4 under this Act;

5 (II) providing no barriers, to
6 companies described in subparagraph
7 (A) with respect to local investment
8 opportunities, that are not provided to
9 foreign companies in the United
10 States; and

11 (III) providing adequate and ef-
12 fective protection for the intellectual
13 property rights of companies de-
14 scribed in subparagraph (A).

15 **TITLE I—PROMOTION OF COM-**
16 **MERCIAL SPACE OPPORTUNI-**
17 **TIES**

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

19 (a) **POLICY.**—The Congress declares that a priority
20 goal of constructing the International Space Station is the
21 economic development of Earth orbital space. The Con-
22 gress further declares that free and competitive markets
23 create the most efficient conditions for promoting eco-
24 nomic development, and should therefore govern the eco-
25 nomic development of Earth orbital space. The Congress

1 further declares that the use of free market principles in
2 operating, servicing, allocating the use of, and adding ca-
3 pabilities to the Space Station, and the resulting fullest
4 possible engagement of commercial providers and partici-
5 pation of commercial users, will reduce Space Station
6 operational costs for all partners and the Federal Govern-
7 ment's share of the United States burden to fund oper-
8 ations.

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

15 (A) the opportunities for commercial providers
16 to play a role in International Space Station activi-
17 ties, including operation, use, servicing, and aug-
18 mentation;

19 (B) the potential cost savings to be derived
20 from commercial providers playing a role in each of
21 these activities;

22 (C) which of the opportunities described in sub-
23 paragraph (A) the Administrator plans to make
24 available to commercial providers in fiscal year 1998
25 and 1999;

1 (D) the specific policies and initiatives the Ad-
2 ministrator is advancing to encourage and facilitate
3 these commercial opportunities; and

4 (E) the revenues and cost reimbursements to
5 the Federal Government from commercial users of
6 the Space Station.

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

20 (3) The Administrator shall deliver to the Congress,
21 no later than the submission of the President's annual
22 budget request for fiscal year 1999, a report detailing how
23 many proposals (whether solicited or not) the National
24 Aeronautics and Space Administration received during
25 calendar year 1997 regarding commercial operation, serv-

1 icing, utilization, or augmentation of the International
 2 Space Station, broken down by each of these four cat-
 3 egories, and specifying how many agreements the National
 4 Aeronautics and Space Administration has entered into in
 5 response to these proposals, also broken down by these
 6 four categories.

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

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

10 (1) in the table of sections—

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

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

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

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

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

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

17 and

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

“70120. Regulations.

“70121. Report to Congress.”.

20 (2) in section 70101—

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (N) by inserting “and development of re-
7 entry sites,” after “launch-site support facili-
8 ties,” in subsection (b)(4);
9 (3) in section 70102—

10 (A) by striking “and any payload” and in-
11 serting in lieu thereof “or reentry vehicle and
12 any payload from Earth” in paragraph (3);

13 (B) in paragraph (5)—

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

17 (ii) by inserting before subparagraph
18 (B), as so redesignated by clause (i) of this
19 subparagraph, the following new subpara-
20 graph:

21 “(A) activities directly related to the prep-
22 aration of a launch site or payload facility for
23 one or more launches;”;

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

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

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

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

10 “(11) ‘reentry services’ means—

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

14 “(B) the conduct of a reentry.

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

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

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

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

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

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

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

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

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

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

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

22 (D) in subsection (b)—

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

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

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

5 (E) in subsection (c)—

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

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

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

13 (6) in section 70105—

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

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

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

1 written notice not later than 7 days after any
2 occurrence when a license is not issued within
3 the deadline established by this subsection.

4 “(2) In carrying out paragraph (1), the Secretary
5 may establish procedures for certification of the safety of
6 launch vehicles, reentry vehicles, safety systems, proce-
7 dures, services, or personnel that may be used in conduct-
8 ing licensed commercial space launch or reentry activi-
9 ties.”;

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

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

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

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

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

23 “(D) regulations establishing criteria for ac-
24 cepting or rejecting an application for a license

1 under this chapter within 60 days after receipt of
2 such application.”; and

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

6 (7) in section 70106(a)—

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

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

11 (C) by inserting “or reentry vehicle” after
12 “with a launch vehicle”;

13 (8) in section 70108—

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

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

19 and

20 (B) in subsection (a)—

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

24 (ii) by inserting “or reentry” after
25 “launch or operation”;

1 (9) in section 70109—

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

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

6 (B) in subsection (a)—

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

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

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

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

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

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

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

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

25 (10) in section 70110—

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

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

6 (11) in section 70111—

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

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

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

13 “The Secretary shall coordinate the establishment of cri-
14 teria and procedures for determining the priority of com-
15 peting requests from the private sector and State govern-
16 ments for property and services under this section.”;

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

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

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

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

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

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

8 (I) by inserting “, reentry vehicle,” after
9 “manufacturer of the launch vehicle” in sub-
10 section (d);

11 (12) in section 70112—

12 (A) in subsection (a)(1), by inserting
13 “launch, reentry, or site operator” after “(1)
14 When a”;

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

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

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

22 (E) by inserting “or reentry services” after
23 “launch services” each place it appears in sub-
24 section (b);

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

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

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

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

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

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

17 (14) in section 70115(b)(1)(D)(i)—

18 (A) by inserting “reentry site,” after
19 “launch site,”; and

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

22 (15) in section 70117—

23 (A) by inserting “or reentry site, or to re-
24 enter a reentry vehicle” after “operate a launch
25 site” in subsection (a);

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

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

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

10 (D) in subsection (g)—

11 (i) by striking “operation of a launch
12 vehicle or launch site,” in paragraph (1)
13 and inserting in lieu thereof “reentry, op-
14 eration of a launch vehicle or reentry vehi-
15 cle, operation of a launch site or reentry
16 site,”; and

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

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

21 **“§ 70120. Regulations**

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

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

4 “(2) procedures for requesting and obtaining li-
5 censes to operate a commercial launch vehicle or re-
6 entry vehicle;

7 “(3) procedures for requesting and obtaining
8 operator licenses for launch or reentry;

9 “(4) procedures for requesting and obtaining
10 launch site or reentry site operator licenses; and

11 “(5) procedures for the application of govern-
12 ment indemnification.

13 **“§ 70121. Report to Congress**

14 “The Secretary of Transportation shall submit to
15 Congress an annual report to accompany the President’s
16 budget request that—

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

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

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

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

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

10 (1) in subsection (a)—

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

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

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

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

18 **SEC. 104. PROMOTION OF UNITED STATES GLOBAL POSI-**
19 **TIONING SYSTEM STANDARDS.**

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

1 provides Global Positioning System equipment and related
2 services.

3 (b) INTERNATIONAL COOPERATION.—In order to
4 support and sustain the Global Positioning System in a
5 manner that will most effectively contribute to the na-
6 tional security, public safety, scientific, and economic in-
7 terests of the United States, the Congress encourages the
8 President to—

9 (1) ensure the operation of the Global Position-
10 ing System on a continuous worldwide basis free of
11 direct user fees; and

12 (2) enter into international agreements that
13 promote cooperation with foreign governments and
14 international organizations to—

15 (A) establish the Global Positioning Sys-
16 tem and its augmentations as an acceptable
17 international standard; and

18 (B) eliminate any foreign barriers to appli-
19 cations of the Global Positioning System world-
20 wide.

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

22 (a) ACQUISITION FROM COMMERCIAL PROVIDERS.—
23 The Administrator shall, to the maximum extent possible
24 and while satisfying the scientific requirements of the Na-
25 tional Aeronautics and Space Administration, acquire,

1 where cost effective, space science data from a commercial
2 provider.

3 (b) TREATMENT OF SPACE SCIENCE DATA AS COM-
4 Mercial ITEM UNDER ACQUISITION LAWS.—Acquisitions
5 of space science data by the Administrator shall be carried
6 out in accordance with applicable acquisition laws and reg-
7 ulations (including chapters 137 and 140 of title 10, Unit-
8 ed States Code), except that space science data shall be
9 considered to be a commercial item for purposes of such
10 laws and regulations (including section 2306a of title 10,
11 United States Code (relating to cost or pricing data), sec-
12 tion 2320 of such title (relating to rights in technical data)
13 and section 2321 of such title (relating to validation of
14 proprietary data restrictions)).

15 (c) DEFINITION.—For purposes of this section, the
16 term “space science data” includes scientific data concern-
17 ing the elemental and mineralogical resources of the moon,
18 asteroids, planets and their moons, and comets, Earth en-
19 vironmental data obtained through remote sensing obser-
20 vations, and solar storm monitoring.

21 (d) SAFETY STANDARDS.—Nothing in this section
22 shall be construed to prohibit the Federal Government
23 from requiring compliance with applicable safety stand-
24 ards.

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

5 **TITLE II—REMOTE SENSING**

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

7 **AMENDMENTS.**

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

9 (1) a robust domestic United States industry in
10 high resolution Earth remote sensing is in the eco-
11 nomic, employment, technological, scientific, and na-
12 tional security interests of the United States;

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

16 (3) the Federal Government must provide a sta-
17 ble business environment for that industry to suc-
18 ceed and fulfill the national interest; and

19 (4) it is the responsibility of the Federal Gov-
20 ernment to create domestic and international condi-
21 tions favorable to the health and growth of the Unit-
22 ed States commercial remote sensing industry.

23 (b) AMENDMENTS.—The Land Remote Sensing Pol-
24 icy Act of 1992 is amended—

25 (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
4 is a near-term goal, and should remain a long-term
5 goal, of United States policy.”;

6 (B) by striking paragraph (6) and redesignig-
7 nating paragraphs (7) through (16) as para-
8 graphs (6) through (15), respectively; and

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

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

16 (A) by inserting the following after sub-
17 section (b)(4):

18 “The Director of the Office of Science and Technology
19 Policy shall, no later than 60 days after the date of the
20 enactment of the Commercial Space Act of 1997, transmit
21 the management plan to the Committee on Science of the
22 House of Representatives and the Committee on Com-
23 merce, 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
15 SECURITY.—” in subsection (b);

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

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

23 “(2) The Secretary, within 6 months after the date
24 of the enactment of the Commercial Space Act of 1997,
25 shall publish in the Federal Register a complete and spe-

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

11 “(3) The Secretary shall grant a license under this
12 title to any United States commercial provider (as such
13 term is defined in section 2 of the Commercial Space Act
14 of 1997) whose application is in full compliance with the
15 requirements of this title.”;

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

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

1 access to remote sensing data from United
2 States 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,
11 including 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
18 subsection (b) the following:

19 “The Secretary may not seek to enjoin a company from
20 entering into a foreign agreement the Secretary receives
21 notification of under paragraph (6) unless the Secretary
22 has, within 30 days after receipt of such notification,
23 transmitted to the licensee a statement that such agree-
24 ment is inconsistent with the national security or inter-

1 national obligations of the United States, including an ex-
2 planation of such inconsistency.”;

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

4 (A) in subsection (a)(2), by striking
5 “under this title and” and inserting in lieu
6 thereof “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, pen-
11 alties”; 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 censed by the Secretary before commencing oper-
18 ation” and inserting in lieu thereof “if such private
19 remote sensing space system will be licensed by the
20 Secretary before commencing its commercial oper-
21 ation”;

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

1 **“SEC. 206. NOTIFICATION.**

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

10 “(b) TERMINATION, MODIFICATION, OR SUSPEN-
11 SION.—Not later than 30 days after an action by the Sec-
12 retary to seek an order of injunction or other judicial de-
13 termination pursuant to section 202(b) or section
14 203(a)(2), the Secretary shall provide written notification
15 to Congress of such action and the reasons therefor.”;

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

17 (A) by inserting “, that are not being com-
18 mercially developed” after “and its environ-
19 ment” in subsection (a)(2)(B); and

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

22 “(d) DUPLICATION OF COMMERCIAL SECTOR ACTIVI-
23 TIES.—The Federal Government shall not undertake ac-
24 tivities under this section which duplicate activities avail-
25 able from the United States commercial sector, unless

1 such activities would result in significant cost savings to
2 the Federal Government.”;

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

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

5 (B) by striking “, including unenhanced
6 data gathered under the technology demonstra-
7 tion program carried out pursuant to section
8 303,” and inserting in lieu thereof “that is not
9 otherwise available from the commercial sec-
10 tor”; and

11 (C) by striking subsection (b);

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

13 (12) in section 401(b)(3) (15 U.S.C.
14 5641(b)(3)), by striking “, including any such en-
15 hancements developed under the technology dem-
16 onstration program under section 303,”;

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

20 (14) in section 502(c)(7) (15 U.S.C.
21 5652(c)(7)), by striking “section 506” and inserting
22 in lieu thereof “section 507”; and

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

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

1 “(a) RESPONSIBILITY OF THE SECRETARY OF DE-
2 FENSE.—The Secretary shall consult with the Secretary
3 of Defense on all matters under this section affecting na-
4 tional security. The Secretary of Defense shall be respon-
5 sible for determining those conditions, consistent with this
6 Act, necessary to meet national security concerns of the
7 United States, and for notifying the Secretary promptly
8 of such conditions. Not later than 180 days after the date
9 of the enactment of the Commercial Space Act of 1997,
10 the Secretary of Defense shall publish in Commerce Busi-
11 ness Daily, for the purpose of soliciting comments, notice
12 of all national security concerns that pertain to the licens-
13 ing of private remote sensing space systems. Not later
14 than 60 days after receiving a request from the Secretary,
15 the Secretary of Defense shall notify the Secretary and
16 the licensee of, and describe in detail, any specific national
17 security concerns of the United States that the Secretary
18 of Defense determines are an appropriate reason for delay-
19 ing, modifying, or rejecting a license application. The Sec-
20 retary of Defense shall concurrently recommend to the
21 Secretary any conditions for a license issued under title
22 II, consistent with this Act, that the Secretary of Defense
23 considers necessary to secure the national security con-
24 cerns of the United States. If no such notification has
25 been received by the Secretary within such 60-day period,

1 the Secretary shall deem activities proposed in the license
2 application to be consistent with the protection of the na-
3 tional security of the United States.”;

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

6 “(b) RESPONSIBILITY OF THE SECRETARY OF
7 STATE.—(1) The Secretary shall consult with the Sec-
8 retary of State on all matters under this section affecting
9 international obligations of the United States. The Sec-
10 retary of State shall be responsible for determining those
11 conditions, consistent with this Act, necessary to meet
12 international obligations of the United States and for noti-
13 fying the Secretary promptly of such conditions. Not later
14 than 180 days after the date of the enactment of the Com-
15 mercial Space Act of 1997, the Secretary of State shall
16 publish in Commerce Business Daily, for the purpose of
17 soliciting comments, notice of all international obligations
18 of the United States that pertain to the licensing of pri-
19 vate remote sensing space systems. Not later than 60 days
20 after receiving a request from the Secretary, the Secretary
21 of State shall notify the Secretary and the licensee of, and
22 describe in detail, any specific international obligations of
23 the United States that the Secretary of State determines
24 are an appropriate reason for delaying, modifying, or re-
25 jecting a license application. The Secretary of State shall

1 concurrently recommend to the Secretary any conditions
2 for a license issued under title II, consistent with this Act,
3 that the Secretary of State considers necessary to secure
4 the international obligations of the United States. If no
5 such notification has been received by the Secretary within
6 such 60-day period, the Secretary shall deem activities
7 proposed in the license application to be consistent with
8 the international obligations of the United States.

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

14 (C) in subsection (d), by striking “Sec-
15 retary may require” and inserting in lieu there-
16 of “Secretary shall, where appropriate, re-
17 quire”.

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

19 (a) ACQUISITION.—For purposes of meeting Govern-
20 ment goals for Mission to Planet Earth, the Administrator
21 shall, to the maximum extent possible and while satisfying
22 the scientific requirements of the National Aeronautics
23 and Space Administration, acquire, where cost-effective,
24 space-based and airborne Earth remote sensing data, serv-

1 ices, distribution, and applications from a commercial pro-
2 vider.

3 (b) TREATMENT AS COMMERCIAL ITEM UNDER AC-
4 QUISSION LAWS.—Acquisitions by the Administrator of
5 the data, services, distribution, and applications referred
6 to in subsection (a) shall be carried out in accordance with
7 applicable acquisition laws and regulations (including
8 chapters 137 and 140 of title 10, United States Code),
9 except that such data, services, distribution, and applica-
10 tions shall be considered to be a commercial item for pur-
11 poses of such laws and regulations (including section
12 2306a of title 10, United States Code (relating to cost
13 or pricing data), section 2320 of such title (relating to
14 rights in technical data) and section 2321 of such title
15 (relating to validation of proprietary data restrictions)).

16 (c) STUDY.—(1) The Administrator shall conduct a
17 study to determine the extent to which the baseline sci-
18 entific requirements of Mission to Planet Earth can be
19 met by commercial providers, and how the National Aero-
20 nautics and Space Administration will meet such require-
21 ments which cannot be met by commercial providers.

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

24 (A) make recommendations to promote the
25 availability of information from the National Aero-

1 nautics and Space Administration to commercial
2 providers to enable commercial providers to better
3 meet the baseline scientific requirements of Mission
4 to Planet Earth;

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

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

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

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

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

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

4 **SEC. 301. REQUIREMENT TO PROCURE COMMERCIAL**
5 **SPACE TRANSPORTATION SERVICES.**

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

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

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

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

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

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

8 (5) it is more cost effective to transport a pay-
9 load in conjunction with a test or demonstration of
10 a space transportation vehicle owned by the Federal
11 Government; or

12 (6) a payload can make use of the available
13 cargo space on a Space Shuttle mission as a second-
14 ary payload, and such payload is consistent with the
15 requirements of research, development, demonstra-
16 tion, scientific, commercial, and educational pro-
17 grams authorized by the Administrator.

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

24 (d) HISTORICAL PURPOSES.—This section shall not
25 be construed to prohibit the Federal Government from ac-

1 quiring, owning, or maintaining space transportation vehi-
2 cles solely for historical display purposes.

3 **SEC. 302. ACQUISITION OF SPACE TRANSPORTATION SERV-**
4 **ICES.**

5 (a) TREATMENT OF SPACE TRANSPORTATION SERV-
6 ICES AS COMMERCIAL ITEM UNDER ACQUISITION
7 LAWS.—Acquisitions of space transportation services by
8 the Federal Government shall be carried out in accordance
9 with applicable acquisition laws and regulations (including
10 chapters 137 and 140 of title 10, United States Code),
11 except that space transportation services shall be consid-
12 ered to be a commercial item for purposes of such laws
13 and regulations (including section 2306a of title 10, Unit-
14 ed States Code (relating to cost or pricing data), section
15 2320 of such title (relating to rights in technical data)
16 and section 2321 of such title (relating to validation of
17 proprietary data restrictions)).

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

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

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

- 1 (1) by striking section 202;
2 (2) in section 203—
3 (A) by striking paragraphs (1) and (2);
4 and
5 (B) by redesignating paragraphs (3) and
6 (4) as paragraphs (1) and (2), respectively;
7 (3) by striking sections 204 and 205; and
8 (4) in section 206—
9 (A) by striking “(a) COMMERCIAL PAY-
10 LOADS ON THE SPACE SHUTTLE.—”; and
11 (B) by striking subsection (b).

○