

Union Calendar No. 200

105TH CONGRESS
1ST Session

H. R. 1702

[Report No. 105-347]

A BILL

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

OCTOBER 24, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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

OCTOBER 24, 1997

Additional sponsors: Mr. NETHERCUTT, Mr. EHLERS, Mr. WELDON of Florida, Mr. CANNON, Mr. SESSIONS, Mr. SALMON, Mr. HALL of Texas, and Mr. FOLEY

OCTOBER 24, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on May 22, 1997]

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,*

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. Launch voucher demonstration program.

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

Sec. 105. Acquisition of space science data.

Sec. 106. Administration of Commercial Space Centers.

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.

5 **SEC. 2. DEFINITIONS.**

6 *For purposes of this Act—*

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

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

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

8 (4) the term “space-related activities” includes
9 research and development, manufacturing, processing,
10 service, and other associated and support activities;

11 (5) the term “space transportation services”
12 means the preparation of a space transportation vehi-
13 cle and its payloads for transportation to, from, or
14 within outer space, or in suborbital trajectory, and
15 the conduct of transporting a payload to, from, or
16 within outer space, or in suborbital trajectory;

17 (6) the term “space transportation vehicle”
18 means any vehicle constructed for the purpose of oper-
19 ating in, or transporting a payload to, from, or with-
20 in, outer space, or in suborbital trajectory, and in-
21 cludes any component of such vehicle not specifically
22 designed or adapted for a payload;

23 (7) the term “State” means each of the several
24 States of the Union, the District of Columbia, the
25 Commonwealth of Puerto Rico, the Virgin Islands,

1 *Guam, American Samoa, the Commonwealth of the*
2 *Northern Mariana Islands, and any other common-*
3 *wealth, territory, or possession of the United States;*
4 *and*

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

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

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

12 *(i) such subsidiary has in the past evi-*
13 *denced a substantial commitment to the*
14 *United States market through—*

15 *(I) investments in the United*
16 *States in long-term research, develop-*
17 *ment, and manufacturing (including*
18 *the manufacture of major components*
19 *and subassemblies); and*

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

22 *(ii) the country or countries in which*
23 *such foreign company is incorporated or or-*
24 *ganized, and, if appropriate, in which it*
25 *principally conducts its business, affords re-*

1 *reciprocal treatment to companies described*
2 *in subparagraph (A) comparable to that af-*
3 *forded to such foreign company's subsidiary*
4 *in the United States, as evidenced by—*

5 *(I) providing comparable oppor-*
6 *tunities for companies described in*
7 *subparagraph (A) to participate in*
8 *Government sponsored research and de-*
9 *velopment similar to that authorized*
10 *under this Act;*

11 *(II) providing no barriers, to*
12 *companies described in subparagraph*
13 *(A) with respect to local investment op-*
14 *portunities, that are not provided to*
15 *foreign companies in the United*
16 *States; and*

17 *(III) providing adequate and ef-*
18 *fective protection for the intellectual*
19 *property rights of companies described*
20 *in subparagraph (A).*

1 **TITLE I—PROMOTION OF COM-**
2 **MERCIAL SPACE OPPORTUNI-**
3 **TIES**

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

5 (a) *POLICY.*—*The Congress declares that a priority*
6 *goal of constructing the International Space Station is the*
7 *economic development of Earth orbital space. The Congress*
8 *further declares that free and competitive markets create the*
9 *most efficient conditions for promoting economic develop-*
10 *ment, and should therefore govern the economic development*
11 *of Earth orbital space. The Congress further declares that*
12 *the use of free market principles in operating, servicing,*
13 *allocating the use of, and adding capabilities to the Space*
14 *Station, and the resulting fullest possible engagement of*
15 *commercial providers and participation of commercial*
16 *users, will reduce Space Station operational costs for all*
17 *partners and the Federal Government’s share of the United*
18 *States burden to fund operations.*

19 (b) *REPORTS.*—(1) *The Administrator shall deliver to*
20 *the Committee on Science of the House of Representatives*
21 *and the Committee on Commerce, Science, and Transpor-*
22 *tation of the Senate, within 90 days after the date of the*
23 *enactment of this Act, a study that identifies and exam-*
24 *ines—*

1 (A) the opportunities for commercial providers to
2 play a role in International Space Station activities,
3 including operation, use, servicing, and augmenta-
4 tion;

5 (B) the potential cost savings to be derived from
6 commercial providers playing a role in each of these
7 activities;

8 (C) which of the opportunities described in sub-
9 paragraph (A) the Administrator plans to make
10 available to commercial providers in fiscal years 1998
11 and 1999;

12 (D) the specific policies and initiatives the Ad-
13 ministrator is advancing to encourage and facilitate
14 these commercial opportunities; and

15 (E) the revenues and cost reimbursements to the
16 Federal Government from commercial users of the
17 Space Station.

18 (2) The Administrator shall deliver to the Committee
19 on Science of the House of Representatives and the Commit-
20 tee on Commerce, Science, and Transportation of the Sen-
21 ate, within 180 days after the date of the enactment of this
22 Act, an independently-conducted market study that exam-
23 ines and evaluates potential industry interest in providing
24 commercial goods and services for the operation, servicing,
25 and augmentation of the International Space Station, and

1 *in the commercial use of the International Space Station.*
2 *This study shall also include updates to the cost savings*
3 *and revenue estimates made in the study described in para-*
4 *graph (1) based on the external market assessment.*

5 (3) *The Administrator shall deliver to the Congress,*
6 *no later than the submission of the President's annual budg-*
7 *et request for fiscal year 1999, a report detailing how many*
8 *proposals (whether solicited or not) the National Aero-*
9 *navitics and Space Administration received during cal-*
10 *endar year 1997 regarding commercial operation, servicing,*
11 *utilization, or augmentation of the International Space*
12 *Station, broken down by each of these four categories, and*
13 *specifying how many agreements the National Aeronautics*
14 *and Space Administration has entered into in response to*
15 *these proposals, also broken down by these four categories.*

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

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

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

24 (1) *in the table of sections—*

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

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

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

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

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

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

7 and

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

“70120. *Regulations.*

“70121. *Report to Congress.*”.

10 (2) in section 70101—

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

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

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

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

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

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

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

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

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

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

11 (K) by striking “launch” in subsection
12 (b)(2)(A);

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

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

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

20 (3) in section 70102—

21 (A) in paragraph (3)—

22 (i) by striking “and any payload” and
23 inserting in lieu thereof “or reentry vehicle
24 and any payload from Earth”;

1 (ii) by striking the period at the end of
2 subparagraph (C) and inserting in lieu
3 thereof a comma; and

4 (iii) by adding after subparagraph (C)
5 the following:

6 “including activities involved in the preparation of a
7 launch vehicle or payload for launch, when those ac-
8 tivities take place at a launch site in the United
9 States.”;

10 (B) in paragraph (5)—

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

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

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

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

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

1 (E) by inserting after paragraph (9) the fol-
2 lowing new paragraphs:

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

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

24 (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 inserting “or reentry” after “com-
8 mercial launch” both places it appears in sub-
9 section (b)(1);

10 (E) by inserting “or reentry services” after
11 “launch services” in subsection (b)(2)(C);

12 (F) by inserting after subsection (b)(2) the
13 following new paragraph:

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

17 (G) by striking “or its payload for launch”
18 in subsection (d) and inserting in lieu thereof
19 “or reentry vehicle, or the payload of either, for
20 launch or reentry”; and

21 (H) by inserting “, reentry vehicle,” after
22 “manufacturer of the launch vehicle” in sub-
23 section (d);

24 (12) in section 70112—

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

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

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

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

9 (E) by inserting “or reentry services” after
10 “launch services” each place it appears in sub-
11 section (b);

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

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

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

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

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

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

1 (14) in section 70115(b)(1)(D)(i)—

2 (A) by inserting “reentry site,” after
3 “launch site,”; and

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

6 (15) in section 70117—

7 (A) by inserting “or reentry site, or to reen-
8 ter a reentry vehicle” after “operate a launch
9 site” in subsection (a);

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

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

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

19 (D) in subsection (g)—

20 (i) by striking “operation of a launch
21 vehicle or launch site,” in paragraph (1)
22 and inserting in lieu thereof “reentry, oper-
23 ation of a launch vehicle or reentry vehicle,
24 operation of a launch site or reentry site,”;
25 and

1 (ii) by inserting “reentry,” after
2 “launch,” in paragraph (2); and
3 (16) by adding at the end the following new sec-
4 tions:

5 **“§ 70120. Regulations**

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

10 “(1) guidelines for industry and State govern-
11 ments to obtain sufficient insurance coverage for po-
12 tential damages to third parties;

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

15 “(3) procedures for requesting and obtaining op-
16 erator licenses for launch;

17 “(4) procedures for requesting and obtaining
18 launch site operator licenses; and

19 “(5) procedures for the application of govern-
20 ment indemnification.

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

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

3 “(2) procedures for requesting and obtaining op-
4 erator licenses for reentry; and

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

7 **“§ 70121. Report to Congress**

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

11 *“(1) describes all activities undertaken under
12 this chapter, including a description of the process for
13 the application for and approval of licenses under
14 this chapter and recommendations for legislation that
15 may further commercial launches and reentries; and*

16 *“(2) reviews the performance of the regulatory
17 activities and the effectiveness of the Office of Com-
18 mercial Space Transportation.”.*

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

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

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

5 *(1) in subsection (a)—*

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

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

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

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

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

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

23 *(b) INTERNATIONAL COOPERATION.—In order to sup-*
24 *port and sustain the Global Positioning System in a man-*
25 *ner that will most effectively contribute to the national secu-*

1 rity, public safety, scientific, and economic interests of the
2 United States, the Congress encourages the President to—

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

6 (2) enter into international agreements that pro-
7 mote cooperation with foreign governments and inter-
8 national organizations to—

9 (A) establish the Global Positioning System
10 and its augmentations as an acceptable inter-
11 national standard; and

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

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

16 (a) *ACQUISITION FROM COMMERCIAL PROVIDERS.*—
17 The Administrator shall, to the maximum extent possible
18 and while satisfying the scientific requirements of the Na-
19 tional Aeronautics and Space Administration, acquire,
20 where cost effective, space science data from a commercial
21 provider.

22 (b) *TREATMENT OF SPACE SCIENCE DATA AS COM-*
23 *MERCIAL ITEM UNDER ACQUISITION LAWS.*—Acquisitions
24 of space science data by the Administrator shall be carried
25 out in accordance with applicable acquisition laws and reg-

1 *ulations (including chapters 137 and 140 of title 10, United*
2 *States Code), except that space science data shall be consid-*
3 *ered to be a commercial item for purposes of such laws and*
4 *regulations (including section 2306a of title 10, United*
5 *States Code (relating to cost or pricing data), section 2320*
6 *of such title (relating to rights in technical data) and sec-*
7 *tion 2321 of such title (relating to validation of proprietary*
8 *data restrictions)).*

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

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

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

21 **SEC. 106. ADMINISTRATION OF COMMERCIAL SPACE CEN-**
22 **TERS.**

23 *The Administrator shall administer the Commercial*
24 *Space Center program in a coordinated manner from Na-*
25 *tional Aeronautics and Space Administration headquarters.*

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; and*

(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.*

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

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

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

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

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

12 **(C) in paragraph (11), as so redesignated**
13 *by subparagraph (B) of this paragraph, by strik-*
14 *ing “determining the design” and all that follows*
15 *through “international consortium” and insert-*
16 *ing in lieu thereof “ensuring the continuity of*
17 *Landsat quality data”;*

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

19 **(A) in subsection (c)—**

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

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

23 **(iii) by redesignating paragraph (8) as**
24 *paragraph (7); and*

25 **(B) in subsection (e)(1)—**

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

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

6 (iii) by striking subparagraph (C);

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

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

10 (B) in subsection (b)(1), as so redesignated
11 by subparagraph (A) of this paragraph, by strik-
12 ing “No license shall be granted by the Secretary
13 unless the Secretary determines in writing that
14 the applicant will comply” and inserting in lieu
15 thereof “The Secretary shall grant a license if the
16 Secretary determines that the activities proposed
17 in the application are consistent”;

18 (C) by adding at the end of subsection (b)
19 the following new paragraph:

20 “(2) The Secretary, within 6 months after the date of
21 the enactment of the Commercial Space Act of 1997, shall
22 publish in the Federal Register a complete and specific list
23 of all information required to comprise a complete applica-
24 tion for a license under this title. An application shall be
25 considered complete when the applicant has provided all in-

1 *formation required by the list most recently published in*
2 *the Federal Register before the date the application was first*
3 *submitted. Unless the Secretary has, within 30 days after*
4 *receipt of an application, notified the applicant of informa-*
5 *tion necessary to complete an application, the Secretary*
6 *may not deny the application on the basis of the absence*
7 *of any such information.”;*

8 *(D) in subsection (c), by amending the sec-*
9 *ond sentence thereof to read as follows: “If the*
10 *Secretary has not granted the license within such*
11 *120-day period, the Secretary shall inform the*
12 *applicant, within such period, of any pending*
13 *issues and actions required to be carried out by*
14 *the applicant or the Secretary in order to result*
15 *in the granting of a license.”; and*

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

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

21 *(A) by striking “section 506” in subsection*
22 *(b)(1) and inserting in lieu thereof “section*
23 *507”;*

24 *(B) in subsection (b)(2), by striking “as*
25 *soon as such data are available and on reason-*

1 *able terms and conditions” and inserting in lieu*
2 *thereof “on reasonable terms and conditions, in-*
3 *cluding the provision of such data in a timely*
4 *manner”;*

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

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

11 *“The Secretary may not seek to enjoin a company from en-*
12 *tering into a foreign agreement the Secretary receives notifi-*
13 *cation of under paragraph (6) unless the Secretary has,*
14 *within 30 days after receipt of such notification, transmit-*
15 *ted to the licensee a statement that such agreement is incon-*
16 *sistent with the national security or international obliga-*
17 *tions of the United States, including an explanation of such*
18 *inconsistency.”;*

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

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

24 *(7) in section 205(c) (15 U.S.C. 5625(c)), by*
25 *striking “if such remote sensing space system is li-*

1 *censed by the Secretary before commencing operation”*
2 *and inserting in lieu thereof “if such private remote*
3 *sensing space system will be licensed by the Secretary*
4 *before commencing its commercial operation”;*

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

7 **“SEC. 206. NOTIFICATION.**

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

16 *“(b) TERMINATION, MODIFICATION, OR SUSPEN-*
17 *SION.—Not later than 30 days after an action by the Sec-*
18 *retary to seek an order of injunction or other judicial deter-*
19 *mination pursuant to section 202(b) or section 203(a)(2),*
20 *the Secretary shall provide written notification to Congress*
21 *of such action and the reasons therefor.”;*

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

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

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

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

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

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

12 (B) by striking “, including unenhanced
13 data gathered under the technology demonstra-
14 tion program carried out pursuant to section
15 303,” and inserting in lieu thereof “that is not
16 otherwise available from the commercial sector”;
17 and

18 (C) by striking subsection (b);

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

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

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

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

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

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

10 “(a) *RESPONSIBILITY OF THE SECRETARY OF DE-*
11 *FENSE.—The Secretary shall consult with the Secretary of*
12 *Defense on all matters under title II affecting national secu-*
13 *rity. The Secretary of Defense shall be responsible for deter-*
14 *mining those conditions, consistent with this Act, necessary*
15 *to meet national security concerns of the United States, and*
16 *for notifying the Secretary promptly of such conditions. Not*
17 *later than 180 days after the date of the enactment of the*
18 *Commercial Space Act of 1997, the Secretary of Defense*
19 *shall publish in Commerce Business Daily, for the purpose*
20 *of soliciting comments, notice of all national security con-*
21 *cerns that pertain to the licensing of private remote sensing*
22 *space systems. Not later than 60 days after receiving a re-*
23 *quest from the Secretary, the Secretary of Defense shall no-*
24 *tify the Secretary and the licensee of, and describe in detail,*
25 *any specific national security concerns of the United States*

1 *that the Secretary of Defense determines are an appropriate*
2 *reason for delaying, modifying, or rejecting a license appli-*
3 *cation. The Secretary of Defense shall concurrently rec-*
4 *ommend to the Secretary any conditions for a license issued*
5 *under title II, consistent with this Act, that the Secretary*
6 *of Defense considers necessary to secure the national secu-*
7 *rity concerns of the United States. If no such notification*
8 *has been received by the Secretary within such 60-day pe-*
9 *riod, the Secretary shall deem activities proposed in the li-*
10 *cense application to be consistent with the protection of the*
11 *national security of the United States.”;*

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

14 *“(b) RESPONSIBILITY OF THE SECRETARY OF*
15 *STATE.—(1) The Secretary shall consult with the Secretary*
16 *of State on all matters under title II affecting international*
17 *obligations of the United States. The Secretary of State*
18 *shall be responsible for determining those conditions, con-*
19 *sistent with this Act, necessary to meet international obliga-*
20 *tions of the United States and for notifying the Secretary*
21 *promptly of such conditions. Not later than 180 days after*
22 *the date of the enactment of the Commercial Space Act of*
23 *1997, the Secretary of State shall publish in Commerce*
24 *Business Daily, for the purpose of soliciting comments, no-*
25 *tice of all international obligations of the United States that*

1 *pertain to the licensing of private remote sensing space sys-*
2 *tems. Not later than 60 days after receiving a request from*
3 *the Secretary, the Secretary of State shall notify the Sec-*
4 *retary and the licensee of, and describe in detail, any spe-*
5 *cific international obligations of the United States that the*
6 *Secretary of State determines are an appropriate reason*
7 *for delaying, modifying, or rejecting a license application.*
8 *The Secretary of State shall concurrently recommend to the*
9 *Secretary any conditions for a license issued under title II,*
10 *consistent with this Act, that the Secretary of State consid-*
11 *ers necessary to secure the international obligations of the*
12 *United States. If no such notification has been received by*
13 *the Secretary within such 60-day period, the Secretary shall*
14 *deem activities proposed in the license application to be*
15 *consistent with the international obligations of the United*
16 *States.*

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

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

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

2 (a) *ACQUISITION.*—*For purposes of meeting Govern-*
3 *ment goals for Mission to Planet Earth, the Administrator*
4 *shall, to the maximum extent possible and while satisfying*
5 *the scientific requirements of the National Aeronautics and*
6 *Space Administration, acquire, where cost-effective, space-*
7 *based and airborne Earth remote sensing data, services, dis-*
8 *tribution, and applications from a commercial provider.*

9 (b) *TREATMENT AS COMMERCIAL ITEM UNDER ACQUI-*
10 *SITION LAWS.*—*Acquisitions by the Administrator of the*
11 *data, services, distribution, and applications referred to in*
12 *subsection (a) shall be carried out in accordance with appli-*
13 *cable acquisition laws and regulations (including chapters*
14 *137 and 140 of title 10, United States Code), except that*
15 *such data, services, distribution, and applications shall be*
16 *considered to be a commercial item for purposes of such*
17 *laws and regulations (including section 2306a of title 10,*
18 *United States Code (relating to cost or pricing data), sec-*
19 *tion 2320 of such title (relating to rights in technical data)*
20 *and section 2321 of such title (relating to validation of pro-*
21 *prietary data restrictions)).*

22 (c) *STUDY.*—(1) *The Administrator shall conduct a*
23 *study to determine the extent to which the baseline scientific*
24 *requirements of Mission to Planet Earth can be met by com-*
25 *mercial providers, and how the National Aeronautics and*

1 *Space Administration will meet such requirements which*
2 *cannot be met by commercial providers.*

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

4 (A) *make recommendations to promote the avail-*
5 *ability of information from the National Aeronautics*
6 *and Space Administration to commercial providers to*
7 *enable commercial providers to better meet the base-*
8 *line scientific requirements of Mission to Planet*
9 *Earth;*

10 (B) *make recommendations to promote the dis-*
11 *semination to commercial providers of information on*
12 *advanced technology research and development per-*
13 *formed by or for the National Aeronautics and Space*
14 *Administration; and*

15 (C) *identify policy, regulatory, and legislative*
16 *barriers to the implementation of the recommenda-*
17 *tions made under this subsection.*

18 (3) *The results of the study conducted under this sub-*
19 *section shall be transmitted to the Congress within 6 months*
20 *after the date of the enactment of this Act.*

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

1 *reasonably available from United States commercial*
2 *providers when required;*

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

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

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

13 *(6) a payload can make use of the available*
14 *cargo space on a Space Shuttle mission as a second-*
15 *ary payload, and such payload is consistent with the*
16 *requirements of research, development, demonstration,*
17 *scientific, commercial, and educational programs au-*
18 *thorized by the Administrator.*

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

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

5 **SEC. 302. ACQUISITION OF SPACE TRANSPORTATION SERV-**
6 **ICES.**

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

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

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

2 **AMENDMENTS.**

3 *The Launch Services Purchase Act of 1990 (42 U.S.C.*
4 *2465b et seq.) is amended—*

5 *(1) by striking section 202;*

6 *(2) in section 203—*

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

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

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

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

11 *(4) in section 206—*

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

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