

106TH CONGRESS
1ST SESSION

H. R. 2607

AN ACT

To promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

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To promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, 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.**

4 This Act may be cited as the “Commercial Space
5 Transportation Competitiveness Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) a robust United States space transportation
9 industry is vital to the Nation’s economic well-being
10 and national security;

11 (2) a 5-year extension of the excess third party
12 claims payment provision of chapter 701 of title 49,
13 United States Code, (Commercial Space Launch Ac-
14 tivities) is necessary at this time to protect the pri-
15 vate sector from uninsurable levels of liability;

16 (3) enactment of this extension will have a ben-
17 efiticial impact on the international competitiveness of
18 the United States space transportation industry;

19 (4) space transportation may eventually move
20 into more airplane-style operations;

21 (5) during the next 3 years the Federal Govern-
22 ment and the private sector should analyze and de-
23 termine whether a more appropriate and effective li-
24 ability risk-sharing regime can be achieved and, if
25 so, develop and propose the new regime to Congress

1 at least 2 years prior to the expiration of the exten-
2 sion contained in this Act;

3 (6) the areas of responsibility of the Office of
4 the Associate Administrator for Commercial Space
5 Transportation have significantly increased as a re-
6 sult of—

7 (A) the rapidly expanding commercial
8 space transportation industry and associated
9 government licensing requirements;

10 (B) regulatory activity as a result of the
11 emerging commercial reusable launch vehicle in-
12 dustry; and

13 (C) the increased regulatory activity asso-
14 ciated with commercial operation of launch and
15 reentry sites; and

16 (7) the Office of the Associate Administrator
17 for Commercial Space Transportation should engage
18 in only those promotional activities which directly
19 support its regulatory mission.

20 **SEC. 3. OFFICE OF COMMERCIAL SPACE TRANSPORTATION.**

21 (a) AMENDMENT.—Section 70119 of title 49, United
22 States Code, is amended to read as follows:

23 **“§ 70119. Office of Commercial Space Transportation**

24 “There are authorized to be appropriated to the Sec-
25 retary of Transportation for the activities of the Office

1 of the Associate Administrator for Commercial Space
2 Transportation—

3 “(1) \$6,275,000 for fiscal year 1999;

4 “(2) \$7,000,000 for fiscal year 2000;

5 “(3) \$8,300,000 for fiscal year 2001; and

6 “(4) \$9,840,000 for fiscal year 2002.”.

7 (b) TABLE OF SECTIONS AMENDMENT.—The item
8 relating to section 70119 in the table of sections of chap-
9 ter 701 of title 49, United States Code, is amended to
10 read as follows:

“70119. Office of Commercial Space Transportation.”.

11 **SEC. 4. OFFICE OF SPACE COMMERCIALIZATION.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Secretary of Com-
14 merce for the activities of the Office of Space
15 Commercialization—

16 (1) \$530,000 for fiscal year 2000;

17 (2) \$550,000 for fiscal year 2001; and

18 (3) \$570,000 for fiscal year 2002.

19 (b) REPORT TO CONGRESS.—Not later than 90 days
20 after the date of the enactment of this Act, the Secretary
21 of Commerce shall transmit to the Congress a report on
22 the Office of Space Commercialization detailing the activi-
23 ties of the Office, the materials produced by the Office,
24 the extent to which the Office has fulfilled the functions

1 established for it by the Congress, and the extent to which
2 the Office has participated in interagency efforts.

3 **SEC. 5. COMMERCIAL SPACE TRANSPORTATION INDEM-**
4 **NIFICATION EXTENSION.**

5 Section 70113(f) of title 49, United States Code, is
6 amended by striking “December 31, 1999” and inserting
7 “December 31, 2004”.

8 **SEC. 6. LIABILITY REGIME FOR COMMERCIAL SPACE**
9 **TRANSPORTATION.**

10 (a) **REPORT REQUIREMENT.**—Not later than 18
11 months after the date of the enactment of this Act, the
12 Secretary of Transportation shall transmit to the Con-
13 gress a report on the liability risk-sharing regime in the
14 United States for commercial space transportation.

15 (b) **CONTENTS.**—The report required by this section
16 shall—

17 (1) analyze the adequacy, propriety, and effec-
18 tiveness of, and the need for, the current liability
19 risk-sharing regime in the United States for com-
20 mercial space transportation;

21 (2) examine the current liability and liability
22 risk-sharing regimes in other countries with space
23 transportation capabilities;

24 (3) examine whether it is appropriate for all
25 space transportation activities to be deemed

1 “ultrahazardous activities” for which a strict liability
2 standard may be applied and, if not, what liability
3 regime should attach to space transportation activi-
4 ties, whether ultrahazardous activities or not;

5 (4) examine how relevant international treaties
6 affect the Federal Government’s liability for com-
7 mercial space launches and whether the current do-
8 mestic liability risk-sharing regime meets or exceeds
9 the requirements of those treaties;

10 (5) examine whether and when the commercial
11 space transportation liability regime could be con-
12 formed to the approach of the airline liability re-
13 gime; and

14 (6) include recommendations on whether the
15 commercial space transportation liability regime
16 should be modified and, if so, what modifications are
17 appropriate and what actions are required to accom-
18 plish those modifications.

19 (c) SECTIONS.—The report required by this section
20 shall include—

21 (1) a section containing the views of—

22 (A) the Office of the Associate Adminis-
23 trator for Commercial Space Transportation;

24 (B) the National Aeronautics and Space
25 Administration;

1 (C) the Department of Defense;
2 (D) the Office of Space Commercialization;
3 and
4 (E) any other interested Federal agency,
5 on the issues described in subsection (b);
6 (2) a section containing the views of United
7 States commercial space transportation providers on
8 the issues described in subsection (b);
9 (3) a section containing the views of United
10 States commercial space transportation customers
11 on the issues described in subsection (b);
12 (4) a section containing the views of the insur-
13 ance industry on the issues described in subsection
14 (b); and
15 (5) a section containing views obtained from
16 public comment received as a result of notice in
17 Commerce Business Daily, the Federal Register, and
18 appropriate Federal agency Internet websites on the
19 issues described in subsection (b).
20 The Secretary of Transportation shall enter into appro-
21 priate arrangements for a non-Federal entity or entities
22 to provide the sections of the report described in para-
23 graphs (2), (3), and (4).

1 **SEC. 7. STUDY OF APPROPRIATIONS IMPACT ON SPACE**
2 **COMMERCIALIZATION.**

3 Within 90 days after the later of the date of the en-
4 actment of this Act or the date of enactment of the De-
5 partments of Veterans Affairs and Housing and Urban
6 Development, and Independent Agencies Appropriations
7 Act, 2000, the Comptroller General, in consultation with
8 the Administrator of the National Aeronautics and Space
9 Administration and United States commercial space in-
10 dustry providers and customers, shall transmit to the Con-
11 gress a report on the impact of that appropriations Act
12 on the future development of the United States commer-
13 cial space industry.

 Passed the House of Representatives October 4,
1999.

Attest:

Clerk.