may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5365, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMERCIAL SPACE LAUNCH AMENDMENTS ACT OF 2004

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5382) to promote the development of the emerging commercial human space flight industry, and for other purposes.

The Clerk read as follows:

H.R. 5382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commercial Space Launch Amendments Act of 2004''.

SEC. 2. AMENDMENTS.

(a) FINDINGS AND PURPOSES.—Section 70101 of title 49, United States Code, is amended—

(1) in subsection (a)(3), by inserting ''human space flight,'' after ''microgravity research,'';

(2) in subsection (a)(4)—

(A) by striking ''satellite''; and

(B) by striking ''services now available from'' and inserting ''capabilities of'';

(3) in subsection (a)(8), by striking ''and'' at the end;

(4) in subsection (a)(9), by striking the period and inserting a semicolon;

(5) by adding at the end of subsection (a) the following new paragraphs:

''(10) the goal of safely opening space to the American people and their private commercial, scientific, and cultural enterprises should guide Federal space investments, policies, and regulations;

''(11) private industry has begun to develop commercial launch vehicles capable of carrying human beings into space and greater private investment in these efforts will stimulate the Nation's commercial space transportation industry as a whole;

''(12) space transportation is inherently risky, and the future of the commercial human space flight industry will depend on its ability to continually improve its safety performance;

''(13) a critical area of responsibility for the Department of Transportation is to regulate the operations and safety of the emerging commercial human space flight industry;

''(14) the public interest is served by creating a clear legal, regulatory, and safety regime for commercial human space flight; and

''(15) the regulatory standards governing human space flight must evolve as the industry matures so that regulations neither stifle technology development nor expose crew or space flight participants to avoidable risks as the public comes to expect greater safety for crew and space flight participants from the industry.'';

(6) in subsection (b)(2)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by inserting ''and'' after the semicolon in subparagraph (B); and

(C) by adding at the end the following new subparagraph:

''(C) promoting the continuous improvement of the safety of launch vehicles designed to carry humans, including through the issuance of regulations, to the extent permitted by this chapter;''; and

(7) in subsection (b)(3), by striking ''issue and transfer'' and inserting ''issue permits and commercial licenses and transfer''.

(b) DEFINITIONS.—Section 70102 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (17) as paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (12), (13), (14), (15), (16), (18), (21), and (22), respectively;

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

''(2) 'crew' means any employee of a licensee or transferee, or of a contractor or subcontractor of a licensee or transferee, who performs activities in the course of that employment directly relating to the launch, reentry, or other operation of or in a launch vehicle or reentry vehicle that carries human beings.'';

(3) in paragraph (4), as so redesignated by paragraph (1) of this subsection, by inserting '', crew, or space flight participant'' after ''any payload'';

(4) in paragraph (6)(A), as so redesignated by paragraph (1) of this subsection, by striking ''and payload'' and inserting '', payload, crew (including crew training), or space flight participant'';

(5) in paragraph (8)(A), as so redesignated by paragraph (1) of this subsection, by inserting ''or human beings'' after ''place a payload'';

(6) by inserting after paragraph (10), as so redesignated by paragraph (1) of this subsection, the following new paragraph:

''(11) except in section 70104(c), 'permit' means an experimental permit issued under section 70105a.'';

(7) in paragraph (13), as so redesignated by paragraph (1) of this subsection, by inserting ''crew, or space flight participants,'' after ''and its payload,'';

(8) in paragraph (14)(A), as so redesignated by paragraph (1) of this subsection, by striking ''and its payload'' inserting ''and payload, crew (including crew training), or space flight participant'';

(9) by inserting after paragraph (16), as so redesignated by paragraph (1) of this subsection, the following new paragraph:

''(17) 'space flight participant' means an individual, who is not crew, carried within a launch vehicle or reentry vehicle.'';

(10) by inserting after paragraph (18), as so redesignated by paragraph (1) of this subsection, the following new paragraphs:

''(19) unless and until regulations take effect under section 70120(c)(2), 'suborbital rocket' means a vehicle, rocket-propelled in whole or in part, intended for flight on a suborbital trajectory, and the thrust of which is greater than its lift for the majority of the rocket-powered portion of its ascent.

''(20) 'suborbital trajectory' means the intentional flight path of a launch vehicle, reentry vehicle, or any portion thereof, whose vacuum instantaneous impact point does not leave the surface of the Earth.''; and

(11) in paragraph (21), as so redesignated by paragraph (1) of this subsection—

(A) by striking ''or'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(E) crew or space flight participants.''.

(c) COMMERCIAL HUMAN SPACE FLIGHT.—(1) Section 70103(b)(1) of title 49, United States Code, is amended by inserting '', including those involving space flight participants'' after ''private sector''.

(2) Section 70103 of title 49, United States Code, is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection:

''(c) SAFETY.—In carrying out the responsibilities under subsection (b), the Secretary shall encourage, facilitate, and promote the continuous improvement of the safety of launch vehicles designed to carry humans, and the Secretary may, consistent with this chapter, promulgate regulations to carry out this subsection.''.

(3) Section 70104(a) of title 49, United States Code, is amended—

(A) by striking ''License Requirement.—A license issued or transferred under this chapter'' and inserting ''Requirement.—A license issued or transferred under this chapter, or a permit,''; and

(B) by inserting after paragraph (4) the following: ''Notwithstanding this subsection, a permit shall not authorize a person to operate a launch site or reentry site.''.

(4) Section 70104(b) of title 49, United States Code, is amended by inserting ''or permit'' after ''holder of a license''.

(5) Section 70104 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(d) SINGLE LICENSE OR PERMIT.—The Secretary of Transportation shall ensure that only 1 license or permit is required from the Department of Transportation to conduct activities involving crew or space flight participants, including launch and reentry, for which a license or permit is required under this chapter. The Secretary shall ensure that all Department of Transportation regulations relevant to the licensed or permitted activity are satisfied.''.

(6) Section 70105(a) of title 49, United States Code, is amended—

(A) in paragraph (1), by striking ''a license is not issued'' and inserting ''the Secretary has not taken action on a license application''; and

(B) in paragraph (2), by inserting ''(including approval procedures for the purpose of protecting the health and safety of crews and space flight participants, to the extent permitted by subsections (b) and (c))'' after ''or personnel''.

(7) Section 70105(b)(1) of title 49, United States Code, is amended by inserting ''or permit'' after ''for a license''.

(8) Section 70105(b)(2)(B) of title 49, United States Code, is amended by striking ''an additional requirement necessary to protect'' and inserting ''any additional requirement necessary to protect''.

(9) Section 70105(b)(2)(C) of title 49, United States Code, is amended—

(A) by inserting ''or permit'' after ''for a license''; and

(B) by striking ''and'' at the end thereof.

(10) Section 70105(b)(2) of title 49, United States Code, is amended by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following new subparagraph:

''(D) additional license requirements, for a launch vehicle carrying a human being for compensation or hire, necessary to protect the health and safety of crew or space flight participants, only if such requirements are imposed pursuant to final regulations issued in accordance with subsection (c); and''.

(11) Section 70105(b)(2)(E) of title 49, United States Code, as so redesignated by paragraph (11) of this subsection, is amended by inserting ''or permit'' after ''for a license''.

(12) Section 70105(b)(3) of title 49, United States Code, is amended by adding at the end the following: ''The Secretary may not grant a waiver under this paragraph that would permit the launch or reentry of a launch vehicle or a reentry vehicle without a license or permit if a human being will be on board.''.

(13) Section 70105(b) of title 49, United States Code, is amended by adding at the end the following new paragraphs:

''(4) The holder of a license or a permit under this chapter may launch or reenter crew only if—

''(A) the crew has received training and has satisfied medical or other standards specified in the license or permit in accordance with regulations promulgated by the Secretary;

''(B) the holder of the license or permit has informed any individual serving as crew in writing, prior to executing any contract or other arrangement to employ that individual (or, in the case of an individual already employed as of the date of enactment of the Commercial Space Launch Amendments Act of 2004, as early as possible, but in any event prior to any launch in which the individual will participate as crew), that the United States Government has not certified the launch vehicle as safe for carrying crew or space flight participants; and

''(C) the holder of the license or permit and crew have complied with all requirements of the laws of the United States that apply to crew.

''(5) The holder of a license or a permit under this chapter may launch or reenter a space flight participant only if—

''(A) in accordance with regulations promulgated by the Secretary, the holder of the license or permit has informed the space flight participant in writing about the risks of the launch and reentry, including the safety record of the launch or reentry vehicle type, and the Secretary has informed the space flight participant in writing of any relevant information related to risk or probable loss during each phase of flight gathered by the Secretary in making the determination required by section 70112(a)(2) and (c);

''(B) the holder of the license or permit has informed any space flight participant in writing, prior to receiving any compensation from that space flight participant or (in the case of a space flight participant not providing compensation) otherwise concluding any agreement to fly that space flight participant, that the United States Government has not certified the launch vehicle as safe for carrying crew or space flight participants;

''(C) in accordance with regulations promulgated by the Secretary, the space flight participant has provided written informed consent to participate in the launch and reentry and written certification of compliance with any regulations promulgated under paragraph (6)(A); and

''(D) the holder of the license or permit has complied with any regulations promulgated by the Secretary pursuant to paragraph (6).

''(6)(A) The Secretary may issue regulations requiring space flight participants to undergo an appropriate physical examination prior to a launch or reentry under this chapter. This subparagraph shall cease to be in effect three years after the date of enactment of the Commercial Space Launch Amendments Act of 2004.

''(B) The Secretary may issue additional regulations setting reasonable requirements for space flight participants, including medical and training requirements. Such regulations shall not be effective before the expiration of 3 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004.''.

(14) Section 70105 of title 49, United States Code, is amended by redesignating subsection (c) as subsection (d), and by adding after subsection (b) the following new subsection:

''(c) SAFETY REGULATIONS.—(1) The Secretary may issue regulations governing the design or operation of a launch vehicle to protect the health and safety of crew and space flight participants.

''(2) Regulations issued under this subsection shall—

''(A) describe how such regulations would be applied when the Secretary is determining whether to issue a license under this chapter;

''(B) apply only to launches in which a vehicle will be carrying a human being for compensation or hire;

''(C) be limited to restricting or prohibiting design features or operating practices that—

''(i) have resulted in a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants during a licensed or permitted commercial human space flight; or

''(ii) contributed to an unplanned event or series of events during a licensed or permitted commercial human space flight that posed a high risk of causing a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants; and

''(D) be issued with a description of the instance or instances when the design feature or operating practice being restricted or prohibited contributed to a result or event described in subparagraph (C).

''(3) Beginning 8 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary may propose regulations under this subsection without regard to paragraph (2)(C) and (D). Any such regulations shall take into consideration the evolving standards of safety in the commercial space flight industry.

''(4) Nothing in this subsection shall be construed to limit the authority of the Secretary to issue requirements or regulations to protect the public health and safety, safety of property, national security interests, and foreign policy interests of the United States.''.

(15) Section 70105(d) of title 49, United States Code, as so redesignated by paragraph (15) of this subsection, is amended by inserting ''or permit'' after ''of a license''.

(16) Chapter 701 of title 49, United States Code, is amended by inserting after section 70105 the following new section:

''§ 70105a. Experimental permits

''(a) A person may apply to the Secretary of Transportation for an experimental permit under this section in the form and manner the Secretary prescribes. Consistent with the protection of the public health and safety, safety of property, and national security and foreign policy interests of the United States, the Secretary, not later than 120 days after receiving an application pursuant to this section, shall issue a permit if the Secretary decides in writing that the applicant complies, and will continue to comply, with this chapter and regulations prescribed under this chapter. The Secretary shall inform the applicant of any pending issue and action required to resolve the issue if the Secretary has not made a decision not later than 90 days after receiving an application. The Secretary shall transmit to the Committee on Science of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 15 days after any occurrence when the Secretary has failed to act on a permit within the deadline established by this section.

''(b) In carrying out subsection (a), the Secretary may establish procedures for safety approvals of launch vehicles, reentry vehicles, safety systems, processes, services, or personnel that may be used in conducting commercial space launch or reentry activities pursuant to a permit.

''(c) In order to encourage the development of a commercial space flight industry, the Secretary may when issuing permits use the authority granted under section 70105(b)(2)(C).

''(d) The Secretary may issue a permit only for reusable suborbital rockets that will be launched or reentered solely for—

''(1) research and development to test new design concepts, new equipment, or new operating techniques;

''(2) showing compliance with requirements as part of the process for obtaining a license under this chapter; or

''(3) crew training prior to obtaining a license for a launch or reentry using the design of the rocket for which the permit would be issued.

''(e) Permits issued under this section shall—

''(1) authorize an unlimited number of launches and reentries for a particular suborbital rocket design for the uses described in subsection (d); and

''(2) specify the type of modifications that may be made to the suborbital rocket without changing the design to an extent that would invalidate the permit.

''(f) Permits shall not be transferable.

''(g) A permit may not be issued for, and a permit that has already been issued shall cease to be valid for, a particular design for a reusable suborbital rocket after a license has been issued for the launch or reentry of a rocket of that design.

''(h) No person may operate a reusable suborbital rocket under a permit for carrying any property or human being for compensation or hire.

''(i) For the purposes of sections 70106, 70107, 70108, 70109, 70110, 70112, 70115, 70116, 70117, and 70121 of this chapter—

''(1) a permit shall be considered a license;

''(2) the holder of a permit shall be considered a licensee;

''(3) a vehicle operating under a permit shall be considered to be licensed; and

''(4) the issuance of a permit shall be considered licensing.

This subsection shall not be construed to allow the transfer of a permit.''.

(17) Section 70106(a) of title 49, United States Code, is amended—

(A) by inserting ''at a site used for crew or space flight participant training,'' after ''assemble a launch vehicle or reentry vehicle,''; and

(B) by striking ''section 70104(c)'' and inserting ''sections 70104(c), 70105, and 70105a''.

(18) Section 70107(b) of title 49, United States Code, is amended—

(A) by inserting ''(1)'' before ''On the initiative''; and

(B) by adding the following new paragraph at the end:

''(2) The Secretary shall modify a license issued or transferred under this chapter whenever a modification is needed for the license to be in conformity with a regulation that was issued pursuant to section 70105(c) after the issuance of the license. This paragraph shall not apply to permits.''.

(19) Section 70107 of title 49, United States Code, is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

''(d) ADDITIONAL SUSPENSIONS.—(1) The Secretary may suspend a license when a previous launch or reentry under the license has resulted in a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants and the Secretary has determined that continued operations under the license are likely to cause additional serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants.

''(2) Any suspension imposed under this subsection shall be for as brief a period as possible and, in any event, shall cease when the Secretary—

''(A) has determined that the licensee has taken sufficient steps to reduce the likelihood of a recurrence of the serious or fatal injury; or

''(B) has modified the license pursuant to subsection (b) to sufficiently reduce the likelihood of a recurrence of the serious or fatal injury.

''(3) This subsection shall not apply to permits.''.

(20) Section 70110(a)(1) of title 49, United States Code, is amended by inserting ''or 70105a'' after ''70105(a)''.

(21) Section 70112(b)(2) of title 49, United States Code, is amended—

(A) by inserting ''crew, space flight participants,'' after ''transferee, contractors, subcontractors,''; and

(B) by inserting ''or by space flight participants,'' after ''its own employees''.

(22) Section 70113(a)(1) of title 49, United States Code, is amended by inserting ''but not against a space flight participant,'' after ''subcontractor of a customer,''.

(23) Section 70113(f) of title 49, United States Code, is amended by inserting at the end the following: ''This section does not apply to permits.''.

(24) Section 70115(b)(1)(D)(i) of title 49, United States Code, is amended by inserting ''crew or space flight participant training site,'' after ''site of a launch vehicle or reentry vehicle,''.

(25) Section 70120 of title 49, United States Code, is amended by adding at the end the following new subsections:

''(c) AMENDMENTS.—(1) Not later than 12 months after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary shall publish proposed regulations to carry out that Act, including regulations relating to crew, space flight participants, and permits for launch or reentry of reusable suborbital rockets. Not later than 18 months after such date of enactment, the Secretary shall issue final regulations.

''(2)(A) Starting 3 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary may issue final regulations changing the definition of suborbital rocket under this chapter. No such regulation may take effect until 180 days after the Secretary has submitted the regulation to the Congress.

''(B) The Secretary may issue regulations under this paragraph only if the Secretary has determined that the definition in section 70102 does not describe, or will not continue to describe, all appropriate vehicles and only those vehicles. In making that determination, the Secretary shall take into account the evolving nature of the commercial space launch industry.

''(d) EFFECTIVE DATE.—(1) Licenses for the launch or reentry of launch vehicles or reentry vehicles with human beings on board and permits may be issued by the Secretary prior to the issuance of the regulations described in subsection (c).

''(2) As soon as practicable after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary shall issue guidelines or advisory circulars to guide the implementation of that Act until regulations are issued.

''(3) Notwithstanding paragraphs (1) and (2), no licenses for the launch or reentry of launch vehicles or reentry vehicles with human beings on board or permits may be issued starting three years after the date of enactment of the Commercial Space Launch Amendments Act of 2004 unless the final regulations described in subsection (c) have been issued.''.

(26) The table of sections for chapter 701 of title 49, United States Code, is amended by inserting after the item relating to 70105 the following new item:

''70105a. Experimental permits.''.

SEC. 3. STUDIES.

(a) RISK SHARING.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall enter into an arrangement with a nonprofit entity for the conduct of an independent comprehensive study of the liability risk sharing regime in the United States for commercial space transportation under section 70113 of title 49, United States Code. To ensure that Congress has a full analysis of the liability risk sharing regime, the study shall assess methods by which the current system could be eliminated, including an estimate of the time required to implement each of the methods assessed. The study shall assess whether any alternative steps would be needed to maintain a viable and competitive United States space transportation industry if the current regime were eliminated. In conducting the assessment under this subsection, input from commercial space transportation insurance experts shall be sought. The study also shall examine liability risk sharing in other nations with commercial launch capability and evaluate the direct and indirect impact that ending this regime would have on the competitiveness of the United States commercial space launch industry in relation to foreign commercial launch providers and on United States assured access to space.

(b) SAFETY.—The Secretary of Transportation, in consultation with the Administrator of the National Aeronautics and Space Administration, shall enter into an arrangement with a nonprofit entity for a report analyzing safety issues related to launching human beings into space. In designing the study, the Secretary should take into account any recommendations from the Commercial Space Transportation Advisory Committee and the National Aeronautics and Space Administration's Aerospace Safety Advisory Panel. The report shall be submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 4 years of the date of enactment of this Act. The report shall analyze and make recommendations about—

(1) the standards of safety and concepts of operation that should guide the regulation of human space flight and whether the standard of safety should vary by class or type of vehicle, the purpose of flight, or other considerations;

(2) the effectiveness of the commercial licensing and permitting regime under chapter 701 of title 49, United States Code, particularly in ensuring the safety of the public and of crew and space flight participants during launch, in-space transit, orbit, and reentry, and whether any changes are needed to that chapter;

(3) whether there is a need for commercial ground operations for commercial space flight, including provision of launch support, launch and reentry control, mission control, range operations, and communications and telemetry operations through all phases of flight, and if such operations developed, whether and how they should be regulated;

(4) whether expendable and reusable launch and reentry vehicles should be regulated differently from each other, and whether either of those vehicles should be regulated differently when carrying human beings;

(5) whether the Federal Government should separate the promotion of human space flight from the regulation of such activity;

(6) how third parties could be used to evaluate the qualification and acceptance of new human space flight vehicles prior to their operation;

(7) how nongovernment experts could participate more fully in setting standards and developing regulations concerning human space flight safety; and

(8) whether the Federal Government should regulate the extent of foreign ownership or control of human space flight companies operating or incorporated in the United States.

SEC. 4. TECHNICAL AMENDMENT.

Section 102(c) of the Commercial Space Act of 1998 is repealed.

The SPEAKER pro tempore (Mr. KLINE). Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Texas (Mr. LAMPSON) each will control 20 minutes.

Mr. OBERSTAR. Mr. Speaker, I would like to inquire of the gentleman from Texas if he is opposed to the bill.

The SPEAKER pro tempore. Is the gentleman from Texas (Mr. LAMPSON) opposed to the bill?

Mr. LAMPSON. I will support the bill, Mr. Speaker.

Mr. OBEY. Mr. Speaker, I rise to claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) will control 20 minutes in opposition to the bill.

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me congratulate someone who is spending his last day on the floor as an activist for America's space program. The gentleman from Texas (Mr. LAMPSON) has been a tremendous asset in our Subcommittee on Space and Aeronautics. He exemplifies the spirit of activism and the support team for our astronauts and what they have needed in order to be successful. I appreciate his support of this amendment today, knowing that we both have worked on this, along with the gentleman from Tennessee (Mr. GORDON), and it has been purely a bipartisan effort. We have had many, many hearings on this bill, and today is a culmination of his career and, I might add, it is a culmination of my career as chairman of the Subcommittee on Space and Aeronautics, as this is one of my last actions as chairman to be here before us today.

The bill we speak about, H.R. 5382, the Commercial Space Launch Amendments Act of 2004, represents a long and thorough process and also a solid bipartisan effort to make commercial human space flight a reality. Earlier this year, H.R. 3752 passed this House by a vote of 402 to 1. Thus, there is nothing to any charge to suggest that there has been anything but pure, that

this bill has been operating purely in the open and with open discussion and with the input from both sides of the aisle.

That bill's central premise that passed by 402 to 1 was that, after being informed of the risks, that people can and should be able to decide to buy a ticket and achieve their lifelong dream of flying into space, even though they know that it is a risky proposition.

The House Committee on Science has worked diligently with the Senate Committee on Commerce, Science, and Transportation to craft an even more balanced, compromised bill which is being considered today, a bill that actually has more controls and more, one might say, safety in it than the first bill did, even though the central premise still is that people have a right and, especially in a developing industry, it is important to have that type of citizen input which would give them the right to waive certain safety requirements they would not waive in time when we are dealing with advanced technology and technology that has already been commercialized.

We thank the distinguished Senator from South Carolina, Mr. HOLLINGS, for helping craft this legislation in the Senate that will ensure that this new industry grows and matures, rather than is strangled in its crib by overregulation. As chairman of the Subcommittee on Space and Aeronautics, I can think of no better way to end my tenure than to see H.R. 5382 become law.

During my 8 years as chairman, I had the privilege to peer into the future to see dynamic citizen astronauts returning to and from the heavens which we can expect in the future. American entrepreneur Dennis Tito ignored the screaming agony of our own space bureaucracy to show the world that space will not be restricted simply to a chosen few. Burt Rutan's tremendous accomplishment last month caught the attention of the world and underscores the innovative and creative potential of space entrepreneurs.

It is my sincere hope that H.R. 5382 will encourage a new breed of private sector astronauts to continue leading the way in pushing the boundaries of technology and safety by building and testing earth-to-space vehicles. This fine piece of legislation carries forward my goal of eliminating and reducing the possibility of some arbitrary redirection or restructuring or abandonment of promising new space endeavors for lack of an enabling regulatory regime or a bureaucracy that wants to protect industry's rights until they are dead and can no longer function.

H.R. 5382 promotes development of an emerging commercial human space flight industry by putting in place a clear and balanced regulatory regime.

Let me add, my colleagues are going to hear today that there is not enough regulation in here to protect the consumer, but if this bill goes down, there will be no regulation to protect the consumer. A vote of no is a vote in favor of eliminating all of the regulatory safety precautions that were put in during negotiations with the Senate.

This bill is drafted as an amendment to the existing Space Commercial Launch Act to minimize disruption and confusion. The bill assigns the Secretary of Transportation jurisdiction over commercial human space flight and requires the Secretary to streamline the certification process for experimental suborbital reusable space launch vehicles. This approach will make it easier to develop new types of space launch vehicles.

The bill also addresses qualifications for crew and space flight participants.

I would like to thank the gentleman from New York (Chairman BOEHLERT), the gentleman from Tennessee (Mr. GORDON) and, as I say, the gentleman from Texas (Mr. LAMPSON) for this tremendous bipartisan effort that we have had, a purely open effort that has been open to any type of input all along. Until now, we have not had any objections except here at the last minute.

I also want to thank the FAA, the House and Senate staff for helping develop H.R. 52382. Their hard work and dedication stands as a shining example of America's cooperative, can-do spirit. Because of the tremendous efforts of all of those involved, H.R. 5382 ensures that regulatory barriers will not hinder the growth of this emerging industry, will not force this industry to go overseas, rather than provide the jobs here and the development of technology here.

This is a very worthwhile piece of legislation. To vote against it is a vote to strangle this baby in its crib. It is a vote to make sure that industry develops overseas instead of here. It is a vote for no regulation instead of reasonable regulation.

I ask my colleagues on both sides of the aisle to join me in supporting this bill, H.R. 5382.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we are engaged in a most extraordinary process here. The chairman of the subcommittee just now said, at the last minute, now we are confronted with proposals for regulation. Well, at the last minute, we have this bill before us. If the gentleman were concerned, Mr. Speaker, about including those who are concerned about safety in flight, the Members on this side of the aisle would have been included much earlier on in this process. The bill was not even introduced until yesterday. We did not have a copy of an introduced bill to look at until yesterday afternoon or evening. That is not the way we work on our Committee on Transportation and Infrastructure. We at least include both parties in discussions.

Now, I want my colleagues to understand the language of this bill. On page 13, line 17: ''Safety regulations. The Secretary may issue regulations governing the design or operation of a launch vehicle to protect the health and safety of crew and space flight participants.'' But, ''Regulations issued under this subsection shall be limited to restricting or prohibiting design features or operating practices that have resulted in a serious or fatal injury to crew or space flight participants.''

Is the gentleman going to include on the space flight ticket the disclaimer there has been no safety provided until after you are dead?

Our committee colleague of some years ago, Mr. Molinari of New York, the ranking Republican on the Subcommittee on Investigations and Oversight at the time when I was chairing hearings and we looked into FAA safety practices, he described FAA's procedure at the time as a tombstone mentality. They act only after there is a fatality.

I do not want to see people dead from a space experiment and then the Federal Government comes in to regulate.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, in the legislation, the gentleman asks whether or not someone should be able to sign off, and the legislation clearly states that someone will have to sign off, knowing that, the risk that he is taking.

I might also ask, the gentleman just read a section of the bill talking about when regulation would be justified. But on line 12 of the very same page that the gentleman was reading from, it suggests that they may come in even if there is a risk. There does not have to be a fatality. There just has to be a risk.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

This has been going on for 2 years. This has been a bill that we have worked on, and the people on the Committee on Science and the Subcommittee on Space and Aeronautics on both sides of the aisle have struggled with this for 2 years. During that entire time, we were always open to any type of discussion. We were in contact with the Committee on Transportation.

Also, let me add, talking about it not being last minute, this bill passed the House in March of 2004, months and months ago, by 402 to 1. At that time, if there were any problems with the bill, we would have been more than happy, in fact, we were more than happy to try to renegotiate the bill, which we did in the Senate, and Senator HOLLINGS raised some of the objections of my good friend, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I would respectfully say to the chairman, our side was never included, never advised, and when the bill passed the House in March of this year, it did not have any reference of this nature to safety.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds.

This part of the bill, actually, the House voted on a bill that did not contain as much safety regulation as this bill does, and no one on that side of the aisle opposed it then. Now, after we have included safety provisions by Mr. HOLLINGS' consideration, now it is objected to.

Let me note, if this bill goes down, there will be no safety regulations. So a vote no is a vote for no safety regulations.

Mr. Speaker, I yield 4 minutes to the chairman of the full Committee on Science, the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of this bill, which is the result of laborious and painstaking bipartisan negotiations between our committee and the Committee on Commerce, Science, and Transportation in the other body.

This bill tries to strike a delicate balance between the need to give a new industry a chance to develop brand-new technology and the desire to provide enough regulation to protect the industry's customers.

□ 1415

We think we have struck that balance and here is why. First, the bill gives the Federal Aviation Administration clear authority for the first time to regulate the commercial human space flight industry.

Second, the bill gives the FAA unlimited authority to regulate the industry and its rockets to make sure they do no harm to third parties, that is, people on the ground or in the air who are in no way involved with the flight.

Third, the bill sets a clear timetable for when FAA will have unlimited authority to regulate the industry and its rockets to make sure they do no harm to the people on board.

But here is what the bill does not do. It does not allow the FAA right now to guess whether some new untested rocket technology will do harm to the people onboard. Why? Because this industry is at the stage when it is the preserve of visionaries and daredevils and adventurers. These are people who will fly at their own risk to try out new technologies. These are people who do not expect and should not expect to be protected by the government. Such protection would only stifle innovation.

So instead of allowing FAA guesswork for the next several years, the bill requires that anyone participating in launch, whether it is crew or passenger, must be notified of all risk of flight and must be told explicitly that the government has not certified the vehicle as safe for crew or passengers. And the FAA can come in and prohibit rocket designs and operational procedures that have already been shown to fail.

Now, obviously, this Wild West or barnstorming or infant industry state of affairs cannot obtain forever, if the commercial space flight industry is to become more than an expensive and risky novelty. Safety must increase, and gradually the industry will start to look more like a common carrier. And that is why the bill allows FAA after 8 years to regulate commercial space flight in pretty much the same way it regulates the airline industry. But it seems to me kind of silly to regulate Burt Rutan's vehicle, which has flown three times, as if it was a Boeing 747. If we regulate it that way, then his craft will never evolve into the equivalent of a 747.

So we have a balanced bill that will enable the commercial space flight industry to experiment, and that will encourage the industry to constantly improve its record of safety, so that within a relatively short time, its technology will mature and customer base will grow to the point that more regulation is warranted.

I want to thank our outgoing subcommittee chairman, the gentleman from California (Mr. ROHRABACHER), for keeping after all of us on this bill. He has been tenacious. I also want to salute the distinguished gentleman from Texas (Mr. LAMPSON) for his leadership and perseverance. I want to thank also the chairman of our other committee, the gentleman from Alaska (Mr. YOUNG) of the Committee on Transportation and Infrastructure, for discharging this bill.

Mr. Speaker, I urge all of my colleagues to support this sensible, balanced bill which will facilitate the development of a new industry that will expand the horizons of all Americans.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, November 18, 2004.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science, Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Transportation and Infrastructure Committee in matters being considered in H.R. 5382, the Commercial Space Launch Amendments Act of 2004.

Our Committee recognizes the importance of H.R. 5382 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over certain provisions of the bill, I will agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee, and that a copy of this letter and of your response acknowledging our valid jurisdictional interest will be included in the Congressional Record.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE,
Washington, DC, November 18, 2004.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I appreciate your decision to support H.R. 5382, the Commercial Space Launch Amendments Act of 2004. Your Committee has valid jurisdictional interests in the bill as drafted.

I recognize that by forgoing a referral in this instance, your Committee does not waive any rights involving provisions within your Committee's jurisdiction. Per your request, I will include copies of this exchange of letters in the Congressional Record during debate on the House Floor.

I will continue to work with you to define the respective jurisdiction of our Committees over this bill.

Thank you for your consideration regarding this matter.

Sincerely,

SHERWOOD L. BOEHLERT,
Chairman.

Mr. OBERSTAR. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO), our ranking member on the Subcommittee on Aviation.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time. We all salute the innovation and the achievement that we have recently seen in the early days of private space flight, and we certainly do want to encourage that. But we go a little bit too far in this legislation.

I do not understand why the committee has inserted the references to paying passengers and that we would not regulate until after the serious injury or death of paying passengers. It took me a decade here in Congress to strip the FAA of its requirement to promote the industry. That was something adopted in the very early days. It seems to be similar to what is going on here, to say that in the early days the Civil Aeronautics Board would have a charge of promoting the industry and later regulation became more paramount. But up and to and through the 90s until a tragic accident with then Air Tran, the industry was both regulated and promoted by the same agency. I promoted it out for years as a conflict. And it was only after that incident that we finally changed the language and said, no, it would be paramount that they would regulate in the interest of public health and safety.

But here we are again trying to codify the old so-called ''tombstone mentality'' of the FAA by including paying passengers. It is one thing to say, here is someone who invented something or built something and they are going to try and fly it at their own risk here or here is a professional person who is going to try to fly something that was built by this person, fully knowing the risk; but it is another thing to begin to say paying passengers will fall under the same aegis in this bill.

This was not considered by the Subcommittee on Aviation in any form over the last 2 years. It was never referenced to the Subcommittee on Aviation over the last 2 years. There may have been some communication somewhere with some member of the staff or between some member of that committee and some member of our committee, but not the Subcommittee on Aviation who has jurisdiction over these matters.

So I would suggest that there is not an immediate crisis. There is no reason that this bill must be rushed through today in this form. It could well be passed next year. The liability provisions exist elsewhere and would be continued elsewhere, and then we could have a more thorough discussion of when it would be appropriate to begin to regulate for the health and safety of passengers on these space crafts, that is, I think something that is not wise to codify today because it took us from 1932 or 1933 until 1996 to remove that provision in regards to the FAA, 64 years or so that that carried over.

Even though it was long after the time when the industry needed promotion or the FAA should be conflicting itself with promoting the industry, they were still doing that. And people died because of that. And it may not be in the next year or two, but 8 years is a pretty long time to say we are going to go 8 years before there could be any regulation regarding paying passengers.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. ROHRABACHER. I believe that the same level of that same criteria that the gentleman is talking about was in place when airplanes themselves were developing; but we would have had that same level of progress in the development of aviation. Does the gentleman not believe if we had the same level of regulation then that we have now would have just stifled all sorts of creativity at a time when people knew they were taking risks?

My father, I remember when he told me he got in on a plane that flew in on a dirt road and they charged $5 to get on this plane. It was an old World War I SPAT or something. It excited him so much about being able to participate, and because of that we had a whole new industry created because of that.

Mr. DEFAZIO. Reclaiming my time, here we would be looking at presumably much wealthier people paying gigabucks to have the experience. But still I think the point is that it is not necessary to attract entrepreneurs. There are already entrepreneurs out there experimenting. There are professional pilots out there willing to fly these crafts. But to take the next step and say to paying passengers who may or may not be a very knowledgeable and wealthy person or someone of lesser means would be subjected to those risks without any regulation. It just does not seem necessary to promote this industry at this point in time.

It is already moving forward. The liability exemption I believe is the key. But to say that if they are going to go to paying passengers, they could not be regulated, I think that is kind of a bright line where we could draw a line and agree.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds.

People who are spending $200,000 or $100,000 to go into space, they are responsible enough to make a decision as to whether or not to take the risk, rather than having the government trying to say there will be no such people, and thus that contribution, that amount of money that would be available to developing new craft will no longer be available.

The rich people around the world would like to spend $100,000 or $200,000. That could help us develop new types of space craft rather than relying on the government and the taxpayer to come up with all the loot in developing new crafts.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. LAMPSON), a real activist on our committee and who will be sorely missed, who, I might add, has championed a space agenda much of which was incorporated into the President's own space agenda later on. He will be sorely missed.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from California (Mr. ROHRABACHER). It has been a pleasure working with him and the gentleman from New York (Mr. BOEHLERT) and on the Committee on Science and on the Subcommittee on Space and Aeronautics. Actually, it has been a tremendous pleasure working with the gentleman from Minnesota (Mr. OBERSTAR) on the Committee on Transportation and Infrastructure as well.

These things, hopefully, will be able, these concerns, will be able to be addressed if this makes it back into the next session of Congress.

I do want to speak in support of H.R. 5382, a bill to promote the development of the emerging commercial human space flight industry.

I was an original co-sponsor of an earlier version of this bill, H.R. 3752, which passed earlier this year and we have already heard spoken about.

While the idea of a commercial human space flight industry might have seemed like science fiction, like a science fiction dream even a few years ago, the recent successful flights of Burt Rutan's Spaceship One show that the dream may be truly moving toward reality.

So the basic purpose of H.R. 5382 is to establish a framework for regulating the emerging commercial human space flight industry. The Committee on Science has heard ample testimony that such a framework is needed if the companies are to make their plans and attract needed investment capital. At the same time, Congress needs to ensure that safety is protected as this new industry emerges.

One of the challenges in developing this legislation has been in striking an appropriate balance between encouraging innovation and providing sufficient safety regulation of this emerging industry. In that regard, our discussions with the Senate have led to language that clarifies that we care about both the growth of new industry and the protection of the crews and the passengers of these new vehicles.

Mr. Speaker, when we debated the original version of this bill on the floor earlier this year, I agreed with those who believed that there were still some areas that could be improved on. While there are always further improvements that can be made, I think that our subsequent discussions with the Senate have led to a solid piece of legislation.

I think that the legislation before us represents the most feasible compromise possible in this session of Congress. If it makes it into the next session of Congress for discussion again, I hope that we will work in as bipartisan a manner as we possibly can so we can address all of the concerns of all of our Members so it will be moved forward to provide a good framework for regulation.

I want to commend, again, my friend, the gentleman from California (Mr. ROHRABACHER), for his persistence and initiative on this issue. I urge my colleagues to support H.R. 5382.

Mr. OBERSTAR. Mr. Speaker, how much time is left on each side?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Minnesota (Mr. OBERSTAR) has 12 minutes remaining. The gentleman from California (Mr. ROHRABACHER) has 5 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I, too, greatly regret the departure from this body of the gentleman from Texas (Mr. LAMPSON) who has been a great Member of this people's body and who among many other issues in which he has distinguished himself has led the cause of missing and exploited children, a cause that reaches throughout this great land and is a great tribute to his very noble personal character, a genuine concern for those who have been taken against their will, children exploited, tortured and killed.

The gentleman will have a legacy from this body that will not be surpassed in that arena. I thank the gentleman for his great contribution.

I listened with great interest to the concern of the gentleman, chairman of the subcommittee, ''that this industry will be strangled in its crib by overregulation,'' to the chair of the full committee who said, ''Protection would stifle innovation,'' who said, ''It would be silly to regulate Burt Rutan's vehicle.'' I do not think safety regulation is ever silly.

□ 1430

I do not think we have ever overregulated safety.

For the record, I just want to state the language that had we been given the opportunity to present we would have submitted, which is very simply, on page 14 of the bill before us delete lines 4 to page 15, line 7, replace with the following: Prescribe minimum standards necessary for safety of design featuers and operation of a launched vehicle, taking into account the inherently risky nature of human space flight.

That is not a straitjacket. That is not strangling in its crib. That is not language that I would, in any way, associate myself with for commercial aviation. But in this era of uncertain exploration of space for commercial purposes and carrying passengers, not scientists and astronauts, I think we could put that language in, taking into account the inherently risky nature of space flight. It gives a great deal of latitude in the early regulatory period of this commercial space launch activity. That is not protecting, as the gentleman called it, the Chairman, protecting industry until they are dead.

On the contrary, I propose to put in place a regulatory framework of at least a minimal stature to protect people before they are dead. That is the issue.

I had a discussion pursuant to the request of the chairman of the full committee and chairman of the subcommittee with the advocates for this technology, the representative of Xcor company and their attorney representing the company here in Washington, and their concern was FAA might not have the technology skills to deal with new materials, new engines, new power plants, a new class of vehicle. They would be groping around with this new class of vehicle and would not think creatively.

Oh, my goodness. After all, the FAA is under the jurisdiction of this administration, and if they are not thinking creatively, I think we would have some ability to encourage them to do so.

Secondly, the FAA, with a regulatory safety framework in place, approved the entry into service and development of the new jet aircraft in 1958, within a regulatory framework. Jet aviation did not stifle, was not strangled in its crib by overregulation.

When technology brought new materials, composites to be used in tail sections and wing sections, FAA did not strangle that new technology in its crib but nurtured it along in a safe manner so that it could be safely deployed.

When a general aviation aircraft manufacturer who is located in Minnesota proposed an all-composite general aviation aircraft that had never been attempted before, this regulatory framework of safety worked with this company, and in 5-years that aircraft was certificated, built, flying, and Cirrus Aviation is now the largest general aviation aircraft manufacturer in the world. They were not strangled in their crib. They were not suffocated, and no passenger has died because of a safety framework put in place.

We do not propose to strangle industry but rather to protect the public.

Mr. DEFAZIO. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding.

I would like to reflect on the compromise language he talked about, and, again, since we have not gone through a regular legislative process here, since our committee had no opportunity to review this and it is not amendable on the floor and they would not accept that in good faith, let me point to an unintended effect here.

The way the bill is written, they are granting a blanket exemption to the industry, including paying passengers, until such a point as there is a serious injury or death, and then the full scope of the FAA's current regulations would come to bear.

What the gentleman is proposing here would essentially sanction the experimentation with lighter touch regulation at the outset, and I think that that might actually get us further down this road than what is being proposed here. But the unwillingness of the other side to even consider the implications of extending this to passengers and then whether or not that ever gets sunset or it takes some Member of Congress half a century from now to get that stripped from law, because you know it is 8 years in this bill, but then I can see it being extended and extended and extended and becoming a mature industry, just as the aviation industry did, with that provision still in place, until there is a horrible tragedy.

So I think having this light touch regulation for public interest and safety at the outset, given the expertise of the FAA, would be preferable to all concerned, and it would not stifle or strangle the industry in its nature.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, my colleagues have been suggesting over and over again that the FAA will be restricted from any regulation unless someone has died, and I believe that is an inaccurate reading of this bill.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, the language of the bill is limited to restricting or prohibiting design features or operating practices that have resulted in serious or fatal injury.

Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, in the paragraph right after that says ''or'' at the end of the paragraph the gentleman is reading, or contributed to an unplanned event or series of events after licensed or permitted commercial human space flight that posed a high risk concerning a serious fatality.

What that means is that if there is a chance, if there is something to indicate——

The SPEAKER pro tempore (Mr. KLINE). The gentleman will suspend. The gentleman from Minnesota's (Mr. OBERSTAR) time has expired. There are 4 minutes remaining for the gentleman from Minnesota (Mr. OBERSTAR), and there are 5 minutes remaining for the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute to finish this point.

Obviously, the gentleman is reading one paragraph, but the very next paragraph negates the criticism of the bill, and that is the very next paragraph underneath the one he is reading suggests that if there is a reason for the FAA to be concerned, if there is a flaw that can be pointed out, then it may step in to prevent a fatality or a serious accident.

The question is whether the FAA and the bureaucracy should be able to control the design of a new space launch vehicle before there are any problems. Should then the space launch bureaucrats, the people who are in government, who are in public service override the entrepreneur, overside the scientist, override the experts and should they be in the pilot seat even if there is no indication that there is any problem with the design?

Now I think that would strangle the baby in the crib. In fact, it would destroy this fledgling industry and send it overseas.

What we are talking about is an aerospace industry that needs all the help it can get being limited from anybody paying for a flight and then sending their job overseas. That makes no sense at all.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 2 minutes.

Let us read further. After the language in the bill that says regulation shall be limited to restricting or prohibiting design features or operating practices that have resulted in serious or fatal injury to crew or space flight participants, it goes on to say, or contributed to an unplanned event or series of events. There is a whole series of conditions after this, but it is still subject to the first language that says you have got to die first, serious fatal accident, and I do not agree with what the gentleman is saying, that this is going to strangle.

First of all, we have time to come back next year in due course, in careful, thoughtful deliberation, in public hearings to expose this issue, have a discussion of it and report a bill back to the House with the appropriate safeguards and appropriately designate it the Rohrabacher space commercial space amendments bill so that the gentleman's parentage will be protected, but we should not have that parentage associated with fatalities.

Why would the gentleman object? Why would the gentleman not have discussed with us the safety issues when it

is the jurisdiction of this committee, and we do have some experience and expertise with it, give us appropriate time during this very rushed period?

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, the bill was referred to the Committee on Science and referred to the Subcommittee on Space and Aeronautics. We have spent 2 years of hard work on this. It was common knowledge in this body that this bill was in this committee. It was referred to us officially. It even came for a vote on the floor so that between that time we could have negotiated.

But let me note, before the bill passed on the floor there were two public hearings, a policy roundtable with the experts from all over the country and 6 months to negotiate.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1½ minutes. Let us take a look at what this bill will do and what is going to happen if it is voted down.

If this bill is voted down, we are told to vote this bill down because there is not enough regulation in the bill, regulatory power given to the FAA in the bill to protect the public. Well, there is protection in the bill, and there would be no protection, zero protection, if this bill goes down.

Voting against this bill will also expose the Federal Government to liability for licensed launches. All of a sudden, we have a situation where it is not a question of whether or not we are going to have something a year or 2 from now, after some magical time period, after working on this 2 years, if it is just brought back next year, after a short period of time, the problems will be solved. We are going to go through a time period when we basically have zero protection, and the Federal Government will be totally exposed to liability claims.

This bill will basically convince people who want to create this new industry, the space launch industry, that they should not do it in the United States of America. They will go overseas. This will strangle the industry in the cradle, as I said over and over again, and it will force these people to launch their rockets and build them overseas.

I would say that this bill actually prevents the government from regulating passenger safety, and this bill will go, yes, maybe not all the way we want, but we can come back in the next few years and add what we want. But, right now, to kill this bill would be totally going in the wrong direction.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from California (Mr. ROHRABACHER) has 2½ minutes remaining. The gentleman from Minnesota (Mr. OBERSTAR) has 2 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time.

Again, we could move forward with the liability exemptions absent this language, and the gentleman says that that would then mean that there would be a more dangerous situation prevailing, or is he perhaps saying we would not do the liability at all? Is that what he is saying, we would do nothing? Why not just move forward the liabilities, absent these provisions and these exclusions in the current legislation?

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, if I might add, because it puts the government and it puts the bureaucracy in the control of the project, rather than the designer, the entrepreneur and the scientist.

Mr. DEFAZIO. Mr. Speaker, how did we get to this point? If the government is so in control, how did they have this first flight if the government is overregulating and overcontrolling them?

Mr. ROHRABACHER. If the gentleman would further yield, that is what happens when we give the government the right to say yes or no to people who are making new designs on technology.

Mr. DEFAZIO. Mr. Speaker, reclaiming my time, if we just extended the existing liability exemptions and we were silent on these other issues, how would that be different than the circumstances which led to these first flights?

□ 1445

Mr. ROHRABACHER. How much time remains, Mr. Speaker?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from California (Mr. ROHRABACHER) has 2½ minutes remaining, and the gentleman from Minnesota (Mr. OBERSTAR) has 1 minute remaining.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT), the chairman of the full Committee on Science.

Mr. BOEHLERT. Mr. Speaker, let me remind my colleagues that the House passed earlier this year, by a vote of 402 to 1, an earlier version of this bill that gave the FAA less regulatory authority over commercial human space flight than does the bill before us today. Without this bill, the FAA will continue to license private space flights without adequate authority to protect either the safety of the public or the finances of the government. Please support H.R. 5382, just as you voted for the initial version back in March.

Today's bill is the equivalent of a conference report, as it reflects bipartisan negotiations within this body and with the other body. This is good legislation; let us move it forward. Let us not stifle it. Let us not take the position of the equivalent of not letting the Wright Brothers test their ideas without first convincing Federal officials that nothing could go wrong.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time in recognition that the other side has the right to close.

Yes, this bill was considered by the House earlier this year, but without this language; without any reference to safety and without any consideration.

And I disagree that there is no protection if this language were stricken. Under current law, and I am familiar with the commercial space flight activities of DOT and FAA, under current law, the DOT must issue a license to launch; and in the process of issuing that license to launch can insist on safety regulations if it takes an assertive stance and is concerned about safety of flight for experimental personnel and for commercial passengers.

But, again, I come back to our very modest proposal of language that, had we been included in the discussions that have been going on between the Committee on Science in the other body, if our side would have been included, we would have proposed language to prescribe minimum standards necessary for safety of design features and operation of a launch vehicle, taking into account the inherently risky nature of human space flight.

We can defeat this bill and come back later tonight with an amended version and fix it, or come back in the next Congress and do it right. Let us not do tombstone safety.

Mr. ROHRABACHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I believe the opposition to this bill is coming from a fundamental misunderstanding of what the bill actually is all about, and there is some argument to say that Members, that the gentleman's committee was not engaged in this bill and, thus, he is upset about that and such and, thus, you do not understand it.

The fact is this bill is very clear. The staff of the Committee on Transportation and Infrastructure was always available to look at what we were doing. This was an open process. We have had negotiations on both sides of the aisle. The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. LAMPSON) played important roles in developing this, as have all the Democrats on our committee. This has been a totally bipartisan effort.

But, Mr. Speaker, there is a misread that we are hearing today. We are hearing that the opposition comes from the fact that, well, the FAA can already regulate. That is a total misreading of what their FAA regulations are. The FAA can only regulate in terms of the safety of people who are not on that craft, meaning the safety

of the people on the ground. They cannot regulate based on the safety of people on the craft. That is what this is all about.

We want to develop spacecraft that people can ride on. And if we have the bureaucrats being able to control that, it will put a stranglehold on those people trying to develop these craft. It is fundamentally different than what the FAA has now with airplanes.

And, also, we have heard a total misreading of the bill again and again that there is no right in here for there to be regulation unless there has already been a fatality. That is not the case.

I urge Members to vote for this legislation. Do not strangle this industry and drive these entrepreneurs offshore. Create the jobs here.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and pass the bill, H.R. 5382.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078, the American History and Civics Education Act of 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 49 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1928

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 7 o'clock and 28 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which a vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

EXTENSION OF MEDICARE COST-SHARING FOR THE MEDICARE PART B PREMIUM FOR QUALIFYING INDIVIDUALS THROUGH SEPTEMBER 2005

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2618) to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

The Clerk read as follows:

S. 2618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MEDICARE COST-SHARING FOR THE MEDICARE PART B PREMIUM FOR QUALIFYING INDIVIDUALS.

(a) IN GENERAL.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''2004'' and inserting ''2005''.

(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of the Social Security Act (42 U.S.C. 1396u–3(g)) is amended to read as follows:

''(g) SPECIAL RULES.—

''(1) IN GENERAL.—With respect to each period described in paragraph (2), a State shall select qualifying individuals, subject to paragraph (3), and provide such individuals with assistance, in accordance with the provisions of this section as in effect with respect to calendar year 2003, except that for such purpose—

''(A) references in the preceding subsections of this section to a year, whether fiscal or calendar, shall be deemed to be references to such period; and

''(B) the total allocation amount under subsection (c) for such period shall be the amount described in paragraph (2) for that period.

''(2) PERIODS AND TOTAL ALLOCATION AMOUNTS DESCRIBED.—For purposes of this subsection—

''(A) for the period that begins on January 1, 2004, and ends on September 30, 2004, the total allocation amount is $300,000,000;

''(B) for the period that begins on October 1, 2004, and ends on December 31, 2004, the total allocation amount is $100,000,000; and

''(C) for the period that begins on January 1, 2005, and ends on September 30, 2005, the total allocation amount is $300,000,000.

''(3) RULES FOR PERIODS THAT BEGIN AFTER JANUARY 1.—For any specific period described in subparagraph (B) of paragraph (2), the following applies:

''(A) The specific period shall be treated as a continuation of the immediately preceding period in that calendar year for purposes of applying subsection (b)(2) and qualifying individuals who received assistance in the last month of such immediately preceding period shall be deemed to be selected for the specific period (without the need to complete an application for assistance for such period).

''(B) The limit to be applied under subsection (b)(3) for the specific period shall be the same as the limit applied under such subsection for the immediately preceding period.

''(C) The ratio to be applied under subsection (c)(2) for the specific period shall be the same as the ratio applied under such subsection for the immediately preceding period.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Massachusetts (Mr. OLVER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to, first of all, commend the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BROWN) for helping to expedite this piece of legislation. They could not be on the floor, so we have the distinguished gentleman from Massachusetts who is going to control their floor time, and I want to thank him for his help.

I am reluctantly doing this this evening, not because of the merits of the bill. I support the merits of the bill, but I do not support the procedure under which we are doing this and the reluctance of the other body to find a way to help pay for what we are about to do.

□ 1930

This Congress should be taking serious steps to address our budget problems and our growing Federal debt. The President who just won reelection, 52 percent of the vote, has told America that deficit reduction will be one of his highest priorities, and I would like to have the other body begin to join this body and the President of the United States in making that a reality.

Senate 2618 is a good bill. It will extend for one year additional funding for the Medicare Qualified Individual Program, better known as the QI program. This program will allow approximately 160,000 low-income beneficiaries enrolled in the program to continue to receive assistance to pay for their Medicare part B premium which is optional. That is fair and appropriate.

We began to help subsidize those premium payments back in 1997, so we have been doing it now for the last 7 years. I support that. I think it is appropriate to help our low-income seniors help pay for their Medicare option part B coverage, but I also think we ought to have a way to help pay for that subsidy. This bill does not do that.

I think we need to begin to address the problem of mandatory automatic