

Mr. JEFFORDS. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2920, the House companion bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I ask unanimous consent that the Senate proceed to its consideration, all after the enacting clause be stricken, and the text of S. 1360, as amended, be inserted in lieu thereof. I further ask that the bill be read a third time, and passed, the motion to reconsider be laid upon the table, and any statements relating to this measure appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2920), as amended, was considered read the third time and passed.

Mr. JEFFORDS. I finally ask unanimous consent that S. 1360 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### STEVE SCHIFF AUDITORIUM

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3731, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3731) to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOMENICI. Mr. President, it is a real honor today to support legislation, H.R. 3731, honoring Representative Steve Schiff. This legislation designates a special auditorium at the Sandia National Laboratories as the "Steve Schiff Auditorium." Steve spoke in this Auditorium on several occasions, as part of his long service to the people of New Mexico.

Steve Schiff exemplified all that was good about public service: integrity of the highest order, deep and fundamental decency, and an acute and open mind. He went about his business quietly, but with wonderful efficiency. He was great at telling stories, usually about himself. He was a model for all politicians to admire.

Steve came to New Mexico from Chicago, where he was born and raised. He served the people of New Mexico in different capacities since 1972, when he graduated from the Law School at the University of New Mexico. Before election to Congress in 1988, he served as District Attorney for eight years.

One of Steve's favorite local programs was his Tree Give-Away Program. For eight years, Steve held a

Saturday tree give-away day at the Indian Pueblo Cultural Center. He gave away more than 115,000 trees. Through those trees, he shared his own hope, faith, and love. Those trees now flourish throughout the Albuquerque area in New Mexico as lasting symbols of this man. In a similar way, his legislative achievements continue to serve the American people as another reminder of this great American.

Along with those trees and his legislation, the Steve Schiff Auditorium will serve as a lasting memorial. I'm happy and honored to have been a part of his life.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be considered read a third time, and passed, the motion to reconsider be laid upon the table, and that any Statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3731) was considered read the third time and passed.

#### COMMERCIAL SPACE ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of calendar No. 393, H.R. 1702.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1702) to encourage the development of a commercial space industry in the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

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

(a) *SHORT TITLE.*—This Act may be cited as the "Commercial Space Act of 1997".

(b) *TABLE OF CONTENTS.*—

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

Sec. 2. *Definitions.*

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

Sec. 101. *Commercialization of space station.*

Sec. 102. *Commercial space launch amendments.*

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

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

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

#### TITLE II—REMOTE SENSING

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

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

#### TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

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

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

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

Sec. 304. *Shuttle privatization.*

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

Sec. 306. *National launch capability.*

#### SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

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

(3) the term "payload" means anything that a person undertakes to transport to, from, or within outer space, or in suborbital trajectory, by means of a space transportation vehicle, but does not include the space transportation vehicle itself except for its components which are specifically designed or adapted for that payload;

(4) the term "space-related activities" includes research and development, manufacturing, processing, service, and other associated and support activities;

(5) the term "space transportation services" means the preparation of a space transportation vehicle and its payloads for transportation to, from, or within outer space, or in suborbital trajectory, and the conduct of transporting a payload to, from, or within outer space, or in suborbital trajectory;

(6) the term "space transportation vehicle" means any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory, and includes any component of such vehicle not specifically designed or adapted for a payload;

(7) the term "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(8) the term "United States commercial provider" means a commercial provider, organized under the laws of the United States or of a State, which is—

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

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

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

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

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

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

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

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

##### SEC. 101. COMMERCIALIZATION OF SPACE STATION.

(a) *POLICY.*—The Congress declares that a priority goal of constructing the International

Space Station is the economic development of Earth orbital space. The Congress further declares that free and competitive markets create the most efficient conditions for promoting economic development, and should therefore govern the economic development of Earth orbital space. The Congress further declares that the use of free market principles in operating, servicing, allocating the use of, and adding capabilities to the Space Station, and the resulting fullest possible engagement of commercial providers and participation of commercial users, will reduce Space Station operational costs for all partners and the Federal Government's share of the United States burden to fund operations.

(b) **REPORTS.**—(1) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 90 days after the date of the enactment of this Act, a study that identifies and examines—

(A) the opportunities for commercial providers to play a role in International Space Station activities, including operation, use, servicing, and augmentation;

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

(C) which of the opportunities described in subparagraph (A) the Administrator plans to make available to commercial providers in fiscal year 1999 and 2000;

(D) the specific policies and initiatives the Administrator is advancing to encourage and facilitate these commercial opportunities; and

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

(2) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 180 days after the date of the enactment of this Act, an independently-conducted market study that examines and evaluates potential industry interest in providing commercial goods and services for the operation, servicing, and augmentation of the International Space Station, and in the commercial use of the International Space Station. This study shall also include updates to the cost savings and revenue estimates made in the study described in paragraph (1) based on the external market assessment.

(3) The Administrator shall deliver to the Congress, no later than the submission of the President's annual budget request for fiscal year 2000, a report detailing how many proposals (whether solicited or not) the National Aeronautics and Space Administration received during calendar year 1998 regarding commercial operation, servicing, utilization, or augmentation of the International Space Station, broken down by each of these four categories, and specifying how many agreements the National Aeronautics and Space Administration has entered into in response to these proposals, also broken down by these four categories.

(4) Each of the studies and reports required by paragraphs (1), (2), and (3) shall include consideration of the potential role of State governments as brokers in promoting commercial participation in the International Space Station program.

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

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

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

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

(B) by amending the item relating to section 70108 to read as follows:

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

(C) by amending the item relating to section 70109 to read as follows:

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

and

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

“70120. Regulations.

“70121. Report to Congress.”.

(2) in section 70101—

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

(B) by inserting “, reentry,” after “launching” both places it appears in subsection (a)(4);

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

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

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

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

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

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

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

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

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

(L) by inserting “and reentry” after “conduct of commercial launch” in subsection (b)(3);

(M) by striking “launch” after “and transfer commercial” in subsection (b)(3); and

(N) by inserting “and development of reentry sites,” after “launch-site support facilities,” in subsection (b)(4);

(3) in section 70102—

(A) in paragraph (3)—

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

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

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

“including activities involved in the preparation of a launch vehicle or payload for launch, when those activities take place at a launch site in the United States.”;

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

(C) by redesignating paragraphs (10), (11), and (12) as paragraphs (14), (15), and (16), respectively;

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

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

“(11) ‘reentry services’ means—

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

“(B) the conduct of a reentry.

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

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

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

(4) in section 70103(b)—

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

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

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

(5) in section 70104—

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

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

(B) by inserting “or reentry site, or to reenter a reentry vehicle,” after “operate a launch site” each place it appears in subsection (a);

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

(D) in subsection (b)—

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

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

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

(E) in subsection (c)—

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

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

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

(6) in section 70105—

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

(B) by striking “receiving an application” both places it appears in subsection (a) and inserting in lieu thereof “accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)”;

(C) by adding at the end of subsection (a) the following: “The Secretary shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 30 days after any occurrence when a license is not issued within the deadline established by this subsection.

“(2) In carrying out paragraph (1), 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 licensed commercial space launch or reentry activities.”;

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

(E) by striking “or operation” and inserting in lieu thereof “, operation, or reentry” in subsection (b)(2)(A);

(F) by striking “and” at the end of subsection (b)(2)(B);

(G) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof “; and”;

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

“(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application.”; and

(I) by inserting “, including the requirement to obtain a license,” after “waive a requirement” in subsection (b)(3);

(7) in section 70106(a)—

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

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

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

(8) in section 70108—

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

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

and

(B) in subsection (a)—

(i) by inserting “or reentry site, or reentry of a reentry vehicle,” after “operation of a launch site”; and

(ii) by inserting "or reentry" after "launch or operation";

(9) in section 70109—

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

**"§ 70109. Preemption of scheduled launches or reentries";**

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting ", reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting ", reentry site," after "access to a launch site";

(vi) by inserting ", or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(10) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting "or reentry" after "launch" in subsection (a)(1)(A);

(B) by inserting "and reentry services" after "launch services" in subsection (a)(1)(B);

(C) by inserting "or reentry services" after "or launch services" in subsection (a)(2);

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

(E) by inserting "or reentry" after "commercial launch" both places it appears in subsection (b)(1);

(F) by inserting "or reentry services" after "launch services" in subsection (b)(2)(C);

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

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

(H) by striking "or its payload for launch" in subsection (d) and inserting in lieu thereof "or reentry vehicle, or the payload of either, for launch or reentry"; and

(I) by inserting ", reentry vehicle," after "manufacturer of the launch vehicle" in subsection (d);

(12) in section 70112—

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

(B) by inserting "or reentry" after "one launch" in subsection (a)(3);

(C) by inserting "or reentry services" after "launch services" in subsection (a)(4);

(D) in subsection (b)(1), by inserting "launch or reentry" after "(1) A";

(E) by inserting "or reentry services" after "launch services" each place it appears in subsection (b);

(F) by inserting "applicable" after "carried out under the" in paragraphs (1) and (2) of subsection (b);

(G) by striking ", Space, and Technology" in subsection (d)(1);

(H) by inserting "OR REENTRIES" after "LAUNCHES" in the heading for subsection (e);

(I) by inserting "or reentry site or a reentry" after "launch site" in subsection (e); and

(J) in subsection (f), by inserting "launch or reentry" after "carried out under a";

(13) in section 70113—by inserting "or reentry" after "one launch" each place it appears in paragraphs (1) and (2) of subsection (d);

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site," after "launch site,;" and

(B) by inserting "or reentry vehicle" after "launch vehicle" both places it appears;

(15) in section 70117—

(A) by inserting "or reentry site, or to reenter a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

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

"(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN IMPORT.—A launch vehicle, reentry vehicle, or payload that is launched or reentered is not, because of the launch or reentry, an export or import, respectively, for purposes of a law controlling exports or imports, except that payloads launched pursuant to foreign trade zone procedures as provided for under the Foreign Trade Zones Act (19 U.S.C. 81a-81u) shall be considered exports with regard to customs entry.;" and

(D) in subsection (g)—

(i) by striking "operation of a launch vehicle or launch site," in paragraph (1) and inserting in lieu thereof "reentry, operation of a launch vehicle or reentry vehicle, or operation of a launch site or reentry site,;" and

(ii) by inserting "reentry," after "launch," in paragraph (2); and

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

**"§ 70120. Regulations**

"(a) IN GENERAL.—The Secretary of Transportation, within 9 months after the date of the enactment of this section, shall issue regulations to carry out this chapter that include—

"(1) guidelines for industry and State governments to obtain sufficient insurance coverage for potential damages to third parties;

"(2) procedures for requesting and obtaining licenses to launch a commercial launch vehicle;

"(3) procedures for requesting and obtaining operator licenses for launch;

"(4) procedures for requesting and obtaining launch site operator licenses; and

"(5) procedures for the application of government indemnification.

"(b) REENTRY.—The Secretary of Transportation, within 6 months after the date of the enactment of this section, shall issue a notice of proposed rulemaking to carry out this chapter that includes—

"(1) procedures for requesting and obtaining licenses to reenter a reentry vehicle;

"(2) procedures for requesting and obtaining operator licenses for reentry; and

"(3) procedures for requesting and obtaining reentry site operator licenses.

**"§ 70121. Report to Congress**

"The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

"(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

"(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.;"

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 70119 of title 49, United States Code, is amended to read as follows:

**"§ 70119. Authorization of appropriations**

"There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of the Associate Administrator for Commercial Space Transportation—

"(1) \$6,182,000 for the fiscal year ending September 30, 1998;

"(2) \$6,275,000 for the fiscal year ending September 30, 1999; and

"(3) \$6,600,000 for the fiscal year ending September 30, 2000.;"

(c) EFFECTIVE DATE.—The amendments made by subsection (a)(6)(B) shall take effect upon

the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by subsection (a)(6)(H).

**SEC. 103. PROMOTION OF UNITED STATES GLOBAL POSITIONING SYSTEM STANDARDS.**

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

(b) INTERNATIONAL COOPERATION.—In order to support and sustain the Global Positioning System in a manner that will most effectively contribute to the national security, public safety, scientific, and economic interests of the United States, the Congress encourages the President to—

(1) ensure the operation of the Global Positioning System on a continuous worldwide basis free of direct user fees;

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

(A) establish the Global Positioning System and its augmentations as an acceptable international standard; and

(B) eliminate any foreign barriers to applications of the Global Positioning System worldwide; and

(3) provide clear direction and adequate resources to United States representatives so that on an international basis they can—

(A) achieve and sustain efficient management of the electromagnetic spectrum used by the Global Positioning System; and

(B) protect that spectrum from disruption and interference.

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

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

(b) TREATMENT OF SPACE SCIENCE DATA AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space science data shall be considered to be a commercial item for purposes of such laws and regulations. Nothing in this subsection shall be construed to preclude the United States from acquiring sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.

(c) DEFINITION.—For purposes of this section, the term "space science data" includes scientific data concerning the elemental and mineralogical resources of the moon, asteroids, planets and their moons, and comets, microgravity acceleration, and solar storm monitoring.

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

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

**SEC. 105. ADMINISTRATION OF COMMERCIAL SPACE CENTERS.**

The Administrator shall administer the Commercial Space Center program in a coordinated manner from National Aeronautics and Space

Administration headquarters in Washington, D.C.

## TITLE II—REMOTE SENSING

### SEC. 201. LAND REMOTE SENSING POLICY ACT OF 1992 AMENDMENTS.

(a) FINDINGS.—The Congress finds that—  
 (1) a robust domestic United States industry in high resolution Earth remote sensing is in the economic, employment, technological, scientific, and national security interests of the United States;

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

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

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

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

(6) it is fundamental that the states be able to deploy and utilize this technology in their land management responsibilities. To date, very few states have the ability to do so without engaging the academic institutions within their boundaries. In order to develop a market for the commercial sector, the states must have the capacity to fully utilize the technology.

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

(1) in section 2 (15 U.S.C. 5601)—

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

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

(B) by striking paragraph (6) and redesignating paragraphs (7) through (16) as paragraphs (6) through (15), respectively;

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

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

“(16) The United States should encourage remote sensing systems to promote access to land remote sensing data by scientific researchers and educators.

“(17) It is in the best interest of the United States to encourage remote sensing systems whether privately-funded or publicly-funded, to promote widespread affordable access to unenhanced land remote sensing data by scientific researchers and educators and to allow such users appropriate rights for redistribution for scientific and educational noncommercial purposes.”;

(2) in section 101 (15 U.S.C. 5611)—

(A) in subsection (c)—

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

(ii) by striking paragraph (7); and

(iii) by redesignating paragraph (8) as paragraph (7); and

(B) in subsection (e)(1)—

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

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

(iii) by striking subparagraph (C);

(3) in section 201 (15 U.S.C. 5621)—

(A) by inserting “(1)” after “NATIONAL SECURITY.” in subsection (b);

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

(i) by striking “No license shall be granted by the Secretary unless the Secretary determines in writing that the applicant will comply” and inserting in lieu thereof “The Secretary shall grant a license if the Secretary determines that the activities proposed in the application are consistent”;

(ii) by inserting “, and that the applicant has provided assurances adequate to indicate, in combination with other information available to the Secretary that is relevant to activities proposed in the application, that the applicant will comply with all terms of the license” after “concerns of the United States”;

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

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

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

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

(4) in section 202 (15 U.S.C. 5622)—

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

(B) in subsection (b)(2), by striking “as soon as such data are available and on reasonable terms and conditions” and inserting in lieu thereof “on reasonable terms and conditions, including the provision of such data in a timely manner subject to United States national security and foreign policy interests”;

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

(D) by inserting after paragraph (6) of subsection (b) the following:

“The Secretary may not seek to enjoin a company from entering into a foreign agreement the Secretary receives notification of under paragraph (6) unless the Secretary has, within 30 days after receipt of such notification, transmitted to the licensee a statement that such agreement is inconsistent with the national security, foreign policy, or international obligations of the United States, including an explanation of such inconsistency.”;

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

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

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

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

#### “SEC. 206. NOTIFICATION.

“(a) LIMITATIONS ON LICENSEE.—Not later than 30 days after a determination by the Secretary to require a licensee to limit collection or

distribution of data from a system licensed under this title, the Secretary shall provide written notification to Congress of such determination, including the reasons therefor, the limitations imposed on the licensee, and the period during which such limitations apply.

“(b) TERMINATION, MODIFICATION, OR SUSPENSION.—Not later than 30 days after an action by the Secretary to seek an order of injunction or other judicial determination pursuant to section 202(b) or section 203(a)(2), the Secretary shall provide written notification to Congress of such action and the reasons therefor.”;

(9) in section 301 (15 U.S.C. 5631)—

(A) by inserting “, that are not being commercially developed” after “and its environment” in subsection (a)(2)(B); and

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

“(d) DUPLICATION OF COMMERCIAL SECTOR ACTIVITIES.—The Federal Government shall not undertake activities under this section which duplicate activities available from the United States commercial sector, unless such activities would result in significant cost savings to the Federal Government, or are necessary for reasons of national security or international obligations or policies.”;

(10) in section 302 (15 U.S.C. 5632)—

(A) by striking “(a) GENERAL RULE.—”;

(B) by striking “, including any such enhancements developed under the technology demonstration program carried out pursuant to section 303,”; and

(C) by striking subsection (b);

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

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

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

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

(15) in section 507 (15 U.S.C. 5657)—

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

“(a) RESPONSIBILITY OF THE SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense on all matters under title II affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States, and for notifying the Secretary promptly of such conditions. The Secretary of Defense shall convey to the Secretary the determinations for a license issued under title II, consistent with this Act, that the Secretary of Defense determines necessary to meet the national security concerns of the United States.”;

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

“(b) RESPONSIBILITY OF THE SECRETARY OF STATE.—(1) The Secretary shall consult with the Secretary of State on all matters under title II affecting international obligations and policies of the United States. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations and policies of the United States and for notifying the Secretary promptly of such conditions. The Secretary of State shall convey to the Secretary the determinations for a license issued under title II, consistent with this Act, that the Secretary of State determines necessary to meet the international obligations and policies of the United States.

“(2) Appropriate United States Government agencies are authorized and encouraged to provide to developing nations, as a component of international aid, resources for purchasing remote sensing data, training, and analysis from commercial providers. National Aeronautics and Space Administration, United States Geological Survey, and National Oceanic and Atmospheric

Administration should develop and implement a program to aid the transfer of remote sensing technology and Mission to Planet Earth (OES) science at the state level"; and

(C) in subsection (d), by striking "Secretary may require" and inserting in lieu thereof "Secretary shall, where appropriate, require".

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

(a) ACQUISITION.—For purposes of meeting Government goals for Mission to Planet Earth, and in order to satisfy the scientific and educational requirements of the National Aeronautics and Space Administration, and where appropriate of other Federal agencies and scientific researchers, the Administrator shall to the maximum extent possible acquire, where cost-effective, space-based and airborne Earth remote sensing data, services, distribution, and applications from a commercial provider.

(b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that such data, services, distribution, and applications shall be considered to be a commercial item for purposes of such laws and regulations. Nothing in this subsection shall be construed to preclude the United States from acquiring sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.

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

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

**TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES**

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

(a) IN GENERAL.—Except as otherwise provided in this section, the Federal Government shall acquire space transportation services from United States commercial providers whenever such services are required in the course of its activities. To the maximum extent practicable, the Federal Government shall plan missions to accommodate the space transportation services capabilities of United States commercial providers.

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

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

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

(3) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;

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

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

(6) it is more cost effective to transport a payload in conjunction with a test or demonstration of a space transportation vehicle owned by the Federal Government; or

(7) a payload can make use of the available cargo space on a Space Shuttle mission as a secondary payload, and such payload is consistent

with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

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

(d) HISTORICAL PURPOSES.—This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation vehicles solely for historical display purposes.

**SEC. 302. ACQUISITION OF COMMERCIAL SPACE TRANSPORTATION SERVICES.**

(a) TREATMENT OF COMMERCIAL SPACE TRANSPORTATION SERVICES AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space transportation services by the Federal Government shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space transportation services shall be considered to be a commercial item for purposes of such laws and regulations.

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

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

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

(1) by striking section 202;

(2) in section 203—

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

(B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively;

(3) by striking sections 204 and 205; and

(4) in section 206—

(A) by striking "(a) COMMERCIAL PAYLOADS ON THE SPACE SHUTTLE.—"; and

(B) by striking subsection (b).

**SEC. 304. SHUTTLE PRIVATIZATION.**

(a) POLICY AND PREPARATION.—The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contracted operation, of space transportation systems to the Federal purchase of commercial space transportation services for all nonemergency launch requirements, including human, cargo, and mixed payloads. In those preparations, the Administrator shall take into account the need for short-term economies, as well as the goal of restoring the National Aeronautics and Space Administration's research focus and its mandate to promote the fullest possible commercial use of space. As part of those preparations, the Administrator shall plan for the potential privatization of the Space Shuttle program. Such plan shall keep safety and cost effectiveness as high priorities. Nothing in this section shall prohibit the National Aeronautics and Space Administration from studying, designing, developing, or funding upgrades or modifications essential to the safe and economical operation of the Space Shuttle fleet.

(b) FEASIBILITY STUDY.—The Administrator shall conduct a study of the feasibility of implementing the recommendation of the Independent Shuttle Management Review Team that the National Aeronautics and Space Administration transition toward the privatization of the Space Shuttle. The study shall identify, discuss, and, where possible, present options for resolving, the major policy and legal issues that must be addressed before the Space Shuttle is privatized, including—

(1) whether the Federal Government or the Space Shuttle contractor should own the Space Shuttle orbiters and ground facilities;

(2) whether the Federal Government should indemnify the contractor for any third party li-

ability arising from Space Shuttle operations, and, if so, under what terms and conditions;

(3) whether payloads other than National Aeronautics and Space Administration payloads should be allowed to be launched on the Space Shuttle, how missions will be prioritized, and who will decide which mission flies and when;

(4) whether commercial payloads should be allowed to be launched on the Space Shuttle and whether any classes of payloads should be made ineligible for launch consideration;

(5) whether National Aeronautics and Space Administration and other Federal Government payloads should have priority over non-Federal payloads in the Space Shuttle launch assignments, and what policies should be developed to prioritize among payloads generally;

(6) whether the public interest requires that certain Space Shuttle functions continue to be performed by the Federal Government; and

(7) how much cost savings, if any, will be generated by privatization of the Space Shuttle.

(c) REPORT TO CONGRESS.—Within 60 days after the date of the enactment of this Act, the National Aeronautics and Space Administration shall complete the study required under subsection (b) and shall submit a report on the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

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

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

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

(2) transfer ownership of any such missile to another person, except as provided in subsection (b).

(b) AUTHORIZED FEDERAL USES.—

(1) A missile described in subsection (c) may be converted for use as a space transportation vehicle by the Federal Government if except as provided in paragraph (2), at least 30 days before such conversion the agency seeking to use the missile as a space transportation vehicle transmits to the Committee on National Security and the Committee on Science of the House of Representatives, and to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate, shall ensure in writing that the use of such missile—

(A) would result in cost savings to the Federal Government when compared to the cost of acquiring space transportation services from United States commercial providers;

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

(C) is consistent with international obligations of the United States; and

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

(2) The requirement under paragraph (1) that the assurance described in that paragraph must be transmitted at least 30 days before conversion of the missile shall not apply if the Secretary of Defense determines that compliance with that requirement would be inconsistent with meeting immediate national security requirements.

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

(1) were formerly used by the Department of Defense for national defense purposes as intercontinental ballistic missiles; and

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

**SEC. 306. NATIONAL LAUNCH CAPABILITY.**

(a) FINDINGS.—Congress finds that—

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

(A) contributing to the economy of the United States;

(B) strengthening employment, technological, and scientific interests of the United States; and  
(C) serving the foreign policy and national security interests of the United States.

(b) DEFINITIONS.—In this section:

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

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

(A) is determined by the Secretary, in consultation with the Administrator, to assess the total potential space missions to be conducted by the United States during a specified period of time; and

(B) includes all United States launches (including launches conducted on or off a Federal range).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, in consultation with the Administrator and appropriate representatives of the satellite and launch industry and the governments of States and political subdivisions thereof—

(A) prepare a report that meets the requirements of this subsection; and

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

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

(A) identify the total potential national mission model for the period beginning on the date of the report and ending on December 31, 2007;

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

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

(ii) the ability to support a launch within 6 hours after the appropriate official of the Federal Government receives notification by telephone at Government facilities located at—

(I) Cape Canaveral in Florida; or

(II) Vandenberg Air Force Base in California;

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

(D) with respect to the deficiencies identified under subparagraph (C), including estimates of the level of funding necessary to address those deficiencies for the period described in subparagraph (A);

(E) identify opportunities for investment by non-Federal entities (including States and political subdivisions thereof and private sector entities) to assist the Federal Government in providing launch capabilities for the commercial space industry in the United States;

(F) identify 1 or more methods by which, if sufficient resources referred to in subparagraph (D) are not available to the Department of Defense, the control of the launch property and launch services of the Department of Defense may be transferred from the Department of Defense to—

(i) 1 or more other Federal agencies;

(ii) 1 or more States (or subdivisions thereof);

(iii) 1 or more private sector entities; or

(iv) any combination of the entities described in clauses (i) through (iii); and

(G) identify the technical, structural, and legal impediments associated with making launch sites in the United States cost-competitive on an international level.

AMENDMENT NO. 3482

(Purpose: To modify the provisions relating to national launch capability)

Mr. JEFFORDS. Mr. President, Senator FRIST has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont, [Mr. JEFFORDS], for Mr. FRIST, proposes an amendment numbered 3482.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 46, between lines 1 and 2, strike the item relating to section 306 and insert the following:

Sec. 306. National launch capability study.

On page 87, beginning in line 21, strike “Government, if except as provided in paragraph (2), at least 30 days before such conversion” and inserting “Government if, except as provided in paragraph (2) and at least 30 days before such conversion.”

On page 88, beginning, in line 3, strike “shall ensure in writing” and insert “a certification”.

On page 89, line 7, strike “CAPABILITY” and insert “CAPABILITY STUDY.”

On page 91, strike lines 9 through 16 and insert the following:

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

On page 91, line 18, insert “and” after the semicolon.

On page 91, line 23, strike “(A);” and insert “(A).”

On page 91, between lines 23 and 24, insert the following:

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

(d) RECOMMENDATIONS.—Based on the reports under subsection (c), the Secretary, after consultation with the Secretary of Transportation, the Secretary of Commerce, and representatives from interested private sector entities, States, and local governments, shall—

Reset the matter appearing on page 91, beginning with line 24 through line 22 on page 92, 2 ems closer to the left margin.

On page 91, line 24, strike “(E)” and insert “(1).”

On page 92, line 5, strike “(F)” and insert “(2).”

On page 92, beginning in line 6, strike “subparagraph (D),” and insert “subsection (c)(2)(D).”

On page 92, line 12, strike “(i)” and insert “(A).”

On page 92, line 13, strike, “(ii)” and insert “(B).”

On page 92, line 15, strike “(iii)” and insert “(C).”

On page 92, line 17, strike “(iv)” and insert “(D).”

On page 92, line 18, strike “clauses (i) through (iii);” and insert “subparagraphs (A) through (C).”

On page 92, line 19, strike “(G)” and insert “(3).”

On page 92, beginning in line 21, strike “launch sites in the United States cost-competitive on an international level.” and insert “national ranges in the United States viable and competitive.”

Mr. MACK. Mr. President, the federal government should be encouraging private industry’s involvement and investment in space, not competing with it and in some cases, stifling it. I am afraid that if we do not act on and pass this amendment, we will continue to encourage American companies to move their operations overseas. Com-

panies need consistent government policy that encourages the development of new technology through private investment. We should enable private companies to locate and conduct their business here at home.

This growing sector of the economy provides jobs to many highly-skilled and technically-trained workers. To put it into perspective, industry revenues have exceeded \$7.5 billion. Commercial space businesses have grown faster than the economy and have been relatively recession proof.

Senator GRAHAM and I have proposed a number of balanced changes to current law. Among them, our amendment requires a study by NASA to identify commercial opportunities and interest in servicing the International Space Station. Second, we authorize the Office of Commercial Space Transportation to license commercial providers to re-enter Earth’s atmosphere and return payloads to Earth. Currently, only the Federal Government is permitted to do so.

Third, we encourage the President to enter into regional agreements with foreign governments to secure the U.S. Global Positioning System as the world’s standard. Finally, we require the federal government to procure commercial space transportation services.

Space is a frontier for research and exploration. The Federal Government’s investments in space technology have provided the private sector with impressive capabilities that can benefit both our citizens and the economy. It is now the private sector’s challenge to make commercial space activities earn a profit. The role of the Federal Government should be to provide stable and supportive policies for these activities.

Mr. President, we are moving into the 21st century. However, the laws regulating this industry are decades old. It is critical that we update them. The Senate Commerce Committee reported this bill favorably on June 2, 1998, and the House passed a similar version on November 4, 1997. I hope it will receive broad, bipartisan support.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, as amended, the bill be considered read a third time and passed, as amended, the motions to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3482) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (H.R. 1702), as amended, was considered read the third time and passed.

Mr. GRAHAM. Mr. President, thank you for the opportunity to address the Senate on the passage of the “Commercial Space Act,” introduced by Senator MACK and myself in November 1997.

I am pleased this bill has passed today because it is critical in allowing United States launch companies to compete effectively in the growing commercial space race.

Having already passed the House by a large margin, the Commercial Space Act needed to be considered by the Senate. I was pleased to work with my colleagues to ensure the future of our nation's high-tech economic frontier: commercial space.

I speak to you today as a Senator concerned about both our national security and our nation's economic position. The United States cannot afford to descend into another "launch gap." Our recent discussions over why U.S. satellites are being launched from China demands that the U.S. Senate act quickly to make the commercial launch environment in this country as progressive and productive as possible.

When the space race began with the launch of Sputnik in October 1957, American citizens listened in indignation and fear as the first man-made satellite—a Soviet satellite—beeped its way around the earth. In the two decades that followed, an aggressive U.S. space program, both civil and military, brought our country back to its rightful lead in technology by putting a man on the moon and securing many other achievements in space.

But there is no denying that today, the United States preeminence in commercial space is threatened. If you were to step back in time 30 years to the nation's premier launch facility, Cape Canaveral, you would have seen a forest of launch vehicles ready on the pads. Visit our launch facilities today and you will see under-utilized launch facilities while at the same time U.S. commercial companies struggle to develop new space vehicles under constraints of outdated laws and policies.

A recent aerospace survey predicts over 2,000 satellites will be launched into earth orbit over the next decade. The good news is that the U.S. government and American companies may launch up to 65 percent of those payloads if the Commercial Space Act is implemented. The bad news is that many commercial satellite companies are already looking to foreign countries for launch services due to the restrictive environment in which they must operate in the United States and the lack of available launch vehicles.

In other words, Mr. President, while our space industry is rapidly preparing for the 21st Century, federal policy in dealing with this important source of economic activity is stuck on the launch pad.

The single most important provision of the Commercial Space Act is an amendment to the Commercial Space Launch Act of 1984 that gives the federal government the authority to license commercial space re-entry activities. In short: what goes up, must come down.

Can you imagine the Wright Brothers flight at Kitty Hawk ever being made if

the government told them, "Sure you can fly it, just don't land." The way the law presently exists, commercial companies can launch but cannot land any vehicle returning from space. Only the U.S. government is allowed this privilege.

This provision must be changed to allow the development of future generations of spacecraft, such as the Reusable Launch Vehicle. This is the business of space: providing services, repeat services, to entrepreneurs. We must regulate in an efficient and expeditious manner to support this growing market.

That brings me to my next point: this bill, to borrow from Neil Armstrong, will take a giant leap in clarifying complex and sometimes divergent commercial space licensing requirements in federal agencies. By streamlining the regulations and licensing, we will allow commercial companies to raise capital, develop business plans, and create job opportunities that might otherwise go overseas.

Mr. President, U.S. commercial space industry faces a number of competitors from abroad. The most serious are the Russian Proton, the Chinese Long March, and the European Space Agency Ariane rockets launched from French Guiana in South America. But this is not a comprehensive list. There are numerous competitors who would be more than happy to see the U.S. commercial launch industry locked in a web of regulations and limitations.

I am proud to report that one thing our bill does not do is spend any new taxpayer dollars. As a policy bill, we are seeking to level the playing field without creating any new government programs. Our bill does require studies, but those studies will be accomplished using the existing resources of agencies involved and data that has already been collected.

For instance, our legislation would require the Department of Defense to conduct an inventory of its range assets and determine what, if any, deficiencies exist. Much of this information is already available through existing Defense Department reports. Armed with this information, we can convert our nation's launch ranges back to the busiest space facilities in the world.

But this legislation does more than just refrain from new spending. It actually saves money by allowing the conversion of excess ballistic missiles into space transportation vehicles. Due to the START treaty, these missiles can no longer be used for their original intended purpose. Furthermore, they are extremely expensive to store or destroy.

By using these missiles as launch vehicles, the government will be able to launch small scientific and educational payloads that cannot afford the larger and more expensive rocket systems. This is a legal and efficient way to dispose of an expensive asset. Our Russian

counterparts have been firing their missiles as opposed to spending money to destroy them. We will implement one more practical step by firing them with a payload.

In closing, let me remind you of remarks that President John F. Kennedy made in the midst of the hotly contested space race. During one of his visits to Cape Canaveral, President Kennedy declared, "We choose to go the moon in this decade and do the other things, not because they are easy, but because they are hard."

As we consider this bill, we should all ponder that quote. It is not easy for the federal government to change the way it has done business for many years. It is hard; it is a challenge, for forward-thinking people both in and out of the government. But it is what we must do to protect our investment in the nation's economic future and our national pride. It is vital that we ensure our nation's position in the commercial space race of the 21st century.

I thank the distinguished Chairman and Ranking Member of the Senate Commerce Committee Senator MCCAIN and Senator HOLLINGS, and the Chairman of the Science, Technology, and Space Subcommittee Senator FRIST for supporting this legislation and guiding it through the Senate process.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: 605, 616, 617, 618, 652, 709, 711, 716, 719, 720, 721, 722, 739, 740, 741, 742, 743, 744 through 778, 779, 780, and 781, and all the nominations on the Secretary's desk in the Air Force, Army, Coast Guard, and Marine Corps and Navy.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF LABOR

Raymond L. Bramucci, of New Jersey, to be an Assistant Secretary of Labor.

#### UNITED STATES INTERNATIONAL TRADE COMMISSION

Thelma J. Askey, of Tennessee, to be a Member of the United States International Trade Commission for the remainder of the term expiring December 16, 2000.

Jennifer Anne Hillman, of Indiana, to be a Member of the United States International Trade Commission for the term expiring December 16, 2006.

Stephen Koplan, of Virginia, to be a Member of the United States International Trade