

Sanchez	Snowbarger	Turner
Sanders	Snyder	Upton
Sandlin	Solomon	Velazquez
Sawyer	Souder	Visclosky
Saxton	Spence	Wamp
Scarborough	Stabenow	Watkins
Schaffer, Bob	Stearns	Watt (NC)
Schumer	Stenholm	Watts (OK)
Scott	Strickland	Waxman
Sensenbrenner	Stump	Weldon (FL)
Sessions	Sununu	Weldon (PA)
Shadegg	Talent	Weller
Shaw	Tanner	Wexler
Shays	Tauscher	Weygand
Sherman	Taylor (MS)	White
Shimkus	Taylor (NC)	Whitfield
Sisisky	Thomas	Wicker
Skeen	Thompson	Wilson
Slaughter	Thornberry	Wise
Smith (MI)	Thune	Wolf
Smith (NJ)	Thurman	Woolsey
Smith (OR)	Tiahrt	Wynn
Smith (TX)	Tierney	Young (AK)
Smith, Adam	Torres	
Smith, Linda	Traficant	

NAYS—38

Abercrombie	Hastings (FL)	Pombo
Bartlett	Hilliard	Rivers
Brown (CA)	Hostettler	Rush
Carson	Jackson (IL)	Sabo
Chenoweth	Jefferson	Serrano
Clay	LaHood	Skaggs
Conyers	Lee	Skelton
Davis (IL)	Lewis (GA)	Stark
Doggett	McKinney	Towns
Everett	Miller (CA)	Vento
Ewing	Mink	Walsh
Ford	Paul	Waters
Furse	Payne	

NOT VOTING—36

Becerra	McGovern	Ros-Lehtinen
Bishop	Millender	Roybal-Allard
Boehrlert	McDonald	Sanford
Calvert	Moakley	Schaefer, Dan
Dixon	Murtha	Shuster
Frost	Neal	Spratt
Granger	Norwood	Stokes
Greenwood	Owens	Stupak
Hansen	Pelosi	Tauzin
Harman	Poshard	Yates
Hinojosa	Pryce (OH)	Young (FL)
Kennelly	Riggs	
McDade	Rogers	

□ 1932

The Clerk announced the following pair:

On this vote:

Mr. Calvert and Mr. McDade for, with Mr. Yates against.

Ms. BROWN of Florida changed her vote from "nay" to "yea."

Mr. MILLER of California changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BISHOP. Mr. Speaker, I was unavoidably detained in Georgia today (October 5) due to a failure of aircraft equipment. This caused me to miss Roll Numbers 480, 481 and 482. Had I been present, I would have voted "no" on HR 4614, "yes" on HR 1154 and "yes" on HR 4655.

RECOMMITTAL OF CONFERENCE REPORT TO H.R. 4104, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999, TO COMMITTEE OF CONFERENCE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that the conference report to accompany the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, be recommitted to the Committee of Conference.

The Clerk read the title of the bill.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that any further roll call vote on suspensions will be postponed until tomorrow.

COMMERCIAL SPACE ACT OF 1998

Mr. ROHRBACHER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 572) providing for the consideration of the bill H.R. 1702 and the Senate amendment thereto.

The Clerk read as follows:

H. RES. 572

*Resolved*, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 1702 together with the Senate amendment thereto, and to have concurred in the Senate amendment with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Commercial Space Act of 1998".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

Sec. 101. Commercialization of Space Station.

Sec. 102. Commercial space launch amendments.

Sec. 103. Launch voucher demonstration program.

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

Sec. 105. Acquisition of space science data.

Sec. 106. Administration of Commercial Space Centers.

Sec. 107. Sources of Earth science data.

TITLE II—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

Sec. 201. Requirement to procure commercial space transportation services.

Sec. 202. Acquisition of commercial space transportation services.

Sec. 203. Launch Services Purchase Act of 1990 amendments.

Sec. 204. Shuttle privatization.

Sec. 205. Use of excess intercontinental ballistic missiles.

Sec. 206. National launch capability study.

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 full-est 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 years 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 years 1997 and 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 (9) the following new paragraphs:

“(10) ‘reenter’ and ‘reentry’ mean to return or attempt to return, purposefully, 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 inserting “OR REENTRIES” after “LAUNCHES” in the heading for subsection (e);

(H) by inserting “or reentry site or a reentry” after “launch site” in subsection (e); and

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

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

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

“(2) \$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. LAUNCH VOUCHER DEMONSTRATION PROGRAM.**

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

(1) in subsection (a)—

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

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

(2) by striking subsection (c); and

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

**SEC. 104. 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 the Assistant Secretary of Commerce for Communications and Information so that on an international basis the Assistant Secretary 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. 105. ACQUISITION OF SPACE SCIENCE DATA.**

(a) **ACQUISITION FROM COMMERCIAL PROVIDERS.**—The Administrator shall, to the extent possible and while satisfying the scientific or educational requirements of the National Aeronautics and Space Administration, and where appropriate, of other Federal agencies and scientific researchers, 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). For purposes of such law and regulations, space science data shall be considered to be a commercial item. Nothing in this subsection shall be construed to preclude the United States from acquiring, through contracts with commercial providers, 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—

(1) the elemental and mineralogical resources of the moon, asteroids, planets and their moons, and comets;

(2) microgravity acceleration; and

(3) 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. 106. 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, DC.

**SEC. 107. SOURCES OF EARTH SCIENCE DATA.**

(a) **ACQUISITION.**—The Administrator shall, to the extent possible and while satisfying the scientific or educational requirements of the National Aeronautics and Space Administration, and where appropriate, of other Federal agencies and scientific researchers, 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). For purposes of such law and regulations, such data, services, distribution, and applications shall be considered to be a commercial item. Nothing in this subsection shall be construed to preclude the United States from acquiring, through contracts with commercial providers, sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.

(c) **STUDY.**—(1) The Administrator shall conduct a study to determine the extent to which the baseline scientific requirements of

Earth Science can be met by commercial providers, and how the National Aeronautics and Space Administration will meet such requirements which cannot be met by commercial providers.

(2) The study conducted under this subsection shall—

(A) make recommendations to promote the availability of information from the National Aeronautics and Space Administration to commercial providers to enable commercial providers to better meet the baseline scientific requirements of Earth Science;

(B) make recommendations to promote the dissemination to commercial providers of information on advanced technology research and development performed by or for the National Aeronautics and Space Administration; and

(C) identify policy, regulatory, and legislative barriers to the implementation of the recommendations made under this subsection.

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

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

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

(f) **REMOTE SENSING.**—

(1) **APPLICATION CONTENTS.**—Section 201(b) of the Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5621(b)) is amended—

(A) by inserting "(1)" after "NATIONAL SECURITY.—"; and

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

"(2) The Secretary, within 6 months after the date of the enactment of the Commercial Space Act of 1998, 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."

(2) **NOTIFICATION OF AGREEMENTS.**—Section 202(b)(6) of the Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5622(b)(6)) is amended by inserting "significant or substantial" after "Secretary of any".

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

**SEC. 201. 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 international agreements for international collaborative efforts relating to science and technology;

(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.

Nothing in this section shall prevent the Administrator from planning or negotiating agreements with foreign entities for the launch of Federal Government payloads for international collaborative efforts relating to science and technology.

(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. 202. 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). For purposes of such law and regulations, space transportation services shall be considered to be a commercial item.

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

**SEC. 203. 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. 204. 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 space transportation requirements for transportation to

and from Earth orbit, 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 liability 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. 205. 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

(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) and 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, a certification 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 certification 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. 206. NATIONAL LAUNCH CAPABILITY STUDY.**

(a) **FINDINGS.**—Congress finds that a robust satellite and launch industry in the United States serves the interest of the United States by—

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

(2) strengthening employment, technological, and scientific interests of the United States; and

(3) 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 in the United States during a specified period of time; and

(B) includes all launches in the United States (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 subsection 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 or available to carry out the total potential national mission model described in subparagraph (A), including—

(i) launch property and services of the Department of Defense, the National Aero-

nautics and Space Administration, and non-Federal facilities; and

(ii) the ability to support commercial launch-on-demand on short notification, taking into account Federal requirements, at launch sites or test ranges in the United States;

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

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

(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—

(1) 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;

(2) identify 1 or more methods by which, if sufficient resources referred to in subsection (c)(2)(D) are not available to the Department of Defense and the National Aeronautics and Space Administration, the control of the launch property and launch services of the Department of Defense and the National Aeronautics and Space Administration may be transferred from the Department of Defense and the National Aeronautics and Space Administration to—

(A) 1 or more other Federal agencies;

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

(C) 1 or more private sector entities; or

(D) any combination of the entities described in subparagraphs (A) through (C); and

(3) identify the technical, structural, and legal impediments associated with making launch sites or test ranges in the United States viable and competitive.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRBACHER) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRBACHER).

(Mr. ROHRBACHER asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, this resolution takes from the Speaker's desk H.R. 1702 as reported back by the Senate and passed with an amendment.

The Commercial Space Act of 1998 is a small legislative step that will enable giant leaps for America's commercial space industry. It is the culmination of 3 years of extensive bipartisan consultation and cooperation within the Committee on Science, with the Senate Committee on Commerce, Science and Transportation, and with the administration as well.

I support the product of this effort and wish to thank the Members on both sides of the aisle and in the other body for their help in making this possible.

H.R. 1702 passed the House last year. The Senate passed an amended H.R.

1702 this July. The House and Senate have negotiated the compromise bill that is before us today. I urge my colleagues to support this commercial space bill so we can send it to the Senate and then to the President for his immediate signature.

The compromise bill promotes the continued growth of the United States commercial space industry. It requires an independent market study of and a NASA report on progress in commercializing the international space station. It authorizes the Department of Transportation to license the reentry of space transportation vehicles.

It makes permanent a launch voucher demonstration program so that scientists can buy their own launch services instead of being told when and how their experiments can fly into space. It encourages the President to ensure that the United States global positioning system becomes the world standard so that foreign systems will not interfere with the GPS satellite signals.

It encourages NASA to buy commercial data for both space science and earth science researchers. It directs NASA to manage its commercial space centers out of NASA headquarters in Washington, D.C.

It includes provisions which clarify the regulation of U.S. commercial remote sensing companies. It requires the Federal Government to purchase space transportation services instead of building and operating its own vehicles. It requires NASA to plan for the potential privatization of the space shuttle. It allows the use of access ICBMs as low-cost space transportation vehicles, and it requires that the Department of Defense study our national launch demand and infrastructure capability through the year 2007.

At the same time, I am sad to report that one of the most important portions of H.R. 1702, which dealt with commercial remote sensing, had to be abandoned in order to secure the passage of this legislation in the Senate, but some of our government's Cold War bureaucrats seem to want to have the same power that they had and are unwilling to see that change take place for now, but we will fight that battle on another day.

I can honestly say that we tried very hard to meet the administration halfway, and after holding two subcommittee hearings on the topic, the committee made several changes to the bill in order to accommodate the administration requests, both in committee markup and later on the House floor. The State Department kept pushing for even more authority than they have now, so rather than give them that authority and make life even harder for our remote sensing industry, we decided simply to strike title II from the bill, and say, we will come back and talk about that issue on another day.

Today, however, we should celebrate a legislative glass that is more than half full. The chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER),

and ranking member, the gentleman from California (Mr. BROWN) have offered us a great deal of leadership in this area. I salute both of them. I especially salute the ranking member, the gentleman from California (Mr. BROWN), who is with us on the floor at this time. He and the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), have shown in the Committee on Science that we certainly have as bipartisan a committee as anyone on the floor, and the gentleman from Tennessee (Mr. GORDON), the ranking member on the subcommittee, has been working with me in that spirit.

I am very proud to have worked with my friends on the other side of the aisle to come up with this piece of legislation.

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

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

Mr. Speaker, I rise in support of H.R. 1702, the Commercial Space Act of 1998. This act represents another in a long series of bipartisan efforts to promote the development of a healthy and expanding U.S. commercial space sector.

I will not attempt to discuss every provision in H.R. 1702, but I would like to highlight a number of important aspects of the bill.

First, H.R. 1702 contains a series of amendments to existing law that should help the U.S. commercial launch industry to move to a new generation of low-cost launch vehicles. The amendments authorize the U.S. Department of Transportation to license reusable launch vehicles, vehicles that can take off, fly into space and return to earth to be used again.

A number of U.S. companies, both large and small, have such new vehicles under development. However, they need to have a predictable licensing and regulatory environment. H.R. 1702 will help establish that environment.

Second, H.R. 1702 makes a strong statement of support for the global positioning system and encourages the administration to ensure the operation of the global positioning system on a continuous worldwide basis, free of direct user fees. GPS has provided the foundation for the growth of entirely new businesses, and we need to assure that it and its augmentations continue to play that role.

Third, H.R. 1702 contains other provisions to promote governmental purchases of commercial data and launch services when appropriate. These provisions can help to promote the further development of the commercial space sector in the years ahead.

Mr. Speaker, this final version of H.R. 1702 is the result of constructive discussions and compromises between the House, the Senate and the administration. I want to express my appreciation for the positive roles played by the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), the ranking member, the gentleman from Califor-

nia (Mr. BROWN), the subcommittee chairman, the gentleman from California (Mr. ROHRBACHER) and their staffs.

H.R. 1702 is a bill that will foster economic growth, and I urge my colleagues to support it.

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

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

Mr. Speaker, we have with us today in the hall the former chairman, now ranking member, the gentleman from California (Mr. BROWN), who I mentioned, but we also have the former chairman of the Committee on Science, Mr. Walker, who spent considerable time and effort on this piece of legislation, and I would like to applaud Mr. Walker's efforts over the years. He has spent many, many years on space commercialization projects, and this piece of legislation reflects that hard work and dedication on his part.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. WELDON), who has worked long and hard on this piece of legislation.

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Mr. WELDON of Florida. Mr. Speaker, I thank the chairman of the subcommittee for yielding time, and I rise in support of this legislation. I encourage all of my colleagues on both sides of the aisle to support and vote for this very important legislation.

I represent the east central coast of Florida, the area that includes Cape Canaveral and Kennedy Space Center. Years ago, most of the launches were for the government. But today the majority of launches from Cape Canaveral are for commercial satellites. These are telecommunications satellites that carry TV signals or telephone conversations as well as remote sensing satellites that can help American farmers better manage their crops and be more efficient and more productive. That is what this legislation is all about, being more efficient and more productive, the use of space for the betterment of mankind, helping to create better jobs, using our tax dollars more efficiently.

This legislation will make it easier for everyone, from satellite or launch vehicle manufacturers to remote sensing and telecommunications service providers to better be able to do business in the 21st century. It will better enable American companies to compete in an increasingly competitive international marketplace. The space industry is an example of another industry that the United States essentially created, but like many industries that the United States has created, it is at risk of going overseas and no longer being in the United States. Therefore, this legislation is badly needed.

In particular, I would like to mention the section of the bill that deals with the feature regarding the licensing of commercial space vehicles that reenter the atmosphere. Today the only space

vehicle that regularly reenters the atmosphere is our Nation's space shuttle. But it is used for government missions and not for launching commercial satellites. There are several new launch vehicles in the developmental stage today, including the Lockheed Martin Venture Star that will launch commercial satellites and then return to earth, be refueled, refurbished and then launched again in a similar fashion to the way the space shuttle is handled. This legislation will better enable the government to license and regulate those types of launch vehicles.

Again, I rise in strong support. I commend the chairman of the subcommittee and ranking member, as well as the chairman and ranking member of the full committee for their work that they have done in support of this legislation.

Mr. GORDON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BROWN), one of the most knowledgeable Members of this body on our space program.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. I thank the ranking member for yielding me this time. I could abuse it since he put no limit on it, but I promise my colleagues I will not do that.

Mr. Speaker, I should point out that approximately 41 years ago we entered into a new age, the space age, with the launch of Sputnik which scared the daylight out of a lot of people around the world, including here in the United States, and stimulated our own efforts to move into the new space age. That age has proceeded more rapidly than many of us had ever assumed that it might and less rapidly than some had hoped. It is 41 years old approximately.

It is notable that today commercial space revenues have exceeded the amount of money which the governments of the world spend on space. This is a rather remarkable feature in itself, but I think we are just looking at the beginning of a vast increase in commercial space activities. Of course that is what this bill is intended to address.

It is not a revolutionary bill. I sometimes criticize legislation for not going as far as it should. I personally would like to have seen this bill go much further into new areas of space commercialization, new legislative structures and so forth. I recognize, however, the tremendous amount of work which has gone into bringing us this piece of legislation, and I am not going to be critical of the fact that the bill does not reach as far as I would like.

What I expect to see happening in the very near future was indicated I think rather well by the gentleman from Florida (Mr. WELDON) when he pointed to the vast expansion of reusable launch vehicles which are in the offing. One of those systems is being developed in my own district in California. Most

of these systems are tied to the increasing number of communications satellites which are being launched around the globe. We will see a proliferation of new systems with hundreds, possibly thousands of satellites, all of which will have to be launched into low earth orbit and then replaced at fairly frequent intervals. So we can be absolutely certain that we are going to see a very large demand for economical, reusable launch vehicle systems. This may be the driving factor in the development of a much more robust commercial space business than we have today.

There are also many other very attractive commercial opportunities in space which we will not dwell on this evening, but I see the potential for each of these other kinds of activities reaching similar possibilities to what we see in satellite communication systems.

I strongly support this bill. I commend the various people who worked so hard on it. I hope that we will be able to come back at a future time with a more comprehensive bill which will strengthen the position of the private sector in the development of commercial space business and will allow us to move even further into this great new space age that we are in.

Mr. Speaker, I would like to speak in favor of H.R. 1702, the Commercial Space Act of 1998. While H.R. 1702 is a relatively modest bill, it will, I believe, provide an important stimulus to the continued growth of the U.S. commercial space sector.

It was 41 years ago Sunday that the space age dawned with the launch of Sputnik. America and the rest of the world have come a long way in space since then. One of the most important developments has been the growth of a robust commercial space sector in the United States. Worldwide, commercial space revenues—driven in large part by the explosive growth of satellite communications—exceeded governmental space expenditures for the first time last year. I expect that this trend will continue.

H.R. 1702 will help to promote the commercial space sector in a number of ways. I would like to focus on one of those, namely the licensing provisions for reusable launch vehicles (RLVs) and reentry vehicles. These RLVs offer the promise of significant reductions in the cost of launching payloads into space. A number of companies, including the entrepreneurial Kelly Space and Technology, Inc., are working hard to turn the promise of low cost access to space into reality.

H.R. 1702 will help provide a predictable licensing and regulatory environment that is necessary if this new industry is to flourish.

H.R. 1702 contains a number of other notable provisions, including ones related to the global positioning system, commercial launch services and commercial "data buys".

In addition, I am pleased that this final version of H.R. 1702 restores the ability of the U.S. government to continue to carry out international collaborations in science and technology with other nations—collaborations that have delivered great benefits to the United States.

Mr. Speaker, I believe that H.R. 1702 represents a constructive step forward by Con-

gress in the promotion of a vibrant commercial space sector. I wish to express my appreciation to Science Committee Chairman SENSENBRENNER, as well as to Chairman ROHRABACHER and Mr. GORDON, the chair and ranking member of the Space Subcommittee for all of their efforts on this bill.

I urge my colleagues to pass H.R. 1702.

Mr. ROHRABACHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BRADY) for a colloquy about an important provision of this bill.

Mr. BRADY of Texas. Mr. Speaker, I first want to thank the chairman for his leadership as chair of the Subcommittee on Space and Aeronautics and that of the ranking minority member for the leadership on this important issue.

Mr. Speaker, when this bill was marked up in the subcommittee, we added a section which required that NASA administer the Commercial Space Center program from NASA headquarters. These centers are the primary mechanism by which NASA works to spark new commercial research and investment in space development, particularly regarding commercial research on and use of the International Space Station. Because these centers are so important, the committee wanted to make sure that they were administered and funded in a fair and consistent way by NASA headquarters.

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

Mr. BRADY of Texas. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, the gentleman is entirely correct. The committee was concerned that when NASA abolished its Office of Space Access and Technology, some of these Commercial Space Centers got lost in the shuffle. Some of them were placed under the management of and funded through NASA's Office of Life and Microgravity Sciences and Applications, while others were turned over to various NASA field centers but without any money to fund them. While the Congress has no desire to tell NASA which Commercial Space Centers to fund, we do want to make sure that centers are not being harmed or even killed off because of hidden ad hoc decisions on management and funding. Section 106 of the Commercial Space Act requires that NASA headquarters administer, including providing visible and specified funding for, the Commercial Space Centers program.

Mr. BRADY of Texas. As the chairman of the subcommittee may know, the National Academy of Public Administration recently issued a study on the Commercial Space Center program which states that the role NASA headquarters should play in the Commercial Space Center program includes "guidance, oversight, funding, and the clarification of expectations and specification of accountability."

Mr. ROHRABACHER. The gentleman raises an excellent point. The report he

refers to confirms the need to apply fair and consistent standards in managing and funding important activities like the Commercial Space Center program, which is precisely the intent of section 106 of this bill. I promise the gentleman from Texas that we will continue to work with him and many other Members of the House to ensure that NASA headquarters develops and implements an effective system of administering this program, including providing appropriate funds for those centers which are performing well on the taxpayers' behalf.

Mr. GORDON. Mr. Speaker, I have no more speakers. I simply close by saying this is a good bill, it deserves the strong support of this House, and I yield back the balance of my time.

Mr. ROHRBACHER. Mr. Speaker, I yield myself such time as I may consume. This bill moves forward with very few ruffles and flourishes. Yet we should not miss the significance of what it represents and of what is happening here today.

Last week on October 1, the Subcommittee on Space and Aeronautics held a hearing on the occasion of NASA's 40th anniversary. It seems almost like yesterday as Chairman BROWN noted when Sputnik went up, but it also seems like generations ago when we saw NASA in its heyday in the early 1960s launching Americans into space. But for the most part, the early part of NASA's history, at least the first two decades, and there has been an evolution since, for the most part, space was a government endeavor. During that early time, much of the impetus during the space race was brought on by a spirit of cooperation, if not a spirit of survival during the Cold War. Our race into space during the Cold War was looked at as something having to do with our national survival. Much of the spending that took place in terms of defense spending was justified and has brought us to this point today. In fact, over the years our space program has benefited greatly, our commercial space program and our civilian space program through NASA has benefited greatly from technological spinoffs from our own defense spending. However, we are now, and this is perhaps what this bill signifies, at a turning point. The Cold War is over. A whole new approach to space is being taken by the United States of America. No longer is space going to be the purview and the arena of government. Instead we are going to through this legislation unleash our greatest asset, and that is the creativity and the entrepreneurial genius and the profit motive of America's private sector. In fact, we can no longer afford a space program that is basically a government program, or a defense-related program. We have to bring in private capital. We have to bring in the private sector. We have to bring in competition and the profit motive to make sure our space program, America's space effort, is done effectively and that we dream big

dreams. Unlike in some programs that are controlled by the bureaucracy, those programs quite often are only interested in trying to get enough money for next year's funding level. What is happening with this commercial bill is a good first step. As I mentioned, Chairman Walker and Chairman BROWN, who have spent such a considerable amount of time, oversaw this legislation and have brought us to this turning point.

I would like to share just a few thoughts and perhaps our ranking member the gentleman from Tennessee (Mr. GORDON) would like to join me as well, just a few thoughts that emerged from our hearing last week when we were celebrating the 40th anniversary of NASA. We had some people who were talking about what the next 40 years of America's space program will be like. It is going to be much different than the first 40 years. In fact, I would expect that some of the investments in the private sector will have spinoffs that will help us in the defense arena. In fact, where before it was defense spending that the spinoffs helped us in the commercial and civilian area, it is going to go just the opposite in the years ahead. In order to spur growth and commercial activity in space, we will be working on another commercial space bill next year, starting next session, and I am sure we will have the same cooperation that we have had this year with both sides of the aisle.

There are many ideas that are exciting people about what we can do in space. The 40th anniversary is marking a turning point but it is marking, you might say we have reached a stage from which then we will proceed into outer space, and in the exploration and the utilization of space for the benefit of mankind.

The Speaker has mentioned to me his support for these type of approaches. I have spoken to the Speaker about a concept that is close to my heart of trying to declare space a tax-free zone and is something Mr. Walker talked about several years ago. I call it the zero-gravity, zero-tax approach. If we can ensure that people who are investing in space projects, new creative approaches and new projects, not things that have been done in the past but things that, for example, we are having trouble now with the Space Station, it is a big challenge to come up with some of the funds for Space Station.

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But if we enrich or enliven the private sector, and we give encouragement and incentive to people in the private sector and Wall Street to invest, perhaps there can be some economic activities on the space station with zero gravity and zero taxes to be paid that will bring money out of the private sector.

We can also look, for example, to the solution of some of the problems that have seemed intractable in our past.

Mr. Speaker, I am very excited about the possibility of using space as a vehi-

cle to transport energy to different parts of the world. We have been studied now in the NASA budget with the support of the ranking member and our friends on the other side of the aisle, NASA is studying the idea of technology that might permit oil rich and gas rich Azerbaijan or Turkmenistan or countries in central Asia for example, Kazakhstan, to be able to use their natural gas to produce electricity there and shoot the electricity into a satellite system; we call it space grid; which could then transmit that electricity anywhere in the planet, and with a zero-gravity zero-tax approach, we might be able to build a space grid without the use of any taxpayers' dollars.

We might be able to establish a moon base in the next 10 years perhaps just from the external tanks of the shuttle, that we might be able to get there at very little money. We could have 20 or 30 of these external tanks that are pressurized tanks that future generations of American could put to use as a space colony on the moon.

Asteroids. There has been a lot of movies about asteroids lately that talk about the fear of asteroids hitting the earth, but asteroids also present to us a great opportunity. Asteroids are made out of materials that can be very valuable on the earth, and also asteroids can be turned into a space station that already exists and just is there to be exploited by mankind.

We are also developing now new propulsion systems, and up until now only rockets have been used to take mankind into space. In the future that will be different. In fact, the rockets that we use, we are developing new reusable rockets that will dramatically bring down the cost of getting into space via rockets, but at the same time we are developing new propulsion systems. For example, there is one that is based on a laser beam that will use the energy of the laser beam to transport an object, a satellite, into space so it does not have to carry its own fuel.

When these type of technologies are fully developed and we bring the full strength of the private sector, we will realize a new world, and we will realize a new opportunity on this world, and it is a very exciting time to be the chairman of this committee and to be a member of this committee, and again it represents, this dream represents, the best of bipartisanship in the House of Representatives.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I strongly favor this measure because it seeks to bolster our Nation's space industry's capabilities. By expanding our utilization of our commercial space industry, we foster a strong alliance between government and private-sector entities, an alliance that will propel America's space program into the next millennium.

This bill bolsters our Nation's space industry by establishing a regulatory infrastructure for the licensing of private reusable launch vehicles. Moreover, this piece of legislation alters the role of the National Aeronautics and



Space Administration (NASA) to promote private-sector involvement and competition in the development of industrial space products.

By authorizing the Transportation Department's Office of Commercial Space Transportation to issue licenses to private companies for launching re-usable space vehicles, this measure allows commercial entities to launch vehicles into space and pilot them back to earth. Currently, private companies are not permitted to pilot their vehicles back to earth after a launch.

Providing this authorization will foster the development of a strong, private-sector space transportation industry in our country. It is my hope that this sector of the space industry will result in cost-effective transport services to NASA and commercial companies.

This measure also requires NASA to begin purchasing space transportation services from the private sector when such services are available. This portion of the bill has been carefully crafted to permit NASA autonomy when necessary. For instance, projects that require the unique capabilities of the space shuttle and sensitive national security projects would be excepted from the bill's requirement regarding NASA's utilization of private sector providers. More importantly, the use of commercial services would not be required for missions beyond Earth orbit, missions such as flights to the Moon, Mars, or beyond.

I also support this measure's advocacy of the U.S. Global Positioning System (GPS). This piece of legislation encourages the President to ensure the continued operation of the U.S. GPS navigation satellites on a world-wide basis. By promoting the U.S. GPS through international agreements, we can encourage our global partners to accept this extraordinary system as the international standard.

Finally, I believe that this measure's requirement that NASA plan for the potential privatization of the space shuttle is appropriate. The continued deployment of shuttle missions is imperative, and it is possible that private-sector corporations could provide more cost-efficient launches. By merging commercial and government resources, we could ensure that the space shuttle will remain a viable fixture in space exploration for many years to come.

This measure appeals to all involved, and I am certain that cooperation between American Government and commercial entities will pave the way to the exploration of unimaginable frontiers.

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

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 agree to the resolution, H. Res. 572.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all the Members have 5 legislative days to revise and extend their remarks on House Resolution 572, the resolution just agreed to.

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

There was no objection.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4570, OMNIBUS NATIONAL PARKS AND PUBLIC LANDS ACT OF 1998

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-776) on the resolution (H. Res. 573) providing for consideration of the bill (H.R. 4570) to provide for certain boundary adjustments and conveyances involving public lands, to establish and improve the management of certain heritage areas, historic areas, National Parks, wild and scenic rivers, and national trails, to protect communities by reducing hazardous fuels levels on public lands, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4194, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-777) on the resolution (H. Res. 574) waiving points of order against the conference report to accompany the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-778) on the resolution (H. Res. 575) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4259, HASKELL INDIAN NATIONS UNIVERSITY AND SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE ADMINISTRATIVE SYSTEMS ACT OF 1998

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-779) on the resolution (H. Res. 576) providing for consideration of the bill (H.R. 4259) to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### EXPORT APPLE ACT

Mr. EWING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4148) to amend the Export Apple and Pear Act to limit the applicability of the Act to apples.

The Clerk read as follows:

H.R. 4148

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

#### SECTION 1. SCOPE OF EXPORT APPLE AND PEAR ACT.

(a) SHORT TITLE.—The Act of June 10, 1933 (7 U.S.C. 581 et seq.; commonly known as the Export Apple and Pear Act), is amended by adding at the end the following new section: "SEC. 11. This Act may be cited as the 'Export Apple Act'."

(b) DEFINITION OF APPLES.—Section 9 of such Act (7 U.S.C. 589) is amended by striking paragraph (4) and inserting the following new paragraph:

"(4) The term 'apples' means fresh whole apples, whether or not the apples have been in storage."

(c) ELIMINATION OF REFERENCES TO PEARS.—Such Act is further amended—

(1) by striking "and/or pears" each place it appears in the first section and sections 5 and 6; and

(2) by striking "or pears" each place it appears in the first section and sections 2, 3, and 4.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. EWING) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. EWING).

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

Mr. Speaker, I rise in support of H.R. 4148, a bill that amends the Export Apple and Pear Act to exclude pears from this act. This is being done because farmers producing pears for export advise us that this action will benefit the industry's effort to increase exports of pears.

Additionally, the U.S. Department of Agriculture advised the Committee on Agriculture that mandatory Federal quality standards are no longer needed to assure the high quality of exported pears. USDA believes that the U.S.