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 second time and, upon consideration of the report of the Committee on Commerce, Science, and Transportation, with an amendment agreed to, and motions to reconsider be laid upon the table, and any statements relating to this measure appear in 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 National Laboratories 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. JEFFORDS. 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.

Along with those trees and his legislation, the Steve Schiff Auditorium serves as lasting symbolic reminder of this great American.

Along with 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 the man's 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 serves as lasting symbolic reminder of this great American. 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. 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 agreed to, and motions to reconsider be laid upon the table, and any statements relating to this measure appear in the appropriate place in the Record.

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

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.
TITIE 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. Commercial space science data.
Sec. 105. Administration of Commercial Space Centers.
TITIE II.—REMOTE SENSING

Sec. 202. Acquisition of earth science data.
TITIE 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 data.
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, space-related activities, or commercial space facilities to the United States, an agency of the United States, or a State, local, or foreign government;
(3) the term "payload" means anything that a commercial space vehicle 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; and
(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 conveyance of a payload to, from, or within outer space, or in suborbital trajectory; and
(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

(III) 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 long-term 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).

TITIE 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, and augmenting the Space Station, and in adding capabilities to the Space Station, and the resulting fullest possible engagement of commercial providers and participation of commercial users, will result in operational cost savings for all partners and the Federal Government's share of the United States burden to fund operations.

(b) Restrictions on launches, operations, and reentries; (c) by amending the article relating to section 70104 to read as follows:

(70104. Restrictions on launches, operations, and reentries;)

(i) by inserting "and reentry site" after "and reentry services" in subsection (a)(1); (ii) by inserting "or reentry site" or reentry services after "launch vehicles" in subsection (a)(2); (iii) by inserting "or reentry site" or "or reentry services" after "launch vehicles," in subsection (a)(3); (iv) by inserting "or reentry site" or "or reentry services" after "launch sites," in subsection (a)(4); (v) by inserting "or reentry site" or "or reentry services" after "launch sites," in subsection (a)(5); (vi) by inserting "or reentry site" after "launch site," in subsection (a)(6); (vii) by inserting "or reentry site" after "launch sites," in subsection (a)(7); (viii) by inserting "or reentry site" and "or reentry services" after "launch sites," in subsection (a)(8); (ix) by inserting "or reentry" and "or reentry services" after "launch services," in subsection (a)(9); (x) by inserting "or reentry site" after "launch site," in subsection (a)(9); (xi) by inserting "or reentry" and "or reentry services" after "launch services," in subsection (a)(10); (xii) by inserting "or reentry site" after "launch site," in subsection (a)(10); (xiii) by inserting "or reentry services" after "launch services," in subsection (a)(11); and (xiv) by inserting "or reentry" or "or reentry services" after "launch services," in subsection (a)(12)

(70105. Reports;)

(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)(1)"; (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 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 the National Aeronautics and Space Administration received regarding commercial opportunities to participate 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 section 70104--;

(2) in section 70108--;

(3) after 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 paragraphs:

(1) "(b) by inserting "and reentries" after "commercial space launches" in paragraph (1); and (C) by inserting "and reentry" after "space launch" in paragraph (2); (d) in section 70107--;

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

(70107. Prohibition, suspension, and end of launches, operations, and reentries;)

(b) by inserting "or reentry site, or reentry of a reentry vehicle," after "launch site," in paragraph (3); (c) by inserting "or "or reentry of a reentry vehicle," after "launch site," in paragraph (4); (d) by inserting "or reentry site" after "launch site," in subsection (a); (e) by inserting "or reentry" after "launch site," in subsection (b); and (f) by inserting "or reentry" after "launch site," in subsection (c).

(b) by inserting "or reentry site, or reentry of a reentry vehicle," after "launch site," in paragraph (3); (c) by inserting "or reentry of a reentry vehicle," after "launch site," in paragraph (4); (d) by inserting "or reentry site" after "launch site," in subsection (a); (e) by inserting "or reentry" after "launch site," in subsection (b); and (f) by inserting "or reentry" after "launch site," in subsection (c).

(b) by inserting "or reentry site, or reentry of a reentry vehicle," after "launch site," in paragraph (3); (c) by inserting "or reentry of a reentry vehicle," after "launch site," in paragraph (4); (d) by inserting "or reentry site" after "launch site," in subsection (a); (e) by inserting "or reentry" after "launch site," in subsection (b); and (f) by inserting "or reentry" after "launch site," in subsection (c).

(b) by inserting "or reentry site, or reentry of a reentry vehicle," after "launch site," in paragraph (3); (c) by inserting "or reentry of a reentry vehicle," after "launch site," in paragraph (4); (d) by inserting "or reentry site" after "launch site," in subsection (a); (e) by inserting "or reentry" after "launch site," in subsection (b); and (f) by inserting "or reentry" after "launch site," in subsection (c).

(b) by inserting "or reentry site, or reentry of a reentry vehicle," after "launch site," in paragraph (3); (c) by inserting "or reentry of a reentry vehicle," after "launch site," in paragraph (4); (d) by inserting "or reentry site" after "launch site," in subsection (a); (e) by inserting "or reentry" after "launch site," in subsection (b); and (f) by inserting "or reentry" after "launch site," in subsection (c).
(ii) by inserting "or reentry" after "launch or operation";

(b) in section 70109—

(9) in section 70109—

(i) by adding the section designation and heading to read as follows:

§70109. Preemption of scheduled launches or reentries;

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

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

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

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

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

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

(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" or "reentry services" after "a launch site or reentry site", and inserting "site or reentry site" in paragraph (1) and inserting "space launch or reentry service" after "site" in paragraph (2);

(C) in subsection (d), by inserting "or reentry date," after "launch date";

(D) by striking "source, whether such source is located under the" in paragraphs (1) and (2) of subsection (d); and

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

(F) by inserting "or reentry services" after "services" in subsection (a)(1)(B);

(G) by inserting "or reentry services" after "launch services" in subsection (a)(1)(C);

(H) by inserting "or reentry services" after "services" in subsection (a)(1)(D);

(I) by inserting "or reentry" after "delays due to launch or reentry services" in subsection (a)(1)(E);

(J) by inserting "or reentry", plus a reentry site," after "United States Government launch site" in subsection (a)(1)(F);

(K) by inserting "or reentry, or to reenter a reentry vehicle, or the payload of either, for launch or reentry" in subsection (a)(1)(G);

(11) in section 70111—

(A) by inserting "or reentry" after "launch" in subsection (a)(3); and

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

(C) by inserting "or reentry services" after "services" in subsection (a)(3)(C);

(D) by striking "source," in subsection (a)(3)(D) 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 (a)(3)(E);

(F) by inserting "or reentry services" after "launch services" in subsection (a)(3)(F);

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

"5 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 (a)(3)(H) 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 (a)(3)(I);

(12) in section 70112—

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

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

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

(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); and

(H) by inserting "or reentries" after "launch", 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 "launch" and "reentry" after "space".

(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 70113—by inserting "or reentry site," after "launch site"; and

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

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

(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, payload, booster, booster site, or payload site 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 or reentered in national security space zones or reentered in space; and procedures as provided for under the Foreign Trade Zones Act (19 U.S.C. 81a-81u) shall be considered imports with regard to customs entry."; and

(D) in subsection (g)—

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

(E) 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 services;

(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 services.

§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 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) AUTHORIZATIONS AND 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 Administrator for Commercial Space 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, 1999;

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

(3) $6,600,000 for the fiscal year ending September 30, 1999.

(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 activities because of the emergence of a United States commercial industry which provides Global Positioning System equipment and related services.

(b) NATIONAL COORDINATION.—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 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) 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 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.
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 in 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 industry competitiveness in the field of remote sensing, while at the same time protecting the national security concerns and international obligations imposed on the United States.

(b) 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 the national interests of the United States, and for notifying the Secretary promptly of the determinations. The Secretary 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) 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 the national interests of the United States, and for notifying the Secretary promptly of the determinations. The Secretary 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) 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 the national interests of the United States, and for notifying the Secretary promptly of the determinations. The Secretary 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) 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 the national interests of the United States, and for notifying the Secretary promptly of the determinations. The Secretary 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;
Administration should develop and implement a program to aid the transfer of remote sensing technology and Mission to Planet Earth (OTES) science at the state level; and (C) in subsection (b), by striking "Secretary may require" and inserting in lieu thereof "Secretary shall, where appropriate, require".

SEC. 202. ACQUISITION OF EARTH SCIENCE DATA.
(a) The Administrator shall, where appropriate, require the Federal Government to acquire, where possible, data from a commercial provider. (b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS. — Acquisitions 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.

SEC. 203. LAUNCH SERVICES PURCHASE ACT OF 1990 AMENDMENTS.
(a) TREATMENT OF COMMERCIAL SPACE TRANSPORTATION SERVICES.

(b) F EASIBILITY STUDY. — The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contract operations, of space transportation systems to the commercial use of space. The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contract operations, of space transportation systems to the commercial use of space. The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contract operations, of space transportation systems to the commercial use of space. The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contract operations, of space transportation systems to the commercial use of space.

(c) MISSILES REFERRED TO. — The missiles referred to in subsection (b) are (A) strategic offensive combatant weapons, including intercontinental ballistic missiles, and (B) space launch vehicles that are used for weapon delivery systems.

(d) USE OF EXCESS INTERCONTINENTAL BALLISTIC MISSILES.

SEC. 305. USE OF EXCESS INTERCONTINENTAL BALLISTIC MISSILES.
(a) IN GENERAL. — The Federal Government shall not be required to acquire, from United States commercial providers (or from United States commercial providers through transfer of ownership), any missile referred to in section 304 of this Act.

(b) A√YORIZED 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 Foreign Affairs of the House of Representatives, and to the Committee on Armed Services of the Senate, a description of the agency's mission and the conversion is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

(2) The requirement under paragraph (1) that the assurance described in that paragraph must be transmitted at least 30 days before conversion of a missile to space transportation use may be waived by the Secretary of Defense if the Secretary determines that compatibility with that requirement would be inconsistent with meeting immediate national security requirements.

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—

2. the use of space transportation services will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

2. The requirement under paragraph (1) that the assurance described in that paragraph must be transmitted at least 30 days before conversion of a missile to space transportation use may be waived by the Secretary of Defense if the Secretary determines that compatibility with that requirement would be inconsistent with meeting immediate national security requirements.

3. the use of space transportation services to launch military payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

4. the use of space transportation services to launch commercial and government payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

5. the use of space transportation services to launch military payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

6. the use of space transportation services to launch commercial and government payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

7. the use of space transportation services to launch military payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

8. the use of space transportation services to launch commercial and government payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

9. the use of space transportation services to launch military payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

10. the use of space transportation services to launch commercial and government payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

11. the use of space transportation services to launch military payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

12. the use of space transportation services to launch commercial and government payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

13. the use of space transportation services to launch military payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

14. the use of space transportation services to launch commercial and government payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

15. the use of space transportation services to launch military payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

16. the use of space transportation services to launch commercial and government payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

17. the use of space transportation services to launch military payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

18. the use of space transportation services to launch commercial and government payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

19. the use of space transportation services to launch military payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

20. the use of space transportation services to launch commercial and government payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

21. the use of space transportation services to launch military payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

22. the use of space transportation services to launch commercial and government payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

23. the use of space transportation services to launch military payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

24. the use of space transportation services to launch commercial and government payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

25. the use of space transportation services to launch military payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

26. the use of space transportation services to launch commercial and government payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

27. the use of space transportation services to launch military payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

28. the use of space transportation services to launch commercial and government payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

29. the use of space transportation services to launch military payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.

30. the use of space transportation services to launch commercial and government payloads will improve the performance of space-based systems; and (C) is consistent with international obligations of the United States; and (D) is approved by the Secretary of Defense for his designation.
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 23, strike "Government if, except as provided in paragraph (2) and 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:

(iii) 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.ÐThe Secretary shall update the report required by paragraph (2) quinquennially beginning with 2012.

(d) RECOMMENDATIONS.ÐBased on the report 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 "(D).

On page 92, line 5, strike "(F)" and insert "(E)"

On page 92, beginning in line 6, strike "subparagraph (D), and insert "subparagraph (C)(2)(D),"

On page 92, line 12, strike "(1)(i)" and insert "(C)(1)(i)"

On page 92, line 13, strike, "(iii)" 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 "(D)."

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. Companies 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.

The Senator from Vermont, [Mr. 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. I urge all Senators to join us in encouraging 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 billion dollar 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 a 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 referred to a third reading 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 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, America was behind in development 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 to a position of leadership and dominance.

Mr. President, U.S. commercial space industry faces a number of competitors from abroad. The most serious are France, Russia, Brazil, 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 range 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 transport satellite 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 remainder that President 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.

Having already passed the House by a large margin, 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 rely on market-will 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 France, Russia, Brazil, 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.

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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 Committee Bill Nelson, for their support of 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, and any statements relating to the nominations appear at the appropriate place in the RECORD, the President 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 31, 2006.

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

UNITED STATES INTERNATIONAL TRADE COMMISSION

Jennifer Anne Hillman, of Indiana, to be a Member of the United States International Trade Commission for the term expiring December 31, 2006.

Stephen Kaplan, of Virginia, to be a Member of the United States International Trade Commission for the term expiring December 31, 2006.