

Commercial Space Transportation Competitiveness Act of 2000 (Enrolled as Agreed to or Passed by Both House and Senate)

--H.R.2607--

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*One Hundred Sixth Congress
of the
United States of America
AT THE SECOND SESSION*

Begun and held at the City of Washington on Monday,

the twenty-fourth day of January, two thousand

An Act

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Commercial Space Transportation Competitiveness Act of 2000'.

SEC. 2. FINDINGS.

The Congress finds that--

- (1) a robust United States space transportation industry is vital to the Nation's economic well-being and national security;
- (2) enactment of a 5-year extension of the excess third party claims payment provision of chapter 701 of title 49, United States Code (Commercial Space Launch Activities), will have a beneficial impact on the international competitiveness of the United States space transportation industry;
- (3) space transportation may evolve into airplane-style operations;
- (4) during the next 3 years the Federal Government and the private sector should analyze the liability risk-sharing regime to determine its appropriateness and effectiveness, and, if needed, develop and propose a

new regime to Congress at least 2 years prior to the expiration of the extension contained in this Act;

(5) the areas of responsibility of the Office of the Associate Administrator for Commercial Space Transportation have significantly increased as a result of--

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

(B) regulatory activity as a result of the emerging commercial reusable launch vehicle industry; and

(C) the increased regulatory activity associated with commercial operation of launch and reentry sites; and

(6) the Office of the Associate Administrator for Commercial Space Transportation should continue to limit its promotional activities to those which support its regulatory mission.

SEC. 3. OFFICE OF COMMERCIAL SPACE TRANSPORTATION.

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

Sec. 70119. Office of Commercial Space Transportation

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) \$12,607,000 for fiscal year 2001; and

(2) \$16,478,000 for fiscal year 2002.'

(b) TABLE OF SECTIONS AMENDMENT- The item relating to section 70119 in the table of sections of chapter 701 of title 49, United States Code, is amended to read as follows:

'70119. Office of Commercial Space Transportation.'

SEC. 4. OFFICE OF SPACE COMMERCIALIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Space Commercialization--

(1) \$590,000 for fiscal year 2001;

(2) \$608,000 for fiscal year 2002; and

(3) \$626,000 for fiscal year 2003.

(b) REPORT TO CONGRESS- Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall transmit to the Congress a report on the Office of Space Commercialization detailing the activities of the Office, the materials produced by the Office, the extent to which the Office has fulfilled the functions established for it by the Congress, and the extent to which the Office has participated in interagency efforts.

SEC. 5. COMMERCIAL SPACE TRANSPORTATION INDEMNIFICATION EXTENSION.

(a) IN GENERAL- If, on the date of the enactment of this Act, section 70113(f) of title 49, United States Code, has not been amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then that section is amended by striking `December 31, 2000' and inserting `December 31, 2004'.

(b) AMENDMENT OF MODIFIED SECTION- If, on the date of the enactment of this Act, section 70113(f) of title 49, United States Code, has been amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then that section is amended by striking `December 31, 2001' and inserting `December 31, 2004'.

SEC. 6. TECHNICAL AMENDMENT TO SECTION 70113 OF TITLE 49.

(a) Section 70113 of title 49, United States Code, is amended by striking `-----, 19----.', in subsection (e)(1)(A) and inserting `-----, 20----.'.

(b) The amendment made by subsection (a) takes effect on January 1, 2000.

SEC. 7. LIABILITY REGIME FOR COMMERCIAL SPACE TRANSPORTATION.

(a) REPORT REQUIREMENT- Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report on the liability risk-sharing regime in the United States for commercial space transportation.

(b) CONTENTS- The report required by this section shall--

- (1) analyze the adequacy, propriety, and effectiveness of, and the need for, the current liability risk-sharing regime in the United States for commercial space transportation;
- (2) examine the current liability and liability risk-sharing regimes in other countries with space transportation capabilities;
- (3) examine the appropriateness of deeming all space transportation activities to be `ultrahazardous activities' for which a strict liability standard may be applied and which liability regime should attach to space transportation activities, whether ultrahazardous activities or not;
- (4) examine the effect of relevant international treaties on the Federal Government's liability for commercial space launches and how the current domestic liability risk-sharing regime meets or exceeds the requirements of those treaties;
- (5) examine the appropriateness, as commercial reusable launch vehicles enter service and demonstrate improved safety and reliability, of evolving the commercial space transportation liability regime towards the approach of the airline liability regime;

- (6) examine the need for changes to the Federal Government's indemnification policy to accommodate the risks associated with commercial spaceport operations; and
- (7) recommend appropriate modifications to the commercial space transportation liability regime and the actions required to accomplish those modifications.

(c) SECTIONS- The report required by this section shall contain sections expressing the views and recommendations of--

- (1) interested Federal agencies, including--
 - (A) the Office of the Associate Administrator for Commercial Space Transportation;
 - (B) the National Aeronautics and Space Administration;
 - (C) the Department of Defense; and
 - (D) the Office of Space Commercialization; and
- (2) the public, received as a result of notice in Commerce Business Daily, the Federal Register, and appropriate Federal agency Internet websites.

SEC. 8. AUTHORIZATION OF INTERAGENCY SUPPORT FOR GLOBAL POSITIONING SYSTEM.

The use of interagency funding and other forms of support is hereby authorized by Congress for the functions and activities of the Interagency Global Positioning System Executive Board, including an Executive Secretariat to be housed at the Department of Commerce.

Speaker of the House of Representatives.

Vice President of the United States and
President of the Senate.