



**GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

SEP 17 2007

The Honorable Richard B. Cheney
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

On behalf of the Bush Administration, I respectfully submit for Congressional consideration and action the *Space Commerce Act of 2007*, a bill to amend the *Technology Administration Act of 1998* (15 U.S.C. § 1511e(a)). I also enclose a statement of purpose and need, a section-by-section analysis, and a redline of current statutory text.

The Office of Space Commercialization, currently funded within the National Oceanic and Atmospheric Administration (NOAA) and authorized within the Department of Commerce under the *Technology Administration Act of 1998*, is the principal unit for space commerce policy activities within the Department of Commerce. The Office's mission is to foster the conditions for the economic growth and the technological advancement of the U.S. commercial space industry.

The original "Office of Space Commerce" was established in 1988 by Secretary of Commerce William Verity through Department Organization Order 15-19 (12/2/1988), which placed it within the Office of the Secretary. The Office was later renamed the Office of Space Commercialization under Section 8 of the *Technology Administration Act of 1998* (Public Law 105-309, 15 U.S.C. § 1511e(a)). In 2004, Congress moved funding for the Office from the Technology Administration to NOAA under a provision of the Consolidated Appropriations Act of 2005 (Public Law 108-447).

This legislation restores the Office's original name, "Office of Space Commerce," to more accurately reflect its space commerce responsibilities. In addition, the legislation updates the Office's functions to reflect the current state of the U.S. space commerce industry to include expanding geospatial activities. The legislation streamlines the functions of the Office to preserve flexibility for the Department in executing the Office's responsibilities, and expands the Office's responsibilities in supporting the U.S. Space-Based Positioning, Navigation, and Timing (PNT) Policy.

The Administration looks forward to working with the Congress to enact this legislation. We have been advised by the Office of Management and Budget that there is no objection to the submission of this draft legislation from the standpoint of the Administration's program.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Sullivan". The signature is fluid and cursive, with a large loop at the end.

John J. Sullivan

Enclosures

Identical Letters Sent to:

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, D.C. 20515-6501

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, DC 20510-7010

The Honorable Steny H. Hoyer
Majority Leader
U.S. House of Representatives
Washington, DC 20515-6502

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510-7020

The Honorable John A. Boehner
Republican Leader
U.S. House of Representatives
Washington, D.C. 20510-6537

The Honorable Daniel K. Inouye
Chair, Committee on Commerce,
Science, and Transportation
United States Senate
Washington, D.C. 20510-6125

The Honorable Bart Gordon
Chair, Committee of Science
and Technology
U.S. House of Representatives
Washington, D.C. 20515-6301

The Honorable Ted Stevens
Vice-Chair, Committee on Commerce,
Science, and Transportation
United States Senate
Washington, D.C. 20510-6125

The Honorable Ralph M. Hall
Ranking Member, Committee of Science
and Technology
U.S. House of Representatives
Washington, D.C. 20515-6301

A BILL

To provide technical corrections to the Technology Administration Act of 1998, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 (a) This Act may be cited as the “Space Commerce Act of 2007.”

5 **SEC. 2. ESTABLISHMENT OF THE OFFICE OF SPACE COMMERCE.**

6 (a) The heading of 15 U.S.C. § 1511e is deleted and replaced with the following:

7 “Office of Space Commerce”.

8 (b) Section 8(a) of the Technology Administration Act of 1998 (15 U.S.C. § 1511e(a)) is
9 amended to read as follows:

10 “There is established within the Department of Commerce an Office of Space Commerce
11 (referred to in this section as the “Office”).”.

12 **SEC. 3. FUNCTIONS OF THE OFFICE OF SPACE COMMERCE.**

13 Section 8(c) of the Technology Administration Act of 1998 (15 U.S.C. § 1511e(c)) is
14 amended to read as follows:

15 “Functions of Office.— The Office shall be the principal unit for space commerce policy
16 activities within the Department of Commerce. The Office shall—

17 “(1) Foster the conditions for the economic growth and technological advancement of the
18 United States’ space commerce industry;

19 “(2) Coordinate space commerce policy issues and actions within the Department of
20 Commerce;

21 “(3) Represent the Department of Commerce in the development of United States policies
22 and in negotiations with foreign countries to promote United States’ space commerce;

1 “(4) Promote the advancement of United States’ geospatial technologies related to space
2 commerce, in cooperation with relevant interagency working groups; and

3 “(5) Provide support to the U.S. Government organizations established pursuant to the
4 United States Space-Based Positioning, Navigation, and Timing Policy issued December 8,
5 2004 (and any successor organizations).”.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.

This section of the bill cites the short title as the “Space Commerce Act of 2007”. Space commerce is a term referring to the utilization of space-based capabilities to enable commerce. The term encompasses providers and users of space (not aerospace) goods and services. For example, space commerce includes the commercial user base for the Global Positioning System as well as value-added service providers.

Section 2. Establishment of the Office of Space Commerce.

This section would modify section 8(a) of the *Technology Administration Act of 1998* (15 U.S.C. § 1511e(a)), to restore the original name of the Office to the “Office of Space Commerce” (rather than the “Office of Space Commercialization”). The Office of Space Commercialization is the principal unit for space commerce policy activities within the Department of Commerce. The Office’s mission is to foster the conditions for the economic growth and the technological advancement of the U.S. commercial space industry. This name change more accurately reflects the Office’s core mission, which is to promote U.S. commerce (and not to commercialize space programs or projects).

Section 3. Functions of the Office of Space Commerce.

This section would modify section 8(c) of the *Technology Administration Act of 1998* (15 U.S.C. § 1511e(c)), to outline the functions of the Office of Space Commerce and reflect the current state of the U.S. space commerce industry. The functions are revised to:

- Expand the Office’s responsibilities supporting the Administration’s Positioning, Navigation, and Timing (PNT) national policy,
- Include the Office’s stewardship of the National Space-Based PNT Coordination Office, and
- Include the Office’s role in expanding commercial remote sensing and geospatial technology activities in coordination with relevant interagency organizations, for example, the Federal Geographic Data Committee (FGDC), Senior Management Oversight Committee (SMOC), Remote Sensing Interagency Working Group (RSIWG), PNT Executive Steering Group (ESG), and GPS International Working Group (GIWG).

STATEMENT OF PURPOSE AND NEED

PURPOSE OF THE BILL

The purpose of the *Space Commerce Act of 2007* is to amend the *Technology Administration Act of 1998* (15 U.S.C. §1511e(a)) to update the current law, as it applies to the Department of Commerce's Office of Space Commercialization.

NEED

The Office of Space Commercialization, currently funded within the National Oceanic and Atmospheric Administration (NOAA) and authorized within the Department of Commerce under the *Technology Administration Act of 1998*, is the principal unit for space commerce policy activities within the Department of Commerce. This legislation proposes to restore the Office's original name, "Office of Space Commerce," to more accurately reflect its space commerce responsibilities. In addition, the legislation seeks to update the Office's functions to reflect the current state of the U.S. space commerce industry. The legislation streamlines the functions of the Office to preserve flexibility for the Department in executing the Office's responsibilities.

The proposed legislation also expands the Office's responsibilities supporting the Administration's Positioning, Navigation, and Timing (PNT) policy to include its stewardship of the National Space-Based PNT Coordination Office.

Sec. 1511e. Office of Space ~~Commercialization~~ *Commerce*

(a) Establishment

There is established within the ~~the~~ Department of Commerce an Office of Space ~~Commercialization~~ *Commerce* (referred to in this section as the "Office").

(b) Director

The Office shall be headed by a Director, who shall be a senior executive and shall be compensated at a level in the Senior Executive Service under section 5382 of Title 5 as determined by the Secretary of Commerce.

(c) Functions of Office; ~~duties of Director~~

The Office shall be the principal unit for ~~the coordination of space-related issues, programs, and initiatives within the Department of Commerce. The primary responsibilities of the Director, in carrying out the functions of the Office, shall include—~~ *space policy activities within the Department of Commerce. The Office shall -*

- ~~(1) promoting commercial provider investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;~~
- ~~(2) assisting United States commercial providers in the efforts of those providers to conduct business with the United States Government;~~
- ~~(3) acting as an industry advocate within the executive branch of the Federal Government to ensure that the Federal Government meets the space-related requirements of the Federal Government, to the fullest extent feasible, using commercially available space goods and services;~~
- ~~(4) ensuring that the United States Government does not compete with United States commercial providers in the provision of space hardware and services otherwise available from United States commercial providers;~~
- ~~(5) promoting the export of space-related goods and services;~~
- ~~(6) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce; and~~
- ~~(7) seeking the removal of legal, policy, and institutional impediments to space commerce.~~

(1) Promote the interests of the United States space commerce industry within the United States Government, consistent with United States policy;

(2) Coordinate space commerce policy issues and actions within the Department of Commerce;

(3) Represent the Department of Commerce in the development of United States policies and in negotiations with foreign countries to promote United States space commerce;

(4) Promote the advancement of United States geospatial technologies related to space commerce, in cooperation with relevant interagency working groups; and

(5) Provide support to the U.S. Government organizations established pursuant to the United States Space-Based Positioning, Navigation, and Timing Policy issued December 8, 2004 (and any successor organizations).