

117TH CONGRESS  
1ST SESSION

# H. R. 2624

To amend title 49, United States Code, to establish a program to track potential sources of airborne debris to prevent the collision of aircraft with such debris, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2021

Mr. GRAVES of Louisiana (for himself and Mr. LARSEN of Washington) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to establish a program to track potential sources of airborne debris to prevent the collision of aircraft with such debris, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Aerospace Debris Safe-  
5 ty Act”.

1 **SEC. 2. AIRBORNE DEBRIS COLLISION AVOIDANCE.**

2 (a) IN GENERAL.—Chapter 447 of title 49, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 **“§ 44744. Airborne debris collision avoidance**

6 “(a) IN GENERAL.—The Secretary of Transpor-  
7 tation, in coordination with the Administrator of the Fed-  
8 eral Aviation Administration, shall—

9 “(1) establish a program to track objects that  
10 are potential sources of covered airborne debris;

11 “(2) establish a database containing data and  
12 information on such objects;

13 “(3) utilize existing tools and methods, includ-  
14 ing communication with the owners or operators of  
15 such objects, to determine on an ongoing basis the  
16 likelihood and the circumstances, including the time  
17 and location, under which such objects may reenter  
18 the Earth’s atmosphere in a controlled or uncon-  
19 trolled manner;

20 “(4) assess the potential of a reentry of each  
21 such object to create covered airborne debris and the  
22 risk such debris may pose to aircraft or individuals  
23 and property on the ground; and

24 “(5) establish a system, in consultation with the  
25 Chief Operating Officer for the air traffic control  
26 system, by which—

1           “(A) airspace may be identified for pos-  
2           sible control or restrictions when risks are  
3           present due to the presence or expected pres-  
4           ence of covered airborne debris; and

5           “(B) aircraft at risk of being impacted by  
6           covered airborne debris can be expeditiously no-  
7           tified and redirected.

8           “(b) TRACKING PROGRAM.—In establishing the pro-  
9           gram under subsection (a)(1), the Secretary may—

10           “(1) acquire or establish facilities and equip-  
11           ment to directly track objects that are potential  
12           sources of covered airborne debris; and

13           “(2) contract for, or utilize reliable sources of,  
14           data and information relating to such objects from  
15           other Federal agencies or any eligible entity, includ-  
16           ing by using the authority provided in section  
17           106(l)(6).

18           “(c) DATA AND INFORMATION AGREEMENTS.—

19           “(1) FEDERAL AGREEMENT.—Prior to receiving  
20           data and information from a Federal agency under  
21           subsection (b)(2), or using such data and informa-  
22           tion for any purpose under this section, the Sec-  
23           retary shall enter into an agreement with the head  
24           of such Federal agency that—

1           “(A) details the purposes for which the  
2 Secretary is authorized to use such data and in-  
3 formation;

4           “(B) describes the conditions under which  
5 data and information may not be released, in-  
6 cluding a list of eligible entities or categories of  
7 eligible entities that are not permitted to receive  
8 such data and information;

9           “(C) ensures that such data or information  
10 is safety-related and unclassified;

11           “(D) designates the Secretary as the sole  
12 or primary Federal distributor of such data and  
13 information to an eligible entity; and

14           “(E) contains any other condition or re-  
15 striction as the Secretary and the head of such  
16 Federal agency consider appropriate.

17           “(2) EXCEPTIONS.—

18           “(A) IN GENERAL.—The Secretary may  
19 not enter into an agreement with the head of a  
20 Federal agency under this subsection that re-  
21 stricts the ability of the Secretary to provide  
22 the minimum data and information necessary to  
23 an eligible entity to effectively provide services  
24 described under subsection (d).

1           “(B) CLASSIFIED DATA OR INFORMA-  
2           TION.—If the Secretary and the head of a Fed-  
3           eral agency determine that the sharing of clas-  
4           sified data or information from such Federal  
5           agency under subsection (b)(2) is necessary or  
6           otherwise appropriate, the Secretary and the  
7           head of the Federal agency shall include in an  
8           agreement under this subsection any procedures  
9           and policies that are necessary to manage the  
10          use of such classified data or information with-  
11          out compromising the national security interests  
12          of the United States.

13          “(3) NON-FEDERAL AGREEMENT.—Prior to re-  
14          ceiving data and information from an eligible entity  
15          under subsection (b)(2), or using such data and in-  
16          formation for any purpose under this section, the  
17          Secretary shall enter into an agreement with the eli-  
18          gible entity governing the management and dissemi-  
19          nation of such data and information. Such agree-  
20          ment may contain such conditions or restrictions as  
21          the Secretary considers appropriate.

22          “(4) DISCLOSURE.—

23                 “(A) IN GENERAL.—Pursuant to section  
24                 552(b)(3)(B) of title 5, the Secretary may not  
25                 disclose to the public any data or information

1 received pursuant an agreement under this sub-  
2 section.

3 “(B) EXCEPTION.—The Secretary may  
4 disclose data or information under this section  
5 that qualifies for an exemption under section  
6 552(b)(4) of title 5, or is designated as con-  
7 fidential by the person or head of the Federal  
8 agency providing the data or information, only  
9 if the Secretary decides withholding the data or  
10 information is contrary to the public or national  
11 interest.

12 “(C) RULE OF CONSTRUCTION.—Nothing  
13 in this paragraph shall be construed to prohibit  
14 the Secretary from using or releasing such data  
15 and information pursuant to the terms of an  
16 agreement under this subsection.

17 “(d) SAFETY OF AIRSPACE AND AIRCRAFT.—

18 “(1) UNITED STATES AIRSPACE.—The Sec-  
19 retary shall provide the service described under sub-  
20 section (a)(5) to aircraft operating in United States  
21 airspace or airspace assigned to the United States at  
22 no charge.

23 “(2) FOREIGN AGREEMENTS.—The Secretary  
24 may enter into an agreement with a foreign air navi-  
25 gation service provider for the Secretary to provide

1 the services described in subsection (a)(5)(B) to the  
2 foreign air navigation service provider, provided that  
3 the foreign air navigation service provider—

4 “(A) remunerates the Secretary at a rate  
5 that is reasonably related to the cost of pro-  
6 viding such services, as determined by the Sec-  
7 retary; and

8 “(B) agrees to indemnify and hold the  
9 United States Government harmless from any  
10 claim related to the provision of such services  
11 and any related action or omission.

12 “(e) OTHER USES OF DATA AND INFORMATION;  
13 OTHER SERVICES.—

14 “(1) AUTHORITY.—The Secretary, in coordina-  
15 tion with appropriate entities within the Department  
16 of Transportation and in consultation with the heads  
17 of other relevant Federal agencies—

18 “(A) shall carry out a program to improve  
19 the collection, processing, and dissemination of  
20 space situational awareness data and informa-  
21 tion (including information contained in the  
22 database established under subsection (a)(2))  
23 and to provide services relating to such data  
24 and information;

1           “(B) subject to paragraph (2), may pro-  
2           vide such data, information, and services to an  
3           eligible entity; and

4           “(C) may obtain such data, information,  
5           and services from an eligible entity.

6           “(2) TYPE OF INFORMATION PROVIDED.—

7           “(A) IN GENERAL.—Data and information  
8           provided to an eligible entity under paragraph  
9           (1)(B) shall be safety-related and unclassified.

10          “(B) INTERESTS OF THE UNITED  
11          STATES.—The Secretary, in consultation with  
12          the head of a Federal agency with which the  
13          Secretary has entered into an agreement under  
14          subsection (c), shall develop a policy to deter-  
15          mine the type of information that may be pro-  
16          vided under paragraph (1) without compro-  
17          mising the national security interests of the  
18          United States.

19          “(3) PUBLIC SERVICES.—

20          “(A) IN GENERAL.—The Secretary shall  
21          designate a basic level of data, information, and  
22          services described in paragraph (1) to be pro-  
23          vided at no charge to an eligible entity and pub-  
24          lic services to be provided at no charge, includ-  
25          ing—



1           “(i) a public catalog of objects that  
2           are potential sources of covered airborne  
3           debris and other tracked space objects;

4           “(ii) emergency conjunction notifica-  
5           tions for objects described in clause (i);  
6           and

7           “(iii) any other data, information, or  
8           services (excluding services that may be  
9           provided pursuant to an agreement under  
10          subsection (d)(2)) that the Secretary con-  
11          siders—

12                           “(I) necessary for safety; or

13                           “(II) appropriate.

14          “(B) LIMITATION.—The Secretary may  
15          not provide data, information, or services under  
16          subparagraph (A)(iii)(II) that compete with  
17          products offered by United States commercial  
18          entities.

19          “(4) ADVANCED SERVICES.—The Secretary  
20          may undertake activities to promote the creation and  
21          provision of more advanced levels of data, informa-  
22          tion, and services described in paragraph (1) to fos-  
23          ter the public and private enhancement of transpor-  
24          tation safety.

1           “(5) PROCEDURES.—The Secretary shall estab-  
2           lish procedures by which the authority under this  
3           subsection shall be carried out.

4           “(6) IMMUNITY.—The United States, any agen-  
5           cies and instrumentalities thereof, and any individ-  
6           uals, firms, corporations, and other persons acting  
7           for the United States, shall be immune from any  
8           suit in any court for any cause of action arising  
9           from the provision or receipt data, information, or  
10          services described in paragraph (1) whether or not  
11          provided in accordance with this section, or any re-  
12          lated action or omission.

13          “(f) NON-DELEGATION.—Except as provided in sub-  
14          section (e)(5), the authority under this section may only  
15          be delegated by the Secretary of Transportation to an offi-  
16          cer or employee of the Department of Transportation, in-  
17          cluding the Federal Aviation Administration.

18          “(g) FUNDING.—Out of amounts made available  
19          under section 106(k)(2)(D) of title 49, United States  
20          Code, \$15,000,000 for each of fiscal years 2022 and 2023  
21          may be expended by the Secretary to carry out this sec-  
22          tion.

23          “(h) DEFINITIONS.—In this section:

1           “(1) COVERED AIRBORNE DEBRIS.—The term  
2           ‘covered airborne debris’ means any human-made  
3           object that—

4                   “(A) was previously in Earth orbit;

5                   “(B) is in the atmosphere;

6                   “(C) is uncontrolled; and

7                   “(D) poses a potential risk to the safe  
8           flight of civil aircraft in air commerce.

9           “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
10          tity’ means any non-Federal entity, including any of  
11          the following:

12                   “(A) A State.

13                   “(B) A political subdivision of a State.

14                   “(C) A United States commercial entity.

15                   “(D) The government of a foreign country.

16                   “(E) A foreign commercial entity.”.

17          (b) CLERICAL AMENDMENT.—The analysis for chap-  
18          ter 447 of title 49, United States Code, is amended by  
19          adding at the end the following:

“44744. Airborne debris collision avoidance.”.

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