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S. 3277

[Report No. 115–397]

To reduce regulatory burdens and streamline processes related to commercial space activities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2018

Mr. CRUZ (for himself, Mr. NELSON, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 29, 2018

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To reduce regulatory burdens and streamline processes related to commercial space activities, 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; TABLE OF CONTENTS.**

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the

5 “~~Space Frontier Act of 2018~~”.

1 (b) **TABLE OF CONTENTS.**—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

**TITLE I—STREAMLINING OVERSIGHT OF LAUNCH AND REENTRY
 ACTIVITIES**

Sec. 101. Oversight of nongovernmental space activities.
 Sec. 102. Office of Commercial Space Transportation.
 Sec. 103. Use of existing authorities.
 Sec. 104. Experimental permits.
 Sec. 105. Space-related advisory rulemaking committees.
 Sec. 106. Government-developed space technology.
 Sec. 107. Regulatory reform.
 Sec. 108. Secretary of Transportation oversight and coordination of commercial
 launch and reentry operations.

**TITLE II—STREAMLINING OVERSIGHT OF NONGOVERNMENTAL
 EARTH OBSERVATION ACTIVITIES**

Sec. 201. Nongovernmental Earth observation activities.

TITLE III—MISCELLANEOUS

Sec. 301. Promoting fairness and competitiveness for NASA partnership oppor-
 tunities.
 Sec. 302. Lease of non-excess property.
 Sec. 303. Sense of Congress on maintaining a national laboratory in space.
 Sec. 304. Continuation of the ISS.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) **ISS.**—The term “ISS” means the Inter-
 6 national Space Station.

7 (2) **NASA.**—The term “NASA” means the Na-
 8 tional Aeronautics and Space Administration.

9 (3) **NOAA.**—The term “NOAA” means the Na-
 10 tional Oceanic and Atmospheric Administration.

1 **TITLE I—STREAMLINING OVER-**
2 **SIGHT OF LAUNCH AND RE-**
3 **ENTRY ACTIVITIES**

4 **SEC. 101. OVERSIGHT OF NONGOVERNMENTAL SPACE AC-**
5 **TIVITIES.**

6 (a) **POLICY.**—It is the policy of the United States to
7 provide oversight and continuing supervision of non-
8 governmental space activities in a manner that encourages
9 the fullest commercial use of space, consistent with section
10 20102(e) of title 51, United States Code.

11 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
12 gress that—

13 (1) increased activity and new applications in
14 space could grow the space economy;

15 (2) it is in the national interest of the United
16 States—

17 (A) to encourage and promote new and ex-
18 isting nongovernmental space activities; and

19 (B) to provide authorization and con-
20 tinuing supervision of those activities through a
21 process that is efficient, transparent, minimally
22 burdensome, and generally permissive; and

23 (3) to conduct those activities in a manner that
24 fully protects United States national security assets,
25 NASA human spaceflight and exploration systems;

1 NASA and NOAA satellites, and other Federal as-
 2 sets that serve the public interest.

3 **SEC. 102. OFFICE OF COMMERCIAL SPACE TRANSPOR-**
 4 **TATION.**

5 (a) IN GENERAL.—Section 50921 of title 51, United
 6 States Code, is amended—

7 (1) by inserting “(b) AUTHORIZATION OF AP-
 8 PROPRIATIONS.—” before “There” and indenting
 9 appropriately; and

10 (2) by inserting before subsection (b), the fol-
 11 lowing:

12 “(b) ASSOCIATE ADMINISTRATOR FOR COMMERCIAL
 13 SPACE TRANSPORTATION.—The Assistant Secretary for
 14 Commercial Space Transportation shall serve as the Asso-
 15 ciate Administrator for Commercial Space Transpor-
 16 tation.”.

17 (b) ESTABLISHMENT OF ASSISTANT SECRETARY FOR
 18 COMMERCIAL SPACE TRANSPORTATION.—Section
 19 102(e)(1) of title 49, United States Code, is amended—

20 (1) in the matter preceding subparagraph (A),
 21 by striking “6” and inserting “7”; and

22 (2) in subparagraph (A), by inserting “Assist-
 23 ant Secretary for Commercial Space Transpor-
 24 tation,” after “Assistant Secretary for Research and
 25 Technology,”.

1 **SEC. 103. USE OF EXISTING AUTHORITIES.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
 3 gress that, in the absence of comprehensive regulatory re-
 4 form, the Secretary of Transportation should make use
 5 of existing authorities, including waivers and safety ap-
 6 provals, as appropriate, to protect the public, make more
 7 efficient use of resources, and reduce the regulatory bur-
 8 den for an applicant for a commercial space launch or re-
 9 entry license or experimental permit.

10 (b) LICENSE APPLICATIONS AND REQUIREMENTS.—
 11 Section 50905 of title 51, United States Code, is amend-
 12 ed—

13 (1) in subsection (a)—

14 (A) in paragraph (1), by striking “sub-
 15 section (b)(2)(D)” each place it appears and in-
 16 serting “subsection (b)(2)(E)”; and

17 (B) in paragraph (2)—

18 (i) by inserting “software,” after
 19 “services,”; and

20 (ii) by adding at the end the fol-
 21 lowing: “Such safety approvals may be
 22 issued simultaneously with a license under
 23 this chapter.”; and

24 (2) by adding at the end the following:

25 “(e) USE OF EXISTING AUTHORITIES.—

26 “(1) IN GENERAL.—The Secretary—

1 “(A) shall use existing authorities, includ-
2 ing waivers and safety approvals, as appro-
3 priate, to make more efficient use of resources
4 and reduce the regulatory burden for an appli-
5 cant under this section; and

6 “(B) may use the launch and reentry pay-
7 load review process to authorize nongovern-
8 mental space activities that are related to an
9 application for a license or permit under this
10 chapter and are not subject to authorization
11 under other Federal law.

12 “(2) EXPEDITING SAFETY APPROVALS.—The
13 Secretary shall expedite the processing of safety ap-
14 provals that would reduce risks to health or safety
15 during launch and reentry.”.

16 (c) DEFINITIONS.—Section 50902 of title 51, United
17 States Code, is amended—

18 (1) by redesignating paragraphs (21) through
19 (25) as paragraphs (24) through (28), respectively;

20 (2) by redesignating paragraph (20) as para-
21 graph (22);

22 (3) by redesignating paragraphs (12) through
23 (19) as paragraphs (13) through (20), respectively;

24 (4) by inserting after paragraph (11) the fol-
25 lowing:

1 “(12) ‘nongovernmental space activity’ means a
2 space activity of a person other than—

3 “(A) the United States Government; or

4 “(B) a Government contractor or subcon-
5 tractor if the Government contractor or subcon-
6 tractor is performing the space activity for the
7 Government.”;

8 (5) by inserting after paragraph (20), as reded-
9 icated, the following:

10 “(21) ‘space activity’ has the meaning given the
11 term in section 60101 of this title.”; and

12 (6) by inserting after paragraph (22), as reded-
13 icated, the following:

14 “(23) ‘space object’ has the meaning given the
15 term in section 60101 of this title.”.

16 (d) RESTRICTIONS ON LAUNCHES, OPERATIONS, AND
17 REENTRIES.—Section 50904 of title 51, United States
18 Code, is amended by adding at the end the following:

19 “(e) MULTIPLE SITES.—The Secretary may issue a
20 single license or permit for an operator to conduct launch
21 services and reentry services at multiple launch sites or
22 reentry sites.”.

23 **SEC. 104. EXPERIMENTAL PERMITS.**

24 Section 50906 of title 51, United States Code, is
25 amended by adding at the end the following:

1 “(j) USE OF EXISTING AUTHORITIES.—

2 “(1) IN GENERAL.—The Secretary shall use ex-
3 isting authorities, including waivers and safety ap-
4 provals, as appropriate, to make more efficient use
5 of resources and reduce the regulatory burden for an
6 applicant under this section.

7 “(2) EXPEDITING SAFETY APPROVALS.—The
8 Secretary shall expedite the processing of safety ap-
9 provals that would reduce risks to health or safety
10 during launch and reentry.”.

11 **SEC. 105. SPACE-RELATED ADVISORY RULEMAKING COM-**
12 **MITTEES.**

13 Section 50903 of title 51, United States Code, is
14 amended by adding at the end the following:

15 “(e) FACA.—The Federal Advisory Committee Act
16 (5 U.S.C. App.) does not apply to such space-related rule-
17 making committees under the Secretary’s jurisdiction as
18 the Secretary shall designate.”.

19 **SEC. 106. GOVERNMENT-DEVELOPED SPACE TECHNOLOGY.**

20 Section 50901(b)(2)(B) of title 51, United States
21 Code, is amended by striking “and encouraging”.

22 **SEC. 107. REGULATORY REFORM.**

23 (a) DEFINITIONS.—The definitions set forth in sec-
24 tion 50902 of title 51, United States Code, shall apply
25 to this section.

1 (b) FINDINGS.—Congress finds that the commercial
2 space launch regulatory environment has at times impeded
3 the United States commercial space launch sector in its
4 innovation of small-class launch technologies, reusable
5 launch and reentry vehicles, and other areas related to
6 commercial launches and reentries.

7 (c) REGULATORY IMPROVEMENTS FOR COMMERCIAL
8 SPACE LAUNCH ACTIVITIES.—

9 (1) IN GENERAL.—Not later than February 1,
10 2019, the Secretary of Transportation shall issue a
11 notice of proposed rulemaking to revise any regula-
12 tions under chapter 509, United States Code, as the
13 Secretary considers necessary to meet the objective
14 of this section.

15 (2) OBJECTIVE.—The objective of this section
16 is to establish, consistent with the purposes de-
17 scribed in section 50901(b) of title 51, United States
18 Code, a regulatory regime for commercial space
19 launch activities under chapter 509 that—

20 (A) creates, to the extent practicable, re-
21 quirements applicable both to expendable
22 launch and reentry vehicles and to reusable
23 launch and reentry vehicles;

1 ~~(B)~~ is neutral with regard to the specific
2 technology utilized in a launch, a reentry, or an
3 associated safety system;

4 ~~(C)~~ protects the health and safety of the
5 public;

6 ~~(D)~~ establishes clear, high-level perform-
7 ance requirements;

8 ~~(E)~~ encourages voluntary, industry tech-
9 nical standards that complement the high-level
10 performance requirements established under
11 subparagraph ~~(D)~~; and

12 ~~(F)~~ facilitates and encourages appropriate
13 collaboration between the commercial space
14 launch and reentry sector and the Department
15 of Transportation with respect to the require-
16 ments under subparagraph ~~(D)~~ and the stand-
17 ards under subparagraph ~~(E)~~.

18 ~~(d) CONSULTATION.—~~In revising the regulations
19 under subsection ~~(c)~~, the Secretary of Transportation shall
20 consult with the following:

21 ~~(1) Secretary of Defense.~~

22 ~~(2) Administrator of NASA.~~

23 ~~(3) Such members of the commercial space~~
24 launch and reentry sector as the Secretary of Trans-

1 portation considers appropriate to ensure adequate
2 representation across industry.

3 (e) REPORT.—

4 (1) IN GENERAL.—Not later than 120 days
5 after the date of enactment of this Act, the Sec-
6 retary of Transportation, in consultation with the
7 persons described in subsection (d), shall submit to
8 the Committee on Commerce, Science, and Trans-
9 portation of the Senate and the Committee on
10 Science, Space, and Technology and the Committee
11 on Transportation and Infrastructure of the House
12 of Representatives a report on the progress in ear-
13 rying out this section.

14 (2) CONTENTS.—The report shall include—

15 (A) milestones and a schedule to meet the
16 objective of this section;

17 (B) a description of any Federal agency re-
18 sources necessary to meet the objective of this
19 section;

20 (C) recommendations for legislation that
21 would expedite or improve the outcomes under
22 subsection (e); and

23 (D) a plan for ongoing consultation with
24 the persons described in subsection (d).

1 **SEC. 108. SECRETARY OF TRANSPORTATION OVERSIGHT**
2 **AND COORDINATION OF COMMERCIAL**
3 **LAUNCH AND REENTRY OPERATIONS.**

4 (a) OVERSIGHT AND COORDINATION.—

5 (1) IN GENERAL.—The Secretary of Transpor-
6 tation, in accordance with the findings under section
7 1617 of the National Defense Authorization Act for
8 Fiscal Year 2016 (51 U.S.C. 50918 note) and sub-
9 ject to section 50905(b)(2)(C) of title 51, United
10 States Code, shall take such action as may be nec-
11 essary to consolidate or modify the requirements
12 across Federal agencies identified in section
13 1617(e)(1)(A) of that Act into a single application
14 set that satisfies those requirements and expedites
15 the coordination of commercial launch and reentry
16 services.

17 (2) CERTIFICATION.—Not later than 45 days
18 after the effective date of this subsection, the Presi-
19 dent shall certify in writing to Congress that—

20 (A) the Secretary of Transportation is the
21 only authority for authorizing commercial
22 launch and reentry operations, including at a
23 Federal range, under chapter 509 of title 51,
24 United States Code; and

25 (B) consistent with section 50918 of title
26 51, United States Code, all matters under that

1 chapter affecting national security or foreign
2 policy, and such other matters under that chap-
3 ter in the interest of the United States, are co-
4 ordinated through the Secretary of Transpor-
5 tation.

6 (3) CHAPTER 509.—

7 (A) PURPOSES.—Section 50901 of title 51,
8 United States Code, is amended by inserting
9 “all” before “commercial launch and reentry
10 operations”.

11 (B) GENERAL AUTHORITY.—Section
12 50903(b) of title 51, United States Code, is
13 amended—

14 (i) by redesignating paragraphs (1)
15 and (2) as paragraphs (2) and (3), respec-
16 tively; and

17 (ii) by inserting before paragraph (2),
18 as redesignated, the following:

19 “(1) oversee and coordinate the conduct of all
20 commercial launch and reentry operations, including
21 any commercial launch or commercial reentry at a
22 Federal range;”.

23 (4) EFFECTIVE DATE.—This subsection takes
24 effect on the date the final rule under section 107(e)
25 of this Act is published in the Federal Register.

1 (b) **RULE OF CONSTRUCTION.**—Nothing in this Act,
 2 or the amendments made by this Act, may be construed
 3 to affect section 1617 of the National Defense Authoriza-
 4 tion Act for Fiscal Year 2016 (51 U.S.C. 50918 note).

5 (c) **TECHNICAL AMENDMENT; REPEAL REDUNDANT**
 6 **LAW.**—Section 113 of the U.S. Commercial Space Launch
 7 Competitiveness Act (Public Law 114–90; 129 Stat. 704)
 8 and the item relating to that section in the table of con-
 9 tents under section 1(b) of that Act are repealed.

10 **TITLE II—STREAMLINING OVER-**
 11 **SIGHT OF NONGOVERN-**
 12 **MENTAL EARTH OBSERVA-**
 13 **TION ACTIVITIES**

14 **SEC. 201. NONGOVERNMENTAL EARTH OBSERVATION AC-**
 15 **TIVITIES.**

16 (a) **LICENSING OF NONGOVERNMENTAL EARTH OB-**
 17 **SERVATION ACTIVITIES.**—Chapter 601 of title 51, United
 18 States Code, is amended—

19 (1) in section 60101—

20 (A) by amending paragraph (12) to read
 21 as follows:

22 “(12) **UNENHANCED DATA.**—The term
 23 ‘unenhanced data’ means signals or imagery prod-
 24 ucts from Earth observation activities that are un-
 25 processed or subject only to data preprocessing.”;

1 (B) by redesignating paragraphs (12) and
2 (13) as paragraphs (18) and (19), respectively;

3 (C) by redesignating paragraph (11) as
4 paragraph (15);

5 (D) by redesignating paragraphs (4)
6 through (10) as paragraphs (5) through (11),
7 respectively;

8 (E) by inserting after paragraph (3), the
9 following:

10 “(4) EARTH OBSERVATION ACTIVITY.—The
11 term ‘Earth observation activity’ means a space ac-
12 tivity the primary purpose of which is to collect data
13 that can be processed into imagery of the Earth.”;

14 (F) by inserting after paragraph (11), as
15 redesignated, the following:

16 “(12) NONGOVERNMENTAL EARTH OBSERVA-
17 TION ACTIVITY.—The term ‘nongovernmental Earth
18 observation activity’ means an Earth observation ac-
19 tivity of a person other than—

20 “(A) the United States Government; or

21 “(B) a Government contractor or subcon-
22 tractor if the Government contractor or subcon-
23 tractor is performing the activity for the Gov-
24 ernment.

1 “(13) ORBITAL DEBRIS.—The term ‘orbital de-
2 bris’ means any space object that is placed in space
3 or derives from a space object placed in space by a
4 person, remains in orbit, and no longer serves any
5 useful function or purpose.

6 “(14) PERSON.—The term ‘person’ means a
7 person (as defined in section 1 of title 1) subject to
8 the jurisdiction or control of the United States.”;
9 and

10 (G) by inserting after paragraph (15), as
11 redesignated, the following:

12 “(16) SPACE ACTIVITY.—

13 “(A) IN GENERAL.—The term ‘space activ-
14 ity’ means any activity that is conducted in
15 space.

16 “(B) INCLUSIONS.—The term ‘space activ-
17 ity’ includes any activity conducted on a celes-
18 tial body, including the Moon.

19 “(C) EXCLUSIONS.—The term ‘space activ-
20 ity’ does not include any activity that is con-
21 ducted entirely on board or within a space ob-
22 ject and does not affect another space object.

23 “(17) SPACE OBJECT.—The term ‘space object’
24 means any object, including any component of that
25 object, that is launched into space or constructed in

1 space, including any object landed or constructed on
2 a celestial body, including the Moon.”;

3 ~~(2)~~ by amending subchapter III to read as fol-
4 lows:

5 “SUBCHAPTER III—AUTHORIZATION OF NON-
6 GOVERNMENTAL EARTH OBSERVATION AC-
7 TIVITIES

8 “§ 60121. **Purposes**

9 “The purposes of this subchapter are—

10 “(1) to prevent, to the extent practicable, harm-
11 ful interference to space activities by nongovern-
12 mental Earth observation activities;

13 “(2) to manage risk and prevent harm to
14 United States national security; and

15 “(3) to promote the leadership, industrial inno-
16 vation, and international competitiveness of the
17 United States.

18 “§ 60122. **General authority**

19 “(a) **IN GENERAL.**—The Secretary shall carry out
20 this subchapter.

21 “(b) **FUNCTIONS.**—In carrying out this subchapter,
22 the Secretary shall consult with—

23 “(1) the Secretary of Defense;

24 “(2) the Secretary of State;

25 “(3) the Director of National Intelligence; and

1 “(4) the head of such other Federal department
2 or agency as the Secretary considers necessary.

3 **“§ 60123. Administrative authority of Secretary**

4 “(a) FUNCTIONS.—In order to carry out the respon-
5 sibilities specified in this subchapter, the Secretary may—

6 “(1) grant, condition, or transfer licenses under
7 this chapter;

8 “(2) seek an order of injunction or similar judi-
9 cial determination from a district court of the
10 United States with personal jurisdiction over the li-
11 censee to terminate, modify, or suspend licenses
12 under this subchapter and to terminate licensed op-
13 erations on an immediate basis, if the Secretary de-
14 termines that the licensee has substantially failed to
15 comply with any provisions of this chapter, with any
16 terms, conditions, or restrictions of such license, or
17 with any international obligations or national secu-
18 rity concerns of the United States;

19 “(3) provide penalties for noncompliance with
20 the requirements of licenses or regulations issued
21 under this subchapter, including civil penalties not
22 to exceed \$10,000 (each day of operation in violation
23 of such licenses or regulations constituting a sepa-
24 rate violation);

1 ~~“(4) compromise, modify, or remit any such~~
2 ~~civil penalty;~~

3 ~~“(5) issue subpoenas for any materials, docu-~~
4 ~~ments, or records, or for the attendance and testi-~~
5 ~~mony of witnesses for the purpose of conducting a~~
6 ~~hearing under this section;~~

7 ~~“(6) seize any object, record, or report pursuant~~
8 ~~to a warrant from a magistrate based on a showing~~
9 ~~of probable cause to believe that such object, record,~~
10 ~~or report was used, is being used, or is likely to be~~
11 ~~used in violation of this chapter or the requirements~~
12 ~~of a license or regulation issued thereunder; and~~

13 ~~“(7) make investigations and inquiries and ad-~~
14 ~~minister to or take from any person an oath, affir-~~
15 ~~mation, or affidavit concerning any matter relating~~
16 ~~to the enforcement of this chapter.~~

17 ~~“(b) REVIEW OF AGENCY ACTION.—Any applicant or~~
18 ~~licensee that makes a timely request for review of an ad-~~
19 ~~verse action pursuant to paragraph (1), (3), (5), or (6)~~
20 ~~of subsection (a) shall be entitled to adjudication by the~~
21 ~~Secretary on the record after an opportunity for any agen-~~
22 ~~cy hearing with respect to such adverse action. Any final~~
23 ~~action by the Secretary under this subsection shall be sub-~~
24 ~~ject to judicial review under chapter 7 of title 5.~~

1 **“§ 60124. Authorization to conduct nongovernmental**
2 **Earth observation activities**

3 “(a) REQUIREMENT.—No person may conduct any
4 nongovernmental Earth observation activity without an
5 authorization issued under this subchapter.

6 “(b) WAIVERS.—

7 “(1) IN GENERAL.—The Secretary may waive a
8 requirement under this subchapter for a nongovern-
9 mental Earth observation activity, or for a type or
10 class of nongovernmental Earth observation activi-
11 ties, if the Secretary decides that granting a waiver
12 is consistent with section 60121.

13 “(2) STANDARDS.—Not later than 120 days
14 after the date of enactment of the Space Frontier
15 Act of 2018, the Secretary shall establish standards
16 for determining the de minimis Earth observation
17 activities that would be eligible for a waiver under
18 paragraph (1).

19 “(c) APPLICATION.—

20 “(1) IN GENERAL.—A person seeking an au-
21 thorization under this subchapter shall submit an
22 application to the Secretary at such time, in such
23 manner, and containing such information as the Sec-
24 retary may require for the purposes described in sec-
25 tion 60121, including—

1 “(A) a description of the proposed Earth
2 observation activity, including—

3 “(i) a physical and functional descrip-
4 tion of each space object;

5 “(ii) the orbital characteristics of each
6 space object, including altitude, inclination,
7 orbital period, and estimated operational
8 lifetime; and

9 “(iii) a list of the names of all persons
10 that have or will have direct operational or
11 financial control of the Earth observation
12 activity;

13 “(B) a plan to prevent orbital debris con-
14 sistent with the 2001 United States Orbital De-
15bris Mitigation Standard Practices or any sub-
16sequent revision thereof; and

17 “(C) a description of the capabilities of
18 each instrument to be used to observe the
19 Earth in the conduct of the Earth observation
20 activity.

21 “(2) APPLICATION STATUS.—Not later than 14
22 days after the date of receipt of an application, the
23 Secretary shall make a determination whether the
24 application is complete or incomplete and notify the

1 applicant of that determination, including, if incom-
 2 plete, the reason the application is incomplete.

3 ~~“(d) REVIEW.—~~

4 ~~“(1) IN GENERAL.—Not later than 120 days~~
 5 ~~after the date that the Secretary makes a determina-~~
 6 ~~tion under subsection (e)(2) that an application is~~
 7 ~~complete, the Secretary shall review all information~~
 8 ~~provided in that application and, subject to the pro-~~
 9 ~~visions of this subsection, notify the applicant in~~
 10 ~~writing whether the application was approved or de-~~
 11 ~~denied.~~

12 ~~“(2) APPROVALS.—The Secretary shall approve~~
 13 ~~an application under this subsection if the Secretary~~
 14 ~~determines that—~~

15 ~~“(A) the Earth observation activity is con-~~
 16 ~~sistent with the purposes described in section~~
 17 ~~60121; and~~

18 ~~“(B) the applicant is in compliance, and~~
 19 ~~will continue to comply, with this subchapter,~~
 20 ~~including regulations.~~

21 ~~“(3) DENIALS.—~~

22 ~~“(A) IN GENERAL.—If an application~~
 23 ~~under this subsection is denied, the Secretary—~~

24 ~~“(i) shall include in the notification~~
 25 ~~under paragraph (1)—~~

1 “(I) a reason for the denial; and

2 “(II) a description of each defi-
3 ciency, including guidance on how to
4 correct the deficiency;

5 “(ii) shall sign the notification under
6 paragraph (1);

7 “(iii) may not delegate the duty under
8 clause (ii); and

9 “(iv) shall submit to the Committee
10 on Commerce, Science, and Transportation
11 of the Senate and the Committee on
12 Science, Space, and Technology of the
13 House of Representatives a copy of the no-
14 tification.

15 “(B) INTERAGENCY REVIEW.—If, during
16 the review of an application under paragraph
17 (1), the Secretary consults with the head of an-
18 other Federal department or agency and that
19 head of another Federal department or agency
20 does not support approving the application—

21 “(i) that head of another Federal de-
22 partment or agency—

23 “(I) not later than 90 days after
24 the date of the consultation, shall no-
25 tify the Secretary, in writing, of the

1 reason for withholding support, in-
2 cluding a description of each defi-
3 ciency and guidance on how to correct
4 the deficiency;

5 “(II) shall sign the notification
6 under subclause (I); and

7 “(III) may not delegate the duty
8 under subclause (II); and

9 “(ii) the Secretary shall include the
10 notification under clause (i) in the notifica-
11 tion under paragraph (1), including classi-
12 fied information if the applicant has the
13 required security clearance for that classi-
14 fied information.

15 “(C) INTERAGENCY ASSENTS.—If the head
16 of another Federal department or agency does
17 not notify the Secretary under subparagraph
18 (B)(i)(I) within the time specified in that sub-
19 paragraph, that head of another Federal de-
20 partment or agency shall be deemed to have as-
21 sented to the application.

22 “(D) DEFICIENCIES.—The Secretary
23 shall—

24 “(i) provide each applicant under this
25 paragraph with a reasonable opportunity—

1 “(I) to correct each deficiency
2 identified under subparagraph
3 (A)(i)(II); and

4 “(II) to resubmit a corrected ap-
5 plication for reconsideration; and

6 “(ii) not later than 30 days after the
7 date of receipt of a corrected application
8 under clause (i)(II), make a determination,
9 in consultation with each head of another
10 Federal department or agency that sub-
11 mitted a notification under subparagraph
12 (B), whether to approve the application or
13 not.

14 “(E) IMPROPER BASIS FOR DENIAL.—

15 “(i) COMPETITION.—The Secretary
16 shall not deny an application under this
17 subsection in order to protect any existing
18 Earth observation activity from competi-
19 tion.

20 “(ii) CAPABILITIES.—The Secretary
21 shall not, to the maximum extent prac-
22 ticable, deny an application under this sub-
23 section based solely on the capabilities of
24 the Earth observation activity if those ca-
25 pabilities are commercially available.

1 “(4) DEADLINE.—If the Secretary does not no-
2 tify an applicant in writing before the applicable
3 deadline under paragraph (1), the Secretary shall,
4 not later than 1 business day after the date of the
5 applicable deadline, notify the Committee on Com-
6 merce, Science, and Transportation of the Senate
7 and the Committee on Science, Space, and Tech-
8 nology of the House of Representatives of the status
9 of the application, including the reason the deadline
10 was not met.

11 “(5) EXPEDITED REVIEW PROCESS.—Subject to
12 paragraph (2), the Secretary may modify the re-
13 quirements under this subsection, as the Secretary
14 considers appropriate, to expedite the review of an
15 application that seeks to conduct an Earth observa-
16 tion activity that is substantially similar to an Earth
17 observation activity already licensed under this sub-
18 chapter.

19 “(e) ADDITIONAL REQUIREMENTS.—An authoriza-
20 tion issued under this subchapter shall require the author-
21 ized person—

22 “(1) to be in compliance with this subchapter;

23 “(2) to notify the Secretary of any significant
24 change in the information contained in the applica-
25 tion; and

1 “(3) to make available to the government of
2 any country, including the United States,
3 unenanced data collected by the Earth observation
4 system concerning the territory under the jurisdic-
5 tion of that government as soon as such data are
6 available and on reasonable commercial terms and
7 conditions.

8 **“§ 60125. Annual reports**

9 “(a) IN GENERAL.—Not later than 180 days after
10 the date of enactment of the Space Frontier Act of 2018,
11 and annually thereafter, the Secretary shall submit to the
12 Committee on Commerce, Science, and Transportation of
13 the Senate and the Committee on Science, Space, and
14 Technology of the House of Representatives a report on
15 the progress in implementing this subchapter, including—

16 “(1) a list of all applications received or pend-
17 ing in the previous calendar year and the status of
18 each such application;

19 “(2) notwithstanding paragraph (4) of section
20 60124(d), a list of all applications, in the previous
21 calendar year, for which the Secretary missed the
22 deadline under paragraph (1) of that section, includ-
23 ing the reasons the deadline was not met; and

1 “(2) the Secretary of Transportation under
2 chapter 509 of this title.

3 “(e) NONAPPLICATION.—This subchapter does not
4 apply to any space activity the United States Government
5 carries out for the Government.”; and

6 (3) by amending section 60147 to read as fol-
7 lows:

8 **“§ 60147. Consultation**

9 “(a) CONSULTATION WITH SECRETARY OF DE-
10 FENSE.—The Landsat Program Management shall con-
11 sult with the Secretary of Defense on all matters relating
12 to the Landsat Program under this chapter that affect na-
13 tional security. The Secretary of Defense shall be respon-
14 sible for determining those conditions, consistent with this
15 chapter, necessary to meet national security concerns of
16 the United States and for notifying the Landsat Program
17 Management of such conditions.

18 “(b) CONSULTATION WITH SECRETARY OF STATE.—

19 “(1) IN GENERAL.—The Landsat Program
20 Management shall consult with the Secretary of
21 State on all matters relating to the Landsat Pro-
22 gram under this chapter that affect international ob-
23 ligations. The Secretary of State shall be responsible
24 for determining those conditions, consistent with this
25 chapter, necessary to meet international obligations

1 and policies of the United States and for notifying
2 the Landsat Program Management of such condi-
3 tions.

4 “(2) INTERNATIONAL AID.—Appropriate United
5 States Government agencies are authorized and en-
6 couraged to provide remote sensing data, technology,
7 and training to developing nations as a component
8 of programs of international aid.

9 “(3) REPORTING DISCRIMINATORY DISTRIBUTION.—The Secretary of State shall promptly report
10 to the Landsat Program Management any instances
11 outside the United States of discriminatory distribu-
12 tion of Landsat data.

14 “(e) STATUS REPORT.—The Landsat Program Man-
15 agement shall, as often as necessary, provide to Congress
16 complete and updated information about the status of on-
17 going operations of the Landsat system, including timely
18 notification of decisions made with respect to the Landsat
19 system in order to meet national security concerns and
20 international obligations and policies of the United States
21 Government.”.

22 (b) TABLE OF CONTENTS.—The table of contents of
23 chapter 601 of title 51, United States Code, is amended
24 by striking the items relating to subchapter III and insert-
25 ing the following:

“SUBCHAPTER III—AUTHORIZATION OF NONGOVERNMENTAL EARTH
OBSERVATION ACTIVITIES

“60121. Purposes.

“60122. General authority.

“60123. Administrative authority of Secretary.

“60124. Authorization to conduct nongovernmental Earth observation activities.

“60125. Annual reports.

“60126. Regulations.

“60127. Relationship to other executive agencies and laws.”.

1 (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
2 tion or the amendments made by this section shall affect
3 any license, or application for a license, to operate a pri-
4 vate remote sensing space system that was made under
5 subchapter III of chapter 601 of title 51, United States
6 Code (as in effect before the date of enactment of this
7 Act); before the date of enactment of this Act. Such li-
8 cense shall continue to be subject to the requirements to
9 which such license was subject under that chapter as in
10 effect on the day before the date of enactment of this Act.

11 **TITLE III—MISCELLANEOUS**

12 **SEC. 301. PROMOTING FAIRNESS AND COMPETITIVENESS**
13 **FOR NASA PARTNERSHIP OPPORTUNITIES.**

14 (a) **SENSE OF CONGRESS.**—It is the sense of Con-
15 gress that—

16 (1) fair access to available NASA assets and
17 services on a reimbursable, noninterference, equi-
18 table, and predictable basis is advantageous in ena-
19 bling the United States commercial space industry;

20 (2) NASA should continue to promote fairness
21 to all parties and ensure best value to the Federal

1 Government in granting use of NASA assets, serv-
2 ices, and capabilities in a manner that contributes to
3 NASA's missions and objectives; and

4 (3) NASA should continue to promote small
5 business awareness and participation through advo-
6 cacy and collaborative efforts with internal and ex-
7 ternal partners, stakeholders, and academia.

8 (b) GUIDANCE FOR SMALL BUSINESS PARTICIPA-
9 TION.—The Administrator of NASA shall—

10 (1) provide opportunities for the consideration
11 of small business concerns during public-private
12 partnership planning processes and in public-private
13 partnership plans;

14 (2) invite the participation of each relevant di-
15 rector of an Office of Small and Disadvantaged
16 Business Utilization under section 15(k) of the
17 Small Business Act 915 U.S.C. 644(k) in public-pri-
18 vate partnership planning processes and provide the
19 director access to public-private partnership plans;

20 (3) not later than 90 days after the date of en-
21 actment of this Act—

22 (A) identify and establish a list of all
23 NASA assets, services, and capabilities that are
24 available, or will be available, for public-private
25 partnership opportunities; and

1 (B) make the list under subparagraph (A)
2 available on NASA's website, in a searchable
3 format;

4 (4) periodically as needed, but not less than
5 once per year, update the list and website under
6 paragraph (3); and

7 (5) not later than 180 days after the date of
8 enactment of this Act, develop a policy and issue
9 guidance for a consistent, fair, and equitable method
10 for scheduling and establishing priority of use of the
11 NASA assets, services, and capabilities identified
12 under this subsection.

13 (e) **STRENGTHENING SMALL BUSINESS AWARE-**
14 **NESS.**—Not later than 180 days after the date of enact-
15 ment of this Act, the Administrator of NASA shall des-
16 ignate an official at each NASA Center—

17 (1) to serve as an advocate for small businesses
18 within the office that manages partnerships at each
19 Center; and

20 (2) to provide guidance to small businesses on
21 how to participate in public-private partnership op-
22 portunities with NASA.

23 **SEC. 302. LEASE OF NON-EXCESS PROPERTY.**

24 Section 20145(b) of title 51, United States Code, is
25 amended—

1 (1) in the heading, by striking “CASH CONSID-
2 ERATION” and inserting “CONSIDERATION”; and

3 (2) in paragraph (1)—

4 (A) in subparagraph (A), by inserting “IN
5 GENERAL” before “A person”; and

6 (B) by amending subparagraph (B) to read
7 as follows:

8 “(B) IN-KIND CONSIDERATION.—Notwith-
9 standing subparagraph (A), the Administrator
10 may accept in-kind consideration for leases en-
11 tered into for the purpose of developing—

12 “(i) renewable energy production fa-
13 cilities; and

14 “(ii) space sector industrial infra-
15 structure and business facilities that the
16 Administrator determines would advance
17 national security interests or civil space ca-
18 pabilities.”.

19 **SEC. 303. SENSE OF CONGRESS ON MAINTAINING A NA-**
20 **TIONAL LABORATORY IN SPACE.**

21 It is the sense of Congress that—

22 (1) the United States segment of the ISS (des-
23 ignated a national laboratory under section 70905 of
24 title 51, United States Code)—

1 (A) benefits the scientific community and
2 promotes commerce in space;

3 (B) fosters stronger relationships among
4 NASA and other Federal agencies, the private
5 sector, and research groups and universities;

6 (C) advances science, technology, engineer-
7 ing, and mathematics education through utiliza-
8 tion of the unique microgravity environment;
9 and

10 (D) advances human knowledge and inter-
11 national cooperation;

12 (2) after the ISS is decommissioned, the United
13 States should maintain a national laboratory in
14 space;

15 (3) in maintaining a national laboratory de-
16 scribed in paragraph (2), the United States should
17 make appropriate accommodations for different
18 types of ownership and operational structures for
19 the ISS and future space stations;

20 (4) the national laboratory described in para-
21 graph (2) should be maintained beyond the date that
22 the ISS is decommissioned and, if possible, in co-
23 operation with international space partners to the
24 extent practicable; and

1 (5) NASA should continue to support funda-
2 mental science research on future platforms in low-
3 Earth orbit and eis-lunar space.

4 **SEC. 304. CONTINUATION OF THE ISS.**

5 (a) CONTINUATION OF THE INTERNATIONAL SPACE
6 STATION.—Section 501(a) of the National Aeronautics
7 and Space Administration Authorization Act of 2010 (42
8 U.S.C. 18351(a)) is amended by striking “2024” and in-
9 serting “2030”.

10 (b) MAINTENANCE OF THE UNITED STATES SEG-
11 MENT AND ASSURANCE OF CONTINUED OPERATIONS OF
12 THE INTERNATIONAL SPACE STATION.—Section 503(a) of
13 the National Aeronautics and Space Administration Au-
14 thorization Act of 2010 (42 U.S.C. 18353(a)) is amended
15 by striking “2024” and inserting “2030”.

16 (c) RESEARCH CAPACITY ALLOCATION AND INTE-
17 GRATION OF RESEARCH PAYLOADS.—Section 504(d) of
18 the National Aeronautics and Space Administration Au-
19 thorization Act of 2010 (42 U.S.C. 18354(d)) is amended
20 by striking “2024” each place it appears and inserting
21 “2030”.

22 (d) MAINTAINING USE THROUGH AT LEAST 2028.—
23 Section 70907 of title 51, United States Code, is amended
24 by striking “2024” each place it appears and inserting
25 “2030”.

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
 3 *“Space Frontier Act of 2018”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 5 *Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

*TITLE I—STREAMLINING OVERSIGHT OF LAUNCH AND REENTRY
 ACTIVITIES*

Sec. 101. Oversight of nongovernmental space activities.

Sec. 102. Office of Commercial Space Transportation.

Sec. 103. Use of existing authorities.

Sec. 104. Experimental permits.

Sec. 105. Space-related advisory rulemaking committees.

Sec. 106. Government-developed space technology.

Sec. 107. Regulatory reform.

*Sec. 108. Secretary of Transportation oversight and coordination of commercial
 launch and reentry operations.*

Sec. 109. Study on joint use of spaceports.

*TITLE II—STREAMLINING OVERSIGHT OF NONGOVERNMENTAL
 EARTH OBSERVATION ACTIVITIES*

Sec. 201. Nongovernmental Earth observation activities.

TITLE III—MISCELLANEOUS

*Sec. 301. Promoting fairness and competitiveness for NASA partnership opportu-
 nities.*

Sec. 302. Lease of non-excess property.

Sec. 303. Sense of Congress on maintaining a national laboratory in space.

Sec. 304. Continuation of the ISS.

Sec. 305. United States policy on orbital debris.

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *ISS.*—*The term “ISS” means the Inter-*
 9 *national Space Station.*

10 (2) *NASA.*—*The term “NASA” means the Na-*
 11 *tional Aeronautics and Space Administration.*

1 (3) NOAA.—*The term “NOAA” means the Na-*
 2 *tional Oceanic and Atmospheric Administration.*

3 **TITLE I—STREAMLINING OVER-**
 4 **SIGHT OF LAUNCH AND RE-**
 5 **ENTRY ACTIVITIES**

6 **SEC. 101. OVERSIGHT OF NONGOVERNMENTAL SPACE AC-**
 7 **TIVITIES.**

8 (a) *POLICY.*—*It is the policy of the United States to*
 9 *provide oversight and continuing supervision of nongovern-*
 10 *mental space activities in a manner that encourages the*
 11 *fullest commercial use of space, consistent with section*
 12 *20102(c) of title 51, United States Code.*

13 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
 14 *that—*

15 (1) *increased activity and new applications in*
 16 *space could grow the space economy;*

17 (2) *it is in the national interest of the United*
 18 *States—*

19 (A) *to encourage and promote new and ex-*
 20 *isting nongovernmental space activities; and*

21 (B) *to provide authorization and con-*
 22 *tinuing supervision of those activities through a*
 23 *process that is efficient, transparent, minimally*
 24 *burdensome, and generally permissive; and*

1 (2) in subparagraph (A), by inserting “Assistant
2 Secretary for Commercial Space Transportation,”
3 after “Assistant Secretary for Research and Tech-
4 nology,”.

5 **SEC. 103. USE OF EXISTING AUTHORITIES.**

6 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
7 that, in the absence of comprehensive regulatory reform, the
8 Secretary of Transportation should make use of existing au-
9 thorities, including waivers and safety approvals, as appro-
10 priate, to protect the public, make more efficient use of re-
11 sources, and reduce the regulatory burden for an applicant
12 for a commercial space launch or reentry license or experi-
13 mental permit.

14 (b) *LICENSE APPLICATIONS AND REQUIREMENTS.*—
15 Section 50905 of title 51, United States Code, is amended—

16 (1) in subsection (a)—

17 (A) by amending paragraph (1) to read as
18 follows:

19 “(1) *IN GENERAL.*—

20 “(A) *APPLICATIONS.*—A person may apply
21 to the Secretary of Transportation for a license
22 or transfer of a license under this chapter in the
23 form and way the Secretary prescribes.

24 “(B) *DECISIONS.*—Consistent with the pub-
25 lic health and safety, safety of property, and na-

1 *tional security and foreign policy interests of the*
2 *United States, the Secretary, not later than the*
3 *applicable deadline described in subparagraph*
4 *(C), shall issue or transfer a license if the Sec-*
5 *retary decides in writing that the applicant com-*
6 *plies, and will continue to comply, with this*
7 *chapter and regulations prescribed under this*
8 *chapter.*

9 “(C) *APPLICABLE DEADLINE.*—*The applica-*
10 *ble deadline described in this subparagraph shall*
11 *be—*

12 “(i) *for an applicant that was or is a*
13 *holder of any license under this chapter, not*
14 *later than 90 days after accepting an appli-*
15 *cation in accordance with criteria estab-*
16 *lished pursuant to subsection (b)(2)(E); and*

17 “(ii) *for a new applicant, not later*
18 *than 180 days after accepting an applica-*
19 *tion in accordance with criteria established*
20 *pursuant to subsection (b)(2)(E).*

21 “(D) *NOTICE TO APPLICANTS.*—*The Sec-*
22 *retary shall inform the applicant of any pending*
23 *issue and action required to resolve the issue if*
24 *the Secretary has not made a decision not later*
25 *than—*

1 “(i) for an applicant described in sub-
2 paragraph (C)(i), 60 days after accepting
3 an application in accordance with criteria
4 established pursuant to subsection (b)(2)(E);
5 and

6 “(ii) for an applicant described in sub-
7 paragraph (C)(ii), 120 days after accepting
8 an application in accordance with criteria
9 established pursuant to subsection (b)(2)(E).

10 “(E) NOTICE TO CONGRESS.—The Secretary
11 shall transmit to the Committee on Commerce,
12 Science, and Transportation of the Senate and
13 the Committee on Science, Space, and Tech-
14 nology of the House of Representatives a written
15 notice not later than 30 days after any occur-
16 rence when the Secretary has not taken action on
17 a license application within an applicable dead-
18 line established by this subsection.”; and

19 (B) in paragraph (2)—

20 (i) by inserting “PROCEDURES FOR
21 SAFETY APPROVALS.—” before “In carrying
22 out”;

23 (ii) by inserting “software,” after
24 “services,”; and

1 (iii) by adding at the end the fol-
2 lowing: “Such safety approvals may be
3 issued simultaneously with a license under
4 this chapter.”; and

5 (2) by adding at the end the following:

6 “(e) *USE OF EXISTING AUTHORITIES.*—

7 “(1) *IN GENERAL.*—*The Secretary—*

8 “*(A) shall use existing authorities, includ-*
9 *ing waivers and safety approvals, as appro-*
10 *priate, to make more efficient use of resources*
11 *and reduce the regulatory burden for an appli-*
12 *cant under this section; and*

13 “*(B) may use the launch and reentry pay-*
14 *load review process to authorize nongovern-*
15 *mental space activities that are related to an ap-*
16 *plication for a license or permit under this chap-*
17 *ter and are not subject to authorization under*
18 *other Federal law.*

19 “(2) *EXPEDITING SAFETY APPROVALS.*—*The Sec-*
20 *retary shall expedite the processing of safety approv-*
21 *als that would reduce risks to health or safety during*
22 *launch and reentry.”.*

23 “(c) *DEFINITIONS.*—*Section 50902 of title 51, United*
24 *States Code, is amended—*

1 (1) *by redesignating paragraphs (21) through*
2 *(25) as paragraphs (24) through (28), respectively;*

3 (2) *by redesignating paragraph (20) as para-*
4 *graph (22);*

5 (3) *by redesignating paragraphs (12) through*
6 *(19) as paragraphs (13) through (20), respectively;*

7 (4) *by inserting after paragraph (11) the fol-*
8 *lowing:*

9 “(12) ‘nongovernmental space activity’ means a
10 *space activity of a person other than—*

11 “(A) *the United States Government; or*

12 “(B) *a Government contractor or subcon-*
13 *tractor if the Government contractor or subcon-*
14 *tractor is performing the space activity for the*
15 *Government.”;*

16 (5) *by inserting after paragraph (20), as redesi-*
17 *gnated, the following:*

18 “(21) ‘space activity’ *has the meaning given the*
19 *term in section 60101 of this title.”; and*

20 (6) *by inserting after paragraph (22), as redesi-*
21 *gnated, the following:*

22 “(23) ‘space object’ *has the meaning given the*
23 *term in section 60101 of this title.”.*

1 (d) *RESTRICTIONS ON LAUNCHES, OPERATIONS, AND*
 2 *REENTRIES.*—Section 50904 of title 51, United States
 3 Code, is amended by adding at the end the following:

4 “(e) *MULTIPLE SITES.*—The Secretary may issue a
 5 single license or permit for an operator to conduct launch
 6 services and reentry services at multiple launch sites or re-
 7 entry sites.”.

8 **SEC. 104. EXPERIMENTAL PERMITS.**

9 Section 50906 of title 51, United States Code, is
 10 amended by adding at the end the following:

11 “(j) *USE OF EXISTING AUTHORITIES.*—

12 “(1) *IN GENERAL.*—The Secretary shall use ex-
 13 isting authorities, including waivers and safety ap-
 14 provals, as appropriate, to make more efficient use of
 15 resources and reduce the regulatory burden for an ap-
 16 plicant under this section.

17 “(2) *EXPEDITING SAFETY APPROVALS.*—The Sec-
 18 retary shall expedite the processing of safety approv-
 19 als that would reduce risks to health or safety during
 20 launch and reentry.”.

21 **SEC. 105. SPACE-RELATED ADVISORY RULEMAKING COM-**
 22 **MITTEES.**

23 Section 50903 of title 51, United States Code, is
 24 amended by adding at the end the following:

1 “(e) *FACA.*—*The Federal Advisory Committee Act (5*
2 *U.S.C. App.) does not apply to such space-related rule-*
3 *making committees under the Secretary’s jurisdiction as the*
4 *Secretary shall designate.”.*

5 **SEC. 106. GOVERNMENT-DEVELOPED SPACE TECHNOLOGY.**

6 *Section 50901(b)(2)(B) of title 51, United States Code,*
7 *is amended by striking “and encouraging”.*

8 **SEC. 107. REGULATORY REFORM.**

9 (a) *DEFINITIONS.*—*The definitions set forth in section*
10 *50902 of title 51, United States Code, shall apply to this*
11 *section.*

12 (b) *FINDINGS.*—*Congress finds that the commercial*
13 *space launch regulatory environment has at times impeded*
14 *the United States commercial space launch sector in its in-*
15 *novation of small-class launch technologies, reusable launch*
16 *and reentry vehicles, and other areas related to commercial*
17 *launches and reentries.*

18 (c) *REGULATORY IMPROVEMENTS FOR COMMERCIAL*
19 *SPACE LAUNCH ACTIVITIES.*—

20 (1) *IN GENERAL.*—*Not later than February 1,*
21 *2019, the Secretary of Transportation shall issue a*
22 *notice of proposed rulemaking to revise any regula-*
23 *tions under chapter 509, United States Code, as the*
24 *Secretary considers necessary to meet the objective of*
25 *this section.*

1 (2) *OBJECTIVE.*—*The objective of this section is*
2 *to establish, consistent with the purposes described in*
3 *section 50901(b) of title 51, United States Code, a*
4 *regulatory regime for commercial space launch activi-*
5 *ties under chapter 509 that—*

6 (A) *creates, to the extent practicable, re-*
7 *quirements applicable both to expendable launch*
8 *and reentry vehicles and to reusable launch and*
9 *reentry vehicles;*

10 (B) *is neutral with regard to the specific*
11 *technology utilized in a launch, a reentry, or an*
12 *associated safety system;*

13 (C) *protects the health and safety of the*
14 *public;*

15 (D) *establishes clear, high-level performance*
16 *requirements;*

17 (E) *encourages voluntary, industry tech-*
18 *nical standards that complement the high-level*
19 *performance requirements established under sub-*
20 *paragraph (D); and*

21 (F) *facilitates and encourages appropriate*
22 *collaboration between the commercial space*
23 *launch and reentry sector and the Department of*
24 *Transportation with respect to the requirements*

1 *under subparagraph (D) and the standards*
2 *under subparagraph (E).*

3 *(d) CONSULTATION.—In revising the regulations under*
4 *subsection (c), the Secretary of Transportation shall consult*
5 *with the following:*

6 *(1) Secretary of Defense.*

7 *(2) Administrator of NASA.*

8 *(3) Such members of the commercial space*
9 *launch and reentry sector as the Secretary of Trans-*
10 *portation considers appropriate to ensure adequate*
11 *representation across industry.*

12 *(e) REPORT.—*

13 *(1) IN GENERAL.—Not later than 60 days after*
14 *the date of enactment of this Act, the Secretary of*
15 *Transportation, in consultation with the persons de-*
16 *scribed in subsection (d), shall submit to the Com-*
17 *mittee on Commerce, Science, and Transportation of*
18 *the Senate and the Committee on Science, Space, and*
19 *Technology and the Committee on Transportation*
20 *and Infrastructure of the House of Representatives a*
21 *report on the progress in carrying out this section.*

22 *(2) CONTENTS.—The report shall include—*

23 *(A) milestones and a schedule to meet the*
24 *objective of this section;*

1 (B) a description of any Federal agency re-
2 sources necessary to meet the objective of this sec-
3 tion;

4 (C) recommendations for legislation that
5 would expedite or improve the outcomes under
6 subsection (c); and

7 (D) a plan for ongoing consultation with
8 the persons described in subsection (d).

9 **SEC. 108. SECRETARY OF TRANSPORTATION OVERSIGHT**
10 **AND COORDINATION OF COMMERCIAL**
11 **LAUNCH AND REENTRY OPERATIONS.**

12 (a) *OVERSIGHT AND COORDINATION.*—

13 (1) *IN GENERAL.*—*The Secretary of Transpor-*
14 *tation, in accordance with the findings under section*
15 *1617 of the National Defense Authorization Act for*
16 *Fiscal Year 2016 (51 U.S.C. 50918 note) and subject*
17 *to section 50905(b)(2)(C) of title 51, United States*
18 *Code, shall take such action as may be necessary to*
19 *consolidate or modify the requirements across Federal*
20 *agencies identified in section 1617(c)(1)(A) of that*
21 *Act into a single application set that satisfies those*
22 *requirements and expedites the coordination of com-*
23 *mercial launch and reentry services.*

24 (2) *CHAPTER 509.*—

1 (A) *PURPOSES.*—Section 50901 of title 51,
2 *United States Code, is amended by inserting*
3 *“all” before “commercial launch and reentry op-*
4 *erations”.*

5 (B) *GENERAL AUTHORITY.*—Section
6 50903(b) of title 51, *United States Code, is*
7 *amended—*

8 (i) *by redesignating paragraphs (1)*
9 *and (2) as paragraphs (2) and (3), respec-*
10 *tively; and*

11 (ii) *by inserting before paragraph (2),*
12 *as redesignated, the following:*

13 “(1) *consistent with this chapter, authorize, li-*
14 *cence, and oversee the conduct of all commercial*
15 *launch and reentry operations, including any com-*
16 *mercial launch or commercial reentry at a Federal*
17 *range;”.*

18 (3) *EFFECTIVE DATE.*—*This subsection takes ef-*
19 *fect on the date the final rule under section 107(c) of*
20 *this Act is published in the Federal Register.*

21 (b) *RULE OF CONSTRUCTION.*—*Nothing in this Act, or*
22 *the amendments made by this Act, may be construed to af-*
23 *fect section 1617 of the National Defense Authorization Act*
24 *for Fiscal Year 2016 (51 U.S.C. 50918 note).*

1 (c) *TECHNICAL AMENDMENT; REPEAL REDUNDANT*
2 *LAW.—Section 113 of the U.S. Commercial Space Launch*
3 *Competitiveness Act (Public Law 114–90; 129 Stat. 704)*
4 *and the item relating to that section in the table of contents*
5 *under section 1(b) of that Act are repealed.*

6 **SEC. 109. STUDY ON JOINT USE OF SPACEPORTS.**

7 (a) *IN GENERAL.—The Secretary of Transportation*
8 *shall, in consultation with the Secretary of Defense, conduct*
9 *a study of the current process the Government uses to pro-*
10 *vide or permit the joint use of United States military in-*
11 *stallations for licensed nongovernmental space launch and*
12 *reentry activities, space-related activities, and space trans-*
13 *portation services by United States commercial providers.*
14 *The study shall be completed by not later than 180 days*
15 *after the date of the enactment of this Act.*

16 (b) *CONSIDERATIONS.—In conducting the study re-*
17 *quired by subsection (a), the Secretary of Transportation*
18 *shall consider the following:*

19 (1) *Improvements that could be made to the cur-*
20 *rent process the Government uses to provide or permit*
21 *the joint use of United States military installations*
22 *for licensed nongovernmental space launch and re-*
23 *entry activities, space-related activities, and space*
24 *transportation services by United States commercial*
25 *providers.*

1 (2) *Means to facilitate the ability for a military*
2 *installation to request that the Secretary of Transpor-*
3 *tation consider the military installation as a site to*
4 *provide or permit the licensed nongovernmental space*
5 *launch and reentry activities, space-related activities,*
6 *and space transportation services by United States*
7 *commercial providers.*

8 (3) *The feasibility of increasing the number of*
9 *military installations that provide or are permitted*
10 *to be utilized for licensed nongovernmental space*
11 *launch and reentry activities, space-related activities,*
12 *and space transportation services by United States*
13 *commercial providers.*

14 (4) *The importance of the use of safety approvals*
15 *of launch vehicles, reentry vehicles, space transpor-*
16 *tation vehicles, safety systems, processes, services, or*
17 *personnel (including approval procedures for the pur-*
18 *pose of protecting the health and safety of crew, Gov-*
19 *ernment astronauts, and space flight participants), to*
20 *the extent permitted that may be used in conducting*
21 *licensed commercial space launch, reentry activities,*
22 *and space transportation services at installations.*

1 **TITLE II—STREAMLINING OVER-**
2 **SIGHT OF NONGOVERN-**
3 **MENTAL EARTH OBSERVA-**
4 **TION ACTIVITIES**

5 **SEC. 201. NONGOVERNMENTAL EARTH OBSERVATION AC-**
6 **TIVITIES.**

7 (a) *LICENSING OF NONGOVERNMENTAL EARTH OB-*
8 *SERVATION ACTIVITIES.*—Chapter 601 of title 51, United
9 States Code, is amended—

10 (1) *in section 60101—*

11 (A) *by amending paragraph (12) to read as*
12 *follows:*

13 “(12) *UNENHANCED DATA.*—*The term*
14 *‘unenhanced data’ means signals or imagery products*
15 *from Earth observation activities that are unprocessed*
16 *or subject only to data preprocessing.”;*

17 (B) *by redesignating paragraphs (12) and*
18 *(13) as paragraphs (18) and (19), respectively;*

19 (C) *by redesignating paragraph (11) as*
20 *paragraph (15);*

21 (D) *by redesignating paragraphs (4)*
22 *through (10) as paragraphs (5) through (11), re-*
23 *spectively;*

24 (E) *by inserting after paragraph (3), the*
25 *following:*

1 “(4) *EARTH OBSERVATION ACTIVITY.*—*The term*
2 *‘Earth observation activity’ means a space activity*
3 *the primary purpose of which is to collect data that*
4 *can be processed into imagery of the Earth.’;*

5 *(F) by inserting after paragraph (11), as*
6 *redesignated, the following:*

7 “(12) *NONGOVERNMENTAL EARTH OBSERVATION*
8 *ACTIVITY.*—*The term ‘nongovernmental Earth obser-*
9 *vation activity’ means an Earth observation activity*
10 *of a person other than—*

11 *“(A) the United States Government; or*

12 *“(B) a Government contractor or subcon-*
13 *tractor if the Government contractor or subcon-*
14 *tractor is performing the activity for the Govern-*
15 *ment.*

16 “(13) *ORBITAL DEBRIS.*—*The term ‘orbital de-*
17 *bris’ means any space object that is placed in space*
18 *or derives from a space object placed in space by a*
19 *person, remains in orbit, and no longer serves any*
20 *useful function or purpose.*

21 “(14) *PERSON.*—*The term ‘person’ means a per-*
22 *son (as defined in section 1 of title 1) subject to the*
23 *jurisdiction or control of the United States.’; and*

24 *(G) by inserting after paragraph (15), as*
25 *redesignated, the following:*

1 “(16) *SPACE ACTIVITY.*—

2 “(A) *IN GENERAL.*—*The term ‘space activ-*
3 *ity’ means any activity that is conducted in*
4 *space.*

5 “(B) *INCLUSIONS.*—*The term ‘space activ-*
6 *ity’ includes any activity conducted on a celes-*
7 *tial body, including the Moon.*

8 “(C) *EXCLUSIONS.*—*The term ‘space activ-*
9 *ity’ does not include any activity that is con-*
10 *ducted entirely on board or within a space object*
11 *and does not affect another space object.*

12 “(17) *SPACE OBJECT.*—*The term ‘space object’*
13 *means any object, including any component of that*
14 *object, that is launched into space or constructed in*
15 *space, including any object landed or constructed on*
16 *a celestial body, including the Moon.”;*

17 (2) *by amending subchapter III to read as fol-*
18 *lows:*

19 “*SUBCHAPTER III—AUTHORIZATION OF NON-*
20 *GOVERNMENTAL EARTH OBSERVATION AC-*
21 *TIVITIES*

22 “**§ 60121. Purposes**

23 “*The purposes of this subchapter are—*

1 “(1) to prevent, to the extent practicable, harm-
2 ful interference to space activities by nongovern-
3 mental Earth observation activities;

4 “(2) to manage risk and prevent harm to United
5 States national security; and

6 “(3) to promote the leadership, industrial inno-
7 vation, and international competitiveness of the
8 United States.

9 **“§ 60122. General authority**

10 “(a) *IN GENERAL.*—The Secretary shall carry out this
11 subchapter.

12 “(b) *FUNCTIONS.*—In carrying out this subchapter, the
13 Secretary shall consult with—

14 “(1) the Secretary of Defense;

15 “(2) the Secretary of State;

16 “(3) the Director of National Intelligence; and

17 “(4) the head of such other Federal department
18 or agency as the Secretary considers necessary.

19 **“§ 60123. Administrative authority of Secretary**

20 “(a) *FUNCTIONS.*—In order to carry out the respon-
21 sibilities specified in this subchapter, the Secretary may—

22 “(1) grant, condition, or transfer licenses under
23 this chapter;

24 “(2) seek an order of injunction or similar judi-
25 cial determination from a district court of the United

1 *States with personal jurisdiction over the licensee to*
2 *terminate, modify, or suspend licenses under this sub-*
3 *chapter and to terminate licensed operations on an*
4 *immediate basis, if the Secretary determines that the*
5 *licensee has substantially failed to comply with any*
6 *provisions of this chapter, with any terms, conditions,*
7 *or restrictions of such license, or with any inter-*
8 *national obligations or national security concerns of*
9 *the United States;*

10 “(3) *provide penalties for noncompliance with*
11 *the requirements of licenses or regulations issued*
12 *under this subchapter, including civil penalties not to*
13 *exceed \$10,000 (each day of operation in violation of*
14 *such licenses or regulations constituting a separate*
15 *violation);*

16 “(4) *compromise, modify, or remit any such civil*
17 *penalty;*

18 “(5) *issue subpoenas for any materials, docu-*
19 *ments, or records, or for the attendance and testimony*
20 *of witnesses for the purpose of conducting a hearing*
21 *under this section;*

22 “(6) *seize any object, record, or report pursuant*
23 *to a warrant from a magistrate based on a showing*
24 *of probable cause to believe that such object, record, or*
25 *report was used, is being used, or is likely to be used*

1 *in violation of this chapter or the requirements of a*
 2 *license or regulation issued thereunder; and*

3 *“(7) make investigations and inquiries and ad-*
 4 *minister to or take from any person an oath, affirma-*
 5 *tion, or affidavit concerning any matter relating to*
 6 *the enforcement of this chapter.*

7 *“(b) REVIEW OF AGENCY ACTION.—Any applicant or*
 8 *licensee that makes a timely request for review of an adverse*
 9 *action pursuant to paragraph (1), (3), (5), or (6) of sub-*
 10 *section (a) shall be entitled to adjudication by the Secretary*
 11 *on the record after an opportunity for any agency hearing*
 12 *with respect to such adverse action. Any final action by*
 13 *the Secretary under this subsection shall be subject to judi-*
 14 *cial review under chapter 7 of title 5.*

15 **“§60124. Authorization to conduct nongovernmental**
 16 ***Earth observation activities***

17 *“(a) REQUIREMENT.—No person may conduct any*
 18 *nongovernmental Earth observation activity without an au-*
 19 *thorization issued under this subchapter.*

20 *“(b) WAIVERS.—*

21 *“(1) IN GENERAL.—The Secretary may waive a*
 22 *requirement under this subchapter for a nongovern-*
 23 *mental Earth observation activity, or for a type or*
 24 *class of nongovernmental Earth observation activities,*

1 *if the Secretary decides that granting a waiver is con-*
2 *sistent with section 60121.*

3 “(2) *STANDARDS.*—*Not later than 120 days after*
4 *the date of enactment of the Space Frontier Act of*
5 *2018, the Secretary shall establish standards for de-*
6 *termining the de minimis Earth observation activities*
7 *that would be eligible for a waiver under paragraph*
8 *(1).*

9 “(c) *APPLICATION.*—

10 “(1) *IN GENERAL.*—*A person seeking an author-*
11 *ization under this subchapter shall submit an appli-*
12 *cation to the Secretary at such time, in such manner,*
13 *and containing such information as the Secretary*
14 *may require for the purposes described in section*
15 *60121, including—*

16 “(A) *a description of the proposed Earth ob-*
17 *servaion activity, including—*

18 “(i) *a physical and functional descrip-*
19 *tion of each space object;*

20 “(ii) *the orbital characteristics of each*
21 *space object, including altitude, inclination,*
22 *orbital period, and estimated operational*
23 *lifetime; and*

24 “(iii) *a list of the names of all persons*
25 *that have or will have direct operational or*

1 *financial control of the Earth observation*
2 *activity;*

3 “(B) *a plan to prevent orbital debris con-*
4 *sistent with the 2001 United States Orbital De-*
5 *bris Mitigation Standard Practices or any subse-*
6 *quent revision thereof; and*

7 “(C) *a description of the capabilities of each*
8 *instrument to be used to observe the Earth in the*
9 *conduct of the Earth observation activity.*

10 “(2) *APPLICATION STATUS.—Not later than 14*
11 *days after the date of receipt of an application, the*
12 *Secretary shall make a determination whether the ap-*
13 *plication is complete or incomplete and notify the ap-*
14 *plicant of that determination, including, if incom-*
15 *plete, the reason the application is incomplete.*

16 “(d) *REVIEW.—*

17 “(1) *IN GENERAL.—Not later than 120 days*
18 *after the date that the Secretary makes a determina-*
19 *tion under subsection (c)(2) that an application is*
20 *complete, the Secretary shall review all information*
21 *provided in that application and, subject to the provi-*
22 *sions of this subsection, notify the applicant in writ-*
23 *ing whether the application was approved or denied.*

1 “(2) *APPROVALS.*—*The Secretary shall approve*
2 *an application under this subsection if the Secretary*
3 *determines that—*

4 “(A) *the Earth observation activity is con-*
5 *sistent with the purposes described in section*
6 *60121; and*

7 “(B) *the applicant is in compliance, and*
8 *will continue to comply, with this subchapter,*
9 *including regulations.*

10 “(3) *DENIALS.*—

11 “(A) *IN GENERAL.*—*If an application under*
12 *this subsection is denied, the Secretary—*

13 “(i) *shall include in the notification*
14 *under paragraph (1)—*

15 “(I) *a reason for the denial; and*

16 “(II) *a description of each defi-*
17 *ciency, including guidance on how to*
18 *correct the deficiency;*

19 “(ii) *shall sign the notification under*
20 *paragraph (1);*

21 “(iii) *may not delegate the duty under*
22 *clause (ii); and*

23 “(iv) *shall submit to the Committee on*
24 *Commerce, Science, and Transportation of*
25 *the Senate and the Committee on Science,*

1 *Space, and Technology of the House of Rep-*
2 *resentatives a copy of the notification.*

3 “(B) *INTERAGENCY REVIEW.*—*If, during the*
4 *review of an application under paragraph (1),*
5 *the Secretary consults with the head of another*
6 *Federal department or agency and that head of*
7 *another Federal department or agency does not*
8 *support approving the application—*

9 “(i) *that head of another Federal de-*
10 *partment or agency—*

11 “(I) *not later than 90 days after*
12 *the date of the consultation, shall no-*
13 *tify the Secretary, in writing, of the*
14 *reason for withholding support, includ-*
15 *ing a description of each deficiency*
16 *and guidance on how to correct the de-*
17 *ficiency;*

18 “(II) *shall sign the notification*
19 *under subclause (I); and*

20 “(III) *may not delegate the duty*
21 *under subclause (II); and*

22 “(ii) *the Secretary shall include the no-*
23 *tification under clause (i) in the notifica-*
24 *tion under paragraph (1), including classi-*
25 *fied information if the applicant has the re-*

1 *quired security clearance for that classified*
2 *information.*

3 “(C) *INTERAGENCY ASSENTS.*—*If the head*
4 *of another Federal department or agency does*
5 *not notify the Secretary under subparagraph*
6 *(B)(i)(I) within the time specified in that sub-*
7 *paragraph, that head of another Federal depart-*
8 *ment or agency shall be deemed to have assented*
9 *to the application.*

10 “(D) *INTERAGENCY DISSENTS.*—*If, during*
11 *the review of an application under paragraph*
12 *(1), a head of a Federal department or agency*
13 *described in subparagraph (B) disagrees with the*
14 *Secretary or the head of another Federal depart-*
15 *ment or agency described in subparagraph (B)*
16 *with respect to a deficiency under this sub-*
17 *section, the Secretary shall submit the matter to*
18 *the President, who shall resolve the dispute before*
19 *the applicable deadline under paragraph (1).*

20 “(E) *DEFICIENCIES.*—*The Secretary shall—*

21 “(i) *provide each applicant under this*
22 *paragraph with a reasonable opportunity—*

23 “(I) *to correct each deficiency*
24 *identified under subparagraph*
25 “(A)(i)(II); *and*

1 “(II) to resubmit a corrected ap-
2 plication for reconsideration; and

3 “(ii) not later than 30 days after the
4 date of receipt of a corrected application
5 under clause (i)(II), make a determination,
6 in consultation with each head of another
7 Federal department or agency that sub-
8 mitted a notification under subparagraph
9 (B), whether to approve the application or
10 not.

11 “(F) IMPROPER BASIS FOR DENIAL.—

12 “(i) COMPETITION.—The Secretary
13 shall not deny an application under this
14 subsection in order to protect any existing
15 Earth observation activity from competi-
16 tion.

17 “(ii) CAPABILITIES.—The Secretary
18 shall not, to the maximum extent prac-
19 ticable, deny an application under this sub-
20 section based solely on the capabilities of the
21 Earth observation activity if those capabili-
22 ties are commercially available.

23 “(4) DEADLINE.—If the Secretary does not no-
24 tify an applicant in writing before the applicable
25 deadline under paragraph (1), the Secretary shall,

1 *not later than 1 business day after the date of the ap-*
2 *plicable deadline, notify the Committee on Commerce,*
3 *Science, and Transportation of the Senate and the*
4 *Committee on Science, Space, and Technology of the*
5 *House of Representatives of the status of the applica-*
6 *tion, including the reason the deadline was not met.*

7 “(5) *EXPEDITED REVIEW PROCESS.*—*Subject to*
8 *paragraph (2), the Secretary may modify the require-*
9 *ments under this subsection, as the Secretary con-*
10 *siders appropriate, to expedite the review of an appli-*
11 *cation that seeks to conduct an Earth observation ac-*
12 *tivity that is substantially similar to an Earth obser-*
13 *vation activity already licensed under this sub-*
14 *chapter.*

15 “(e) *ADDITIONAL REQUIREMENTS.*—*An authorization*
16 *issued under this subchapter shall require the authorized*
17 *person—*

18 “(1) *to be in compliance with this subchapter;*

19 “(2) *to notify the Secretary of any significant*
20 *change in the information contained in the applica-*
21 *tion; and*

22 “(3) *to make available to the government of any*
23 *country, including the United States, unenhanced*
24 *data collected by the Earth observation system con-*
25 *cerning the territory under the jurisdiction of that*

1 *government as soon as such data are available and on*
2 *reasonable commercial terms and conditions.*

3 “(f) *CONDITIONS.—Prior to making any change to a*
4 *condition of an authorization under this subchapter, the*
5 *Secretary shall—*

6 “(1) *provide notice of the reason for the change,*
7 *including, if applicable, a description of any defi-*
8 *ciency and guidance on how to correct the deficiency;*
9 *and*

10 “(2) *provide a reasonable opportunity to correct*
11 *a deficiency identified under paragraph (1).*

12 **“§ 60125. Annual reports**

13 “(a) *IN GENERAL.—Not later than 180 days after the*
14 *date of enactment of the Space Frontier Act of 2018, and*
15 *annually thereafter, the Secretary shall submit to the Com-*
16 *mittee on Commerce, Science, and Transportation of the*
17 *Senate and the Committee on Science, Space, and Tech-*
18 *nology of the House of Representatives a report on the*
19 *progress in implementing this subchapter, including—*

20 “(1) *a list of all applications received or pending*
21 *in the previous calendar year and the status of each*
22 *such application;*

23 “(2) *notwithstanding paragraph (4) of section*
24 *60124(d), a list of all applications, in the previous*
25 *calendar year, for which the Secretary missed the*

1 *deadline under paragraph (1) of that section, includ-*
2 *ing the reasons the deadline was not met; and*

3 *“(3) a description of all actions taken by the*
4 *Secretary under the administrative authority granted*
5 *under section 60123.*

6 *“(b) CLASSIFIED ANNEXES.—Each report under sub-*
7 *section (a) may include classified annexes as necessary to*
8 *protect the disclosure of sensitive or classified information.*

9 *“(c) CESSATION OF EFFECTIVENESS.—This section*
10 *ceases to be effective September 30, 2021.*

11 **“§ 60126. Regulations**

12 *“The Secretary shall promulgate regulations to imple-*
13 *ment this subchapter.*

14 **“§ 60127. Relationship to other executive agencies and**
15 **laws**

16 *“(a) EXECUTIVE AGENCIES.—Except as provided in*
17 *this subchapter or chapter 509, or any activity regulated*
18 *by the Federal Communications Commission under the*
19 *Communications Act of 1934 (47 U.S.C. 151 et seq.), a per-*
20 *son is not required to obtain from an executive agency a*
21 *license, approval, waiver, or exemption to conduct a non-*
22 *governmental Earth observation activity.*

23 *“(b) RULE OF CONSTRUCTION.—This subchapter does*
24 *not affect the authority of—*

1 “(1) *the Federal Communications Commission*
2 *under the Communications Act of 1934 (47 U.S.C.*
3 *151 et seq.)*; or

4 “(2) *the Secretary of Transportation under chap-*
5 *ter 509 of this title.*

6 “(c) *NONAPPLICATION.—This subchapter does not*
7 *apply to any space activity the United States Government*
8 *carries out for the Government.”*; and

9 (3) *by amending section 60147 to read as fol-*
10 *lows:*

11 **“§ 60147. Consultation**

12 “(a) *CONSULTATION WITH SECRETARY OF DE-*
13 *FENSE.—The Landsat Program Management shall consult*
14 *with the Secretary of Defense on all matters relating to the*
15 *Landsat Program under this chapter that affect national*
16 *security. The Secretary of Defense shall be responsible for*
17 *determining those conditions, consistent with this chapter,*
18 *necessary to meet national security concerns of the United*
19 *States and for notifying the Landsat Program Management*
20 *of such conditions.*

21 “(b) *CONSULTATION WITH SECRETARY OF STATE.—*

22 “(1) *IN GENERAL.—The Landsat Program Man-*
23 *agement shall consult with the Secretary of State on*
24 *all matters relating to the Landsat Program under*
25 *this chapter that affect international obligations. The*

1 *Secretary of State shall be responsible for determining*
2 *those conditions, consistent with this chapter, nec-*
3 *essary to meet international obligations and policies*
4 *of the United States and for notifying the Landsat*
5 *Program Management of such conditions.*

6 “(2) *INTERNATIONAL AID.*—*Appropriate United*
7 *States Government agencies are authorized and en-*
8 *couraged to provide remote sensing data, technology,*
9 *and training to developing nations as a component of*
10 *programs of international aid.*

11 “(3) *REPORTING DISCRIMINATORY DISTRIBUTION.*—*The Secretary of State shall promptly report*
12 *to the Landsat Program Management any instances*
13 *outside the United States of discriminatory distribu-*
14 *tion of Landsat data.*

15 “(c) *STATUS REPORT.*—*The Landsat Program Man-*
16 *agement shall, as often as necessary, provide to Congress*
17 *complete and updated information about the status of ongo-*
18 *ing operations of the Landsat system, including timely no-*
19 *tification of decisions made with respect to the Landsat sys-*
20 *tem in order to meet national security concerns and inter-*
21 *national obligations and policies of the United States Gov-*
22 *ernment.”.*

23 (b) *TABLE OF CONTENTS.*—*The table of contents of*
24 *chapter 601 of title 51, United States Code, is amended by*
25

1 *striking the items relating to subchapter III and inserting*
 2 *the following:*

“SUBCHAPTER III—AUTHORIZATION OF NONGOVERNMENTAL EARTH
OBSERVATION ACTIVITIES

“60121. *Purposes.*

“60122. *General authority.*

“60123. *Administrative authority of Secretary.*

“60124. *Authorization to conduct nongovernmental Earth observation activities.*

“60125. *Annual reports.*

“60126. *Regulations.*

“60127. *Relationship to other executive agencies and laws.*”.

3 (c) *RULES OF CONSTRUCTION.—*

4 (1) *Nothing in this section or the amendments*
 5 *made by this section shall affect any license, or appli-*
 6 *cation for a license, to operate a private remote sens-*
 7 *ing space system that was made under subchapter III*
 8 *of chapter 601 of title 51, United States Code (as in*
 9 *effect before the date of enactment of this Act), before*
 10 *the date of enactment of this Act. Such license shall*
 11 *continue to be subject to the requirements to which*
 12 *such license was subject under that chapter as in ef-*
 13 *fect on the day before the date of enactment of this*
 14 *Act.*

15 (2) *Nothing in this section or the amendments*
 16 *made by this section shall affect the prohibition on*
 17 *the collection and release of detailed satellite imagery*
 18 *relating to Israel under section 1064 of the National*
 19 *Defense Authorization Act for Fiscal Year 1997 (51*
 20 *U.S.C. 60121 note).*

TITLE III—MISCELLANEOUS**SEC. 301. PROMOTING FAIRNESS AND COMPETITIVENESS
FOR NASA PARTNERSHIP OPPORTUNITIES.**

(a) *SENSE OF CONGRESS.*—*It is the sense of Congress that—*

(1) *fair access to available NASA assets and services on a reimbursable, noninterference, equitable, and predictable basis is advantageous in enabling the United States commercial space industry;*

(2) *NASA should continue to promote fairness to all parties and ensure best value to the Federal Government in granting use of NASA assets, services, and capabilities in a manner that contributes to NASA's missions and objectives; and*

(3) *NASA should continue to promote small business awareness and participation through advocacy and collaborative efforts with internal and external partners, stakeholders, and academia.*

(b) *GUIDANCE FOR SMALL BUSINESS PARTICIPATION.*—*The Administrator of NASA shall—*

(1) *provide opportunities for the consideration of small business concerns during public-private partnership planning processes and in public-private partnership plans;*

1 (2) *invite the participation of each relevant di-*
2 *rector of an Office of Small and Disadvantaged Busi-*
3 *ness Utilization under section 15(k) of the Small*
4 *Business Act 915 U.S.C. 644(k) in public-private*
5 *partnership planning processes and provide the direc-*
6 *tor access to public-private partnership plans;*

7 (3) *not later than 90 days after the date of en-*
8 *actment of this Act—*

9 (A) *identify and establish a list of all*
10 *NASA assets, services, and capabilities that are*
11 *available, or will be available, for public-private*
12 *partnership opportunities; and*

13 (B) *make the list under subparagraph (A)*
14 *available on NASA’s website, in a searchable for-*
15 *mat;*

16 (4) *periodically as needed, but not less than once*
17 *per year, update the list and website under para-*
18 *graph (3); and*

19 (5) *not later than 180 days after the date of en-*
20 *actment of this Act, develop a policy and issue guid-*
21 *ance for a consistent, fair, and equitable method for*
22 *scheduling and establishing priority of use of the*
23 *NASA assets, services, and capabilities identified*
24 *under this subsection.*

1 (c) *STRENGTHENING SMALL BUSINESS AWARENESS.*—
 2 *Not later than 180 days after the date of enactment of this*
 3 *Act, the Administrator of NASA shall designate an official*
 4 *at each NASA Center—*

5 (1) *to serve as an advocate for small businesses*
 6 *within the office that manages partnerships at each*
 7 *Center; and*

8 (2) *to provide guidance to small businesses on*
 9 *how to participate in public-private partnership op-*
 10 *portunities with NASA.*

11 **SEC. 302. LEASE OF NON-EXCESS PROPERTY.**

12 Section 20145 of title 51, United States Code, is
 13 *amended—*

14 (1) *in subsection (b)—*

15 (A) *in the heading, by striking “CASH CON-*
 16 *SIDERATION” and inserting “CONSIDERATION”;*
 17 *and*

18 (B) *in paragraph (1)—*

19 (i) *in subparagraph (A), by inserting*
 20 *“IN GENERAL” before “A person”; and*

21 (ii) *by amending subparagraph (B) to*
 22 *read as follows:*

23 “(B) *IN-KIND CONSIDERATION.*—*Notwith-*
 24 *standing subparagraph (A), the Administrator*

1 *may accept in-kind consideration for leases en-*
2 *tered into for the purpose of developing—*

3 “(i) *renewable energy production fa-*
4 *cilities; and*

5 “(ii) *space sector industrial infrastruc-*
6 *ture and business facilities that the Admin-*
7 *istrator determines would advance national*
8 *security interests or civil space capabili-*
9 *ties.”; and*

10 (2) *in subsection (g), by striking “December 31,*
11 *2018” and inserting “December 31, 2020”.*

12 **SEC. 303. SENSE OF CONGRESS ON MAINTAINING A NA-**
13 **TIONAL LABORATORY IN SPACE.**

14 *It is the sense of Congress that—*

15 (1) *the United States segment of the ISS (des-*
16 *ignated a national laboratory under section 70905 of*
17 *title 51, United States Code)—*

18 (A) *benefits the scientific community and*
19 *promotes commerce in space;*

20 (B) *fosters stronger relationships among*
21 *NASA and other Federal agencies, the private*
22 *sector, and research groups and universities;*

23 (C) *advances science, technology, engineer-*
24 *ing, and mathematics education through utiliza-*

1 *tion of the unique microgravity environment;*
2 *and*

3 *(D) advances human knowledge and inter-*
4 *national cooperation;*

5 *(2) after the ISS is decommissioned, the United*
6 *States should maintain a national laboratory in*
7 *space;*

8 *(3) in maintaining a national laboratory de-*
9 *scribed in paragraph (2), the United States should*
10 *make appropriate accommodations for different types*
11 *of ownership and operational structures for the ISS*
12 *and future space stations;*

13 *(4) the national laboratory described in para-*
14 *graph (2) should be maintained beyond the date that*
15 *the ISS is decommissioned and, if possible, in co-*
16 *operation with international space partners to the ex-*
17 *tent practicable; and*

18 *(5) NASA should continue to support funda-*
19 *mental science research on future platforms in low-*
20 *Earth orbit and cis-lunar space.*

21 **SEC. 304. CONTINUATION OF THE ISS.**

22 *(a) CONTINUATION OF THE INTERNATIONAL SPACE*
23 *STATION.—Section 501(a) of the National Aeronautics and*
24 *Space Administration Authorization Act of 2010 (42 U.S.C.*

1 18351(a)) is amended by striking “2024” and inserting
2 “2030”.

3 (b) *MAINTENANCE OF THE UNITED STATES SEGMENT*
4 *AND ASSURANCE OF CONTINUED OPERATIONS OF THE*
5 *INTERNATIONAL SPACE STATION.*—Section 503(a) of the
6 *National Aeronautics and Space Administration Author-*
7 *ization Act of 2010 (42 U.S.C. 18353(a)) is amended by*
8 *striking “2024” and inserting “2030”.*

9 (c) *RESEARCH CAPACITY ALLOCATION AND INTEGRA-*
10 *TION OF RESEARCH PAYLOADS.*—Section 504(d) of the *Na-*
11 *tional Aeronautics and Space Administration Authoriza-*
12 *tion Act of 2010 (42 U.S.C. 18354(d)) is amended by strik-*
13 *ing “2024” each place it appears and inserting “2030”.*

14 (d) *MAINTAINING USE THROUGH AT LEAST 2030.*—
15 *Section 70907 of title 51, United States Code, is amended—*

16 (1) *in the heading, by striking “2024” and in-*
17 *serting “2030”; and*

18 (2) *by striking “2024” each place it appears and*
19 *inserting “2030”.*

20 **SEC. 305. UNITED STATES POLICY ON ORBITAL DEBRIS.**

21 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
22 *that—*

23 (1) *existing guidelines for the mitigation of or-*
24 *bitaI debris may not be adequate to ensure long term*
25 *usability of the space environment for all users; and*

1 (2) *the United States should continue to exercise*
2 *a leadership role in developing orbital debris preven-*
3 *tion standards that can be used by all space-faring*
4 *nations.*

5 **(b) POLICY OF THE UNITED STATES.**—*It is the policy*
6 *of the United States to have consistent standards across*
7 *Federal agencies that minimize the risks from orbital debris*
8 *in order to—*

9 (1) *protect the public health and safety;*

10 (2) *protect humans in space;*

11 (3) *protect the national security interests of the*
12 *United States;*

13 (4) *protect the safety of property;*

14 (5) *protect space objects from interference; and*

15 (6) *protect the foreign policy interests of the*
16 *United States.*

Calendar No. 686

115TH CONGRESS
2^D SESSION

S. 3277

[Report No. 115-397]

A BILL

To reduce regulatory burdens and streamline processes related to commercial space activities, and for other purposes.

NOVEMBER 29, 2018

Reported with an amendment