

116TH CONGRESS
1ST SESSION

S. 1694

To require any Federal agency that issues licenses to conduct activities in outer space to include in the requirements for such licenses an agreement relating to the preservation and protection of the Apollo 11 landing site, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23 (legislative day, MAY 22), 2019

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

A BILL

To require any Federal agency that issues licenses to conduct activities in outer space to include in the requirements for such licenses an agreement relating to the preservation and protection of the Apollo 11 landing site, 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 “One Small Step to
5 Protect Human Heritage in Space Act”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) On July 16, 1969, the Apollo 11 spacecraft
5 launched from the John F. Kennedy Space Center
6 carrying Neil A. Armstrong, Edwin E. “Buzz”
7 Aldrin, Jr., and Michael Collins.

8 (2) July 20, 2019, will mark the 50th anniver-
9 sary of the date on which the Apollo 11 spacecraft
10 landed on the Moon and Neil Armstrong and Buzz
11 Aldrin became the first humans to set foot on a ce-
12 lestial body off the Earth.

13 (3) The landing of the Apollo 11 spacecraft and
14 humanity’s first off-world footprints are achieve-
15 ments unparalleled in history, a direct product of the
16 work and perseverance of the more than 400,000 in-
17 dividuals who contributed to the development of the
18 Apollo missions on the shoulders of centuries of
19 science and engineering pioneers from all corners of
20 the world.

21 (4) Among the thousands of individuals who
22 have contributed to the achievements of the National
23 Aeronautics and Space Administration (in this sec-
24 tion referred to as “NASA”) are African-American
25 women such as Katherine Johnson, Dorothy
26 Vaughn, Mary Jackson, and Dr. Christine Darden,

1 who made critical contributions to NASA space pro-
2 grams. Katherine Johnson worked at NASA for 35
3 years and calculated the trajectory of the Apollo 11
4 landing and the trajectories for the spaceflights of
5 astronauts Alan Shepard and John Glenn. Katherine
6 Johnson, together with many other individuals the
7 work of whom often went unacknowledged, helped
8 broaden the scope of space travel and charted new
9 frontiers for humanity's exploration of space.

10 (5) The landing of the Apollo 11 spacecraft was
11 made on behalf of all humankind, and Neil Arm-
12 strong and Buzz Aldrin were accompanied by mes-
13 sages of peace from the leaders of more than 70
14 countries.

15 (6) The lunar landing sites of the Apollo 11
16 spacecraft, the robotic spacecraft that preceded the
17 Apollo 11 mission, and the crewed and robotic
18 spacecraft that followed, are of outstanding uni-
19 versal value to humanity.

20 (7) Such landing sites—

21 (A) are the first archaeological sites with
22 human activity that are not on Earth;

23 (B) provide evidence of the first achieve-
24 ments of humankind in the realm of space trav-
25 el and exploration; and

1 (C) contain artifacts and other evidence of
2 human exploration activities that remain a po-
3 tential source of cultural, historical, archae-
4 ological, anthropological, scientific, and engi-
5 neering knowledge.

6 (8) As commercial enterprises and more coun-
7 tries acquire the ability to land on the Moon, it is
8 necessary to ensure the recognition and protection of
9 the Apollo 11 landing site and other historic landing
10 sites together with all the human effort and innova-
11 tion the sites represent.

12 (9) On July 20, 2011, NASA published the vol-
13 untary guidance entitled “NASA’s Recommendations
14 to Space-Faring Entities: How to Protect and Pre-
15 serve the Historic and Scientific Value of U.S. Gov-
16 ernment Lunar Artifacts”.

17 (10) In March 2018, the Office of Science and
18 Technology Policy published a report entitled “Pro-
19 tecting & Preserving Apollo Program Lunar Landing
20 Sites & Artifacts”.

21 (11) The Apollo 11 landing site and other simi-
22 lar historic landing sites in outer space merit legal
23 protection from inadvertent or intentional inter-
24 ference with such sites or the environment sur-
25 rounding such sites in order to prevent irremediable

1 loss of archaeological, anthropological, historical, sci-
2 entific, and engineering significance and value.

3 (12) Space-faring entities based outside the
4 United States have the capacity to land on the
5 Moon.

6 (13) The licensing requirements under this Act
7 are applicable only to United States-based activities
8 in outer space and therefore have limited efficacy for
9 protecting against intentional or inadvertent disturb-
10 ances of the Apollo 11 landing site and other similar
11 historic sites from space-faring entities based outside
12 the United States.

13 (14) A binding international agreement to pro-
14 tect the Apollo 11 landing site and other similar his-
15 toric sites by requiring adherence to the rec-
16 ommendations described in section 3(b) would be
17 sufficient to protect against intentional or inad-
18 vertent disturbances of the Apollo 11 landing site
19 and other similar historic sites.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that the President should initiate a diplomatic initia-
22 tive to negotiate an international agreement described in
23 subsection (a)(14).

1 **SEC. 3. LICENSING REQUIREMENTS CONCERNING PRESER-**
2 **VATION OF HISTORIC LUNAR LANDING SITES.**

3 (a) IN GENERAL.—Beginning not later than 90 days
4 after the date of the enactment of this Act, any Federal
5 agency that issues a license to conduct an activity in outer
6 space shall require each applicant for such a license—

7 (1) to agree to abide by the recommendations
8 described in subsection (b); or

9 (2) in the case of an activity that requires a li-
10 cense from more than one Federal agency, to certify
11 (as described in paragraph (1) or (2), as applicable,
12 of section 1746 of title 28, United States Code) that
13 the applicant has submitted an application for a li-
14 cense for such activity to another Federal agency
15 that satisfies paragraph (1).

16 (b) RECOMMENDATIONS DESCRIBED.—The rec-
17 ommendations described in this subsection are—

18 (1) “NASA’s Recommendations to Space-
19 Faring Entities: How to Protect and Preserve the
20 Historic and Scientific Value of U.S. Government
21 Lunar Artifacts” issued by the National Aeronautics
22 and Space Administration on July 20, 2011;

23 (2) the updates to “NASA’s Recommendations
24 to Space-Faring Entities: How to Protect and Pre-
25 serve the Historic and Scientific Value of U.S. Gov-
26 ernment Lunar Artifacts” issued by the National

1 Aeronautics and Space Administration on October
2 28, 2011; and

3 (3) any successor heritage preservation rec-
4 ommendations, guidelines, or principles relating to
5 the protection and preservation of Government lunar
6 artifacts issued by the National Aeronautics and
7 Space Administration.

8 (c) EXEMPTIONS.—A Federal agency issuing a li-
9 cense described in subsection (a) may, in consultation with
10 the Administrator of the National Aeronautics and Space
11 Administration, exempt specific activities of an applicant
12 from the historic preservation agreement or certification
13 under subsection (a) if such bona fide activities are deter-
14 mined to have legitimate and significant historical, archeo-
15 logical, anthropological, scientific, or engineering value.

16 (d) AUTHORITY TO ASSESS PENALTY FEES.—

17 (1) IN GENERAL.—A Federal agency issuing a
18 license described in subsection (a) may assess a pen-
19 alty fee on the holder of such license for conduct
20 that violates one or more of terms of the license re-
21 lating to the agreement under subsection (a)(1).

22 (2) AMOUNT.—The penalty fee amount as-
23 sessed under paragraph (1) shall be—

24 (A) commensurate with the nature and ex-
25 tent of the violation; and

1 (B) sufficient to deter future violations.

2 (e) **ACTIVITY DEFINED.**—In this section, the term
3 “activity” means an action or endeavor in outer space
4 that—

5 (1) is intended to be lunar in nature, including
6 lunar orbit, landing, and impact; or

7 (2) has a greater likelihood than not of becom-
8 ing lunar in nature, including unintentional orbit
9 and impact.

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