

119TH CONGRESS
2D SESSION

H. R. 8198

To amend title 51, United States Code, to advance American space operations,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2026

Mr. FONG introduced the following bill; which was referred to the Committee
on Science, Space, and Technology

A BILL

To amend title 51, United States Code, to advance American
space operations, 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 “Optimizing United
5 States Technology to Preempt Adversarial Communist Ex-
6 pansion in Space Act” or the “OUTPACE in Space Act”.

7 **SEC. 2. STRENGTHENING LAUNCH AND REENTRY.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that—

1 (1) the commercial space transportation indus-
2 try and the emerging hypersonic industry will re-
3 main a critical component of the competitiveness of
4 the United States;

5 (2) to support the growth of the industries de-
6 scribed in paragraph (1), the Administrator of the
7 Federal Aviation Administration should ensure that
8 such industries have access to the national airspace
9 while maintaining aviation safety; and

10 (3) the Administrator should continue to ensure
11 public health and safety, and improve airspace man-
12 agement access for commercial space and
13 hypersonics users.

14 (b) FAA BRIEFING REQUIREMENT.—

15 (1) IN GENERAL.—Not later than 60 days after
16 the date of enactment of this Act, the Administrator
17 of the Federal Aviation Administration, in collabora-
18 tion with the Secretary of Defense and other rel-
19 evant department heads, shall brief Congress on—

20 (A) plans to meet the growing airspace
21 needs of commercial space and hypersonics;

22 (B) plans to maintain current and future
23 air traffic operations in the national airspace
24 system while meeting the needs described in
25 subparagraph (A); and

1 (C) a process for implementing section 630
2 of the FAA Reauthorization Act of 2024 (Pub-
3 lic Law 118–63).

4 (2) RESOURCE NEEDS.—The Administrator
5 shall estimate the resources needed to accomplish
6 the goals described in paragraph (1) and identify
7 any legislative barriers or recommendations to en-
8 sure sufficient airspace access for commercial space
9 and hypersonics.

10 (c) SPACE VEHICLE REENTRY.—

11 (1) CONDITIONAL EXPECTED CASUALTY.—

12 (A) WAIVER.—Upon enactment of this
13 Act, the Administrator shall issue a blanket
14 waiver of 450.101(c) for all reentry vehicles
15 until a final rule is published as described in
16 subparagraph (D).

17 (B) ADVANCE NOTICE OF RULEMAKING.—

18 Not later than 3 months after the date of en-
19 actment of this Act, the Administrator shall
20 issue advanced notice of a proposed rulemaking
21 to amend sections 450.101, 450.108, and
22 450.135 of title 14, Code of Federal Regula-
23 tions, to ensure that, with respect to conditional
24 expected casualty for reentry vehicles, risk con-
25 siderations support the development and au-

1 thorization of overland launch and reentry oper-
2 ations.

3 (C) PROPOSED RULE.—Not later than 6
4 months after the date of enactment of this Act,
5 the Administrator shall issue a notice of pro-
6 posed rulemaking, as described in subparagraph
7 (B).

8 (D) FINAL RULE.—Not later than 1 year
9 after the date of enactment of this Act, the Ad-
10 ministrator shall issue a final rule based on the
11 proposed rule issued under subparagraph (C).

12 (2) REGULATORY UPDATES.—Not later than 30
13 days after the date of enactment of this Act, the Ad-
14 ministrator shall initiate the process to develop or
15 update regulations to ensure that risk considerations
16 support the development and authorization of over-
17 land launch and reentry operations.

18 (d) HIGH CADENCE OPERATIONS.—To enable high
19 cadence launch and reentry operations by United States
20 licensed companies, the Secretary of Transportation shall,
21 using the authority under chapter 509 of title 51, United
22 States Code, maximize use of performance-based require-
23 ments and issue, not later than 90 days after the date
24 of enactment of this Act, advisory circulars that provide
25 alternative methods of compliance that are limited by pre-

1 scriptive approaches, including for the determination of
2 the probability of failure requirements and regulations
3 with preset timelines.

4 (e) AIRSPACE ACCESS.—

5 (1) IN GENERAL.—The Secretary of Transpor-
6 tation shall prioritize equitable and efficient integra-
7 tion of commercial space operations into the national
8 airspace system, and take all steps to safely increase
9 the annual cadence of domestic commercial launches
10 and reentries.

11 (2) REPORT.—Not later than 90 days after the
12 date of enactment of this Act, the Secretary shall
13 submit to the Committee on Science, Space, and
14 Technology of the House of Representatives and the
15 Committee on Commerce, Science, and Transpor-
16 tation of the Senate a report on specific planned ac-
17 tions and required resources to meaningfully in-
18 crease the ability of the national airspace system to
19 support launch and reentry operations, with specific
20 detail on how many additional launches and reen-
21 tries per year such improved processes and tech-
22 nologies would enable compared to current baselines.

23 (f) EXPEDITED HIRING AUTHORITY.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, the Administrator of the Federal

1 Aviation Administration may appoint qualified can-
2 didates with specialized knowledge in aerospace engi-
3 neering or related fields to positions in the Office of
4 Commercial Space Transportation within 30 days of
5 identifying a such a qualified candidate without re-
6 gard to competitive service requirements, examina-
7 tions, or public notice.

8 (2) BRIEFING; PUBLIC INFORMATION.—

9 (A) BRIEFING.—Not later than 45 days
10 after the date of enactment of this Act, the Ad-
11 ministrator shall provide to the Committee on
12 Science, Space, and Technology of the House of
13 Representatives and the Committee on Com-
14 merce, Science, and Transportation of the Sen-
15 ate a briefing on the implementation of this
16 subsection.

17 (B) PUBLIC INFORMATION.—Adminis-
18 trator shall maintain on the website of the Of-
19 fice of Commercial Space Transportation the
20 following information:

21 (i) How long vacancies for positions
22 described in paragraph (1) have been
23 pending.

24 (ii) How many vacancies at the Office
25 of Commercial Space Transportation have

1 been addressed using the authority under
2 such paragraph (1).

3 **SEC. 3. RESEARCH SECURITY.**

4 (a) RESEARCH SECURITY.—Neither the Secretary of
5 Commerce nor the Secretary of Transportation may carry
6 out any research or a development initiative related to
7 commercial space activities with any entity of concern, a
8 foreign business entity, or a foreign country of concern.

9 (b) DEFINITIONS.—In this section:

10 (1) ENTITY OF CONCERN.—The term “entity of
11 concern” has the meaning given such term in section
12 10114 of the Research and Development, Competi-
13 tion, and Innovation Act (42 U.S.C. 18912).

14 (2) FOREIGN BUSINESS ENTITY.—The term
15 “foreign business entity” means an entity that is—

16 (A) organized under, or otherwise subject
17 to, the laws of a foreign country of concern;

18 (B) a governmental organization of a for-
19 eign country of concern; or

20 (C) owned or controlled (as such term is
21 defined in section 800.208 of title 31, Code of
22 Federal Regulations, or a successor regulation)
23 by—

24 (i) any governmental organization of a
25 foreign country of concern; or

1 (ii) any other entity that is organized
2 under, or otherwise subject to, the laws of
3 a foreign country of concern.

4 (3) FOREIGN COUNTRY OF CONCERN.—The
5 term “foreign country of concern” has the meaning
6 given such term in section 9901 of title XCIX of di-
7 vision H of the William M. (Mac) Thornberry Na-
8 tional Defense Authorization Act for Fiscal Year
9 2021 (15 U.S.C. 4651).

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