

115TH CONGRESS
2D SESSION

S. 3277

AN ACT

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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Space Frontier Act of 2019”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 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. Office of Commercial Space Transportation.

Sec. 102. Use of existing authorities.

Sec. 103. Experimental permits.

Sec. 104. Space-related advisory rulemaking committees.

Sec. 105. Government-developed space technology.

Sec. 106. Regulatory reform.

Sec. 107. Secretary of Transportation oversight and coordination of commercial
launch and reentry operations.

Sec. 108. Study on joint use of spaceports.

Sec. 109. Airspace integration report.

TITLE II—STREAMLINING OVERSIGHT OF NONGOVERNMENTAL
EARTH OBSERVATION ACTIVITIES

Sec. 201. Nongovernmental Earth observation activities.

Sec. 202. Radio-frequency mapping report.

TITLE III—MISCELLANEOUS

Sec. 301. Promoting fairness and competitiveness for NASA partnership oppor-
tunities.

Sec. 302. Lease of non-excess property.

Sec. 303. Maintaining a national laboratory in space.

Sec. 304. Presence in low-Earth orbit.

Sec. 305. Continuation of the ISS.

Sec. 306. United States policy on orbital debris.

Sec. 307. Low-Earth orbit commercialization program.

Sec. 308. Bureau of Space Commerce.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

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

5 **TITLE I—STREAMLINING OVER-**
6 **SIGHT OF LAUNCH AND RE-**
7 **ENTRY ACTIVITIES**

8 **SEC. 101. OFFICE OF COMMERCIAL SPACE TRANSPOR-**
9 **TATION.**

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

12 (1) by inserting “(b) AUTHORIZATION OF AP-
13 PROPRIATIONS.—” before “There” and indenting
14 appropriately; and

15 (2) by inserting before subsection (b), the fol-
16 lowing:

17 “(a) ASSOCIATE ADMINISTRATOR FOR COMMERCIAL
18 SPACE TRANSPORTATION.—The Assistant Secretary for
19 Commercial Space Transportation shall serve as the Asso-
20 ciate Administrator for Commercial Space Transpor-
21 tation.”.

22 (b) ESTABLISHMENT OF ASSISTANT SECRETARY FOR
23 COMMERCIAL SPACE TRANSPORTATION.—Section
24 102(e)(1) of title 49, United States Code, is amended—

1 (1) in the matter preceding subparagraph (A),
 2 by striking “6” and inserting “7”; and
 3 (2) in subparagraph (A), by inserting “Assist-
 4 ant Secretary for Commercial Space Transpor-
 5 tation,” after “Assistant Secretary for Research and
 6 Technology,”.

7 **SEC. 102. USE OF EXISTING AUTHORITIES.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
 9 gress that the Secretary of Transportation should make
 10 use of existing authorities, including waivers and safety
 11 approvals, as appropriate, to protect the public, make
 12 more efficient use of resources, reduce the regulatory bur-
 13 den for an applicant for a commercial space launch or re-
 14 entry license or experimental permit, and promote com-
 15 mercial space launch and reentry.

16 (b) LICENSE APPLICATIONS AND REQUIREMENTS.—
 17 Section 50905 of title 51, United States Code, is amend-
 18 ed—

19 (1) in subsection (a)—

20 (A) by amending paragraph (1) to read as
 21 follows:

22 “(1) IN GENERAL.—

23 “(A) APPLICATIONS.—A person may apply
 24 to the Secretary of Transportation for a license

1 or transfer of a license under this chapter in
2 the form and way the Secretary prescribes.

3 “(B) DECISIONS.—Consistent with the
4 public health and safety, safety of property, and
5 national security and foreign policy interests of
6 the United States, the Secretary, not later than
7 the applicable deadline described in subpara-
8 graph (C), shall issue or transfer a license if
9 the Secretary decides in writing that the appli-
10 cant complies, and will continue to comply, with
11 this chapter and regulations prescribed under
12 this chapter.

13 “(C) APPLICABLE DEADLINE.—The appli-
14 cable deadline described in this subparagraph
15 shall be—

16 “(i) for an applicant that was or is a
17 holder of any license under this chapter,
18 not later than 90 days after accepting an
19 application in accordance with criteria es-
20 tablished pursuant to subsection (b)(2)(E);
21 and

22 “(ii) for a new applicant, not later
23 than 180 days after accepting an applica-
24 tion in accordance with criteria established
25 pursuant to subsection (b)(2)(E).

“(D) NOTICE TO APPLICANTS.—The Secretary shall inform the applicant of any pending issue and action required to resolve the issue if the Secretary has not made a decision not later than—

“(i) for an applicant described in subparagraph (C)(i), 60 days after accepting an application in accordance with criteria established pursuant to subsection (b)(2)(E); and

“(ii) for an applicant described in subparagraph (C)(ii), 120 days after accepting an application in accordance with criteria established pursuant to subsection (b)(2)(E).

“(E) NOTICE TO CONGRESS.—The Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a written notice not later than 30 days after any occurrence when the Secretary has not taken action on a license application within an applicable deadline established by this subsection.”; and

1 (B) in paragraph (2)—

2 (i) by inserting “PROCEDURES FOR
3 SAFETY APPROVALS.—” before “In car-
4 rying out”;

5 (ii) by inserting “software,” after
6 “services,”; and

7 (iii) by adding at the end the fol-
8 lowing: “Such safety approvals may be
9 issued simultaneously with a license under
10 this chapter.”; and

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

12 “(e) USE OF EXISTING AUTHORITIES.—

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

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

23 (c) RESTRICTIONS ON LAUNCHES, OPERATIONS, AND
24 REENTRIES.—Section 50904 of title 51, United States
25 Code, is amended by adding at the end the following:

1 “(e) MULTIPLE SITES.—The Secretary may issue a
2 single license or permit for an operator to conduct launch
3 services and reentry services at multiple launch sites or
4 reentry sites.”.

5 **SEC. 103. EXPERIMENTAL PERMITS.**

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

8 “(j) USE OF EXISTING AUTHORITIES.—

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

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

19 **SEC. 104. SPACE-RELATED ADVISORY RULEMAKING COM-**
20 **MITTEES.**

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

23 “(e) FACA.—The Federal Advisory Committee Act
24 (5 U.S.C. App.) does not apply to such space-related rule-

1 making committees under the Secretary’s jurisdiction as
2 the Secretary shall designate.”.

3 **SEC. 105. GOVERNMENT-DEVELOPED SPACE TECHNOLOGY.**

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

6 **SEC. 106. REGULATORY REFORM.**

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

10 (b) FINDINGS.—Congress finds that the commercial
11 space launch regulatory environment has at times impeded
12 the United States commercial space launch sector in its
13 innovation of launch technologies, reusable launch and re-
14 entry vehicles, and other areas related to commercial
15 launches and reentries.

16 (c) REGULATORY IMPROVEMENTS FOR COMMERCIAL
17 SPACE LAUNCH ACTIVITIES.—

18 (1) IN GENERAL.—Not later than February 1,
19 2019, the Secretary of Transportation shall issue a
20 notice of proposed rulemaking to revise any regula-
21 tions under chapter 509, United States Code, as the
22 Secretary considers necessary to meet the objective
23 of this section.

24 (2) OBJECTIVE.—The objective of this section
25 is to establish, consistent with the purposes de-

1 scribed in section 50901(b) of title 51, United States
2 Code, a regulatory regime for commercial space
3 launch activities under chapter 509 that—

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

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

11 (C) protects the health and safety of the
12 public;

13 (D) establishes clear, high-level perform-
14 ance requirements;

15 (E) encourages voluntary, industry tech-
16 nical standards that complement the high-level
17 performance requirements established under
18 subparagraph (D); and

19 (F) facilitates and encourages appropriate
20 collaboration between the commercial space
21 launch and reentry sector and the Department
22 of Transportation with respect to the require-
23 ments under subparagraph (D) and the stand-
24 ards under subparagraph (E).

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

4 (1) Secretary of Defense.

5 (2) Administrator of NASA.

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

10 (e) REPORT.—

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

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

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

(B) a description of any Federal agency resources necessary to meet the objective of this section;

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

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

**SEC. 107. SECRETARY OF TRANSPORTATION OVERSIGHT
AND COORDINATION OF COMMERCIAL
LAUNCH AND REENTRY OPERATIONS.**

(a) OVERSIGHT AND COORDINATION.—

(1) IN GENERAL.—The Secretary of Transportation, in accordance with the findings under section 1617 of the National Defense Authorization Act for Fiscal Year 2016 (51 U.S.C. 50918 note) and subject to section 50905(b)(2)(C) of title 51, United States Code, shall take such action as may be necessary to consolidate or modify the requirements across Federal agencies identified in section 1617(c)(1)(A) of that Act into a single application set that satisfies those requirements and expedites the coordination of commercial launch and reentry services.

(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
4 operations”.

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 (3) and (4), respec-
10 tively; and

11 (ii) by inserting before paragraph (3),
12 as redesignated, the following:

13 “(1) consistent with this chapter, authorize, li-
14 cense, 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 “(2) if an application for a license or permit
19 under this chapter includes launch or reentry at a
20 Defense range, coordinate with the Secretary of De-
21 fense, or designee, to protect any national security
22 interest relevant to such activity, including any nec-
23 essary mitigation measure to protect Department of
24 Defense property and personnel;”.

1 (3) EFFECTIVE DATE.—This subsection takes
2 effect on the date the final rule under section 107(c)
3 of this Act is published in the Federal Register.

4 (b) RULES OF CONSTRUCTION.—Nothing in this Act,
5 or the amendments made by this Act, may be construed
6 to affect—

7 (1) section 1617 of the National Defense Au-
8 thorization Act for Fiscal Year 2016 (51 U.S.C.
9 50918 note); or

10 (2) the authority of the Secretary of Defense as
11 it relates to safety and security related to launch or
12 reentry at a Defense range.

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

18 **SEC. 108. STUDY ON JOINT USE OF SPACEPORTS.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of enactment of this Act—

21 (1) the Secretary of Transportation shall, in
22 consultation with the Secretary of Defense, conduct
23 a study of the current process the Government uses
24 to provide or permit the joint use of United States
25 military installations for licensed nongovernmental

1 space launch and reentry activities, space-related ac-
2 tivities, and space transportation services by United
3 States commercial providers; and

4 (2) submit the results of the study to the Com-
5 mittee on Commerce, Science, and Transportation
6 and the Committee on Armed Services of the Senate
7 and the Committee on Science, Space, and Tech-
8 nology and the Committee on Armed Services of the
9 House of Representatives.

10 (b) CONSIDERATIONS.—In conducting the study re-
11 quired by subsection (a), the Secretary of Transportation
12 shall consider the following:

13 (1) Improvements that could be made to the
14 current process the Government uses to provide or
15 permit the joint use of United States military instal-
16 lations for licensed nongovernmental space launch
17 and reentry activities, space-related activities, and
18 space transportation services by United States com-
19 mercial providers.

20 (2) Means to facilitate the ability for a military
21 installation to request that the Secretary of Trans-
22 portation consider the military installation as a site
23 to provide or permit the licensed nongovernmental
24 space launch and reentry activities, space-related ac-

1 tivities, and space transportation services by United
2 States commercial providers.

3 (3) The feasibility of increasing the number of
4 military installations that provide or are permitted
5 to be utilized for licensed nongovernmental space
6 launch and reentry activities, space-related activities,
7 and space transportation services by United States
8 commercial providers.

9 (4) The importance of the use of safety approv-
10 als of launch vehicles, reentry vehicles, space trans-
11 portation vehicles, safety systems, processes, serv-
12 ices, or personnel (including approval procedures for
13 the purpose of protecting the health and safety of
14 crew, Government astronauts, and space flight par-
15 ticipants), to the extent permitted that may be used
16 in conducting licensed commercial space launch, re-
17 entry activities, and space transportation services at
18 installations.

19 **SEC. 109. AIRSPACE INTEGRATION REPORT.**

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of enactment of this Act, the Secretary of Transpor-
22 tation shall—

23 (1) identify and review the current policies and
24 tools used to integrate launch and reentry (as those
25 terms are defined in section 50902 of title 51,

1 United States Code) into the national airspace sys-
2 tem;

3 (2) consider whether the policies and tools iden-
4 tified in paragraph (1) need to be updated to more
5 efficiently and safely manage the national airspace
6 system; and

7 (3) submit to the appropriate committees of
8 Congress a report on the findings under paragraphs
9 (1) and (2), including recommendations for how to
10 more efficiently and safely manage the national air-
11 space system.

12 (b) CONSULTATION.—In conducting the review under
13 subsection (a), the Secretary shall consult with such mem-
14 bers of the commercial space launch and reentry sector
15 and commercial aviation sector as the Secretary considers
16 appropriate to ensure adequate representation across
17 those industries.

18 (c) DEFINITION OF APPROPRIATE COMMITTEES OF
19 CONGRESS.—In this section, the term “appropriate com-
20 mittees of Congress” means—

21 (1) the Committee on Commerce, Science, and
22 Transportation of the Senate;

23 (2) the Committee on Science, Space, and
24 Technology of the House of Representatives; and

(3) the Committee on Transportation and Infrastructure of the House of Representatives.

TITLE II—STREAMLINING OVERSIGHT OF NONGOVERNMENTAL EARTH OBSERVATION ACTIVITIES

SEC. 201. NONGOVERNMENTAL EARTH OBSERVATION ACTIVITIES.

(a) LICENSING OF NONGOVERNMENTAL EARTH OBSERVATION ACTIVITIES.—Chapter 601 of title 51, United States Code, is amended—

(1) in section 60101—

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

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

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

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

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

1 (E) by inserting after paragraph (3), the
 2 following:

3 “(4) EARTH OBSERVATION ACTIVITY.—The
 4 term ‘Earth observation activity’ means a space ac-
 5 tivity the primary purpose of which is to collect data
 6 that can be processed into imagery of the Earth or
 7 of man-made objects orbiting the Earth.”;

8 (F) by inserting after paragraph (11), as
 9 redesignated, the following:

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

14 “(A) the United States Government; or

15 “(B) a Government contractor or subcon-
 16 tractor if the Government contractor or subcon-
 17 tractor is performing the activity for the Gov-
 18 ernment.

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

24 “(14) PERSON.—The term ‘person’ means a
 25 person (as defined in section 1 of title 1) subject to

1 the jurisdiction or control of the United States.”;
2 and

3 (G) by inserting after paragraph (15), as
4 redesignated, the following:

5 “(16) SPACE ACTIVITY.—

6 “(A) IN GENERAL.—The term ‘space activ-
7 ity’ means any activity that is conducted in
8 space.

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

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

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

21 (2) by amending subchapter III to read as fol-
22 lows:

1 “SUBCHAPTER III—AUTHORIZATION OF NON-
2 GOVERNMENTAL EARTH OBSERVATION AC-
3 TIVITIES

4 “§ 60121. **Purposes**

5 “The purposes of this subchapter are—

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

9 “(2) to manage risk and prevent harm to
10 United States national security;

11 “(3) to ensure consistency with international
12 obligations of the United States; and

13 “(4) to promote the leadership, industrial inno-
14 vation, and international competitiveness of the
15 United States.

16 “§ 60122. **General authority**

17 “(a) IN GENERAL.—The Secretary shall carry out
18 this subchapter.

19 “(b) FUNCTIONS.—In carrying out this subchapter,
20 the Secretary shall consult with—

21 “(1) the Secretary of Defense;

22 “(2) the Director of National Intelligence; and

23 “(3) the head of such other Federal department
24 or agency as the Secretary considers necessary.

1 **“§ 60123. Administrative authority of Secretary**

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

4 “(1) grant, condition, or transfer licenses under
5 this chapter;

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

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

23 “(4) compromise, modify, or remit any such
24 civil penalty;

25 “(5) issue subpoenas for any materials, docu-
26 ments, or records, or for the attendance and testi-

1 mony of witnesses for the purpose of conducting a
2 hearing under this section;

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

9 “(7) make investigations and inquiries and ad-
10 minister to or take from any person an oath, affir-
11 mation, or affidavit concerning any matter relating
12 to the enforcement of this chapter.

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

21 **“§ 60124. Authorization to conduct nongovernmental**
22 **Earth observation activities**

23 “(a) REQUIREMENT.—No person may conduct any
24 nongovernmental Earth observation activity without an
25 authorization issued under this subchapter.

1 “(b) WAIVERS.—

2 “(1) IN GENERAL.—The Secretary, in consulta-
3 tion with the Secretary of Defense, the Director of
4 National Intelligence, and the head of such other
5 Federal agency as the Secretary considers appro-
6 priate, may waive a requirement under this sub-
7 chapter for a nongovernmental Earth observation ac-
8 tivity, or for a type or class of nongovernmental
9 Earth observation activities, if the Secretary decides
10 that granting a waiver is consistent with section
11 60121.

12 “(2) STANDARDS.—Not later than 120 days
13 after the date of enactment of the Space Frontier
14 Act of 2019, the Secretary shall establish standards,
15 in consultation with the Secretary of Defense and
16 the head of such other Federal agency as the Sec-
17 retary considers appropriate, for determining de
18 minimis Earth observation activities that would be
19 eligible for a waiver under paragraph (1).

20 “(c) COVERAGE OF AUTHORIZATION.—The Secretary
21 shall, to the maximum extent practicable, require a single
22 authorization for a person—

23 “(1) to conduct multiple Earth observation ac-
24 tivities using a single space object;

1 “(2) to operate multiple space objects carrying
2 out substantially similar Earth observation activities;
3 or

4 “(3) to use multiple space objects to carry out
5 a single Earth observation activity.

6 “(d) APPLICATION.—

7 “(1) IN GENERAL.—A person seeking an au-
8 thorization under this subchapter shall submit an
9 application to the Secretary at such time, in such
10 manner, and containing such information as the Sec-
11 retary may require for the purposes described in sec-
12 tion 60121, including—

13 “(A) a description of the proposed Earth
14 observation activity, including—

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

17 “(ii) the orbital characteristics of each
18 space object, including altitude, inclination,
19 orbital period, and estimated operational
20 lifetime; and

21 “(iii) a list of the names of all persons
22 that have or will have direct operational or
23 financial control of the Earth observation
24 activity;

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

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

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

15 “(e) REVIEW.—

16 “(1) IN GENERAL.—Not later than 90 days
17 after the date that the Secretary makes a determina-
18 tion under subsection (d)(2) that an application is
19 complete, the Secretary shall review all information
20 provided in that application and, subject to the pro-
21 visions of this subsection, notify the applicant in
22 writing whether the application was approved, with
23 or without conditions, 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
12 under 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
24 on Commerce, Science, and Transportation
25 of the Senate and the Committee on

1 Science, Space, and Technology of the
2 House of Representatives a copy of the no-
3 tification.

4 “(B) INTERAGENCY REVIEW.—Not later
5 than 3 days after the date that the Secretary
6 makes a determination under subsection (d)(2)
7 that an application is complete, the Secretary
8 shall consult with the head of each Federal de-
9 partment and agency described in section
10 60122(b) and if any head of such Federal de-
11 partment or agency does not support approving
12 the application—

13 “(i) that head of another Federal de-
14 partment or agency—

15 “(I) not later than 60 days after
16 the date of the consultation, shall no-
17 tify the Secretary, in writing, of the
18 reason for withholding support, in-
19 cluding a description of each defi-
20 ciency and guidance on how to correct
21 the deficiency;

22 “(II) shall sign the notification
23 under subclause (I); and

24 “(III) may not delegate the duty
25 under subclause (II), except the Sec-

1 retary of Defense may delegate the
2 duty under subclause (II) to an Under
3 Secretary of Defense; and

4 “(ii) subject to all applicable laws, the
5 Secretary shall include the notification
6 under clause (i) in the notification under
7 paragraph (1), including classified infor-
8 mation if—

9 “(I) the Secretary of Defense or
10 Director of National Intelligence, as
11 appropriate, determines that disclo-
12 sure of the classified information is
13 appropriate; and

14 “(II) the applicant has the re-
15 quired security clearance for that clas-
16 sified information.

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

24 “(D) INTERAGENCY DISSENTS.—If, during
25 the review of an application under paragraph

(1), a head of a Federal department or agency described in subparagraph (B) disagrees with the Secretary or the head of another Federal department or agency described in subparagraph (B) with respect to a deficiency under this subsection, the Secretary shall submit the matter to the President, who shall resolve the dispute before the applicable deadline under paragraph (1).

“(E) DEFICIENCIES.—The Secretary shall—

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

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

“(II) to resubmit a corrected application for reconsideration; and

“(ii) not later than 30 days after the date of receipt of a corrected application under clause (i)(II), make a determination whether to approve the application or not, in consultation with—

“(I) each head of another Federal department or agency that sub-

1 mitted a notification under subpara-
2 graph (B); and

3 “(II) the head of such other Fed-
4 eral department or agency as the Sec-
5 retary considers necessary.

6 “(F) IMPROPER BASIS FOR DENIAL.—

7 “(i) COMPETITION.—The Secretary
8 shall not deny an application under this
9 subsection in order to protect any existing
10 Earth observation activity from competi-
11 tion.

12 “(ii) CAPABILITIES.—The Secretary
13 shall not, to the maximum extent prac-
14 ticable, deny an application under this sub-
15 section based solely on the capabilities of
16 the Earth observation activity if those ca-
17 pabilities—

18 “(I) are commercially available;

19 or

20 “(II) are reasonably expected to
21 be made commercially available, not
22 later than 3 years after the date of
23 the application, in the international or
24 domestic marketplace.

1 “(iii) APPLICABILITY.—The prohibi-
2 tion under clause (ii)(II) shall apply wheth-
3 er the marketplace products and services
4 originate from the operation of aircraft,
5 uncrewed aircraft, or other platforms or
6 technical means or are assimilated from a
7 variety of data sources.

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

18 “(5) EXPEDITED REVIEW PROCESS.—Subject to
19 paragraph (2) of this section and section 60122(b),
20 the Secretary may modify the requirements under
21 this subsection, as the Secretary considers appro-
22 priate, to expedite the review of an application that
23 seeks to conduct an Earth observation activity that
24 is substantially similar to an Earth observation ac-
25 tivity already licensed under this subchapter.

1 “(f) ADDITIONAL REQUIREMENTS.—An authoriza-
2 tion issued under this subchapter shall require the author-
3 ized person—

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

5 “(2) to notify the Secretary of any significant
6 change in the information contained in the applica-
7 tion; and

8 “(3) to make available to the government of
9 any country, including the United States,
10 unenhanced data collected by the Earth observation
11 system concerning the territory under the jurisdic-
12 tion of that government as soon as such data are
13 available and on reasonable commercial terms and
14 conditions.

15 “(g) PROHIBITION ON RETROACTIVE CONDITIONS.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (3), the Secretary may not modify any condi-
18 tion on, or add any condition to, an authorization
19 under this subchapter after the date of the author-
20 ization.

21 “(2) RULE OF CONSTRUCTION.—Nothing in
22 this section shall be constructed to prohibit the Sec-
23 retary from removing a condition on an authoriza-
24 tion under this subchapter.

25 “(3) INTERAGENCY REVIEW.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graphs (B) and (E), the Secretary or the head
3 of a Federal department or agency described in
4 section 60122(b) may, without delegation, pro-
5 pose the modification or addition of a condition
6 to an authorization under this subchapter after
7 the date of the authorization.

8 “(B) CONSULTATION REQUIREMENT.—
9 Prior to making the modification or addition
10 under subparagraph (A), the Secretary or the
11 applicable head of the Federal department or
12 agency shall consult with the head of each of
13 the other Federal departments and agencies de-
14 scribed in section 60122(b) and if any head of
15 such Federal department or agency does not
16 support such modification or addition that head
17 of another Federal department or agency—

18 “(i) not later than 60 days after the
19 date of the consultation, shall notify the
20 Secretary, in writing, of the reason for
21 withholding support;

22 “(ii) shall sign the notification under
23 clause (i); and

24 “(iii) may not delegate the duty under
25 clause (ii).

1 “(C) INTERAGENCY ASSENTS.—If the head
2 of another Federal department or agency does
3 not notify the Secretary under subparagraph
4 (B)(i) within the time specified in that subpara-
5 graph, that head of another Federal department
6 or agency shall be deemed to have assented to
7 the modification or addition under subpara-
8 graph (A).

9 “(D) INTERAGENCY DISSENTS.—If the
10 head of a Federal department or agency de-
11 scribed in subparagraph (A) disagrees with the
12 Secretary or the head of another Federal de-
13 partment or agency described in subparagraph
14 (A) with respect to such modification or addi-
15 tion under this paragraph, the Secretary shall
16 submit the matter to the President, who shall
17 resolve the dispute.

18 “(E) NOTICE.—Prior to making a modi-
19 fication or addition under subparagraph (A),
20 the Secretary or the head of the Federal de-
21 partment or agency, as applicable, shall—

22 “(i) provide notice to the licensee of
23 the reason for the proposed modification or
24 addition, including, if applicable, a descrip-

1 tion of any deficiency and guidance on how
 2 to correct the deficiency; and
 3 “(ii) provide the licensee a reasonable
 4 opportunity to correct a deficiency identi-
 5 fied in clause (i).

6 **“§ 60125. Annual reports**

7 “(a) IN GENERAL.—Not later than 180 days after
 8 the date of enactment of the Space Frontier Act of 2019,
 9 and annually thereafter, the Secretary shall submit to the
 10 Committee on Commerce, Science, and Transportation of
 11 the Senate and the Committee on Science, Space, and
 12 Technology of the House of Representatives a report on
 13 the progress in implementing this subchapter, including—

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

17 “(2) notwithstanding paragraph (4) of section
 18 60124(e), a list of all applications, in the previous
 19 calendar year, for which the Secretary missed the
 20 deadline under paragraph (1) of that section, includ-
 21 ing the reasons the deadline was not met; and

22 “(3) a description of all actions taken by the
 23 Secretary under the administrative authority grant-
 24 ed under section 60123.

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

4 “(c) CESSATION OF EFFECTIVENESS.—This section
 5 ceases to be effective September 30, 2021.

6 **“§ 60126. Regulations**

7 “The Secretary may promulgate regulations to imple-
 8 ment this subchapter.

9 **“§ 60127. Relationship to other executive agencies**
 10 **and laws**

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

18 “(b) RULE OF CONSTRUCTION.—This subchapter
 19 does not affect the authority of—

20 “(1) the Federal Communications Commission
 21 under the Communications Act of 1934 (47 U.S.C.
 22 151 et seq.); or

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

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

4 (3) by amending section 60147 to read as fol-
 5 lows:

6 **“§ 60147. Consultation**

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

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

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

1 the Landsat Program Management of such condi-
 2 tions.

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

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

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

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

2 (1) Nothing in this section or the amendments
 3 made by this section shall affect any license, or ap-
 4 plication for a license, to operate a private remote
 5 sensing space system that was made under sub-
 6 chapter III of chapter 601 of title 51, United States
 7 Code (as in effect before the date of enactment of
 8 this Act), before the date of enactment of this Act.
 9 Such license shall continue to be subject to the re-
 10 quirements to which such license was subject under
 11 that chapter as in effect on the day before the date
 12 of enactment of this Act.

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

19 **SEC. 202. RADIO-FREQUENCY MAPPING REPORT.**

20 (a) IN GENERAL.—Not later than 180 days after the
 21 date of enactment of this Act, the Secretary of Commerce,
 22 in consultation with the Secretary of Defense and the Di-

1 rector of National Intelligence, shall complete and submit
2 a report on space-based radio-frequency mapping to—

3 (1) the Committee on Commerce, Science, and
4 Transportation of the Senate;

5 (2) the Select Committee on Intelligence of the
6 Senate;

7 (3) the Committee on Armed Services of the
8 Senate;

9 (4) the Committee on Science, Space, and
10 Technology of the House of Representatives;

11 (5) the Permanent Select Committee on Intel-
12 ligence of the House of Representatives; and

13 (6) the Committee on Armed Services of the
14 House of Representatives.

15 (b) CONTENTS.—The report under subsection (a)
16 shall include—

17 (1) a discussion of whether a need exists to reg-
18 ulate space-based radio-frequency mapping;

19 (2) a description of any immitigable impacts of
20 space-based radio-frequency mapping on national se-
21 curity, United States competitiveness and space
22 leadership, or Constitutional rights;

23 (3) any recommendations for additional regu-
24 latory action regarding space-based radio-frequency
25 mapping;

(4) a detailed description of the costs and benefits of the recommendations described in paragraph (3); and

(5) an evaluation of—

(A) whether the development of voluntary consensus industry standards in coordination with the Department of Defense is more appropriate than issuing regulations with respect to space-based radio-frequency mapping; and

(B) whether existing law, including regulations and policies, could be applied in a manner that prevents the need for additional regulation of space-based radio-frequency mapping.

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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;

1 (2) NASA should continue to promote fairness
2 to all parties and ensure best value to the Federal
3 Government in granting use of NASA assets, serv-
4 ices, and capabilities in a manner that contributes to
5 NASA’s missions and objectives; and

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

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

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

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

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

24 (A) identify and establish a list of all
25 NASA assets, services, and capabilities that are

1 available, or will be available, for public-private
2 partnership opportunities; and

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

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

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

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

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

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

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

2 Section 20145(g) of title 51, United States Code, is
3 amended by striking “December 31, 2018” and inserting
4 “December 31, 2019”.

5 **SEC. 303. MAINTAINING A NATIONAL LABORATORY IN**
6 **SPACE.**

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

9 (1) the United States national laboratory in
10 space, which currently consists of the United States
11 segment of the ISS (designated a national laboratory
12 under section 70905 of title 51, United States
13 Code)—

14 (A) benefits the scientific community and
15 promotes commerce in space;

16 (B) fosters stronger relationships among
17 NASA and other Federal agencies, the private
18 sector, and research groups and universities;

19 (C) advances science, technology, engineer-
20 ing, and mathematics education through utiliza-
21 tion of the unique microgravity environment;
22 and

23 (D) advances human knowledge and inter-
24 national cooperation;

1 (2) after the ISS is decommissioned, the United
2 States should maintain a national microgravity lab-
3 oratory in space;

4 (3) in maintaining a national microgravity lab-
5 oratory described in paragraph (2), the United
6 States should make appropriate accommodations for
7 different types of ownership and operational struc-
8 tures for the ISS and future space stations;

9 (4) the national microgravity laboratory de-
10 scribed in paragraph (2) should be maintained be-
11 yond the date that the ISS is decommissioned and,
12 if possible, in cooperation with international space
13 partners to the extent practicable; and

14 (5) NASA should continue to support funda-
15 mental science research on future platforms in low-
16 Earth orbit and cis-lunar space, short duration sub-
17 orbital flights, drop towers, and other microgravity
18 testing environments.

19 (b) REPORT.—The Administrator of NASA shall
20 produce, in coordination with the National Space Council
21 and other Federal agencies as the Administrator deems
22 relevant, a report detailing the feasibility of establishing
23 a microgravity national laboratory Federally Funded Re-
24 search and Development Center to undertake the work re-
25 lated to the study and utilization of in-space conditions.

1 **SEC. 304. PRESENCE IN LOW-EARTH ORBIT.**

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

4 (1) it is in the national and economic security
5 interests of the United States to maintain a contin-
6 uous human presence in low-Earth orbit; and

7 (2) low-Earth orbit should be utilized as a
8 testbed to advance human space exploration, sci-
9 entific discoveries, and United States economic com-
10 petitiveness and commercial participation.

11 (b) HUMAN PRESENCE REQUIREMENT.—NASA shall
12 continuously maintain the capability for a continuous
13 human presence in low-Earth orbit through and beyond
14 the useful life of the ISS.

15 **SEC. 305. CONTINUATION OF THE ISS.**

16 (a) CONTINUATION OF THE INTERNATIONAL SPACE
17 STATION.—Section 501(a) of the National Aeronautics
18 and Space Administration Authorization Act of 2010 (42
19 U.S.C. 18351(a)) is amended by striking “2024” and in-
20 serting “2030”.

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

1 (c) RESEARCH CAPACITY ALLOCATION AND INTE-
 2 GRATION OF RESEARCH PAYLOADS.—Section 504(d) of
 3 the National Aeronautics and Space Administration Au-
 4 thorization Act of 2010 (42 U.S.C. 18354(d)) is amended
 5 by striking “2024” each place it appears and inserting
 6 “2030”.

7 (d) MAINTAINING USE THROUGH AT LEAST 2030.—
 8 Section 70907 of title 51, United States Code, is amend-
 9 ed—

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

12 (2) by striking “2024” each place it appears
 13 and inserting “2030”.

14 **SEC. 306. UNITED STATES POLICY ON ORBITAL DEBRIS.**

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

17 (1) existing guidelines for the mitigation of or-
 18 bital debris may not be adequate to ensure long term
 19 usability of the space environment for all users; and

20 (2) the United States should continue to exer-
 21 cise a leadership role in developing orbital debris
 22 prevention standards that can be used by all space-
 23 faring nations.

24 (b) POLICY OF THE UNITED STATES.—It is the pol-
 25 icy of the United States to have consistent standards

1 across Federal agencies that minimize the risks from or-
2 bital debris in order to—

3 (1) protect the public health and safety;

4 (2) protect humans in space;

5 (3) protect the national security interests of the
6 United States;

7 (4) protect the safety of property;

8 (5) protect space objects from interference; and

9 (6) protect the foreign policy interests of the
10 United States.

11 **SEC. 307. LOW-EARTH ORBIT COMMERCIALIZATION PRO-**
12 **GRAM.**

13 (a) PROGRAM AUTHORIZATION.—The Administrator
14 of NASA may establish a low-Earth orbit commercializa-
15 tion program to encourage the fullest commercial use and
16 development of space by the private sector of the United
17 States.

18 (b) CONTENTS.—The program under subsection (a)
19 may include—

20 (1) activities to stimulate demand for human
21 space flight products and services in low-Earth orbit;

22 (2) activities to improve the capability of the
23 ISS to accommodate commercial users; and

1 (3) subject to subsection (c), activities to accel-
2 erate the development of commercial space stations
3 or commercial space habitats.

4 (c) CONDITIONS.—

5 (1) COST SHARE.—The Administrator shall give
6 priority to an activity under subsection (b)(3) in
7 which the private sector entity conducting the activ-
8 ity provides a share of the cost to develop and oper-
9 ate the activity.

10 (2) COMMERCIAL SPACE HABITAT.—The Ad-
11 ministration may not engage in an activity under
12 subsection (b)(3) until after the date that the Ad-
13 ministrator of NASA awards a contract for the use
14 of a docking port on the ISS.

15 (d) REPORTS.—Not later than 30 days after the date
16 that an award or agreement is made under subsection
17 (b)(3), the Administrator of NASA shall submit to the
18 Committee on Commerce, Science, and Transportation of
19 the Senate and the Committee on Science, Space, and
20 Technology of the House of Representatives a report on
21 the development of the commercial space station or com-
22 mercial space habitat, as applicable, including a business
23 plan for how the activity will—

24 (1) meet NASA's future requirements for low-
25 Earth orbit human space flight services; and

1 (2) satisfy the non-Federal funding requirement
2 under subsection (c)(1).

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Administrator of
5 NASA to carry out a low-Earth commercialization pro-
6 gram under this section \$150,000,000 for fiscal year
7 2020.

8 **SEC. 308. BUREAU OF SPACE COMMERCE.**

9 (a) IN GENERAL.—Chapter 507 of title 51, United
10 States Code, is amended—

11 (1) in the heading, by striking “**OFFICE**” and
12 inserting “**BUREAU**”;

13 (2) by amending section 50701 to read as fol-
14 lows:

15 **“§ 50701. Definition of Bureau**

16 “In this chapter, the term ‘Bureau’ means the Bu-
17 reau of Space Commerce established in section 50702 of
18 this title.”;

19 (3) in section 50702—

20 (A) by amending subsection (a) to read as
21 follows:

22 “(a) IN GENERAL.—There is established within the
23 Department of Commerce a Bureau of Space Commerce.”;

24 (B) by amending subsection (b) to read as
25 follows:

1 “(b) ASSISTANT SECRETARY.—The Bureau shall be
 2 headed by an Assistant Secretary for Space Commerce,
 3 to be appointed by the President with the advice and con-
 4 sent of the Senate and compensated at level II or III of
 5 the Executive Schedule, as determined by the Secretary
 6 of Commerce. The Assistant Secretary shall report directly
 7 to the Secretary of Commerce.”;

8 (C) in subsection (c)—

9 (i) in the matter preceding paragraph
 10 (1), by striking “Office” and inserting
 11 “Bureau”;

12 (ii) in paragraph (2), by inserting “,
 13 including activities licensed under chapter
 14 601 of this title” before the semicolon; and

15 (iii) in paragraph (5), by striking
 16 “Position,” and inserting “Positioning,”;
 17 and

18 (D) in subsection (d)—

19 (i) in the heading, by striking “DI-
 20 RECTOR” and inserting “ASSISTANT SEC-
 21 RETARY”;

22 (ii) in the matter preceding paragraph
 23 (1)—

24 (I) by striking “Director” and in-
 25 serting “Assistant Secretary”; and

1 (II) by striking “Office shall”
 2 and inserting “Bureau shall, under
 3 the direction and supervision of the
 4 Secretary,”;

5 (iii) by redesignating paragraphs (1)
 6 through (7) as paragraphs (3) through (9),
 7 respectively; and

8 (iv) by inserting before paragraph (3),
 9 as redesignated, the following:

10 “(1) to oversee the issuing of licenses under
 11 chapter 601 of this title;

12 “(2) coordinating Department policy impacting
 13 commercial space activities and working with other
 14 executive agencies to promote policies that advance
 15 commercial space activities;”; and

16 (v) in paragraph (8), as redesignated,
 17 by inserting “, consistent with the inter-
 18 national obligations, foreign policy, and na-
 19 tional security interests of the United
 20 States” before the semicolon;

21 (4) in section 50703—

22 (A) by striking “Office” and inserting
 23 “Bureau”; and

24 (B) by striking “Committee on Science and
 25 Technology of the House of Representatives”

1 and inserting “Committee on Science, Space,
 2 and Technology of the House of Representa-
 3 tives”; and

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

5 **“§ 50704. Authorization of appropriations**

6 “There is authorized to be appropriated to the Sec-
 7 retary of Commerce to carry out this chapter \$10,000,000
 8 for each of fiscal years 2020 through 2024.”.

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

10 (1) TABLE OF CONTENTS.—The table of con-
 11 tents of chapter 507 of title 51, United States Code,
 12 is amended—

13 (A) in the item relating to section 50701,
 14 by striking “Office” and inserting “Bureau”;
 15 and

16 (B) by adding after the item relating to
 17 section 50703 the following:

“50704. Authorization of appropriations.”.

18 (2) TABLE OF CHAPTERS.—The table of chap-
 19 ters of title 51, United States Code, is amended in
 20 the item relating to chapter 507 by striking “Office”
 21 and inserting “Bureau”.

22 (3) COOPERATION WITH FORMER SOVIET RE-
 23 PUBLICS.—Section 218 of the National Aeronautics
 24 and Space Administration Authorization Act, Fiscal
 25 Year 1993 (51 U.S.C. 50702 note) is amended by

- 1 striking “Office” each place it appears and inserting
- 2 “Bureau”.

Passed the Senate December 20, 2018.

Attest:

Secretary.

115TH CONGRESS
2D Session

S. 3277

AN ACT

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