

has been champion after champion after champion. It is time, also, for the men's team and this generation to try to meet their goals.

We would like to encourage everyone to pay attention, support the effort.

Again, I thank my colleague, Mr. LAHOOD, Chairman ROYCE, Ranking Member ENGEL; and I urge the House to kick this resolution towards passage so that we can meet our goals.

Mr. ROYCE of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

The ties between the United States, Mexico, and Canada are longstanding and deep; and I am pleased that the United States can continue to come together in partnership with our friends from both of those countries on the United Bid Committee to try to bring the 2026 World Cup to North America.

I stand ready to support the North American bid in any way that I can. It would really be terrific to get it, and I know we all feel the same way.

Mr. Speaker, I urge my colleagues to support this resolution, and I yield back the balance of my time.

Mr. ROYCE of California. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would like to, once again, thank the gentleman from Illinois (Mr. LAHOOD), and I also thank the 40 cosponsors who have been pushing this important, bipartisan resolution. By passing this resolution, we show our support for the efforts of the United Bid Committee to bring the excitement of the World Cup tournament to the United States once again, for the first time since 1994.

Mr. Speaker, I urge unanimous support for this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. POE of Texas). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 111, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROYCE of California. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

AMERICAN SPACE COMMERCE FREE ENTERPRISE ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2809) to amend title 51, United States Code, to provide for the authorization and supervision of nongovernmental space activities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “American Space Commerce Free Enterprise Act”.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings; policy; purposes.

Sec. 3. Certification to operate space objects.

Sec. 4. Permitting of space-based remote sensing systems.

Sec. 5. Administrative provisions related to certification and permitting.

Sec. 6. Technical and conforming amendments.

Sec. 7. Office of Space Commerce.

Sec. 8. Restriction on preventing launches and reentries of certified space objects.

Sec. 9. Report on registration of space objects.

Sec. 10. Comptroller General report.

Sec. 11. Radiofrequency mapping report.

SEC. 2. FINDINGS; POLICY; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The United States, through existing authorization and supervision mechanisms, satisfies and is in conformity with its obligation under the Outer Space Treaty to authorize and supervise nongovernmental space activities to assure such activities are carried out in conformity with the international obligations of the United States under the Outer Space Treaty.

(2) The United States has a robust and innovative private sector that is investing in, developing, and placing into outer space, spacecraft and payloads.

(3) Authorization and supervision mechanisms as of the date of enactment of this Act could be improved to relieve administrative burdens on new and innovative nongovernmental space actors.

(4) It serves the national interest to address misperceptions of legal uncertainty through the establishment of a general authorization and supervision certification authority for nongovernmental outer space activities.

(5) The private exploration and use of outer space by nongovernmental entities will further the national security, foreign policy, and economic interests of the United States.

(b) POLICY.—It is the policy of the United States that—

(1) United States citizens and entities are free to explore and use space, including the utilization of outer space and resources contained therein, without conditions or limitations;

(2) this freedom is only to be limited when necessary to assure United States national security interests are met and to authorize and supervise nongovernmental space activities to assure such activities are carried out in conformity with the international obligations of the United States under the Outer Space Treaty;

(3) to the maximum extent practicable, the Federal Government shall interpret and fulfill its international obligations to minimize regulations and limitations on the freedom of United States nongovernmental entities to explore and use space;

(4) to the maximum extent practicable, the Federal Government shall take steps to protect the physical safety of space objects operated by the United States that do not involve limitations on the freedoms of non-

governmental entities of the United States; and

(5) nongovernmental activities in outer space shall only be authorized and supervised in a transparent, timely, and predictable manner, with minimal costs and burdens placed on the entities authorized and supervised.

(c) PURPOSES.—The purposes of this Act and the amendments made by this Act are—

(1) to enhance the existing outer space authorization and supervision framework to provide greater transparency, greater efficiency, and less administrative burden for nongovernmental entities of the United States seeking to conduct space activities; and

(2) to ensure that the United States remains the world leader in commercial space activities.

(d) DEFINITIONS.—In this Act—

(1) the term “Agreement on the Rescue of Astronauts and the Return of Space Objects” means the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (signed at Washington, Moscow, and London on April 22, 1968, ratified by the United States on December 3, 1968; 19 UST 7570);

(2) the term “Convention on Registration of Space Objects” means the Convention on Registration of Objects Launched into Outer Space (signed at New York on January 14, 1975, ratified by the United States on September 15, 1976; 28 UST 695);

(3) the term “covered treaties on outer space” means—

(A) the Outer Space Treaty;

(B) the Agreement on the Rescue of Astronauts and the Return of Space Objects;

(C) the Convention on Registration of Space Objects; and

(D) the Liability Convention;

(4) the term “Liability Convention” means the Convention on the International Liability for Damage Caused by Space Objects (signed at Washington, Moscow, and London on March 29, 1972, ratified by the United States on October 9, 1973; 24 UST 2389); and

(5) the term “Outer Space Treaty” means the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (signed at Washington, Moscow, and London on January 27, 1967, ratified by the United States on October 10, 1967; 18 UST 2410).

SEC. 3. CERTIFICATION TO OPERATE SPACE OBJECTS.

Title 51, United States Code, is amended by adding at the end the following:

“**Subtitle VIII—Authorization and Supervision of Nongovernmental Space Activities**

“CHAPTER 801—CERTIFICATION TO OPERATE SPACE OBJECTS

“Sec.

“80101. Definitions.

“80102. Certification authority.

“80103. Certification application and requirements.

“80104. Mitigation of space debris.

“80105. Continuing certification requirements.

“80106. Certification transfer.

“80107. Certification expiration and termination.

“80108. Existing license or pending application for launch or reentry.

“80109. Private Space Activity Advisory Committee.

“80110. Exemptions.

“80111. Protecting the interests of United States entity space objects.

“§ 80101. Definitions

“In this subtitle:

“(1) AGENCY.—The term ‘agency’ has the meaning given the term Executive agency in section 105 of title 5.

“(2) AGREEMENT ON THE RESCUE OF ASTRONAUTS AND THE RETURN OF SPACE OBJECTS.—The term ‘Agreement on the Rescue of Astronauts and the Return of Space Objects’ means the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (signed at Washington, Moscow, and London on April 22, 1968, ratified by the United States on December 3, 1968; 19 UST 7570).

“(3) CONVENTION ON REGISTRATION OF SPACE OBJECTS.—The term ‘Convention on Registration of Space Objects’ means the Convention on Registration of Objects Launched into Outer Space (signed at New York on January 14, 1975, ratified by the United States on September 15, 1976; 28 UST 695).

“(4) COVERED TREATIES ON OUTER SPACE.—The term ‘covered treaties on outer space’ means—

“(A) the Outer Space Treaty;

“(B) the Agreement on the Rescue of Astronauts and the Return of Space Objects;

“(C) the Convention on Registration of Space Objects; and

“(D) the Liability Convention.

“(5) LIABILITY CONVENTION.—The term ‘Liability Convention’ means the Convention on the International Liability for Damage Caused by Space Objects (signed at Washington, Moscow, and London on March 29, 1972, ratified by the United States on October 9, 1973; 24 UST 2389).

“(6) NATIONAL OF THE UNITED STATES.—The term ‘national of the United States’ has the meaning given such term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

“(7) OUTER SPACE TREATY.—The term ‘Outer Space Treaty’ means the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (signed at Washington, Moscow, and London on January 27, 1967, ratified by the United States on October 10, 1967; 18 UST 2410).

“(8) SECRETARY.—The term ‘Secretary’ means, except as otherwise provided in this subtitle, the Secretary of Commerce, acting through the Office of Space Commerce.

“(9) SPACE-BASED REMOTE SENSING SYSTEM.—The term ‘space-based remote sensing system’ means a space object in Earth orbit that is—

“(A) designed to image the Earth; or

“(B) capable of imaging a space object in Earth orbit operated by the Federal Government.

“(10) SPACE DEBRIS MITIGATION.—The term ‘space debris mitigation’ means efforts to—

“(A) prevent on-orbit break-ups;

“(B) remove spacecraft that have reached the end of their mission operation from useful densely populated orbit regions; and

“(C) limit the amount of debris released during normal operations of a space object.

“(11) SPACE OBJECT.—

“(A) IN GENERAL.—The term ‘space object’ means—

“(i) a human-made object located in outer space, including on the Moon and other celestial bodies, with or without human occupants, that was launched from Earth, such as a satellite or a spacecraft, including component parts of the object; and

“(ii) all items carried on such object that are intended for use in outer space outside of, and independent of, the operation of such object.

“(B) INCLUSION.—Such term includes any human-made object that is—

“(i) manufactured or assembled in outer space; and

“(ii) intended for operations in outer space outside of, and independent of, the operations of such object in which the manufacturing or assembly occurred.

“(C) EXCLUSIONS.—Such term does not include—

“(i) an article on board a space object that is only intended for use inside the space object;

“(ii) an article manufactured or processed in outer space that is a material; or

“(iii) an article intended for use outside of a space object as part of the certified operations of the space object.

“(12) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

“(13) UNITED STATES.—The term ‘United States’ means the States, collectively.

“(14) UNITED STATES ENTITY.—The term ‘United States entity’ means—

“(A) an individual who is a national of the United States; or

“(B) a nongovernmental entity organized or existing under, and subject to, the laws of the United States or a State.

“§ 80102. Certification authority

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the American Space Commerce Free Enterprise Act, the Secretary shall begin issuing certifications for the operation of a space object to any United States entity who submits an application for a certification in satisfaction of the requirements of this chapter.

“(b) CONSULTATION.—

“(1) IN GENERAL.—The Secretary shall, as the Secretary considers necessary, consult with the heads of other relevant agencies in carrying out the requirements of this chapter, pursuant to section 80310.

“(2) EXPLOITATION AND INTEGRATION OF WAVEFORMS.—The Secretary shall consult with the Secretary of Defense before issuing a certification or approving a change to an existing certification if the operations of the space object involve exploitation and integration of waveforms other than publicly available or standard public waveforms. The previous sentence shall not grant authority to the Secretary to regulate such operations.

“(c) CERTIFICATION REQUIRED FOR OPERATION.—Beginning on the date that is 1 year after the date of enactment of the American Space Commerce Free Enterprise Act, a United States entity may not operate a space object unless the entity holds a certification issued under this chapter for the operation of such object or the entity holds a valid payload approval for launch or reentry under section 50904 as part of a license issued under chapter 509, and that satisfies the requirements of section 80108(a).

“(d) FOREIGN ENTITIES PROHIBITED.—The Secretary may not issue a certification under this chapter to any person who is not a United States entity.

“(e) COVERAGE OF CERTIFICATION.—The Secretary shall, to the maximum extent practicable, require only 1 certification under this chapter for a United States entity to—

“(1) conduct multiple operations carried out using a single space object;

“(2) operate multiple space objects that carry out substantially similar operations; or

“(3) use multiple space objects to carry out a single space operation.

“§ 80103. Certification application and requirements

“(a) APPLICATION PROCESS.—

“(1) IN GENERAL.—To be eligible for a certification or transfer of a certification to op-

erate a space object under this chapter, a United States entity shall submit an application to the Secretary as provided in paragraph (2). Such application shall include, for each required item or attestation, sufficient evidence to demonstrate each fact or assertion.

“(2) CONTENTS.—An application described in paragraph (1) shall include only the following information, with respect to each space object and the operations proposed to be certified:

“(A) The name, address, and contact information of one or more nationals of the United States designated by the applicant as responsible for the operation of the space object.

“(B) An affirmation, and a document of proof, that the applicant is a United States entity.

“(C) If available at the time of submission of the application, the planned date and location of the launch of the space object, including the identity of the launch provider.

“(D) The general physical form and composition of the space object.

“(E) A description of the proposed operations of the space object that includes—

“(i) when and where the space object will operate; and

“(ii) when and where the operation of the space object will terminate.

“(F) A description of how the space object will be operated and disposed of in a manner to mitigate the generation of space debris.

“(G) Information about third-party liability insurance obtained, if any, by the applicant for operations of the space object, including the amount and coverage of such liability insurance.

“(H) Whether the space object will include a space-based remote sensing system.

“(I) Whether the operations will involve exploitation and integration of waveforms other than publicly available or standard public waveforms and, if so, information about such operations as proscribed in advance by regulation by the Secretary.

“(3) ATTESTATIONS.—An application described in paragraph (1) shall contain an attestation by the applicant of each the following:

“(A) The space object is not a nuclear weapon or a weapon of mass destruction.

“(B) The space object will not carry a nuclear weapon or weapon of mass destruction.

“(C) The space object will not be operated or used for testing of any weapon on a celestial body.

“(D) All information in the application and supporting documents is true, complete, and accurate.

“(b) REVIEW OF APPLICATION.—

“(1) VERIFICATION OF INFORMATION AND ATTESTATIONS.—Not later than 90 days after receipt of an application under this section, the Secretary shall verify that—

“(A) the application is complete, including any required supporting documents;

“(B) the application does not contain any clear indication of fraud or falsification; and

“(C) the application contains each attestation required under subsection (a)(3).

“(2) DETERMINATION.—Not later than 90 days after receipt of an application under this section—

“(A) if the Secretary verifies that the applicant has met the application requirements described in paragraph (1), the Secretary shall approve the application and issue a certification to the applicant with or without conditions on the proposed operation of the space object pursuant to subsection (c)(1)(A); or

“(B) if the Secretary cannot verify that the applicant has met the application requirements described in paragraph (1) or if the Secretary determines it is necessary to

deny the application pursuant to subsection (c)(1)(B), the Secretary—

“(i) shall issue a denial of the application signed by the Secretary (a duty that may not be delegated, including to the Office of Space Commerce); and

“(ii) shall, not later than 10 days after the decision to deny the certification—

“(I) provide the applicant with a written notification containing a clearly articulated rationale for the denial that provides, to the maximum extent practicable, guidance to the applicant as to how such rationale for denial could be addressed in a subsequent application; and

“(II) notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of such rationale.

“(3) AUTOMATIC APPROVAL.—If the Secretary has not approved or denied the application before the deadline under paragraph (2), the certification shall be approved without condition. The Secretary may not allow tolling of the 90-day period under such paragraph.

“(4) IMPROPER BASIS FOR DENIAL.—The Secretary may not deny an application for a certification under this section in order to protect an existing certification holder from competition.

“(5) SUBSEQUENT REVIEW.—The Secretary may not prejudice a new application for the proposed operations denied pursuant to paragraph (2)(B) if such new application contains remedies addressing the rationale for such denial.

“(C) COMPLIANCE WITH THE OUTER SPACE TREATY.—

“(1) IN GENERAL.—If the Secretary determines, with clear and convincing evidence, that the proposed operation of a space object under an application for a certification under this chapter is a violation of an international obligation of the United States pertaining to a nongovernmental entity of the United States under the Outer Space Treaty—

“(A) the Secretary may condition the proposed operation covered by the certification only to the extent necessary to prevent a violation of such international obligation; or

“(B) if the Secretary determines that there is no practicable way to condition such certification to prevent such a violation, the Secretary may deny the application.

“(2) LIMITATION FOR DETERMINATIONS.—A determination under paragraph (1) shall be limited as follows:

“(A) The Federal Government shall interpret and fulfill its international obligations under the Outer Space Treaty in a manner that minimizes regulations and limitations on the freedom of United States nongovernmental entities to explore and use space.

“(B) The Federal Government shall interpret and fulfill its international obligations under the Outer Space Treaty in a manner that promotes free enterprise in outer space.

“(C) The Federal Government shall not presume all obligations of the United States under the Outer Space Treaty are obligations to be imputed upon United States nongovernmental entities.

“(D) Guidelines promulgated by the Committee on Space Research may not be considered international obligations of the United States.

“(3) PRESUMPTIONS.—In making a determination under paragraph (1), the Secretary shall presume, absent clear and convincing evidence to the contrary, that—

“(A) any attestation made by an applicant pursuant to subsection (a)(3) is sufficient to meet the international obligations of the United States pertaining to nongovernmental entities of the United States under

the Outer Space Treaty addressed by such attestation; and

“(B) reasonably commercially available efforts are sufficient to be in conformity with the international obligations of the United States pertaining to nongovernmental entities of the United States under the Outer Space Treaty.

“(4) PROHIBITION ON RETROACTIVE CONDITIONS.—No other modifications may be made, or additional conditions placed, on a certification after the date on which the certification is issued (except to account for a material change as provided in section 80105(c) or the removal of a condition pursuant to subsection (d)).

“(5) NONDELEGABLE.—The responsibilities of the Secretary under this subsection may not be delegated, including to the Office of Space Commerce.

“(d) AUTHORITY TO REMOVE CONDITIONS.—The Secretary, as determined appropriate, may remove a condition placed on a certification pursuant to subsection (c).

“§ 80104. Mitigation of space debris

“(a) PLAN SUBMISSION.—To be eligible for a certification under this chapter, each application shall include a space debris mitigation plan for the space object. Such plan—

“(1) shall take into account best practice guidelines promulgated by the United States and the Interagency Debris Coordinating Committee; and

“(2) may take into account that a space object may end certified operations and be stored in a safe manner until such time as the space object is permanently disposed of or certified for further operations.

“(b) IMPLEMENTATION.—To the maximum extent practicable, a holder of a certification under this chapter shall notify the Secretary not later than 30 days before beginning to implement the disposal phase of a space debris mitigation plan described in subsection (a). Such certification holder shall, not later than 30 days after completing implementation of such phase, update the Secretary of the results of any space debris mitigation efforts.

“§ 80105. Continuing certification requirements

“(a) NOTIFICATION REQUIREMENT.—A certification holder shall, in a timely manner, notify the Secretary if—

“(1) a certified space object has terminated operations; or

“(2) a catastrophic event has occurred to a certified space object, such as the unplanned destruction of a space object.

“(b) MATERIAL CHANGE.—The Secretary shall require certification holders to inform the Secretary of—

“(1) any material changes to the space object or the planned operations of the space object prior to launch; and

“(2) any material anomalies or departures from the planned operations during the course of operations.

“(c) UPDATE TO CERTIFICATION.—Not later than 14 days after the date of receipt of information regarding a material change pursuant to subsection (b), the Secretary shall make a determination of whether such material change is substantial enough to warrant additional review under section 80103(b). Not later than 90 days after a determination that such review is warranted, the Secretary shall complete a similar such review process for such material change as is required for a certification applicant under such section.

“§ 80106. Certification transfer

“(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall provide for the transfer of a certification under this chapter from the certification holder to another United States entity to continue the operations allowed under such certification.

“(b) TRANSFER REQUEST REQUIREMENTS.—To be eligible for a transfer under subsection (a), the certification holder shall submit to the Secretary a request that includes—

“(1) any identifying information regarding the proposed transferee, including accompanying supporting documents, that would be required under an initial application under section 80103; and

“(2) each attestation required under section 80103(a)(3), including accompanying supporting documents, completed by the proposed transferee.

“(c) DETERMINATION.—Not later than 90 days after a certification holder submits a request under subsection (b), the Secretary shall complete a similar review process for the request for transfer as required for a certification applicant under section 80103(b).

“§ 80107. Certification expiration and termination

“(a) CERTIFICATION EXPIRATION.—A certification issued under this chapter shall expire on the earlier of—

“(1) the date on which all operations approved under such certification cease, including carrying out a space debris mitigation plan of any space object approved under such certification; or

“(2) the date on which all space objects approved under the certification no longer exist; or

“(3) the date that is 5 years after the date on which the certification was approved, if no operations approved under the certification have commenced by such date.

“(b) CERTIFICATION TERMINATION.—

“(1) IN GENERAL.—The Secretary shall terminate a certification under this chapter if an applicant or certification holder is convicted of a violation of section 1001 of title 18 related to the certification process under this chapter.

“(2) ELIGIBILITY.—A certification holder whose certification is terminated under this subsection shall be ineligible to apply for or receive a certification under this chapter.

“(3) SPACE DEBRIS MITIGATION PLAN.—Upon termination of a certification under paragraph (1), the Secretary may require the certification holder to carry out the space debris mitigation plan submitted by the certification holder under section 80104.

“§ 80108. Existing license or pending application for launch or reentry

“(a) CONTINUATION OF EXISTING LICENSE.—Any United States entity for whom a payload has been approved (and not subject to an exemption under section 80110) on or before the effective date of this section for launch or reentry under section 50904 as part of a license issued under chapter 509 may—

“(1) elect to be immediately considered certified for operation under this chapter on such effective date, in which case all terms and conditions applicable to the payload as approved for launch or reentry as part of a license issued under chapter 509 shall apply for the duration of the operation of the payload; or

“(2) apply for a certification under this chapter for the operation of the licensed activities and may continue to operate pursuant to such license until such time as such certification is issued.

“(b) RESCINDING OR TRANSFER OF PENDING LICENSE.—A payload of a United States entity that, on the effective date of this section, is pending approval under section 50904 as part of a launch or reentry license issued under chapter 509 may be, at the election of the applicant for payload approval—

“(1) rescinded without prejudice; or

“(2) transferred to the Office of Space Commerce and deemed to be a pending application for certification under this chapter.

“(c) EFFECTIVE DATE.—This section shall take effect on the date that is 1 year after

the date of enactment of the American Space Commerce Free Enterprise Act.

“§ 80109. Private Space Activity Advisory Committee

“(a) ESTABLISHMENT.—The Secretary shall establish a Private Space Activity Advisory Committee (in this section referred to as the ‘Committee’) consisting of 15 members who shall be appointed by the Secretary.

“(b) CHAIR.—The Committee shall designate one member as the chair of the Committee.

“(c) MEMBERSHIP.—

“(1) LIMITATION.—Members of the Committee may not be Federal Government employees or officials.

“(2) TRAVEL EXPENSES.—Members of the Committee shall receive travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions under subchapter I of chapter 57 of title 5.

“(3) QUALIFICATIONS.—Members of the Committee shall include a variety of space policy, engineering, technical, science, legal, and finance professionals. Not less than 3 members shall have significant experience working in the commercial space industry.

“(d) TERMS.—Each member of the Committee shall serve for a term of 4 years and may not serve as a member for the 2-year period following the date of completion of each such term.

“(e) DUTIES.—The duties of the Committee shall be to—

“(1) analyze the status and recent developments of nongovernmental space activities;

“(2) analyze the effectiveness and efficiency of the implementation of the certification process under this chapter;

“(3) provide recommendations to the Secretary and Congress on how the United States can facilitate and promote a robust and innovative private sector that is investing in, developing, and operating space objects;

“(4) identify any challenges the United States private sector is experiencing—

“(A) with the authorization and supervision of the operation of space objects under this chapter;

“(B) more generally, with international obligations of the United States relevant to private sector activities in outer space;

“(C) with harmful interference to private sector activities in outer space; and

“(D) with access to adequate, predictable, and reliable radio frequency spectrum;

“(5) review existing best practices for United States entities to avoid the harmful contamination of the Moon and other celestial bodies;

“(6) review existing best practices for United States entities to avoid adverse changes in the environment of the Earth resulting from the introduction of extra-terrestrial matter;

“(7) provide information, advice, and recommendations on matters relating to United States private sector activities in outer space; and

“(8) provide information, advice, and recommendations on matters related to the authority of the Secretary under this chapter or to private sector space activities authorized pursuant to this chapter that the Committee determines necessary.

“(f) ANNUAL REPORT.—The Committee shall submit to Congress, the President, and the Secretary an annual report that includes the information, analysis, findings, and recommendations described in subsection (e).

“(g) SUNSET.—The Committee shall terminate on the date that is 10 years after the date on which the Committee is established.

“§ 80110. Exemptions

“(a) IN GENERAL.—A certification is not required under this chapter for any of the following operations:

“(1) Space object activities authorized by another country that is a party to the Outer Space Treaty.

“(2) Launch or reentry vehicle operations licensed by the Department of Transportation under chapter 509.

“(3) Space stations licensed by the Federal Communications Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt any entity from the requirement to obtain a permit to operate a space-based remote sensing system under chapter 802.

“§ 80111. Protecting the interests of United States entity space objects

“The President shall—

“(1) protect the interests of United States entity exploration and use of outer space, including commercial activity and the exploitation of space resources, from acts of foreign aggression and foreign harmful interference;

“(2) protect ownership rights of United States entity space objects and obtained space resources; and

“(3) ensure that United States entities operating in outer space are given due regard.”

SEC. 4. PERMITTING OF SPACE-BASED REMOTE SENSING SYSTEMS.

(a) FINDINGS.—Congress finds the following:

(1) The commercial market for space-based remote sensing technologies and information has experienced significant growth since the passage of the Land Remote Sensing Policy Act of 1992.

(2) It is in the interest of the United States to foster new and novel space-based remote sensing applications and services and to help facilitate their continued domestic growth.

(3) Since the passage of the Land Remote Sensing Policy Act of 1992, the National Oceanic and Atmospheric Administration’s Office of Commercial Remote Sensing has experienced a significant increase in applications for private remote sensing space system licenses as authorized under section 60121 of title 51, United States Code.

(4) Many of the applicants for commercial space-based remote sensing licenses have encountered significant delays and unnecessary obstacles in the application process.

(5) The current licensing paradigm must be updated as to not discourage the continued growth of the United States space-based remote sensing industry. It must be updated in a way that satisfies the needs of commercial remote sensing market as well as the national security of the United States.

(6) In order to protect United States leadership and commercial viability in remote sensing technologies, the Federal Government should not limit commercial entities from providing remote sensing capabilities or data products that are available or reasonably expected to be made available in the next 3 years in the international or domestic marketplace.

(b) POLICY.—It is the policy of the United States that, to the maximum extent practicable, the Federal Government shall take steps to protect the national security interests of the United States that do not involve regulating or limiting the freedoms of United States nongovernmental entities to explore and use space. Federal Government agencies shall mitigate any threat to national security posed by the exploration and use of outer space by United States citizens and entities, to the maximum extent practicable, changing Federal Government activities and operations.

(c) AMENDMENT.—Title 51, United States Code, is further amended by adding at the end the following:

“CHAPTER 802—PERMITTING OF SPACE-BASED REMOTE SENSING SYSTEMS

“Sec.

“80201. Permitting authority.

“80202. Application for permit.

“80203. Continuing permitting requirements.

“80204. Permit transfer.

“80205. Agency activities.

“80206. Annual reports.

“80207. Advisory Committee on Commercial Remote Sensing.

“80208. Continuation of existing license or pending application.

“80209. Commercial Remote Sensing Regulatory Affairs Office.

“§ 80201. Permitting authority

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the American Space Commerce Free Enterprise Act, the Secretary is authorized to permit persons to operate space-based remote sensing systems.

“(b) CONSULTATION.—The Secretary shall, as the Secretary considers necessary, consult with the heads of other relevant agencies in carrying out the requirements of this chapter, pursuant to section 80310.

“(c) LIMITATION WITH RESPECT TO SYSTEM USED FOR OTHER PURPOSES.—In the case of a space object that is used for remote sensing and other purposes, the authority of the Secretary under this chapter shall be limited to the remote sensing operations of such space object.

“(d) DE MINIMIS EXCEPTION.—

“(1) WAIVER.—The Secretary may waive the requirement for a permit for a space-based remote sensing system that the Secretary determines is—

“(A) ancillary to the primary design purpose of the space object; or

“(B) too trivial to require a determination under section 80202(c) relating to national security.

“(2) GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue guidance providing a clear explanation of the criteria used by the Secretary to grant a de minimis waiver under paragraph (1)(B) for a space-based remote sensing system that is too trivial to require a determination under section 80202(c).

“(e) COVERAGE OF PERMIT.—The Secretary shall, to the maximum extent practicable, ensure that only one permit is required under this chapter to—

“(1) conduct multiple operations carried out using a space-based remote sensing system;

“(2) operate multiple space-based remote sensing systems that carry out substantially similar operations; or

“(3) use multiple space-based remote sensing systems to carry out a single remote sensing operation.

“(f) PROHIBITION ON OPERATION.—Not later than 1 year after the date of enactment of the American Space Commerce Free Enterprise Act, no person may, directly or through any subsidiary or affiliate, operate any space-based remote sensing system without a permit issued under this chapter.

“(g) RESPONSIBLE PARTY.—In any case in which the applicant for a permit under this chapter is not a United States entity, the applicant shall identify a United States entity that consents to be responsible for the permitted operation of the space-based remote sensing system.

“(h) OPERATION OF SPACE-BASED REMOTE SENSING SYSTEM.—For purposes of this chapter, the operation of a space-based remote sensing system—

“(1) begins when the system—

“(A) is located in outer space; and

“(B) can meet the minimum threshold and objective capabilities for the system’s stated need; and

“(2) shall not cover the acts of distribution, sale, or transfer of data, information, or services to persons, foreign or domestic, including any such acts taken pursuant to an agreement with such persons.

“§ 80202. Application for permit

“(a) APPLICATION PROCESS.—

“(1) IN GENERAL.—To receive a permit to operate a space-based remote sensing system under this chapter, a person shall submit an application to the Secretary as provided in paragraph (2). Such application shall include, for each required item, sufficient evidence to demonstrate each fact or assertion.

“(2) CONTENTS.—An application described in paragraph (1) shall include only the following information, with respect to each space-based remote sensing system and the operations proposed to be permitted:

“(A) The name, address, and contact information of one or more United States entity identified by the applicant, pursuant to section 80201(g), as responsible for the operation of the space-based remote sensing system.

“(B) If available at the time of submission of the application, the planned date and location of the launch of the applicable space object, including the identity of the launch provider.

“(C) The general physical form and composition of the space-based remote sensing system.

“(D) A description of the proposed operations of the space-based remote sensing system that includes—

“(i) when and where the space-based remote sensing system will operate;

“(ii) when and where the operation of the space-based remote sensing system will terminate; and

“(iii) any additional information necessary to make a determination under subsection (c) regarding a significant threat to national security, as prescribed in advance in regulation by the Secretary.

“(E) A description of how the space-based remote sensing system will be operated and disposed of in a manner to mitigate the generation of space debris.

“(F) Information about third-party liability insurance obtained, if any, by the applicant for operations of the space-based remote sensing system, including the amount and coverage of such liability insurance.

“(b) REVIEW OF APPLICATION.—

“(1) VERIFICATIONS.—Not later than 90 days after receipt of an application under this section, the Secretary shall verify that—

“(A) the application is complete pursuant to subsection (a); and

“(B) the application does not contain any clear indication of fraud or falsification.

“(2) DETERMINATION.—Not later than 90 days after receipt of an application under this section—

“(A) if the Secretary verifies that the applicant has met the application requirements described in paragraph (1), the Secretary shall approve the application and issue a permit to the applicant with or without conditions on the proposed operation of the space-based remote sensing system pursuant to subsection (c)(1)(A); or

“(B) if the Secretary cannot verify that the applicant has met the application requirements described in paragraph (1) or if the Secretary makes a determination to deny the application under subsection (c)(1)(B), the Secretary—

“(i) shall issue a denial of the application signed by the Secretary (a duty that may not be delegated, including to the Office of Space Commerce); and

“(ii) shall, not later than 10 days after the decision to deny the application—

“(I) provide the applicant with a written notification containing a clearly articulated

rationale for the denial that, to the maximum extent practicable—

“(aa) provides guidance to the applicant as to how the articulated rationale for denial could be addressed in a subsequent application; and

“(bb) includes all classified information included in such rationale for which the applicant has the required security clearance; and

“(II) submit a notification of the denial to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that—

“(aa) contains the clearly articulated rationale for the denial; and

“(bb) in the case of a denial pursuant to a national security determination under subsection (c)—

“(AA) includes an explanation of how, and clear and convincing evidence that, to the maximum extent practicable, the Federal Government took steps to mitigate a significant threat to the national security of the United States posed by the operation of the applicant's space-based remote sensing system by changing Federal Government activities and operations; and

“(BB) may contain classified information.

“(3) AUTOMATIC APPROVAL.—

“(A) IN GENERAL.—If the Secretary has not approved or denied the application before the deadline under paragraph (2), the application shall be approved without condition. The Secretary may not allow tolling of the 90-day period under such paragraph.

“(4) DELAY OF AUTOMATIC APPROVAL.—

“(A) IN GENERAL.—The President is permitted to extend the 90-day period under paragraph (2) once for each application for an additional 60 days to further evaluate the national security implications of the application only if the President notifies the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the need, with clear and convincing evidence, to extend the review period. Such notification shall include—

“(i) details on the efforts taken to review the application during the 90-day period, including staff time, studies produced, and interim conclusions; and

“(ii) a plan for assuring a final decision within the additional 60 days.

“(B) NONDELEGABLE.—The responsibilities of the President under this paragraph may not be delegated.

“(5) IMPROPER BASIS FOR DENIAL.—The Secretary may not deny an application for a permit under this section in order to protect an existing permit holder from competition.

“(6) SUBSEQUENT REVIEW.—The Secretary may not prejudice a new application for the proposed operations denied pursuant to paragraph (2)(B) if such new application contains remedies addressing the rationale for such denial.

“(c) ADDRESSING NATIONAL SECURITY THREAT.—

“(1) IN GENERAL.—If the Secretary determines, in consultation with the Secretary of Defense and with clear and convincing evidence, that the proposed operation of a space-based remote sensing system under an application for a permit under this chapter poses a significant threat to the national security of the United States as provided in paragraph (2)—

“(A) the Secretary may condition the proposed operation covered by the permit only to the extent necessary to address such threat; or

“(B) if the Secretary determines that there is no practicable way to condition such permit to address such threat, the Secretary may deny the application.

“(2) SIGNIFICANT THREAT TO NATIONAL SECURITY.—For purposes of a determination under paragraph (1), a significant threat to the national security of the United States is a threat—

“(A) that is imminent; and

“(B) that cannot practicably be mitigated through changes to Federal Government activities or operations.

“(3) REASONABLY COMMERCIALY AVAILABLE EFFORTS.—To the maximum extent practicable, the Secretary shall only place a condition on a permit that is achievable using reasonably commercially available efforts.

“(4) NOTIFICATION.—Not later than 10 days after the decision to condition the proposed operation covered by a permit pursuant to this subsection, the Secretary shall—

“(A) provide the applicant with a written notification containing a clearly articulated rationale for the condition that, to the maximum extent practicable—

“(i) provides guidance to the applicant as to how the articulated rationale for condition could be addressed in a subsequent application; and

“(ii) includes all necessary classified information included in such rationale for which the applicant has the required security clearance; and

“(B) submit a notification of the condition to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives that—

“(i) contains the clearly articulated rationale for the condition;

“(ii) includes an explanation of how, and clear and convincing evidence that, to the maximum extent practicable, the Federal Government took steps to mitigate a significant threat to the national security of the United States posed by the operation of the applicant's space-based remote sensing system by changing Federal Government activities and operations; and

“(iii) may contain classified information.

“(5) PROHIBITION ON RETROACTIVE CONDITIONS.—No other modifications may be made, or additional conditions placed, on a permit after the date on which the permit is issued except to account for a material change as provided in section 80203(c).

“(6) NONDELEGABLE.—The responsibilities of the Secretary under this subsection may not be delegated, including to the Office of Space Commerce.

“(d) LIMITATIONS ON CONDITIONS.—

“(1) SAME OR SIMILAR CAPABILITY.—No operational condition under subsection (c) may be placed on a space-based remote sensing system that has the same or substantially similar space-based remote sensing capabilities as another system permitted under this chapter with no such condition.

“(2) CONDITIONS THAT EXCEED PERMITTED CONDITIONS.—The Secretary may not place a condition on a permit for a space-based remote sensing system that exceeds a condition placed on an existing permitted system that has the same or substantially similar capabilities.

“(3) SCOPE.—With respect to a condition placed on a permit for a space-based remote sensing system because of a national security concern, the Secretary may only place such a condition for the smallest area and for the shortest period necessary to protect the national security concern at issue.

“(e) COMMERCIALY AVAILABLE CAPABILITY.—

“(1) EXCEPTION.—The Secretary may not deny an application for, or place a condition on, a permit for the operation of a space-based remote sensing system for which the same or substantially similar capabilities,

derived data, products, or services are already commercially available or reasonably expected to be made available in the next 3 years in the international or domestic marketplace. The exception in the previous sentence applies regardless of whether the marketplace products and services originate from the operation of aircraft, unmanned aircraft, or other platforms or technical means or are assimilated from a variety of data sources.

“(2) CLEAR AND CONVINCING EVIDENCE.—Each denial of an application for, and each condition placed on, a permit for the operation of a space-based remote sensing system, shall include an explanation of, and clear and convincing evidence that, the exception under paragraph (1) does not apply with respect to the proposed permitted operations of such system.

“(3) DATABASE.—The President shall—

“(A) maintain a database of commercially available capabilities described in paragraph (1);

“(B) update such database not less than once every 3 months; and

“(C) submit 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 report containing the contents of the database upon each update required under subparagraph (B).

“(4) APPLICANT SUBMISSIONS.—An applicant for, or holder of, a permit for the operation of a space-based remote sensing system may submit to the Secretary evidence of, or information regarding, a commercially available capability described in paragraph (1) for consideration for inclusion in the database.

“(5) NONAPPLICATION OF CONDITION.—In any case in which the Secretary determines that the exception under paragraph (1) applies with respect to a permit for the operation of a space-based remote sensing system for which the Secretary has placed a condition under subsection (c), such condition shall no longer apply with respect to such permitted operations.

“(f) AUTHORITY TO REMOVE CONDITIONS.—Nothing in this section shall be construed to prohibit the Secretary from removing a condition placed on a permit pursuant to subsection (c).

“§ 80203. Continuing permitting requirements

“(a) NOTIFICATION REQUIREMENT.—A permit holder shall, in a timely manner, notify the Secretary if—

“(1) a permitted space-based remote sensing system has terminated operations; or

“(2) a catastrophic event has occurred to a space-based remote sensing system, such as the unplanned destruction of such system.

“(b) MATERIAL CHANGE.—The Secretary shall require permit holders to inform the Secretary of—

“(1) any material changes to the space-based remote sensing system or the planned operations of such system prior to launch; and

“(2) any material anomalies or departures from the planned operations during the course of operations.

“(c) UPDATE TO PERMIT.—Not later than 14 days after the date of receipt of information regarding a material change pursuant to subsection (b), the Secretary shall make a determination of whether such material change is substantial enough to warrant additional review under section 80202(b). Not later than 90 days after a determination that such review is warranted, the Secretary shall complete a similar such review process for such material change as is required for a permit applicant under such section.

“§ 80204. Permit transfer

“(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall provide for

the transfer of a permit under this chapter from the permit holder to another person to continue the operations allowed under such permit.

“(b) TRANSFER REQUEST REQUIREMENTS.—To be eligible for a transfer under subsection (a), the permit holder shall submit to the Secretary a request that includes any identifying information regarding the transferee that would be required under an initial application under section 80202.

“(c) DETERMINATION.—Not later than 14 days after the date on which the Secretary receives a transfer request pursuant to subsection (b), the Secretary shall make a determination of whether such material change is substantial enough to warrant additional review under section 80202(b). Not later than 90 days after a determination that such review is warranted, the Secretary shall complete a similar such review process for such transferee as is required for a permit applicant under such section.

“(d) MATERIAL CHANGE.—Any transfer of a permit under this chapter constitutes a material change under section 80203(b).

“§ 80205. Agency activities

“(a) UTILIZATION OF FEDERAL GOVERNMENT VEHICLE.—A person may apply for a permit to operate a space-based remote sensing system that utilizes, on a space-available basis, a civilian Federal Government satellite or vehicle as a platform for such system. The Secretary, pursuant to this chapter, may permit such system if it meets all conditions of this chapter.

“(b) ASSISTANCE.—The Secretary may offer assistance to persons in finding appropriate opportunities for the utilization described in subsection (a).

“(c) AGREEMENTS.—To the extent provided in advance by appropriation Acts, an agency may enter into an agreement for the utilization described in subsection (a) if such agreement is consistent with the agency's mission and statutory authority, and if the space-based remote sensing system is issued a permit by the Secretary under this chapter before commencing operation.

“§ 80206. Annual reports

“(a) IN GENERAL.—The Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives not later than 180 days after the date of enactment of the American Space Commerce Free Enterprise Act, and annually thereafter, on—

“(1) the Secretary's implementation of this chapter, including—

“(A) a list of all applications received in the previous calendar year;

“(B) a list of all applications that resulted in a permit;

“(C) a list of all applications denied and an explanation of why each application was denied, including any information relevant to the adjudication process of a request for a permit;

“(D) a list of all applications that required additional information; and

“(E) a list of all applications whose disposition exceeded the 90-day deadline, the total days overdue for each application that exceeded such deadline, and an explanation for the delay; and

“(2) a description of all actions taken by the Secretary under the administrative authority granted by section 80301.

“(b) CLASSIFIED ANNEXES.—Each report under subsection (a) may include classified annexes as necessary to protect the disclosure of sensitive or classified information.

“§ 80207. Advisory Committee on Commercial Remote Sensing

“(a) ESTABLISHMENT.—The Secretary shall establish an Advisory Committee on Com-

mercial Remote Sensing (in this section referred to as the ‘Committee’) consisting of 15 members who shall be appointed by the Secretary.

“(b) CHAIR.—The Committee shall designate one member as the chair of the Committee.

“(c) MEMBERSHIP.—

“(1) LIMITATION.—Members of the Committee may not be Federal Government employees or officials.

“(2) TRAVEL EXPENSES.—Members of the Committee shall receive travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions under subchapter I of chapter 57 of title 5.

“(d) TERMS.—Each member of the Committee shall serve for a term of 4 years and may not serve as a member for the 2-year period following the date of completion of each such term.

“(e) DUTIES.—The duties of the Committee shall be to—

“(1) provide information, advice, and recommendations on matters relating to the United States commercial space-based remote sensing industry;

“(2) analyze the effectiveness and efficiency of the implementation of the space-based remote sensing system permitting process under this chapter;

“(3) provide recommendations to the Secretary and Congress on how the United States can facilitate and promote a robust and innovate private sector that is investing in, developing, and operating space-based remote sensing systems;

“(4) identify any challenges the United States private sector is experiencing with the authorization and supervision of the operation of space-based remote sensing systems under this chapter; and

“(5) provide information, advice, and recommendations on matters related to the authority of the Secretary under this chapter or to private sector space activities authorized pursuant to this chapter that the Committee determines necessary.

“(f) ANNUAL REPORT.—The Committee shall submit to Congress, the President, the Secretary, and the Director of the Office of Space Commerce, an annual report that includes the information, analysis, findings, and recommendations described in subsection (e).

“(g) SUNSET.—The Committee shall terminate on the date that is 10 years after the date on which the Committee is established.

“§ 80208. Continuation of existing license or pending application

“(a) CONTINUATION OF EXISTING LICENSE.—Any United States entity for whom a license for the operation of a space-based remote sensing system issued under subchapter III of chapter 601 that is valid on the effective date of this section may—

“(1) elect to be immediately considered permitted for operation under this chapter, in which case all terms and conditions of a license issued under such subchapter with respect to the operation of such system shall apply for the duration of the license; or

“(2) apply for a permit for operation under this chapter and may continue to operate pursuant to such license until such time as such permit is issued.

“(b) RESCIND OR TRANSFER OF PENDING LICENSE.—An applicant with an application for a remote sensing license under subchapter III of chapter 601 that is pending on the effective date of this section may be, at the election of the applicant—

“(1) rescinded without prejudice; or

“(2) transferred to the Office of Space Commerce and deemed to be a pending application for a permit under this chapter.

“(c) EFFECTIVE DATE.—This section shall take effect on the date that is 1 year after

the date of enactment of the American Space Commerce Free Enterprise Act.

“§ 80209. Commercial Remote Sensing Regulatory Affairs Office

“On the date that is 1 year after the date of enactment of the American Space Commerce Free Enterprise Act, the Commercial Remote Sensing Regulatory Affairs Office of the National Oceanic and Atmospheric Administration is abolished.”

SEC. 5. ADMINISTRATIVE PROVISIONS RELATED TO CERTIFICATION AND PERMITTING.

Title 51, United States Code, is further amended by adding at the end the following:

“CHAPTER 803—ADMINISTRATIVE PROVISIONS RELATED TO CERTIFICATION AND PERMITTING

“Sec.

“80301. Administrative authority.

“80302. Consultation.

“80303. Appeal of denial or condition of certification or permit.

“80304. Limitation on certain agency supervision.

“80305. Commercial exploration and use of outer space.

“80306. Rule of construction on concurrent application submission.

“80307. Federal jurisdiction.

“80308. Global commons.

“80309. Regulatory authority.

“80310. Consultation with relevant agencies.

“80311. Authorization of appropriations.

“§ 80301. Administrative authority

“(a) FUNCTIONS.—In order to carry out the responsibilities specified in this subtitle, the Secretary may—

“(1) seek an order of injunction or similar judicial determination from a district court of the United States with personal jurisdiction over the certification or permit holder to terminate certifications or permits under this subtitle and to terminate certified or permitted operations on an immediate basis, if the Secretary determines that the certification or permit holder has substantially failed to comply with any provisions of this subtitle, or with any terms of a certification or permit;

“(2) provide for civil penalties not to exceed \$10,000 (each day of operation constituting a separate violation) and not to exceed \$500,000 in total, for—

“(A) noncompliance with the certification or permitting requirements or regulations issued under this subtitle; or

“(B) the operation of a space object or space-based remote sensing system without the applicable certification or permit issued under this subtitle;

“(3) compromise, modify, or remit any such civil penalty;

“(4) seize any object, record, or report, or copies of materials, documents, or records, pursuant to a warrant from a magistrate based on a showing of probable cause to believe that such object, record, or report was used, is being used, or is likely to be used in violation of this subtitle or the requirements of a certification or permit or regulation issued thereunder; and

“(5) make investigations and inquiries concerning any matter relating to the enforcement of this subtitle.

“(b) REVIEW OF AGENCY ACTION.—Any holder of, or applicant for, a certification or a permit who makes a timely request for review of an adverse action pursuant to paragraph (2) or (4) of subsection (a) shall be entitled to adjudication by the Secretary on the record after an opportunity for any agency hearing with respect to such adverse action. Any final action by the Secretary under this subsection shall be subject to judicial review under chapter 7 of title 5, as provided in section 80303 of this chapter.

“(c) NO COST FOR CERTIFICATION OR PERMIT.—The Secretary may not impose a fee or other cost on a holder of, or applicant for—

“(1) a certification under chapter 801; or

“(2) a permit under chapter 802.

“(d) NO AUTHORITY TO SET CONDITIONS.—The Secretary may not impose a substantive condition on, or any other requirement for, the issuance of a certification or permit except as specifically provided in this subtitle.

“(e) FOIA EXEMPTION.—Paragraph (3) of section 552(b) of title 5 shall apply with respect to any filing relating to a certification or a permit under this subtitle.

“(f) LIMITATION ON EXCEPTIONS TO ADMINISTRATIVE PROCEDURES.—The exceptions under section 553(a)(1), section 553(b)(B), or section 554(a)(4) of title 5 shall not apply with respect to a certification or permit under this subtitle.

“§ 80302. Consultation

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

“(1) the United States Government has assets in Earth orbit critical to national security, scientific research, economic growth, and exploration;

“(2) such assets represent a considerable investment of United States taxpayers; and

“(3) it is in the national interest of the United States to facilitate opportunities to provide for the protection of such assets.

“(b) REVIEW.—Not later than 30 days after the Secretary issues a certification under chapter 801, the Secretary shall review the operations of any space objects covered by the certification to determine whether the interaction between such operations and the operations of a Federal Government space object present a substantial risk to the physical safety of a space object operated by either party.

“(c) REQUIREMENT TO PARTICIPATE IN CONSULTATION.—If the Secretary makes a determination that a substantial risk identified under subsection (b) exists, the Secretary may require that the certification holder participate in a consultation under this section.

“(d) PARTIES TO A CONSULTATION.—

“(1) IN GENERAL.—A consultation under this section may be held, with respect to a substantial safety risk identified under subsection (b), between—

“(A) a certification holder responsible for the certified space object operations; and

“(B) any entity of the Federal Government operating a potentially affected space object.

“(2) PARTICIPATION.—The Secretary may not impose any requirement on a party pursuant to participation in the consultation.

“(e) MITIGATION OF SAFETY RISK.—In carrying out a consultation, the Secretary shall—

“(1) facilitate a discussion among the parties to the consultation;

“(2) encourage a mutual understanding of the safety risk; and

“(3) encourage, to the maximum extent practicable, voluntary agreements between the parties to the consultation to improve the physical safety of affected space object operations or mitigate the physical safety risk.

“(f) DURATION OF CONSULTATION; NOTICE.—Not later than 90 days after the Secretary requires a consultation under this section, the Secretary shall—

“(1) complete all activities related to the consultation; and

“(2) submit to Congress a written notification with respect to such consultation, that includes—

“(A) the names of each party to the consultation;

“(B) a description of the physical safety risk at issue;

“(C) whether any voluntary agreement was made by the parties; and

“(D) the content of any such agreement.

“(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to grant any additional authority to the Secretary to regulate, or place conditions on, any activity for which a certification or permit is required under this subtitle.

“§ 80303. Appeal of denial or condition of certification or permit

“An applicant who is denied a certification under section 80103(b)(2)(B), an applicant who is denied a permit under section 80202(b)(2)(B), or an applicant whose certification or permit is conditioned pursuant to section 80103(c) or section 80202(c), respectively, may appeal the denial or placement of a condition to the Secretary. The Secretary shall affirm or reverse the denial or placement of a condition after providing the applicant notice and an opportunity to be heard. The Secretary shall dispose of the appeal not later than 60 days after the appeal is submitted. If the Secretary denies the appeal, the applicant may seek review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business.

“§ 80304. Limitation on certain agency supervision

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the American Space Commerce Free Enterprise Act, no other agency shall have the authority to authorize, place conditions on, or supervise the operation of space objects required to be certified under chapter 801 or space-based remote sensing systems required to be permitted under chapter 802 except—

“(1) the Department of Transportation with respect to launch or reentry vehicle operations licensed under chapter 509; and

“(2) the Federal Communications Commission with respect to space stations licensed under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

“(b) AGREEMENT LIMITATIONS.—Nothing in this section shall be construed to prevent an agency from including additional terms, conditions, limitations, or requirements, consistent with applicable provisions of law, beyond those required in this subtitle in a contract or other agreement with—

“(1) the holder of a certification under chapter 801 for the operation of the applicable space object; or

“(2) the holder of a permit under chapter 802 for the operation of the applicable space-based remote sensing system.

“§ 80305. Commercial exploration and use of outer space

“To the maximum extent practicable, the President, acting through appropriate Federal agencies, shall interpret and fulfill international obligations, including under the covered treaties on outer space, to minimize regulations and limitations on the freedom of United States nongovernmental entities to explore and use space.

“§ 80306. Rule of construction on concurrent application submission

“Nothing in this subtitle shall be construed to prevent an applicant from submitting to the Secretary concurrent applications for a certification under chapter 801 and a permit under chapter 802. The Secretary shall provide for applications under chapter 801 and chapter 802 to be filed concurrently or at different times, at the discretion of the applicant. To the maximum extent practicable, the Secretary shall avoid duplication of information required in concurrently filed applications.

§ 80307. Federal jurisdiction

“The district courts shall have original jurisdiction, exclusive of the courts of the States, of any civil action resulting from the operation of a space object for which a certification or permit is required under this subtitle.

§ 80308. Global commons

“Notwithstanding any other provision of law, outer space shall not be considered a global commons.

§ 80309. Regulatory authority

“(a) IN GENERAL.—The Secretary shall issue such regulations as are necessary to carry out this subtitle.

“(b) REDUCING REGULATORY BURDEN.—In issuing regulations to carry out this subtitle, the Secretary shall avoid, to the maximum extent practicable, the placement of inconsistent, duplicative, or otherwise burdensome requirements on the operations of United States nongovernmental entities in outer space.

“(c) ADMINISTRATIVE PROCEDURES ACT.—All activities carried out pursuant to this section shall comply with the requirements of chapter 5 of title 5.

§ 80310. Consultation with relevant agencies

“(a) IN GENERAL.—Subject to subsection (b), the Secretary shall, as the Secretary considers necessary, consult with the heads of other relevant agencies in carrying out this subtitle.

“(b) EXCLUSIVE AUTHORITY OF THE SECRETARY.—The consultation authority provided by subsection (a) shall not be interpreted to alter the exclusive authority of the Secretary to authorize, place conditions on, and supervise the operation of space objects under chapter 801 and space-based remote sensing systems under chapter 802, as provided in, and subject to, the limitations of section 80304.

§ 80311. Authorization of appropriations

“There are authorized to be appropriated \$5,000,000 to the Office of Space Commerce for each of fiscal years 2018 and 2019 to carry out this subtitle.”.

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CHAPTERS.—The table of chapters of title 51, United States Code, is amended by adding at the end the following:

“Subtitle VIII—Authorization and Supervision of Nongovernmental Space Activities

“801. Certification to Operate Space Objects 80101

“802. Permitting of Space-Based Remote Sensing Systems 80201

“803. Administrative Provisions Related to Certification and Permitting 80301”.

(b) REPEALS.—

(1) IN GENERAL.—Title 51, United States Code, is amended as follows:

(A) Subchapter III of chapter 601 is repealed.

(B) Section 60147 is repealed.

(C) The table of sections for chapter 601 is amended by striking the item relating to section 60147.

(D) The table of sections for chapter 601 is amended by striking the items relating to subchapter III.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 1 year after the date of enactment of this Act.

(c) TECHNICAL CORRECTIONS.—

(1) IN GENERAL.—Title 51, United States Code, is amended—

(A) in section 20302(c)(2), by striking “means has the meaning” and inserting “has the meaning”;

(B) in section 50702(c)(5), by striking “Space-Based Position” and inserting “Space-Based Positioning”; and

(C) in section 71102(l), by striking “tracking device” and inserting “tracking device to”.

(2) CHAPTER 513.—The table of chapters of title 51, United States Code, is amended by striking the item related to chapter 513 and inserting the following:

“513. Space Resource Commercial Exploration and Utilization 51301”.

(3) CHAPTER 701.—The table of chapters of title 51, United States Code, is amended by striking the item related to chapter 701 and inserting the following:

“701. Use of Space Launch System or Alternatives 70101”.

SEC. 7. OFFICE OF SPACE COMMERCE.

Section 50702 of title 51, United States Code, is amended—

(1) in subsection (a), by adding at the end before the period “, which shall be located in the principal physical location of the Office of the Secretary of Commerce”;

(2) in subsection (b), by striking “a senior executive and shall be compensated at a level in the Senior Executive Service under section 5382 of title 5 as determined by the Secretary of Commerce” and inserting “appointed by the President and confirmed by the Senate. The Director shall be the Assistant Secretary of Commerce for Space Commerce and shall report directly to the Secretary of Commerce”; and

(3) in subsection (c)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(6) to authorize and supervise the operations of United States nongovernmental entities in outer space, pursuant to chapter 801 of this title;

“(7) to authorize and supervise the operations of space-based remote sensing systems pursuant to chapter 802 of this title; and

“(8) to facilitate and promote the development of best practices among operators of space objects and space-based remote sensing systems under this subtitle to address substantial risks to the physical safety of Federal Government space objects, including the risk of on-orbit collisions.”.

SEC. 8. RESTRICTION ON PREVENTING LAUNCHES AND REENTRIES OF CERTIFIED SPACE OBJECTS.

Section 50904(c) of title 51, United States Code, is amended by adding at the end the following: “No launch or reentry may be prevented under this authority on the basis of national security, foreign policy, or international obligations of the United States, including under the covered treaties on outer space (as defined in section 80101) if the payload has received a certification to operate as a space object under chapter 801.”.

SEC. 9. REPORT ON REGISTRATION OF SPACE OBJECTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce, acting through the Office of Space Commerce and in consultation with the Private Space Activity Advisory Committee established under section 80109 of title 51, United States Code, shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of the space object registration obligations of the United States and other countries under Article VIII of the Outer Space Treaty and the Convention on Registration of Space Objects.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include—

(1) an identification of the practices and procedures among countries that are members of the Outer Space Treaty and the Convention on Registration of Space Objects in implementing and complying with the registration obligations contained in the treaties;

(2) a description of any existing practices and procedures of the Federal Government for the registration of nongovernmental space objects; and

(3) recommendations on how the registration of space objects in the United States could be improved to benefit the United States, including enabling United States leadership in commercial space activities.

SEC. 10. COMPTROLLER GENERAL REPORT.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on removing the Office of Commercial Space Transportation from under the jurisdiction of the Federal Aviation Administration and reestablishing the Office under the jurisdiction of the Secretary of Transportation. Such report shall include—

(1) the identification of key practices for successful organizational transitions;

(2) the advantages and disadvantages of the removal and reestablishment with respect to the ability of the Office to continue to coordinate and communicate with Federal Aviation Administration on airspace issues; and

(3) the identification of any issues that are preventing the Office from fully carrying out its statutory mandate, and if such issues would persist regardless of organizational location of the Office within the Department of Transportation.

SEC. 11. RADIOFREQUENCY MAPPING REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Defense and the Director of National Intelligence, shall complete and submit to the Advisory Committee on Commercial Remote Sensing a report on space-based radiofrequency mapping.

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

(1) whether there is a need to regulate space-based radiofrequency mapping;

(2) any immitigable impacts of space-based radiofrequency mapping on national security, U.S. competitiveness and space leadership, and constitutional freedoms; and

(3) findings, conclusions, and recommendations regarding the costs and benefits of additional regulatory authority over space-based radiofrequency mapping; and

(4) 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 radiofrequency mapping; and

(B) how existing authorities, regulations, and laws could be applied in a manner that prevents the need for additional regulation of such mapping.

(c) ADVISORY COMMITTEE ON COMMERCIAL REMOTE SENSING REVIEW.—Not later than 90 days after the date of receipt of the report required under subsection (a), the Advisory Committee on Commercial Remote Sensing shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report submitted under subsection (a) and the opinion of the Advisory Committee with respect to such report, including any critiques, concerns, recommendations, and endorsements. Such

opinion shall be submitted directly from the Chair of the Advisory Committee to those Committees of Congress without any review or change by the Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from California (Mr. BERA) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 2809, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, we give space exploration a booster rocket in the form of H.R. 2809, the bipartisan American Space Commerce Free Enterprise Act.

The commercial space industry is poised to begin a major new vehicle for discoveries in space and national economic growth. It represents hundreds of billions of dollars in investments and the creation of thousands of jobs across the United States.

For years, there has been uncertainty about which Federal agency has responsibility for approving nontraditional space activities and ensuring conformity with the Outer Space Treaty. This uncertainty has cramped capital formation and innovation and has driven American companies overseas.

The American Space Commerce Free Enterprise Act remedies this situation by establishing a new, novel, legal, and policy framework that unleashes American free enterprise and businesses, assures conformity with Outer Space Treaty obligations, and guarantees that the U.S. will lead the world in commercial space activities throughout the 21st century.

H.R. 2809 increases American competitiveness and attracts companies, talents, and money that would otherwise go to other countries. In short, the American Space Commerce Free Enterprise Act ensures that America and its workforce will benefit from the new space economy.

The need for this legislation became evident during the previous administration when legal uncertainty arose after U.S. space exploration companies sought payload approval from the Department of Transportation for its nontraditional space activities. But the DOT payload approval process is not designed to satisfy the requirements of complying with the Outer Space Treaty, so the Federal Government has been unable to assure the private sector that new and innovative space activities would be approved for launch.

The American Space Commerce Free Enterprise Act uses a commonsense ap-

proach to establish a sound legal foundation upon which U.S. industry can rely and flourish. It creates a self-certification process for the nongovernmental space activities that provides regulatory certainty for the U.S. commercial space sector, it assures U.S. compliance with Outer Space Treaty obligations, and it addresses national security concerns in the least burdensome manner.

Existing regulatory authority is currently spread across three Federal agencies, which has caused the review of commercial remote sensing applications to grind to a halt. H.R. 2809 consolidates this authority into one Federal agency, the Secretary of Commerce's Office of Space Commerce. The result, America gets a one-stop-shop for authorizing outer space activities.

Without H.R. 2809, America's space industry would continue to face legal uncertainty. Innovation would be stifled by burdensome and open-ended regulatory processes.

Other policies and interests of the United States are affected by private sector space activities, national security, in particular, but the American Space Commerce Free Enterprise Act improves national security by including remote sensing reform. By requiring a national security risk assessment during the remote sensing permitting process, this bill ensures that national security concerns are addressed.

H.R. 2809 improves the permitting process by creating a single decision point, increasing transparency, avoiding unnecessary reviews of technologies that have already been approved, and preventing the interagency process from indefinitely delaying decisionmaking. These changes allow our remote sensing industry to continue to lead the world.

The bill also goes farther than current law in providing for the physical safety of government assets in orbit. After operations are certified, the government can conduct an assessment of physical safety issues that will prevent disastrous collisions and help protect the safety of government and private assets.

Cosponsors of the American Space Commerce Free Enterprise Act include Space Subcommittee Chairman BRIAN BABIN and recent Science, Space, and Technology Committee member and now NASA Administrator, JIM BRIDENSTINE. Both Chairman BABIN and Administrator BRIDENSTINE have worked diligently to move this legislation forward. And Representatives PERLMUTTER, KILMER, and SOTO also helped develop this commonsense, bipartisan regulatory reform bill. Many thanks to all of them.

This transformative and groundshaking legislation facilitates commercial liftoff and declares that America is fully open for business in space. American innovators, driven by ingenuity, competitive spirit, and bold vision are the future of space exploration.

Mr. Speaker, I encourage my colleagues to support the American Space Commerce Free Enterprise Act.

Mr. Speaker, today we give space exploration a booster rocket in the form of H.R. 2809, the bipartisan American Space Commerce Free Enterprise Act. The commercial space industry is poised to begin a major new initiative for discoveries in space and national economic growth. It represents hundreds of billions of dollars in investments and the creation of thousands of jobs across the U.S.

For years there has been uncertainty about which federal agency has responsibility for approving non-traditional space activities and ensuring conformity with the Outer Space Treaty. This uncertainty has cramped capital formation and innovation and has driven American companies overseas.

The Space Commerce Act remedies this situation by establishing a new, novel legal and policy framework that unleashes American free enterprise and businesses, assures conformity with Outer Space Treaty obligations, and guarantees that the U.S. will lead the world in commercial space activities throughout the 21st century.

H.R. 2809 increases American competitiveness and attracts companies, talents, and money that would otherwise go to other countries. In short, the Space Commerce Act ensures that America and its workforce will benefit from the new space economy.

The need for this legislation became evident during the previous Administration when legal uncertainty arose after U.S. space exploration companies sought payload approval from the Department of Transportation (DOT) for its nontraditional space activities.

But the DOT payload approval process is not designed to satisfy the requirements of complying with the Outer Space Treaty. So the federal government has been unable to assure the private sector that new and innovative space activities would be approved for launch.

The Space Commerce Act uses a common sense approach to establish a sound legal foundation upon which U.S. industry can rely and flourish. It creates a self-certification process for non-governmental space activities that provides regulatory certainty for the U.S. commercial space sector. And it assures U.S. compliance with Outer Space Treaty obligations and addresses national security concerns in the least burdensome manner.

Existing regulatory authority is currently spread across three federal agencies, which has caused the review of commercial remote sensing applications to grind to a halt. Space-based remote sensing is the use of satellites to detect and classify objects on Earth, including on the surface and in the atmosphere and oceans, based on electromagnetic radiation. H.R. 2809 consolidates this authority into one federal agency—the Secretary of Commerce's Office of Space Commerce. The result: America gets a "one-stop shop" for authorizing outer space activities.

Without H.R. 2809, America's space industry would continue to face legal uncertainty. Innovation would be stifled by burdensome and open-ended regulatory processes.

Other policies and interests of the United States are affected by private sector space activities, national security in particular. But the Space Commerce Act improves national security by including remote sensing reform. By requiring a national security risk assessment

during the remote sensing permitting process, this bill ensures that national security concerns are addressed.

H.R. 2809 improves the permitting process by creating a single decision point, increasing transparency, avoiding unnecessary reviews of technologies that have already been approved, and preventing the interagency process from indefinitely delaying decision making. These changes allow our remote sensing industry to continue to lead the world.

The bill also goes farther than current law in providing for the physical safety of government assets in orbit. After operations are certified, the government can conduct an assessment of physical safety issues that will prevent disastrous collisions and help protect the safety of government and private assets.

Co-sponsors of the Space Commerce Act include Space Subcommittee Chairman BRIAN BABIN and recent Science Committee member, and now NASA Administrator, Jim Bridenstine. Both Chairman BABIN and Administrator Bridenstine have worked diligently to move this legislation forward.

And Representatives PERLMUTTER, KILMER, and SOTO also helped develop this common sense, bipartisan regulatory reform bill. Many thanks go to all of them.

This transformative and ground-shaking legislation facilitates commercial lift-off and declares that America is fully "open for business" in space.

American innovators, driven by ingenuity, competitive spirit and bold vision, are the future of space exploration. I encourage my colleagues to support the American Space Commerce Free Enterprise Act.

Mr. Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, April 23, 2018.

Hon. BILL SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: I am in receipt of your letter to the Speaker of April 20, 2018, regarding H.R. 2809, the "American Space Commerce Free Enterprise Act." H.R. 2809 was referred solely to the Committee on Science, Space, and Technology. The Science Committee ordered H.R. 2809 reported on June 8, 2017. Your assistance in ensuring its timely consideration is greatly appreciated.

I agree provisions in the bill are within the jurisdiction of the Committee on Transportation and Infrastructure. I acknowledge that by withdrawing your request for a sequential referral of H.R. 2809, your Committee is not relinquishing its jurisdiction. A copy of our letters will be placed in the Congressional Record during floor consideration of this bill.

I value your cooperation and look forward to working with you as we move ahead with this legislation.

Sincerely,

LAMAR SMITH,
Chairman.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE HOUSE OF REPRESENTATIVES

Washington, DC, April 24, 2018.

Hon. LAMAR SMITH,
Chairman, Committee on Science, Space, and Technology, Washington, DC.

DEAR CHAIRMAN SMITH: I am in receipt of your letter concerning H.R. 2809, the Amer-

ican Space Commerce Free Enterprise Act of 2017. Thank you for acknowledging that this legislation includes matters that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Transportation and Infrastructure will forego action on the bill. However, this is conditional on our mutual understanding that foregoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. Lastly, should a conference on the bill be necessary, I request your support for the appointment of conferees from the Committee on Transportation and Infrastructure during any House-Senate conference convened on this or related legislation.

Thank you for placing a copy of this letter and your response acknowledging our jurisdictional interest into the Congressional Record during consideration of the measure on the House floor, to memorialize our understanding.

I look forward to working with the Committee on Science, Space, and Technology as the bill moves through the legislative process.

Sincerely,

BILL SHUSTER,
Chairman.

Mr. BERA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2809, the American Space Commerce Free Enterprise Act of 2017. As the ranking member of the Subcommittee on Space, I support a robust and successful commercial space industry, and I look forward to continuing to work with my colleagues on policies that facilitate our Nation's contained growth and leadership in space.

The bill before us today, H.R. 2809, would provide a regulatory framework for U.S. innovative and emerging non-governmental space activities.

Commercial space launches, space-based remote sensing, and space communications are currently authorized under existing frameworks in the FAA, the Department of Commerce, and the FCC. However, proposed activities such as commercial operations on the Moon, asteroid mining, satellite servicing, and privately owned space habitats are not covered.

The bill establishes a certification process at Commerce for those emerging commercial space activities and, in so doing, provides important certainty for commercial companies and investors in these planned space activities. The bill also makes some updates to the licensing regime for commercial space-based remote sensing systems.

Further, the bill moves the regulatory oversight of commercial space-based remote sensing systems to the Office of Space Commerce under the Secretary of Commerce. The Office of Space Commerce would also have authority for the certification of non-traditional commercial space activities.

Mr. Speaker, I have often spoken about the importance of building a

rules-of-the-road framework that does not stifle innovation and provides guardrails for proper government oversight. No bill is perfect, but I believe that this bill strikes a fair balance in achieving the goal of certifying these nontraditional commercial space activities that don't fit within the current regulatory structure.

That being said, while I support moving the bill forward, there are several aspects of H.R. 2809 that deserve further discussion, including ensuring that:

Relevant Federal agencies can weigh in on whether proposed commercial space activities could affect the physical safety of U.S. Government space operations, including human space flight operations;

Making sure that relevant government expertise and measures to perform harmful contamination of planetary surfaces are taken into account;

Making sure that any remaining national security and intelligence agency concerns are addressed;

And making sure additional information is provided on how the consolidated Office of Space Commerce will be properly funded and staffed so it can carry out the additional responsibilities for authorizing commercial space activities and commercial space-based remote sensing under the bill.

I am hopeful that these and other aspects of the bill will be addressed as the bill proceeds, both in the Senate and in any House-Senate conference.

Space is an area that should have bipartisan support from Congress. NASA and the commercial space industry can only benefit when we work together as Democrats and Republicans. As a result, I support passage of this bill, and I ask my colleagues to join me in helping to move this bill out of the House.

Mr. Speaker, I reserve the balance of my time.

□ 1730

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from California (Mr. BERA), the ranking member of the Space Subcommittee, for the comments that he just delivered, and also for cosponsoring this piece of legislation.

Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. BABIN), the chairman of the Space Subcommittee.

Mr. BABIN. Mr. Speaker, I include in the RECORD an op-ed that I wrote in January called "A one-stop-shop for private space exploration."

[Jan. 22, 2018]

A ONE-STOP-SHOP FOR PRIVATE SPACE EXPLORATION

(By U.S. Rep. Brian Babin)

In the inaugural meeting of the reconstituted National Space Council, Vice President Mike Pence called for an overhaul of how the U.S. regulates commercial space activities. The potential of a robust economy in space will "unlock new opportunities, new technologies, and new sources of prosperity," Pence said.

The American Space Commerce Free Enterprise Act (H.R. 2809), recently passed by

the House Science, Space, and Technology Committee, accomplishes the vice president's goals. This bill places authority over private sector space activities in the agency best equipped to foster economic growth, the Commerce Department. The bipartisan legislation streamlines regulatory processes, limits government intrusion, promotes American innovation and investment, protects national security and satisfies our Outer Space Treaty obligations.

As chairman of the House Science, Space, and Technology Committee's space subcommittee, and as a member of the Transportation and Infrastructure Committee, I have the unique perspective of overseeing both of these agencies. Because of this perspective, I believe placing this responsibility at the Commerce Department is a good long-term decision for the United States and the space industry.

The Obama administration proposed giving the Federal Aviation Administration (FAA), housed within the Department of Transportation (DOT), responsibility for managing a broad interagency review of all private sector space activity proposals through an opaque process without defined approval timelines, regardless of how benign those activities may be. My committee held numerous hearings on this idea to hear directly from experts and stakeholders. We found that FAA accomplishes its current mission—managing launches and re-entry—very well. However, the agency is challenged to meet its existing obligations to regulate launch and reentry, and should not be burdened with the additional responsibility of authorizing and supervising private activities in space.

Moreover, current law actually prohibits DOT from regulating activities in space. It only has the ability to deny a launch if no other agency has licensed the activity. Congress did not intend or design this authority to create regulatory authority for on-orbit activities, or authorization or supervision process for Outer Space Treaty compliance.

In contrast, the Commerce Department's mission is to "create the conditions for economic growth and opportunity," and that mission runs deep through the culture. As the space economy develops, in-space activities will focus more on commerce, less on transportation logistics. Mining, habitation modules, and satellite servicing are only a few of the novel ideas that American innovators are proposing. These activities are not related to transportation, and DOT has no experience in this field. The Commerce Department, however, is familiar with the issues that future stakeholders will need to consider, including international trade and technology.

The bill also streamlines the federal space bureaucracy within the Commerce Department itself. It merges the National Oceanic and Atmospheric Administration's (NOAA) responsibilities over space-based remote sensing into the already-existing Office of Space Commerce within the Commerce Department. NOAA is itself housed within the Commerce Department, so having two separate offices handling the same responsibilities makes no sense.

Reforming this splintered regulatory process minimizes the burden on other agencies and makes the Commerce Department a one-stop shop for Outer Space Treaty compliance. Giving DOT authority, as proposed by the previous administration, would split the regulatory system, requiring remote-sensing satellite operators to seek regulatory approval for their operations from both DOT and the Commerce Department.

Indeed, placing this authority at the Commerce Department is a continuation of long-standing law and national policy. Since 1984, Commerce has been the only federal agency

with the legal authority to authorize and supervise space activities. While the Federal Communications Commission regulates spectrum and DOT regulates launch and reentry, neither has the authority to authorize and supervise space activities generally to assure compliance with the Outer Space Treaty.

Some stakeholders have questioned whether the Office of Space Commerce can handle remote-sensing licensing and supervising general space activities. The answer is yes. The Commerce Department already has expertise authorizing and supervising remote-sensing systems, and the bill's streamlined review process is more transparent, quicker, and less burdensome on staff. Importantly, Commerce also has expertise in balancing national security with commercial interests, working with American industry internationally and in regulating space dual-use technologies through the Export Administration Regulations.

The American Space Commerce Free Enterprise Act declares that America is open for business in outer space. The only agency with the long-standing experience and culture to regulate and foster the budding space economy is the Commerce Department.

With this innovative legislation, which builds on that culture of transparency and clarity, we position the American space industry as a leader in growing a robust and lawful economy in space.

Mr. BABIN. Mr. Speaker, I rise to speak in favor of H.R. 2809, the American Space Commerce Free Enterprise Act.

The American Space Commerce Free Enterprise Act is a commonsense bipartisan bill that streamlines the regulatory processes, limits burdensome government intrusion, promotes American innovation and investment, protects national security, and satisfies our international obligations.

One of the fundamental drivers for this legislation has been that innovative American companies are pushing the boundaries. And when the Senate ratified the Outer Space Treaty 50 years ago, free enterprise in outer space was an idea but was not reality.

Today, not only does U.S. free enterprise exist in outer space, but it is innovating at an unprecedented pace. From asteroid mining to private Moon missions, to satellite servicing, to remote sensing constellations, there is great promise that American enterprise will soon unlock new wealth and scientific benefits.

But this promise is threatened; threatened by expansive, unchecked regulatory authority, cumbersome non-transparent regulatory processes, and misperceptions about the United States' Outer Space Treaty obligations.

For several years, we have heard concerns from stakeholders that they need greater regulatory certainty to attract investment and to succeed. Stakeholders also reported that while they want to stay in America, due to regulatory burdens and uncertainty, they might need to go overseas.

The American Space Commerce Free Enterprise Act addresses these concerns without compromising our cherished principles of liberty and freedom.

It provides for presumptions of approval and requires the government to

take affirmative steps before conditioning or denying proposed space or remote sensing operations.

It places the burden of demonstrating inconsistency with Outer Space Treaty obligations and national security requirements of the United States with the government and not the applicant.

It curtails vague, overreaching regulatory authority and prevents tolling of statutory adjudication timelines. It ensures U.S. industry receives a timely and transparent determination on applications.

The bill recognizes legitimate national security equities and provides for the condition or denial of authorized space activities with remote sensing systems that are a significant threat to U.S. national security in certain circumstances. But it protects against abuses of interagency discretion by requiring an explanation and evidence of the threat before conditions or denial can be made.

In order to ensure the Office of Space Commerce is empowered to represent the interests of our citizens and the private sector, the director of the office is elevated to be the new assistant secretary for Space Commerce.

The act also advances important public policy interests. The bill establishes a mandatory safety consultation between private and Federal Government operators. The goal of this consultation is for the affected parties to reach a voluntary agreement to mitigate safety risks.

For parties subject to U.S. jurisdiction, the act provides for Federal district court jurisdiction for any civil action resulting from certified or permitted space operations.

To protect against foreign harmful interference, the act directs the President to protect against acts of foreign aggression and foreign harmful interference.

The act also addresses concerns of harmful contamination of the Earth or celestial bodies. Pursuant to our international obligations under the Outer Space Treaty, operations may be conditioned or denied by the Secretary of Commerce, in consultation with appropriate agencies such as NASA to address harmful contamination.

The bill posits longstanding U.S. policy, confirmed by both Department of State and NASA, that COSPAR planetary protection guidelines are not international obligations of the United States. This was done to allow all stakeholders, including the scientific community and industry, to work together as activities expand beyond scientific exploration and to address mutual interests, not by proscribing COSPAR guidelines as binding international law, but by allowing the Outer Space Treaty to guide our activities.

I am grateful to have worked with Chairman SMITH and Representative

BRIDENSTINE, recently confirmed as NASA administrator, in the development of this bill.

I am also very glad that this is a bipartisan bill, with the support of Representatives PERLMUTTER and KILMER and BERA.

I strongly support this bill and urge my colleagues to do the same.

Again, my op-ed is a very, very tell-tale reason and shows exactly why this is a great bill to put this under the Department of Commerce and take it out from under the Department of Transportation. For many reasons, I hope that this would be a source of debate and where we will get the reasons for what we are doing with this.

Mr. BERA. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. PERLMUTTER), my good friend and all-around champion of human space travel to Mars by 2033.

Mr. PERLMUTTER. Mr. Speaker, I thank the gentleman from California (Mr. BERA), the ranking member, and Chairmen SMITH and BABIN.

Mr. Speaker, I rise today as a supporter and cosponsor of H.R. 2809.

The United States has the best aerospace industry in the world. In order to stay number one, we need to provide certainty to American industry so it can attract investment and continue innovating to push our country forward.

We are at a time where we have the opportunity to set the standard of how to regulate space activities so there is a level playing field for our American industry.

That is why we need a certification process, as provided in the bill, to ensure compliance with the Outer Space Treaty. This process will reduce uncertainty and create a clear path to certification and to the launch of new spacecraft.

I have heard from stakeholders still discussing where to place this new authority. This legislation placed that authority in the Office of Space Commerce. Others have suggested the Office of Space Transportation at the FAA. I hope this discussion continues and we reach a consensus as we continue through the legislative process with the Senate.

The second part of this bill makes important reforms for the remote sensing industry. Satellite imagery or space images are also known as the remote sensing industry, and it is changing the way we see the Earth and enabling businesses of all types to find new opportunities.

A major remote sensing company named DigitalGlobe is headquartered in my district in Westminster, Colorado. I have heard stories about how long they have waited for a license determination under NOAA, the National Oceanic and Atmospheric Agency—over 4 years in one case. This is well past the 120-day deadline currently required in statute because of a broken inter-agency review process and no mechanism to enforce a timeline.

This is why I believe the reforms in section 4 of the bill are overdue. Those companies in the remote sensing industry need certainty so that they can make sound plans and attract investors and customers. All of these regulatory delays mean lost revenue and significant expenses as they wait for approval. Section 4 of the bill helps fix that.

During the markup of this bill last year, we made improvements to the bill to ensure the Office of Space Commerce has the time needed to get its decisions right and to strengthen the consultation language to require the Secretary of Commerce to consult with other relevant Federal agencies.

Since the markup, I was pleased to see additions to the bill which ensure the proper balance with the defense community to ensure the Department of Defense has the proper input into remote sensing applications.

Mr. Speaker, I want to thank Chairman SMITH, Chairman BABIN, and now-NASA Administrator Bridenstine for their work with me on this bill.

I thank Ranking Member JOHNSON and Ranking Member BERA for raising a number of important issues which we still have to address as we go through this process.

I believe the bill before the House today is a good bill, and I look forward to working with the Senate to pass these reforms into law.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Colorado (Mr. PERLMUTTER) for his enthusiasm about space.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), who is a very active member of the Science, Space and Technology Committee and of the Space Subcommittee.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of H.R. 2809.

Mr. Speaker, I want to thank Chairman SMITH for the great job that he has been doing, and also to Subcommittee Chairman BABIN and Subcommittee Ranking Member BERA. This is truly a bipartisan piece of legislation, and I believe under Chairman SMITH's leadership, we have had a bipartisan committee in the Science, Space and Technology Committee.

H.R. 2809, the American Space Commerce Free Enterprise Act, clears up the doubt around commercial space activities. Which agency is responsible? Who will give me the answers?

It is hard enough to create a new technology and develop new markets without having to get five different answers about which bureaucrat needs to sign off on what form. This uncertainty, this confusion, has forced companies overseas, much in the same way that companies were forced overseas before the Commercial Space Act of 2004, of which I was the author.

Now, as then, it is the fault of Congress for not keeping up with the industry. Now, as then, we choose to enable American cutting-edge space com-

panies by providing the framework in which they can build, test, and create. Now, as then, we choose to lead the world, and we are making this a better world through our space enterprise.

Do you remember when long-distance telephone calls cost a fortune? Ordinary people could not make phone calls to their loved ones. So in a way, by bringing down the cost and enhancing the quality of that type of communication through space-based enterprise, we have expanded the goodwill of people towards each other and their families throughout the world.

We have made sure, for example, that with space-based assets, even farmers know when to plant, thus we have more food production at a cheaper price, and space-based assets have made America safer.

Mr. Speaker, it has been an honor to work with the gentleman from Texas (Mr. SMITH) on these space-related issues, and I would hope that we continue to work together in cooperation, showing America's young people that we believe in the future, and whether it is Republican or Democrat, we are going to work together to make sure they have that future they deserve.

Mr. BERA. Mr. Speaker, in closing, I think you have seen the genuine enthusiasm that Democrats and Republicans and all Americans have about space. It is in that spirit of national pride and American leadership that I urge all my colleagues to pass this bill, and, again, to continue to foster American leadership in space and meet that goal that my colleague Mr. PERLMUTTER often talks about, getting to Mars by 2033.

Mr. Speaker, it has been a pleasure working with the chairman of the full committee and the subcommittee, and I urge my colleagues to support this bill, and I yield back the balance of my time.

□ 1745

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to thank, publicly, Majority Leader KEVIN MCCARTHY for cosponsoring this legislation as well. I encourage my colleagues to support it, and I appreciate the remarks by the gentleman from California (Mr. BERA).

I yield back the balance of my time.

Mr. THORNBERRY. Mr. Speaker, I rise in support of H.R. 2809, the American Space Commerce Free Enterprise Act. I believe that this bill strikes the right balance between supporting American innovation in space while addressing the potential national security concerns related to emerging space-based remote sensing capabilities.

It is not in our interest to overregulate emerging innovative space companies and drive them overseas to be licensed. We saw this happen with the synthetic aperture radar market, which fled to Europe in the 1990's, and our domestic market for that technology is still suffering the consequences.

But we also cannot allow the physical security and operational success of our warfighters to be jeopardized by new commercial technologies. Technologies such as commercial signals intelligence and space-based radio frequency mapping may contribute to the ability of our adversaries to more accurately track our forces as they execute their missions abroad.

We need to acknowledge the risks posed by these emerging technologies and allow the Department of Defense to have a role in addressing any national security threat posed by commercial remote sensing, space-based radio frequency mapping, and commercial signals intelligence.

This bill strikes a good balance in two core principles of American free enterprise—promoting innovation and protecting our national security. As it moves through the process, it may be that additional concerns may rise or be dispelled. The full range of national security concerns must be taken into account when making certification or licensing decisions for commercial remote sensing satellites. It is important that all relevant committees, including the House Armed Services Committee, be involved at each step to ensure that the totality of American national interest is promoted.

I would like to particularly thank Chairman LAMAR SMITH for his vision and for his patience in working through the variety of issues related to this legislation. The Congress will miss his leadership and good nature in the years to come.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to speak on H.R. 2809, the “American Space Commerce Free Enterprise Act of 2017”. Before turning to my substantive concerns with the bill, I must note my disappointment with the process followed by the Majority—a process that led to the Majority’s putting this bill on today’s suspension calendar without any attempt to engage with the Minority to address our concerns in the ten months since the bill was marked up in the Science Committee. That is not the way we should be legislating in this House.

However, here we are. I would anticipate that very few Members have had any opportunity to review this legislation or to examine the issues it raises. So in my remaining time, I will attempt to identify a few of the concerns I have with this bill.

First, H.R. 2809 proposes a significant realignment of governmental space organizations, and a very significant increase in the responsibilities and authorities to be given the Department of Commerce’s Office of Space Commerce—an office that currently has only a handful of employees. These would include the authorization and supervision of non-governmental space activities. At the same time, the FAA’s Office of Commercial Space Transportation (FAA AST), which has built up significant expertise and staff over the years in the areas of licensing commercial space launches and reentries and which has coordinated authorization of a non-traditional space mission, would have no significant role in any of the commercial space activities covered in this bill beyond launch and reentry licenses. As a result, DoC will have to build a new bureaucracy to carry out its new duties, and in the process have to duplicate the skills that already reside in FAA’s AST. All of this would

be set in motion without a single House hearing on the proposal or any other substantive review of it.

At the same time that the Department of Commerce is given those significant new responsibilities, including ensuring compliance with the Outer Space Treaty, something that has been and is a core responsibility of the State Department, the bill would significantly limit DoC’s ability to disapprove a certification application as long as the paperwork is complete, regardless of any non-Outer Space Treaty-related concerns involving U.S. international obligations that the application might raise. Again, all of these measures are included in the bill without any substantive prior congressional review of the proposals. I could go on and cite other examples, but in the interests of time I will just note that the bill also would significantly weaken the enforcement of the international standards and guidelines covering “planetary protection”, i.e., the prevention of contamination of scientifically important sites on planetary surfaces or moons that might accrue from commercial space activities. These standards and guidelines were largely shaped by NASA through years of engagement in relevant international bodies, but the bill would replace them with a largely laissez-faire approach to the problem of potential contamination by commercial space activities.

Mr. Speaker, I will stop with that example. I could cite concerns raised by a number of agencies, including NASA, but the reality is that none of them are going to be resolved by today’s House debate on the suspension bill H.R. 2809. The potential for unintended negative consequences from provisions that have not been thoroughly vetted should give all of us pause, as should the pages and pages of comments from agencies such as NASA that warrant attention before the Congress finalizes legislation. For example, NASA’s has raised a concern about the bill’s ambiguity as to whether its activities will be subject to the oversight of another federal agency, especially those that involve the use of commercial services as part of a NASA mission, which could adversely impact its ability to carry out its challenging initiatives.

In closing, the bill before us attempts to address important issues that need our attention if we are to appropriately balance the needs of the emerging commercial space industry and the government’s responsibility to protect the interests of America’s citizens and honor our international obligations. It makes a positive contribution to the debate on how best to proceed in undertaking future commercial and governmental space endeavors. However, for the reasons I have already discussed, I think the bill is only partially successful in that attempt. In any event, many of these complex issues are not going to be resolved by a single piece of legislation and will likely require legislative efforts over multiple Congresses. That said, the bill before us does represent a useful starting point for discussion and debate. As a result, I do not intend to oppose this bill moving out of the House today. Instead, if after this bill leaves the House, the Senate decides to engage on this legislation or its own legislative approach, I hope and expect that the issues I have flagged today—along with others—will receive the bicameral scrutiny that they deserve.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee and a former member of the Science Committee I am in strong support of H.R. 2809, the “American Space Commerce Free Enterprise Act of 2017.”

Mr. Speaker, I want to thank Chairman SMITH and Ranking Member EDDIE BERNICE JOHNSON for their work to bring H.R. 2809 before the House for consideration.

There is historic congressional support for NASA in Congress, and I am proud to have played a leading role in this effort.

Now that space exploration has attracted strong private sector investments, space exploration has entered a new era.

I served on the House Science Committee for 12 years; and one of the goals was to see private sector investments in space exploration.

This legislation grants the Office of Space Commerce (OSC) of the Department of Commerce the authority to issue certifications to U.S. nationals and nongovernmental entities for the operation of:

1. specified human-made objects manufactured or assembled in outer space, including on the Moon and other celestial bodies, with or without human occupants, that were launched from Earth; and

2. all items carried on such objects that are intended for use in outer space. To be eligible for certification, each entity’s application must include a space debris mitigation plan for the space objects.

H.R. 2809 also directs that the Office of Space Commerce (OSC) establish a Private Space Activity Advisory Committee to:

1. analyze the status and recent developments of nongovernmental space activities, and

2. advise on matters relating to U.S. private sector activities in outer space.

The bill authorizes the OSC to issue permits to persons for the operation of space-based remote sensing systems.

The OSC will also establish an Advisory Committee on Commercial Remote Sensing to provide advice on matters relating to the U.S. commercial space-based remote sensing industry.

The bill also abolishes the Commercial Remote Sensing Regulatory Affairs Office of the National Oceanic and Atmospheric Administration.

It is our job as members of Congress to make sure that NASA continues to push the boundaries of what is possible, keeping our Nation on the forefront of innovation and exploration.

However, when the impossible becomes routine, and private sector interest in the area of space exploration attracts investment and further innovation in the area of commercialization it is fitting to support private sector efforts.

We should not forget the role that private and public sector efforts have made in developing and promoting advancements in aviation from its earliest beginnings.

The Wright Brothers were private citizens who devoted themselves to solving the problems associated with human flight.

Their success led others inside and outside of government to pursue innovations that led to the development of technology that ultimately led us into space.

NASA continues to be the world's premier space organization but as innovation and private interest in space continues we must make room for private sector interests.

We must provide for safe and responsible space innovations, while assuring that the United States remains a leader in this area.

H.R. 2809 maintains sustainability of purpose for the government's support of commercial space activities.

The bill lays the ground work for an expansion in commercial space activity and emphasizes the importance of maintaining a steady cadence of science missions that lead the way into deeper exploration of our planet, solar system and beyond.

This authorization addresses an issue of great importance to a sustained and healthy space program.

The bill provides a place in the Department of Commerce for remote sensing commercial space activity.

It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress and that space exploration remains a part of our national destiny.

NASA inspires our children to look to the stars and dream of what they too may achieve one day.

Space exploration allows us to push the bounds of our scientific knowledge, as we carry out research projects not possible within the constraints of planet Earth.

I ask my colleagues to join me in voting in favor of H.R. 2809.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2089, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INNOVATORS TO ENTREPRENEURS ACT OF 2018

Mr. WEBSTER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5086) to require the Director of the National Science Foundation to develop an I-Corps course to support commercialization-ready innovation companies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Innovators to Entrepreneurs Act of 2018".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The National Science Foundation Innovation Corps Program (hereinafter referred to as "I-Corps"), created administratively by the Foundation in 2011 and statutorily authorized in the American Innovation and Competitiveness Act, has succeeded in increasing the commercialization of Government-funded research.

(2) I-Corps provides valuable entrepreneurial education to graduate students,

postdoctoral fellows, and other researchers, providing formal training for scientists and engineers to pursue careers in business, an increasingly common path for advanced degree holders.

(3) The I-Corps Teams program is successful in part due to its focus on providing the specific types of education and mentoring entrepreneurs need based on the early stage of their companies, however the program does not provide similar support to them at later stages.

(4) The success of I-Corps in the very early stages of the innovation continuum should be expanded upon by offering additional entrepreneurship training to small businesses as they advance toward commercialization.

(5) The excellent training made available to grantees of participating agencies through the I-Corps Program should be made available to all Federal grantees as well as other businesses willing to pay the cost of attending such training.

(6) The success of the I-Corps Program at promoting entrepreneurship within research institutions and encouraging research commercialization has been due in part to the National Science Foundation's efforts to date on building a national network of science entrepreneurs, including convening stakeholders, promoting national I-Corps courses, cataloguing best practices and encourage sharing between sites and institutions, and developing a mentor network.

(7) As the I-Corps Program continues to grow and expand, the National Science Foundation should maintain its focus on networking and information sharing to ensure that innovators across the country can learn from their peers and remain competitive.

SEC. 3. EXPANDED PARTICIPATION IN I-CORPS.

Section 601(c)(2) of the American Innovation and Competitiveness Act (42 U.S.C. 1862s-8(c)(2)) is amended by adding at the end the following:

"(C) ADDITIONAL PARTICIPANTS.—

"(i) ELIGIBILITY.—The Director, in consultation with relevant stakeholders, as determined by the Director, which may include Federal agencies, I-Corps regional nodes, universities, and public and private entities engaged in technology transfer or commercialization of technologies, shall provide an option for participation in an I-Corps Teams course by—

"(I) Small Business Innovation Research Program grantees; and

"(II) other entities, as determined appropriate by the Director.

"(ii) COST OF PARTICIPATION.—The cost of participation by a Small Business Innovation Research Program grantee in such course may be provided—

"(I) through I-Corps Teams grants;

"(II) through funds awarded to grantees under the Small Business Innovation Research Program or the Small Business Technology Transfer Program;

"(III) by the grantor Federal agency of the grantee using funds set aside for the Small Business Innovation Research Program under section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1));

"(IV) by the grantor Federal agency of the grantee using funds set aside for the Small Business Technology Transfer Program under section 9(n)(1) of the Small Business Act (15 U.S.C. 638(n)(1)); or

"(V) by the participating teams."

SEC. 4. I-CORPS COURSE FOR COMMERCIALIZATION-READY PARTICIPANTS.

(a) IN GENERAL.—In carrying out the I-Corps program described in section 601(c) of the American Innovation and Competitiveness Act (42 U.S.C. 1862s-8(c)), the Director shall develop an I-Corps course offered by I-Corps regional nodes to support commer-

cialization-ready participants. Such course shall include skills such as attracting investors, scaling up a company, and building a brand.

(b) ENGAGEMENT WITH RELEVANT STAKEHOLDERS.—In developing the course under subsection (a), the Director may consult with the heads of such Federal agencies, universities, and public and private entities as the Director determines to be appropriate.

(c) ELIGIBLE PARTICIPANTS.—The course developed under subsection (a) shall—

(1) support participants that have completed an I-Corps Teams course;

(2) support participants that have made the decision to take an innovation to market.

SEC. 5. REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report containing an evaluation of the I-Corps program described in section 601(c) of the American Innovation and Competitiveness Act (42 U.S.C. 1862s-8(c)). Such evaluation shall include an assessment of the effects of I-Corps on—

(1) the commercialization of Federally funded research and development;

(2) the higher education system; and

(3) regional economies and the national economy.

SEC. 6. FUNDING.

(a) FISCAL YEARS 2019 AND 2020.—Out of amounts otherwise authorized for the National Science Foundation, there is authorized to be appropriated a total of \$5,000,000 for fiscal years 2019 and 2020 to carry out the activities described in section 4 and the amendment made by section 3.

(b) LIMITATION.—No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act, and this Act and such amendments shall be carried out using amounts otherwise available for such purpose.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. WEBSTER) and the gentleman from Illinois (Mr. LIPINSKI) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. WEBSTER of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5086, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WEBSTER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I ask my colleagues to join me in supporting the Innovators to Entrepreneurs Act, H.R. 5086.

I thank my friend DANIEL LIPINSKI for introducing the legislation with me. He is a champion of the time-proven Innovation Corps program, better known as I-Corps.

This bipartisan piece of legislation is a result of the committee hearings on the I-Corps program. The Innovation Corps program was created by the National Science Foundation in 2011 to teach scientists and engineers how to