and I join all Georgians—and Americans, for that matter—in lifting up their family in our prayers during this time and in honoring Mac Collins' very impressive legacy of service.

When Mac Collins passed away, Georgia and America lost a true statesman, a leader, and my friend.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BLUNT). The Senator from Texas.

Mr. CRUZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPACE FRONTIER ACT OF 2018

Mr. CRUZ. Mr. President, for over half a century, the United States has been the global leader in space. In that time, we have not only watched as NASA has sent humans farther than they had ever gone before, but we have also witnessed a new and growing commercial space sector that has pushed the bounds of what we thought possible.

As a nation, we can't simply rest on our laurels and take our leadership for granted. That is why I was proud to be joined by Senators BILL NELSON and ED MARKEY in introducing the Space Frontier Act, which passed out of the Senate Commerce Committee by voice vote on August 1, thanks to the leadership of Chairman JOHN THUNE, who helped make space issues a priority for the committee.

The Space Frontier Act builds upon the U.S. Commercial Space Launch Competitiveness Act that I was proud to work hand in hand with Senator NELSON as well, that was passed by Congress and signed into law by President Obama in 2015.

The United States has the potential to grow an incredibly vibrant and competitive commercial space industry. The FAA reported in 2009 that commercial space transportation and enabled industries generated $208.3 billion in economic activity.

While the commercial space industry is continuing to grow, it has been unable to meet its full potential due to outdated regulations and policies that have the potential to stifle innovation, to restrict investment, and to drive the American launch sector and nontraditional space activities to foreign countries abroad.

The Space Frontier Act seeks to address these challenges by reducing the regulatory barriers that are facing our Nation's commercial space sector so we can allow companies to continue to grow and establish U.S.-led commercial economy in space.

The Space Frontier Act also takes the critical step of continuing the operations and utilization of the International Space Station through the year 2030; ensures that the United States will not cede low-Earth orbit to China; it enacts meaningful reforms to modernize our Nation's launch and reentry regulations; and it streamlines nongovernmental Earth observation regulations. The bill also ensures that both the Department of Commerce and the Department of Transportation will take leading roles in promoting and helping to grow our Nation's commercial space sector.

I am proud to work hand in hand with my friend and colleague, Democratic Senator BILL NELSON, in seeing bipartisan agreement continue in support of America's leadership in space.

I yield the floor to Senator NELSON.

Mr. NELSON. Mr. President, I join our colleague from Texas in asking the Senate to take up and pass the Space Frontier Act of 2019. We are asking to expedite consideration of this bill in order to allow for the House to take it up and pass it tonight.

I thank Senator CRUZ, Senator MARKEY, and the chairman of the Commerce Committee, Senator THUNE, for working with all of us on this bipartisan issue.

It updates the commercial launch and Earth observation regulations. It extends the International Space Station through 2030. This is no minor task to get that national laboratory that is orbiting high above the Earth—six human beings are on board right now doing research. All the people participating, including the commercial sector, know they will have that national laboratory all the way to the end of the decade of the 2020s, which is going to allow them to plan and invest. Who knows what discoveries they will make in this unique environment of zero gravity.

The act also expands opportunities for partnerships with NASA under the Agency's enhanced use authority.

Reforms in this bill will help commercial space companies, very likely in the near future, to have two launches a day. As a result, jobs will continue to soar as the rockets soar off the launchpads. Extending the life of the station well through the next decade, as this bill does, will also ensure that America remains a leader in space exploration.

Now, we know our goal is to go to Mars with humans, and what this bill does today furthers that goal by giving us a research outpost in zero gravity—the International Space Station—by continuing to improve and perfect America's launch capability.

I remind you, it was only a few years ago that we only had about one-third of the world's launches each year. The United States only had one-third. We now have upward of two-thirds. A lot of this is occurring right at Cape Canaveral and the Kennedy Space Center.

So as we set our sights on Mars with the way station at the Moon and build the technologies and the systems in order to carry humans all the way to Mars, land, and to return them safely, this bill is another step, building on the NASA Authorization Act that we passed 1 year ago.

So indeed it is my privilege to be here and to be a part of the passage of this legislation.

Mr. CRUZ. I thank my friend, the senior Senator from Florida, for his leadership and congratulate him on our success in bringing this body together and getting this bill passed.

I hope the House will join us and pass it into law later today.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 686, S. 3277.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3277) to reduce regulatory burdens and streamline processes related to commercial space activities, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Space Frontier Act of 2018''.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) ISS.—The term ''ISS'' means the International Space Station.

(2) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(3) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

TITLE I—STREAMLINING OVERSIGHT OF LAUNCH AND REENTRY ACTIVITIES

SEC. 101. OVERSIGHT OF NONGOVERNMENTAL SPACE ACTIVITIES.

(a) POLICY.—It is the policy of the United States to provide oversight and continuing supervision of nongovernmental space activities in a manner that encourages the fullest commercial use of space, consistent with section 20102(c) of title 51, United States Code.

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

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

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

(A) to encourage and promote new and existing nongovernmental space activities; and

(B) to provide authorization and continuing supervision of those activities through a process that is efficient, transparent, minimally burdensome, and generally permissive; and

(3) to conduct those activities in a manner that fully protects United States national security assets, NASA human spaceflight and exploration systems, NASA and NOAA satellites, and other Federal assets that serve the public interest.

SEC. 102. OFFICE OF COMMERCIAL SPACE TRANSPORTATION.

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

(1) by inserting ''(b) AUTHORIZATION OF APPROPRIATIONS.—'' before ''There'' and indenting appropriately; and

(2) by inserting before subsection (b), the following:

''(a) ASSOCIATE ADMINISTRATOR FOR COMMERCIAL SPACE TRANSPORTATION.—The Assistant Secretary for Commercial Space Transportation shall serve as the Associate Administrator for Commercial Space Transportation.''.

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

(1) in the matter preceding subparagraph (A), by striking ''6'' and inserting ''7''; and

(2) in subparagraph (A), by inserting ''Assistant Secretary for Commercial Space Transportation,'' after ''Assistant Secretary for Research and Technology,''.

SEC. 103. USE OF EXISTING AUTHORITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, in the absence of comprehensive regulatory reform, the Secretary of Transportation should make use of existing authorities, including waivers and safety approvals, as appropriate, to protect the public, make more efficient use of resources, and reduce the regulatory burden for an applicant for a commercial space launch or reentry license or experimental permit.

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

(1) in subsection (a)—

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

''(1) IN GENERAL.—

''(A) APPLICATIONS.—A person may apply to the Secretary of Transportation for a license or transfer of a license under this chapter in the form and way the Secretary prescribes.

''(B) DECISIONS.—Consistent with the public health and safety, safety of property, and national security and foreign policy interests of the United States, the Secretary, not later than the applicable deadline described in subparagraph (C), shall issue or transfer a license if the Secretary decides in writing that the applicant complies, and will continue to comply, with this chapter and regulations prescribed under this chapter.

''(C) APPLICABLE DEADLINE.—The applicable deadline described in this subparagraph shall be—

''(i) for an applicant that was or is a holder of any license under this chapter, not later than 90 days after accepting an application in accordance with criteria established pursuant to subsection (b)(2)(E); and

''(ii) for a new applicant, not later than 180 days after accepting an application in accordance with criteria established pursuant to subsection (b)(2)(E).

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

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

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

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

(B) in paragraph (2)—

(i) by inserting ''PROCEDURES FOR SAFETY APPROVALS.—'' before ''In carrying out'';

(ii) by inserting ''software,'' after ''services,''; and

(iii) by adding at the end the following: ''Such safety approvals may be issued simultaneously with a license under this chapter.''; and

(2) by adding at the end the following:

''(e) USE OF EXISTING AUTHORITIES.—

''(1) IN GENERAL.—The Secretary—

''(A) shall use existing authorities, including waivers and safety approvals, as appropriate, to make more efficient use of resources and reduce the regulatory burden for an applicant under this section; and

''(B) may use the launch and reentry payload review process to authorize nongovernmental space activities that are related to an application for a license or permit under this chapter and are not subject to authorization under other Federal law.

''(2) EXPEDITING SAFETY APPROVALS.—The Secretary shall expedite the processing of safety approvals that would reduce risks to health or safety during launch and reentry.''.

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

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

(2) by redesignating paragraph (20) as paragraph (22);

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

(4) by inserting after paragraph (11) the following:

''(12) 'nongovernmental space activity' means a space activity of a person other than—

''(A) the United States Government; or

''(B) a Government contractor or subcontractor if the Government contractor or subcontractor is performing the space activity for the Government.'';

(5) by inserting after paragraph (20), as redesignated, the following:

''(21) 'space activity' has the meaning given the term in section 60101 of this title.''; and

(6) by inserting after paragraph (22), as redesignated, the following:

''(23) 'space object' has the meaning given the term in section 60101 of this title.''.

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

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

SEC. 104. EXPERIMENTAL PERMITS.

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

''(j) USE OF EXISTING AUTHORITIES.—

''(1) IN GENERAL.—The Secretary shall use existing authorities, including waivers and safety approvals, as appropriate, to make more efficient use of resources and reduce the regulatory burden for an applicant under this section.

''(2) EXPEDITING SAFETY APPROVALS.—The Secretary shall expedite the processing of safety approvals that would reduce risks to health or safety during launch and reentry.''.

SEC. 105. SPACE-RELATED ADVISORY RULEMAKING COMMITTEES.

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

''(e) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to such space-related rulemaking committees under the Secretary's jurisdiction as the Secretary shall designate.''.

SEC. 106. GOVERNMENT-DEVELOPED SPACE TECHNOLOGY.

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

SEC. 107. REGULATORY REFORM.

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

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

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

(1) IN GENERAL.—Not later than February 1, 2019, the Secretary of Transportation shall issue a notice of proposed rulemaking to revise any regulations under chapter 509, United States Code, as the Secretary considers necessary to meet the objective of this section.

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

(A) creates, to the extent practicable, requirements applicable both to expendable launch and reentry vehicles and to reusable launch and reentry vehicles;

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

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

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

(E) encourages voluntary, industry technical standards that complement the high-level performance requirements established under subparagraph (D); and

(F) facilitates and encourages appropriate collaboration between the commercial space launch and reentry sector and the Department of Transportation with respect to the requirements under subparagraph (D) and the standards under subparagraph (E).

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

(1) Secretary of Defense.

(2) Administrator of NASA.

(3) Such members of the commercial space launch and reentry sector as the Secretary of Transportation considers appropriate to ensure adequate representation across industry.

(e) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary

of Transportation, in consultation with the persons described in subsection (d), shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress in carrying out this section.

(2) CONTENTS.—The report shall include—

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

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

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

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

SEC. 108. SECRETARY OF TRANSPORTATION OVERSIGHT AND COORDINATION OF COMMERCIAL LAUNCH AND REENTRY OPERATIONS.

(a) OVERSIGHT AND COORDINATION.—

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

(2) CHAPTER 509.—

(A) PURPOSES.—Section 50901 of title 51, United States Code, is amended by inserting ''all'' before ''commercial launch and reentry operations''.

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

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

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

''(1) consistent with this chapter, authorize, license, and oversee the conduct of all commercial launch and reentry operations, including any commercial launch or commercial reentry at a Federal range;''.

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

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

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

SEC. 109. STUDY ON JOINT USE OF SPACEPORTS.

(a) IN GENERAL.—The Secretary of Transportation shall, in consultation with the Secretary of Defense, conduct a study of the current process the Government uses to provide or permit the joint use of United States military installations for licensed nongovernmental space launch and reentry activities, space-related activities, and space transportation services by United States commercial providers. The study shall be completed by not later than 180 days after the date of the enactment of this Act.

(b) CONSIDERATIONS.—In conducting the study required by subsection (a), the Secretary of Transportation shall consider the following:

(1) Improvements that could be made to the current process the Government uses to provide or permit the joint use of United States military installations for licensed nongovernmental space launch and reentry activities, space-related activities, and space transportation services by United States commercial providers.

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

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

(4) The importance of the use of safety approvals of launch vehicles, reentry vehicles, space transportation vehicles, safety systems, processes, services, or personnel (including approval procedures for the purpose of protecting the health and safety of crew, Government astronauts, and space flight participants), to the extent permitted that may be used in conducting licensed commercial space launch, reentry activities, and space transportation services at installations.

TITLE II—STREAMLINING OVERSIGHT OF NONGOVERNMENTAL EARTH OBSERVATION ACTIVITIES

SEC. 201. NONGOVERNMENTAL EARTH OBSERVATION ACTIVITIES.

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

(1) in section 60101—

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

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

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

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

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

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

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

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

''(12) NONGOVERNMENTAL EARTH OBSERVATION ACTIVITY.—The term 'nongovernmental Earth observation activity' means an Earth observation activity of a person other than—

''(A) the United States Government; or

''(B) a Government contractor or subcontractor if the Government contractor or subcontractor is performing the activity for the Government.

''(13) ORBITAL DEBRIS.—The term 'orbital debris' means any space object that is placed in space or derives from a space object placed in space by a person, remains in orbit, and no longer serves any useful function or purpose.

''(14) PERSON.—The term 'person' means a person (as defined in section 1 of title 1) subject to the jurisdiction or control of the United States.''; and

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

''(16) SPACE ACTIVITY.—

''(A) IN GENERAL.—The term 'space activity' means any activity that is conducted in space.

''(B) INCLUSIONS.—The term 'space activity' includes any activity conducted on a celestial body, including the Moon.

''(C) EXCLUSIONS.—The term 'space activity' does not include any activity that is conducted entirely on board or within a space object and does not affect another space object.

''(17) SPACE OBJECT.—The term 'space object' means any object, including any component of that object, that is launched into space or constructed in space, including any object landed or constructed on a celestial body, including the Moon.'';

(2) by amending subchapter III to read as follows:

''SUBCHAPTER III—AUTHORIZATION OF NONGOVERNMENTAL EARTH OBSERVATION ACTIVITIES

''§ 60121. Purposes

''The purposes of this subchapter are—

''(1) to prevent, to the extent practicable, harmful interference to space activities by nongovernmental Earth observation activities;

''(2) to manage risk and prevent harm to United States national security; and

''(3) to promote the leadership, industrial innovation, and international competitiveness of the United States.

''§ 60122. General authority

''(a) IN GENERAL.—The Secretary shall carry out this subchapter.

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

''(1) the Secretary of Defense;

''(2) the Secretary of State;

''(3) the Director of National Intelligence; and

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

''§ 60123. Administrative authority of Secretary

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

''(1) grant, condition, or transfer licenses under this chapter;

''(2) seek an order of injunction or similar judicial determination from a district court of the United States with personal jurisdiction over the licensee to terminate, modify, or suspend licenses under this subchapter and to terminate licensed operations on an immediate basis, if the Secretary determines that the licensee has substantially failed to comply with any provisions of this chapter, with any terms, conditions, or restrictions of such license, or with any international obligations or national security concerns of the United States;

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

''(4) compromise, modify, or remit any such civil penalty;

''(5) issue subpoenas for any materials, documents, or records, or for the attendance and testimony of witnesses for the purpose of conducting a hearing under this section;

''(6) seize any object, record, or report 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 chapter or the requirements of a license or regulation issued thereunder; and

''(7) make investigations and inquiries and administer to or take from any person an oath, affirmation, or affidavit concerning any matter relating to the enforcement of this chapter.

''(b) REVIEW OF AGENCY ACTION.—Any applicant or licensee that makes a timely request for review of an adverse action pursuant to paragraph (1), (3), (5), or (6) 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.

''§ 60124. Authorization to conduct nongovernmental Earth observation activities

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

''(b) WAIVERS.—

''(1) IN GENERAL.—The Secretary may waive a requirement under this subchapter for a nongovernmental Earth observation activity, or for a type or class of nongovernmental Earth observation activities, if the Secretary decides that granting a waiver is consistent with section 60121.

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

''(c) APPLICATION.—

''(1) IN GENERAL.—A person seeking an authorization under this subchapter shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require for the purposes described in section 60121, including—

''(A) a description of the proposed Earth observation activity, including—

''(i) a physical and functional description of each space object;

''(ii) the orbital characteristics of each space object, including altitude, inclination, orbital period, and estimated operational lifetime; and

''(iii) a list of the names of all persons that have or will have direct operational or financial control of the Earth observation activity;

''(B) a plan to prevent orbital debris consistent with the 2001 United States Orbital Debris Mitigation Standard Practices or any subsequent revision thereof; and

''(C) a description of the capabilities of each instrument to be used to observe the Earth in the conduct of the Earth observation activity.

''(2) APPLICATION STATUS.—Not later than 14 days after the date of receipt of an application, the Secretary shall make a determination whether the application is complete or incomplete and notify the applicant of that determination, including, if incomplete, the reason the application is incomplete.

''(d) REVIEW.—

''(1) IN GENERAL.—Not later than 120 days after the date that the Secretary makes a determination under subsection (c)(2) that an application is complete, the Secretary shall review all information provided in that application and, subject to the provisions of this subsection, notify the applicant in writing whether the application was approved or denied.

''(2) APPROVALS.—The Secretary shall approve an application under this subsection if the Secretary determines that—

''(A) the Earth observation activity is consistent with the purposes described in section 60121; and

''(B) the applicant is in compliance, and will continue to comply, with this subchapter, including regulations.

''(3) DENIALS.—

''(A) IN GENERAL.—If an application under this subsection is denied, the Secretary—

''(i) shall include in the notification under paragraph (1)—

''(I) a reason for the denial; and

''(II) a description of each deficiency, including guidance on how to correct the deficiency;

''(ii) shall sign the notification under paragraph (1);

''(iii) may not delegate the duty under clause (ii); and

''(iv) shall 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 copy of the notification.

''(B) INTERAGENCY REVIEW.—If, during the review of an application under paragraph (1), the Secretary consults with the head of another Federal department or agency and that head of another Federal department or agency does not support approving the application—

''(i) that head of another Federal department or agency—

''(I) not later than 90 days after the date of the consultation, shall notify the Secretary, in writing, of the reason for withholding support, including a description of each deficiency and guidance on how to correct the deficiency;

''(II) shall sign the notification under subclause (I); and

''(III) may not delegate the duty under subclause (II); and

''(ii) the Secretary shall include the notification under clause (i) in the notification under paragraph (1), including classified information if the applicant has the required security clearance for that classified information.

''(C) INTERAGENCY ASSENTS.—If the head of another Federal department or agency does not notify the Secretary under subparagraph (B)(i)(I) within the time specified in that subparagraph, that head of another Federal department or agency shall be deemed to have assented to the application.

''(D) INTERAGENCY DISSENTS.—If, during the review of an application under paragraph (1), a head of a Federal department or agency described in subparagraph (B) disagrees with the Secretary or the head of another Federal department or agency described in subparagraph (B) with respect to a deficiency under this subsection, the Secretary shall submit the matter to the President, who shall resolve the dispute before the applicable deadline under paragraph (1).

''(E) DEFICIENCIES.—The Secretary shall—

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

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

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

''(ii) not later than 30 days after the date of receipt of a corrected application under clause (i)(II), make a determination, in consultation with each head of another Federal department or agency that submitted a notification under subparagraph (B), whether to approve the application or not.

''(F) IMPROPER BASIS FOR DENIAL.—

''(i) COMPETITION.—The Secretary shall not deny an application under this subsection in order to protect any existing Earth observation activity from competition.

''(ii) CAPABILITIES.—The Secretary shall not, to the maximum extent practicable, deny an application under this subsection based solely on the capabilities of the Earth observation activity if those capabilities are commercially available.

''(4) DEADLINE.—If the Secretary does not notify an applicant in writing before the applicable deadline under paragraph (1), the Secretary shall, not later than 1 business day after the date of the applicable deadline, 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 the status of the application, including the reason the deadline was not met.

''(5) EXPEDITED REVIEW PROCESS.—Subject to paragraph (2), the Secretary may modify the requirements under this subsection, as the Secretary considers appropriate, to expedite the review of an application that seeks to conduct an Earth observation activity that is substantially similar to an Earth observation activity already licensed under this subchapter.

''(e) ADDITIONAL REQUIREMENTS.—An authorization issued under this subchapter shall require the authorized person—

''(1) to be in compliance with this subchapter;

''(2) to notify the Secretary of any significant change in the information contained in the application; and

''(3) to make available to the government of any country, including the United States, unenhanced data collected by the Earth observation system concerning the territory under the jurisdiction of that government as soon as such data are available and on reasonable commercial terms and conditions.

''(f) CONDITIONS.—Prior to making any change to a condition of an authorization under this subchapter, the Secretary shall—

''(1) provide notice of the reason for the change, including, if applicable, a description of any deficiency and guidance on how to correct the deficiency; and

''(2) provide a reasonable opportunity to correct a deficiency identified under paragraph (1).

''§ 60125. Annual reports

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Space Frontier Act of 2018, and annually thereafter, the Secretary shall 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 on the progress in implementing this subchapter, including—

''(1) a list of all applications received or pending in the previous calendar year and the status of each such application;

''(2) notwithstanding paragraph (4) of section 60124(d), a list of all applications, in the previous calendar year, for which the Secretary missed the deadline under paragraph (1) of that section, including the reasons the deadline was not met; and

''(3) a description of all actions taken by the Secretary under the administrative authority granted under section 60123.

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

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

''§ 60126. Regulations

''The Secretary shall promulgate regulations to implement this subchapter.

''§ 60127. Relationship to other executive agencies and laws

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

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

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

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

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

(3) by amending section 60147 to read as follows:

''§ 60147. Consultation

''(a) CONSULTATION WITH SECRETARY OF DEFENSE.—The Landsat Program Management shall consult with the Secretary of Defense on all matters relating to the Landsat Program under this chapter that affect national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this chapter, necessary to meet national security concerns of the United States and for notifying the Landsat Program Management of such conditions.

''(b) CONSULTATION WITH SECRETARY OF STATE.—

''(1) IN GENERAL.—The Landsat Program Management shall consult with the Secretary of State on all matters relating to the Landsat Program under this chapter that affect international obligations. The Secretary of State

shall be responsible for determining those conditions, consistent with this chapter, necessary to meet international obligations and policies of the United States and for notifying the Landsat Program Management of such conditions.

''(2) INTERNATIONAL AID.—Appropriate United States Government agencies are authorized and encouraged to provide remote sensing data, technology, and training to developing nations as a component of programs of international aid.

''(3) REPORTING DISCRIMINATORY DISTRIBUTION.—The Secretary of State shall promptly report to the Landsat Program Management any instances outside the United States of discriminatory distribution of Landsat data.

''(c) STATUS REPORT.—The Landsat Program Management shall, as often as necessary, provide to Congress complete and updated information about the status of ongoing operations of the Landsat system, including timely notification of decisions made with respect to the Landsat system in order to meet national security concerns and international obligations and policies of the United States Government.''.

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

''SUBCHAPTER III—AUTHORIZATION OF NONGOVERNMENTAL EARTH OBSERVATION ACTIVITIES

''60121. Purposes.
''60122. General authority.
''60123. Administrative authority of Secretary.
''60124. Authorization to conduct nongovernmental Earth observation activities.
''60125. Annual reports.
''60126. Regulations.
''60127. Relationship to other executive agencies and laws.''.

(c) RULES OF CONSTRUCTION.—

(1) Nothing in this section or the amendments made by this section shall affect any license, or application for a license, to operate a private remote sensing space system that was made under subchapter III of chapter 601 of title 51, United States Code (as in effect before the date of enactment of this Act), before the date of enactment of this Act. Such license shall continue to be subject to the requirements to which such license was subject under that chapter as in effect on the day before the date of enactment of this Act.

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

TITLE III—MISCELLANEOUS

SEC. 301. PROMOTING FAIRNESS AND COMPETITIVENESS FOR NASA PARTNERSHIP OPPORTUNITIES.

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

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

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

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

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

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

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

(3) not later than 90 days after the date of enactment of this Act—

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

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

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

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

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

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

(2) to provide guidance to small businesses on how to participate in public-private partnership opportunities with NASA.

SEC. 302. LEASE OF NON-EXCESS PROPERTY.

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

(1) in subsection (b)—

(A) in the heading, by striking ''CASH CONSIDERATION'' and inserting ''CONSIDERATION''; and

(B) in paragraph (1)—

(i) in subparagraph (A), by inserting ''IN GENERAL'' before ''A person''; and

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

''(B) IN-KIND CONSIDERATION.—Notwithstanding subparagraph (A), the Administrator may accept in-kind consideration for leases entered into for the purpose of developing—

''(i) renewable energy production facilities; and

''(ii) space sector industrial infrastructure and business facilities that the Administrator determines would advance national security interests or civil space capabilities.''; and

(2) in subsection (g), by striking ''December 31, 2018'' and inserting ''December 31, 2020''.

SEC. 303. SENSE OF CONGRESS ON MAINTAINING A NATIONAL LABORATORY IN SPACE.

It is the sense of Congress that—

(1) the United States segment of the ISS (designated a national laboratory under section 70905 of title 51, United States Code)—

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

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

(C) advances science, technology, engineering, and mathematics education through utilization of the unique microgravity environment; and

(D) advances human knowledge and international cooperation;

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

(3) in maintaining a national laboratory described in paragraph (2), the United States should make appropriate accommodations for different types of ownership and operational structures for the ISS and future space stations;

(4) the national laboratory described in paragraph (2) should be maintained beyond the date that the ISS is decommissioned and, if possible, in cooperation with international space partners to the extent practicable; and

(5) NASA should continue to support fundamental science research on future platforms in low-Earth orbit and cis-lunar space.

SEC. 304. CONTINUATION OF THE ISS.

(a) CONTINUATION OF THE INTERNATIONAL SPACE STATION.—Section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351(a)) is amended by striking ''2024'' and inserting ''2030''.

(b) MAINTENANCE OF THE UNITED STATES SEGMENT AND ASSURANCE OF CONTINUED OPERATIONS OF THE INTERNATIONAL SPACE STATION.—Section 503(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353(a)) is amended by striking ''2024'' and inserting ''2030''.

(c) RESEARCH CAPACITY ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—Section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)) is amended by striking ''2024'' each place it appears and inserting ''2030''.

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

*(1) in the heading, by striking ''**2024**'' and inserting ''**2030**''; and*

(2) by striking ''2024'' each place it appears and inserting ''2030''.

SEC. 305. UNITED STATES POLICY ON ORBITAL DEBRIS.

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

(1) existing guidelines for the mitigation of orbital debris may not be adequate to ensure long term usability of the space environment for all users; and

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

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

(1) protect the public health and safety;

(2) protect humans in space;

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

(4) protect the safety of property;

(5) protect space objects from interference; and

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

Mr. CRUZ. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be withdrawn, the Cruz substitute amendment at the desk be considered and agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 4176), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 3277), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. CRUZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BORDER SECURITY AND ACCOUNTABILITY FOR THE DEATH OF JAKELIN CAAL

Mr. CASEY. Mr. President, I rise today to speak about the tragic passing of a 7-year-old child, Jakelin Caal, on December 8 of this year.

Jakelin died in Customs and Border Patrol custody, reportedly due to shock and dehydration. It is an understatement to say that we need a thorough and independent investigation to understand exactly what happened in this case and to make sure it never happens again.

Jakelin entered Customs and Border Protection custody and was held with her father overnight with about 160 migrants, nearly half of whom were minors, at the Antelope Wells border station.

Customs and Border Protection has stated that food and water were made available, but the child's father and news articles have stated that water was not—was not—available.

It is not visible from a distance, but I will just hold up a story and a headline from today's Washington Post. The headline reads: ''Lawyers: No water provided to migrant who died.''

Here is what the first paragraph of this Washington Post story, dated today, says:

El Paso. Seven-year-old Jakelin Caal and her father, Nery, were not provided water during the eight hours they were held in a remote Border Patrol facility with 161 other migrants, the family's lawyers said Wednesday, contradicting statements by U.S. Customs and Border Protection.

The story goes on from there.

Similarly—and I am getting back to my observations of this—although health screenings were reportedly conducted, news reports indicate that none of the agents on duty had advanced medical training.

Though the father signed a DHS Form I–779, which is titled ''Juvenile Medical Screening,'' and he apparently also signed other medical paperwork, there are questions as to whether he understood the form itself. I believe it is critical that we evaluate this form and also evaluate the medical screening that children undergo.

I would like to know—and I am sure many Americans would like to know—whether the American Academy of Pediatrics and our Nation's medical professionals believe the current system is adequate. I would add this: When this form and other protocols and procedures were put in place, were those experts, such as the American Academy of Pediatrics, consulted? Was this process or the forms informed by the expertise that is available? That is another set of questions.

This has to be about improving the conditions at our Border Patrol stations to make sure they are safe, including ensuring that there is sufficient food, water, and medical attention at every one of these Border Patrol stations. If that means that the administration comes forward to the Senate or the House in the appropriations process to have more dollars appropriated for this purpose, not just general appropriations but for this purpose—to make sure that food and water and appropriate medical attention is available, and trained medical professionals are available at every Border Patrol station—we should make sure that we engage in a dialogue about such specific appropriations.

Understanding what happened in this tragedy is not about assigning blame. That is easy. That happens all the time in Washington. This shouldn't be one of those instances. This is about fixing the problem so it never happens again. It is also about making sure that our policy and the procedures that surround this policy and the details of the policy and the resources dedicated to it are not just correct, but that these policies are consistent with our values.

Therefore, we need an expeditious, thorough, and independent investigation. We are told that the inspector general is reviewing this. That is good, but that report has to be done expeditiously, and we have to get to the bottom of what happened to this 7-year-old child.

In addition to all of that, there needs to be debate about how to improve the system and how to investigate what happened, with recommendations on the record to improve these policies. We also need Commissioner Kevin McAleenan and Secretary Nielsen to come to testify before Congress so they can provide testimony about what happened here and about what both of them and their Agencies are doing to make sure this never happens again.

Finally, we must take a moment to think about the broader atmosphere and the policies that relate to our border. Those who come to our shores seeking asylum are often fleeing terrible conditions of violence and poverty. In some cases, they are fleeing from almost indescribable horror. All of those seeking asylum should have a fair opportunity to present their claims and should not be subjected to unhealthy, unsanitary, or unsafe conditions while their claims are processed.

It is entirely possible to have an immigration system that treats all individuals with compassion and dignity while also securing the border and protecting national security. None of that is internally inconsistent. A great nation can do all of that. I am certain that our Nation is capable of that.

We must come together as a nation to mourn the loss of Jakelin and others who die under similar circumstances. We need to put politics aside to fix our broken immigration system so that these policies are consistent with our American values.

I would yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DAINES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 3764

Mr. DAINES. Mr. President, my Montana colleagues, Congressman GIANFORTE and Senator TESTER, and I have worked for years to bring Federal recognition to the Little Shell Tribe, and for the first time, we are just one vote away from making it happen.

Congressman GIANFORTE championed his bill through the House with unanimous votes in the committee and on the floor. When it came to the Senate, Senator TESTER and I pressed it, also by unanimous consent, through the Indian Affairs Committee. Now, with just hours left in the 115th Congress, we need to pass this important bill out of the Senate and get it on the President's desk.

The Little Shell Tribe has waited for lifetimes. It should not have to wait another year to get this done. Therefore, in the fashion of all of the previous votes on this bill that have had strong bipartisan support, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 574, H.R. 3764. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, in reserving the right to object, Tribal recognition is a very serious matter. It is not one that should be undertaken lightly. Given the sacred nature of Tribal recognition and the significant impact it has both on the Tribe in question and on the U.S. Government, as well as on surrounding communities, we have an orderly process by which this needs to be done.

In 2009, the Bureau of Indian Affairs, having considered the argument by the Little Shell, concluded it had failed to meet three of the seven categories that are typically considered for Tribal recognition, and on that basis, the Bureau turned down its application. It has been suggested that there is still an appeal pending—a challenge to that finding—by the Little Shell.

I am not aware of any legal analysis suggesting that the Bureau of Indian Affairs got it wrong. This is not to say that Congress cannot or should not or could not decide on its own to recognize it. Yes, this is a power that Congress has. Yet, as I see it, those seven criteria ought to be considered and considered carefully. I am aware of no