

## Calendar No. 323

116TH CONGRESS  
1ST SESSION

# S. 919

[Report No. 116–172]

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

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### IN THE SENATE OF THE UNITED STATES

MARCH 27, 2019

Mr. CRUZ (for himself, Ms. SINEMA, Mr. MARKEY, Mr. WICKER, Mr. PETERS, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 11, 2019

Reported by Mr. WICKER, without amendment

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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

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

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

Sec. 1. Short title; table of contents.  
 Sec. 2. Definitions.

#### TITLE I—STREAMLINING OVERSIGHT OF LAUNCH AND REENTRY ACTIVITIES

Sec. 101. Office of Commercial Space Transportation.  
 Sec. 102. Use of existing authorities.  
 Sec. 103. Experimental permits.  
 Sec. 104. Government-developed space technology.  
 Sec. 105. Regulatory reform.  
 Sec. 106. Secretary of Transportation oversight and coordination of commercial  
 launch and reentry operations.  
 Sec. 107. Study on joint use of spaceports.  
 Sec. 108. Airspace integration report.

#### TITLE II—STREAMLINING OVERSIGHT OF NONGOVERNMENTAL EARTH OBSERVATION ACTIVITIES

Sec. 201. Nongovernmental Earth observation activities.  
 Sec. 202. Radio-frequency mapping report.

#### TITLE III—MISCELLANEOUS

Sec. 301. Promoting fairness and competitiveness for NASA partnership oppor-  
 tunities.  
 Sec. 302. Maintaining a national laboratory in space.  
 Sec. 303. Presence in low-Earth orbit.  
 Sec. 304. Continuation of the ISS.  
 Sec. 305. United States policy on orbital debris.  
 Sec. 306. Low-Earth orbit commercialization program.  
 Sec. 307. Bureau of Space Commerce.

### 3 **SEC. 2. DEFINITIONS.**

4 In this Act:

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

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

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

1 **TITLE I—STREAMLINING OVER-**  
2 **SIGHT OF LAUNCH AND RE-**  
3 **ENTRY ACTIVITIES**

4 **SEC. 101. OFFICE OF COMMERCIAL SPACE TRANSPOR-**  
5 **TATION.**

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

8 (1) by inserting “(b) AUTHORIZATION OF AP-  
9 PROPRIATIONS.—” before “There” and indenting  
10 appropriately; and

11 (2) by inserting before subsection (b), the fol-  
12 lowing:

13 “(a) ASSOCIATE ADMINISTRATOR FOR COMMERCIAL  
14 SPACE TRANSPORTATION.—The Assistant Secretary for  
15 Commercial Space Transportation shall serve as the Asso-  
16 ciate Administrator for Commercial Space Transpor-  
17 tation.”.

18 (b) ESTABLISHMENT OF ASSISTANT SECRETARY FOR  
19 COMMERCIAL SPACE TRANSPORTATION.—Section  
20 102(e)(1) of title 49, United States Code, is amended—

21 (1) in the matter preceding subparagraph (A),  
22 by striking “6” and inserting “7”; and

23 (2) in subparagraph (A), by inserting “an As-  
24 sistant Secretary for Commercial Space Transpor-

1       tation,” after “Assistant Secretary for Research and  
2       Technology,”.

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

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

12       (b) LICENSE APPLICATIONS AND REQUIREMENTS.—  
13   Section 50905 of title 51, United States Code, is amend-  
14   ed—

15               (1) in subsection (a)—

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

18               “(1) IN GENERAL.—

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

23                       “(B) DECISIONS.—Consistent with the  
24               public health and safety, safety of property, and  
25               national security and foreign policy interests of

1 the United States, the Secretary, not later than  
2 the applicable deadline described in subpara-  
3 graph (C), shall issue or transfer a license if  
4 the Secretary decides in writing that the appli-  
5 cant complies, and will continue to comply, with  
6 this chapter and regulations prescribed under  
7 this chapter.

8 “(C) APPLICABLE DEADLINE.—The appli-  
9 cable deadline described in this subparagraph  
10 shall be—

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

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

21 “(D) NOTICE TO APPLICANTS.—The Sec-  
22 retary shall inform the applicant of any pending  
23 issue and action required to resolve the issue if  
24 the Secretary has not made a decision not later  
25 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”;

1 (ii) by inserting “software,” after  
 2 “services,”; and

3 (iii) by adding at the end the fol-  
 4 lowing: “Such safety approvals may be  
 5 issued simultaneously with a license under  
 6 this chapter.”; and

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

8 “(e) USE OF EXISTING AUTHORITIES.—

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

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

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

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

1 **SEC. 103. EXPERIMENTAL PERMITS.**

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

4 “(j) USE OF EXISTING AUTHORITIES.—

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

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

15 **SEC. 104. GOVERNMENT-DEVELOPED SPACE TECHNOLOGY.**

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

18 **SEC. 105. REGULATORY REFORM.**

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

22 (b) FINDINGS.—Congress finds that the commercial  
23 space launch regulatory environment has at times impeded  
24 the United States commercial space launch sector in its  
25 innovation of launch technologies, reusable launch and re-



1 entry vehicles, and other areas related to commercial  
2 launches and reentries.

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

5 (1) IN GENERAL.—Not later than February 1,  
6 2020, the Secretary of Transportation shall issue a  
7 final rule to revise any regulations under chapter  
8 509, United States Code, as the Secretary considers  
9 necessary to meet the objective of this section.

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

15 (A) creates, to the extent practicable, re-  
16 quirements applicable both to expendable  
17 launch and reentry vehicles and to reusable  
18 launch and reentry vehicles;

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

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

24 (D) establishes clear, high-level perform-  
25 ance requirements;

1           (E) encourages voluntary, industry tech-  
2           nical standards that complement the high-level  
3           performance requirements established under  
4           subparagraph (D); and

5           (F) facilitates and encourages appropriate  
6           collaboration between the commercial space  
7           launch and reentry sector and the Department  
8           of Transportation with respect to the require-  
9           ments under subparagraph (D) and the stand-  
10          ards under subparagraph (E).

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

14           (1) The Secretary of Defense.

15           (2) The Administrator of NASA.

16           (3) Such members of the commercial space  
17       launch and reentry sector as the Secretary of Trans-  
18       portation considers appropriate to ensure adequate  
19       representation across industry.

20       (e) REPORT.—

21           (1) IN GENERAL.—Not later than 60 days after  
22       the date of the enactment of this Act, the Secretary  
23       of Transportation, in consultation with the persons  
24       described in subsection (d), shall submit to the Com-  
25       mittee on Commerce, Science, and Transportation of

1 the Senate and the Committee on Science, Space,  
 2 and Technology and the Committee on Transpor-  
 3 tation and Infrastructure of the House of Represent-  
 4 atives a report on the progress in carrying out this  
 5 section.

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

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

9 (B) a description of any Federal agency re-  
 10 sources necessary to meet the objective of this  
 11 section;

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

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

17 **SEC. 106. SECRETARY OF TRANSPORTATION OVERSIGHT**  
 18 **AND COORDINATION OF COMMERCIAL**  
 19 **LAUNCH AND REENTRY OPERATIONS.**

20 (a) OVERSIGHT AND COORDINATION.—

21 (1) IN GENERAL.—The Secretary of Transpor-  
 22 tation, in accordance with the findings under section  
 23 1617 of the National Defense Authorization Act for  
 24 Fiscal Year 2016 (51 U.S.C. 50918 note) and sub-  
 25 ject to section 50905(b)(2)(C) of title 51, United

1 States Code, shall take such action as may be nec-  
 2 essary to consolidate or modify the requirements  
 3 across Federal agencies identified in section  
 4 1617(c)(1)(A) of that Act into a single application  
 5 set that satisfies those requirements and expedites  
 6 the coordination of commercial launch and reentry  
 7 services.

8 (2) CHAPTER 509.—

9 (A) PURPOSES.—Section 50901(b)(3) of  
 10 title 51, United States Code, is amended by in-  
 11 serting “all” before “commercial launch and re-  
 12 entry operations”.

13 (B) GENERAL AUTHORITY.—Section  
 14 50903(b) of title 51, United States Code, is  
 15 amended—

16 (i) by redesignating paragraphs (1)  
 17 and (2) as paragraphs (3) and (4), respec-  
 18 tively; and

19 (ii) by inserting before paragraph (3),  
 20 as redesignated, the following:

21 “(1) consistent with this chapter, authorize, li-  
 22 cense, and oversee the conduct of all commercial  
 23 launch and reentry operations, including any com-  
 24 mercial launch or commercial reentry at a Federal  
 25 range;

1           “(2) if an application for a license or permit  
 2           under this chapter includes launch or reentry at a  
 3           Defense range, coordinate with the Secretary of De-  
 4           fense, or designee, to protect any national security  
 5           interest relevant to such activity, including any nec-  
 6           essary mitigation measure to protect Department of  
 7           Defense property and personnel;”.

8           (3) EFFECTIVE DATE.—This subsection takes  
 9           effect on the date on which the final rule under sec-  
 10          tion 105(c) is published in the Federal Register.

11          (b) RULES OF CONSTRUCTION.—Nothing in this Act,  
 12          or the amendments made by this Act, may be construed  
 13          to affect—

14               (1) section 1617 of the National Defense Au-  
 15          thorization Act for Fiscal Year 2016 (51 U.S.C.  
 16          50918 note); or

17               (2) the authority of the Secretary of Defense as  
 18          it relates to safety and security related to launch or  
 19          reentry at a Defense range.

20          (c) TECHNICAL AMENDMENT; REPEAL REDUNDANT  
 21          LAW.—Section 113 of the U.S. Commercial Space Launch  
 22          Competitiveness Act (Public Law 114–90; 129 Stat. 704;  
 23          51 U.S.C. 50918 note) and the item relating to that sec-  
 24          tion in the table of contents under section 1(b) of that  
 25          Act are repealed.

1 **SEC. 107. STUDY ON JOINT USE OF SPACEPORTS.**

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

4 (1) the Secretary of Transportation shall, in  
5 consultation with the Secretary of Defense, conduct  
6 a study on the current process the Government uses  
7 to provide or permit the joint use of United States  
8 military installations for licensed nongovernmental  
9 space launch and reentry activities, space-related ac-  
10 tivities, and space transportation services by United  
11 States commercial providers; and

12 (2) submit the results of the study to the Com-  
13 mittee on Commerce, Science, and Transportation  
14 and the Committee on Armed Services of the Senate  
15 and the Committee on Science, Space, and Tech-  
16 nology and the Committee on Armed Services of the  
17 House of Representatives.

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

21 (1) Improvements that could be made to the  
22 current process the Government uses to provide or  
23 permit the joint use of United States military instal-  
24 lations for licensed nongovernmental space launch  
25 and reentry activities, space-related activities, and

1 space transportation services by United States com-  
2 mercial providers.

3 (2) Means to facilitate the ability for a military  
4 installation to request that the Secretary of Trans-  
5 portation consider the military installation as a site  
6 to provide or permit the licensed nongovernmental  
7 space launch and reentry activities, space-related ac-  
8 tivities, and space transportation services by United  
9 States commercial providers.

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

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

1 **SEC. 108. AIRSPACE INTEGRATION REPORT.**

2 (a) IN GENERAL.—Not later than 90 days after the  
3 date of the enactment of this Act, the Secretary of Trans-  
4 portation shall—

5 (1) identify and review the current policies and  
6 tools used to integrate launch and reentry (as those  
7 terms are defined in section 50902 of title 51,  
8 United States Code) into the national airspace sys-  
9 tem;

10 (2) consider whether the policies and tools iden-  
11 tified in paragraph (1) need to be updated to more  
12 efficiently and safely manage the national airspace  
13 system; and

14 (3) submit to the appropriate committees of  
15 Congress a report on the findings under paragraphs  
16 (1) and (2), including recommendations for how to  
17 more efficiently and safely manage the national air-  
18 space system.

19 (b) CONSULTATION.—In conducting the review under  
20 subsection (a), the Secretary shall consult with such mem-  
21 bers of the commercial space launch and reentry sector  
22 and commercial aviation sector as the Secretary considers  
23 appropriate to ensure adequate representation across  
24 those industries.



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

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

6 (2) the Committee on Science, Space, and  
 7 Technology of the House of Representatives; and

8 (3) the Committee on Transportation and In-  
 9 frastructure of the House of Representatives.

10 **TITLE II—STREAMLINING OVER-**  
 11 **SIGHT OF NONGOVERNMENT-**  
 12 **AL EARTH OBSERVATION AC-**  
 13 **TIVITIES**

14 **SEC. 201. NONGOVERNMENTAL EARTH OBSERVATION AC-**  
 15 **TIVITIES.**

16 (a) LICENSING OF NONGOVERNMENTAL EARTH OB-  
 17 SERVATION ACTIVITIES.—Chapter 601 of title 51, United  
 18 States Code, is amended—

19 (1) in section 60101—

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

22 “(12) UNENHANCED DATA.—The term ‘unen-  
 23 hanced data’ means signals or imagery products  
 24 from Earth observation activities that are unproc-  
 25 essed or subject only to data preprocessing.”;

1 (B) by redesignating paragraphs (11),  
 2 (12), and (13) as paragraphs (15), (18), and  
 3 (19), respectively, and moving the paragraphs  
 4 so as to appear in numerical order;

5 (C) by redesignating paragraphs (4)  
 6 through (10) as paragraphs (5) through (11),  
 7 respectively;

8 (D) by inserting after paragraph (3), the  
 9 following:

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

15 (E) by inserting after paragraph (11), as  
 16 redesignated, the following:

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

21 “(A) the United States Government; or

22 “(B) a Government contractor or subcon-  
 23 tractor if the Government contractor or subcon-  
 24 tractor is performing the activity for the Gov-  
 25 ernment.

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

6           “(14) PERSON.—The term ‘person’ means a  
 7       person (as defined in section 1 of title 1) subject to  
 8       the jurisdiction or control of the United States.”;  
 9       and

10               (F) by inserting after paragraph (15), as  
 11       redesignated, the following:

12           “(16) SPACE ACTIVITY.—

13               “(A) IN GENERAL.—The term ‘space activ-  
 14       ity’ means any activity that is conducted in  
 15       space.

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

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

23           “(17) SPACE OBJECT.—The term ‘space object’  
 24       means any object, including any component of that  
 25       object, that is launched into space or constructed in

1 space, including any object landed or constructed on  
 2 a celestial body, including the Moon.”;

3 (2) by amending subchapter III to read as fol-  
 4 lows:

5 “SUBCHAPTER III—AUTHORIZATION OF NON-  
 6 GOVERNMENTAL EARTH OBSERVATION AC-  
 7 TIVITIES

8 “§ 60121. Purposes

9 “The purposes of this subchapter are—

10 “(1) to prevent, to the extent practicable, harm-  
 11 ful interference to space activities by nongovern-  
 12 mental Earth observation activities;

13 “(2) to manage risk and prevent harm to  
 14 United States national security;

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

17 “(4) to promote the leadership, industrial inno-  
 18 vation, and international competitiveness of the  
 19 United States.

20 “§ 60122. General authority

21 “(a) IN GENERAL.—The Secretary shall carry out  
 22 this subchapter.

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

25 “(1) the Secretary of Defense;

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

2 “(3) the head of such other Federal department

3 or agency as the Secretary considers necessary.

4 **“§ 60123. Administrative authority of Secretary**

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

7 “(1) grant, condition, or transfer licenses under  
8 this chapter;

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

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

1           “(4) compromise, modify, or remit any such  
2       civil penalty;

3           “(5) issue subpoenas for any materials, docu-  
4       ments, or records, or for the attendance and testi-  
5       mony of witnesses for the purpose of conducting a  
6       hearing under this section;

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

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

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

1 **“§ 60124. Authorization to conduct nongovernmental**  
2 **Earth observation activities**

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

6 “(b) WAIVERS.—

7 “(1) IN GENERAL.—The Secretary, in consulta-  
8 tion with the Secretary of Defense, the Director of  
9 National Intelligence, and the head of such other  
10 Federal agency as the Secretary considers appro-  
11 priate, may waive a requirement under this sub-  
12 chapter for a nongovernmental Earth observation ac-  
13 tivity, or for a type or class of nongovernmental  
14 Earth observation activities, if the Secretary decides  
15 that granting a waiver is consistent with section  
16 60121.

17 “(2) STANDARDS.—Not later than 120 days  
18 after the date of the enactment of the Space Fron-  
19 tier Act of 2019, the Secretary shall establish stand-  
20 ards, in consultation with the Secretary of Defense  
21 and the head of such other Federal agency as the  
22 Secretary considers appropriate, for determining de-  
23 minimis Earth observation activities that would be  
24 eligible for a waiver under paragraph (1).

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

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

6               “(2) to operate multiple space objects carrying  
7 out substantially similar Earth observation activities;  
8 or

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

11       “(d) APPLICATION.—

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

18                       “(A) a description of the proposed Earth  
19 observation activity, including—

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

22                               “(ii) the orbital characteristics of each  
23 space object, including altitude, inclination,  
24 orbital period, and estimated operational  
25 lifetime; and



1                   “(iii) a list of the names of all persons  
2                   that have or will have direct operational or  
3                   financial control of the Earth observation  
4                   activity;

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

9                   “(C) a description of the capabilities of  
10                  each instrument to be used to observe the  
11                  Earth in the conduct of the Earth observation  
12                  activity.

13               “(2) APPLICATION STATUS.—Not later than 14  
14               days after the date on which an application is re-  
15               ceived, the Secretary shall make a determination  
16               whether the application is complete or incomplete  
17               and notify the applicant of that determination, in-  
18               cluding, if incomplete, the reason the application is  
19               incomplete.

20               “(e) REVIEW.—

21               “(1) IN GENERAL.—Not later than 90 days  
22               after the date on which the Secretary makes a deter-  
23               mination under subsection (d)(2) that an application  
24               is complete, the Secretary shall review all informa-  
25               tion provided in that application and, subject to the

provisions of this subsection, notify the applicant in writing whether the application was approved, with or without conditions, 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

1           “(iv) shall submit to the Committee  
2           on Commerce, Science, and Transportation  
3           of the Senate and the Committee on  
4           Science, Space, and Technology of the  
5           House of Representatives a copy of the no-  
6           tification.

7           “(B) INTERAGENCY REVIEW.—Not later  
8           than 3 days after the date on which the Sec-  
9           retary makes a determination under subsection  
10          (d)(2) that an application is complete, the Sec-  
11          retary shall consult with the head of each Fed-  
12          eral department and agency described in section  
13          60122(b) and if any head of such Federal de-  
14          partment or agency does not support approving  
15          the application—

16               “(i) that head of another Federal de-  
17               partment or agency—

18                       “(I) not later than 60 days after  
19                       the date on which such consultation  
20                       occurs, shall notify the Secretary, in  
21                       writing, of the reason for withholding  
22                       support, including a description of  
23                       each deficiency and guidance on how  
24                       to correct the deficiency;

1 “(II) shall sign the notification  
2 under subclause (I); and

3 “(III) may not delegate the duty  
4 under subclause (II), except the Sec-  
5 retary of Defense may delegate the  
6 duty under subclause (II) to an Under  
7 Secretary of Defense; and

8 “(ii) subject to all applicable laws, the  
9 Secretary shall include the notification  
10 under clause (i) in the notification under  
11 paragraph (1), including classified infor-  
12 mation if—

13 “(I) the Secretary of Defense or  
14 the Director of National Intelligence,  
15 as appropriate, determines that disclo-  
16 sure of the classified information is  
17 appropriate; and

18 “(II) the applicant has the re-  
19 quired security clearance for the clas-  
20 sified information.

21 “(C) INTERAGENCY ASSENTS.—If the head  
22 of another Federal department or agency does  
23 not notify the Secretary under subparagraph  
24 (B)(i)(I) within the time specified in that sub-  
25 paragraph, that head of another Federal de-

partment or agency shall be deemed to have as-  
sented 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 subpara-  
graph (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 ap-  
plication for reconsideration; and

“(ii) not later than 30 days after the  
date of on which a corrected application  
under clause (i)(II) is received, make a de-

1 termination whether to approve the appli-  
 2 cation or not, in consultation with—

3 “(I) each head of another Fed-  
 4 eral department or agency that sub-  
 5 mitted a notification under subpara-  
 6 graph (B); and

7 “(II) the head of such other Fed-  
 8 eral department or agency as the Sec-  
 9 retary considers necessary.

10 “(F) IMPROPER BASIS FOR DENIAL.—

11 “(i) COMPETITION.—The Secretary  
 12 shall not deny an application under this  
 13 subsection in order to protect any existing  
 14 Earth observation activity from competi-  
 15 tion.

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

22 “(I) are commercially available;

23 or

24 “(II) are reasonably expected to  
 25 be made commercially available, not

1 later than 3 years after the date of  
2 the application, in the international or  
3 domestic marketplace.

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

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

21 “(5) EXPEDITED REVIEW PROCESS.—Subject to  
22 paragraph (2) and section 60122(b), the Secretary  
23 may modify the requirements under this subsection,  
24 as the Secretary considers appropriate, to expedite  
25 the review of an application that seeks to conduct an

1 Earth observation activity that is substantially simi-  
 2 lar to an Earth observation activity already licensed  
 3 under this subchapter.

4 “(f) ADDITIONAL REQUIREMENTS.—An authoriza-  
 5 tion issued under this subchapter shall require the author-  
 6 ized person—

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

8 “(2) to notify the Secretary of any significant  
 9 change in the information contained in the applica-  
 10 tion; and

11 “(3) to make available to the government of  
 12 any country, including the United States, unen-  
 13 hanced data collected by the Earth observation sys-  
 14 tem concerning the territory under the jurisdiction  
 15 of that government as soon as such data are avail-  
 16 able and on reasonable commercial terms and condi-  
 17 tions.

18 “(g) PROHIBITION ON RETROACTIVE CONDITIONS.—

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

24 “(2) RULE OF CONSTRUCTION.—Nothing in  
 25 this section shall be constructed to prohibit the Sec-



1       retary from removing a condition on an authoriza-  
2       tion under this subchapter.

3               “(3) INTERAGENCY REVIEW.—

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

11              “(B) CONSULTATION REQUIREMENT.—

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

21              “(i) not later than 60 days after the  
22              date on which the consultation occurs,  
23              shall notify the Secretary, in writing, of  
24              the reason for withholding support;

1 “(ii) shall sign the notification under  
2 clause (i); and

3 “(iii) may not delegate the duty under  
4 clause (ii).

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

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

22 “(E) NOTICE.—Prior to making a modi-  
23 fication or addition under subparagraph (A),  
24 the Secretary or the head of the Federal de-  
25 partment or agency, as applicable, shall—

1 “(i) provide notice to the licensee of  
 2 the reason for the proposed modification or  
 3 addition, including, if applicable, a descrip-  
 4 tion of any deficiency and guidance on how  
 5 to correct the deficiency; and

6 “(ii) provide the licensee a reasonable  
 7 opportunity to correct a deficiency identi-  
 8 fied in clause (i).

9 **“§ 60125. Annual reports**

10 “(a) IN GENERAL.—Not later than 180 days after  
 11 the date of the enactment of the Space Frontier Act of  
 12 2019, and annually thereafter, the Secretary shall submit  
 13 to the Committee on Commerce, Science, and Transpor-  
 14 tation of the Senate and the Committee on Science, Space,  
 15 and Technology of the House of Representatives a report  
 16 on the progress in implementing this subchapter, includ-  
 17 ing—

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

21 “(2) notwithstanding paragraph (4) of section  
 22 60124(e), a list of all applications, in the previous  
 23 calendar year, for which the Secretary missed the  
 24 deadline under paragraph (1) of that section, includ-  
 25 ing the reasons the deadline was not met; and

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

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

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

9 **“§ 60126. Regulations**

10 “The Secretary may promulgate regulations to imple-  
 11 ment this subchapter.

12 **“§ 60127. Relationship to other executive agencies**  
 13 **and laws**

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

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

23 “(1) the Federal Communications Commission  
 24 under the Communications Act of 1934 (47 U.S.C.  
 25 151 et seq.); or

1 “(2) the Secretary of Transportation under  
2 chapter 509.

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

6 (3) by amending section 60147 to read as fol-  
7 lows:

8 **“§ 60147. Consultation**

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

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

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

1 and policies of the United States and for notifying  
2 the Landsat Program Management of such condi-  
3 tions.

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

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

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

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

“SUBCHAPTER III—AUTHORIZATION OF NONGOVERNMENTAL EARTH  
OBSERVATION ACTIVITIES

“60121. Purposes.

“60122. General authority.

“60123. Administrative authority of Secretary.

“60124. Authorization to conduct nongovernmental Earth observation activities.

“60125. Annual reports.

“60126. Regulations.

“60127. Relationship to other executive agencies and laws.”.

1       (c) RULES OF CONSTRUCTION.—

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

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

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

20          (a) IN GENERAL.—Not later than 180 days after the  
21      date of the enactment of this Act, the Secretary of Com-

1 merce, in consultation with the Secretary of Defense and  
2 the Director of National Intelligence, shall complete and  
3 submit a report on space-based radio-frequency mapping  
4 to—

5 (1) the Committee on Commerce, Science, and  
6 Transportation of the Senate;

7 (2) the Select Committee on Intelligence of the  
8 Senate;

9 (3) the Committee on Armed Services of the  
10 Senate;

11 (4) the Committee on Science, Space, and  
12 Technology of the House of Representatives;

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

15 (6) the Committee on Armed Services of the  
16 House of Representatives.

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

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

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



1           (3) any recommendations for additional regu-  
 2       latory action regarding space-based radio-frequency  
 3       mapping;

4           (4) a detailed description of the costs and bene-  
 5       fits of the recommendations described in paragraph  
 6       (3); and

7           (5) an evaluation of—

8               (A) whether the development of voluntary  
 9       consensus industry standards in coordination  
 10      with the Department of Defense is more appro-  
 11      priate than issuing regulations with respect to  
 12      space-based radio-frequency mapping; and

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

17       (c) FORM.—The report under subsection (a) shall be  
 18      submitted in unclassified form, but may include a classi-  
 19      fied annex.

## 20       **TITLE III—MISCELLANEOUS**

### 21      **SEC. 301. PROMOTING FAIRNESS AND COMPETITIVENESS**

#### 22                      **FOR NASA PARTNERSHIP OPPORTUNITIES.**

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

1           (1) fair access to available NASA assets and  
2           services on a reimbursable, noninterference, equi-  
3           table, and predictable basis is advantageous in ena-  
4           bling the United States commercial space industry;

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

10          (3) NASA should continue to promote small  
11          business awareness and participation through advo-  
12          cacy and collaborative efforts with internal and ex-  
13          ternal partners, stakeholders, and academia.

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

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

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

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

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

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

10          (4) periodically as needed, but not less fre-  
11       quently than annually, update the list and website  
12       under paragraph (3); and

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

19       (c) **STRENGTHENING SMALL BUSINESS AWARE-**  
20 **NESS.**—Not later than 180 days after the date of the en-  
21 actment of this Act, the Administrator of NASA shall des-  
22 ignate an official at each NASA Center—

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

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

4 **SEC. 302. MAINTAINING A NATIONAL LABORATORY IN**  
5 **SPACE.**

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 303. PRESENCE IN LOW-EARTH ORBIT.**

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

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

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

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

15 **SEC. 304. CONTINUATION OF THE ISS.**

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

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

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

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

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

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

14 **SEC. 305. UNITED STATES POLICY ON ORBITAL DEBRIS.**

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

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

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

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

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

3 (1) the public health and safety;

4 (2) humans in space;

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

7 (4) the safety of property;

8 (5) space objects from interference; and

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

11 **SEC. 306. LOW-EARTH ORBIT COMMERCIALIZATION PRO-**  
12 **GRAM.**

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

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

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

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



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

4       (c) CONDITIONS.—

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

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

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

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

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

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

8   **SEC. 307. BUREAU OF SPACE COMMERCE.**

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

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

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

15   **“§ 50701. Definition of Bureau**

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

19                  (3) in section 50702—

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

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

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

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

8               (C) in subsection (c)—

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

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

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

18              (D) in subsection (d)—

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

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

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

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

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

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

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

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

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

21 (4) in section 50703—

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

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

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

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

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

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

9           (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

“50704. Authorization of appropriations.”.

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

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

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



Calendar No. 323

116TH CONGRESS  
1ST Session

**S. 919**

[Report No. 116-172]

**A BILL**

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

DECEMBER 11, 2019

Reported without amendment