

In the House of Representatives, U. S.,

December 16, 2020.

Resolved, That the bill from the Senate (S. 1694) entitled “An Act to require any Federal agency that issues licenses to conduct lunar activities to include in the requirements for such licenses an agreement relating to the preservation and protection of the Apollo 11 landing site, and for other purposes.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “One Small Step to Pro-*
3 *tect Human Heritage in Space Act”.*

4 ***SEC. 2. FINDINGS; SENSE OF CONGRESS.***

5 (a) *FINDINGS.*—*Congress makes the following findings:*

6 (1) *On July 16, 1969, the Apollo 11 spacecraft*
7 *launched from the John F. Kennedy Space Center*
8 *carrying Neil A. Armstrong, Edwin E. “Buzz”*
9 *Aldrin, Jr., and Michael Collins.*

10 (2) *July 20, 2019, marked the 50th anniversary*
11 *of the date on which the Apollo 11 spacecraft landed*
12 *on the Moon and Neil Armstrong and Buzz Aldrin be-*
13 *came the first humans to set foot on a celestial body*
14 *off the Earth.*

1 (3) *The landing of the Apollo 11 spacecraft and*
 2 *humanity's first off-world footprints are achievements*
 3 *unparalleled in history, a direct product of the work*
 4 *and perseverance of the more than 400,000 individ-*
 5 *uals who contributed to the development of the Apollo*
 6 *missions on the shoulders of centuries of science and*
 7 *engineering pioneers from all corners of the world.*

8 (4) *Among the thousands of individuals who*
 9 *have contributed to the achievements of the National*
 10 *Aeronautics and Space Administration (in this sec-*
 11 *tion referred to as "NASA") are African-American*
 12 *women such as Katherine Johnson, Dorothy Vaughn,*
 13 *Mary Jackson, and Dr. Christine Darden, who made*
 14 *critical contributions to NASA space programs. Kath-*
 15 *erine Johnson worked at NASA for 35 years and cal-*
 16 *culated the trajectory of the Apollo 11 landing and*
 17 *the trajectories for the spaceflights of astronauts Alan*
 18 *Shepard and John Glenn. Katherine Johnson, to-*
 19 *gether with many other individuals the work of whom*
 20 *often went unacknowledged, helped broaden the scope*
 21 *of space travel and charted new frontiers for human-*
 22 *ity's exploration of space.*

23 (5) *The landing of the Apollo 11 spacecraft was*
 24 *made on behalf of all humankind, and Neil Arm-*
 25 *strong and Buzz Aldrin were accompanied by mes-*

1 *sages of peace from the leaders of more than 70 coun-*
 2 *tries.*

3 *(6) The lunar landing sites of the Apollo 11*
 4 *spacecraft, the robotic spacecraft that preceded the*
 5 *Apollo 11 mission, and the crewed and robotic space-*
 6 *craft that followed, are of outstanding universal value*
 7 *to humanity.*

8 *(7) Such landing sites—*

9 *(A) are the first archaeological sites with*
 10 *human activity that are not on Earth;*

11 *(B) provide evidence of the first achieve-*
 12 *ments of humankind in the realm of space travel*
 13 *and exploration; and*

14 *(C) contain artifacts and other evidence of*
 15 *human exploration activities that remain a po-*
 16 *tential source of cultural, historical, archae-*
 17 *ological, anthropological, scientific, and engi-*
 18 *neering knowledge.*

19 *(8) On July 20, 2011, NASA published the vol-*
 20 *untary guidance entitled “NASA’s Recommendations*
 21 *to Space-Faring Entities: How to Protect and Pre-*
 22 *serve the Historic and Scientific Value of U.S. Gov-*
 23 *ernment Lunar Artifacts”.*

24 *(9) In March 2018, the Office of Science and*
 25 *Technology Policy published a report entitled “Pro-*

1 *tecting & Preserving Apollo Program Lunar Landing*
2 *Sites & Artifacts”.*

3 (10) *Article one of the “Treaty on Principles*
4 *Governing the Activities of States in the Exploration*
5 *and Use of Outer Space, including the Moon and*
6 *Other Celestial Bodies,” commonly known as the*
7 *“Outer Space Treaty,” states “[o]uter space, includ-*
8 *ing the moon and other celestial bodies, shall be free*
9 *for exploration and use by all States without dis-*
10 *crimination of any kind, on a basis of equality and*
11 *in accordance with international law, and there shall*
12 *be free access to all areas of celestial bodies.”*

13 (11) *Article eight of the Outer Space Treaty*
14 *states, “[a] State Party to the Treaty on whose reg-*
15 *istry an object launched into outer space is carried*
16 *shall retain jurisdiction and control over such object,*
17 *and over any personnel thereof, while in outer space*
18 *or on a celestial body. Ownership of objects launched*
19 *into outer space, including objects landed or con-*
20 *structed on a celestial body, and of their component*
21 *parts, is not affected by their presence in outer space*
22 *or on a celestial body or by their return to the*
23 *Earth.”*

24 (12) *Article nine of the Outer Space Treaty*
25 *states, “[i]n the exploration and use of outer space,*

1 *including the moon and other celestial bodies, States*
2 *Parties to the Treaty shall be guided by the principle*
3 *of co-operation and mutual assistance and shall con-*
4 *duct all their activities in outer space, including the*
5 *moon and other celestial bodies, with due regard to*
6 *the corresponding interests of all other States Parties*
7 *to the Treaty,” and continues, “[i]f a State Party to*
8 *the Treaty has reason to believe that an activity or*
9 *experiment planned by it or its nationals in outer*
10 *space, including the moon and other celestial bodies,*
11 *would cause potentially harmful interference with ac-*
12 *tivities of other States Parties in the peaceful explo-*
13 *ration and use of outer space, including the moon*
14 *and other celestial bodies, it shall undertake appro-*
15 *priate international consultations before proceeding*
16 *with any such activity or experiment. A State Party*
17 *to the Treaty which has reason to believe that an ac-*
18 *tivity or experiment planned by another State Party*
19 *in outer space, including the moon and other celestial*
20 *bodies, would cause potentially harmful interference*
21 *with activities in the peaceful exploration and use of*
22 *outer space, including the moon and other celestial*
23 *bodies, may request consultation concerning the activ-*
24 *ity or experiment.”.*

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

3 (1) *as commercial enterprises and more countries*
 4 *acquire the ability to land on the Moon, it is nec-*
 5 *essary to encourage the development of best practices*
 6 *to respect the principle of due regard and to limit*
 7 *harmful interference to the Apollo landing site arti-*
 8 *facts in acknowledgment of the human effort and in-*
 9 *novation they represent, as well as their archae-*
 10 *ological, anthropological, historical, scientific, and en-*
 11 *gineering significance and value; and*

12 (2) *the Administrator of the National Aero-*
 13 *navitics and Space Administration should continue to*
 14 *develop best practices to respect the principle of due*
 15 *regard and limit harmful interference with historic*
 16 *Apollo lunar landing site artifacts.*

17 **SEC. 3. BEST PRACTICES RELATED TO APOLLO HISTORIC**
 18 **LUNAR LANDING SITE ARTIFACTS.**

19 (a) *IN GENERAL.*—*The Administrator of the National*
 20 *Aeronautics and Space Administration shall—*

21 (1) *add the recommendations in subsection (b) as*
 22 *a condition or requirement to contracts, grants, agree-*
 23 *ments, partnerships or other arrangements pertaining*
 24 *to lunar activities carried out by, for, or in partner-*

1 *ship with the National Aeronautics and Space Ad-*
 2 *ministration;*

3 *(2) inform other relevant Federal agencies of the*
 4 *recommendations described in subsection (b); and*

5 *(3) encourage the use of best practices, consistent*
 6 *with the recommendations in subsection (b), by other*
 7 *relevant Federal agencies.*

8 ***(b) RECOMMENDATIONS DESCRIBED.—****The rec-*
 9 *ommendations described in this subsection are—*

10 *(1) “NASA’s Recommendations to Space-Faring*
 11 *Entities: How to Protect and Preserve the Historic*
 12 *and Scientific Value of U.S. Government Lunar Arti-*
 13 *facts” issued by the National Aeronautics and Space*
 14 *Administration on July 20, 2011, and updated on*
 15 *October 28, 2011; and*

16 *(2) any successor recommendations, guidelines,*
 17 *best practices, or standards relating to the principle*
 18 *of due regard and the limitation of harmful inter-*
 19 *ference with Apollo landing site artifacts issued by the*
 20 *National Aeronautics and Space Administration.*

21 ***(c) EXEMPTION.—****The Administrator may waive the*
 22 *conditions or requirements from subsection (a)(1) as it ap-*
 23 *plies to an individual contract, grant, agreement, partner-*
 24 *ship or other arrangement pertaining to lunar activities*

1 *carried out by, for, or in partnership with the National Aer-*
 2 *onautics and Space Administration so long as—*

3 *(1) such waiver is accompanied by a finding*
 4 *from the Administrator that carrying out the obliga-*
 5 *tion of subsection (a)(1) would be unduly prohibitive*
 6 *to an activity or activities of legitimate and signifi-*
 7 *cant historical, archaeological, anthropological, sci-*
 8 *entific, or engineering value; and*

9 *(2) the finding in paragraph (1) is provided to*
 10 *the Committee on Science, Space, and Technology of*
 11 *the House of Representatives and the Committee on*
 12 *Commerce, Science, and Transportation of the Senate*
 13 *not later than 30 days prior to the waiver taking ef-*
 14 *fect.*

Amend the title so as to read: “An Act to require the National Aeronautics and Space Administration to add recommendations and inform other relevant agencies of information relating to the principle of due regard and the limitation of harmful interference with Apollo landing site artifacts, and for other purposes.”.

Attest:

Clerk.

116TH CONGRESS
2^D SESSION

S. 1694

AMENDMENTS