

116TH CONGRESS  
2D SESSION

# H. R. 8854

To amend title 49, United States Code, to establish a program to track potential sources of airborne foreign object debris to prevent the collision of aircraft with such debris, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2020

Mr. GRAVES of Louisiana introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to establish a program to track potential sources of airborne foreign object debris to prevent the collision of aircraft with such debris, 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.**

4 This Act may be cited as the “Aerospace Debris Safe-  
5 ty Act”.

1 **SEC. 2. FOREIGN OBJECT DEBRIS COLLISION AVOIDANCE.**

2 (a) IN GENERAL.—Chapter 447 of title 49, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 **“§ 44741. Foreign object debris collision avoidance**

6 “(a) IN GENERAL.—The Secretary of Transpor-  
7 tation, in coordination with the Administrator of the Fed-  
8 eral Aviation Administration, shall—

9 “(1) establish a program to track objects that  
10 are potential sources of covered airborne foreign ob-  
11 ject debris;

12 “(2) establish a database containing data and  
13 information on such objects;

14 “(3) utilize existing tools and methods, includ-  
15 ing communication with the owners or operators of  
16 such objects, to determine on an ongoing basis the  
17 likelihood and the circumstances, including the time  
18 and location, under which such objects may reenter  
19 the Earth’s atmosphere in a controlled or uncon-  
20 trolled manner;

21 “(4) assess the potential of a reentry of each  
22 such object to create covered airborne foreign object  
23 debris; and

24 “(5) establish a system, in consultation with the  
25 Chief Operating Officer for the air traffic control  
26 system, by which—

1           “(A) airspace may be dynamically con-  
2           trolled or restricted due to the presence or ex-  
3           pected presence of covered airborne foreign ob-  
4           ject debris; and

5           “(B) aircraft at risk of being impacted by  
6           covered airborne foreign object debris can be  
7           expeditiously notified and redirected.

8           “(b) TRACKING PROGRAM.—In establishing the pro-  
9           gram under subsection (a)(1), the Secretary may—

10           “(1) acquire or establish facilities and equip-  
11           ment to directly track objects that are potential  
12           sources of covered airborne foreign object debris;  
13           and

14           “(2) contract for, or utilize reliable sources of,  
15           data and information relating to such objects from  
16           other Federal agencies or any eligible entity, includ-  
17           ing by using the authority provided in section  
18           106(l)(6).

19           “(c) FEDERAL DATA AND INFORMATION.—

20           “(1) IN GENERAL.—Prior to receiving data and  
21           information from a Federal agency under subsection  
22           (b)(2), or using such data and information for any  
23           purpose under this section, the Secretary shall enter  
24           into an agreement with the head of such Federal  
25           agency that—

1           “(A) details the purposes for which the  
2           Secretary is authorized to use such data and in-  
3           formation;

4           “(B) describes the conditions under which  
5           data and information may not be released, in-  
6           cluding a list of eligible entities or categories of  
7           eligible entities that are not permitted to receive  
8           such data and information;

9           “(C) ensures that such data or information  
10          is safety-related and unclassified;

11          “(D) designates the Secretary as the sole  
12          or primary Federal distributor of such data and  
13          information to an eligible entity; and

14          “(E) contains any other condition or re-  
15          striction as the Secretary and the head of such  
16          Federal agency consider appropriate.

17          “(2) EXCEPTION.—The Secretary may not  
18          enter into an agreement with the head of a Federal  
19          agency under this subsection that restricts the abil-  
20          ity of the Secretary to provide the minimum data  
21          and information necessary to an eligible entity to ef-  
22          fectively provide services described under subsection  
23          (d).

24          “(d) SAFETY OF AIRSPACE AND AIRCRAFT.—

1           “(1) UNITED STATES AIRSPACE.—The Sec-  
2           retary shall provide the service under subsection  
3           (a)(5) to aircraft operating in United States airspace  
4           or airspace assigned to the United States at no  
5           charge.

6           “(2) FOREIGN AGREEMENTS.—The Secretary  
7           may enter into an agreement with a foreign air navi-  
8           gation service provider for the Secretary to provide  
9           the services described in subsection (a)(5)(B) to the  
10          foreign air navigation service provider, provided that  
11          the foreign air navigation service provider—

12                 “(A) remunerates the Secretary at a rate  
13                 that is reasonably related to the cost of pro-  
14                 viding such services, as determined by the Sec-  
15                 retary; and

16                 “(B) agrees to indemnify and hold the  
17                 United States Government harmless from any  
18                 claim related to the provision of such services  
19                 and any related action or omission.

20          “(e) OTHER USES OF DATA AND INFORMATION;  
21          OTHER SERVICES.—

22                 “(1) AUTHORITY.—The Secretary, in coordina-  
23                 tion with appropriate entities within the Department  
24                 of Transportation and in consultation with the heads  
25                 of other relevant Federal agencies—

1           “(A) shall carry out a program to improve  
2 the collection, processing, and dissemination of  
3 data and information contained in the database  
4 established under subsection (a)(2) and to pro-  
5 vide services relating to such data and informa-  
6 tion, as the Secretary determines appropriate;

7           “(B) subject to paragraph (2), may pro-  
8 vide such data, information, and services to an  
9 eligible entity; and

10          “(C) may obtain such data, information,  
11 and services from an eligible entity.

12          “(2) TYPE OF INFORMATION PROVIDED.—

13           “(A) IN GENERAL.—Data and information  
14 provided to an eligible entity under paragraph  
15 (1)(B) shall be safety-related and unclassified.

16           “(B) INTERESTS OF THE UNITED  
17 STATES.—The Secretary, in consultation with  
18 the head of a Federal agency with which the  
19 Secretary has entered into an agreement under  
20 subsection (c), shall develop a policy to deter-  
21 mine the type of information that may be pro-  
22 vided under paragraph (1) without compro-  
23 mising the national security interests of the  
24 United States.

25          “(3) PUBLIC SERVICES.—

1           “(A) IN GENERAL.—The Secretary shall  
2 designate a basic level of data, information, and  
3 services described in paragraph (1) to be pro-  
4 vided at no charge to an eligible entity and pub-  
5 lic services to be provided at no charge, includ-  
6 ing—

7                   “(i) a public catalog of objects con-  
8 tained in the database established under  
9 subsection (a)(2);

10                   “(ii) emergency conjunction notifica-  
11 tions for objects that are potential sources  
12 of covered airborne foreign object debris;  
13 and

14                   “(iii) any other data, information, or  
15 services the Secretary considers appro-  
16 priate.

17           “(B) LIMITATION.—The Secretary may  
18 not provide data, information, or services under  
19 subparagraph (A)(iii) that compete with prod-  
20 ucts offered by United States commercial enti-  
21 ties.

22           “(4) ADVANCED SERVICES.—The Secretary  
23 may undertake activities to promote the creation and  
24 provision of more advanced levels of data, informa-

1       tion, and services to foster the public and private en-  
2       hancement of transportation safety.

3               “(5) PROCEDURES.—The Secretary shall estab-  
4       lish procedures by which the authority under this  
5       subsection shall be carried out.

6               “(6) IMMUNITY.—The United States, any agen-  
7       cies and instrumentalities thereof, and any individ-  
8       uals, firms, corporations, and other persons acting  
9       for the United States, shall be immune from any  
10      suit in any court for any cause of action arising  
11      from the provision or receipt data, information, or  
12      services described in paragraph (1) whether or not  
13      provided in accordance with this section, or any re-  
14      lated action or omission.

15              “(f) NON-DELEGATION.—Except as provided in sub-  
16      section (e)(5), the authority under this section may only  
17      be delegated by the Secretary of Transportation to an offi-  
18      cer or employee of the Department of Transportation, in-  
19      cluding the Federal Aviation Administration.

20              “(g) FUNDING.—Out of amounts made available  
21      under section 106(k)(2)(D) of title 49, United States  
22      Code, \$15,000,000 for each of fiscal years 2021 through  
23      2023 may be expended by the Secretary to carry out this  
24      section.

25              “(h) DEFINITIONS.—In this section:

1           “(1) COVERED AIRBORNE FOREIGN OBJECT DE-  
2           BRIS.—The term ‘covered airborne foreign object de-  
3           bris’ means any manmade object in the atmosphere  
4           that—

5                   “(A) was previously in Earth orbit;

6                   “(B) is uncontrolled; and

7                   “(C) poses a potential risk to the safe  
8           flight of civil aircraft in air commerce.

9           “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
10          tity’ means any non-Federal entity, including any of  
11          the following:

12                   “(A) A State.

13                   “(B) A political subdivision of a State.

14                   “(C) A United States commercial entity.

15                   “(D) The government of a foreign country.

16                   “(E) A foreign commercial entity.”.

17          (b) TECHNICAL AND CONFORMING AMENDMENTS.—

18                   (1) SECTION 44737.—Chapter 447 of title 49,  
19          United States Code, is further amended by redesign-  
20          nating the second section 44737 (as added by sec-  
21          tion 581 of the FAA Reauthorization Act of 2018)  
22          as section 44740.

23                   (2) ANALYSIS.—The analysis for chapter 447 of  
24          title 49, United States Code, is amended—

1 (A) by striking the item relating to the  
2 second section 44737 (as added by section 581  
3 of the FAA Reauthorization Act of 2018); and

4 (B) by inserting after the item relating to  
5 section 44739 the following new items:

“44740. Special rule for certain aircraft operations.

“44741. Foreign object debris collision avoidance.”.

6 (3) SPECIAL RULE FOR CERTAIN AIRCRAFT OP-  
7 ERATIONS.—Section 44740 of title 49, United States  
8 Code (as redesignated by paragraph (1)), is amend-  
9 ed—

10 (A) in the heading by striking the period  
11 at the end;

12 (B) in subsection (a)(1) by striking “chap-  
13 ter” and inserting “section”;

14 (C) in subsection (b)(1) by striking “(1)”  
15 the second time it appears; and

16 (D) in subsection (c)(2) by adding a period  
17 at the end.

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