

115TH CONGRESS  
2D SESSION

# S. 3277

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

JULY 25, 2018

Mr. CRUZ (for himself, Mr. NELSON, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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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 2018”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of  
7 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. Oversight of nongovernmental space activities.  
 Sec. 102. Office of Commercial Space Transportation.  
 Sec. 103. Use of existing authorities.  
 Sec. 104. Experimental permits.  
 Sec. 105. Space-related advisory rulemaking committees.  
 Sec. 106. Government-developed space technology.  
 Sec. 107. Regulatory reform.  
 Sec. 108. Secretary of Transportation oversight and coordination of commercial launch and reentry operations.

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

- Sec. 201. Nongovernmental Earth observation activities.

**TITLE III—MISCELLANEOUS**

- Sec. 301. Promoting fairness and competitiveness for NASA partnership opportunities.  
 Sec. 302. Lease of non-excess property.  
 Sec. 303. Sense of Congress on maintaining a national laboratory in space.  
 Sec. 304. Continuation of the ISS.

**1 SEC. 2. DEFINITIONS.**

**2** In this Act:

**3** (1) ISS.—The term “ISS” means the Inter-  
**4** national Space Station.

**5** (2) NASA.—The term “NASA” means the Na-  
**6** tional Aeronautics and Space Administration.

**7** (3) NOAA.—The term “NOAA” means the Na-  
**8** tional Oceanic and Atmospheric Administration.

**9 TITLE I—STREAMLINING OVER-**  
**10 SIGHT OF LAUNCH AND RE-**  
**11 ENTRY ACTIVITIES**

**12 SEC. 101. OVERSIGHT OF NONGOVERNMENTAL SPACE AC-**  
**13 TIVITIES.**

**14** (a) POLICY.—It is the policy of the United States to  
**15** provide oversight and continuing supervision of non-

1 governmental space activities in a manner that encourages  
2 the fullest commercial use of space, consistent with section  
3 20102(c) of title 51, United States Code.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-  
5 gress that—

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

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

10 (A) to encourage and promote new and ex-  
11 isting nongovernmental space activities; and

12 (B) to provide authorization and con-  
13 tinuing supervision of those activities through a  
14 process that is efficient, transparent, minimally  
15 burdensome, and generally permissive; and

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

21 **SEC. 102. OFFICE OF COMMERCIAL SPACE TRANSPOR-**  
22 **TATION.**

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

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

4           (2) by inserting before subsection (b), the fol-  
5           lowing:

6           “(b) ASSOCIATE ADMINISTRATOR FOR COMMERCIAL  
7           SPACE TRANSPORTATION.—The Assistant Secretary for  
8           Commercial Space Transportation shall serve as the Asso-  
9           ciate Administrator for Commercial Space Transpor-  
10          tation.”.

11          (b) ESTABLISHMENT OF ASSISTANT SECRETARY FOR  
12          COMMERCIAL SPACE TRANSPORTATION.—Section  
13          102(e)(1) of title 49, United States Code, is amended—

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

16                 (2) in subparagraph (A), by inserting “Assist-  
17                 ant Secretary for Commercial Space Transpor-  
18                 tation,” after “Assistant Secretary for Research and  
19                 Technology,”.

20          **SEC. 103. USE OF EXISTING AUTHORITIES.**

21          (a) SENSE OF CONGRESS.—It is the sense of Con-  
22          gress that, in the absence of comprehensive regulatory re-  
23          form, the Secretary of Transportation should make use  
24          of existing authorities, including waivers and safety ap-  
25          provals, as appropriate, to protect the public, make more

1 efficient use of resources, and reduce the regulatory bur-  
2 den for an applicant for a commercial space launch or re-  
3 entry license or experimental permit.

4 (b) LICENSE APPLICATIONS AND REQUIREMENTS.—  
5 Section 50905 of title 51, United States Code, is amend-  
6 ed—

7 (1) in subsection (a)—

8 (A) in paragraph (1), by striking “sub-  
9 section (b)(2)(D)” each place it appears and in-  
10 serting “subsection (b)(2)(E)”; and

11 (B) in paragraph (2)—

12 (i) by inserting “software,” after  
13 “services,”; and

14 (ii) by adding at the end the fol-  
15 lowing: “Such safety approvals may be  
16 issued simultaneously with a license under  
17 this chapter.”; and

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

19 “(e) USE OF EXISTING AUTHORITIES.—

20 “(1) IN GENERAL.—The Secretary—

21 “(A) shall use existing authorities, includ-  
22 ing waivers and safety approvals, as appro-  
23 priate, to make more efficient use of resources  
24 and reduce the regulatory burden for an appli-  
25 cant under this section; and

1           “(B) may use the launch and reentry pay-  
2           load review process to authorize nongovern-  
3           mental space activities that are related to an  
4           application for a license or permit under this  
5           chapter and are not subject to authorization  
6           under other Federal law.

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

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

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

15               (2) by redesignating paragraph (20) as para-  
16               graph (22);

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

19               (4) by inserting after paragraph (11) the fol-  
20               lowing:

21               “(12) ‘nongovernmental space activity’ means a  
22               space activity of a person other than—

23                       “(A) the United States Government; or

24                       “(B) a Government contractor or subcon-  
25               tractor if the Government contractor or subcon-

1 tractor is performing the space activity for the  
2 Government.”;

3 (5) by inserting after paragraph (20), as reded-  
4 icated, the following:

5 “(21) ‘space activity’ has the meaning given the  
6 term in section 60101 of this title.”; and

7 (6) by inserting after paragraph (22), as reded-  
8 icated, the following:

9 “(23) ‘space object’ has the meaning given the  
10 term in section 60101 of this title.”.

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

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

18 **SEC. 104. EXPERIMENTAL PERMITS.**

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

21 “(j) USE OF EXISTING AUTHORITIES.—

22 “(1) IN GENERAL.—The Secretary shall use ex-  
23 isting authorities, including waivers and safety ap-  
24 provals, as appropriate, to make more efficient use

1 of resources and reduce the regulatory burden for an  
2 applicant under this section.

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

7 **SEC. 105. SPACE-RELATED ADVISORY RULEMAKING COM-**  
8 **MITTEES.**

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

11 “(e) FACA.—The Federal Advisory Committee Act  
12 (5 U.S.C. App.) does not apply to such space-related rule-  
13 making committees under the Secretary’s jurisdiction as  
14 the Secretary shall designate.”.

15 **SEC. 106. 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. 107. 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 small-class launch technologies, reusable



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

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

5 (1) IN GENERAL.—Not later than February 1,  
6 2019, the Secretary of Transportation shall issue a  
7 notice of proposed rulemaking to revise any regula-  
8 tions under chapter 509, United States Code, as the  
9 Secretary considers necessary to meet the objective  
10 of this section.

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

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

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

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

1 (D) establishes clear, high-level perform-  
2 ance requirements;

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

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

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

16 (1) Secretary of Defense.

17 (2) Administrator of NASA.

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

22 (e) REPORT.—

23 (1) IN GENERAL.—Not later than 120 days  
24 after the date of enactment of this Act, the Sec-  
25 retary of Transportation, in consultation with the

1 persons described in subsection (d), shall submit to  
2 the Committee on Commerce, Science, and Trans-  
3 portation of the Senate and the Committee on  
4 Science, Space, and Technology and the Committee  
5 on Transportation and Infrastructure of the House  
6 of Representatives a report on the progress in car-  
7 rying out this section.

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

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

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

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

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

19 **SEC. 108. SECRETARY OF TRANSPORTATION OVERSIGHT**  
20 **AND COORDINATION OF COMMERCIAL**  
21 **LAUNCH AND REENTRY OPERATIONS.**

22 (a) OVERSIGHT AND COORDINATION.—

23 (1) IN GENERAL.—The Secretary of Transpor-  
24 tation, in accordance with the findings under section  
25 1617 of the National Defense Authorization Act for

1 Fiscal Year 2016 (51 U.S.C. 50918 note) and sub-  
2 ject to section 50905(b)(2)(C) of title 51, United  
3 States Code, shall take such action as may be nec-  
4 essary to consolidate or modify the requirements  
5 across Federal agencies identified in section  
6 1617(c)(1)(A) of that Act into a single application  
7 set that satisfies those requirements and expedites  
8 the coordination of commercial launch and reentry  
9 services.

10 (2) CERTIFICATION.—Not later than 45 days  
11 after the effective date of this subsection, the Presi-  
12 dent shall certify in writing to Congress that—

13 (A) the Secretary of Transportation is the  
14 only authority for authorizing commercial  
15 launch and reentry operations, including at a  
16 Federal range, under chapter 509 of title 51,  
17 United States Code; and

18 (B) consistent with section 50918 of title  
19 51, United States Code, all matters under that  
20 chapter affecting national security or foreign  
21 policy, and such other matters under that chap-  
22 ter in the interest of the United States, are co-  
23 ordinated through the Secretary of Transpor-  
24 tation.

25 (3) CHAPTER 509.—

1 (A) PURPOSES.—Section 50901 of title 51,  
2 United States Code, is amended by inserting  
3 “all” before “commercial launch and reentry  
4 operations”.

5 (B) GENERAL AUTHORITY.—Section  
6 50903(b) of title 51, United States Code, is  
7 amended—

8 (i) by redesignating paragraphs (1)  
9 and (2) as paragraphs (2) and (3), respec-  
10 tively; and

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

13 “(1) oversee and coordinate the conduct of all  
14 commercial launch and reentry operations, including  
15 any commercial launch or commercial reentry at a  
16 Federal range;”.

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

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

24 (c) TECHNICAL AMENDMENT; REPEAL REDUNDANT  
25 LAW.—Section 113 of the U.S. Commercial Space Launch

1 Competitiveness Act (Public Law 114–90; 129 Stat. 704)  
2 and the item relating to that section in the table of con-  
3 tents under section 1(b) of that Act are repealed.

4 **TITLE II—STREAMLINING OVER-**  
5 **SIGHT OF NONGOVERN-**  
6 **MENTAL EARTH OBSERVA-**  
7 **TION ACTIVITIES**

8 **SEC. 201. NONGOVERNMENTAL EARTH OBSERVATION AC-**  
9 **TIVITIES.**

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

13 (1) in section 60101—

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

16 “(12) UNENHANCED DATA.—The term  
17 ‘unenhanced data’ means signals or imagery prod-  
18 ucts from Earth observation activities that are un-  
19 processed or subject only to data preprocessing.”;

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

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

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

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

6 “(4) EARTH OBSERVATION ACTIVITY.—The  
7 term ‘Earth observation activity’ means a space ac-  
8 tivity the primary purpose of which is to collect data  
9 that can be processed into imagery of the Earth.”;

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

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

16 “(A) the United States Government; or

17 “(B) a Government contractor or subcon-  
18 tractor if the Government contractor or subcon-  
19 tractor is performing the activity for the Gov-  
20 ernment.

21 “(13) ORBITAL DEBRIS.—The term ‘orbital de-  
22bris’ means any space object that is placed in space  
23 or derives from a space object placed in space by a  
24 person, remains in orbit, and no longer serves any  
25 useful function or purpose.

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

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

7           “(16) SPACE ACTIVITY.—

8           “(A) IN GENERAL.—The term ‘space activ-  
9 ity’ means any activity that is conducted in  
10 space.

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

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

18           “(17) SPACE OBJECT.—The term ‘space object’  
19 means any object, including any component of that  
20 object, that is launched into space or constructed in  
21 space, including any object landed or constructed on  
22 a celestial body, including the Moon.”;

23           (2) by amending subchapter III to read as fol-  
24 lows:



1 “SUBCHAPTER III—AUTHORIZATION OF NON-  
2 GOVERNMENTAL EARTH OBSERVATION AC-  
3 TIVITIES

4 “§ 60121. **Purposes**

5 “The purposes of this subchapter are—

6 “(1) to prevent, to the extent practicable, harm-  
7 ful interference to space activities by nongovern-  
8 mental Earth observation activities;

9 “(2) to manage risk and prevent harm to  
10 United States national security; and

11 “(3) to promote the leadership, industrial inno-  
12 vation, and international competitiveness of the  
13 United States.

14 “§ 60122. **General authority**

15 “(a) IN GENERAL.—The Secretary shall carry out  
16 this subchapter.

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

19 “(1) the Secretary of Defense;

20 “(2) the Secretary of State;

21 “(3) the Director of National Intelligence; and

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

1 **“§ 60123. Administrative authority of Secretary**

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

4 “(1) grant, condition, or transfer licenses under  
5 this chapter;

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

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

23 “(4) compromise, modify, or remit any such  
24 civil penalty;

25 “(5) issue subpoenas for any materials, docu-  
26 ments, or records, or for the attendance and testi-

1       mony of witnesses for the purpose of conducting a  
2       hearing under this section;

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

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

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

21       “§ 60124. **Authorization to conduct nongovernmental**

22                               **Earth observation activities**

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

1 “(b) WAIVERS.—

2 “(1) IN GENERAL.—The Secretary may waive a  
3 requirement under this subchapter for a nongovern-  
4 mental Earth observation activity, or for a type or  
5 class of nongovernmental Earth observation activi-  
6 ties, if the Secretary decides that granting a waiver  
7 is consistent with section 60121.

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

14 “(c) APPLICATION.—

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

21 “(A) a description of the proposed Earth  
22 observation activity, including—

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

1           “(ii) the orbital characteristics of each  
2           space object, including altitude, inclination,  
3           orbital period, and estimated operational  
4           lifetime; and

5           “(iii) a list of the names of all persons  
6           that have or will have direct operational or  
7           financial control of the Earth observation  
8           activity;

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

13          “(C) a description of the capabilities of  
14          each instrument to be used to observe the  
15          Earth in the conduct of the Earth observation  
16          activity.

17          “(2) APPLICATION STATUS.—Not later than 14  
18          days after the date of receipt of an application, the  
19          Secretary shall make a determination whether the  
20          application is complete or incomplete and notify the  
21          applicant of that determination, including, if incom-  
22          plete, the reason the application is incomplete.

23          “(d) REVIEW.—

24                 “(1) IN GENERAL.—Not later than 120 days  
25          after the date that the Secretary makes a determina-

1       tion under subsection (c)(2) that an application is  
2       complete, the Secretary shall review all information  
3       provided in that application and, subject to the pro-  
4       visions of this subsection, notify the applicant in  
5       writing whether the application was approved or de-  
6       nied.

7               “(2) APPROVALS.—The Secretary shall approve  
8       an application under this subsection if the Secretary  
9       determines that—

10               “(A) the Earth observation activity is con-  
11       sistent with the purposes described in section  
12       60121; and

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

16               “(3) DENIALS.—

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

19               “(i) shall include in the notification  
20       under paragraph (1)—

21               “(I) a reason for the denial; and

22               “(II) a description of each defi-  
23       ciency, including guidance on how to  
24       correct the deficiency;

1           “(ii) shall sign the notification under  
2 paragraph (1);

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

5           “(iv) shall submit to the Committee  
6 on Commerce, Science, and Transportation  
7 of the Senate and the Committee on  
8 Science, Space, and Technology of the  
9 House of Representatives a copy of the no-  
10 tification.

11           “(B) INTERAGENCY REVIEW.—If, during  
12 the review of an application under paragraph  
13 (1), the Secretary consults with the head of an-  
14 other Federal department or agency and that  
15 head of another Federal department or agency  
16 does not support approving the application—

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

19           “(I) not later than 90 days after  
20 the date of the consultation, shall no-  
21 tify the Secretary, in writing, of the  
22 reason for withholding support, in-  
23 cluding a description of each defi-  
24 ciency and guidance on how to correct  
25 the deficiency;

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

3                   “(III) may not delegate the duty  
4                   under subclause (II); and

5                   “(ii) the Secretary shall include the  
6                   notification under clause (i) in the notifica-  
7                   tion under paragraph (1), including classi-  
8                   fied information if the applicant has the  
9                   required security clearance for that classi-  
10                  fied information.

11                  “(C) INTERAGENCY ASSENTS.—If the head  
12                  of another Federal department or agency does  
13                  not notify the Secretary under subparagraph  
14                  (B)(i)(I) within the time specified in that sub-  
15                  paragraph, that head of another Federal de-  
16                  partment or agency shall be deemed to have as-  
17                  sented to the application.

18                  “(D) DEFICIENCIES.—The Secretary  
19                  shall—

20                  “(i) provide each applicant under this  
21                  paragraph with a reasonable opportunity—

22                  “(I) to correct each deficiency  
23                  identified under subparagraph  
24                  (A)(i)(II); and



1                   “(II) to resubmit a corrected ap-  
2                   plication for reconsideration; and

3                   “(ii) not later than 30 days after the  
4                   date of receipt of a corrected application  
5                   under clause (i)(II), make a determination,  
6                   in consultation with each head of another  
7                   Federal department or agency that sub-  
8                   mitted a notification under subparagraph  
9                   (B), whether to approve the application or  
10                  not.

11                  “(E) IMPROPER BASIS FOR DENIAL.—

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

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

23                  “(4) DEADLINE.—If the Secretary does not no-  
24                  tify an applicant in writing before the applicable  
25                  deadline under paragraph (1), the Secretary shall,

1 not later than 1 business day after the date of the  
2 applicable deadline, notify the Committee on Com-  
3 merce, Science, and Transportation of the Senate  
4 and the Committee on Science, Space, and Tech-  
5 nology of the House of Representatives of the status  
6 of the application, including the reason the deadline  
7 was not met.

8 “(5) EXPEDITED REVIEW PROCESS.—Subject to  
9 paragraph (2), the Secretary may modify the re-  
10 quirements under this subsection, as the Secretary  
11 considers appropriate, to expedite the review of an  
12 application that seeks to conduct an Earth observa-  
13 tion activity that is substantially similar to an Earth  
14 observation activity already licensed under this sub-  
15 chapter.

16 “(e) ADDITIONAL REQUIREMENTS.—An authoriza-  
17 tion issued under this subchapter shall require the author-  
18 ized person—

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

20 “(2) to notify the Secretary of any significant  
21 change in the information contained in the applica-  
22 tion; and

23 “(3) to make available to the government of  
24 any country, including the United States,  
25 unenhanced data collected by the Earth observation

1 system concerning the territory under the jurisdic-  
2 tion of that government as soon as such data are  
3 available and on reasonable commercial terms and  
4 conditions.

5 **“§ 60125. Annual reports**

6 “(a) IN GENERAL.—Not later than 180 days after  
7 the date of enactment of the Space Frontier Act of 2018,  
8 and annually thereafter, the Secretary shall submit to the  
9 Committee on Commerce, Science, and Transportation of  
10 the Senate and the Committee on Science, Space, and  
11 Technology of the House of Representatives a report on  
12 the progress in implementing this subchapter, including—

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

16 “(2) notwithstanding paragraph (4) of section  
17 60124(d), a list of all applications, in the previous  
18 calendar year, for which the Secretary missed the  
19 deadline under paragraph (1) of that section, includ-  
20 ing the reasons the deadline was not met; and

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

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

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

6       **“§ 60126. Regulations**

7       “The Secretary shall promulgate regulations to im-  
 8 plement this subchapter.

9       **“§ 60127. Relationship to other executive agencies**  
 10   **and laws**

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

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

20                   “(1) the Federal Communications Commission  
 21                   under the Communications Act of 1934 (47 U.S.C.  
 22                   151 et seq.); or

23                   “(2) the Secretary of Transportation under  
 24                   chapter 509 of this title.

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

4 (3) by amending section 60147 to read as fol-  
5 lows:

6 **“§ 60147. Consultation**

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

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

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

1 the Landsat Program Management of such condi-  
2 tions.

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

8 “(3) REPORTING DISCRIMINATORY DISTRIBU-  
9 TION.—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.

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

21 (b) TABLE OF CONTENTS.—The table of contents of  
22 chapter 601 of title 51, United States Code, is amended  
23 by striking the items relating to subchapter III and insert-  
24 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) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
 2 tion or the amendments made by this section shall affect  
 3 any license, or application for a license, to operate a pri-  
 4 vate remote sensing space system that was made under  
 5 subchapter III of chapter 601 of title 51, United States  
 6 Code (as in effect before the date of enactment of this  
 7 Act), before the date of enactment of this Act. Such li-  
 8 cense shall continue to be subject to the requirements to  
 9 which such license was subject under that chapter as in  
 10 effect on the day before the date of enactment of this Act.

## 11           **TITLE III—MISCELLANEOUS**

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

#### 13                           **FOR NASA PARTNERSHIP OPPORTUNITIES.**

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

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

20                   (2) NASA should continue to promote fairness  
 21 to all parties and ensure best value to the Federal  
 22 Government in granting use of NASA assets, serv-

1 ices, and capabilities in a manner that contributes to  
2 NASA’s missions and objectives; and

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

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

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

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

19 (3) not later than 90 days after the date of en-  
20 actment of this Act—

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



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

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

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

13 (c) **STRENGTHENING SMALL BUSINESS AWARE-**  
14 **NESS.**—Not later than 180 days after the date of enact-  
15 ment of this Act, the Administrator of NASA shall des-  
16 ignate an official at each NASA Center—

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

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

23 **SEC. 302. LEASE OF NON-EXCESS PROPERTY.**

24 Section 20145(b) of title 51, United States Code, is  
25 amended—

1 (1) in the heading, by striking “CASH CONSID-  
2 ERATION” and inserting “CONSIDERATION”; and

3 (2) in paragraph (1)—

4 (A) in subparagraph (A), by inserting “IN  
5 GENERAL” before “A person”; and

6 (B) by amending subparagraph (B) to read  
7 as follows:

8 “(B) IN-KIND CONSIDERATION.—Notwith-  
9 standing subparagraph (A), the Administrator  
10 may accept in-kind consideration for leases en-  
11 tered into for the purpose of developing—

12 “(i) renewable energy production fa-  
13 cilities; and

14 “(ii) space sector industrial infra-  
15 structure and business facilities that the  
16 Administrator determines would advance  
17 national security interests or civil space ca-  
18 pabilities.”.

19 **SEC. 303. SENSE OF CONGRESS ON MAINTAINING A NA-**  
20 **TIONAL LABORATORY IN SPACE.**

21 It is the sense of Congress that—

22 (1) the United States segment of the ISS (des-  
23 igned a national laboratory under section 70905 of  
24 title 51, United States Code)—

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

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

6 (C) advances science, technology, engineer-  
7 ing, and mathematics education through utiliza-  
8 tion of the unique microgravity environment;  
9 and

10 (D) advances human knowledge and inter-  
11 national cooperation;

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

15 (3) in maintaining a national laboratory de-  
16 scribed in paragraph (2), the United States should  
17 make appropriate accommodations for different  
18 types of ownership and operational structures for  
19 the ISS and future space stations;

20 (4) the national laboratory described in para-  
21 graph (2) should be maintained beyond the date that  
22 the ISS is decommissioned and, if possible, in co-  
23 operation with international space partners to the  
24 extent practicable; and

1           (5) NASA should continue to support funda-  
2           mental science research on future platforms in low-  
3           Earth orbit and cis-lunar space.

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

5           (a) CONTINUATION OF THE INTERNATIONAL SPACE  
6 STATION.—Section 501(a) of the National Aeronautics  
7 and Space Administration Authorization Act of 2010 (42  
8 U.S.C. 18351(a)) is amended by striking “2024” and in-  
9 serting “2030”.

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

16          (c) RESEARCH CAPACITY ALLOCATION AND INTE-  
17 GRATION OF RESEARCH PAYLOADS.—Section 504(d) of  
18 the National Aeronautics and Space Administration Au-  
19 thorization Act of 2010 (42 U.S.C. 18354(d)) is amended  
20 by striking “2024” each place it appears and inserting  
21 “2030”.

22          (d) MAINTAINING USE THROUGH AT LEAST 2028.—  
23 Section 70907 of title 51, United States Code, is amended

- 1 by striking “2024” each place it appears and inserting
- 2 “2030”.

