

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 3277

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. CRUZ (for himself, Mr. NELSON, and Mr. MARKEY)

Viz:

1 Strike all after the enacting clause and insert the following:
2

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-
16 governmental space activities in a manner that encourages

1 the fullest commercial use of space, consistent with section
2 20102(e) of title 51, United States Code.

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

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

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

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

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

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

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

22 (a) IN GENERAL.—Section 50921 of title 51, United
23 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 “(a) 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) by amending paragraph (1) to read as
9 follows:

10 “(1) IN GENERAL.—

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

15 “(B) DECISIONS.—Consistent with the
16 public health and safety, safety of property, and
17 national security and foreign policy interests of
18 the United States, the Secretary, not later than
19 the applicable deadline described in subpara-
20 graph (C), shall issue or transfer a license if
21 the Secretary decides in writing that the appli-
22 cant complies, and will continue to comply, with
23 this chapter and regulations prescribed under
24 this chapter.

1 “(C) APPLICABLE DEADLINE.—The appli-
2 cable deadline described in this subparagraph
3 shall be—

4 “(i) for an applicant that was or is a
5 holder of any license under this chapter,
6 not later than 90 days after accepting an
7 application in accordance with criteria es-
8 tablished pursuant to subsection (b)(2)(E);
9 and

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

14 “(D) NOTICE TO APPLICANTS.—The Sec-
15 retary shall inform the applicant of any pending
16 issue and action required to resolve the issue if
17 the Secretary has not made a decision not later
18 than—

19 “(i) for an applicant described in sub-
20 paragraph (C)(i), 60 days after accepting
21 an application in accordance with criteria
22 established pursuant to subsection
23 (b)(2)(E); and

24 “(ii) for an applicant described in sub-
25 paragraph (C)(ii), 120 days after accepting

1 an application in accordance with criteria
2 established pursuant to subsection
3 (b)(2)(E).

4 “(E) NOTICE TO CONGRESS.—The Sec-
5 retary shall transmit to the Committee on Com-
6 merce, Science, and Transportation of the Sen-
7 ate and the Committee on Science, Space, and
8 Technology of the House of Representatives a
9 written notice not later than 30 days after any
10 occurrence when the Secretary has not taken
11 action on a license application within an appli-
12 cable deadline established by this subsection.”;
13 and

14 (B) in paragraph (2)—

15 (i) by inserting “PROCEDURES FOR
16 SAFETY APPROVALS.—” before “In car-
17 rying out”;

18 (ii) by inserting “software,” after
19 “services,”; and

20 (iii) by adding at the end the fol-
21 lowing: “Such safety approvals may be
22 issued simultaneously with a license under
23 this chapter.”; and

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

25 “(e) USE OF EXISTING AUTHORITIES.—

1 “(1) IN GENERAL.—The Secretary—

2 “(A) shall use existing authorities, includ-
3 ing waivers and safety approvals, as appro-
4 priate, to make more efficient use of resources
5 and reduce the regulatory burden for an appli-
6 cant under this section; and

7 “(B) may use the launch and reentry pay-
8 load review process to authorize nongovern-
9 mental space activities that are related to an
10 application for a license or permit under this
11 chapter and are not subject to authorization
12 under other Federal law.

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

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

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

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

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

1 (4) by inserting after paragraph (11) the fol-
2 lowing:

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

5 “(A) the United States Government; or

6 “(B) a Government contractor or subcon-
7 tractor if the Government contractor or subcon-
8 tractor is performing the space activity for the
9 Government.”;

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

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

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

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

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

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

1 **SEC. 104. 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 and reduce the regulatory burden for an
9 applicant under this section.

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

14 **SEC. 105. SPACE-RELATED ADVISORY RULEMAKING COM-**
15 **MITTEES.**

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

18 “(e) FACA.—The Federal Advisory Committee Act
19 (5 U.S.C. App.) does not apply to such space-related rule-
20 making committees under the Secretary’s jurisdiction as
21 the Secretary shall designate.”.

22 **SEC. 106. GOVERNMENT-DEVELOPED SPACE TECHNOLOGY.**

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

1 **SEC. 107. REGULATORY REFORM.**

2 (a) **DEFINITIONS.**—The definitions set forth in sec-
3 tion 50902 of title 51, United States Code, shall apply
4 to this section.

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

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

13 (1) **IN GENERAL.**—Not later than February 1,
14 2019, the Secretary of Transportation shall issue a
15 notice of proposed rulemaking to revise any regula-
16 tions under chapter 509, United States Code, as the
17 Secretary considers necessary to meet the objective
18 of this section.

19 (2) **OBJECTIVE.**—The objective of this section
20 is to establish, consistent with the purposes de-
21 scribed in section 50901(b) of title 51, United States
22 Code, a regulatory regime for commercial space
23 launch activities under chapter 509 that—

24 (A) creates, to the extent practicable, re-
25 quirements applicable both to expendable

1 launch and reentry vehicles and to reusable
2 launch and reentry vehicles;

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

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

8 (D) establishes clear, high-level perform-
9 ance requirements;

10 (E) encourages voluntary, industry tech-
11 nical standards that complement the high-level
12 performance requirements established under
13 subparagraph (D); and

14 (F) facilitates and encourages appropriate
15 collaboration between the commercial space
16 launch and reentry sector and the Department
17 of Transportation with respect to the require-
18 ments under subparagraph (D) and the stand-
19 ards under subparagraph (E).

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

23 (1) Secretary of Defense.

24 (2) Administrator of NASA.

1 (3) Such members of the commercial space
2 launch and reentry sector as the Secretary of Trans-
3 portation considers appropriate to ensure adequate
4 representation across industry.

5 (e) REPORT.—

6 (1) IN GENERAL.—Not later than 60 days after
7 the date of enactment of this Act, the Secretary of
8 Transportation, in consultation with the persons de-
9 scribed in subsection (d), shall submit to the Com-
10 mittee on Commerce, Science, and Transportation of
11 the Senate and the Committee on Science, Space,
12 and Technology and the Committee on Transpor-
13 tation and Infrastructure of the House of Represent-
14 atives a report on the progress in carrying out this
15 section.

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

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

19 (B) a description of any Federal agency re-
20 sources necessary to meet the objective of this
21 section;

22 (C) recommendations for legislation that
23 would expedite or improve the outcomes under
24 subsection (e); and

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

3 **SEC. 108. SECRETARY OF TRANSPORTATION OVERSIGHT**
4 **AND COORDINATION OF COMMERCIAL**
5 **LAUNCH AND REENTRY OPERATIONS.**

6 (a) OVERSIGHT AND COORDINATION.—

7 (1) IN GENERAL.—The Secretary of Transpor-
8 tation, in accordance with the findings under section
9 1617 of the National Defense Authorization Act for
10 Fiscal Year 2016 (51 U.S.C. 50918 note) and sub-
11 ject to section 50905(b)(2)(C) of title 51, United
12 States Code, shall take such action as may be nec-
13 essary to consolidate or modify the requirements
14 across Federal agencies identified in section
15 1617(e)(1)(A) of that Act into a single application
16 set that satisfies those requirements and expedites
17 the coordination of commercial launch and reentry
18 services.

19 (2) CHAPTER 509.—

20 (A) PURPOSES.—Section 50901 of title 51,
21 United States Code, is amended by inserting
22 “all” before “commercial launch and reentry
23 operations”.

1 (B) GENERAL AUTHORITY.—Section
2 50903(b) of title 51, United States Code, is
3 amended—

4 (i) by redesignating paragraphs (1)
5 and (2) as paragraphs (2) and (3), respec-
6 tively; and

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

9 “(1) consistent with this chapter, authorize, li-
10 cense, and oversee the conduct of all commercial
11 launch and reentry operations, including any com-
12 mercial launch or commercial reentry at a Federal
13 range;”.

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

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

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

1 **TITLE II—STREAMLINING OVER-**
2 **SIGHT OF NONGOVERN-**
3 **MENTAL EARTH OBSERVA-**
4 **TION ACTIVITIES**

5 **SEC. 201. NONGOVERNMENTAL EARTH OBSERVATION AC-**
6 **TIVITIES.**

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

10 (1) in section 60101—

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

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

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

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

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

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

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

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

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

11 “(A) the United States Government; or

12 “(B) a Government contractor or subcon-
13 tractor if the Government contractor or subcon-
14 tractor is performing the activity for the Gov-
15 ernment.

16 “(13) ORBITAL DEBRIS.—The term ‘orbital de-
17bris’ means any space object that is placed in space
18 or derives from a space object placed in space by a
19 person, remains in orbit, and no longer serves any
20 useful function or purpose.

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

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

3 “(16) SPACE ACTIVITY.—

4 “(A) IN GENERAL.—The term ‘space activ-
5 ity’ means any activity that is conducted in
6 space.

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

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

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

19 (2) by amending subchapter III to read as fol-
20 lows:

21 “SUBCHAPTER III—AUTHORIZATION OF NON-
22 GOVERNMENTAL EARTH OBSERVATION AC-
23 TIVITIES

24 “§ 60121. **Purposes**

25 “The purposes of this subchapter are—

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

4 “(2) to manage risk and prevent harm to
5 United States national security; and

6 “(3) to promote the leadership, industrial inno-
7 vation, and international competitiveness of the
8 United States.

9 **“§ 60122. General authority**

10 “(a) IN GENERAL.—The Secretary shall carry out
11 this subchapter.

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

14 “(1) the Secretary of Defense;

15 “(2) the Secretary of State;

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

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

19 **“§ 60123. Administrative authority of Secretary**

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

22 “(1) grant, condition, or transfer licenses under
23 this chapter;

24 “(2) seek an order of injunction or similar judi-
25 cial determination from a district court of the

1 United States with personal jurisdiction over the li-
2 censee to terminate, modify, or suspend licenses
3 under this subchapter and to terminate licensed op-
4 erations on an immediate basis, if the Secretary de-
5 termines that the licensee has substantially failed to
6 comply with any provisions of this chapter, with any
7 terms, conditions, or restrictions of such license, or
8 with any international obligations or national secu-
9 rity concerns of the United States;

10 “(3) provide penalties for noncompliance with
11 the requirements of licenses or regulations issued
12 under this subchapter, including civil penalties not
13 to exceed \$10,000 (each day of operation in violation
14 of such licenses or regulations constituting a sepa-
15 rate violation);

16 “(4) compromise, modify, or remit any such
17 civil penalty;

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

22 “(6) seize any object, record, or report pursuant
23 to a warrant from a magistrate based on a showing
24 of probable cause to believe that such object, record,
25 or report was used, is being used, or is likely to be

1 used in violation of this chapter or the requirements
2 of a license or regulation issued thereunder; and

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

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

15 **“§ 60124. Authorization to conduct nongovernmental**
16 **Earth observation activities**

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

20 “(b) WAIVERS.—

21 “(1) IN GENERAL.—The Secretary may waive a
22 requirement under this subchapter for a nongovern-
23 mental Earth observation activity, or for a type or
24 class of nongovernmental Earth observation activi-

1 ties, if the Secretary decides that granting a waiver
2 is consistent with section 60121.

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

9 “(c) APPLICATION.—

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

16 “(A) a description of the proposed Earth
17 observation activity, including—

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

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

24 “(iii) a list of the names of all persons
25 that have or will have direct operational or

1 financial control of the Earth observation
2 activity;

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

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

11 “(2) APPLICATION STATUS.—Not later than 14
12 days after the date of receipt of an application, the
13 Secretary shall make a determination whether the
14 application is complete or incomplete and notify the
15 applicant of that determination, including, if incom-
16 plete, the reason the application is incomplete.

17 “(d) REVIEW.—

18 “(1) IN GENERAL.—Not later than 120 days
19 after the date that the Secretary makes a determina-
20 tion under subsection (c)(2) that an application is
21 complete, the Secretary shall review all information
22 provided in that application and, subject to the pro-
23 visions of this subsection, notify the applicant in
24 writing whether the application was approved or de-
25 nied.

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

4 “(A) the Earth observation activity is con-
5 sistent with the purposes described in section
6 60121; and

7 “(B) the applicant is in compliance; and
8 will continue to comply, with this subchapter,
9 including regulations.

10 “(3) DENIALS.—

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

13 “(i) shall include in the notification
14 under paragraph (1)—

15 “(I) a reason for the denial; and

16 “(II) a description of each defi-
17 ciency, including guidance on how to
18 correct the deficiency;

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

21 “(iii) may not delegate the duty under
22 clause (ii); and

23 “(iv) shall submit to the Committee
24 on Commerce, Science, and Transportation
25 of the Senate and the Committee on

1 Science, Space, and Technology of the
2 House of Representatives a copy of the no-
3 tification.

4 “(B) INTERAGENCY REVIEW.—If, during
5 the review of an application under paragraph
6 (1), the Secretary consults with the head of an-
7 other Federal department or agency and that
8 head of another Federal department or agency
9 does not support approving the application—

10 “(i) that head of another Federal de-
11 partment or agency—

12 “(I) not later than 90 days after
13 the date of the consultation, shall no-
14 tify the Secretary, in writing, of the
15 reason for withholding support, in-
16 cluding a description of each defi-
17 ciency and guidance on how to correct
18 the deficiency;

19 “(II) shall sign the notification
20 under subclause (I); and

21 “(III) may not delegate the duty
22 under subclause (II); and

23 “(ii) the Secretary shall include the
24 notification under clause (i) in the notifica-
25 tion under paragraph (1), including classi-

1 fied information if the applicant has the
2 required security clearance for that classi-
3 fied information.

4 “(C) INTERAGENCY ASSENTS.—If the head
5 of another Federal department or agency does
6 not notify the Secretary under subparagraph
7 (B)(i)(I) within the time specified in that sub-
8 paragraph, that head of another Federal de-
9 partment or agency shall be deemed to have as-
10 sented to the application.

11 “(D) INTERAGENCY DISSENTS.—If, during
12 the review of an application under paragraph
13 (1), a head of a Federal department or agency
14 described in subparagraph (B) disagrees with
15 the Secretary or the head of another Federal
16 department or agency described in subpara-
17 graph (B) with respect to a deficiency under
18 this subsection, the Secretary shall submit the
19 matter to the President, who shall resolve the
20 dispute before the applicable deadline under
21 paragraph (1).

22 “(E) DEFICIENCIES.—The Secretary
23 shall—

24 “(i) provide each applicant under this
25 paragraph with a reasonable opportunity—

1 “(I) to correct each deficiency
2 identified under subparagraph
3 (A)(i)(II); and

4 “(II) to resubmit a corrected ap-
5 plication for reconsideration; and

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

14 “(F) IMPROPER BASIS FOR DENIAL.—

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

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

1 “(4) DEADLINE.—If the Secretary does not no-
2 tify an applicant in writing before the applicable
3 deadline under paragraph (1), the Secretary shall,
4 not later than 1 business day after the date of the
5 applicable deadline, notify the Committee on Com-
6 merce, Science, and Transportation of the Senate
7 and the Committee on Science, Space, and Tech-
8 nology of the House of Representatives of the status
9 of the application, including the reason the deadline
10 was not met.

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

19 “(c) ADDITIONAL REQUIREMENTS.—An authoriza-
20 tion issued under this subchapter shall require the author-
21 ized person—

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

23 “(2) to notify the Secretary of any significant
24 change in the information contained in the applica-
25 tion; and

1 “(3) to make available to the government of
2 any country, including the United States,
3 unenhanced data collected by the Earth observation
4 system concerning the territory under the jurisdic-
5 tion of that government as soon as such data are
6 available and on reasonable commercial terms and
7 conditions.

8 “(f) **CONDITIONS.**—Prior to making any change to
9 a condition of an authorization under this subchapter, the
10 Secretary shall—

11 “(1) provide notice of the reason for the
12 change, including, if applicable, a description of any
13 deficiency and guidance on how to correct the defi-
14 ciency; and

15 “(2) provide a reasonable opportunity to correct
16 a deficiency identified under paragraph (1).

17 “**§ 60125. Annual reports**

18 “(a) **IN GENERAL.**—Not later than 180 days after
19 the date of enactment of the Space Frontier Act of 2018,
20 and annually thereafter, the Secretary shall submit to the
21 Committee on Commerce, Science, and Transportation of
22 the Senate and the Committee on Science, Space, and
23 Technology of the House of Representatives a report on
24 the progress in implementing this subchapter, including—

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

4 “(2) notwithstanding paragraph (4) of section
5 60124(d), a list of all applications, in the previous
6 calendar year, for which the Secretary missed the
7 deadline under paragraph (1) of that section, includ-
8 ing the reasons the deadline was not met; and

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

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

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

17 “§ 60126. Regulations

18 “The Secretary shall promulgate regulations to im-
19 plement this subchapter.

20 “§ 60127. Relationship to other executive agencies
21 and laws

22 “(a) EXECUTIVE AGENCIES.—Except as provided in
23 this subchapter or chapter 509, or any activity regulated
24 by the Federal Communications Commission under the
25 Communications Act of 1934 (47 U.S.C. 151 et seq.), a

1 person is not required to obtain from an executive agency
2 a license, approval, waiver, or exemption to conduct a non-
3 governmental Earth observation activity.

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

6 “(1) the Federal Communications Commission
7 under the Communications Act of 1934 (47 U.S.C.
8 151 et seq.); or

9 “(2) the Secretary of Transportation under
10 chapter 509 of this title.

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

14 (3) by amending section 60147 to read as fol-
15 lows:

16 “§ 60147. Consultation

17 “(a) CONSULTATION WITH SECRETARY OF DE-
18 FENSE.—The Landsat Program Management shall con-
19 sult with the Secretary of Defense on all matters relating
20 to the Landsat Program under this chapter that affect na-
21 tional security. The Secretary of Defense shall be respon-
22 sible for determining those conditions, consistent with this
23 chapter, necessary to meet national security concerns of
24 the United States and for notifying the Landsat Program
25 Management of such conditions.

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

2 “(1) IN GENERAL.—The Landsat Program
3 Management shall consult with the Secretary of
4 State on all matters relating to the Landsat Pro-
5 gram under this chapter that affect international ob-
6 ligations. The Secretary of State shall be responsible
7 for determining those conditions, consistent with this
8 chapter, necessary to meet international obligations
9 and policies of the United States and for notifying
10 the Landsat Program Management of such condi-
11 tions.

12 “(2) INTERNATIONAL AID.—Appropriate United
13 States Government agencies are authorized and en-
14 couraged to provide remote sensing data, technology,
15 and training to developing nations as a component
16 of programs of international aid.

17 “(3) REPORTING DISCRIMINATORY DISTRIBUTION.—The Secretary of State shall promptly report
18 to the Landsat Program Management any instances
19 outside the United States of discriminatory distribu-
20 tion of Landsat data.

21 “(c) STATUS REPORT.—The Landsat Program Man-
22 agement shall, as often as necessary, provide to Congress
23 complete and updated information about the status of on-
24 going operations of the Landsat system, including timely
25

1 notification of decisions made with respect to the Landsat
2 system in order to meet national security concerns and
3 international obligations and policies of the United States
4 Government.”.

5 (b) TABLE OF CONTENTS.—The table of contents of
6 chapter 601 of title 51, United States Code, is amended
7 by striking the items relating to subchapter III and insert-
8 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.”.

9 (c) RULES OF CONSTRUCTION.—

10 (1) Nothing in this section or the amendments
11 made by this section shall affect any license, or ap-
12 plication for a license, to operate a private remote
13 sensing space system that was made under sub-
14 chapter III of chapter 601 of title 51, United States
15 Code (as in effect before the date of enactment of
16 this Act), before the date of enactment of this Act.
17 Such license shall continue to be subject to the re-
18 quirements to which such license was subject under
19 that chapter as in effect on the day before the date
20 of enactment of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (1) in subsection (b)—

21 (A) in the heading, by striking “CASH
22 CONSIDERATION” and inserting “CONSIDER-
23 ATION”; and

24 (B) in paragraph (1)—

1 (i) in subparagraph (A), by inserting

2 “IN GENERAL” before “A person”; and

3 (ii) by amending subparagraph (B) to

4 read as follows:

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

9 “(i) renewable energy production fa-
10 cilities; and

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

16 (2) in subsection (g), by striking “December
17 31, 2018” and inserting “December 31, 2020”.

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

20 It is the sense of Congress that—

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

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

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

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

8 (D) advances human knowledge and inter-
9 national cooperation;

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

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

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

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

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

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

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

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

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

22 (1) in the heading, by striking “**2024**” and in-
23 serting “**2030**”; and

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