115TH CONGRESS
2D Session

S.

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

IN THE SENATE OF THE UNITED STATES

Mr. Cruz (for himself, Mr. Nelson, and Mr. Markey) introduced the following bill, which was read twice and referred to the Committee on

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
S A L E G N S I A L E X A N D R I 1 7 S C A B I L D 8 S P A C E 1 8 . 1 0 . s m l

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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 International Space Station.

4 (2) NASA.—The term "NASA" means the National Aeronautics and Space Administration.

5 (3) NOAA.—The term "NOAA" means the National Oceanic and Atmospheric Administration.

9 TITLE I—STREAMLINING OVERSIGHT OF LAUNCH AND RE-ENTRY ACTIVITIES

12 SEC. 101. OVERSIGHT OF NONGOVERNMENTAL SPACE ACTIVITIES.

14 (a) POLICY.—It is the policy of the United States to provide oversight and continuing supervision of non-
governmental space activities in a manner that encourages
the fullest commercial use of space, consistent with section
20102(e) of title 51, United States Code.
(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that—
(1) increased activity and new applications in
space could grow the space economy;
(2) it is in the national interest of the United
States—
(A) to encourage and promote new and ex-
isting nongovernmental space activities; and
(B) to provide authorization and con-
tinuing supervision of those activities through a
process that is efficient, transparent, minimally-
burdensome, and generally permissive; and
(3) to conduct those activities in a manner that
fully protects United States national security assets,
NASA human spaceflight and exploration systems,
NASA and NOAA satellites, and other Federal as-
sets that serve the public interest.

SEC. 102. OFFICE OF COMMERCIAL SPACE TRANSPOR-
TATION.
(a) IN GENERAL.—Section 50921 of title 51, United
States Code, is amended—
(1) by inserting "(b) AUTHORIZATION OF APPROPRIATIONS.—" before "There" and indenting appropriately; and

(2) by inserting before subsection (b), the following:

"(b) ASSOCIATE ADMINISTRATOR FOR COMMERCIAL SPACE TRANSPORTATION.—The Assistant Secretary for Commercial Space Transportation shall serve as the Associate Administrator for Commercial Space Transportation."

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

(1) in the matter preceding subparagraph (A), by striking "6" and inserting "7"; and

(2) in subparagraph (A), by inserting "Assistant Secretary for Commercial Space Transportation," after "Assistant Secretary for Research and Technology,".

SEC. 103. USE OF EXISTING AUTHORITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, in the absence of comprehensive regulatory reform, the Secretary of Transportation should make use of existing authorities, including waivers and safety approvals, as appropriate, to protect the public, make more
efficient use of resources, and reduce the regulatory bur-

den for an applicant for a commercial space launch or re-

entry license or experimental permit.

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

(1) in subsection (a)—

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

(B) in paragraph (2)—

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

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

(2) by adding at the end the following:

“(c) USE OF EXISTING AUTHORITIES.—

“(1) IN GENERAL.—The Secretary—

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

July 25, 2018 (2:32 p.m.)
“(B) may use the launch and reentry pay-
load review process to authorize nongovern-
mental space activities that are related to an
application for a license or permit under this
chapter and are not subject to authorization
under other Federal law.

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

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

(1) by redesignating paragraphs (21) through
(25) as paragraphs (24) through (28), respectively;
(2) by redesignating paragraph (20) as para-
graph (22);
(3) by redesignating paragraphs (12) through
(19) as paragraphs (13) through (20), respectively;
(4) by inserting after paragraph (11) the fol-
lowing:

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

“(A) the United States Government; or
“(B) a Government contractor or subcon-
tractor if the Government contractor or subcon-
tractor is performing the space activity for the
Government.”;

(5) by inserting after paragraph (20), as redesignated, the following:

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

(6) by inserting after paragraph (22), as redesignated, the following:

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

(d) Restrictions on Launches, Operations, and
Reentries.—Section 50904 of title 51, United States
Code, is amended by adding at the end the following:

“(e) Multiple Sites.—The Secretary may issue a
single license or permit for an operator to conduct launch
services and reentry services at multiple launch sites or
reentry sites.”.

Sec. 104. Experimental Permits.

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

“(f) Use of Existing Authorities.—

“(1) In General.—The Secretary shall use ex-
isting authorities, including waivers and safety ap-
provals, as appropriate, to make more efficient use
of resources and reduce the regulatory burden for an applicant under this section.

"(2) EXPEDITING SAFETY APPROVALS.—The Secretary shall expedite the processing of safety approvals that would reduce risks to health or safety during launch and reentry."

SEC. 105. SPACE-RELATED ADVISORY RULEMAKING COMMITTEES.

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

"(c) FAÇA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to such space-related rulemaking committees under the Secretary's jurisdiction as the Secretary shall designate."

SEC. 106. GOVERNMENT-DEVELOPED SPACE TECHNOLOGY.

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

SEC. 107. REGULATORY REFORM.

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

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

(b) REGULATORY IMPROVEMENTS FOR COMMERCIAL SPACE LAUNCH ACTIVITIES.—

(1) IN GENERAL.—Not later than February 1, 2019, the Secretary of Transportation shall issue a notice of proposed rulemaking to revise any regulations under chapter 509, United States Code, as the Secretary considers necessary to meet the objective of this section.

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

(A) creates, to the extent practicable, requirements applicable both to expendable launch and reentry vehicles and to reusable launch and reentry vehicles;

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

(C) protects the health and safety of the public;
(D) establishes clear, high-level performance requirements;

(E) encourages voluntary, industry technical standards that complement the high-level performance requirements established under subparagraph (D); and

(F) facilitates and encourages appropriate collaboration between the commercial space launch and reentry sector and the Department of Transportation with respect to the requirements under subparagraph (D) and the standards under subparagraph (E).

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

1. Secretary of Defense.

2. Administrator of NASA.

3. Such members of the commercial space launch and reentry sector as the Secretary of Transportation considers appropriate to ensure adequate representation across industry.

(e) REPORT.—

1. IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the
persons described in subsection (d), shall submit to
the Committee on Commerce, Science, and Trans-
portation of the Senate and the Committee on
Science, Space, and Technology and the Committee
on Transportation and Infrastructure of the House
of Representatives a report on the progress in car-
rying out this section.

(2) CONTENTS.—The report shall include—

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

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

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

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

SEC. 108. SECRETARY OF TRANSPORTATION OVERSIGHT
AND COORDINATION OF COMMERCIAL
LAUNCH AND REENTRY OPERATIONS.

(a) OVERSIGHT AND COORDINATION.—

(1) IN GENERAL.—The Secretary of Transpor-
tation, in accordance with the findings under section
1617 of the National Defense Authorization Act for
Fiscal Year 2016 (51 U.S.C. 50918 note) and subject to section 50905(b)(2)(C) of title 51, United States Code, shall take such action as may be necessary to consolidate or modify the requirements across Federal agencies identified in section 1617(c)(1)(A) of that Act into a single application set that satisfies those requirements and expedites the coordination of commercial launch and reentry services.

(2) CERTIFICATION.—Not later than 45 days after the effective date of this subsection, the President shall certify in writing to Congress that—

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

(B) consistent with section 50918 of title 51, United States Code, all matters under that chapter affecting national security or foreign policy, and such other matters under that chapter in the interest of the United States, are coordinated through the Secretary of Transportation.

(3) CHAPTER 509.—
(A) PURPOSES.—Section 50901 of title 51, United States Code, is amended by inserting "all" before "commercial launch and reentry operations".

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

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

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

"(1) oversee and coordinate the conduct of all commercial launch and reentry operations, including any commercial launch or commercial reentry at a Federal range;".

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

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

(e) TECHNICAL AMENDMENT; REPEAL REDUNDANT LAW.—Section 113 of the U.S. Commercial Space Launch
Competitiveness Act (Public Law 114–90; 129 Stat. 704) and the item relating to that section in the table of contents under section 1(b) of that Act are repealed.

TITLE II—STREAMLINING OVERSIGHT OF NONGOVERNMENTAL EARTH OBSERVATION ACTIVITIES

SEC. 201. NONGOVERNMENTAL EARTH OBSERVATION ACTIVITIES.

(a) Licensing of Nongovernmental Earth Observation Activities.—Chapter 601 of title 51, United States Code, is amended—

(1) in section 60101—

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

"(12) UNENHANCED DATA.—The term ‘unenhanced data’ means signals or imagery products from Earth observation activities that are unprocessed or subject only to data preprocessing;"

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

(C) by redesignating paragraph (11) as paragraph (15);
(D) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively;

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

"(4) EARTH OBSERVATION ACTIVITY.—The term ‘Earth observation activity’ means a space activity the primary purpose of which is to collect data that can be processed into imagery of the Earth."

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

"(12) NONGOVERNMENTAL EARTH OBSERVATION ACTIVITY.—The term ‘nongovernmental Earth observation activity’ means an Earth observation activity of a person other than—

(A) the United States Government; or

(B) a Government contractor or subcontractor if the Government contractor or subcontractor is performing the activity for the Government.

(13) ORBITAL DEBRIS.—The term ‘orbital debris’ means any space object that is placed in space or derives from a space object placed in space by a person, remains in orbit, and no longer serves any useful function or purpose."
“(14) **PERSON.**—The term ‘person’ means a person (as defined in section 1 of title 1) subject to the jurisdiction or control of the United States.”; and

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

“(16) **SPACE ACTIVITY.**—

“(A) **IN GENERAL.**—The term ‘space activity’ means any activity that is conducted in space.

“(B) **INCLUSIONS.**—The term ‘space activity’ includes any activity conducted on a celestial body, including the Moon.

“(C) **EXCLUSIONS.**—The term ‘space activity’ does not include any activity that is conducted entirely on board or within a space object and does not affect another space object.

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

(2) by amending subchapter III to read as follows:
"SUBCHAPTER III—AUTHORIZATION OF NON-GOVERNMENTAL EARTH OBSERVATION ACTIVITIES

§ 60121. Purposes

The purposes of this subchapter are—

(1) to prevent, to the extent practicable, harmful interference to space activities by nongovernmental Earth observation activities;

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

(3) to promote the leadership, industrial innovation, and international competitiveness of the United States.

§ 60122. General authority

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

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

(1) the Secretary of Defense;

(2) the Secretary of State;

(3) the Director of National Intelligence; and

(4) the head of such other Federal department or agency as the Secretary considers necessary.
§ 60123. Administrative authority of Secretary

(a) FUNCTIONS.—In order to carry out the responsibilities specified in this subchapter, the Secretary may—

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

(2) seek an order of injunction or similar judicial determination from a district court of the United States with personal jurisdiction over the licensee to terminate, modify, or suspend licenses under this subchapter and to terminate licensed operations on an immediate basis, if the Secretary determines that the licensee has substantially failed to comply with any provisions of this chapter, with any terms, conditions, or restrictions of such license, or with any international obligations or national security concerns of the United States;

(3) provide penalties for noncompliance with the requirements of licenses or regulations issued under this subchapter, including civil penalties not to exceed $10,000 (each day of operation in violation of such licenses or regulations constituting a separate violation);

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

(5) issue subpoenas for any materials, documents, or records, or for the attendance and testi-
mony of witnesses for the purpose of conducting a
hearing under this section;

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

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

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

"§ 60124. Authorization to conduct nongovernmental
Earth observation activities

"(a) REQUIREMENT.—No person may conduct any
nongovernmental Earth observation activity without an
authorization issued under this subchapter.
“(b) WAIVERS.—

“(1) IN GENERAL.—The Secretary may waive a requirement under this subchapter for a nongovernmental Earth observation activity, or for a type or class of nongovernmental Earth observation activities, if the Secretary decides that granting a waiver is consistent with section 60121.

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

“(c) APPLICATION.—

“(1) IN GENERAL.—A person seeking an authorization under this subchapter shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require for the purposes described in section 60121, including—

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

“(i) a physical and functional description of each space object;
“(ii) the orbital characteristics of each space object, including altitude, inclination, orbital period, and estimated operational lifetime; and

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

“(B) a plan to prevent orbital debris consistent with the 2001 United States Orbital Debris Mitigation Standard Practices or any subsequent revision thereof; and

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

“(2) Application status.—Not later than 14 days after the date of receipt of an application, the Secretary shall make a determination whether the application is complete or incomplete and notify the applicant of that determination, including, if incomplete, the reason the application is incomplete.

“(d) Review.—

“(1) In general.—Not later than 120 days after the date that the Secretary makes a determina-
tion under subsection (c)(2) that an application is complete, the Secretary shall review all information provided in that application and, subject to the provisions of this subsection, notify the applicant in writing whether the application was approved or denied.

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

“(A) the Earth observation activity is consistent with the purposes described in section 60121; and

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

“(3) DENIALS.—

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

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

“(I) a reason for the denial; and

“(II) a description of each deficiency, including guidance on how to correct the deficiency;
“(ii) shall sign the notification under paragraph (1);

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

“(iv) shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a copy of the notification.

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

“(i) that head of another Federal department or agency—

“(1) not later than 90 days after the date of the consultation, shall notify the Secretary, in writing, of the reason for withholding support, including a description of each deficiency and guidance on how to correct the deficiency;
"(II) shall sign the notification under subclause (I); and

"(III) may not delegate the duty under subclause (II); and

"(ii) the Secretary shall include the notification under clause (i) in the notification under paragraph (1), including classified information if the applicant has the required security clearance for that classified information.

"(C) INTERAGENCY ASSESSMENTS.—If the head of another Federal department or agency does not notify the Secretary under subparagraph (B)(i)(I) within the time specified in that subparagraph, that head of another Federal department or agency shall be deemed to have assented to the application.

"(D) DEFICIENCIES.—The Secretary shall—

"(i) provide each applicant under this paragraph with a reasonable opportunity—

"(I) to correct each deficiency identified under subparagraph (A)(i)(II); and
“(II) to resubmit a corrected application for reconsideration; and

“(ii) not later than 30 days after the date of receipt of a corrected application under clause (i)(II), make a determination, in consultation with each head of another Federal department or agency that submitted a notification under subparagraph (B), whether to approve the application or not.

“(E) IMPROPER BASIS FOR DENIAL.—

“(i) COMPETITION.—The Secretary shall not deny an application under this subsection in order to protect any existing Earth observation activity from competition.

“(ii) CAPABILITIES.—The Secretary shall not, to the maximum extent practicable, deny an application under this subsection based solely on the capabilities of the Earth observation activity if those capabilities are commercially available.

“(4) DEADLINE.—If the Secretary does not notify an applicant in writing before the applicable deadline under paragraph (1), the Secretary shall,
not later than 1 business day after the date of the applicable deadline, notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of the status of the application, including the reason the deadline was not met.

"(5) EXPEDITED REVIEW PROCESS.—Subject to paragraph (2), the Secretary may modify the requirements under this subsection, as the Secretary considers appropriate, to expedite the review of an application that seeks to conduct an Earth observation activity that is substantially similar to an Earth observation activity already licensed under this subchapter.

"(c) ADDITIONAL REQUIREMENTS.—An authorization issued under this subchapter shall require the authorized person—

"(1) to be in compliance with this subchapter;

"(2) to notify the Secretary of any significant change in the information contained in the application; and

"(3) to make available to the government of any country, including the United States, unenhanced data collected by the Earth observation
system concerning the territory under the jurisdiction of that government as soon as such data are available and on reasonable commercial terms and conditions.

"§ 60125. Annual reports"

"(a) In General.—Not later than 180 days after the date of enactment of the Space Frontier Act of 2018, and annually thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the progress in implementing this subchapter, including—

"(1) a list of all applications received or pending in the previous calendar year and the status of each such application;

"(2) notwithstanding paragraph (4) of section 60124(d), a list of all applications, in the previous calendar year, for which the Secretary missed the deadline under paragraph (1) of that section, including the reasons the deadline was not met; and

"(3) a description of all actions taken by the Secretary under the administrative authority granted under section 60123."
“(b) Classified Annexes.—Each report under sub-
section (a) may include classified annexes as necessary to
protect the disclosure of sensitive or classified information.

“(c) Cessation of Effectiveness.—This section
ceases to be effective September 30, 2021.

“§60126. Regulations

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

“§60127. Relationship to other executive agencies

and laws

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

“(b) Rule of Construction.—This subchapter
does not affect the authority of

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

“(2) the Secretary of Transportation under
chapter 509 of this title.
“(c) NONAPPLICATION.—This subchapter does not apply to any space activity the United States Government carries out for the Government.”; and

(3) by amending section 60147 to read as follows:

“§60147. Consultation

“(a) Consultation WITH SECRETARY OF DEFENSE.—The Landsat Program Management shall consult with the Secretary of Defense on all matters relating to the Landsat Program under this chapter that affect national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this chapter, necessary to meet national security concerns of the United States and for notifying the Landsat Program Management of such conditions.

“(b) Consultation WITH SECRETARY OF STATE.—

“(1) IN GENERAL.—The Landsat Program Management shall consult with the Secretary of State on all matters relating to the Landsat Program under this chapter that affect international obligations. The Secretary of State shall be responsible for determining those conditions, consistent with this chapter, necessary to meet international obligations and policies of the United States and for notifying
the Landsat Program Management of such conditions.

"(2) INTERNATIONAL AID.—Appropriate United States Government agencies are authorized and encouraged to provide remote sensing data, technology, and training to developing nations as a component of programs of international aid,

"(3) REPORTING DISCRIMINATORY DISTRIBUTION.—The Secretary of State shall promptly report to the Landsat Program Management any instances outside the United States of discriminatory distribution of Landsat data.

"(c) STATUS REPORT.—The Landsat Program Management shall, as often as necessary, provide to Congress complete and updated information about the status of ongoing operations of the Landsat system, including timely notification of decisions made with respect to the Landsat system in order to meet national security concerns and international obligations and policies of the United States Government.”.

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

"SUBCHAPTER III—AUTHORIZATION OF NONGOVERNMENTAL EARTH OBSERVATION ACTIVITIES."
(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall affect any license, or application for a license, to operate a private remote sensing space system that was made under subchapter III of chapter 601 of title 51, United States Code (as in effect before the date of enactment of this Act), before the date of enactment of this Act. Such license shall continue to be subject to the requirements to which such license was subject under that chapter as in effect on the day before the date of enactment of this Act.

TITLE III—MISCELLANEOUS

SEC. 301. PROMOTING FAIRNESS AND COMPETITIVENESS FOR NASA PARTNERSHIP OPPORTUNITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) fair access to available NASA assets and services on a reimbursable, noninterference, equitable, and predictable basis is advantageous in enabling the United States commercial space industry;

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

(3) NASA should continue to promote small
business awareness and participation through advoca-
cy and collaborative efforts with internal and ex-
ternal partners, stakeholders, and academia.

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

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

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

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

(A) identify and establish a list of all
NASA assets, services, and capabilities that are
available, or will be available, for public-private
partnership opportunities; and
(B) make the list under subparagraph (A) available on NASA's website, in a searchable format;

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

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

(c) STRENGTHENING SMALL BUSINESS AWARENESS.—Not later than 180 days after the date of enactment of this Act, the Administrator of NASA shall designate an official at each NASA Center—

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

(2) to provide guidance to small businesses on how to participate in public-private partnership opportunities with NASA.

SEC. 302. LEASE OF NON-EXCESS PROPERTY.

Section 20145(h) of title 51, United States Code, is amended—
(1) in the heading, by striking “CASH CONSIDERATION” and inserting “CONSIDERATION”; and

(2) in paragraph (1)—

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

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

“(B) IN-KIND CONSIDERATION.—Notwithstanding subparagraph (A), the Administrator may accept in-kind consideration for leases entered into for the purpose of developing—

“(i) renewable energy production facilities; and

“(ii) space sector industrial infrastructure and business facilities that the Administrator determines would advance national security interests or civil space capabilities.”.

SEC. 303. SENSE OF CONGRESS ON MAINTAINING A NATIONAL LABORATORY IN SPACE.

It is the sense of Congress that—

(1) the United States segment of the ISS (designated a national laboratory under section 70905 of title 51, United States Code)—
(A) benefits the scientific community and promotes commerce in space;

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

(C) advances science, technology, engineering, and mathematics education through utilization of the unique microgravity environment; and

(D) advances human knowledge and international cooperation;

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

(3) in maintaining a national laboratory described in paragraph (2), the United States should make appropriate accommodations for different types of ownership and operational structures for the ISS and future space stations;

(4) the national laboratory described in paragraph (2) should be maintained beyond the date that the ISS is decommissioned and, if possible, in cooperation with international space partners to the extent practicable; and
(5) NASA should continue to support fundamental science research on future platforms in low-Earth orbit and cis-lunar space.

SEC. 304. CONTINUATION OF THE ISS.

(a) CONTINUATION OF THE INTERNATIONAL SPACE STATION.—Section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351(a)) is amended by striking "2024" and inserting "2030".

(b) MAINTENANCE OF THE UNITED STATES SEGMENT AND ASSURANCE OF CONTINUED OPERATIONS OF THE INTERNATIONAL SPACE STATION.—Section 503(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353(a)) is amended by striking "2024" and inserting "2030".

(c) RESEARCH CAPACITY ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—Section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)) is amended by striking "2024" each place it appears and inserting "2030".

(d) MAINTAINING USE THROUGH AT LEAST 2028.—Section 70907 of title 51, United States Code, is amended by striking "2024" each place it appears and inserting "2030".