

[DISCUSSION DRAFT]

114TH CONGRESS
2^D SESSION

H. R. _____

To [to be supplied].

IN THE HOUSE OF REPRESENTATIVES

Mr. BRIDENSTINE introduced the following bill; which was referred to the
Committee on _____

A BILL

To [to be supplied].

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. ENHANCED PAYLOAD REVIEW AND DETER-**
4 **MINATION.**

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

7 (1) section 50904 of title 51, United States
8 Code, provides the Secretary of Transportation with
9 the authorities necessary to ensure nongovernmental
10 activities not elsewhere covered by law are carried

1 out in compliance with provisions of the Outer Space
2 Treaty of 1967; and

3 (2) the Department of Transportation should
4 remain the issuer of a payload determination.

5 (b) REGULATIONS REQUIRED.—

6 (1) Not later than 180 days after the date of
7 enactment of this Act, the Secretary of Transpor-
8 tation shall issue a Notice of Proposed Rulemaking
9 that updates the relevant regulations contained in
10 chapter III of title 14, Code of Federal Regulations,
11 in order to provide for an enhanced review and de-
12 termination of a payload and associated activities
13 after deployment. Such review and determination
14 shall **【_____ the following】**:

15 (A) Enhance the interagency review proc-
16 ess administered by the FAA under part 415.57
17 of title 14, Code of Federal Regulations. If nec-
18 essary, payload determinations issued pursuant
19 to this process may include specific conditions,
20 achievable using reasonable commercial efforts,
21 to ensure that the deployment of the payload
22 and associated activities—

23 (i) are carried out in conformity with
24 the international treaty obligations of the
25 United States;

1 (ii) do not harm the national security
2 or foreign policy interests of the United
3 States;

4 (iii) do not harm public health or
5 safety;

6 (iv) do not result in harmful inter-
7 ference with approved and operating pay-
8 loads and associated activities; and

9 (v) do not harm historic artifacts.

10 (B) Provide for review of an application
11 and the issuance of a final determination within
12 120 days of an application being accepted for
13 review.

14 (C) Provide the payload owner or operator
15 with a clearly articulated rationale in any case
16 in which the Secretary of Transportation issues
17 a negative payload determination due to the na-
18 ture of the deployed payload and associated ac-
19 tivities. Should such a rationale be issued, the
20 Secretary of Transportation shall—

21 (i) not prejudice a subsequent review
22 of the submission with remedies addressing
23 the rationale; and

24 (ii) to the maximum extent prac-
25 ticable, provide the payload owner or oper-

1 ator all such information for which the ap-
2 plicant or its assignees has the required se-
3 curity clearance.

4 (D) Require the payload owner or operator
5 to inform the FAA should there be any material
6 changes to the payload or any associated activi-
7 ties of the payload prior to launch, as well as
8 report to the FAA any material anomalies or
9 departures from the submitted plan during the
10 course of operations.

11 (E) Subject noncompliance with the en-
12 hanced review and determination to regulations
13 contained in part 406.9 of title 14, Code of
14 Federal Regulations.

15 (2) APPLICABILITY.—

16 (A) COVERED PAYLOAD OWNERS OR OPER-
17 ATORS.—No payload owner or operator that is
18 subject to the jurisdiction or control of the
19 United States may, directly or through any sub-
20 sidiary or affiliate, conduct missions in outer
21 space without receiving a positive payload deter-
22 mination.

23 (B) EXEMPTIONS.—The following payloads
24 or classes of payload are exempt from any regu-
25 lations promulgated under subsection (b)(1):

1 (i) Payloads for which licensing by the
2 Federal Communications Commission
3 under the Communications Act of 1934
4 (47 U.S.C. 151 et seq.) or by the Secretary
5 of Commerce under chapter 601 of title
6 51, United States Code, is sufficient to en-
7 sure conformity with the United States ob-
8 ligations under the Outer Space Treaty.

9 (ii) Payloads that are flown on sub-
10 orbital flights and are not deployed.

11 (iii) Missions conducted for or with
12 one or more United States Government de-
13 partments or agencies, and determined by
14 the Secretary of Transportation, in con-
15 sultation with the relevant involved depart-
16 ments or agencies, to be in compliance
17 with the international obligations and for-
18 eign policy interests of the United States.