

117TH CONGRESS
1ST SESSION

H. R. 2624

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2021

Mr. GRAVES of Louisiana (for himself and Mr. LARSEN of Washington) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. AIRBORNE DEBRIS COLLISION AVOIDANCE.**

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

5 **“§ 44744. Airborne debris collision avoidance**

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

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

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

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

20 “(4) assess the potential of a reentry of each
21 such object to create covered airborne debris and the
22 risk such debris may pose to aircraft or individuals
23 and property on the ground; and

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

1 “(A) airspace may be identified for pos-
2 sible control or restrictions when risks are
3 present due to the presence or expected pres-
4 ence of covered airborne debris; and

5 “(B) aircraft at risk of being impacted by
6 covered airborne debris can be expeditiously no-
7 tified and redirected.

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

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

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

18 “(c) DATA AND INFORMATION AGREEMENTS.—

19 “(1) FEDERAL AGREEMENT.—Prior to receiving
20 data and information from a Federal agency under
21 subsection (b)(2), or using such data and informa-
22 tion for any purpose under this section, the Sec-
23 retary shall enter into an agreement with the head
24 of such Federal agency that—

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

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

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

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

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

17 “(2) EXCEPTIONS.—

18 “(A) IN GENERAL.—The Secretary may
19 not enter into an agreement with the head of a
20 Federal agency under this subsection that re-
21 stricts the ability of the Secretary to provide
22 the minimum data and information necessary to
23 an eligible entity to effectively provide services
24 described under subsection (d).

1 “(B) CLASSIFIED DATA OR INFORMA-
2 TION.—If the Secretary and the head of a Fed-
3 eral agency determine that the sharing of clas-
4 sified data or information from such Federal
5 agency under subsection (b)(2) is necessary or
6 otherwise appropriate, the Secretary and the
7 head of the Federal agency shall include in an
8 agreement under this subsection any procedures
9 and policies that are necessary to manage the
10 use of such classified data or information with-
11 out compromising the national security interests
12 of the United States.

13 “(3) NON-FEDERAL AGREEMENT.—Prior to re-
14 ceiving data and information from an eligible entity
15 under subsection (b)(2), or using such data and in-
16 formation for any purpose under this section, the
17 Secretary shall enter into an agreement with the eli-
18 gible entity governing the management and dissemi-
19 nation of such data and information. Such agree-
20 ment may contain such conditions or restrictions as
21 the Secretary considers appropriate.

22 “(4) DISCLOSURE.—

23 “(A) IN GENERAL.—Pursuant to section
24 552(b)(3)(B) of title 5, the Secretary may not
25 disclose to the public any data or information

1 received pursuant an agreement under this sub-
2 section.

3 “(B) EXCEPTION.—The Secretary may
4 disclose data or information under this section
5 that qualifies for an exemption under section
6 552(b)(4) of title 5, or is designated as con-
7 fidential by the person or head of the Federal
8 agency providing the data or information, only
9 if the Secretary decides withholding the data or
10 information is contrary to the public or national
11 interest.

12 “(C) RULE OF CONSTRUCTION.—Nothing
13 in this paragraph shall be construed to prohibit
14 the Secretary from using or releasing such data
15 and information pursuant to the terms of an
16 agreement under this subsection.

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

18 “(1) UNITED STATES AIRSPACE.—The Sec-
19 retary shall provide the service described under sub-
20 section (a)(5) to aircraft operating in United States
21 airspace or airspace assigned to the United States at
22 no charge.

23 “(2) FOREIGN AGREEMENTS.—The Secretary
24 may enter into an agreement with a foreign air navi-
25 gation service provider for the Secretary to provide

1 the services described in subsection (a)(5)(B) to the
2 foreign air navigation service provider, provided that
3 the foreign air navigation service provider—

4 “(A) remunerates the Secretary at a rate
5 that is reasonably related to the cost of pro-
6 viding such services, as determined by the Sec-
7 retary; and

8 “(B) agrees to indemnify and hold the
9 United States Government harmless from any
10 claim related to the provision of such services
11 and any related action or omission.

12 “(e) OTHER USES OF DATA AND INFORMATION;
13 OTHER SERVICES.—

14 “(1) AUTHORITY.—The Secretary, in coordina-
15 tion with appropriate entities within the Department
16 of Transportation and in consultation with the heads
17 of other relevant Federal agencies—

18 “(A) shall carry out a program to improve
19 the collection, processing, and dissemination of
20 space situational awareness data and informa-
21 tion (including information contained in the
22 database established under subsection (a)(2))
23 and to provide services relating to such data
24 and information;

“(B) subject to paragraph (2), may provide such data, information, and services to an eligible entity; and

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

“(2) TYPE OF INFORMATION PROVIDED.—

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

“(B) INTERESTS OF THE UNITED STATES.—The Secretary, in consultation with the head of a Federal agency with which the Secretary has entered into an agreement under subsection (c), shall develop a policy to determine the type of information that may be provided under paragraph (1) without compromising the national security interests of the United States.

“(3) PUBLIC SERVICES.—

“(A) IN GENERAL.—The Secretary shall designate a basic level of data, information, and services described in paragraph (1) to be provided at no charge to an eligible entity and public services to be provided at no charge, including—

1 “(i) a public catalog of objects that
2 are potential sources of covered airborne
3 debris and other tracked space objects;

4 “(ii) emergency conjunction notifica-
5 tions for objects described in clause (i);
6 and

7 “(iii) any other data, information, or
8 services (excluding services that may be
9 provided pursuant to an agreement under
10 subsection (d)(2)) that the Secretary con-
11 siders—

12 “(I) necessary for safety; or

13 “(II) appropriate.

14 “(B) LIMITATION.—The Secretary may
15 not provide data, information, or services under
16 subparagraph (A)(iii)(II) that compete with
17 products offered by United States commercial
18 entities.

19 “(4) ADVANCED SERVICES.—The Secretary
20 may undertake activities to promote the creation and
21 provision of more advanced levels of data, informa-
22 tion, and services described in paragraph (1) to fos-
23 ter the public and private enhancement of transpor-
24 tation safety.

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

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

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

18 “(g) FUNDING.—Out of amounts made available
19 under section 106(k)(2)(D) of title 49, United States
20 Code, \$15,000,000 for each of fiscal years 2022 and 2023
21 may be expended by the Secretary to carry out this sec-
22 tion.

23 “(h) DEFINITIONS.—In this section:

1 “(1) COVERED AIRBORNE DEBRIS.—The term
2 ‘covered airborne debris’ means any human-made
3 object that—

4 “(A) was previously in Earth orbit;

5 “(B) is in the atmosphere;

6 “(C) is uncontrolled; and

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

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

12 “(A) A State.

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

14 “(C) A United States commercial entity.

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

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

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 447 of title 49, United States Code, is amended by
19 adding at the end the following:

“44744. Airborne debris collision avoidance.”.

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