



1 Purpose: In the nature of a substitute.
2
3

4 S. 1694

5 To require any Federal agency that issues licenses to conduct
6 activities in outer space to include in the requirements for such
7 licenses an agreement relating to the preservation and protection
8 of the Apollo 11 landing site, and for other purposes.

9 Referred to the Committee on _____ and ordered to be
10 printed

11 Ordered to lie on the table and to be printed

12 Amendments In the Nature of a Substitute intended to be
13 proposed by Mr. PETERS AND MR. CRUZ

14 Viz:

15 Strike all after the enacting clause and insert the following:

16 **SECTION 1. SHORT TITLE.**

17 This Act may be cited as the "One Small Step to Protect Human Heritage in Space Act".

18 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

19 (a) Findings.—Congress makes the following findings:

20 (1) On July 16, 1969, the Apollo 11 spacecraft launched from the John F. Kennedy Space
21 Center carrying Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., and Michael Collins.

22 (2) July 20, 2019, will mark the 50th anniversary of the date on which the Apollo 11
23 spacecraft landed on the Moon and Neil Armstrong and Buzz Aldrin became the first
24 humans to set foot on a celestial body off the Earth.

25 (3) The landing of the Apollo 11 spacecraft and humanity's first off-world footprints are
26 achievements unparalleled in history, a direct product of the work and perseverance of the
27 more than 400,000 individuals who contributed to the development of the Apollo missions
28 on the shoulders of centuries of science and engineering pioneers from all corners of the
29 world.

30 (4) Among the thousands of individuals who have contributed to the achievements of the
31 National Aeronautics and Space Administration (in this section referred to as "NASA") are
32 African-American women such as Katherine Johnson, Dorothy Vaughn, Mary Jackson, and
33 Dr. Christine Darden, who made critical contributions to NASA space programs. Katherine
34 Johnson worked at NASA for 35 years and calculated the trajectory of the Apollo 11

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1 landing and the trajectories for the spaceflights of astronauts Alan Shepard and John Glenn.
2 Katherine Johnson, together with many other individuals the work of whom often went
3 unacknowledged, helped broaden the scope of space travel and charted new frontiers for
4 humanity's exploration of space.

5 (5) The landing of the Apollo 11 spacecraft was made on behalf of all humankind, and
6 Neil Armstrong and Buzz Aldrin were accompanied by messages of peace from the leaders
7 of more than 70 countries.

8 (6) The lunar landing sites of the Apollo 11 spacecraft, the robotic spacecraft that
9 preceded the Apollo 11 mission, and the crewed and robotic spacecraft that followed, are of
10 outstanding universal value to humanity.

11 (7) Such landing sites—

12 (A) are the first archaeological sites with human activity that are not on Earth;

13 (B) provide evidence of the first achievements of humankind in the realm of space
14 travel and exploration; and

15 (C) contain artifacts and other evidence of human exploration activities that remain a
16 potential source of cultural, historical, archaeological, anthropological, scientific, and
17 engineering knowledge.

18 (8) On July 20, 2011, NASA published the voluntary guidance entitled "NASA's
19 Recommendations to Space-Faring Entities: How to Protect and Preserve the Historic and
20 Scientific Value of U.S. Government Lunar Artifacts".

21 (9) In March 2018, the Office of Science and Technology Policy published a report
22 entitled "Protecting & Preserving Apollo Program Lunar Landing Sites & Artifacts".

23 (10) Space-faring entities based outside the United States have the capacity to land on the
24 Moon.

25 (11) The licensing requirements under this Act are applicable only to United States-based
26 lunar activities and therefore have limited efficacy for protecting the Apollo 11 landing site,
27 other similar historic sites, and lunar artifacts from disturbances caused by space-faring
28 entities based outside the United States.

29 (b) Sense of Congress.—It is the sense of Congress that—

30 (1) as commercial enterprises and more countries acquire the ability to land on the Moon,
31 it is necessary to ensure the recognition and protection of the Apollo 11 landing site and
32 other historic landing sites in acknowledgment of the human effort and innovation the sites
33 represent;

34 (2) the Apollo 11 landing site, other similar historic landing sites, lunar artifacts, and the
35 environment surrounding such sites and artifacts merit legal protection from disturbance to
36 prevent irremediable loss of sites and artifacts that are of archeological, anthropological,
37 historical, scientific, and engineering significance and value; and

38 (3) the President should initiate a diplomatic initiative to negotiate an international
39 agreement to protect the Apollo 11 landing site, other similar historic sites, and lunar
40 artifacts by requiring adherence to the recommendations described in section 3(b), which

1 would be sufficient to protect against disturbances of such sites and artifacts.

2 **SEC. 3. LICENSING REQUIREMENTS CONCERNING**
3 **PRESERVATION OF HISTORIC LUNAR LANDING SITES.**

4 (a) In General.—Not later than 90 days after the date of the enactment of this Act, any Federal
5 agency that issues a license to conduct a lunar activity shall require each applicant for such a
6 license—

7 (1) to agree to abide by the recommendations described in subsection (b); or

8 (2) in the case of a lunar activity that requires a license from more than one Federal
9 agency, to certify under penalty of perjury as provided in paragraph (1) or (2), as applicable,
10 of section 1746 of title 28, United States Code, that the applicant has submitted an
11 application for a license for such activity to another Federal agency that satisfies paragraph
12 (1).

13 (b) Recommendations Described.—The recommendations described in this subsection are—

14 (1) “NASA’s Recommendations to Space-Faring Entities: How to Protect and Preserve
15 the Historic and Scientific Value of U.S. Government Lunar Artifacts” issued by the
16 National Aeronautics and Space Administration on July 20, 2011, and updated on October
17 28, 2011; and

18 (2) any successor heritage preservation recommendations, guidelines, or principles
19 relating to the protection and preservation of Government lunar artifacts issued by the
20 National Aeronautics and Space Administration.

21 (c) Exemptions.—A Federal agency issuing a license described in subsection (a) may, in
22 consultation with the Administrator of the National Aeronautics and Space Administration,
23 exempt specific lunar activities of an applicant from the historic preservation agreement or
24 certification under subsection (a) if such bona fide activities are determined to have legitimate
25 and significant historical, archeological, anthropological, scientific, or engineering value.

26 (d) Authority to Assess Penalty Fees.—

27 (1) IN GENERAL.—A Federal agency issuing a license described in subsection (a) may
28 assess a penalty fee on the holder of such license for conduct that violates one or more
29 terms of the license relating to the agreement under subsection (a)(1).

30 (2) AMOUNT.—The penalty fee amount assessed under paragraph (1) shall be—

31 (A) commensurate with the nature and extent of the violation; and

32 (B) sufficient to deter future violations.

33 (e) Lunar Activity Defined.—In this section, the term “lunar activity” means an action or
34 endeavor in space that—

35 (1) is intended to be lunar in nature, including lunar orbit, landing, and impact; or

36 (2) has a greater likelihood than not of becoming lunar in nature, including unintentional
37 orbit and impact.

38 Amend the title so as to read: “A bill to require any Federal agency that issues licenses to

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- 1 conduct lunar activities to include in the requirements for such licenses an agreement relating to
- 2 the preservation and protection of the Apollo 11 landing site, and for other purposes.”.