

**Draft Bill Text**

**“Authorization and Supervision of Novel Private Sector Space Activities Act”**

**TITLE I – DEPARTMENT OF TRANSPORTATION AUTHORITIES**

**SEC. 101. COMMERCIAL HUMAN SPACE FLIGHT ACTIVITIES.**

Chapter 509 of title 51, United States Code, is amended—

(1) in section 50901—

(A) in subsection (a)—

(i) in paragraph (6) by striking “national security and foreign policy interests” and inserting “national security, foreign policy, and other national interests”; and

(ii) in paragraph (7) by striking “and national security and foreign policy interests” and inserting “space sustainability, and national security, foreign policy, and other national interests;” and

(B) in subsection (b)—

(i) in paragraph (2)(C) by striking “launch vehicles designed to carry humans” and inserting “human space flight vehicles”; and

(ii) in paragraph (3)—

(I) by inserting “and human space flight operations” after “conduct of commercial launch and reentry operations”; and

(II) by striking “and national security and foreign policy interests” and inserting “space sustainability, international obligations, and national security, foreign policy, and other national interests”;

(2) in section 50902—

(A) in paragraph (2) by striking “launch vehicle or reentry vehicle that carries human beings” and inserting “human space flight vehicle”;

(B) in paragraph (4) by striking “launch vehicle or reentry vehicle” each place it appears and inserting “human space flight vehicle”;

(C) by redesignating paragraphs (5) through (27) as paragraphs (7) through (29) respectively and inserting after paragraph (4) the following:

“(5) ‘human space flight vehicle’ means a vehicle, including a launch vehicle or reentry vehicle, habitat, or other object, built to operate in suborbital trajectory or outer space, including on a celestial body, with a human being on board.”;

(D) in paragraph (16) (as so redesignated) by striking “50904(c)” and inserting “50904(d)”; and

(E) in paragraph (22) (as so redesignated) by striking “launch vehicle or reentry vehicle” and inserting “human space flight vehicle”;

(3) in section 50903(c) by striking “safety of launch vehicles designed to carry humans” and inserting “safety of human space flight vehicles”;

(4) in section 50904—

(A) by redesignating subsections (b), (c), and (d) as (c), (d), and (e), respectively;

(B) in subsection (a)—

(i) by striking the matter following paragraph (4);

(ii) by adding after paragraph (4) the following:

“(5) for a citizen of the United States (as defined in section 50902(1)(A), (B), or (C) of this title) to operate a human space flight vehicle in suborbital flight or in outer space, including on a celestial body.”;

(C) by adding after subsection (a) the following:

“(b) LIMITATION.—Notwithstanding subsection (a), a permit shall not authorize a person to operate a launch site or reentry site or operate a human space flight vehicle in outer space.”;

(D) in subsection (d) (as so redesignated) by striking “or national security or foreign policy interest” and inserting “space sustainability, international obligations of the United States, or national security, foreign policy, and other national interests”;

(5) in section 50905—

(A) in subsection (a)—

(i) in paragraph (1) by striking “and national security and foreign policy interests” and inserting “space sustainability, international obligations of the United States, and national security, foreign policy, and other national interests”; and

(ii) in paragraph (2)—

(I) by inserting “human space flight vehicles,” after “reentry vehicles,”; and

(II) by striking “licensed commercial space launch or reentry activities” and inserting “activities licensed under this chapter”;

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking “or” before “the reentry of a reentry vehicle”; and

(II) by adding “or the operation of a human space flight vehicle,” after “reentry of a reentry vehicle,”;

(ii) in paragraph (2)—

(I) in subparagraph (A) by inserting “human space flight vehicle” before “operation”;

(II) by redesignating subparagraphs (B) through (E) as (C) through (F), respectively;

(III) by inserting before subparagraph (C) (as so redesignated) the following:

“(B) any requirement for launch, reentry, or human space flight vehicle operation for the purpose of collision avoidance or debris mitigation in outer space;”;

(IV) in subparagraph (C) (as so redesignated) by striking “national security interests, and foreign policy interests of the United States” and inserting “space sustainability, international obligations of the United States, and national security, foreign policy, and other national interests of the United States”; and

(V) in subparagraph (D) (as so redesignated) by striking “and national security and foreign policy interests of the United States” and inserting “space sustainability, international obligations of the United States, and national security, foreign policy, and other national interests of the United States”;

(VI) in subparagraph (E) (as so redesignated) by striking “for a launch vehicle” and inserting “for a human space flight vehicle”; and

(iii) in paragraph (3)—

(I) by striking “permit the launch or reentry of a launch vehicle or reentry vehicle” and inserting “permit the launch, reentry, or operation of a human space flight vehicle”; and

(II) by striking “and national security and foreign policy interests of the United States” and inserting “space sustainability, international obligations of the

United States, and national security, foreign policy, and other national interests of the United States”;

(iv) in paragraph (4)(B) by striking “launch vehicle” and inserting “human space flight vehicle”; and

(v) in paragraph (5)—

(I) in subparagraph (A) by striking “launch or reentry vehicle” and inserting “human space flight vehicle”; and

(II) in subparagraph (B) by striking “launch vehicle” and inserting “human space flight vehicle”;

(C) in subsection (c)(1) by striking “operation of a launch vehicle” and inserting “operation of a human space flight vehicle”;

(D) in subsection (c)(2) by striking “apply only to launches in which a vehicle” and inserting “apply only to operations of a human space flight vehicle which”;

(E) in subsection (c)(10) by striking “national security interests, and foreign policy interests” and inserting “space sustainability, international obligations of the United States, and national security, foreign policy, and other national interests”;

(6) in section 50906—

(A) in subsection (a) by striking “and national security and foreign policy interests” and inserting “space sustainability, international obligations of the United States, and national security, foreign policy, and other national interests”; and

(B) in subsection (c) by striking “50905(b)(2)(C)” and inserting “50905(b)(2)(D)”;

(7) in section 50907(a)—

(A) by striking “launch site or reentry site the licensee uses” and inserting “launch site, reentry site, or a facility the licensee uses to operate a human space flight vehicle”;

(B) by striking “uses to produce or assemble a launch vehicle or reentry vehicle” and inserting “uses to produce or assemble a launch vehicle, reentry vehicle, or human space flight vehicle”; and

(C) by striking “sections 50904(c),” and inserting “sections 50904(d),”;

(8) in section 50908(c)(2) by striking “or a national security or foreign policy interest” and inserting “space sustainability, international obligation, or a national security, foreign policy, or other national interest”;

(9) in section 50909(a) by striking “or a national security or foreign policy interest” and inserting “space sustainability, or a national security, foreign policy, or other national interest”;

(10) in section 50912(a) by striking “section 50904(c) of this title” and inserting “section 50904(d) of this title”;

(11) in section 50917—

(A) in subsection (b)(1)(D)(i)—

(i) by inserting “human space flight operations center,” after “reentry site,”; and

(ii) by striking “assembly site of a launch vehicle or reentry vehicle” and inserting “assembly site of a launch vehicle, reentry vehicle, or human space flight vehicle”;

and

(B) in subsection (c) by striking “subpena” each place it appears and inserting “subpoena”; and

(12) in section 50919—

(A) in subsection (a) by striking “or to reenter a reentry vehicle” and inserting “to reenter a reentry vehicle, or operate a human space flight vehicle”; and

(B) in subsection (g)—

(i) in paragraph (1)(A) by inserting “operation of a human space flight vehicle,” after “reentry site,”;

(ii) in paragraph (2)(A) by striking “launch vehicle or reentry vehicle” and inserting “human space flight vehicle”; and

(iii) in paragraph (2)(B) by striking “launch vehicle or reentry vehicle” and inserting “human space flight vehicle”.

## **SEC. 102. IN-SPACE TRANSPORTATION LICENSE.**

(a) IN GENERAL.—Chapter 509 of title 51, United States Code, is amended by adding at the end the following—

### **“§ 50924. In-Space Transportation License**

“(a) IN GENERAL.—The Secretary of Transportation shall—

“(1) review and license any application or modification for the operation of a space transportation vehicle subject to such regulations as the Secretary may prescribe;

“(2) ensure that licenses provided for the operation of a space transportation vehicle are consistent with public health and safety, safety of property, space sustainability, international obligations of the United States, and national security, foreign policy, and other national interests of the United States; and

“(3) include appropriate conditions for license of such operations consistent with public health and safety, safety of property, space sustainability, international obligations of the United States, and national security, foreign policy, and other national interests of the United States.

“(b) APPLICATIONS.—

“(1) A citizen of the United States (as defined in section 50902(1)(A), (B) or (C) of this title) may apply to the Secretary of Transportation for an in-space transportation license or transfer of an in-space transportation license under this chapter in the form and way the Secretary prescribes.

“(2) No citizen of the United States may operate a space transportation vehicle without authorization under this section, and no person may operate a space transportation vehicle from the United States without authorization under this section.

“(3) Consistent with the public health and safety, safety of property, space sustainability, international obligations, and national security, foreign policy, and other national interests of the United States, the Secretary, not later than 120 days after accepting an application in accordance with criteria established pursuant to subsection (c), shall issue or transfer an in-space transportation license for the operation of a space transportation vehicle if the Secretary decides in writing that the applicant complies, and will continue to comply, with this chapter and regulations prescribed by the Secretary under this chapter.

“(4) The Secretary shall inform the applicant of any pending issue and action required to resolve the issue if the Secretary has not made a decision not later than 90 days after accepting an application in accordance with criteria established pursuant to subsection (c).

“(5) The Secretary shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 30 days after any occurrence when the Secretary has not taken action on an in-space transportation license application within the deadline established by this subsection.

“(c) REQUIREMENTS.—

“(1) Except as provided in paragraph (2)(C), all requirements of the laws of the United States applicable to the operation of a space transportation vehicle are requirements for an in-space transportation license under this chapter.

“(2) The Secretary may prescribe—

“(A) any term necessary to ensure compliance with this chapter, including on-site verification that an operation complies with representations stated in the application;

“(B) any additional requirement necessary to protect the public health and safety, safety of property, space sustainability, international obligations of the United States, and national security, foreign policy, and other national interests of the United States;

“(C) by regulation that a requirement of a law of the United States not be a requirement for an in-space transportation license if the Secretary, after consulting with the head of the appropriate Federal department or agency, decides that the requirement is not necessary to protect the public health and safety, safety of property, space sustainability, international obligations of the United States, and national security, foreign policy, and other national interests of the United States;

“(D) requirements that the holder of an approved in-space transportation license provide such information as the Secretary deems appropriate including updated information, both on a periodic basis and whenever the holder of the in-space transportation license experiences a material change to operations that was not originally submitted in support of the in-space transportation license and approval;

“(E) when the Secretary determines it to be necessary or appropriate, a condition requiring the licensee to obtain and maintain insurance or a showing of financial responsibility sufficient to cover potential liability for the United States Government;

“(F) when the Secretary determines it to be necessary or appropriate, a condition requiring the licensee to participate in the space situational awareness capability administered by the Secretary of Commerce under chapter 507 of this title consistent with paragraph (2) of subsection (a) of this section; and

“(G) when the Secretary determines it to be necessary or appropriate, conditions requiring the licensee to implement operational recommendations or space traffic coordination policies and procedures issued by the Director of the Office of Space

Commerce under chapter 507 of this title consistent with paragraph (2) of subsection (a) of this section.

“(3) The Secretary may waive a requirement, including the requirement to obtain an in-space transportation license, for an individual applicant if the Secretary decides, after consulting with the head of relevant Federal departments or agencies, as appropriate, that the waiver is in the public interest and will not jeopardize the public health and safety, safety of property, space sustainability, international obligations, and national security, foreign policy, and other national interests of the United States.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 509 of title 51, United States Code is further amended—

(1) in section 50901(b)(3), by inserting “authorize and supervise the operation of space transportation vehicles in outer space, including on a celestial body, by the private sector,” after “those operations,”;

(2) in section 50902, as amended by this Act—

(A) in paragraph (2) by striking “licensee or transferee” each place it appears and inserting “licensee or license transferee”;

(B) in paragraph (16) (as so redesignated) by striking “50904(d)” and inserting “50904(e)”;

(C) by inserting after paragraph (5) the following:

“(6) “in-space transportation” means the conveyance of cargo or goods in outer space, including to or from celestial bodies, other than launch or reentry. In-space transportation does not include the repositioning of active satellites in orbit.”

(D) by redesignating paragraphs (25) through (29) (as so redesignated) as paragraphs (26) through (30) and inserting after paragraph (24) (as so redesignated) the following:

“(25) “space transportation vehicle” means a vehicle operated to conduct in-space transportation.”

(E) in paragraph (29) (as so redesignated)—

(i) by striking “licensee or transferee” and inserting “licensee or license transferee”; and

(ii) by striking “licensee’s or transferee’s” and inserting “licensee’s or license transferee’s”;



(3) in section 50903(b)—

(A) in the heading by striking “AND REENTRIES” inserting “, REENTRIES, AND IN-SPACE TRANSPORTATION”; and

(B) in paragraph (1) by striking “launches and reentries” and inserting “launches, reentries, and in-space transportation”;

(4) in section 50904, as amended by this Act—

(A) by redesignating subsections (c) through (e) as subsections (d) through (f) respectively;

(B) by inserting after subsection (b) the following:

“(c) IN-SPACE TRANSPORTATION LICENSE.—

“(1) IN GENERAL.—An in-space transportation license issued or transferred under this chapter is required for a citizen of the United States (as defined in section 50902(1)(A), (B) or (C) of this title) to operate a space transportation vehicle if the operation is for the sole purpose of conducting in-space transportation. The Secretary of Transportation and the Secretary of Commerce shall jointly develop guidance on what is considered an operation that is for the sole purpose of conducting in-space transportation.

“(2) MEANING.—For purposes of paragraph (1) of this subsection, to operate a space transportation vehicle means to have ultimate control over the space transportation vehicle. If there are multiple entities involved, the entity with the ultimate ability to decide how the space transportation vehicle should function and to execute that decision, directly or through a legal arrangement with a third party such as a ground station or platform owner, shall be considered to be operating that space transportation vehicle.”.

(C) in subsection (e) (as so redesignated)—

(i) by striking the subsection heading and inserting “PREVENTING LAUNCHES, REENTRIES, AND IN-SPACE TRANSPORTATION”;

(ii) by inserting “, or deny an in-space transportation license,” after “prevent the launch or reentry”;

(iii) by inserting “or proposed in-space transportation license” after “decides the launch or reentry”;

(5) in section 50907(a), as amended by this Act—

(A) by striking “or” before “at a site at which a payload is integrated”;

(B) by striking the period at the end of the first sentence and inserting “, or at a site supporting the operation of a space transportation vehicle at the time and to the extent the Secretary considers reasonable to ensure compliance with the license, for continuous supervision, or to carry out the duties of the Secretary.”; and

(C) by striking “to ensure compliance with the license or to carry out the duties of the Secretary” in the second sentence and inserting “to ensure compliance with the license, for continuous supervision, or to carry out the duties of the Secretary”; and

(D) by striking “sections 50904(d), 50905, and 50906” in the second sentence and inserting “sections 50904(e), 50905, 50906, and 50924”

(6) in section 50909, as amended by this Act—

(A) in the section heading by striking “and reentries” and inserting “reentries, and operation of space transportation vehicles”; and

(B) in subsection (a) —

(i) by striking “or” before “reentry of a reentry vehicle”; and

(ii) by inserting “or operation of a space transportation vehicle,” after “reentry vehicle,”;

(7) in section 50912(a), as amended by this Act—

(A) in paragraph (1) by striking “50905(a) or 50906” and inserting “50905(a), 50906, or 50924”; and

(B) in paragraph (2) by striking “50904(d)” and inserting “50904(e)”;

(C) in subparagraph (B) of paragraph (3)—

(i) by inserting “licensed” after “end a”; and

(ii) by striking “vehicle, licensed” and inserting “vehicle, or operation of a space transportation vehicle authorized”;

(8) in sections 50914 and 50915 by striking “licensee or transferee” each place it appears and inserting “licensee or license transferee”;

(9) in section 50917, as amended by this Act, in subsection (b)(1)(D)(i) by inserting “site supporting the operation of a space transportation vehicle,” after “reentry site,”;

(10) in section 50918(c) by—

(A) striking “the head of another executive agency”;

(B) inserting “the Secretary of Commerce, the Chairperson of the Federal Communications Commission, the Administrator of the National Aeronautics and Space Administration, and the Director of National Intelligence, and the head of any other Federal department or agency” after “consult with”;

(11) in section 50919, as amended by this Act—

(A) in subsection (a) by inserting “operate a space transportation vehicle,” after “reentry vehicle,”; and

(B) in subsection (g)(1)(A) by inserting “operation of a space transportation vehicle,” after “reentry site,”.

(c) TABLE OF CONTENTS.—The analysis for chapter 509 of title 51, United States Code, is amended—

(1) in the item related to section 50909 by striking “and reentries” and inserting “reentries, and operation of space transportation vehicles; and

(2) by adding at the end the following:

“50924. In-Space Transportation License.”.

## TITLE II – DEPARTMENT OF COMMERCE AUTHORITIES

### Subtitle A

#### SEC. 201. SHORT TITLE.

This subtitle may be cited as the “Comprehensive Oversight and Supervision of Missions in Outer Space Act of 2023” or the “COSMOS Act”.

#### SEC. 202. DEFINITIONS.

Section 60101 of title 51, United States Code, is amended by—

- (1) redesignating paragraphs (1) through (11) as paragraphs (2) through (12);
- (2) redesignating paragraph (12) as paragraph (14);
- (3) redesignating paragraph (13) as paragraph (17);
- (4) adding before paragraph (2), as so redesignated, the following—

“(1) CONDUCT.—The term “conduct” means to have decision-making authority over an uninhabited space mission. If there are multiple entities involved in conducting an uninhabited space mission, the entity with the ultimate ability to decide how to execute the uninhabited space mission, directly or through a legal arrangement with a third party, is deemed to be conducting the mission.”;

- (5) adding after paragraph (12), as so redesignated, the following—

“(13) SPACE SUSTAINABILITY.—The term “space sustainability” means the activity of preserving and sustaining the space operations environment, in order to meet the needs of current activities in the peaceful exploration and use of outer space while preserving the outer space environment for future activities.”;

- (6) adding after paragraph (14), as so redesignated, the following—

“(15) UNINHABITED SPACE MISSION.—The term “uninhabited space mission”—

“(A) means activities carried out in outer space or on celestial bodies, including all supporting activities, without humans on board during any portion of the mission in outer space or on celestial bodies; and

“(B) does not include—

- “(i) missions that solely conduct remote sensing space activities and are licensed under section 60121 of this title;

“(ii) activities licensed by the Secretary of Transportation pursuant to chapter 509 of this title;

“(iii) missions that solely conduct communications activities with the use of radiofrequency and are licensed by the Federal Communications Commission under chapter 5 of title 47; or

“(iv) activities the government carries out for the government or planning or policies related to such government activities.”; and

(7) adding after paragraph (15), as so redesignated, the following—

“(16) UNITED STATES CITIZEN.—The term “United States Citizen” means—

“(A) an individual who is a citizen of the United States;

“(B) an entity organized or existing under the laws of the United States or any state thereof, the District of Columbia, and the territories and possessions of the United States, other than the U.S. Government itself; or

“(C) an entity organized or existing under the laws of a foreign country if the controlling interest (as defined by the Secretary of Commerce) is held by an individual or entity described in subparagraphs (A) or (B) of this paragraph.”.

## **SEC. 203. LICENSING AUTHORITY FOR UNINHABITED SPACE MISSIONS.**

(a) Subchapter III of chapter 601 of title 51, United States Code, is amended by inserting after section 60126 the following new section:

### **“§ 60127. Licensing authority for uninhabited space missions**

“(a) IN GENERAL.—In consultation with the heads of appropriate Federal departments or agencies, the Secretary is authorized to license United States citizens to conduct uninhabited space missions for such periods of time as the Secretary may specify and in accordance with the provisions of this subchapter.

“(b) LICENSE GRANT.—The Secretary shall grant a license within 120 days of receiving a complete application provided the Secretary determines that—

“(1) the applicant will comply with any conditions of the license included by the Secretary under section 60128 of this title; and

“(2) the uninhabited space mission is consistent with public health and safety, space sustainability, national security, international obligations, foreign policy interests, and other national interests of the United States.

“(c) WAIVER.—The Secretary may waive a requirement, including the requirement to obtain a license, in consultation with the head of other relevant Federal United States Government departments and agencies, as appropriate, for an applicant if the Secretary decides that the waiver is in the public interest and will not jeopardize the public health and safety, space sustainability, national security, international obligations, foreign policy interests, or other national interests of the United States. Any such waiver must be made in writing. The Secretary may revoke any issued waiver upon a finding that the waiver is no longer in the public interest as the waiver will jeopardize public health and safety, space sustainability, national security, consistency with international obligations, foreign policy interests, or other national interests of the United States.”

(b) TABLE OF CONTENTS.—The analysis for chapter 601 of title 51, United States Code, is amended by adding at the end the following:

“60127. Licensing authority for uninhabited space missions.”.

#### **SEC. 204. CONDITIONS FOR UNINHABITED SPACE MISSIONS.**

(a) Subchapter III of chapter 601 of title 51, United States Code, is further amended by inserting after section 60127 (as added by section 203 of this Act) the following new section:

##### **“§ 60128. Conditions for uninhabited space missions**

“(a) No person that is subject to the jurisdiction or control of the United States may, directly or through any subsidiary or affiliate, conduct an uninhabited space mission without a license or waiver issued pursuant to section 60127 of this title or contrary to the terms of such license.

“(b) The Secretary shall include, when the Secretary determines it to be necessary or appropriate, conditions in any license issued under section 60127 to ensure the uninhabited space mission is consistent with public health and safety, space sustainability, national security, international obligations, foreign policy interests, and other national interests of the United States. Such conditions may include:

“(1) a condition requiring the licensee to obtain and maintain insurance to cover potential liability for the United States Government;

“(2) a condition requiring the licensee to participate in the space situational awareness capability under section 50704 of this title, United States Code;

“(3) conditions requiring the licensee to implement operational recommendations or space traffic coordination policies and procedures issued by the Director of the Office of Space Commerce under section 50705 of this title, United States Code; and

“(4) a condition requiring the licensee to provide accurate, updated information, both on a periodic basis and in advance of a material change to its previously licensed missions.

“(c) In determining the necessary or appropriate conditions for licenses issued under section 60127 of this title, as well as in determining whether to approve requests to modify to such conditions or other license components, the Secretary shall consult with the following concerning matters within their department’s or agency’s areas of expertise or statutory scope—

“(1) the Secretary of Defense;

“(2) the Secretary of State;

“(3) the Secretary of Transportation;

“(4) the Chairperson of the Federal Communications Commission;

“(5) the Director of National Intelligence;

“(6) the Administrator of the National Aeronautics and Space Administration; and

“(7) the head of any other federal department or agency that the Secretary determines appropriate.”.

(b) TABLE OF CONTENTS.—The analysis for chapter 601 of title 51, United States Code, is amended by adding at the end the following:

“60128. Conditions for uninhabited space missions.”.

## **SEC. 205. NONAPPLICATION.**

(a) Subchapter III of chapter 601 of title 51, United States Code, is amended by inserting after section 60128 (as added by section 204 of this Act) the following new section:

### **“§ 60129. Nonapplication**

“(a) Nothing in this subchapter shall affect or alter the authority of—

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

“(2) The Department of Transportation pursuant to chapters 509, 511, or 515 of this title.

“(b) For any uninhabited space mission that involves private remote sensing activities and is subject to licensure under both sections 60121 and 60127 of title 51, the Secretary shall endeavor to issue only one license from the Department of Commerce.”.

(b) TABLE OF CONTENTS.—The analysis for chapter 601 of title 51, United States Code, is amended by adding at the end the following:

“60129. Nonapplication.”.

**SEC. 206. ADMINISTRATIVE AUTHORITY OF THE SECRETARY.**

Section 60123 of title 51, United States Code, is amended—

(1) by striking the entire text of subsection (a) and inserting the following:

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

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

“(2) after notice and an opportunity for a hearing, modify, suspend, or revoke licenses under this subchapter, and end licensed missions on an immediate basis—

“(A) if the Secretary determines that the licensee has substantially failed to comply with any provisions of this chapter; any regulations issued under this subchapter; or any terms, conditions, or restrictions of such license; or has jeopardized public health and safety, space sustainability, national security, international obligations, foreign policy interests, or other national interests of the United States; or

“(B) if any civil penalty imposed under paragraph (a)(3) of this section has become final, has not been paid, and is overdue. In the case of any license that is suspended under this subparagraph for nonpayment of a civil penalty, the Secretary shall reinstate the license upon payment of the penalty and interest thereon at the prevailing rate;

“(3) after notice and an opportunity for a hearing, assess penalties for noncompliance with the requirements of this subchapter, or the licenses or regulations issued under this subchapter, including civil penalties not to exceed \$100,000. Each day of a continuing violation of this subchapter, or such licenses or regulations shall constitute a separate violation;

“(4) compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section;



“(5) issue subpoenas for any materials, documents, or records, or for the attendance and testimony of witnesses for the purpose of conducting a hearing under this section. In case of contempt or refusal to obey a subpoena served, pursuant to this section, upon any other person subject to the jurisdiction or control of the United States, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof;

“(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) require licensees to consent to inspections by the Secretary of any facility anywhere on Earth, in outer space, or on celestial bodies that is part of or supports licensed missions, supervise licensee compliance with their license and applicable law and regulations, make investigations and inquiries and administer to or take from any person an oath, affirmation, or affidavit concerning any matter relating to the enforcement of this chapter, or obtain from any person that is subject to the jurisdiction or control of the United States, such records and reports as may be deemed necessary or appropriate to carry out the provisions of this chapter. In the case of an inspection of a facility that is not subject to the jurisdiction or control of the United States that is located on a celestial body, the Secretary shall coordinate with the Secretary of State to ensure compliance with international obligations prior to an inspection of any such facility.

“(b) PENALTIES.—

“(1) In determining the amount of a penalty to be assessed under paragraph (a)(3), or a sanction to be imposed under (a)(2)(A), the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation and, with

respect to the violator, the degree of culpability, any history of prior violation, and such other matters as justice may require. In assessing such penalty the Secretary may also consider any information provided by the violator relating to the ability of the violator to pay, provided that the information is served on the Secretary at least 30 days prior to an administrative hearing.

“(2) Any person subject to the jurisdiction or control of the United States against whom a civil penalty is assessed under paragraph (a)(3)(A) or against whom a sanction is imposed under paragraph (a)(2)(A) may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such order.

“(3) If any person subject to the jurisdiction or control of the United States fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.”;

(2) by redesignating subsection (b) as subsection (c); and

(3) in subsection (c), as redesignated, by inserting “(2)(A),” after “paragraph (1)”.

#### **SEC. 207. REGULATORY AUTHORITY.**

Section 60124 of title 51, United States Code, is amended to read as follows:

“Sec. 60124. REGULATORY AUTHORITY OF THE SECRETARY.

“(a) The Secretary may issue all such regulations as the Secretary determines are necessary or appropriate to carry out this subchapter.

“(b) Any regulations pursuant to this subchapter shall be promulgated only after public notice and comment in accordance with the provisions of section 553 of title 5.”.

#### **SEC. 208. TECHNICAL CORRECTIONS.**

(a) Subtitle VI of title 51, United States Code, is amended in the subtitle heading, by striking “Earth Observations” and inserting “Earth Observations and Private Uninhabited Space Operations”.

(b) Subchapter III of chapter 601 of title 51, United States Code, is amended in the subchapter heading, by striking “Remote Sensing”.

(c) Section 60121 of title 51, United States Code, is amended—

(1) in the section heading, by striking “General licensing authority” and inserting “Remote sensing licensing authority”;

(2) in subsection (a), by striking “LICENSING AUTHORITY OF SECRETARY” and inserting “LICENSING AUTHORITY OF THE SECRETARY FOR REMOTE SENSING”; and

(3) in paragraph (a)(2), by striking “this subchapter” with “this section”.

(d) Section 60122 of title 51, United States Code, is amended—

(1) in the section heading, by striking “Conditions for operation” and inserting “Conditions for operation of remote sensing space systems”;

(2) in subsection (a), by inserting “or contrary to the terms of such license” after “of this title”; and

(3) in subsection (b), by striking “Any license issued pursuant to this subchapter” and inserting “Any license issued pursuant to section 60121”.

(e) Section 60125 of title 51, United States Code, is amended by striking subsection (e).

(f) Section 60146 of title 51, United States Code, is amended—

(1) in subsection (a), by striking “commercial remote sensing”; and

(2) in subsection (b), by striking “commercial land remote sensing”.

(g) Section 60147 of title 51, United States Code, is amended—

(1) in subsection (a), by striking “this chapter” each place it appears and inserting “subchapter III”; and

(2) in paragraph (b)(1), by striking “this chapter” each place it appears and inserting “subchapter III”.

## **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as may be necessary to support the activities of the Secretary of Commerce designated by this Act.

## Subtitle B

### SEC. 211. DEFINITIONS.

Section 50701 of title 51, United States Code, is amended to read as follows:

“Sec. 50701. Definitions.

“In this chapter:

“(1) BASIC SPACE SITUATIONAL AWARENESS SERVICES. The term “basic space situational awareness services” means those space situational awareness data, information, and services necessary for promoting safety of space operations, compliance with United States international obligations, foreign policy interests, and other national interests of the United States and include, at a minimum: provision of a public repository of tracked space objects and conjunction notifications and conjunction assessment screenings.

“(2) ELIGIBLE ENTITIES. The term “eligible entities” means any non-United States Government entity. This includes, but is not limited to, a State, political subdivision of a State, United States private entity, government of a foreign country, intergovernmental organization, and a foreign private entity.

“(3) OFFICE. The term “office” means the Office of Space Commerce established in section 50702 of this title.

“(4) ORBITAL DEBRIS. The term “orbital debris” means all human-generated debris in Earth orbit. This includes payloads that can no longer perform their mission, rocket bodies and other hardware (e.g., bolt fragments and covers) left in orbit as a result of normal launch and operational activities, and fragmentation debris produced by failure or collision.

“(5) SECRETARY. The term “Secretary” means the Secretary of the Department of Commerce.

“(6) SPACE OBJECT. The term “space object” means any object launched into space, or created in space, robotically or by humans, including an object’s component parts.

“(7) SPACE SITUATIONAL AWARENESS. The term “space situational awareness” means—

“(A) the identification, characterization, tracking, and prediction of space objects and orbital debris; and

“(B) the understanding of the space operational environment and the way space objects and orbital debris behave in space.”.

**SEC. 212. SPACE SITUATIONAL AWARENESS DATA, INFORMATION, AND SERVICES: PROVISION TO NON-UNITED STATES GOVERNMENT ENTITIES.**

(a) Chapter 507 of title 51, United States Code, is amended by inserting after section 50703 the following new section:

**“§ 50704. Civil space situational awareness data, information, and services**

“(a) SPACE SITUATIONAL AWARENESS CAPABILITY—The Secretary, in coordination with appropriate entities within the Department of Commerce and the heads of other relevant agencies—

“(1) shall develop and operate a capability to collect, acquire through contract or agreement, process, develop, store, and disseminate basic space situational awareness data, information, and services. This civil authority complements the continued authority provided to the Secretary of Defense by section 2274 of title 10, United States Code, to provide similar data in furtherance of national security interests of the United States;

“(2) shall provide basic space situational awareness services to eligible entities. The basic space situational services shall be provided free of direct user fees and as openly as possible, but subject to terms or conditions deemed necessary by the Director of the Office of Space Commerce. These terms and conditions may include the requirement to provide data necessary to inform and improve the basic space situational awareness capability such as point of contact, space object status, maneuver plans, and state information.

“(3) may provide a subset of basic space situational services to the public for the purposes of international coordination and for emergency situations;

“(4) may provide additional space situational awareness data, information, and services beyond basic space situational awareness services free of direct user fees but subject to any terms or conditions deemed necessary by the Director of the Office of Space Commerce. Such additional services can be provided if the space situational awareness data, information, or services do not significantly

compete with data, information, or services offered by United States commercial entities;

“(5) may consult with United States private entities to determine the type of data, information, or services that may be provided under paragraph (4) without compromising the United States commercial sector. Such consultations shall be exempt from the Federal Advisory Committee Act, 5 U.S.C. Chapter 10; and

“(6) may promulgate standards addressing best practices related to the creation, validity, or use of space situational awareness data, information, and services.

“(b) **ADVANCED SERVICES.**—The Secretary shall undertake activities to promote the development of advanced space situational awareness data, information, and services to foster the growth of the U.S. space industry.

“(c) **REGULATIONS, POLICIES, AND PROCEDURES.**—The Secretary may promulgate regulations, policies, and procedures, as appropriate, to carry out the authority provided by this section.

“(d) **IMMUNITY.**—The United States, any agency or instrumentality thereof, and any individual, firm, corporation, or other person acting for the United States government shall be immune from any suit in any court for any cause of action arising from the provision or receipt of space situational awareness data, information, or services, whether or not provided in accordance with this section, or any related action or omission. When data, information, or services acquired from entities other than the United States government are incorporated into the Space Situational Awareness capability and provided in good faith, the providers of the data, information, or services shall be immune from suit in any court for any cause of action arising from the reliance of data, information, or services provided under the Space Situational Awareness capability.

“(e) **INTRAGOVERNMENTAL SHARING.**—Nothing in this section shall prohibit the Secretary from sharing or receiving space situational awareness data, information, or services with or from other United States Government entities to inform and improve the basic space situational awareness capability, in support of the

authorities in chapters 509, 511, 515, and 601 of this title, or for other lawful governmental purposes.”.

(b) TABLE OF CONTENTS.—The analysis for chapter 507 of title 51, United States Code, is amended by adding at the end the following:

“50704. Civil space situational awareness data, information, and services.”.

**SECTION 213. SPACE TRAFFIC COORDINATION.**

(a) Chapter 507 of title 51, United States Code, is amended by inserting after section 50704 (as added by section 212) the following new section:

**“§ 50705. Space traffic coordination.**

“(a) SPACE TRAFFIC COORDINATION.—The Secretary may provide operational recommendations to eligible entities to ensure safety of space operations, compliance with United States international obligations, foreign policy interests, and other national interests of the United States.

“(b) INTERNATIONAL SPACE TRAFFIC COORDINATION.—The Secretary, in coordination with the Secretary of State and in appropriate consultation with the Secretary of Transportation, Secretary of Defense, and in consultation with the heads of appropriate Federal departments or agencies within their areas of expertise or statutory scope—

“(1) Shall support the development and implementation of open, transparent, and credible standards, policies, and practices for space traffic coordination;

“(2) May engage in international dialogue and collaboration toward implementing a framework for internationally aligned space traffic coordination.

“(c) POLICIES AND PROCEDURES FOR SPACE TRAFFIC COORDINATION.—The Secretary may promulgate policies and procedures addressing standards and best practices related to space traffic coordination for non-governmental outer space missions.

“(d) IMMUNITY.—The United States, any agency or instrumentality thereof, and any individual, firm, corporation, or other person acting for the United States government shall be immune from any suit in any court for any cause of action arising from the provision or receipt of operational recommendations issued under subsection (a) or any related action or omission. When data, information, or services acquired from entities other than the United States government are used to support these operational

recommendations and provided in good faith, the providers of the data, information, or services shall be immune from suit in any court for any cause of action arising from the reliance of data, information, or services provided.”.

(b) TABLE OF CONTENTS.—The analysis for chapter 507 of title 51, United States Code, is amended by adding at the end the following:

“50705. Space traffic coordination.”.

#### **SEC. 214. PARTNERSHIPS AND AGREEMENTS.**

(a) Chapter 507 of title 51, United States Code, is amended by inserting after section 50705, (as added by section 213), the following new section:

##### **“§ 50706. Partnerships and agreements**

“Partnerships and Agreements.—The Director of the Office of Space Commerce may form partnerships or agreements in furtherance of this chapter and subchapter III of chapter 601 of this title.”.

(b) TABLE OF CONTENTS.—The analysis for chapter 507 of title 51, United States Code, is amended by adding at the end the following:

“50706. Partnerships and agreements.”.