

118TH CONGRESS
2D SESSION

S. 3658

To promote space situational awareness and space traffic coordination and to modify the functions and leadership of the Office of Space Commerce, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2024

Mr. CORNYN (for himself, Mr. PETERS, Ms. SINEMA, Mrs. BLACKBURN, Mr. SCHMITT, Mr. KELLY, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To promote space situational awareness and space traffic coordination and to modify the functions and leadership of the Office of Space Commerce, 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 “Situational Awareness
5 of Flying Elements in Orbit Act” or the “SAFE Orbit
6 Act”.

1 **SEC. 2. SPACE SITUATIONAL AWARENESS AND SPACE TRAF-**
2 **FIC COORDINATION.**

3 (a) IN GENERAL.—The Secretary of Commerce shall
4 facilitate safe operations in space and encourage the devel-
5 opment of commercial space capabilities by acquiring and
6 disseminating unclassified data, analytics, information,
7 and services on space activities.

8 (b) IMMUNITY.—The United States, any agencies and
9 instrumentalities thereof, and any individuals, firms, cor-
10 porations, and other persons acting for the United States,
11 including nongovernmental entities, shall be immune from
12 any suit in any court for any cause of action arising from
13 the provision or receipt of space situational awareness
14 services or information, whether or not provided in accord-
15 ance with this section, or any related action or omission.

16 (c) ACQUISITION OF DATA.—The Assistant Secretary
17 of Commerce for Space Commerce (established under sec-
18 tion 50702(b) of title 51, United States Code, as amended
19 by section 3) is authorized to acquire—

20 (1) data, analytics, information, and services,
21 including with respect to—

22 (A) location tracking data;

23 (B) positional and orbit determination in-
24 formation; and

25 (C) conjunction data messages; and

1 (2) such other data, analytics, information, and
2 services as the Secretary of Commerce determines
3 necessary to avoid collisions of space objects.

4 (d) DATABASE ON SATELLITE LOCATION AND BE-
5 HAVIOR.—The Assistant Secretary of Commerce for Space
6 Commerce shall provide access for the public, at no
7 charge, a fully updated, unclassified database of informa-
8 tion concerning space objects and behavior that includes—

9 (1) the data and information acquired under
10 subsection (c), except to the extent that such data
11 or information is classified or a trade secret (as de-
12 fined in section 1839 of title 18, United States
13 Code); and

14 (2) the provision of basic space situational
15 awareness services and space traffic coordination
16 based on the data referred to in paragraph (1), in-
17 cluding basic analytics, tracking calculations, and
18 conjunction data messages.

19 (e) BASIC SPACE SITUATIONAL AWARENESS SERV-
20 ICES.—The Assistant Secretary of Commerce for Space
21 Commerce—

22 (1) shall provide to satellite operators, at no
23 charge, basic space situational awareness services,
24 including the data, analytics, information, and serv-
25 ices described in subsection (c);

1 (2) in carrying out paragraph (1), may not
2 compete with private sector space situational aware-
3 ness products, to the maximum extent practicable;
4 and

5 (3) not less frequently than every 3 years, shall
6 review the basic space situational awareness services
7 described in paragraph (1) to ensure that such serv-
8 ices provided by the Federal Government do not
9 compete with space situational awareness services of-
10 fered by the private sector.

11 (f) REQUIREMENTS FOR DATA ACQUISITION AND
12 DISSEMINATION.—In acquiring data, analytics, informa-
13 tion, and services under subsection (c) and disseminating
14 data, analytics, information, and services under sub-
15 sections (d) and (e), the Assistant Secretary of Commerce
16 for Space Commerce shall—

17 (1) leverage commercial capabilities to the max-
18 imum extent practicable;

19 (2) prioritize the acquisition of data, analytics,
20 information, and services from commercial industry
21 located in or licensed in the United States to supple-
22 ment data collected by United States Government
23 agencies, including the Department of Defense and
24 the National Aeronautics and Space Administration;

1 (3) appropriately protect proprietary data, in-
2 formation, and systems of firms located in the
3 United States, including by using appropriate infra-
4 structure and cybersecurity measures, including
5 measures set forth in the most recent version of the
6 Cybersecurity Framework, or successor document,
7 maintained by the National Institute of Standards
8 and Technology;

9 (4) facilitate the development of standardization
10 and consistency in data reporting, in collaboration
11 with satellite owners and operators, commercial
12 space situational awareness data and service pro-
13 viders, the academic community, nonprofit organiza-
14 tions, and the Director of the National Institute of
15 Standards and Technology; and

16 (5) encourage foreign governments to partici-
17 pate in unclassified data sharing arrangements for
18 space situational awareness and space traffic coordi-
19 nation.

20 (g) OTHER TRANSACTION AUTHORITY.—In carrying
21 out the activities required by this section, the Secretary
22 of Commerce shall enter into such contracts, leases, coop-
23 erative agreements, or other transactions as may be nec-
24 essary.

1 (h) SPACE OBJECT DEFINED.—In this section, the
2 term “space object” means any object launched into space,
3 or created in space, robotically or by humans, including
4 an object’s component parts.

5 **SEC. 3. OFFICE OF SPACE COMMERCE.**

6 (a) LOCATION OF OFFICE.—Subsection (a) of section
7 50702 of title 51, United States Code, is amended by in-
8 serting before the end period the following: “, which, not
9 later than 5 years after the date of the enactment of the
10 SAFE Orbit Act, shall organizationally reside within the
11 Office of the Secretary of Commerce”.

12 (b) ADDITIONAL FUNCTIONS OF OFFICE.—Sub-
13 section (c) of such section is amended—

14 (1) in paragraph (4), by striking “; and” and
15 inserting a semicolon;

16 (2) in paragraph (5), by striking the period at
17 the end and inserting a semicolon; and

18 (3) by adding at the end the following:

19 “(6) to perform space situational awareness and
20 space traffic management duties pursuant to the
21 SAFE Orbit Act.”.

22 (c) ASSISTANT SECRETARY OF COMMERCE FOR
23 SPACE COMMERCE.—

24 (1) IN GENERAL.—Subsection (b) of such sec-
25 tion is amended to read as follows:

1 “(b) ASSISTANT SECRETARY.—The Office shall be
2 headed by the Assistant Secretary of Commerce for Space
3 Commerce, who shall—

4 “(1) be appointed by the President, by and with
5 the advice and consent of the Senate;

6 “(2) report directly to the Secretary of Com-
7 merce; and

8 “(3) have a rate of pay that is equal to the rate
9 payable for level IV of the Executive Schedule under
10 section 5315 of title 5.”.

11 (2) CONFORMING AMENDMENTS.—

12 (A) Section 50702(d) of title 51, United
13 States Code, is amended—

14 (i) in the subsection heading, by strik-
15 ing “DIRECTOR” and inserting “ASSIST-
16 ANT SECRETARY”; and

17 (ii) in the matter preceding paragraph
18 (1), by striking “Director” and inserting
19 “Assistant Secretary”.

20 (B) Section 5315 of title 5, United States
21 Code, is amended by striking “Assistant Secre-
22 taries of Commerce (11)” and inserting “As-
23 sistant Secretaries of Commerce (12)”.

24 (3) REFERENCES.—On and after the date of
25 the enactment of this Act, any reference in any law

1 or regulation to the Director of the Office of Space
2 Commerce shall be deemed to be a reference to the
3 Assistant Secretary of Commerce for Space Com-
4 merce.

5 (d) TRANSITION REPORT.—Not later than 1 year
6 after the date of the enactment of this Act, the Secretary
7 of Commerce shall submit to the Committee on Commerce,
8 Science, and Transportation of the Senate and the Com-
9 mittee on Science, Space, and Technology of the House
10 of Representatives a report that sets forth transition and
11 continuity of operations plans for the functional and ad-
12 ministrative transfer of the Office of Space Commerce
13 from the National Oceanic and Atmospheric Administra-
14 tion to the Office of the Secretary of Commerce.

○