

119TH CONGRESS
1ST SESSION

S. 428

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

FEBRUARY 5, 2025

Mr. CORNYN (for himself, Mr. PETERS, Mr. WICKER, Mrs. BLACKBURN, Mr. HICKENLOOPER, Mr. KELLY, Mr. SCHMITT, and Mr. LUJÁN) 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 Government, including nongovernmental entities, shall be
12 immune from any suit in any court for any cause of action
13 arising from the provision or receipt of space situational
14 awareness services or information, whether or not pro-
15 vided in accordance with this section, or any related action
16 or omission.

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

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

23 (A) location tracking data;

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

26 (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 ferred 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) DEFINITIONS.—

7 (1) IN GENERAL.—Section 50701 of title 51,
 8 United States Code, is amended to read as follows:

9 **“§ 50701. Definitions**

10 “In this chapter:

11 “(1) ASSISTANT SECRETARY.—The term ‘As-
 12 sistant Secretary’ means the Assistant Secretary of
 13 Commerce for Space Commerce.

14 “(2) BUREAU.—The term ‘Bureau’ means the
 15 Bureau of Space Commerce established under sec-
 16 tion 50702.

17 “(3) ORBITAL DEBRIS.—The term ‘orbital de-
 18bris’—

19 “(A) means—

20 “(i) any human-made space object or-
 21 biting Earth that—

22 “(I) no longer serves an intended
 23 purpose;

24 “(II) has reached the end of its
 25 mission; or

1 “(III) is incapable of safe maneu-
2 ver or operation; and

3 “(ii) a rocket body and other hard-
4 ware left in orbit as a result of normal
5 launch and operational activities; and

6 “(B) includes fragmentation debris pro-
7 duced by failure or collision of human-made
8 space objects.

9 “(4) SECRETARY.—The term ‘Secretary’ means
10 the Secretary of Commerce.

11 “(5) SPACE OBJECT.—The term ‘space object’
12 means any object launched into space or created in
13 space robotically or by humans, including the compo-
14 nent parts of such an object.

15 “(6) SPACE SITUATIONAL AWARENESS.—The
16 term ‘space situational awareness’ means—

17 “(A) the identification, characterization,
18 tracking, and the predicted movement and be-
19 havior of space objects and orbital debris; and

20 “(B) the understanding of the space oper-
21 ational environment.

22 “(7) SPACE TRAFFIC COORDINATION.—The
23 term ‘space traffic coordination’ means the planning,
24 assessment, and coordination of activities to enhance

1 the safety, stability, and sustainability of operations
 2 in the space environment.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
 4 tions for chapter 507 of title 51, United States
 5 Code, is amended by striking the item relating to
 6 section 50701 and inserting the following:

“50701. Definitions.”.

7 (b) TRANSITION OF OFFICE TO BUREAU.—Sub-
 8 section (a) of section 50702 of title 51, United States
 9 Code, is amended by inserting before the period at the
 10 end the following: “, which, not later than 5 years after
 11 the date of the enactment of this Act, shall be elevated
 12 by the Secretary of Commerce from an office within the
 13 National Oceanic and Atmospheric Administration to a
 14 bureau reporting directly to the Office of the Secretary
 15 of Commerce”.

16 (c) ADDITIONAL FUNCTIONS OF BUREAU.—Sub-
 17 section (c) of such section is amended—

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

20 (2) in paragraph (5), by striking the period at
 21 the end and inserting “; and”; and

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

23 “(6) to perform space situational awareness and
 24 space traffic management duties pursuant to the
 25 SAFE Orbit Act.”.

1 (d) ASSISTANT SECRETARY OF COMMERCE FOR
2 SPACE COMMERCE.—

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

5 “(b) ASSISTANT SECRETARY.—The Bureau shall be
6 headed by the Assistant Secretary of Commerce for Space
7 Commerce, who shall—

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

10 “(2) report directly to the Secretary of Com-
11 merce; and

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

15 (2) CONFORMING AMENDMENTS.—

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

18 (i) in the subsection heading, by strik-
19 ing “DIRECTOR” and inserting “ASSIST-
20 ANT SECRETARY”; and

21 (ii) in the matter preceding paragraph
22 (1), by striking “Director” and inserting
23 “Assistant Secretary”.

24 (B) Section 5315 of title 5, United States
25 Code, is amended by striking “Assistant Secre-

1 taries of Commerce (11)” and inserting “As-
2 sistant Secretaries of Commerce (12)”.

3 (3) REFERENCES.—On and after the date of
4 the enactment of this Act, any reference in any law
5 or regulation to the Director of the Office of Space
6 Commerce shall be deemed to be a reference to the
7 Assistant Secretary of Commerce for Space Com-
8 merce.

9 (e) TRANSITION REPORT.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of the enactment of this Act, the Secretary
12 of Commerce shall submit to the appropriate com-
13 mittees of Congress a report that sets forth transi-
14 tion and continuity of operations plans for the func-
15 tional and administrative transfer of the Office of
16 Space Commerce from the National Oceanic and At-
17 mospheric Administration to a bureau reporting to
18 the Office of the Secretary of Commerce.

19 (2) GOAL.—The goal of transition and con-
20 tinuity of operations planning shall be to minimize
21 the cost and administrative burden of establishing
22 the Bureau of Space Commerce while maximizing
23 the efficiency and effectiveness of the functions and
24 responsibilities of the Bureau of Space Commerce, in

1 accordance with this section and the amendments
2 made by this section.

3 (3) APPROPRIATE COMMITTEES OF CONGRESS
4 DEFINED.—In this subsection, the term “appro-
5 priumate committees of Congress” means—

6 (A) the Committee on Commerce, Science,
7 and Transportation and the Committee on Ap-
8 propriations of the Senate; and

9 (B) the Committee on Science, Space, and
10 Technology and the Committee on Appropria-
11 tions of the House of Representatives.

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