

116TH CONGRESS
2D SESSION

S. 4827

To authorize the Assistant Secretary of Space Commerce to provide space situational awareness data, information, and services to non-United States Government entities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 21 (legislative day, OCTOBER 19), 2020

Mr. WICKER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize the Assistant Secretary of Space Commerce to provide space situational awareness data, information, and services to non-United States Government entities, 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 “Space Preservation
5 And Conjunction Emergency Act of 2020” or the
6 “SPACE Act of 2020”.

1 **SEC. 2. BUREAU OF SPACE COMMERCE.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that—

4 (1) growing commercial activity in space re-
5 quires immediate action to address the increasing
6 probability of collisions between spacecraft and or-
7 bital debris;

8 (2) such collisions threaten the billions of dol-
9 lars of existing United States and allied spacecraft,
10 including the International Space Station, and en-
11 danger the future usability of space;

12 (3) the provision of accurate and timely notice
13 to commercial satellite operators with respect to po-
14 tential conjunctions enhances safety; and

15 (4) a 2020 National Academies for Public Ad-
16 ministration study identified the Department of
17 Commerce as the preferred Federal agency to pro-
18 vide space situational awareness services to commer-
19 cial satellite operators.

20 (b) AMENDMENTS.—Chapter 507 of title 51, United
21 States Code, is amended—

22 (1) in the chapter heading, by striking “**OF-**
23 **FICE**” and inserting “**BUREAU**”;

24 (2) by amending section 50701 to read as fol-
25 lows:

1 **“§ 50701. Definition of Bureau**

2 “In this chapter, the term ‘Bureau’ means the Bu-
3 reau of Space Commerce established in section 50702.”;

4 (3) in section 50702—

5 (A) by amending subsection (a) to read as
6 follows:

7 “(a) IN GENERAL.—There is established within the
8 Department of Commerce a Bureau of Space Commerce.”;

9 (B) by amending subsection (b) to read as
10 follows:

11 “(b) ASSISTANT SECRETARY.—The Bureau shall be
12 headed by an Assistant Secretary for Space Commerce,
13 to be appointed by the President, with the advice and con-
14 sent of the Senate, and compensated at level II or III of
15 the Executive Schedule, as determined by the Secretary
16 of Commerce. The Assistant Secretary shall report directly
17 to the Secretary of Commerce.”;

18 (C) in subsection (c)—

19 (i) in the subsection heading, by strik-
20 ing “OFFICE” and inserting “BUREAU”;

21 (ii) in the matter preceding paragraph
22 (1), by striking “Office” and inserting
23 “Bureau”;

24 (iii) in paragraph (2), by inserting “,
25 including activities licensed under chapter
26 601” before the semicolon; and

1 (iv) in paragraph (5), by striking “Po-
 2 sition,” and inserting “Positioning,”; and
 3 (D) in subsection (d)—

4 (i) in the subsection heading, by strik-
 5 ing “DIRECTOR” and inserting “ASSIST-
 6 ANT SECRETARY”;

7 (ii) in the matter preceding paragraph
 8 (1)—

9 (I) by striking “Director” and in-
 10 serting “Assistant Secretary”; and

11 (II) by striking “Office shall”
 12 and inserting “Bureau shall, under
 13 the direction and supervision of the
 14 Secretary of Commerce,”;

15 (iii) by redesignating paragraphs (1)
 16 through (7) as paragraphs (3) through (9),
 17 respectively;

18 (iv) by inserting before paragraph (3),
 19 as redesignated, the following:

20 “(1) overseeing the issuing of licenses under
 21 chapter 601;

22 “(2) coordinating Department of Commerce
 23 policy affecting commercial space activities and
 24 working with other executive agencies to promote

1 policies that advance commercial space activities;”;
 2 and

3 (v) in paragraph (8), as redesignated,
 4 by inserting “, consistent with the inter-
 5 national obligations, foreign policy, and na-
 6 tional security interests of the United
 7 States” before the semicolon;

8 (4) in section 50703—

9 (A) by striking “Office” and inserting
 10 “Bureau”; and

11 (B) by striking “Committee on Science and
 12 Technology of the House of Representatives”
 13 and inserting “Committee on Science, Space,
 14 and Technology of the House of Representa-
 15 tives”; and

16 (5) by adding at the end the following:

17 **“§ 50705. Authorization of appropriations**

18 “There is authorized to be appropriated to the Sec-
 19 retary of Commerce to carry out this chapter \$15,000,000
 20 for fiscal year 2021.”.

21 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

22 (1) TABLE OF CONTENTS.—The table of sec-
 23 tions for chapter 507 of title 51, United States
 24 Code, is amended—

1 (A) by striking the item relating to section
 2 50701 and inserting the following:

“50701. Definition of Bureau.”;

3 and

4 (B) by adding after the item relating to
 5 section 50703 the following:

“50705. Authorization of appropriations.”.

6 (2) TABLE OF CHAPTERS.—The table of chap-
 7 ters for title 51, United States Code, is amended by
 8 striking the item relating to chapter 507 and insert-
 9 ing the following:

“Chapter 507. Bureau of Space Commerce50701.”.

10 (3) COOPERATION WITH FORMER SOVIET RE-
 11 PUBLICS.—Section 218 of the National Aeronautics
 12 and Space Administration Authorization Act, Fiscal
 13 Year 1993 (51 U.S.C. 50702 note) is amended by
 14 striking “Office” each place it appears and inserting
 15 “Bureau”.

16 **SEC. 3. SPACE SITUATIONAL AWARENESS DATA, INFORMA-**
 17 **TION, AND SERVICES: PROVISION TO NON-**
 18 **UNITED STATES GOVERNMENT ENTITIES.**

19 (a) BUREAU OF SPACE COMMERCE AUTHORITY.—
 20 Title 51, United States Code, is amended by inserting
 21 after section 50703 the following:

1 **“§ 50704. Space situational awareness data, informa-**
 2 **tion, and services: provision to non-**
 3 **United States Government entities**

4 “(a) **AUTHORITY.**—The Assistant Secretary for
 5 Space Commerce (referred to in this section as the ‘Assist-
 6 ant Secretary’) may provide space situational awareness
 7 data, information, and services to, and may obtain space
 8 situational awareness data, information, and services
 9 from, non-United States Government entities in accord-
 10 ance with this section.

11 “(b) **ELIGIBLE ENTITIES.**—The Assistant Secretary
 12 may provide data, information, and services under sub-
 13 section (a) to, and may obtain data, information, and serv-
 14 ices under subsection (a) from, any non-United States
 15 Government entity, including any of the following:

16 “(1) A State.

17 “(2) A political subdivision of a State.

18 “(3) A United States commercial entity.

19 “(4) The government of a foreign country.

20 “(5) A foreign commercial entity.

21 “(c) **AGREEMENT.**—The Assistant Secretary may not
 22 provide space situational awareness data, information, or
 23 services under subsection (a) to a non-United States Gov-
 24 ernment entity unless that entity enters into an agreement
 25 with the Assistant Secretary under which the entity—

1 “(1) agrees to pay an amount that may be
2 charged by the Assistant Secretary under subsection
3 (d);

4 “(2) agrees not to transfer any data or tech-
5 nical information received under the agreement, in-
6 cluding the analysis of data, to any other entity
7 without the express approval of the Assistant Sec-
8 retary; and

9 “(3) agrees to any other terms and conditions
10 considered necessary by the Assistant Secretary.

11 “(d) CHARGES.—(1) As a condition of an agreement
12 under subsection (c), the Assistant Secretary may (except
13 as provided in paragraph (2)) require the non-United
14 States Government entity entering into the agreement to
15 pay to the Department of Commerce such amounts as the
16 Assistant Secretary determines appropriate.

17 “(2) The Assistant Secretary may not require the
18 government of a State, or of a political subdivision of a
19 State, to pay any amount under paragraph (1).

20 “(3) The Assistant Secretary may designate a basic
21 level of space situational awareness services to be provided
22 at no charge to non-United States Government entities.

23 “(e) CREDITING OF FUNDS RECEIVED.—

24 “(1) IN GENERAL.—Funds received for the pro-
25 vision of space situational awareness data, informa-

1 tion, or services pursuant to an agreement under
2 this section shall be credited, at the election of the
3 Assistant Secretary, to the following:

4 “(A) The appropriation, fund, or account
5 used in incurring the obligation.

6 “(B) An appropriate appropriation, fund,
7 or account currently available for the purposes
8 for which the expenditures were made.

9 “(2) TREATMENT OF CREDITED FUNDS.—
10 Funds credited under this subsection shall be
11 merged with, and remain available for obligation
12 with, the funds in the appropriation, fund, or ac-
13 count to which credited.

14 “(f) PROCEDURES.—The Assistant Secretary shall
15 establish procedures by which the authority under this sec-
16 tion shall be carried out. As part of those procedures, the
17 Assistant Secretary may allow space situational awareness
18 data, information, or services to be provided through a
19 contractor of the Department of Commerce.

20 “(g) IMMUNITY.—The United States, any agencies
21 and instrumentalities thereof, and any individuals, firms,
22 corporations, and other persons acting for the United
23 States, shall be immune from any suit in any court for
24 any cause of action arising from the provision or receipt
25 of space situational awareness data, information, or serv-

1 ices, whether or not provided in accordance with this sec-
 2 tion, or any related action or omission.

3 “(h) NOTICE OF CONCERNS OF DISCLOSURE OF IN-
 4 FORMATION.—If the Assistant Secretary determines that
 5 a commercial or foreign entity has declined or is reluctant
 6 to provide data, information, or services to the Assistant
 7 Secretary in accordance with this section due to the con-
 8 cerns of such entity about the potential disclosure of such
 9 data, information, or services, the Assistant Secretary
 10 shall, not later than 60 days after the Assistant Secretary
 11 makes that determination, provide notice to the Com-
 12 mittee on Commerce, Science, and Transportation of the
 13 Senate and the Committee on Energy and Commerce of
 14 the House of Representatives of the declination or reluc-
 15 tance of such entity.”.

16 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 17 The table of sections for chapter 507 of title 51, United
 18 States Code, is amended by inserting after the item relat-
 19 ing to section 50703 the following:

“50704. Space situational awareness data, information, and services: provision
 to non-United States Government entities.”.

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