

118TH CONGRESS
1ST SESSION

S. 587

To impose sanctions with respect to foreign persons responsible for the negligent creation of space debris, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2023

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To impose sanctions with respect to foreign persons responsible for the negligent creation of space debris, 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 “Deterring Errant Be-
5 havior Risking International Space Act of 2023” or the
6 “DEBRIS Act of 2023”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) ADMISSION; ADMITTED; ALIEN.—The terms
10 “admission”, “admitted”, and “alien” have the

1 meanings given those terms in section 101 of the
2 Immigration and Nationality Act (8 U.S.C. 1101).

3 (2) FOREIGN PERSON.—The term “foreign per-
4 son” means a person that is not a United States
5 person.

6 (3) PERSON.—The term “person” means an in-
7 dividual or entity.

8 (4) SPACE DEBRIS.—The term “space debris”
9 means any human-made, Earth-orbiting object or
10 fragment of an object that is nonfunctional and for
11 which there is no reasonable expectation of assuming
12 or resuming its intended function.

13 (5) UNITED STATES PERSON.—The term
14 “United States person” means—

15 (A) a United States citizen or an alien law-
16 fully admitted for permanent residence to the
17 United States;

18 (B) an entity organized under the laws of
19 the United States or of any jurisdiction within
20 the United States, including a foreign branch of
21 such an entity; or

22 (C) any person in the United States.

23 **SEC. 3. DETERMINATION BY PRESIDENT.**

24 (a) IN GENERAL.—If persuasive information becomes
25 available to the executive branch indicating the substantial

1 possibility that a foreign person has created space debris
2 without prior notification or warning to the United States
3 Government, the President shall, not later than 30 days
4 after the executive branch receives such information, sub-
5 mit to the appropriate congressional committees a report
6 that includes—

7 (1) a determination with respect to whether
8 that foreign person is responsible for creating space
9 debris without prior notification to the United States
10 Government, through—

11 (A) deliberate action, including weapons or
12 technical testing in orbit; or

13 (B) negligence, including through—

14 (i) an unintentional collision of a
15 human-made object that the foreign person
16 failed to track;

17 (ii) a failure to properly dispose of
18 human-made objects, such as through
19 deorbiting; or

20 (iii) other gross negligence; and

21 (2) an identification of any other foreign person
22 that the President determines—

23 (A) acted as an agent of or on behalf of
24 the foreign person described in paragraph (1) in

1 a matter relating to the creation of the space
2 debris; or

3 (B) has materially assisted, sponsored, or
4 provided financial, material, or technological
5 support for, or goods or services in support of,
6 an activity resulting in the creation of the space
7 debris.

8 (b) CONSIDERATION OF CERTAIN INFORMATION IN
9 MAKING A DETERMINATION.—In determining whether a
10 foreign person has engaged in an activity described in sub-
11 section (a), the President shall consider—

12 (1) information provided by the chairperson and
13 ranking member of each of the appropriate congress-
14 sional committees;

15 (2) information provided by the Commander of
16 the United States Space Command; and

17 (3) credible information obtained by other coun-
18 tries and nongovernmental organizations that mon-
19 itor space debris.

20 (c) REQUESTS BY CHAIRPERSON AND RANKING
21 MEMBER OF APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—Not later than 120 days after receiving a written
23 request from the chairperson and ranking member of one
24 of the appropriate congressional committees with respect

1 to whether a foreign person has engaged in an activity
2 described in subsection (a), the President shall—

3 (1) determine if that person has engaged in
4 such an activity; and

5 (2) submit a report to the chairperson and
6 ranking member of that committee with respect to
7 that determination that includes—

8 (A) a statement of whether or not the
9 President imposed or intends to impose sanc-
10 tions under section 4 with respect to the per-
11 son; and

12 (B) if the President imposed or intends to
13 impose sanctions, a description of those sanc-
14 tions.

15 (d) FORM OF REPORT.—The report required by sub-
16 section (a) shall be submitted in unclassified form, but
17 may include a classified annex.

18 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
19 FINED.—In this section, the term “appropriate congres-
20 sional committees” means—

21 (1) the Committee on Commerce, Science, and
22 Transportation and the Committee on Armed Serv-
23 ices of the Senate; and

1 (2) the Committee on Science, Space, and
2 Technology and the Committee on Armed Services of
3 the House of Representatives.

4 **SEC. 4. IMPOSITION OF SANCTIONS.**

5 (a) IN GENERAL.—Not later than 90 days after sub-
6 mitting a report under section 3(a), the President shall
7 impose the sanctions described in subsection (b) with re-
8 spect to any foreign person—

9 (1) determined under paragraph (1) of section
10 3(a) to be responsible for creating space debris; or

11 (2) identified under paragraph (2) of that sec-
12 tion.

13 (b) SANCTIONS DESCRIBED.—The sanctions de-
14 scribed in this subsection are the following:

15 (1) BLOCKING OF PROPERTY.—

16 (A) IN GENERAL.—The President shall ex-
17 ercise all of the powers granted to the President
18 under the International Emergency Economic
19 Powers Act (50 U.S.C. 1701 et seq.) to the ex-
20 tent necessary to block and prohibit all trans-
21 actions in property and interests in property of
22 a foreign person described in paragraph (1) or
23 (2) of subsection (a) if such property and inter-
24 ests in property are in the United States, come
25 within the United States, or are or come within

the possession or control of a United States person.

(B) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in paragraph (1) or (2) of subsection (a) is—

- (i) inadmissible to the United States;
- (ii) ineligible to receive a visa or other documentation to enter the United States; and
- (iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in paragraph (1) or (2) of subsection (a) is subject to revocation of any visa or other

1 entry documentation, regardless of when
2 the visa or other entry documentation is or
3 was issued.

4 (ii) IMMEDIATE EFFECT.—A revoca-
5 tion under clause (i) shall—

6 (I) take effect immediately; and

7 (II) automatically cancel any
8 other valid visa or entry documenta-
9 tion that is in the alien's possession.

10 (c) IMPLEMENTATION; PENALTIES.—

11 (1) IMPLEMENTATION.—The President may ex-
12 ercise all authorities provided under sections 203
13 and 205 of the International Emergency Economic
14 Powers Act (50 U.S.C. 1702 and 1704) to carry out
15 this section.

16 (2) PENALTIES.—A person that violates, at-
17 tempts to violate, conspires to violate, or causes a
18 violation of this section or any regulation, license, or
19 order issued to carry out this section shall be subject
20 to the penalties set forth in subsections (b) and (c)
21 of section 206 of the International Emergency Eco-
22 nomic Powers Act (50 U.S.C. 1705) to the same ex-
23 tent as a person that commits an unlawful act de-
24 scribed in subsection (a) of that section.

25 (d) EXCEPTIONS.—

1 (1) EXCEPTION RELATING TO CIVIL SPACE CO-
2 OPERATION.—Sanctions under subsection (b) shall
3 not apply with respect to a person that is a party
4 to an agreement relating to civil space cooperation
5 with any agency of the United States.

6 (2) EXCEPTION TO COMPLY WITH UNITED NA-
7 TIONS HEADQUARTERS AGREEMENT AND LAW EN-
8 FORCEMENT OBJECTIVES.—Sanctions under sub-
9 section (b)(2) shall not apply with respect to an
10 alien if admitting the alien into the United States—

11 (A) would further important law enforce-
12 ment objectives; or

13 (B) is necessary to permit the United
14 States to comply with the Agreement regarding
15 the Headquarters of the United Nations, signed
16 at Lake Success June 26, 1947, and entered
17 into force November 21, 1947, between the
18 United Nations and the United States, or other
19 applicable international obligations of the
20 United States.

21 (3) EXCEPTION RELATING TO IMPORTATION OF
22 GOODS.—

23 (A) IN GENERAL.—The requirement to
24 block and prohibit all transactions in all prop-
25 erty and interests in property under subsection

1 (b)(1) shall not include the authority or a re-
2 quirement to impose sanctions on the importa-
3 tion of goods.

4 (B) GOOD.—In this paragraph, the term
5 “good” means any article, natural or manmade
6 substance, material, supply or manufactured
7 product, including inspection and test equip-
8 ment, and excluding technical data.

9 (e) TERMINATION OF SANCTIONS.—The President
10 may terminate the application of sanctions under this sec-
11 tion with respect to a person if the President determines
12 and reports to the appropriate congressional committees
13 not later than 15 days before the termination of the sanc-
14 tions that—

15 (1) credible information exists that the person
16 did not engage in the activity for which sanctions
17 were imposed;

18 (2) the person has been prosecuted appro-
19 priately for the activity for which sanctions were im-
20 posed; or

21 (3) the termination of the sanctions is in the
22 vital national security interests of the United States.

23 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
24 FINED.—In this section, the term “appropriate congres-
25 sional committees” means—

1 (1) the Committee on Appropriations, the Com-
2 mittee on Banking, Housing, and Urban Affairs, the
3 Committee on Foreign Relations, the Committee on
4 Commerce, Science, and Transportation, the Com-
5 mittee on Armed Services, and the Committee on the
6 Judiciary of the Senate; and

7 (2) the Committee on Appropriations, the Com-
8 mittee on Financial Services, the Committee on For-
9 eign Affairs, the Committee on Science, Space, and
10 Technology, the Committee on Armed Services, and
11 the Committee on the Judiciary of the House of
12 Representatives.

13 **SEC. 5. REPORTS TO CONGRESS.**

14 (a) IN GENERAL.—The President shall submit to the
15 appropriate congressional committees, in accordance with
16 subsection (b), a report that includes—

17 (1) a list of each foreign person with respect to
18 which the President imposed sanctions pursuant to
19 section 4 during the year preceding the submission
20 of the report;

21 (2) the number of foreign persons with respect
22 to which the President—

23 (A) imposed sanctions under section 4(a)
24 during that year; and

1 (B) terminated sanctions under section
2 4(e) during that year;

3 (3) the dates on which such sanctions were im-
4 posed or terminated, as the case may be;

5 (4) the reasons for imposing or terminating
6 such sanctions; and

7 (5) a description of the efforts of the President
8 to encourage the governments of other countries to
9 impose sanctions that are similar to the sanctions
10 authorized by section 4.

11 (b) DATES FOR SUBMISSION.—

12 (1) INITIAL REPORT.—The President shall sub-
13 mit the initial report under subsection (a) not later
14 than 120 days after the date of the enactment of
15 this Act.

16 (2) SUBSEQUENT REPORTS.—

17 (A) IN GENERAL.—The President shall
18 submit a subsequent report under subsection
19 (a) on April 12, or the first day thereafter on
20 which both Houses of Congress are in session,
21 of—

22 (i) the calendar year in which the ini-
23 tial report is submitted if the initial report
24 is submitted before April 12 of that cal-
25 endar year; and

1 (ii) each calendar year thereafter.

2 (B) FORM OF REPORT.—

3 (i) IN GENERAL.—Each report re-
4 quired by subsection (a) shall be submitted
5 in unclassified form, but may include a
6 classified annex.

7 (ii) EXCEPTION.—The name of a for-
8 eign person to be included in the list re-
9 quired by subsection (a)(1) may be sub-
10 mitted in the classified annex authorized
11 by paragraph (1) only if the President—

12 (I) determines that it is vital for
13 the national security interests of the
14 United States to do so;

15 (II) uses the annex in a manner
16 consistent with congressional intent
17 and the purposes of this Act; and

18 (III) not later than 15 days be-
19 fore submitting the name in a classi-
20 fied annex, provides to the appro-
21 priate congressional committees notice
22 of, and a justification for, including
23 the name in the classified annex de-
24 spite any publicly available credible in-
25 formation indicating that the person

1 engaged in an activity described in
2 section 4(a).

3 (c) PUBLIC AVAILABILITY.—

4 (1) IN GENERAL.—The unclassified portion of
5 the report required by subsection (a) shall be made
6 available to the public, including through publication
7 in the Federal Register.

8 (2) NONAPPLICABILITY OF CONFIDENTIALITY
9 REQUIREMENT WITH RESPECT TO VISA RECORDS.—

10 The President shall publish the list required by sub-
11 section (a)(1) without regard to the requirements of
12 section 222(f) of the Immigration and Nationality
13 Act (8 U.S.C. 1202(f)) with respect to confiden-
14 tiality of records pertaining to the issuance or re-
15 fusal of visas or permits to enter the United States.

16 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
17 DEFINED.—In this section, the term “appropriate con-
18 gressional committees” means—

19 (1) the Committee on Appropriations, the Com-
20 mittee on Banking, Housing, and Urban Affairs, the
21 Committee on Foreign Relations, the Committee on
22 Commerce, Science, and Transportation, the Com-
23 mittee on Armed Services, and the Committee on the
24 Judiciary of the Senate; and

1 (2) the Committee on Appropriations, the Com-
2 mittee on Financial Services, the Committee on For-
3 eign Affairs, the Committee on Science, Space, and
4 Technology, the Committee on Armed Services, and
5 the Committee on the Judiciary of the House of
6 Representatives.

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