

## SITUATIONAL AWARENESS OF FLYING ELEMENTS IN ORBIT ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of S. 3658 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (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.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the Cornyn substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3362) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 3658), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

S. 3658

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Situational Awareness of Flying Elements in Orbit Act" or the "SAFE Orbit Act".

### SEC. 2. SPACE SITUATIONAL AWARENESS AND SPACE TRAFFIC COORDINATION.

(a) IN GENERAL.—The Secretary of Commerce shall facilitate safe operations in space and encourage the development of commercial space capabilities by acquiring and disseminating unclassified data, analytics, information, and services on space activities.

(b) IMMUNITY.—The United States, any agencies and instrumentalities thereof, and any individuals, firms, corporations, and other persons acting for the United States, including nongovernmental entities, shall be immune from any suit in any court for any cause of action arising from the provision or receipt of space situational awareness services or information, whether or not provided in accordance with this section, or any related action or omission.

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

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

(A) location tracking data;

(B) positional and orbit determination information; and

(C) conjunction data messages; and

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

(d) DATABASE ON SATELLITE LOCATION AND BEHAVIOR.—The Assistant Secretary of Commerce for Space Commerce shall provide access for the public, at no charge, a fully updated, unclassified database of information concerning space objects and behavior that includes—

(1) the data and information acquired under subsection (c), except to the extent that such data or information is classified or a trade secret (as defined in section 1839 of title 18, United States Code); and

(2) the provision of basic space situational awareness services and space traffic coordination based on the data referred to in paragraph (1), including basic analytics, tracking calculations, and conjunction data messages.

(e) BASIC SPACE SITUATIONAL AWARENESS SERVICES.—The Assistant Secretary of Commerce for Space Commerce—

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

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

(3) not less frequently than every 3 years, shall review the basic space situational awareness services described in paragraph (1) to ensure that such services provided by the Federal Government do not compete with space situational awareness services offered by the private sector.

(f) REQUIREMENTS FOR DATA ACQUISITION AND DISSEMINATION.—In acquiring data, analytics, information, and services under subsection (c) and disseminating data, analytics, information, and services under subsections (d) and (e), the Assistant Secretary of Commerce for Space Commerce shall—

(1) leverage commercial capabilities to the maximum extent practicable;

(2) prioritize the acquisition of data, analytics, information, and services from commercial industry located in or licensed in the United States to supplement data collected by United States Government agencies, including the Department of Defense and the National Aeronautics and Space Administration;

(3) appropriately protect proprietary data, information, and systems of firms located in the United States, including by using appropriate infrastructure and cybersecurity measures, including measures set forth in the most recent version of the Cybersecurity Framework, or successor document, maintained by the National Institute of Standards and Technology;

(4) facilitate the development of standardization and consistency in data reporting, in collaboration with satellite owners and operators, commercial space situational awareness data and service providers, the academic community, nonprofit organizations, and the Director of the National Institute of Standards and Technology; and

(5) encourage foreign governments to participate in unclassified data sharing arrangements for space situational awareness and space traffic coordination.

(g) OTHER TRANSACTION AUTHORITY.—In carrying out the activities required by this section, the Secretary of Commerce shall enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary.

(h) SPACE OBJECT DEFINED.—In this section, the term "space object" means any object launched into space, or created in space, robotically or by humans, including an object's component parts.

### SEC. 3. OFFICE OF SPACE COMMERCE.

(a) DEFINITIONS.—

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

#### "§ 50701. Definitions

"In this chapter:

"(1) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of Commerce for Space Commerce.

"(2) BUREAU.—The term 'Bureau' means the Bureau of Space Commerce established under section 50702.

"(3) ORBITAL DEBRIS.—The term 'orbital debris'—

"(A) means—

"(i) any human-made space object orbiting Earth that—

"(I) no longer serves an intended purpose;

"(II) has reached the end of its mission; or

"(III) is incapable of safe maneuver or operation; and

"(ii) a rocket body and other hardware left in orbit as a result of normal launch and operational activities; and

"(B) includes fragmentation debris produced by failure or collision of human-made space objects.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"(5) SPACE OBJECT.—The term 'space object' means any object launched into space or created in space robotically or by humans, including the component parts of such an object.

"(6) SPACE SITUATIONAL AWARENESS.—The term 'space situational awareness' means—

"(A) the identification, characterization, tracking, and the predicted movement and behavior of space objects and orbital debris; and

"(B) the understanding of the space operational environment.

"(7) SPACE TRAFFIC COORDINATION.—The term 'space traffic coordination' means the planning, assessment, and coordination of activities to enhance the safety, stability, and sustainability of operations in the space environment."

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

"50701. Definitions."

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

(c) ADDITIONAL FUNCTIONS OF BUREAU.—Subsection (c) of such section is amended—

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) to perform space situational awareness and space traffic management duties pursuant to the SAFE Orbit Act."

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

(1) IN GENERAL.—Subsection (b) of such section is amended to read as follows:

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

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

"(2) report directly to the Secretary of Commerce; and

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

## (2) CONFORMING AMENDMENTS.—

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

(i) in the subsection heading, by striking “DIRECTOR” and inserting “ASSISTANT SECRETARY”; and

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

(B) Section 5315 of title 5, United States Code, is amended by striking “Assistant Secretaries of Commerce (11)” and inserting “Assistant Secretaries of Commerce (12)”.

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

## (e) TRANSITION REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall submit to the appropriate committees of Congress a report that sets forth transition and continuity of operations plans for the functional and administrative transfer of the Office of Space Commerce from the National Oceanic and Atmospheric Administration to a bureau reporting to the Office of the Secretary of Commerce.

(2) GOAL.—The goal of transition and continuity of operations planning shall be to minimize the cost and administrative burden of establishing the Bureau of Space Commerce while maximizing the efficiency and effectiveness of the functions and responsibilities of the Bureau of Space Commerce, in accordance with this section and the amendments made by this section.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(B) the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.

## SAVE OUR SEAS 2.0 AMENDMENTS ACTS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 5649, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 5649) to amend the Marine Debris Act to improve the administration of the Marine Debris Program of the National Oceanic and Atmospheric Administration, to improve the administration of the Marine Debris Foundation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 5649) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 5649

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Save Our Seas 2.0 Amendments Act”.

## SEC. 2. MODIFICATIONS TO THE MARINE DEBRIS PROGRAM OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

Section 3(d) of the Marine Debris Act (33 U.S.C. 1952(d)) is amended—

(1) in the subsection heading, by striking “AND CONTRACTS” and inserting “CONTRACTS, AND OTHER AGREEMENTS”;

(2) in paragraph (1), by striking “and contracts” and inserting “, contracts, and other agreements”;

(3) in paragraph (2)—

(A) in subparagraph (B)—

(i) by striking “part of the” and inserting “part of a”; and

(ii) by inserting “or (C)” after “subparagraph (A)”; and

(B) in subparagraph (C), in the matter preceding clause (i), by inserting “and except as provided in subparagraph (B)” after “subparagraph (A)”; and

(4) by adding at the end the following:

“(7) IN-KIND CONTRIBUTIONS.—With respect to any project carried out pursuant to a contract or other agreement entered into under paragraph (1) that is not a cooperative agreement or an agreement to provide financial assistance in the form of a grant, the Under Secretary may contribute on an in-kind basis the portion of the costs of the project that the Under Secretary determines represents the amount of benefit the National Oceanic and Atmospheric Administration derives from the project.”

## SEC. 3. MODIFICATIONS TO THE MARINE DEBRIS FOUNDATION.

(a) STATUS OF FOUNDATION.—Section 111(a) of the Save Our Seas 2.0 Act (33 U.S.C. 4211(a)) is amended, in the second sentence, by striking “organization” and inserting “corporation”.

(b) PURPOSES.—Section 111(b)(3) of the Save Our Seas 2.0 Act (33 U.S.C. 4211(b)(3)) is amended by inserting “Indian Tribes,” after “Tribal governments.”

(c) BOARD OF DIRECTORS.—

(1) APPOINTMENT, VACANCIES, AND REMOVAL.—Section 112(b) of the Save Our Seas 2.0 Act (33 U.S.C. 4212(b)) is amended—

(A) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively;

(B) by inserting before paragraph (2) the following:

“(1) RECOMMENDATIONS OF BOARD REGARDING APPOINTMENTS.—For appointments made under paragraph (2), the Board shall submit to the Under Secretary recommendations on candidates for appointment.”;

(C) in paragraph (2), as redesignated by subparagraph (A), in the matter preceding subparagraph (A)—

(i) by striking “paragraph (2)” and inserting “paragraph (3)”;

(ii) by striking “and considering” and inserting “considering”;

(iii) by inserting “under paragraph (1), and with the approval of the Secretary of Commerce” after “by the Board”;

(D) by amending paragraph (3), as so redesignated, to read as follows:

“(3) TERMS.—Any Director appointed under paragraph (2) shall be appointed for a term of 6 years.”;

(E) in subparagraph (A) of paragraph (4), as so redesignated, by inserting “with the approval of the Secretary of Commerce” after “the Board”; and

(F) in paragraph (6), as so redesignated—

(i) by inserting “the Administrator of the United States Agency for International Development,” after “Service.”; and

(ii) by inserting “, and with the approval of the Secretary of Commerce” after “EPA Administrator”.

(2) GENERAL POWERS.—Section 112(g) of the Save Our Seas 2.0 Act (33 U.S.C. 4212(g)) is amended—

(A) in paragraph (1)(A), by striking “officers and employees” and inserting “the initial officers and employees”; and

(B) in paragraph (2)(B)(i), by striking “its chief operating officer” and inserting “the chief executive officer of the Foundation”.

(3) CHIEF EXECUTIVE OFFICER.—Section 112 of the Save Our Seas 2.0 Act (33 U.S.C. 4212) is amended by adding at the end the following:

“(h) CHIEF EXECUTIVE OFFICER.—

“(1) APPOINTMENT; REMOVAL; REVIEW.—The Board shall appoint and review the performance of, and may remove, the chief executive officer of the Foundation.

“(2) POWERS.—The chief executive officer of the Foundation may appoint, remove, and review the performance of any officer or employee of the Foundation.”.

(d) POWERS OF FOUNDATION.—Section 113(c)(1) of the Save Our Seas 2.0 Act (33 U.S.C. 4213(c)(1)) is amended, in the matter preceding subparagraph (A)—

(1) by inserting “nonprofit” before “corporation”; and

(2) by striking “acting as a trustee” and inserting “formed”.

(e) PRINCIPAL OFFICE.—Section 113 of the Save Our Seas 2.0 Act (33 U.S.C. 4213) is amended by adding at the end the following:

“(g) PRINCIPAL OFFICE.—The Board may locate the principal office of the Foundation in the National Capital Region, as such term is defined in section 2674(f)(2) of title 10, United States Code, or a coastal shoreline community.”.

(f) BEST PRACTICES; RULE OF CONSTRUCTION.—Section 113 of the Save Our Seas 2.0 Act (33 U.S.C. 4213), as amended by subsection (e), is further amended by adding at the end the following:

“(h) BEST PRACTICES FOR OUTREACH TO INDIAN TRIBES.—

“(1) IN GENERAL.—The Foundation shall develop and implement best practices for conducting outreach to Indian Tribes.

“(2) REQUIREMENTS.—The best practices developed under paragraph (1) shall—

“(A) include a process to support technical assistance and capacity building to improve outcomes; and

“(B) promote an awareness of programs and grants available under this Act.

“(i) RULE OF CONSTRUCTION.—Nothing in this Act may be construed—

“(1) to satisfy any requirement for government-to-government consultation with Tribal governments; or

“(2) to affect or modify any treaty or other right of any Tribal government.”.

(g) USE OF FUNDS.—Section 118(a)(2) of the Save Our Seas 2.0 Act (33 U.S.C. 4218(a)(2)) is amended by striking “and State and local government agencies” and inserting “, State and local government agencies, United States and international nongovernmental organizations, regional organizations, Indian Tribes, Tribal organizations, and foreign government entities”.

## SEC. 4. ORGANIZATION OF MARINE DEBRIS ACT.

(a) IN GENERAL.—The Marine Debris Act (33 U.S.C. 1951 et seq.) is amended—

(1) by inserting before section 3 the following:

“**Subtitle A—National Oceanic and Atmospheric Administration and Coast Guard Programs**”;

(2) by redesignating sections 3 through 6 as sections 101 through 104, respectively;

(3) by redesignating sections 7 through 10 as sections 131 through 134, respectively; and

(4) by inserting before section 131, as redesignated by paragraph (3), the following: