

118TH CONGRESS
1ST SESSION

H. R. 6385

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 HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2023

Mr. KEAN of New Jersey introduced the following bill; which was referred to the Committee on Science, Space, and Technology

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 of 2023” or the “SAFE
6 Orbit Act of 2023”.

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 non-governmental 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 advanced space situa-
3 tional awareness products, to the maximum extent
4 practicable; 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 advanced space situational 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;

5 (4) facilitate the development of standardization
6 and consistency in data reporting, in collaboration
7 with satellite owners and operators, commercial
8 space situational awareness data and service pro-
9 viders, the academic community, and nonprofit orga-
10 nizations; and

11 (5) encourage foreign governments to partici-
12 pate in unclassified data sharing arrangements for
13 space situational awareness and space traffic coordi-
14 nation.

15 (g) OTHER TRANSACTION AUTHORITY.—In carrying
16 out the activities required by this section, the Secretary
17 of Commerce shall enter into such contracts, leases, coop-
18 erative agreements, or other transactions as may be nec-
19 essary.

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

1 **SEC. 3. MODIFICATIONS TO OFFICE OF SPACE COMMERCE.**

2 (a) **LOCATION OF OFFICE.**—Subsection (a) of section
3 50702 of title 51, United States Code, is amended by in-
4 serting before the end period the following: “, which, not
5 later than 5 years after the date of the enactment of the
6 SAFE Orbit Act of 2023, shall transition to a principal
7 physical location within the Office of the Secretary of
8 Commerce”.

9 (b) **ADDITIONAL FUNCTIONS OF OFFICE.**—Sub-
10 section (c) of such section is amended—

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

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

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

16 “(6) to perform space situational awareness and
17 space traffic management duties pursuant to the
18 SAFE Orbit Act of 2023.”.

19 (c) **ASSISTANT SECRETARY OF COMMERCE FOR**
20 **SPACE COMMERCE.**—

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

23 “(b) **ASSISTANT SECRETARY.**—The Office shall be
24 headed by the Assistant Secretary of Commerce for Space
25 Commerce, who shall—

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

3 “(2) report directly to the Secretary of Com-
4 merce; and

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

8 (2) CONFORMING AMENDMENTS.—

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

11 (i) in the subsection heading, by strik-
12 ing “DIRECTOR” and inserting “ASSIST-
13 ANT SECRETARY”; and

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

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

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

1 Assistant Secretary of Commerce for Space Com-
2 merce.

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