

117TH CONGRESS
2^D SESSION

H. R. 7448

To require a study on the resiliency of space access infrastructure for national security requirements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 2022

Mr. BROWN of Maryland (for himself and Mr. WITTMAN) introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require a study on the resiliency of space access infrastructure for national security requirements, 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 “Spaceport Tiering for
5 Access Resiliency Act” or the “STAR Act”.

1 **SEC. 2. STUDY ON SPACE ACCESS INFRASTRUCTURE FOR**
2 **NATIONAL SECURITY RESILIENCY.**

3 (a) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the Secretary of Defense,
5 in coordination with the Secretary of Transportation, shall
6 submit to the appropriate congressional committees a re-
7 port on the resiliency of space access infrastructure to
8 meet national security requirements.

9 (b) ELEMENTS.—The report under subsection (a)
10 shall include the following:

11 (1) An identification of the current and pro-
12 jected launch requirements for national security mis-
13 sions, including with respect to payload, orbit type,
14 orbit longitude, and orbit inclination.

15 (2) A categorization of each spaceport and
16 other launch site by the capability of the spaceport
17 and site—

18 (A) to meet the launch requirements of all
19 national security missions;

20 (B) to meet the launch requirements of a
21 portion of national security missions;

22 (C) with respect to spaceports and sites
23 not identified under subparagraph (A), to meet
24 the launch requirements of all national security
25 missions if the spaceport received improve-
26 ments; and

1 (D) with respect to spaceports and sites
2 not identified under subparagraph (A), (B), or
3 (C), to meet the launch requirements of a por-
4 tion of national security missions if the space-
5 port or site received improvements.

6 (3) An assessment of the operational risks to
7 each spaceport and site identified under paragraph
8 (2).

9 (4) An aggregation of the operational risks to
10 the spaceports and sites identified under paragraph
11 (2).

12 (5) An assessment of the vulnerabilities and the
13 overall resiliency of space access for national secu-
14 rity missions.

15 (6) A strategy for spaceport infrastructure by
16 the Federal Government, State or local government,
17 or the private sector to ensure space access resil-
18 iency for national security missions.

19 (7) Recommendations for prioritization of Fed-
20 eral investment in spaceports to mitigate
21 vulnerabilities to space access and improve resil-
22 iency.

23 (8) Any other information as determined by the
24 Secretaries specified in subsection (a).

1 (c) FORM.—The report under subsection (a) shall be
2 submitted in an unclassified form, but may include a clas-
3 sified annex if necessary. The Secretary shall make the
4 unclassified portions of such report publicly available pur-
5 suant to section 122a of title 10, United States Code.

6 (d) DEFINITIONS.—In this section:

7 (1) The term “appropriate congressional com-
8 mittees” means the following:

9 (A) The congressional defense committees.

10 (B) The Committee on Transportation and
11 Infrastructure, the Committee on Science,
12 Space, and Technology, and the Permanent Se-
13 lect Committee on Intelligence of the House of
14 Representatives.

15 (C) The Committee on Commerce, Science,
16 and Transportation and the Select Committee
17 on Intelligence of the Senate.

18 (2) The term “congressional defense commit-
19 tees” has the meaning given that term in section
20 101(a)(16) of title 10, United States Code.

21 (3) The term “operational risk” includes—

22 (A) a cyber attack;

23 (B) a conventional military or terrorist at-
24 tack;

1 (C) an extreme weather event that could
2 occur during the fifteen-year period beginning
3 on the date of the enactment of this Act;

4 (D) an action by an adversary to deny
5 space access, including intentional creation of
6 orbital debris;

7 (E) a limitation due to launch vehicle de-
8 sign constraint;

9 (F) a disruption to critical infrastructure
10 necessary for launch activity; and

11 (G) any other threat to space access as de-
12 termined by the Secretaries specified in sub-
13 section (a).

14 (4) The term “other launch site” means a non-
15 governmental launch and re-entry site used exclu-
16 sively by a private entity.

17 (5) The term “spaceport” has the meaning
18 given such term in section 80101 of title 51, United
19 States Code, as added by section 3.

20 **SEC. 3. ESTABLISHMENT OF SPACEPORT POLICY AND**
21 **PLANNING.**

22 (a) IN GENERAL.—Title 51, United States Code, is
23 amended—

24 (1) by adding at the end the following new sub-
25 title:

1 **“Subtitle VIII—Spaceports**

2 **“CHAPTER 801—SPACEPORTS**

“Sec.

“80101. Definition.

“80102. Policy.

“80103. Establishment of Office of Spaceports.

“80104. Tiering.

“80105. National plan for spaceports.

3 **“§ 80101. Definition**

4 “‘In this subtitle, the term ‘spaceport’ means a launch
5 or reentry site that is—

6 “(1) operated by an entity licensed by the Sec-
7 retary of Transportation; or

8 “(2) owned or operated by the Secretary of De-
9 fense.

10 **“§ 80102. Policy**

11 “(a) IN GENERAL.—It is the policy of the United
12 States—

13 “(1) to encourage the development of space-
14 ports to serve efficiently and effectively private sec-
15 tor and United States Government access to space;

16 “(2) that redundant and resilient access to
17 space is foundational to promoting economic devel-
18 opment and national security;

19 “(3) that access to space must be efficiently
20 and fully integrated with the national airspace sys-
21 tem; and

1 “(4) that safety and environmental consider-
2 ations are critical components of access to space.

3 “(b) PRIORITY POLICY.—It is the policy of the
4 United States to give special emphasis to developing
5 spaceports capable of satisfying national security launch
6 requirements.

7 **“§ 80104. Tiering**

8 “(a) IN GENERAL.—The Secretary of Transportation
9 shall establish a tiering system for spaceports that cat-
10 egorizes their operation for purposes of planning, develop-
11 ment, and expenditure of funds.

12 “(b) CONSIDERATIONS.—In establishing the tiering
13 system for spaceports under subsection (a), the Secretary
14 of Transportation shall consider the following:

15 “(1) The type of orbit which may be reached
16 from the spaceport at issue, including if such space-
17 port is limited to suborbital launches.

18 “(2) The maximum payload capacity of such
19 spaceport.

20 “(3) The annual launch capacity of such space-
21 port.

22 “(4) National security requirements.

23 **“§ 80105. National plan for spaceports**

24 “(a) IN GENERAL.—The Secretary of Transpor-
25 tation, in consultation with the Secretary of Defense, shall

1 develop a plan, to be known as the ‘national plan for
2 spaceports’ (in this section referred to as the ‘plan’), for
3 developing spaceports in the United States.

4 “(b) CONSIDERATIONS.—The plan shall include the
5 types and estimated cost of eligible spaceport development
6 the Secretary of Transportation considers necessary to
7 provide redundant and resilient access to space necessary
8 to carry out the policies specified in section 80102.

9 “(c) SPECIFIC REQUIREMENTS.—The plan shall in-
10 clude a categorization of spaceports pursuant to the tiers
11 established under section 80104.

12 “(d) CONSULTATION.—In developing the plan, the
13 Secretary of Transportation shall, to the extent possible
14 and as appropriate, consult with—

15 “(1) departments, agencies, and instrumental-
16 ities of the United States Government;

17 “(2) public agencies; and

18 “(3) the space community.

19 “(e) AVAILABILITY OF DOMESTIC MILITARY SPACE-
20 PORT AND SPACEPORT FACILITIES.—To the extent pos-
21 sible, the Secretary of Defense shall make domestic mili-
22 tary spaceports and spaceport facilities available for civil
23 use. In consulting with the Secretary of Transportation
24 under subsection (a), the Secretary of Defense shall indi-

1 cate the extent to which domestic military spaceports and
2 spaceport facilities are available for civil use.

3 “(f) PUBLICATION.—The Secretary of Transpor-
4 tation shall publish the plan every two years.”;

5 (2) by—

6 (A) transferring section 51501 to subtitle
7 VIII, as added by paragraph (1);

8 (B) inserting such section 51501 after sec-
9 tion 80102, as so added by such paragraph;
10 and

11 (C) redesignating such section 51501, as
12 so transferred and inserted, as section 80103;
13 and

14 (3) in such section 80103, as so transferred
15 and redesignated—

16 (A) in subsection (c)—

17 (i) in the matter preceding paragraph
18 (1), by striking “host”; and

19 (ii) in paragraph (1), by inserting
20 “host” before “launches”; and

21 (B) by striking subsection (e).

22 (b) CLERICAL AMENDMENTS.—Title 51, United
23 States Code, is amended—

24 (1) in the table of subtitles—

1 (A) by adding at the end the following new
2 items:

“Subtitle VIII—Spaceports

“801. Spaceports 80101”;

3 and

4 (B) by striking the item relating to chapter
5 515; and

6 (2) in subtitle V, by striking the heading relat-
7 ing to chapter 515.

8 **SEC. 4. STUDY ON THE ESTABLISHMENT OF A SPACEPORT**
9 **IMPROVEMENT PLAN.**

10 (a) IN GENERAL.—Not later than two years after the
11 date of the enactment of this Act, the Secretary of Trans-
12 portation, in coordination with the Secretary of Defense
13 and the Secretary of Commerce, after providing an oppor-
14 tunity for public comment, shall submit to the appropriate
15 congressional committees a report on the implementation
16 of a spaceport improvement program.

17 (b) ELEMENTS.—The report under subsection (a)
18 shall include the following:

19 (1) An assessment of the feasibility of estab-
20 lishing a spaceport trust fund for the improvement
21 of spaceports.

22 (2) Recommendations for a fee structure to
23 fund such a trust fund.

1 (3) Recommendations for establishing a space-
2 port improvement program, including a grant pro-
3 gram through which to distribute funds from such a
4 trust fund.

5 (4) Recommendations for the tiers of space-
6 ports under section 80104 of title 51, United States
7 Code, as added by section 3, to be eligible to receive
8 a grant under such spaceport improvement program.

9 (5) Recommendations for the apportionment of
10 funds to spaceports, including minimums, maxi-
11 mums, and prioritization of the distribution of such
12 funds.

13 (6) Recommended modifications to the national
14 plan for spaceports under section 80105 of title 51,
15 United States Code, as added by section 3, to incor-
16 porate such spaceport improvement program.

17 (c) FORM.—The report under subsection (a) shall
18 be—

19 (1) submitted in an unclassified form; and

20 (2) posted on a publicly available website of the
21 Department of Transportation.

22 (d) DEFINITIONS.—In this section:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means the following:

1 (A) The Committee on Transportation and
2 Infrastructure of the House of Representatives.

3 (B) The Committee on Commerce, Science,
4 and Transportation of the Senate.

5 (C) The Committee on Science, Space, and
6 Technology of the House of Representatives.

7 (D) The congressional defense committees.

8 (2) CONGRESSIONAL DEFENSE COMMITTEES.—

9 The term “congressional defense committees” has
10 the meaning given such term in section 101(a)(16)
11 of title 10, United States Code.

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