

118TH CONGRESS
2D SESSION

S. 3658

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Situational Awareness
3 of Flying Elements in Orbit Act” or the “SAFE Orbit
4 Act”.

5 **SEC. 2. SPACE SITUATIONAL AWARENESS AND SPACE TRAF-**
6 **FIC COORDINATION.**

7 (a) IN GENERAL.—The Secretary of Commerce shall
8 facilitate safe operations in space and encourage the devel-
9 opment of commercial space capabilities by acquiring and
10 disseminating unclassified data, analytics, information,
11 and services on space activities.

12 (b) IMMUNITY.—The United States, any agencies and
13 instrumentalities thereof, and any individuals, firms, cor-
14 porations, and other persons acting for the United States,
15 including nongovernmental entities, shall be immune from
16 any suit in any court for any cause of action arising from
17 the provision or receipt of space situational awareness
18 services or information, whether or not provided in accord-
19 ance with this section, or any related action or omission.

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

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

26 (A) location tracking data;

1 (B) positional and orbit determination in-
2 formation; and

3 (C) conjunction data messages; and

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

7 (d) DATABASE ON SATELLITE LOCATION AND BE-
8 HAVIOR.—The Assistant Secretary of Commerce for Space
9 Commerce shall provide access for the public, at no
10 charge, a fully updated, unclassified database of informa-
11 tion concerning space objects and behavior that includes—

12 (1) the data and information acquired under
13 subsection (c), except to the extent that such data
14 or information is classified or a trade secret (as de-
15 fined in section 1839 of title 18, United States
16 Code); and

17 (2) the provision of basic space situational
18 awareness services and space traffic coordination
19 based on the data referred to in paragraph (1), in-
20 cluding basic analytics, tracking calculations, and
21 conjunction data messages.

22 (e) BASIC SPACE SITUATIONAL AWARENESS SERV-
23 ICES.—The Assistant Secretary of Commerce for Space
24 Commerce—

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

5 (2) in carrying out paragraph (1), may not
6 compete with private sector space situational aware-
7 ness products, to the maximum extent practicable;
8 and

9 (3) not less frequently than every 3 years, shall
10 review the basic space situational awareness services
11 described in paragraph (1) to ensure that such serv-
12 ices provided by the Federal Government do not
13 compete with space situational awareness services of-
14 fered by the private sector.

15 (f) REQUIREMENTS FOR DATA ACQUISITION AND
16 DISSEMINATION.—In acquiring data, analytics, informa-
17 tion, and services under subsection (c) and disseminating
18 data, analytics, information, and services under sub-
19 sections (d) and (e), the Assistant Secretary of Commerce
20 for Space Commerce shall—

21 (1) leverage commercial capabilities to the max-
22 imum extent practicable;

23 (2) prioritize the acquisition of data, analytics,
24 information, and services from commercial industry
25 located in or licensed in the United States to supple-

1 ment data collected by United States Government
2 agencies, including the Department of Defense and
3 the National Aeronautics and Space Administration;

4 (3) appropriately protect proprietary data, in-
5 formation, and systems of firms located in the
6 United States, including by using appropriate infra-
7 structure and cybersecurity measures, including
8 measures set forth in the most recent version of the
9 Cybersecurity Framework, or successor document,
10 maintained by the National Institute of Standards
11 and Technology;

12 (4) facilitate the development of standardization
13 and consistency in data reporting, in collaboration
14 with satellite owners and operators, commercial
15 space situational awareness data and service pro-
16 viders, the academic community, nonprofit organiza-
17 tions, and the Director of the National Institute of
18 Standards and Technology; and

19 (5) encourage foreign governments to partici-
20 pate in unclassified data sharing arrangements for
21 space situational awareness and space traffic coordi-
22 nation.

23 (g) OTHER TRANSACTION AUTHORITY.—In carrying
24 out the activities required by this section, the Secretary
25 of Commerce shall enter into such contracts, leases, coop-

1 erative agreements, or other transactions as may be nec-
 2 essary.

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

7 **SEC. 3. OFFICE OF SPACE COMMERCE.**

8 (a) DEFINITIONS.—

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

11 **“§ 50701. Definitions**

12 “In this chapter:

13 “(1) ASSISTANT SECRETARY.—The term ‘As-
 14 sistant Secretary’ means the Assistant Secretary of
 15 Commerce for Space Commerce.

16 “(2) BUREAU.—The term ‘Bureau’ means the
 17 Bureau of Space Commerce established under sec-
 18 tion 50702.

19 “(3) ORBITAL DEBRIS.—The term ‘orbital de-
 20 bris’—

21 “(A) means—

22 “(i) any human-made space object or-
 23 biting Earth that—

24 “(I) no longer serves an intended
 25 purpose;

1 “(II) has reached the end of its
2 mission; or

3 “(III) is incapable of safe maneu-
4 ver or operation; and

5 “(ii) a rocket body and other hard-
6 ware left in orbit as a result of normal
7 launch and operational activities; and

8 “(B) includes fragmentation debris pro-
9 duced by failure or collision of human-made
10 space objects.

11 “(4) SECRETARY.—The term ‘Secretary’ means
12 the Secretary of Commerce.

13 “(5) SPACE OBJECT.—The term ‘space object’
14 means any object launched into space or created in
15 space robotically or by humans, including the compo-
16 nent parts of such an object.

17 “(6) SPACE SITUATIONAL AWARENESS.—The
18 term ‘space situational awareness’ means—

19 “(A) the identification, characterization,
20 tracking, and the predicted movement and be-
21 havior of space objects and orbital debris; and

22 “(B) the understanding of the space oper-
23 ational environment.

24 “(7) SPACE TRAFFIC COORDINATION.—The
25 term ‘space traffic coordination’ means the planning,

1 assessment, and coordination of activities to enhance
 2 the safety, stability, and sustainability of operations
 3 in the space environment.”.

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

“50701. Definitions.”.

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

17 (c) ADDITIONAL FUNCTIONS OF BUREAU.—Sub-
 18 section (c) of such section is amended—

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

21 (2) in paragraph (5), by striking the period at
 22 the end and inserting “; and”; and

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

1 “(6) to perform space situational awareness and
 2 space traffic management duties pursuant to the
 3 SAFE Orbit Act.”.

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

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

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

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

13 “(2) report directly to the Secretary of Com-
 14 merce; and

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

18 (2) CONFORMING AMENDMENTS.—

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

21 (i) in the subsection heading, by strik-
 22 ing “DIRECTOR” and inserting “ASSIST-
 23 ANT SECRETARY”; and

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

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

8 (3) REFERENCES.—On and after the date of
9 the enactment of this Act, any reference in any law
10 or regulation to the Director of the Office of Space
11 Commerce shall be deemed to be a reference to the
12 Assistant Secretary of Commerce for Space Com-
13 merce.

14 (e) TRANSITION REPORT.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of the enactment of this Act, the Secretary
17 of Commerce shall submit to the appropriate com-
18 mittees of Congress a report that sets forth transi-
19 tion and continuity of operations plans for the func-
20 tional and administrative transfer of the Office of
21 Space Commerce from the National Oceanic and At-
22 mospheric Administration to a bureau reporting to
23 the Office of the Secretary of Commerce.

24 (2) GOAL.—The goal of transition and con-
25 tinuity of operations planning shall be to minimize

1 the cost and administrative burden of establishing
2 the Bureau of Space Commerce while maximizing
3 the efficiency and effectiveness of the functions and
4 responsibilities of the Bureau of Space Commerce, in
5 accordance with this section and the amendments
6 made by this section.

7 (3) APPROPRIATE COMMITTEES OF CONGRESS
8 DEFINED.—In this subsection, the term “appro-
9 priate committees of Congress” means—

10 (A) the Committee on Commerce, Science,
11 and Transportation and the Committee on Ap-
12 propriations of the Senate; and

13 (B) the Committee on Science, Space, and
14 Technology and the Committee on Appropria-
15 tions of the House of Representatives.

Passed the Senate December 21 (legislative day, De-
cember 16), 2024.

Attest:

Secretary.

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