

117TH CONGRESS
1ST SESSION

S. 3158

To establish a committee to advise space licensing authorities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2021

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish a committee to advise space licensing authorities, 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 “Space Technology Ad-
5 visory Committee Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Federal
10 Aviation Administration.

1 (2) APPLICATION.—The term “application”
2 means an application, petition, or other request for
3 a license, including an application, petition, or other
4 request to transfer a license that has already been
5 issued.

6 (3) COMMISSION.—The term “Commission”
7 means the Federal Communications Commission.

8 (4) COMMITTEE.—The term “Committee”
9 means the committee established by section 3(a).

10 (5) COMMITTEE ADVISOR.—The term “Com-
11 mittee advisor” means an individual described in
12 section 3(b)(2).

13 (6) COMMITTEE MEMBER.—The term “Com-
14 mittee member” means an individual described in
15 section 3(b)(1).

16 (7) LEAD MEMBER.—The term “lead member”
17 means a Committee member designated under sec-
18 tion 3(d) to carry out a specific duty of the Com-
19 mittee.

20 (8) LICENSE.—The term “license” means a li-
21 cense for—

22 (A) a launch site;

23 (B) a launch and reentry vehicle;

24 (C) a commercial spaceport;

1 (D) a commercial Earth remote sensing
 2 satellite; or

3 (E) commercial satellite communications.

4 (9) SECRETARY.—The term “Secretary” means
 5 the Secretary of Commerce.

6 **SEC. 3. COMMITTEE TO ADVISE SPACE LICENSING AU-**
 7 **THORITIES.**

8 (a) ESTABLISHMENT.—There is established a com-
 9 mittee to assist the Administrator, the Secretary, and the
 10 Commission in conducting reviews of applications and li-
 11 censes for the purpose of determining whether granting
 12 the applications or maintaining the licenses poses a risk
 13 to the national security or law enforcement or public safe-
 14 ty interests of the United States.

15 (b) MEMBERSHIP.—

16 (1) IN GENERAL.—The Committee shall be
 17 comprised of the following Committee members:

18 (A) The head, or a senior executive-level
 19 designee of the head, of each of the following:

20 (i) The Department of Defense.

21 (ii) The Department of Homeland Se-
 22 curity.

23 (iii) The Department of Justice.

24 (iv) The Office of the Director of Na-
 25 tional Intelligence.

1 (v) The Federal Aviation Administra-
2 tion.

3 (vi) The National Space Council.

4 (vii) The Department of Commerce.

5 (B) The head of any other executive de-
6 partment or agency, or any Assistant to the
7 President, as the President considers appro-
8 priate.

9 (2) ADVISORY MEMBERS.—In addition to the
10 Committee members, the following individuals shall
11 serve as Committee advisors:

12 (A) The head, or a senior executive-level
13 designee of the head, of each of the following:

14 (i) The Department of State.

15 (ii) The Office of the United States
16 Trade Representative.

17 (iii) The Department of the Treasury.

18 (iv) The Securities and Exchange
19 Commission.

20 (v) The Federal Communications
21 Commission.

22 (vi) The Environmental Protection
23 Agency.

24 (vii) The Department of the Interior.

1 (viii) The Office of Science and Tech-
 2 nology Policy.

3 (ix) The Federal Bureau of Investiga-
 4 tion.

5 (B) The Assistant to the President for Na-
 6 tional Security Affairs.

7 (c) CHAIRPERSON.—

8 (1) IN GENERAL.—The Secretary of Defense
 9 shall serve as the chairperson of the Committee.

10 (2) EXCLUSIVE AUTHORITY.—The chairperson
 11 shall have the exclusive authority to act, or to au-
 12 thorize any other Committee member to act, on be-
 13 half of the Committee, including by communicating
 14 with the Administrator, the Secretary, the Commis-
 15 sion, and applicants and licensees.

16 (d) LEAD MEMBERS.—The chairperson shall des-
 17 ignate one or more Committee members to serve as a lead
 18 member for carrying out a Committee duty, consistent
 19 with the Committee member’s statutory authority.

20 (e) ASSISTANT SECRETARY FOR SPACE REVIEW.—

21 (1) IN GENERAL.—The chairperson shall estab-
 22 lish within the Office of the Under Secretary of De-
 23 fense for Acquisition and Sustainment the position
 24 of Assistant Secretary for Space Review, which posi-

1 tion shall be principally related to the Committee, as
2 delegated by the Secretary of Defense.

3 (2) DUTIES.—The duties of the Assistant Sec-
4 retary for Space Review shall be—

5 (A) to prioritize the organization and man-
6 agement of Committee meetings; and

7 (B) to produce written archival records of
8 Committee actions.

9 (f) INFORMATION SHARING AND CONSULTATION.—
10 The chairperson and each lead member shall—

11 (1) keep the Committee fully informed of their
12 respective activities on behalf of the Committee; and

13 (2) consult the Committee before taking any
14 material action under this Act.

15 (g) DUTIES.—

16 (1) RECEIPT OF APPLICATIONS AND LI-
17 CENSES.—The Administrator, the Secretary, and the
18 Commission shall refer all applications and licenses
19 to the Committee, and the Committee shall receive
20 such applications and licenses, for review and deter-
21 mination.

22 (2) REVIEW OF APPLICATIONS AND LI-
23 CENSES.—

24 (A) IN GENERAL.—The Committee shall—

1 (i) conduct a review and assessment
2 of each application and license received;
3 and

4 (ii) with respect to each such applica-
5 tion and license—

6 (I) submit questions or requests
7 for information to the applicant, li-
8 censee, or any other entity for pur-
9 poses of the assessment under sub-
10 clause (II);

11 (II) assess whether granting the
12 application or maintaining the license
13 would pose a risk to the national secu-
14 rity or law enforcement or public safe-
15 ty interests of the United States;

16 (III) in the case of an application
17 or a license with respect to which the
18 Committee determines such a risk ex-
19 ists, determine whether, as applica-
20 ble—

21 (aa) the application should
22 be granted or denied; or

23 (bb) the license should be
24 maintained or revoked; and

1 (IV) in the case of an application
2 or license determined to pose such a
3 risk that may be addressed through
4 approval with conditions—

5 (aa) not later than 30 days
6 after the date on which the Com-
7 mittee receives such application
8 or license for review, propose to
9 the Administrator, the Secretary,
10 or the Commission, as applicable,
11 the measures necessary to ad-
12 dress the risk, and recommend
13 that the application only be
14 granted, or the license only main-
15 tained, on the condition of com-
16 pliance by the applicant or li-
17 censee with such measures;

18 (bb) if the Administrator,
19 the Secretary, or the Commission
20 approves the measures proposed
21 under item (aa) and grants the
22 application, or maintains the li-
23 cense, communicate with the ap-
24 plicant or licensee with respect to
25 such measures; and

1 (cc) monitor compliance with
2 such measures.

3 (B) TIMELINE.—Not later than 30 days
4 after the date on which the chairperson deter-
5 mines under paragraph (4) that the response of
6 the applicant or licensee to any question or in-
7 formation request is complete, the Committee
8 shall complete the review under this paragraph.

9 (C) NOTIFICATION.—The chairperson shall
10 notify the Administrator, the Secretary, or the
11 Commission, as applicable, of any application or
12 license determined by the Committee to warrant
13 a secondary assessment.

14 (3) SECONDARY ASSESSMENT OF APPLICATIONS
15 AND LICENSES.—

16 (A) IN GENERAL.—The Committee shall—

17 (i) conduct a secondary assessment of
18 any application or license determined by
19 the Committee to pose a risk to the na-
20 tional security or law enforcement or pub-
21 lic safety interests of the United States
22 that cannot be addressed through standard
23 mitigation measures; and

24 (ii) with respect to each such applica-
25 tion or license—

1 (I) submit additional questions or
2 requests for information to the appli-
3 cant, licensee, or any other entity to
4 determine whether there are unre-
5 solved concerns; and

6 (II) make a recommendation to
7 the Administrator, the Secretary, or
8 the Commission, as applicable, on
9 whether the application should be de-
10 nied or the license should be revoked.

11 (B) TIMELINE.—Not later than 90 days
12 after the date on which the Committee deter-
13 mines that a secondary assessment under this
14 paragraph is warranted, the Committee shall
15 complete the assessment.

16 (C) NOTIFICATION.—The chairperson, in
17 coordination with the Administrator, the Sec-
18 retary, or the Commission, as applicable, shall
19 notify the National Security Council and the
20 President of any application or license with re-
21 spect to which the Committee recommends a
22 denial or revocation.

23 (4) REQUESTS FOR ADDITIONAL INFORMA-
24 TION.—

1 (A) IN GENERAL.—Not later than 15 days
2 after receiving a response to questions or re-
3 quests for additional information submitted to
4 an applicant, licensee, or any other entity pur-
5 suant to an review under paragraph (2) or a
6 secondary assessment under paragraph (3), the
7 Committee shall—

8 (i) make a determination as to wheth-
9 er such response is complete; and

10 (ii) notify the Administrator, the Sec-
11 retary, or the Commission, as applicable,
12 of such determination.

13 (B) FAILURE TO RESPOND.—

14 (i) IN GENERAL.—In the case of an
15 applicant, licensee, or other entity that
16 fails to respond to such questions or re-
17 quests for additional information, the Com-
18 mittee may make a recommendation to the
19 Administrator, the Secretary, or the Com-
20 mission, as applicable—

21 (I) to deny the application con-
22 cerned without prejudice; or

23 (II) to rescind the license con-
24 cerned.

25 (ii) NOTIFICATION.—

1 (I) EXTENSION.—The chair-
2 person shall notify the Administrator,
3 the Secretary, or the Commission, as
4 applicable, of any extension of the re-
5 view or secondary assessment period.

6 (II) DENIAL.—The chairperson,
7 in coordination with the Adminis-
8 trator, the Secretary, or the Commis-
9 sion, as applicable, shall notify the
10 National Security Council and the
11 President of any recommendation by
12 the Committee to deny an application
13 or rescind a license.

14 (C) CONFIDENTIALITY.—Information sub-
15 mitted to the Committee shall not be disclosed
16 to any individual or entity outside the depart-
17 ments or agencies of Committee members and
18 Committee advisors, except as appropriate and
19 consistent with procedures governing the han-
20 dling of classified or otherwise privileged infor-
21 mation.

22 (5) NOTIFICATION OF NO OBJECTIONS.—If the
23 Committee does not have a recommendation or an
24 objection to granting an application or maintaining
25 a license, the Committee shall so notify the Adminis-

1 trator, the Secretary, or the Commission, as applica-
2 ble.

3 (6) OTHER DUTIES.—The Committees shall
4 conduct other related duties, as the chairperson con-
5 siders appropriate.

6 **SEC. 4. THREAT ANALYSIS.**

7 With respect to each application and license reviewed
8 by the Committee, the Director of National Intelligence,
9 in coordination with the intelligence community (as de-
10 fined in section 3 of the National Security Act of 1947
11 (50 U.S.C. 3003)), shall issue a written assessment of any
12 threat to the national security interests of the United
13 States posed by granting the application or maintaining
14 the license.

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