

## Alert | Space Law



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### Department of Commerce Outlines Space Commerce Strategy

On March 15, Deputy Secretary of Commerce Don Graves **gave an update** on the U.S. Department of Commerce's (Commerce) strategic plan on space commerce at the Satellite 2023 Government and Military Forum. His remarks reiterated Commerce's prioritization of the U.S. commercial space industry and reported progress in the strategic plan's five key focus areas.

The five focus areas are: (1) coordinating regulatory functions; (2) growing the customer base for U.S. commercial space goods and services; (3) improving space safety and sustainability; (4) promoting commercial space innovation; and (5) advancing Earth observation capabilities to empower better decision making.

Commerce is the primary regulatory body governing the commercial space industry. Its Office of Space Commerce coordinates space-related efforts among its subordinate agencies, National Oceanic and Atmospheric Administration (NOAA), National Telecommunications and Information Administration (NTIA), Bureau of Industry and Security (BIS), and National Institute of Standards and Technology (NIST), among others.

#### Coordinating Regulatory Functions

Commerce's first goal is to coordinate regulatory functions across domestic and international stakeholders to promote competitiveness and increase legal certainty, transparency, and consistency for

the commercial space industry. The focus of this effort is to simplify the process of commercial space licensing for experienced space companies and early-stage innovators. Providing legal certainty and transparency should attract private capital for traditional space investments in communications, remote sensing and satellites, and also emerging concepts such as in-space servicing, assembly, and manufacturing; active debris removal; and asteroid mining. In recent years Commerce improved the speed and efficiency of NOAA's new license application processing, which now averages 22 days per new application. Commerce aims to build on that progress by consolidating offices under the NOAA Under Secretary. Export controls has been another focus. Under the Missile Technology Control Regime (MTCR), Commerce will now review license applications for the export of satellites and satellite components to MTCR Partners on a case-by-case basis, eliminating its prior presumption of denial. Commerce believes these changes will open the door to hundreds of millions of dollars in new exports of U.S. satellites and components.

### **Growing the Customer Base for U.S. Commercial Space Goods and Services**

Commerce's second goal is to grow the customer base for U.S. commercial space goods and services. To grow a customer base, Commerce plans to first promote the availability, security, and resilience of the space industrial base and supply chains. Accordingly, the BIS has launched an assessment of the industrial base in partnership with NOAA and National Aeronautics and Space Administration (NASA). Next, Commerce continues to promote its International Trade Administration Advocacy Center, which is currently working on 29 cases involving the space industry, with a total estimated value of \$8.9 billion. This focus extends internationally. Commerce recently organized a special session labeled "Track 1.5," aimed at increasing U.S.-France business and space partnerships through governmental cooperation to remove barriers. Commerce plans to hold similar discussions with Japanese counterparts and to promote further commercial space engagements with African nations. Commerce believes this can play an important role in driving technological and private sector development throughout Africa.

### **Improving Space Safety and Sustainability**

With thousands of satellites launched each year, Commerce is keen to improving safety and sustainability to prevent catastrophic collisions that could render some Earth orbits useless. Congress has made this a priority as well. In fiscal year 2023, the Office of Space Commerce (Space Commerce) received a \$70 million appropriation, a large portion of which is earmarked for space situational awareness (SSA). Commerce rebranded the system as Traffic Coordination System for Space (TraCSS) and plans to enlist industry and existing commercial technologies to the maximum extent possible to minimize disruption to the already existing market for advanced SSA services. Additionally, Space Commerce and the Department of Defense (DOD) completed a pilot project that demonstrated the capability of U.S. commercial data and analytics to provide SSA to nearly 100 spacecraft. Space Commerce is considering options for additional pilots while the operational TraCSS system is in development.

### **Promoting Innovation**

Commerce's fourth area of focus is to promote innovation through the thoughtful and judicious allocation of resources, considering commercial sector needs while reaffirming its commitment to protecting critical federal missions. Commerce highlights NOAA's Commercial Data Program as having made notable progress through this effort. NOAA has been obtaining commercial radio satellite data with liberal distribution rights so users can freely access such data in near real-time. The expansion of spectrum availability is also an innovative push, as Commerce hopes to ensure spectrum is available for federal and private-sector missions. The NTIA has engaged industry, federal agency partners, and spectrum stakeholders to help develop a National Spectrum Strategy.

## Advancing Earth Observation

The fifth focus is the advancement of Earth observation capabilities to empower informed decision-making by the private and public sectors. NOAA flies the nation's fleet of operational, civilian satellites, which collect observations for weather forecasting and climate monitoring. NOAA has been reimagining its future satellite architecture. Accordingly, it seeks to develop a more advanced and agile architecture in Low Earth Orbit (LEO) and for space weather. NOAA is therefore building on-ramps for new technology and opening the door to more data purchases, rideshares, and hosted payloads. NOAA is developing the QuickSounder mission, which plans to be a small satellite carrying an existing, proven microwave sounder to measure vertical temperature and moisture profiles. Its end goal is to replace large multi-instrument satellites for some of NOAA's core observations. This architecture has demonstrated NOAA's ability to rapidly purchase and develop small form factor satellite buses and small launch services.

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