December 2022

Description

U.S. Space Policy

White House Issues ISAM Implementation Plan

- Following up on its April 2022 ISAM National Strategy, the White House has released an ISAM implementation plan in December. The document identifies six key activities to facilitate the development of the ISAM industry including: funding R&D, developing infrastructure, supporting the commercial industry, international collaboration, prioritizing environmental stability, and inspiring the future ISAM workforce.
- *Why it matters*: In addition to offering a glimpse of the U.S. government's ISAM priorities, the implementation plan identifies lead and support agencies for the plan's elements. The Plan also offers a roadmap of which agencies to contact depending on your company's role in the ISAM ecosystem.

New FCC Rulemaking Seeks to Streamline Satellite Application Process

- With the FCC's ISAM NOI commenting period closed, the FCC has approved a new Notice of Proposed Rulemaking that is geared towards improving the application process for satellite and spacecraft licenses and market access.
- *Why it matters*: Application processing times for satellites and spacecraft are opaque in the U.S. The lack of a clear timeline for a grant can impact design and construction decisions for every operator in the industry, from large NGSO constellations and GSO operators to single vehicle ISAM missions. This rulemaking offers a timely opportunity to provide suggestions to the FCC on what needs to be improved and how.

Senate Passes Orbital Debris Bill, House to Consider in 2023

- The Orbital Sustainability Act passed the Senate but will need to wait until 2023 for the House to consider it. The Act calls on NASA to identify the debris objects that pose the greatest risk as well as to fund the development of technologies that might mitigate the risk posed by such debris (without allocating any new funding).
- *Why it matters:* Although it is unclear whether this bill will pass, it is clear that Congress intends to play a larger role in shaping orbital debris and space traffic management policy. It is incumbent on the industry to inform the Congressional stakeholders and ensure that current and future bills represent the needs and interests of the space industry.

Biden Administration to Draft Executive Order to Simplify the Space Regulatory Process

- The Biden Administration has suggested that, by early 2023, it will have an executive order before the President that directs the streamlining of regulatory approval for commercial rocket launches. Additionally, the EO will instruct agencies to provide more regulatory clarity about requirements that U.S. companies are subject to. The U.S. Department of Commerce will lead the charge by creating an online tool to guide companies through various agencies' regulatory processes.
- *Why it matters:* There are numerous federal agencies involved in the process of getting a launch vehicle or payload into space. It's very difficult to know which regulations apply to you, which agency to reach out to, which licensing path to choose, and on what timeline you should start talking to various agencies. A tool that clarifies the regulations would be immensely helpful if it is effective.

U.S. Export Control

ITAR Compliance Program Guidelines

- On December 5, 2022, the US Department of State's Directorate of Defense Trade Controls (DDTC) issued updated ITAR Compliance Program Guidelines. The Guidelines outline eight critical elements of an effective ICP: Management Commitment; DDTC Registration, Jurisdiction and Classification, Authorization & Other ITAR Activities; Recordkeeping; Detecting, Reporting, and Disclosing Violations; ITAR Training; Risk Assessment; Audits and Compliance Monitoring; and ITAR Compliance Manual. Together, these elements create an effective ITAR ICP.
- *Why it matters*: ITAR activities vary substantially from one company to another. Therefore, an ICP should be tailored to an individual company's ITAR risks, EAR risks, size, etc., to mitigate the likelihood of violating regulations. Not to mention, having an effective program is considered a mitigating factor when the government assesses penalties if a violation occurs.

Space Force!

Space Force Now Operates all U.S. Military Communications Satellites

- The Space Force has officially taken over all military satellite communications as of December 26, 2022. It also secured an additional $1.7 billion in the 2023 spending bill as its mission grows.
- *Why it matters:* Many U.S. satellite and ISAM operators must coordinate spectrum use with U.S. government satellites. Now that the Space Force has taken over the management of the government's communications satellites, it may alter the past processes stakeholders have used to coordinate their systems.

Foreign Space Developments

U.K., Japan Seeking Closer Relationship on Space

- The U.K. government has committed $144 million dollars to facilitate collaboration with research and development powers like Japan. It has an eye on using this collaboration to advance the space interests of both island nations.
- *Why it matters:* International collaboration will likely be essential for global space policy matters such as space traffic management, orbital debris mitigation, and deep space exploration. Japan and the U.K. represent the world's third and sixth-largest economies in the world. If they become more aligned on space policy matters, they could play an important role in supporting U.S. interests or, where their interests are not aligned, offering a meaningful counterweight to both the U.S. and China in space. Any space stakeholder, private or government, should keep an eye on any space policy developments put forward by either government.