

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 9087
OFFERED BY MRS. BIGGS OF SOUTH CAROLINA**

At the appropriate place, insert the following:

1 **SECTION ____ . AMERICAN SPACE LEADERSHIP FOR THE**
2 **21ST CENTURY ACT.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “American Space Leadership for the 21st Century Act”.

5 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
6 gress that—

7 (1) maintaining space as a secure, stable, and
8 accessible domain is vital to United States national
9 security, economic prosperity, and technological lead-
10 ership;

11 (2) the United States should coordinate diplo-
12 matic, economic, and security tools to ensure space
13 remains secure and accessible for future use;

14 (3) it is in the interest of the United States to
15 cooperate with its allies and partners to promote
16 space security of the United States and its allies and
17 partners, including through information sharing, co-
18 ordination, and development of interoperable space
19 capabilities;

1 (4) United States space companies are a soft
2 power tool for the nation, providing unique capabili-
3 ties that support the needs of allies and partners,
4 while extending American influence, enhancing
5 United States security and resiliency in space, and
6 benefiting the United States economy;

7 (5) threats to United States space capabilities
8 are growing in scale, speed, and sophistication, risk-
9 ing space-enabled services that underpin national se-
10 curity and power United States economic growth;
11 and

12 (6) the prohibition on the placement of nuclear
13 weapons and other weapons of mass destruction in
14 space, as outlined in the Outer space Treaty of 1967
15 (entered into force with respect to the United States
16 on October 10, 1967), is important for the continued
17 use of space by all nations.

18 (c) COUNTERING THREATS TO SPACE SECURITY OF
19 UNITED STATES.—

20 (1) IN GENERAL.—The Secretary of State, act-
21 ing through the Under Secretary for Arms Control
22 and International Security, shall lead the diplomatic
23 engagements of the Department of State to mitigate
24 threats to the space security of the United States.

1 (2) RESPONSIBILITIES.—Under subsection (a),
2 the Under Secretary, in coordination with the head
3 of any other relevant bureau of the Department of
4 State or other Federal department or agency, may—

5 (A) assess current threats to the space in-
6 terests of the United States and anticipate fu-
7 ture threats from low earth orbit through
8 cislunar space, including by leveraging allied
9 and partner capabilities to assess and attribute
10 actions in space;

11 (B) characterize and communicate threats
12 with allies and partners, where determined ap-
13 propriate, including risks posed by civil, mili-
14 tary, or commercial cooperation with the Peo-
15 ple’s Republic of China or the Russian Federa-
16 tion;

17 (C) coordinate with allies and partners, in-
18 cluding by identifying strategic locations where
19 additional space infrastructure or military co-
20 operation would promote the space security of
21 the United States and its allies and partners;
22 and

23 (D) lead the efforts of the Department of
24 State to promote international norms of behav-
25 ior in space that are favorable to the national

1 security and foreign policy priorities of the
2 United States.

3 (d) SPACE RISK REDUCTION MEASURES.—

4 (1) IN GENERAL.—The Secretary of State, act-
5 ing through the Under Secretary for Arms Control
6 and International Security, may pursue international
7 norms and transparency and confidence-building
8 measures on issues of space arms control and mili-
9 tary-related space policy issues.

10 (2) RISK REDUCTION.—The Under Secretary,
11 in coordination with the head of any other Federal
12 department or agency, may pursue international risk
13 reduction efforts for the purposes of—

14 (A) shaping international norms in space
15 to deter actions in space that would disrupt the
16 space systems of the United States and its al-
17 lies and partners;

18 (B) enhancing the ability of the United
19 States and its allies and partners to assess, at-
20 tribute, and respond to destabilizing actions in
21 space, including by helping the United States
22 identify if a country places or plans to place a
23 nuclear weapon or nuclear-capable delivery vehi-
24 cle in space;

1 (C) increasing the strategic costs to an ad-
2 versary for disruptive actions in space;

3 (D) improving communication among allies
4 and partners to reduce the risk of
5 miscommunication or miscalculation regarding
6 threat reduction activities in space;

7 (E) reducing the risk of miscommunication
8 and miscalculation with the People's Republic
9 of China or the Russian Federation;

10 (F) enhancing international cooperation on
11 space domain awareness; and

12 (G) mitigating the intentional creation of
13 debris in space.

14 (e) INTERNATIONAL AGREEMENTS RELATED TO
15 OUTER SPACE.—

16 (1) IN GENERAL.—The Secretary of State, in
17 consultation with the heads of any other Federal de-
18 partment or agency such secretary determines ap-
19 propriate, is authorized to enter into international
20 agreements with allies and partners that enhance
21 United States outer space security—

22 (A) for the purposes of—

23 (i) information sharing, promoting
24 international access, where appropriate and
25 practical, to United States Government or

1 commercial outer space capabilities, sys-
2 tems, or services; or

3 (ii) achieving the responsibilities set
4 forth in section 3(b); and

5 (B) which are mutually beneficial and con-
6 sistent with the national security or foreign pol-
7 icy priorities of the United States.

8 (2) CONGRESSIONAL CONSULTATION.—The
9 Secretary of State shall consult with the appropriate
10 congressional committees when considering entering
11 into an agreement under subsection (a).

12 (3) CONGRESSIONAL NOTIFICATION.—The Sec-
13 retary of State shall notify the appropriate congres-
14 sional committees of its intent to enter into an
15 agreement under subsection (a) not later than 15
16 days before the date on which such secretary enters
17 into such agreement.

18 (4) RULE OF CONSTRUCTION.—Nothing in this
19 section shall be construed to affect the normal proce-
20 dures for seeking advice and consent from the Sen-
21 ate on treaties within the meaning of Article II of
22 the United States Constitution.

23 (f) SPACE SECURITY DIALOGUES.—The Secretary of
24 State, in coordination with the Secretary of Defense and
25 the head of any other Federal department or agency, may

1 initiate space security dialogues with key allies and part-
2 ners of the United States, which may be held in conjunc-
3 tion with civil and commercial space dialogues, as a forum
4 to discuss efforts to improve allied and partner contribu-
5 tions to collective space security, including by—

6 (1) identifying opportunities to integrate space
7 security issues into collective defense and deterrence
8 concepts;

9 (2) determining priority areas for investment in
10 space systems that are interoperable and com-
11plementary to space systems of the United States;

12 (3) identify and pursue mechanisms to leverage
13 collective industrial base strengths of allied and
14 partner countries to promote secure and resilient
15 supply chains;

16 (4) identify opportunities where promoting
17 United States space companies can address security
18 and resiliency needs of allies and partners; and

19 (5) coordinating approaches to diplomatic en-
20 gagements in international forums on space security
21 issues, including risk reduction efforts, norm-build-
22 ing activities, and engagements in standards-setting
23 organizations that enhance stability and deterrence.

24 (g) CONSULTATIONS ON THREATS TO UNITED
25 STATES SPACE SECURITY.—

1 (1) IN GENERAL.—No later than 90 days after
2 the date of the enactment of this section, and annu-
3 ally thereafter for 3 years, the Secretary of State,
4 acting through the Under Secretary for Arms Con-
5 trol and International Security, shall consult the ap-
6 propriate congressional committees on the current
7 and emerging threats to the space security of the
8 United States. The consultations may include—

9 (A) information on any roles and respon-
10 sibilities of the Department of State pursuant
11 to Executive Order 14369 (90 Fed. Reg.
12 60537; relating to ensuring American space su-
13 periority);

14 (B) threats posed to the space interests of
15 the United States and its allies and partners
16 from the military or dual-use space systems of
17 the adversaries of the United States;

18 (C) an assessment of such adversaries' in-
19 tentions in the space domain and their posture
20 toward developing international norms or bilat-
21 eral or multilateral risk reduction mechanisms
22 in space;

23 (D) the Department of State's efforts to
24 prevent such adversaries from endangering the
25 space systems of the United States, including

1 through efforts with allies and partners and
2 shaping international norms for behavior in
3 space;

4 (E) information on any country's plans or
5 intent to put a nuclear weapon in space;

6 (F) the intent to of the People's Republic
7 of China or the Russian Federation to use
8 ground-based or in-orbit counterspace systems
9 against the space assets of the United States or
10 efforts to hold such assets at risk;

11 (G) the status of international discussions
12 on space arms control or related space security
13 issues, including transparency and confidence
14 building measures and space security dialogues
15 undertaken under section 6;

16 (H) an identification of any existing bar-
17 riers, including policies, processes, or authori-
18 ties that limit the ability of United States com-
19 panies to cooperate with allies and partners,
20 and information on the steps the Secretary of
21 State is taking to address such barriers; and

22 (I) actions taken in the preceding year, or
23 planned coordination for the proceeding year,
24 with allies and partners to safeguard the space

1 security interests of the United States and its
2 allies and partners.

3 (2) ADVERSARY CHANGES.—Not later than 30
4 days after the date on which the Secretary of State
5 determines that there has been a significant change
6 to the space posture, intention, or capability of an
7 adversary of the United States, the Secretary shall
8 notify and consult the appropriate congressional
9 committees on such change.

10 (h) APPROPRIATE CONGRESSIONAL COMMITTEES
11 DEFINED.—In this section, the term “appropriate con-
12 gressional committees” means—

13 (1) the Committee on Foreign Affairs of the
14 House of Representatives; and

15 (2) the Committee on Foreign Relations of the
16 Senate.

