

NATIONAL SPACE COUNCIL
EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON, D.C. 20502

4 June 2024

Dear Tribal Leader:

The National Space Council (NSpC) is committed to respecting Tribal sovereignty and the Nation-to-Nation relationship and ensuring a robust U.S. space sector.

The U.S. space industry is driving rapid innovation through investments from the private sector and U.S. Government (e.g., NASA, Department of Defense, Intelligence Community). Some of this innovation includes the development of commercial space stations, in-space assembly and manufacturing, space debris removal, fueling stations in orbit, and activities on the surface of the Moon.

The 1967 Outer Space Treaty (U.S. is a party) which outlines the principles governing the activities of States in the exploration and use of Outer Space, including the Moon and other celestial bodies, underpins the current U.S. commercial space regulatory framework. The treaty was developed when there were limited commercial space capabilities and obligates States Parties to authorize and supervise non-governmental space activities of their nationals. In the United States, this presently operates as follows:

- **Department of Commerce (DOC)** regulates imaging satellites;
- **Department of Transportation (DOT)** regulates commercial space launches and reentries; and
- **Federal Communications Commission (FCC)** regulates the electromagnetic spectrum, to include the spectrum used by all satellites.

U.S. space regulations have not kept pace with private sector developments. Executive branch departments and agencies currently cannot directly authorize commercial space activities and regulate what is and is not permissible beyond the existing authorities listed above. These activities that fall outside the existing regulatory framework are defined as “novel space activities.”

To address this situation, Vice President Harris tasked the NSpC to develop a

proposal for the authorization and supervision of novel space activities. The NSpC held three public listening sessions attended by hundreds of people from academia, non-governmental organizations, industry, and subject matter experts to ensure stakeholders from different backgrounds could share their views and help identify issues of concern.

From these inputs and following engagements with Federal departments and agencies, including all three space regulatory agencies, the NSpC presented a legislative proposal to Congress (Attachment 1) on November 15, 2023. This legislation assigns roles and responsibilities to implement an enforceable regulatory environment and enables consideration of safety, national security, international obligations, sustainability, and national interests for novel space activities. The passage of this legislation would allow the Departments of Commerce and Transportation to consider multiple equities and interests in developing future guidance on novel space activities. This legislation has not yet been passed by Congress, but several Congressional committees are actively considering the future of novel space activity legislation.

In parallel, the NSpC released the Novel Space Activities Authorization and Supervision Framework (Attachment 2) that lays out principles, guidance, and actions in anticipation of legislation.

Under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Presidential Memorandum of 26 January 2021 (Tribal Consultation and Strengthening Nation to Nation Relationships), and Presidential Memorandum of 30 November 2022 (Uniform Standards for Tribal Consultation), the NSpC is conducting Tribal consultations on novel space activities.

NSpC is committed to Tribal consultation as the United States Government develops processes with respect to novel space activities that may have implications for Tribal Nations. We ask that you please review the attached legislation and Framework to offer your comments and recommendations.

Comments and questions are welcome on all aspects of the legislation and Framework. We also request feedback on the following:

1. Any space-related concerns and equities that are important to your Tribal Nation. Please note that any information shared could be released publicly.

2. To the extent possible, please link these concerns and issues to reserved rights, including treaties, Executive Orders, case law, statutes, or to Indigenous Knowledge and/or cultural and historic resources addressed by Section 106 of the National Historic Preservation Act.
3. When these equities are implicated, what potential pathways or models should be considered for consultation with Tribal Nations?

We will hold two sessions, one morning and one afternoon, to accommodate multiple time zones. Each session will be two hours long.

Virtual Consultation:

Date: 8 July 2024

Session 1 1000-1200 ET

registration link:

https://pitc.zoomgov.com/meeting/register/vJItceCrqz4pGDSAs_VzkQH_4TGzvo uVoGE

Session 2 1300-1500 ET

registration link:

<https://pitc.zoomgov.com/meeting/register/vJlscuyhqT8pGAs-BXUSUvmEvDRWF5DgQPw>

Written Comment Period:

We also invite Tribal Nations to share written feedback and recommendations on the legislative proposal and the Framework. Written comments are requested by 15 July 2024. Please send comments via one of the following methods:

Email: diane.howard@ovp.eop.gov.

Subject line: Novel Space Activities Tribal input.

Postal Mail: Dr. Diane Howard

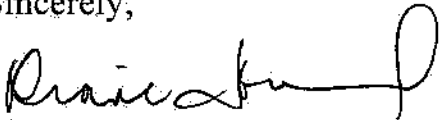
Director of Commercial Space Policy

National Space Council

Eisenhower Executive Office Building 294

If you have questions related to this consultation, please contact Diane Howard by email at diane.howard@ovp.eop.gov. Thank you for your partnership and support.

Sincerely,



Dr. Diane Howard

Director, Commercial Space Policy

National Space Council