

**U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
ADVISORY COMMITTEE ON EXCELLENCE IN SPACE**

CHARTER

- 1. Committee's Official Designation (Title).** Advisory Committee on Excellence in Space.
- 2. Authority.** The Secretary of Commerce renews and renames the Advisory Committee on Commercial Remote Sensing as the Advisory Committee on Excellence in Space (ACES or Committee), pursuant to the duties imposed upon the Department of Commerce by 15 U.S.C. § 1512 and in accordance with the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. § 1001 *et seq.*
- 3. Objectives and Scope of Activities.** ACES will provide advice and recommendations to the Under Secretary of Commerce for Oceans and Atmosphere (Under Secretary) or the Under Secretary's designated representative (DR), usually the Director of the Office of Space Commerce (OSC) within the National Oceanic and Atmospheric Administration (NOAA), on matters relating to OSC's statutory purview, including:
 - Status and recent developments of nongovernmental space activities;
 - The manner in which the United States may facilitate and promote a robust and innovative commercial sector that is investing in, developing, and operating space objects;
 - Challenges faced by the United States commercial sector relating to:
 - International obligations of the United States relevant to commercial space sector activities in outer space;
 - Harmful interference with commercial space sector activities in outer space;
 - Cybersecurity requirements, recommendations, or needs that affect the commercial space sector;
 - Existing best practices for United States entities to avoid:
 - The harmful contamination of the Moon and other celestial bodies;
 - Adverse changes in the environment of the Earth resulting from the introduction of extraterrestrial matter; and
 - Detrimental effects to the space environment resulting from new or existing space debris;
 - Space sustainability;
 - Other commercial space sector activities, as the Under Secretary or DR considers appropriate.

ACES functions solely in an advisory capacity and in accordance with the provisions of FACA. ACES does not exercise program management or regulatory development responsibilities nor make any decisions directly affecting the programs on which it provides advice.

4. **Description of Duties.** The duties of the Committee are solely advisory and shall extend only to the provision of advice and recommendations consistent with the Committee's scope of activities to the Under Secretary or the DR. The advice and recommendations shall be non-binding. The Committee undertakes such information gathering and analysis activities as necessary to address issues submitted by the Under Secretary or the DR for consideration by the Committee, develop advice and recommendations on those issues, and present the Committee's advice and recommendations to the Under Secretary or the DR.

ACES evaluates economic, technological, and institutional developments relating to nongovernmental space activities and submits advice and recommendations on promising new ideas and approaches for Federal policies and programs.

ACES assists NOAA to obtain information and advice from a variety of knowledgeable and independent perspectives.

5. **Agency or Official to Whom the Committee Reports.** ACES shall report to the Under Secretary or the DR.
6. **Support.** NOAA shall furnish support services for the operation of ACES.
7. **Estimated Annual Operating Costs and Staff Years.** The estimated annual operating cost of ACES is approximately \$75,000. This includes approximately 0.5 person years of staff support.
8. **Designated Federal Officer.** The Designated Federal Officer (DFO) will be a full-time employee of NOAA appointed by the Under Secretary or the DR. The DFO will approve or call all of the Committee's and subcommittees' meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings (unless represented by an Alternate DFO), adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Under Secretary or the DR. There will also be an Alternate DFO, appointed by the Under Secretary or the DR, who shall perform the duties of the DFO when the DFO is unavailable.
9. **Estimated Number and Frequency of Meetings.** ACES will meet approximately twice per year, but more frequently if requested by the Under Secretary or the DR. ACES meetings will be open to the public unless closed as authorized by Section 10(d) of FACA (5 U.S.C. § 1009(d)).
10. **Duration.** Continuing.
11. **Termination.** This committee will terminate two years from the date of its charter's filing with the standing committee of the U.S. Senate and House of Representatives having legislative jurisdiction of the agency unless terminated earlier or renewed by proper authority.

12. Membership and Designation. ACES will have a fairly balanced membership consisting of no more than 25 members serving in a Representative or Special Government Employee capacity. The membership should consist of a variety of space policy, engineering, technical, science, legal, and finance professionals with significant experience in the commercial space industry. The Under Secretary or DR may appoint as members of the Committee Special Government Employees (SGEs) (as defined in 18 U.S.C. § 202(a)) who possess expertise on regulations and space policy. SGEs are subject to conflict of interest laws and regulations, including (but not limited to) the obligation to annually file a New Entrant Confidential Financial Disclosure Report (OGE Form 450) and complete ethics training. ACES members will be individually advised of the capacity in which they will serve through their appointment letters.

Each member shall be appointed by the Under Secretary or the DR, generally for a term of two years and serve at the discretion of the Under Secretary or DR. Members whose terms have expired may not be re-appointed for the two-year period beginning on the date on which the prior term ended.

A Chairperson and Vice-Chairperson shall be chosen by the Under Secretary or the DR.

Members may not be represented at Committee meetings and activities by alternates. If a member becomes temporarily unable to attend a meeting (such as due to an illness or scheduling conflict), the member's seat remains vacant for the meeting. If the member becomes permanently unable to serve on ACES, the member's post may be filled as soon as administratively possible.

Members of the Committee shall not be compensated for their participation. Members may, upon request, be reimbursed travel expenses, including per diem, as authorized by 5 U.S.C. § 5701 et seq.

Members shall not reference or otherwise utilize their membership on ACES in connection with public statements made in their personal capacities without a disclaimer that the views expressed are their own and do not represent the views of ACES, NOAA, the Department of Commerce, or the U.S. Government.

13. Subcommittees. NOAA may create subcommittees as may be necessary. Subcommittees may include individuals that are non-ACES members including Federal employees. The subcommittees may be created to examine in detail issues of interest to the Committee falling within the scope of this charter and to make recommendations to the full Committee regarding the same. Subcommittees must report back to ACES and will not provide advice or work products directly to NOAA.

14. Recordkeeping. The records of ACES, formally and informally established subcommittees, or other subgroups of ACES, will be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. § 552, records presented to or prepared for or by ACES are available for public inspection.

15. Filing Date. The charter is filed on the date indicated below.

JEREMY PELTER  Digitally signed by JEREMY PELTER
Date: 2024.03.04 16:49:22 -05'00'

Deputy Assistant Secretary for Administration
Performing the non-exclusive functions and duties of
the Chief Financial Officer and Assistant Secretary
for Administration

Date

3/4/2024
Filing Date