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Commercial Remote Sensing Regulatory Affairs

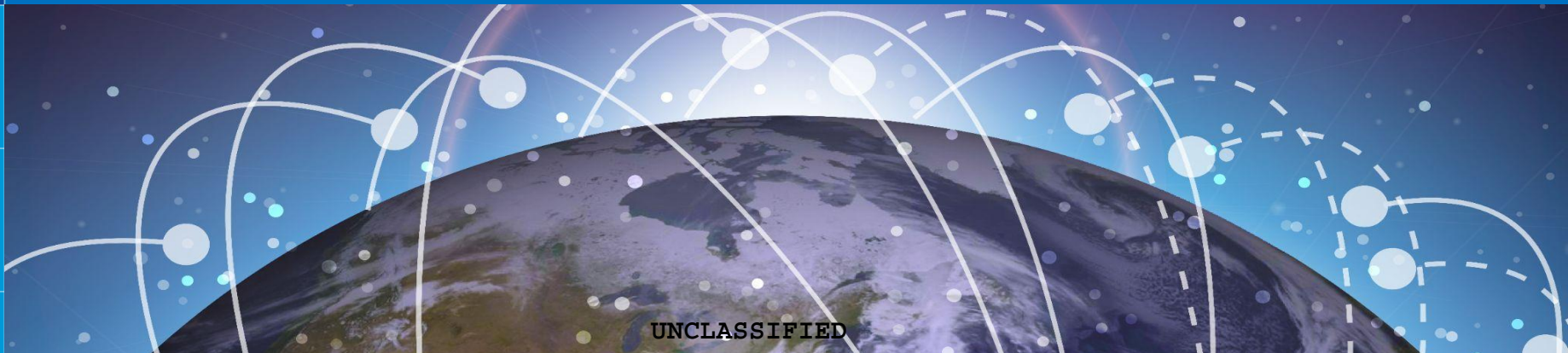
Briefing to ACES

NOAA

Office of Space
Commerce

October 3, 2024

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Bottom Line Up Front



Commercial Remote Sensing Regulatory Affairs (CRSRA) licenses and monitors the private space-based remote sensing industry.

Licensing

- Grant, condition, or transfer licenses
- No license issued unless determined in writing the licensee will comply with the law, regulations, and international obligation
- List of requirements for complete application published in regulation
- 60 days from receipt of complete application to license issuance

Supervision & Enforcement

- Make investigations and inquiries concerning enforcement
- Seize records pursuant to warrant
- Issue subpoenas for materials and records, witness testimony
- Provide penalties for non-compliance
- Seek injunction or similar judicial determination from court to terminate, modify, or suspend operations if licensee has substantially failed to comply with the law, regulation, or license conditions

Authorities



Title 51 U.S.C. Chapter 601
Land Remote Sensing Policy Act

Public Law 104-201 § 1064 (1997 NDAA)
Kyl-Bingaman Amendment

15 CFR Part 960
Licensing of Private Remote Sensing Space Systems

Operating License
Lists “material facts” about the licensee and system,
states operating conditions

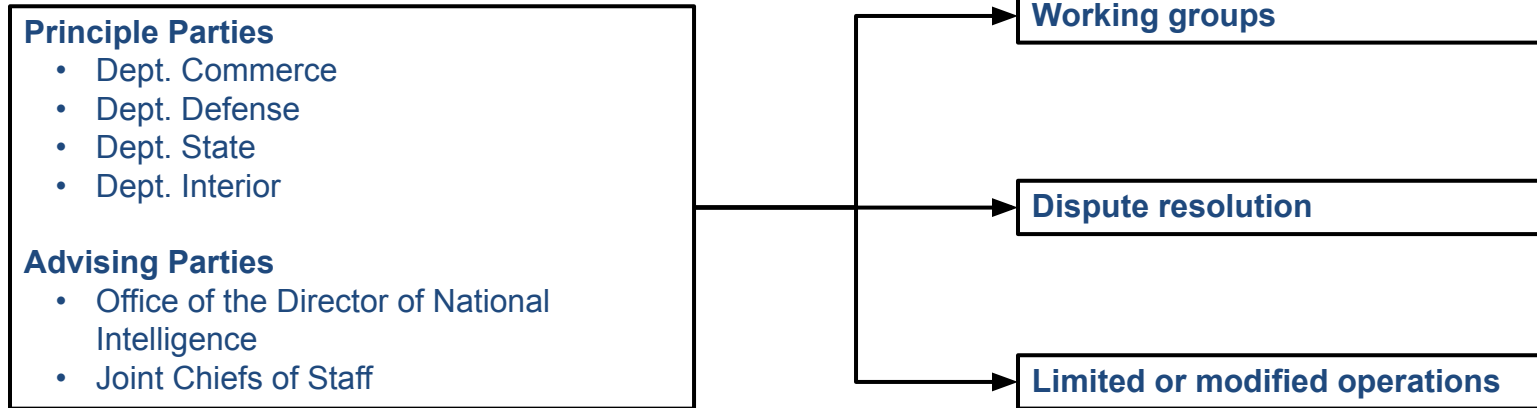
**CRSRA also publishes guidance circulars, which clarify CRSRA’s interpretation of the regulation and license conditions and articulate common processes and answers to common questions*

Memorandum of Understanding (MOU)



CRSRA’s authorizing legislation articulates the “core interests” CRSRA’s licenses are issued to protect—national security and international obligation.

Memorandum of Understanding Among the Departments of Commerce, State, Defense, and Interior, and the Office of the Director of National Intelligence, Concerning the Licensing and Operations of Private Remote Sensing Satellite Systems, April 25, 2017



2020 Regulations



Paradigm Shift (as Presented at ACCRES in 2020)

- Focus only on what is controllable
- Allow U.S. systems to lead the global market
- Shift risk burden to U.S. Government
- Protect national interests by attracting businesses
- Regulations should be transparent, proactive, and adaptable to global market commercial capability
- User hyper-tailored shutter control for emergencies

Success Metrics Anecdotally Referenced at the Time (not priority order)

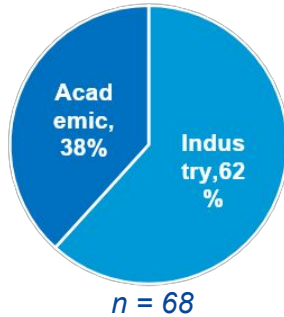
- Attract business
- Streamline regulations & reduce licensing timelines
- Maximize the number of “Tier 2” licenses
- Ensure the U.S. is “flag of choice” for best capabilities so that their operations are under U.S. regulatory jurisdiction

Where are We?

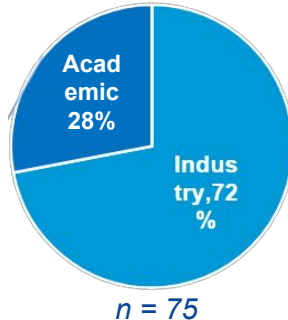
Attract Business

Number & Distribution of Licensees (Private Entities)

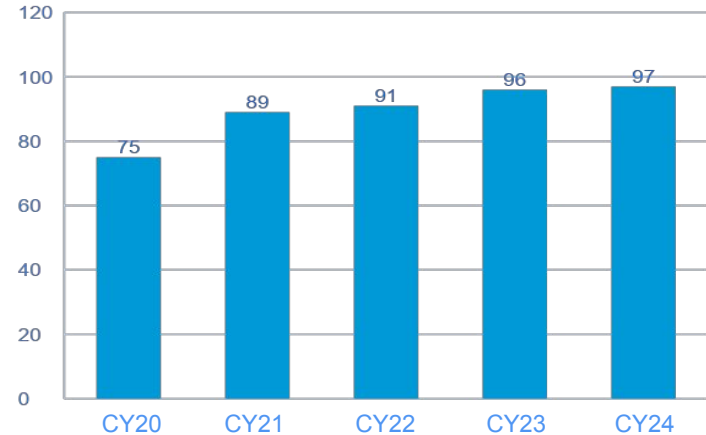
CY2021



CY2024



Number of Licenses (Systems)

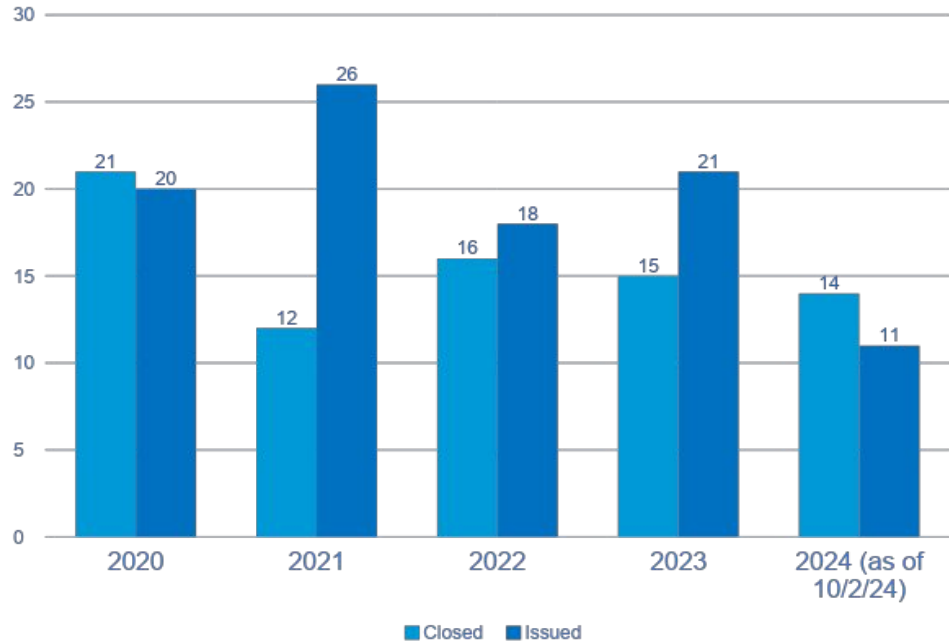


- Increase in number of industry licensees (42 to 54)
- Decrease in number of academic licensees (26 to 21)
- Licensed systems are ~30% academic and ~70% industry

Attract Business



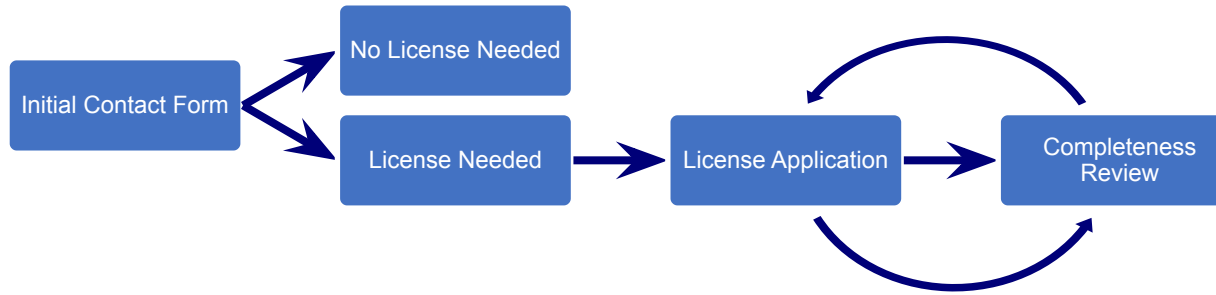
Licenses Closed vs. Issued



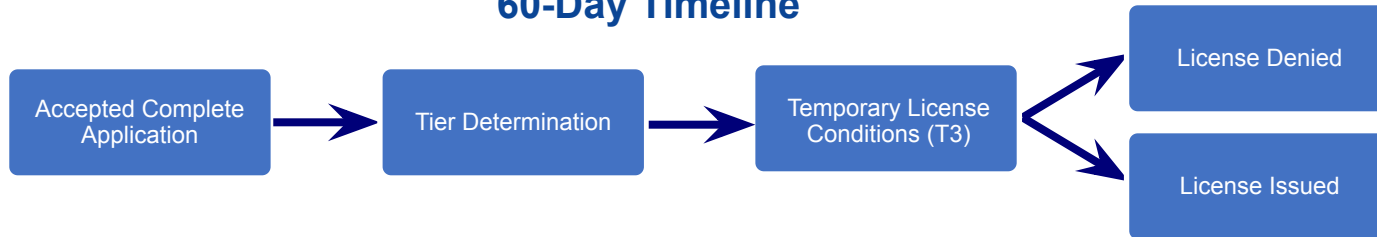
- Decline in number of new licenses issued
- License closures approximately static

Timeliness

Pre-consultation



60-Day Timeline

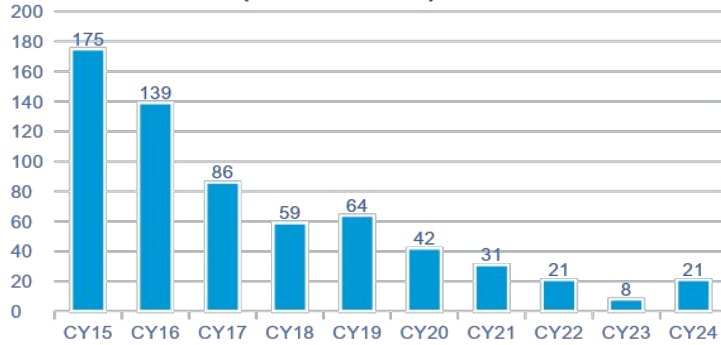


- CY24: 11 new licenses issued, 10 within 60 days
- Listening session: Feedback that the pre-consultation period is unpredictable in length, not transparent

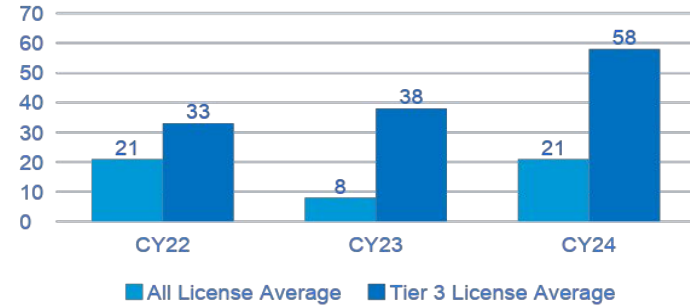


Timeliness

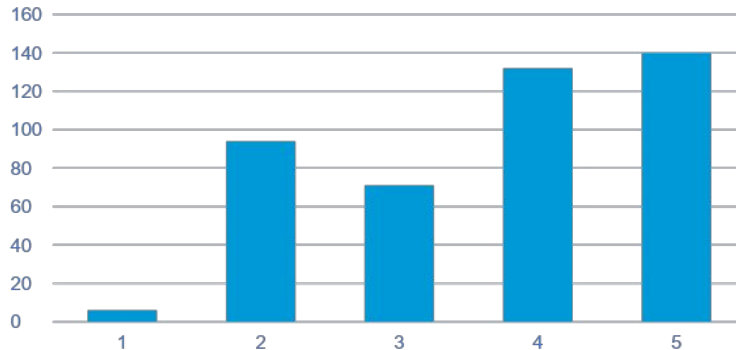
Average Days from Complete to License Issuance (All Licenses)



Average Days: All Licenses vs. Tier 3 Licenses



License Modifications Completed



- 60 days to process modifications from receiving complete information
- 2 modifications total exceeded 60 days (1 in 2023, 1 in 2024)

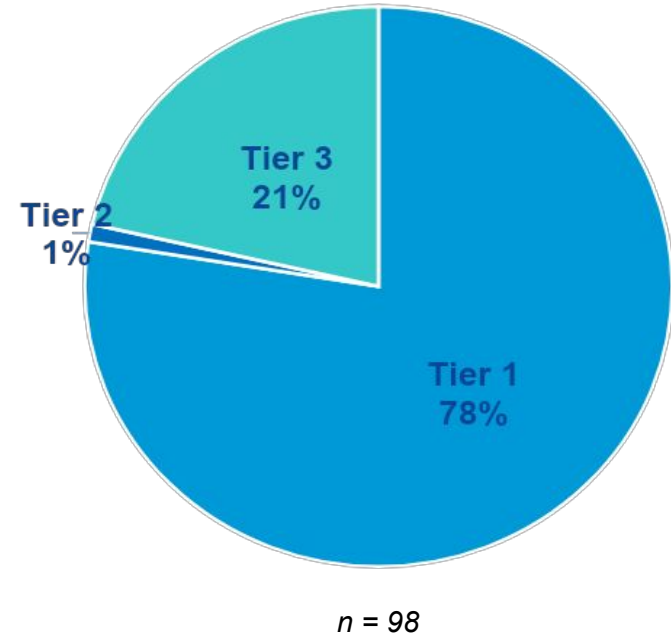
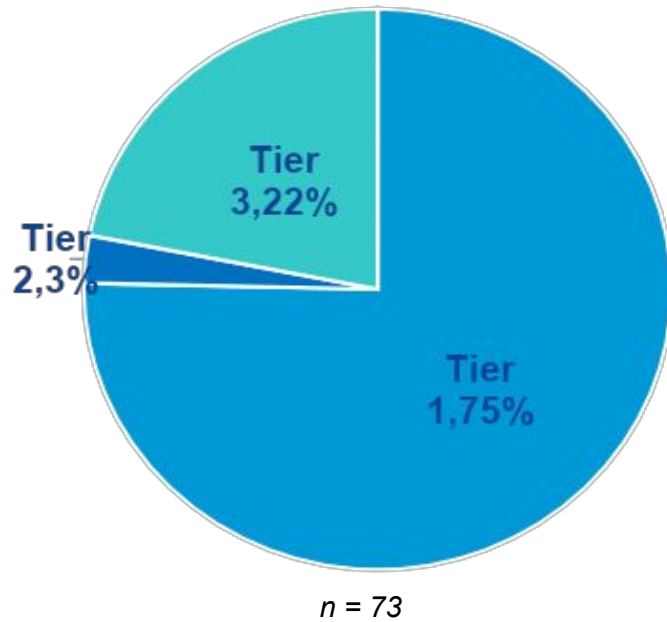


Tier Distribution

- **Tier 1:** Systems capable of collecting unenhanced data substantially the same as data available from entities not licensed under this part.
 - Receive minimum of conditions required by statute
 - 9 standard conditions listed in 15 CFR 960.8
- **Tier 2:** Systems capable of collecting unenhanced data substantially the same as unenhanced data available from entities licensed under this part.
 - 9 standard conditions
 - Shutter control condition
 - Non-Earth imaging condition
- **Tier 3:** Systems capable of collecting unenhanced data not substantially the same as unenhanced data available from any domestic or foreign entity.
 - 9 standard conditions
 - Shutter control condition
 - Non-Earth imaging condition
 - Temporary license conditions (if applicable)

Tier Distribution

July 20, 2020



For What Impact?



- What has been the impact of the regulations on...
 - Domestic industry
 - International industry
 - Domestic market (economy)
 - International market (economy)
 - Domestic industrial base
 - International partners
 - National security community

- What trades have we *actually* made, given what we know now?

Continuing Challenges

Established & Emerging Trends



- **Challenges to the current regulations and their implementation**
 - Increasingly complex relationship between *operate* and control
 - Virtual operations
 - Hosted payloads

- **The role of the regulations in:**
 - Encouraging responsible behavior for sustained use of and access to space
 - The cybersecurity conversation



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Thank You

