

# Akin

## Space Law, Regulation and Policy Update



May 17, 2024

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### Good Afternoon!

*This is Akin's biweekly policy newsletter on space policy and regulatory developments, providing information on major space headlines and forthcoming space-related events and hearings:*

## On The Hill

### Articles and Quotes

#### **Draft NDAA Would Let the Space Force Absorb Guard Units—with Restrictions** *(Air and Space Forces Magazine)*

The U.S. Air Force's [Legislative Proposal 480](#), which was included in the chairman's mark of the 2025 National Defense Authorization Act (NDAA) released in mid-May, would transfer the Air National Guard units with space missions into the Space Force's new hybrid full-time/part-time structure.

#### **Bipartisan Group of Lawmakers Urge Against Proposed National Guard Move to Space Force** *(The Hill)*

A bipartisan, bicameral group of members of Congress sent a [letter](#) to the House and Senate Armed Services committees urging them to reject the administration's proposal to incorporate the Air National Guard into the Space Force. In the letter, the members wrote, "When individuals sign up for the National Guard, they are serving their country and their community. Congress shouldn't abandon this model. The original intent of the National Guard was to have a force ready to respond to the needs of their state and country. Because of this, authority was placed in the hands of each state's individual governor."

#### **Congressional Letter Seeks Big Increase in NASA Science Budget** *(SpaceNews)*

More than 40 members of the House signed a [letter](#) to the chair and ranking member of the House Appropriations Committee Commerce, Justice and Science (CJS) Subcommittee asking them to provide at least \$9 billion for the National Aeronautics and Space Administration's (NASA) science programs in the fiscal year 2025 spending bill. The members stated that "It is our responsibility to ensure that NASA's science programs receive sufficient support to advance scientific discovery, support the highly-skilled space workforce, and secure the United States' position as a global leader in space exploration. Therefore, we respectfully request \$9 billion for NASA's Science Mission Directorate in FY 2025."

## **Senate AI Working Group Releases Long-Anticipated Roadmap for AI Policy (Akin Alert)**

This week, the Senate AI Working Group, led by Senate Majority Leader Chuck Schumer and Senators Mike Rounds, Todd Young, and Martin Heinrich, issued its Roadmap for AI Policy in order to guide legislative efforts. The document emphasizes bipartisan collaboration, increased federal investment in AI, and legislative measures across various sectors including space, national security, workforce development and privacy. It aims to ensure comprehensive, coherent policymaking to harness AI's potential while addressing associated risks. The potential opportunities for leveraging advanced AI models to improve the management and risk mitigation of space debris are covered on page 19 of the [Roadmap](#).

## **Space Force Should Consider Alternative Launch Sites, Lawmakers Say (C4ISRnet)**

House Armed Services Committee members are questioning whether Cape Canaveral Space Force Station and Vandenberg Space Force Base, the Department of Defense's (DOD) two most in-demand spaceports, will be able to meet military and commercial capacity needs in the coming years. Members proposed exploring alternative launch sites in order to meet growing demand for launch sites.

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## **Introduced Legislation**

On May 13, the House Armed Services Committee (HASC) released its \$849.8 billion draft of the fiscal year (FY) 2025 defense authorization bill. [H.R. 8070](#), the Servicemember Quality of Life Improvement Act, will be marked up on May 22. Unlike previous years, HASC's seven subcommittees will not hold markups for their individual portions of the bill. Instead, those sections will be considered only at the full committee markup. The text and report language for the chairman's mark can be found [here](#).

On May 15, Congress passed the Securing Growth and Robust Leadership in American Aviation Act ([H.R. 3935](#)), the bill that reauthorizes the Federal Aviation Administration (FAA) for the next five years. Though primarily focused on the FAA's aviation operations, the bill features multiple provisions related to space, including an extension of the FAA's commercial space "learning period," a measure that directs the Government Accountability Office to study the impact of "commercial space launch and reentry activities" on commercial aviation, and a section that authorizes the FAA to spend \$10 million annually between 2025 and 2028 on technologies to better integrate space launch and reentry data into air traffic management systems.

*Please find our Space Legislation Tracker [here](#).*

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## **Recent and Upcoming Congressional Hearings**

**May 6 - May 24, 2024**

### **Senate**

#### **A Review of the President's Fiscal Year 2025 Budget Request for the Department of Defense**

**Senate Appropriations Subcommittee on Defense**

Wednesday, May 8 at 10:00 AM ET

**To Receive Testimony on the Department of Defense Space Activities in Review of the Defense Authorization Request for Fiscal Year 2025 and the Future Years Defense**

## Program

Senate Armed Services Subcommittee on Strategic Forces

Tuesday, May 21 at 9:30 AM ET

## House of Representatives

ServiceMember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025

House Armed Services Committee

Wednesday, May 22 at 10:00 AM ET

Fiscal Year 2025 Request for the Federal Aviation Administration

House Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

Thursday, May 23 at 10:00 AM ET

## In The Executive Branch



## Articles and Quotes

Proposed Transfer of Guard Units to Space Force Sparks Opposition from 48 Governors, 5 US Territories (Military.com)

The governors of 48 states and five U.S. territories sent a letter to Secretary of Defense Lloyd Austin expressing their opposition to the Air Force's plan to transfer Air National Guard units with space missions into the Space Force. In the letter, the governors stated that "Governors must maintain full authority as Commanders in Chief of [the National Guard] to effectively protect operational readiness and America's communities. Legislation that sidesteps, eliminates or otherwise reduces Governors' authority within their states and territories undermines longstanding partnerships, precedence, military readiness and operational efficacy. This action also negatively affects the important relationships between Governors and DOD at a time when we need to have full trust and confidence between the two to meet the growing threats posed by the era of strategic competition as well as natural disasters."

Governors Respond to Discussion with Air Force Secretary Kendall on National Guard Proposal (National Governors Association)

"We appreciated the opportunity to speak directly with Secretary Kendall, and we are disappointed that he did not commit to withdrawing the proposal. Federal law requires consultation and approval from Governors on any decisions to move National Guard units, plain and simple. Until Air Force leaders withdraw LP 480, they are in violation of federal law. We cannot have productive conversations on this matter until LP 480 is set aside. Governors are united on this point."

Kendall: Creating Space National Guard with 575 Personnel 'Makes No Sense' (Defense Daily)

Secretary of the Air Force Frank Kendall told Defense & Aerospace Report that "creating an entirely new Space [National] Guard really makes no sense for 575 people," hence why the department proposed transferring Air National Guard units performing space duties to the Space Force. Sec. Kendall added, "They're going to be orphans unless they're integrated into the Space Force. It's the right thing to do for those people. There's gonna be stability. They're gonna stay where they are doing their jobs, as they have been. That's what we want."

## **National Space Council will Explore Military Space and Intelligence Roles and Responsibilities (SpaceNews)**

Chirag Parikh, National Space Council (NSC) executive secretary, shared that the NSC will look into the role of various departments, agencies, and services in space operations. Parikh stated that “[NSC is] working with National Geospatial-Intelligence Agency and Department of Defense stakeholders to best understand where we are on this matter now. It’s come to the forefront.” Parikh added that the Council will consider solutions including policies, authorities and funding to solve the challenges of space responsibilities.

## **NASA Awards Studies for Commercial Mars Missions (SpaceNews)**

NASA recently announced it has selected nine companies to perform feasibility studies of commercial approaches to deliver spacecrafts to Mars and provide services on the planet. The “Exploring Mars Together: Commercial Services Studies” program awards will fund 12-week studies to explore four topic areas where commercial services could augment NASA’s broader Mars exploration program: delivery of small spacecraft or hosted payloads to Mars orbit, delivery of large spacecraft or hosted payloads to Mars orbit, Mars imaging services and Mars communication relay services.

## **Federal Agency Space News**

### **National Aeronautics and Space Administration**

**OTPS Seeks Input From the Lunar Community to Inform a Framework for Further Work on Non-Interference of Lunar Activities** (May 8, 2024)

**NASA Administrator to Engage Officials in Italy, Vatican, Saudi Arabia** (May 9, 2024)

**NASA Names First Chief Artificial Intelligence Officer** (May 13, 2024)

### **U.S. Space Force**

**Space Force Publishes Data, AI Strategic Action Plan** (May 14, 2024)

*Check out below for comment opportunities, requests for proposals, notices of proposed rulemaking and a look at the week ahead in space events:*

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## **Comment Opportunities (RFIs)**

### **Lunar Non-Interference Questionnaire\***

**National Aeronautics and Space Administration**

Close Date: June 7, 2024

\*Note: Questionnaire, not RFI

## **Requests for Proposals (RFPs)**

### **Rapid Mission Design Studies for Mars Sample Return**

**National Aeronautics and Space Administration**

Close Date: May 17, 2024

## **Notices of Proposed Rulemakings (NPRMs)**

*No updates on NPRMs since last newsletter.*



## Articles and Quotes

### **Russia Launched Research Spacecraft for Antisatellite Nuclear Weapon Two Years Ago, U.S. Officials Say (Wall Street Journal)**

According to U.S. officials, Russia launched a satellite known as Cosmos-2553 on February 5, 2022, that is designed to test components for a potential antisatellite weapon that would carry a nuclear device. The satellite has been secretly operating as a research and development platform since it launched, and it remains in an unusual orbit around Earth.

### **Russia Starts Developing Nuclear Power Unit for Joint Lunar Station with China, RIA Says (Reuters)**

RIA, a Russian state-owned domestic news agency, recently reported that Roscosmos has started developing a nuclear power plant for its planned joint lunar station with China.

### **Defense Space Policy Chief Calls Russia's Space Nuke Threat 'a Thing Apart' (SpaceNews)**

John Plumb, the outgoing assistant secretary of defense for space policy, stated that Russia's development of a space-based nuclear weapon is "a thing apart" that must be dealt with separately from anti-satellite capabilities because of the effects of such a weapon if it were ever deployed. Plumb added that in future talks with Russia, the U.S.'s goal is to "convince not just Russia, but all nations that it is a terrible idea."

### **India Plans Chandrayaan-4 Moon Sample Return, will Involve Private Sector (SpaceNews)**

The Indian Space Research Organisation (ISRO) unveiled details of its plans for a moon sample return mission. Nilesh Desai, Director of the Space Applications Centre (SAC), stated that the private sector "also is going to be involved in a big way" in the mission.

### **Serbia Becomes Latest Country to Join China's ILRS Moon Base Project (SpaceNews)**

On May 9, China's Ministry of Foreign Affairs shared that Serbia's Ministry of Science, Technological Development and Innovation signed a memorandum of understanding with the China National Space Administration (CNSA) to participate in the International Lunar Research Station, China's planned permanent lunar base. Serbia is the 11th country to join the program.

## Upcoming Space Events



### **Space Situational Awareness Training Events**

UNOOSA

June 3 - 4, 2024

### **UN Conference on Sustainable Lunar Activities**

## 67th Session of the Committee on the Peaceful Uses of Outer Space

UNOOSA

June 19 - 28, 2024



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### Questions?

If you have any questions, please contact:

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