

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To impose sanctions with respect to foreign persons responsible for the negligent creation of space debris, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To impose sanctions with respect to foreign persons responsible for the negligent creation of space debris, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Deterring Errant Be-  
5 havior Risking International Space Act of 2022” or the  
6 “DEBRIS Act of 2022”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) **ADMISSION; ADMITTED; ALIEN.**—The terms  
10 “admission”, “admitted”, and “alien” have the

1 meanings given those terms in section 101 of the  
2 Immigration and Nationality Act (8 U.S.C. 1101).

3 (2) FOREIGN PERSON.—The term “foreign per-  
4 son” means a person that is not a United States  
5 person.

6 (3) PERSON.—The term “person” means an in-  
7 dividual or entity.

8 (4) SPACE DEBRIS.—The term “space debris”  
9 means any human-made, Earth-orbiting object or  
10 fragment of an object that is nonfunctional and for  
11 which there is no reasonable expectation of assuming  
12 or resuming its intended function.

13 (5) UNITED STATES PERSON.—The term  
14 “United States person” means—

15 (A) a United States citizen or an alien law-  
16 fully admitted for permanent residence to the  
17 United States;

18 (B) an entity organized under the laws of  
19 the United States or of any jurisdiction within  
20 the United States, including a foreign branch of  
21 such an entity; or

22 (C) any person in the United States.

23 **SEC. 3. DETERMINATION BY PRESIDENT.**

24 (a) IN GENERAL.—If persuasive information becomes  
25 available to the executive branch indicating the substantial

1 possibility that a foreign person has created space debris  
2 without prior notification or warning to the United States  
3 Government, the President shall, not later than 30 days  
4 after the executive branch receives such information, sub-  
5 mit to the appropriate congressional committees a report  
6 that includes—

7           (1) a determination with respect to whether  
8           that foreign person is responsible for creating space  
9           debris without prior notification to the United States  
10          Government, through—

11                   (A) deliberate action, including weapons or  
12                   technical testing in orbit; or

13                   (B) negligence, including through—

14                           (i) an unintentional collision of a  
15                           human-made object that the foreign person  
16                           failed to track;

17                           (ii) a failure to properly dispose of  
18                           human-made objects, such as through  
19                           deorbiting; or

20                           (iii) other gross negligence; and

21           (2) an identification of any other foreign person  
22          that the President determines—

23                   (A) acted as an agent of or on behalf of  
24                   the foreign person described in paragraph (1) in

1 a matter relating to the creation of the space  
2 debris; or

3 (B) has materially assisted, sponsored, or  
4 provided financial, material, or technological  
5 support for, or goods or services in support of,  
6 an activity resulting in the creation of the space  
7 debris.

8 (b) CONSIDERATION OF CERTAIN INFORMATION IN  
9 MAKING A DETERMINATION.—In determining whether a  
10 foreign person has engaged in an activity described in sub-  
11 section (a), the President shall consider—

12 (1) information provided by the chairperson and  
13 ranking member of each of the appropriate congress-  
14 sional committees;

15 (2) information provided by the Commander of  
16 the United States Space Command; and

17 (3) credible information obtained by other coun-  
18 tries and nongovernmental organizations that mon-  
19 itor space debris.

20 (c) REQUESTS BY CHAIRPERSON AND RANKING  
21 MEMBER OF APPROPRIATE CONGRESSIONAL COMMIT-  
22 TEES.—Not later than 120 days after receiving a written  
23 request from the chairperson and ranking member of one  
24 of the appropriate congressional committees with respect

1 to whether a foreign person has engaged in an activity  
2 described in subsection (a), the President shall—

3 (1) determine if that person has engaged in  
4 such an activity; and

5 (2) submit a report to the chairperson and  
6 ranking member of that committee with respect to  
7 that determination that includes—

8 (A) a statement of whether or not the  
9 President imposed or intends to impose sanc-  
10 tions under section 4 with respect to the per-  
11 son; and

12 (B) if the President imposed or intends to  
13 impose sanctions, a description of those sanc-  
14 tions.

15 (d) FORM OF REPORT.—The report required by sub-  
16 section (a) shall be submitted in unclassified form, but  
17 may include a classified annex.

18 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
19 FINED.—In this section, the term “appropriate congres-  
20 sional committees” means—

21 (1) the Committee on Commerce, Science, and  
22 Transportation and the Committee on Armed Serv-  
23 ices of the Senate; and

1           (2) the Committee on Science, Space, and  
2           Technology and the Committee on Armed Services of  
3           the House of Representatives.

4 **SEC. 4. IMPOSITION OF SANCTIONS.**

5           (a) IN GENERAL.—Not later than 90 days after sub-  
6           mitting a report under section 3(a), the President shall  
7           impose the sanctions described in subsection (b) with re-  
8           spect to any foreign person—

9           (1) determined under paragraph (1) of section  
10          3(a) to be responsible for creating space debris; or

11          (2) identified under paragraph (2) of that sec-  
12          tion.

13          (b) SANCTIONS DESCRIBED.—The sanctions de-  
14          scribed in this subsection are the following:

15          (1) BLOCKING OF PROPERTY.—

16                (A) IN GENERAL.—The President shall ex-  
17                ercise all of the powers granted to the President  
18                under the International Emergency Economic  
19                Powers Act (50 U.S.C. 1701 et seq.) to the ex-  
20                tent necessary to block and prohibit all trans-  
21                actions in property and interests in property of  
22                a foreign person described in paragraph (1) or  
23                (2) of subsection (a) if such property and inter-  
24                ests in property are in the United States, come  
25                within the United States, or are or come within

1 the possession or control of a United States  
2 person.

3 (B) INAPPLICABILITY OF NATIONAL EMER-  
4 GENCY REQUIREMENT.—The requirements of  
5 section 202 of the International Emergency  
6 Economic Powers Act (50 U.S.C. 1701) shall  
7 not apply for purposes of this section.

8 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR  
9 PAROLE.—

10 (A) VISAS, ADMISSION, OR PAROLE.—An  
11 alien described in paragraph (1) or (2) of sub-  
12 section (a) is—

13 (i) inadmissible to the United States;

14 (ii) ineligible to receive a visa or other  
15 documentation to enter the United States;

16 and

17 (iii) otherwise ineligible to be admitted  
18 or paroled into the United States or to re-  
19 ceive any other benefit under the Immigra-  
20 tion and Nationality Act (8 U.S.C. 1101 et  
21 seq.).

22 (B) CURRENT VISAS REVOKED.—

23 (i) IN GENERAL.—An alien described  
24 in paragraph (1) or (2) of subsection (a)  
25 is subject to revocation of any visa or other

1 entry documentation, regardless of when  
2 the visa or other entry documentation is or  
3 was issued.

4 (ii) IMMEDIATE EFFECT.—A revoca-  
5 tion under clause (i) shall—

6 (I) take effect immediately; and

7 (II) automatically cancel any  
8 other valid visa or entry documenta-  
9 tion that is in the alien's possession.

10 (c) IMPLEMENTATION; PENALTIES.—

11 (1) IMPLEMENTATION.—The President may ex-  
12 ercise all authorities provided under sections 203  
13 and 205 of the International Emergency Economic  
14 Powers Act (50 U.S.C. 1702 and 1704) to carry out  
15 this section.

16 (2) PENALTIES.—A person that violates, at-  
17 tempts to violate, conspires to violate, or causes a  
18 violation of this section or any regulation, license, or  
19 order issued to carry out this section shall be subject  
20 to the penalties set forth in subsections (b) and (c)  
21 of section 206 of the International Emergency Eco-  
22 nomic Powers Act (50 U.S.C. 1705) to the same ex-  
23 tent as a person that commits an unlawful act de-  
24 scribed in subsection (a) of that section.

25 (d) EXCEPTIONS.—



1           (1) EXCEPTION RELATING TO CIVIL SPACE CO-  
2           OPERATION.—Sanctions under subsection (b) shall  
3           not apply with respect to a person that is a party  
4           to an agreement relating to civil space cooperation  
5           with any agency of the United States.

6           (2) EXCEPTION TO COMPLY WITH UNITED NA-  
7           TIONS HEADQUARTERS AGREEMENT AND LAW EN-  
8           FORCEMENT OBJECTIVES.—Sanctions under sub-  
9           section (b)(2) shall not apply with respect to an  
10          alien if admitting the alien into the United States—

11                 (A) would further important law enforce-  
12                 ment objectives; or

13                 (B) is necessary to permit the United  
14                 States to comply with the Agreement regarding  
15                 the Headquarters of the United Nations, signed  
16                 at Lake Success June 26, 1947, and entered  
17                 into force November 21, 1947, between the  
18                 United Nations and the United States, or other  
19                 applicable international obligations of the  
20                 United States.

21          (3) EXCEPTION RELATING TO IMPORTATION OF  
22          GOODS.—

23                 (A) IN GENERAL.—The requirement to  
24                 block and prohibit all transactions in all prop-  
25                 erty and interests in property under subsection

1 (b)(1) shall not include the authority or a re-  
2 quirement to impose sanctions on the importa-  
3 tion of goods.

4 (B) GOOD.—In this paragraph, the term  
5 “good” means any article, natural or manmade  
6 substance, material, supply or manufactured  
7 product, including inspection and test equip-  
8 ment, and excluding technical data.

9 (e) TERMINATION OF SANCTIONS.—The President  
10 may terminate the application of sanctions under this sec-  
11 tion with respect to a person if the President determines  
12 and reports to the appropriate congressional committees  
13 not later than 15 days before the termination of the sanc-  
14 tions that—

15 (1) credible information exists that the person  
16 did not engage in the activity for which sanctions  
17 were imposed;

18 (2) the person has been prosecuted appro-  
19 priately for the activity for which sanctions were im-  
20 posed; or

21 (3) the termination of the sanctions is in the  
22 vital national security interests of the United States.

23 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
24 FINED.—In this section, the term “appropriate congres-  
25 sional committees” means—

1           (1) the Committee on Appropriations, the Com-  
2           mittee on Banking, Housing, and Urban Affairs, the  
3           Committee on Foreign Relations, the Committee on  
4           Commerce, Science, and Transportation, the Com-  
5           mittee on Armed Services, and the Committee on the  
6           Judiciary of the Senate; and

7           (2) the Committee on Appropriations, the Com-  
8           mittee on Financial Services, the Committee on For-  
9           eign Affairs, the Committee on Science, Space, and  
10          Technology, the Committee on Armed Services, and  
11          the Committee on the Judiciary of the House of  
12          Representatives.

13 **SEC. 5. REPORTS TO CONGRESS.**

14          (a) IN GENERAL.—The President shall submit to the  
15          appropriate congressional committees, in accordance with  
16          subsection (b), a report that includes—

17               (1) a list of each foreign person with respect to  
18               which the President imposed sanctions pursuant to  
19               section 4 during the year preceding the submission  
20               of the report;

21               (2) the number of foreign persons with respect  
22               to which the President—

23                       (A) imposed sanctions under section 4(a)  
24                       during that year; and

1 (B) terminated sanctions under section  
2 4(e) during that year;

3 (3) the dates on which such sanctions were im-  
4 posed or terminated, as the case may be;

5 (4) the reasons for imposing or terminating  
6 such sanctions; and

7 (5) a description of the efforts of the President  
8 to encourage the governments of other countries to  
9 impose sanctions that are similar to the sanctions  
10 authorized by section 4.

11 (b) DATES FOR SUBMISSION.—

12 (1) INITIAL REPORT.—The President shall sub-  
13 mit the initial report under subsection (a) not later  
14 than 120 days after the date of the enactment of  
15 this Act.

16 (2) SUBSEQUENT REPORTS.—

17 (A) IN GENERAL.—The President shall  
18 submit a subsequent report under subsection  
19 (a) on April 12, or the first day thereafter on  
20 which both Houses of Congress are in session,  
21 of—

22 (i) the calendar year in which the ini-  
23 tial report is submitted if the initial report  
24 is submitted before April 12 of that cal-  
25 endar year; and

1 (ii) each calendar year thereafter.

2 (B) FORM OF REPORT.—

3 (i) IN GENERAL.—Each report re-  
4 quired by subsection (a) shall be submitted  
5 in unclassified form, but may include a  
6 classified annex.

7 (ii) EXCEPTION.—The name of a for-  
8 eign person to be included in the list re-  
9 quired by subsection (a)(1) may be sub-  
10 mitted in the classified annex authorized  
11 by paragraph (1) only if the President—

12 (I) determines that it is vital for  
13 the national security interests of the  
14 United States to do so;

15 (II) uses the annex in a manner  
16 consistent with congressional intent  
17 and the purposes of this Act; and

18 (III) not later than 15 days be-  
19 fore submitting the name in a classi-  
20 fied annex, provides to the appro-  
21 priate congressional committees notice  
22 of, and a justification for, including  
23 the name in the classified annex de-  
24 spite any publicly available credible in-  
25 formation indicating that the person

1 engaged in an activity described in  
2 section 4(a).

3 (c) PUBLIC AVAILABILITY.—

4 (1) IN GENERAL.—The unclassified portion of  
5 the report required by subsection (a) shall be made  
6 available to the public, including through publication  
7 in the Federal Register.

8 (2) NONAPPLICABILITY OF CONFIDENTIALITY  
9 REQUIREMENT WITH RESPECT TO VISA RECORDS.—

10 The President shall publish the list required by sub-  
11 section (a)(1) without regard to the requirements of  
12 section 222(f) of the Immigration and Nationality  
13 Act (8 U.S.C. 1202(f)) with respect to confiden-  
14 tiality of records pertaining to the issuance or re-  
15 fusal of visas or permits to enter the United States.

16 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
17 DEFINED.—In this section, the term “appropriate con-  
18 gressional committees” means—

19 (1) the Committee on Appropriations, the Com-  
20 mittee on Banking, Housing, and Urban Affairs, the  
21 Committee on Foreign Relations, the Committee on  
22 Commerce, Science, and Transportation, the Com-  
23 mittee on Armed Services, and the Committee on the  
24 Judiciary of the Senate; and

1           (2) the Committee on Appropriations, the Com-  
2           mittee on Financial Services, the Committee on For-  
3           eign Affairs, the Committee on Science, Space, and  
4           Technology, the Committee on Armed Services, and  
5           the Committee on the Judiciary of the House of  
6           Representatives.