



September 18, 2023

Mr. Jake Sullivan  
Assistant to the President for National Security Affairs  
The White House  
1600 Pennsylvania Ave, N.W.  
Washington, DC 20500

Dear Mr. Sullivan,

As the National Security Council (NSC) evaluates the nation's critical infrastructure under Presidential Policy Directive 21 (PPD-21): Critical Infrastructure Security and Resilience, the Aerospace Industries Association (AIA) commends the Administration for considering the evolving threat landscape and taking steps to protect the infrastructure that enables so much of everyday life, from aviation to telecommunications to the defense industrial base. We understand one such consideration is to add "space" to the current list of 16 sectors classified as critical infrastructure, a concept that has also been put forth by Congress in proposed legislation. As the NSC discusses this important topic, AIA, which represents more than 320 of the nation's leading suppliers, designers, manufacturers, launch providers, and operators of commercial, civil, and national security satellites and space vehicles, urges you to consider the perspective of the U.S. space industry and apply the following principles to your analysis:

**"Space" should not be considered a "sector" when analyzing the critical infrastructure designation.**

For purposes of the critical infrastructure designation discussion, space should be considered a domain, like the ocean or airspace, rather than a sector. This is because many space-based capabilities and their enabling infrastructure are already considered within critical infrastructure sectors, such as the critical manufacturing, communications, defense industrial base, government infrastructure, and transportation systems sectors. This overlap makes it difficult to perform or discuss specific costs and benefits of a change in designation. Rather, the analysis should focus on specific space-based or space-enabled capabilities — for example, position, navigation, and timing capabilities. **This focus will allow for a more specific cost-benefit analysis around the following questions:**

- Is the capability already considered "critical infrastructure?"
- If not, what is the cost and benefit of making that designation?
- If so, is there a cost and/or benefit to reorganizing that capability in some other fashion in the critical infrastructure framework (e.g., should a specific capability be considered under a different existing sector or a new sector)?

**Any cost-benefit analysis must recognize that a critical infrastructure designation is not accompanied by additional federal funding and presents a significant resource risk to federal departments and the space industry.** Any resources required to meet the requirements of a critical infrastructure designation, including any additional expertise, staffing, and requirements development, are funded out of the regular appropriations process of the impacted federal department or agency. There is no cross-government fund, grant program, working capital fund, mandatory appropriation, or other source of resources that accompanies a critical infrastructure designation. As future government resources are increasingly constrained, this presents a significant risk to space agencies to meet new requirements and to industry if resource-constrained agencies seek to pass new costs to users.

**Any cost-benefit analysis must recognize a critical infrastructure designation opens the door to additional regulation and requirements of space industry activity.** A critical infrastructure designation is the first step in providing relevant federal departments authority to further regulate the designated activity. For example, if the Federal Aviation Administration (FAA) were deemed in charge of managing spaceports as critical infrastructure, FAA would be responsible for issuing any implementing regulations. FAA would consider whether it had existing regulatory authority to move forward with those regulations and do so, or would seek that authority from Congress in order to do so. Critical infrastructure designations could come with additional requirements for industry operating in that sector — and likely without any additional federal funding. These requirements could adversely affect industry growth and development and could have a disproportionate impact on small businesses.

The U.S. space industry has a vested interest in the work you are undertaking — not only because it applies to the security of our own systems but also because we share your goal of strengthening national security and protecting the American way of life. AIA looks forward to continuing to engage with you, the entire NSC, and the Administration more broadly before PPD-21 is finalized to ensure we take the correct approach to the security of U.S. space systems.

Sincerely,

A handwritten signature in black ink that reads "Eric Fanning". The signature is written in a cursive, flowing style.

Eric Fanning  
President & CEO  
Aerospace Industries Association