

PUBLIC LAW 114-90—NOV. 25, 2015

U.S. COMMERCIAL SPACE LAUNCH
COMPETITIVENESS ACT

Public Law 114–90
114th Congress

An Act

Nov. 25, 2015
[H.R. 2262]

To facilitate a pro-growth environment for the developing commercial space industry by encouraging private sector investment and creating more stable and predictable regulatory conditions, and for other purposes.

U.S. Commercial
Space Launch
Competitiveness
Act.
51 USC 10101
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) **SHORT TITLE.**—This Act may be cited as the “U.S. Commercial Space Launch Competitiveness Act”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.

TITLE I—SPURRING PRIVATE AEROSPACE COMPETITIVENESS AND ENTREPRENEURSHIP

- Sec. 101. Short title.
- Sec. 102. International launch competitiveness.
- Sec. 103. Indemnification for space flight participants.
- Sec. 104. Launch license flexibility.
- Sec. 105. Licensing report.
- Sec. 106. Federal jurisdiction.
- Sec. 107. Cross waivers.
- Sec. 108. Space authority.
- Sec. 109. Orbital traffic management.
- Sec. 110. Space surveillance and situational awareness data.
- Sec. 111. Consensus standards and extension of certain safety regulation requirements.
- Sec. 112. Government astronauts.
- Sec. 113. Streamline commercial space launch activities.
- Sec. 114. Operation and utilization of the ISS.
- Sec. 115. State commercial launch facilities.
- Sec. 116. Space support vehicles study.
- Sec. 117. Space launch system update.

TITLE II—COMMERCIAL REMOTE SENSING

- Sec. 201. Annual reports.
- Sec. 202. Statutory update report.

TITLE III—OFFICE OF SPACE COMMERCE

- Sec. 301. Renaming of office of space commercialization.
- Sec. 302. Functions of the office of space commerce.

TITLE IV—SPACE RESOURCE EXPLORATION AND UTILIZATION

- Sec. 401. Short title.
- Sec. 402. Title 51 amendment.
- Sec. 403. Disclaimer of extraterritorial sovereignty.

(c) **REFERENCES TO TITLE 51, UNITED STATES CODE.**—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or

repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 51, United States Code.

TITLE I—SPURRING PRIVATE AEROSPACE COMPETITIVENESS AND ENTREPRENEURSHIP

Spurring Private Aerospace Competitiveness and Entrepreneurship Act of 2015.

SEC. 101. SHORT TITLE.

This title may be cited as the “Spurring Private Aerospace Competitiveness and Entrepreneurship Act of 2015” or “SPACE Act of 2015”.

51 USC 10101 note.

SEC. 102. INTERNATIONAL LAUNCH COMPETITIVENESS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that it is in the public interest to update the methodology used to calculate the maximum probable loss from claims under section 50914 of title 51, United States Code, with a validated risk profile approach in order to consistently compute valid and reasonable maximum probable loss values.

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the commercial space sector and insurance providers, shall—

Deadline. Consultation. Evaluation. Plans.

(1) evaluate the methodology used to calculate the maximum probable loss from claims under section 50914 of title 51, United States Code, and, if necessary, develop a plan to update that methodology;

(2) in evaluating or developing a plan under paragraph (1)—

(A) ensure that the Federal Government is not exposed to greater costs than intended and that launch companies are not required to purchase more insurance coverage than necessary; and

(B) consider the impact of the cost to both the industry and the Government of implementing an updated methodology; and

(3) submit the evaluation, and any plan, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

(c) INDEPENDENT ASSESSMENT.—Not later than 270 days after the date the evaluation is submitted under subsection (b)(3), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives an assessment of—

Deadline.

(1) the analysis and conclusions provided by the Secretary of Transportation in the evaluation, and any plan, under subsection (b);

(2) the implementation schedule proposed by the Secretary in the plan described in paragraph (1);

(3) the suitability of the plan described in paragraph (1) for implementation; and

(4) any further actions needed to implement the plan described in paragraph (1) or otherwise accomplish the purpose of this section.

51 USC 50915. (d) LAUNCH LIABILITY EXTENSION.—Section 50915(f) is amended by striking “December 31, 2016” and inserting “September 30, 2025”.

SEC. 103. INDEMNIFICATION FOR SPACE FLIGHT PARTICIPANTS.

51 USC 50914. (a) IN GENERAL.—Chapter 509 is amended—

(1) in section 50914(a)—

(A) in paragraph (4), by adding at the end the following: “(E) space flight participants.”; and

(B) by adding at the end the following: “(5) Subparagraph (E) of paragraph (4) ceases to be effective September 30, 2025.”; and

(2) in section 50915(a)—

(A) in paragraph (1), by striking “a licensee or transferee under this chapter, a contractor, subcontractor, or customer of the licensee or transferee, or a contractor or subcontractor of a customer, but not against a space flight participant,” and inserting “a person described in paragraph (3)(A)”;

(B) by adding at the end the following: “(3)(A) A person described in this subparagraph is—

“(i) a licensee or transferee under this chapter;

“(ii) a contractor, subcontractor, or customer of the licensee or transferee;

“(iii) a contractor or subcontractor of a customer; or

“(iv) a space flight participant.

“(B) Clause (iv) of subparagraph (A) ceases to be effective September 30, 2025.”.

Termination date.

SEC. 104. LAUNCH LICENSE FLEXIBILITY.

51 USC 50906. Section 50906 is amended—

(1) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking “that will be launched or reentered” and inserting “or reusable launch vehicles that will be launched into a sub-orbital trajectory or reentered under that permit”;

(B) by amending paragraph (1) to read as follows: “(1) research and development to test design concepts, equipment, or operating techniques;”;

(C) in paragraph (3)—

(i) by striking “prior to obtaining a license”; and

(ii) by inserting “or vehicle” after “design of the rocket”;

(2) in subsection (e)—

(A) in paragraph (1), by striking “suborbital rocket design” and inserting “suborbital rocket or suborbital rocket design, or for a particular reusable launch vehicle or reusable launch vehicle design,”; and

(B) in paragraph (2), by inserting “or launch vehicle” after “the suborbital rocket”;

(3) by amending subsection (g) to read as follows: “(g) The Secretary may issue a permit under this section notwithstanding any license issued under this chapter. The issuance of a license under this chapter may not invalidate a permit issued under this section.”; and

(4) in subsection (h), by inserting “or reusable launch vehicle” after “suborbital rocket”.

SEC. 105. LICENSING REPORT.

Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on approaches for streamlining the licensing and permitting process of launch vehicles, reentry vehicles, or components of launch or reentry vehicles, to enable non-launch flight operations related to space transportation. The report shall include approaches to improve efficiency, reduce unnecessary costs, resolve inconsistencies, remove duplication, and minimize unwarranted constraints. The report shall also include an assessment of existing private and government infrastructure, as appropriate, in future licensing activities.

Assessment.

SEC. 106. FEDERAL JURISDICTION.

Section 50914 is amended by adding at the end the following: “(g) FEDERAL JURISDICTION.—Any claim by a third party or space flight participant for death, bodily injury, or property damage or loss resulting from an activity carried out under the license shall be the exclusive jurisdiction of the Federal courts.”

51 USC 50914.

SEC. 107. CROSS WAIVERS.

Section 50914(b)(1) is amended to read as follows:

“(1)(A) A launch or reentry license issued or transferred under this chapter shall contain a provision requiring the licensee or transferee to make a reciprocal waiver of claims with applicable parties involved in launch services or reentry services under which each party to the waiver agrees to be responsible for personal injury to, death of, or property damage or loss sustained by it or its own employees resulting from an activity carried out under the applicable license.

“(B) In this paragraph, the term ‘applicable parties’ means—

Definition.

“(i) contractors, subcontractors, and customers of the licensee or transferee;

“(ii) contractors and subcontractors of the customers; and

“(iii) space flight participants.

“(C) Clause (iii) of subparagraph (B) ceases to be effective September 30, 2025.”

Termination date.

SEC. 108. SPACE AUTHORITY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with the Secretary of State, the Secretary of Transportation, the Administrator of the National Aeronautics and Space Administration, the heads of other relevant Federal agencies, and the commercial space sector, shall—

Deadline.
Consultation.

(1) assess current, and proposed near-term, commercial non-governmental activities conducted in space;

Assessment.

(2) identify appropriate authorization and supervision authorities for the activities described in paragraph (1);

Recommendations.

(3) recommend an authorization and supervision approach that would prioritize safety, utilize existing authorities, minimize burdens to the industry, promote the U.S. commercial space sector, and meet the United States obligations under international treaties; and

Reports.

(4) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the activities described in paragraphs (1), (2), and (3).

(b) EXCEPTION.—Nothing in this section shall apply to the activities of the ISS national laboratory as described in section 504 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354), including any research or development projects utilizing the ISS national laboratory.

SEC. 109. ORBITAL TRAFFIC MANAGEMENT.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that an improved framework may be necessary for space traffic management of United States Government assets and United States private sector assets in outer space and orbital debris mitigation.

Deadline.
Consultation.

(b) STUDY.—Not later than 90 days after the date of enactment of this Act, the Administrator of the National Aeronautics and Space Administration, in consultation with the Secretary of Transportation, the Chair of the Federal Communications Commission, the Secretary of Commerce, and the Secretary of Defense, shall enter into an arrangement with an independent systems engineering and technical assistance organization to study alternate frameworks for the management of space traffic and orbital activities.

Assessments.

(c) CONTENTS.—The study shall include the following:

(1) An assessment of current regulations, best practices, and industry standards that apply to space traffic management and orbital debris mitigation.

(2) An assessment of current statutory authorities granted to the Federal Communications Commission, the Department of Transportation, and the Department of Commerce that apply to space traffic management and orbital debris mitigation and how those agencies utilize and coordinate those authorities.

Review.

(3) A review of all space traffic management and orbital debris requirements under treaties and other international agreements to which the United States is a signatory, and other nonbinding international arrangements in which the United States participates, and the manner and extent to which the Federal Government complies with those requirements and arrangements.

(4) An assessment of existing Federal Government assets used to conduct space traffic management and space situational awareness.

(5) An assessment of the risk to space traffic management associated with smallsats and any necessary Government coordination for their launch and utilization to avoid congestion of the orbital environment and improve space situational awareness.

(6) An assessment of existing private sector information sharing activities associated with space situational awareness and space traffic management.

(7) Recommendations related to the appropriate framework for the protection of the health, safety, and welfare of the public and economic vitality of the space industry.

Recommendations.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives the study required in subsection (b).

(e) DEPARTMENT OF DEFENSE AUTHORITIES.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense plays a vital and unique role in protecting national security assets in space.

(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the Secretary of Defense as it relates to safeguarding the national security.

SEC. 110. SPACE SURVEILLANCE AND SITUATIONAL AWARENESS DATA.

Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation in concurrence with the Secretary of Defense shall—

Deadline.

(1) in consultation with the heads of other relevant Federal agencies, study the feasibility of processing and releasing safety-related space situational awareness data and information to any entity consistent with national security interests and public safety obligations of the United States; and

Consultation.

(2) submit a report on the feasibility study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

Reports.

SEC. 111. CONSENSUS STANDARDS AND EXTENSION OF CERTAIN SAFETY REGULATION REQUIREMENTS.

Section 50905(c) is amended—

51 USC 50905.

(1) in paragraph (1), by inserting “IN GENERAL.—” before “The Secretary”;

(2) in paragraph (2), by inserting “REGULATIONS.—” before “Regulations”;

(3) by striking paragraph (3);

(4) by redesignating paragraph (4) as paragraph (10);

(5) by inserting after paragraph (2) the following:

“(3) FACILITATION OF STANDARDS.—The Secretary shall continue to work with the commercial space sector, including the Commercial Space Transportation Advisory Committee, or its successor organization, to facilitate the development of voluntary industry consensus standards based on recommended best practices to improve the safety of crew, government astronauts, and space flight participants as the commercial space sector continues to mature.

“(4) COMMUNICATION AND TRANSPARENCY.—Nothing in this subsection shall be construed to limit the authority of the Secretary to discuss potential regulatory approaches, potential performance standards, or any other topic related to this subsection with the commercial space industry, including observations, findings, and recommendations from the Commercial Space Transportation Advisory Committee, or its successor organization, prior to the issuance of a notice of proposed rule-making. Such discussions shall not be construed to permit

the Secretary to promulgate industry regulations except as otherwise provided in this section.

“(5) INTERIM VOLUNTARY INDUSTRY CONSENSUS STANDARDS REPORTS.—

Deadlines.
Consultation.

“(A) IN GENERAL.—Not later than December 31, 2016, and every 30 months thereafter until December 31, 2021, the Secretary, in consultation and coordination with the commercial space sector, including the Commercial Space Transportation Advisory Committee, or its successor organization, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the progress of the commercial space transportation industry in developing voluntary industry consensus standards that promote best practices to improve industry safety.

“(B) CONTENTS.—The report shall include, at a minimum—

Assessment.

“(i) any voluntary industry consensus standards that have been accepted by the industry at large;

“(ii) the identification of areas that have the potential to become voluntary industry consensus standards that are currently under consideration by the industry at large;

“(iii) an assessment from the Secretary on the general progress of the industry in adopting voluntary industry consensus standards;

“(iv) any lessons learned about voluntary industry consensus standards, best practices, and commercial space launch operations;

“(v) any lessons learned associated with the development, potential application, and acceptance of voluntary industry consensus standards, best practices, and commercial space launch operations; and

Recommendations.

“(vi) recommendations, findings, or observations from the Commercial Space Transportation Advisory Committee, or its successor organization, on the progress of the industry in developing voluntary industry consensus standards that promote best practices to improve industry safety.

Consultation.

“(6) REPORT.—Not later than 270 days after the date of enactment of the SPACE Act of 2015, the Secretary, in consultation and coordination with the commercial space sector, including the Commercial Space Transportation Advisory Committee, or its successor organization, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report specifying key industry metrics that might indicate readiness of the commercial space sector and the Department of Transportation to transition to a safety framework that may include regulations under paragraph (9) that considers space flight participant, government astronaut, and crew safety.

Consultation.

“(7) REPORTS.—Not later than March 31 of each of 2018 and 2022, the Secretary, in consultation and coordination with the commercial space sector, including the Commercial Space

Transportation Advisory Committee, or its successor organization, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that identifies the activities, described in this subsection and subsection (d) most appropriate for a new safety framework that may include regulatory action, if any, and a proposed transition plan for such safety framework.

“(8) INDEPENDENT REVIEW.—Not later than December 31, 2022, an independent systems engineering and technical assistance organization or standards development organization contracted by the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives an assessment of the readiness of the commercial space industry and the Federal Government to transition to a safety framework that may include regulations. As part of the review, the contracted organization shall evaluate—

Deadline.
Contracts.
Assessment.

“(A) the progress of the commercial space industry in adopting voluntary industry consensus standards as reported by the Secretary in the interim assessments included in the reports under paragraph (5);

“(B) the progress of the commercial space industry toward meeting the key industry metrics identified by the report under paragraph (6), including the knowledge and operational experience obtained by the commercial space industry while providing services for compensation or hire; and

“(C) whether the areas identified in the reports under paragraph (5) are appropriate for regulatory action, or further development of voluntary industry consensus standards, considering the progress evaluated in subparagraphs (A) and (B) of this paragraph.

Evaluation.

“(9) LEARNING PERIOD.—Beginning on October 1, 2023, the Secretary may propose regulations under this subsection without regard to subparagraphs (C) and (D) of paragraph (2). The development of any such regulations shall take into consideration the evolving standards of the commercial space flight industry as identified in the reports published under paragraphs (5), (6), and (7).”; and

Effective date.

(6) in paragraph (10), as redesignated, by inserting “RULE OF CONSTRUCTION.—” before “Nothing”.

SEC. 112. GOVERNMENT ASTRONAUTS.

(a) FINDINGS AND PURPOSE.—Section 50901(15) is amended by inserting “, government astronauts,” after “crew” each place it appears.

51 USC 50901.

(b) SENSE OF CONGRESS.—The National Aeronautics and Space Administration has a need to fly government astronauts (as defined in section 50902 of title 51, United States Code, as amended) within commercial launch vehicles and reentry vehicles under chapter 509 of that title. This need was identified by the Secretary of Transportation and the Administrator of the National Aeronautics and Space Administration due to the intended use of commercial launch vehicles and reentry vehicles developed under the Commercial Crew Development Program, authorized in section

51 USC 20113
note.

402 of the National Aeronautics and Space Administration Authorization Act of 2010 (124 Stat. 2820; Public Law 111–267). It is the sense of Congress that the authority delegated to the Administration by the amendment made by subsection (d) of this section should be used for that purpose.

(c) DEFINITION OF GOVERNMENT ASTRONAUT.—Section 50902 is amended—

(1) by redesignating paragraphs (4) through (22) as paragraphs (7) through (25), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) ‘government astronaut’ means an individual who—

“(A) is designated by the National Aeronautics and Space Administration under section 20113(n);

“(B) is carried within a launch vehicle or reentry vehicle in the course of his or her employment, which may include performance of activities directly relating to the launch, reentry, or other operation of the launch vehicle or reentry vehicle; and

“(C) is either—

“(i) an employee of the United States Government, including the uniformed services, engaged in the performance of a Federal function under authority of law or an Executive act; or

“(ii) an international partner astronaut.

“(5) ‘international partner astronaut’ means an individual designated under Article 11 of the International Space Station Intergovernmental Agreement, by a partner to that agreement other than the United States, as qualified to serve as an International Space Station crew member.

“(6) ‘International Space Station Intergovernmental Agreement’ means the Agreement Concerning Cooperation on the International Space Station, signed at Washington January 29, 1998 (TIAS 12927).”.

51 USC 20113. (d) POWERS OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION IN PERFORMANCE OF FUNCTIONS.—Section 20113 is amended by adding at the end the following:

Designation. “(n) IDENTIFICATION OF GOVERNMENT ASTRONAUTS.—For purposes of a license issued or transferred by the Secretary of Transportation under chapter 509 to launch a launch vehicle or to reenter a reentry vehicle carrying a government astronaut (as defined in section 50902), the Administration shall designate a government astronaut in accordance with requirements prescribed by the Administration.”.

51 USC 50902. (e) DEFINITION OF LAUNCH.—Paragraph (7) of section 50902, as redesignated, is amended by striking “and any payload, crew, or space flight participant” and inserting “and any payload or human being”.

(f) DEFINITION OF LAUNCH SERVICES.—Paragraph (9) of section 50902, as redesignated, is amended by striking “payload, crew (including crew training), or space flight participant” and inserting “payload, crew (including crew training), government astronaut, or space flight participant”.

(g) DEFINITION OF REENTER AND REENTRY.—Paragraph (16) of section 50902, as redesignated, is amended by striking “and its payload, crew, or space flight participants, if any,” and inserting “and its payload or human beings, if any,”.

(h) DEFINITION OF REENTRY SERVICES.—Paragraph (17) of section 50902, as redesignated, is amended by striking “payload, crew (including crew training), or space flight participant, if any,” and inserting “payload, crew (including crew training), government astronaut, or space flight participant, if any,”. 51 USC 50902.

(i) DEFINITION OF SPACE FLIGHT PARTICIPANT.—Paragraph (20) of section 50902, as redesignated, is amended to read as follows:

“(20) ‘space flight participant’ means an individual, who is not crew or a government astronaut, carried within a launch vehicle or reentry vehicle.”

(j) DEFINITION OF THIRD PARTY.—Paragraph (24)(E) of section 50902, as redesignated, is amended by inserting “, government astronauts,” after “crew”.

(k) RESTRICTIONS ON LAUNCHES, OPERATIONS, AND REENTRIES; SINGLE LICENSE OR PERMIT.—Section 50904(d) is amended by striking “activities involving crew or space flight participants” and inserting “activities involving crew, government astronauts, or space flight participants”. 51 USC 50904.

(l) LICENSE APPLICATIONS AND REQUIREMENTS; APPLICATIONS.—Section 50905 is amended— 51 USC 50905.

(1) in subsection (a)(2), by striking “crews and space flight participants” and inserting “crew, government astronauts, and space flight participants”;

(2) in subsection (b)(2)(D), by striking “crew or space flight participants” and inserting “crew, government astronauts, or space flight participants”; and

(3) in subsection (c)—

(A) in paragraph (1), by striking “crew and space flight participants” and inserting “crew, government astronauts, and space flight participants”; and

(B) in paragraph (2), by striking “to crew or space flight participants” each place it appears and inserting “to crew, government astronauts, or space flight participants”.

(m) MONITORING ACTIVITIES.—Section 50907(a) is amended by striking “at a site used for crew or space flight participant training” and inserting “at a site not owned or operated by the Federal Government or a foreign government used for crew, government astronaut, or space flight participant training”. 51 USC 50907.

(n) ADDITIONAL SUSPENSIONS.—Section 50908(d)(1) is amended by striking “to crew or space flight participants” each place it appears and inserting “to any human being”. 51 USC 50908.

(o) RELATIONSHIP TO OTHER EXECUTIVE AGENCIES, LAWS, AND INTERNATIONAL OBLIGATIONS; NONAPPLICATION.—Section 50919(g) is amended to read as follows: 51 USC 50919.

“(g) NONAPPLICATION.—

“(1) IN GENERAL.—This chapter does not apply to—

“(A) a launch, reentry, operation of a launch vehicle or reentry vehicle, operation of a launch site or reentry site, or other space activity the Government carries out for the Government; or

“(B) planning or policies related to the launch, reentry, operation, or activity under subparagraph (A).

“(2) RULE OF CONSTRUCTION.—The following activities are not space activities the Government carries out for the Government under paragraph (1):

“(A) A government astronaut being carried within a launch vehicle or reentry vehicle under this chapter.

“(B) A government astronaut performing activities directly relating to the launch, reentry, or other operation of the launch vehicle or reentry vehicle under this chapter.”.

51 USC 50918
note.

SEC. 113. STREAMLINE COMMERCIAL SPACE LAUNCH ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that eliminating duplicative requirements and approvals for commercial launch and reentry operations will promote and encourage the development of the commercial space sector.

(b) REAFFIRMATION OF POLICY.—Congress reaffirms that the Secretary of Transportation, in overseeing and coordinating commercial launch and reentry operations, should—

(1) promote commercial space launches and reentries by the private sector;

(2) facilitate Government, State, and private sector involvement in enhancing U.S. launch sites and facilities;

(3) protect public health and safety, safety of property, national security interests, and foreign policy interests of the United States; and

(4) consult with the head of another executive agency, including the Secretary of Defense or the Administrator of the National Aeronautics and Space Administration, as necessary to provide consistent application of licensing requirements under chapter 509 of title 51, United States Code.

(c) REQUIREMENTS.—

Consultation.

(1) IN GENERAL.—The Secretary of Transportation under section 50918 of title 51, United States Code, and subject to section 50905(b)(2)(C) of that title, shall consult with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, and the heads of other executive agencies, as appropriate—

(A) to identify all requirements that are imposed to protect the public health and safety, safety of property, national security interests, and foreign policy interests of the United States relevant to any commercial launch of a launch vehicle or commercial reentry of a reentry vehicle; and

Evaluation.

(B) to evaluate the requirements identified in subparagraph (A) and, in coordination with the licensee or transferee and the heads of the relevant executive agencies—

(i) determine whether the satisfaction of a requirement of one agency could result in the satisfaction of a requirement of another agency; and

(ii) resolve any inconsistencies and remove any outmoded or duplicative requirements or approvals of the Federal Government relevant to any commercial launch of a launch vehicle or commercial reentry of a reentry vehicle.

Determination.
Consultation.

(2) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter until the Secretary of Transportation determines no outmoded or duplicative requirements or approvals of the Federal Government exist, the Secretary of Transportation, in consultation with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the commercial space sector,

and the heads of other executive agencies, as appropriate, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the congressional defense committees a report that includes the following:

(A) A description of the process for the application for and approval of a permit or license under chapter 509 of title 51, United States Code, for the commercial launch of a launch vehicle or commercial reentry of a reentry vehicle, including the identification of—

(i) any unique requirements for operating on a United States Government launch site, reentry site, or launch property; and

(ii) any inconsistent, outmoded, or duplicative requirements or approvals.

(B) A description of current efforts, if any, to coordinate and work across executive agencies to define interagency processes and procedures for sharing information, avoiding duplication of effort, and resolving common agency requirements.

(C) Recommendations for legislation that may further—

(i) streamline requirements in order to improve efficiency, reduce unnecessary costs, resolve inconsistencies, remove duplication, and minimize unwarranted constraints; and

(ii) consolidate or modify requirements across affected agencies into a single application set that satisfies the requirements identified in paragraph (1)(A).

(3) DEFINITIONS.—For purposes of this subsection—

(A) any applicable definitions set forth in section 50902 of title 51, United States Code, shall apply;

(B) the terms “launch”, “reenter”, and “reentry” include landing of a launch vehicle or reentry vehicle; and

(C) the terms “United States Government launch site” and “United States Government reentry site” include any necessary facility, at that location, that is commercially operated on United States Government property.

Recommendations.

Applicability.

SEC. 114. OPERATION AND UTILIZATION OF THE ISS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) maximum utilization of partnerships, scientific research, commercial applications, and exploration test bed capabilities of the ISS is essential to ensuring the greatest return on investments made by the United States and its international partners in the development, assembly, and operations of that unique facility; and

(2) every effort should be made to ensure that decisions regarding the service life of the ISS are based on the station’s projected capability to continue providing effective and productive research and exploration test bed capabilities.

(b) CONTINUATION OF THE INTERNATIONAL SPACE STATION.—

(1) IN GENERAL.—Section 501 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351) is amended—

(A) in the heading, by striking “THROUGH 2020”; and

(B) in subsection (a), by striking “through at least 2020” and inserting “through at least 2024”.

(2) MAINTENANCE OF THE UNITED STATES SEGMENT AND ASSURANCE OF CONTINUED OPERATIONS OF THE INTERNATIONAL SPACE STATION.—Section 503 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353) is amended—

(A) in subsection (a), by striking “through at least September 30, 2020” and inserting “through at least September 30, 2024”; and

(B) in subsection (b)(1), by striking “In carrying out subsection (a), the Administrator” and inserting “The Administrator”.

(3) RESEARCH CAPACITY ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—Section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)) is amended by striking “September 30, 2020” each place it appears and inserting “at least September 30, 2024”.

(4) MAINTAINING USE THROUGH AT LEAST 2024.—Section 70907 is amended to read as follows:

“§ 70907. Maintaining use through at least 2024

“(a) POLICY.—The Administrator shall take all necessary steps to ensure that the International Space Station remains a viable and productive facility capable of potential United States utilization through at least September 30, 2024.

“(b) NASA ACTIONS.—In furtherance of the policy under subsection (a), the Administrator shall ensure, to the extent practicable, that the International Space Station, as a designated national laboratory—

“(1) remains viable as an element of overall exploration and partnership strategies and approaches;

“(2) is considered for use by all NASA mission directorates, as appropriate, for technically appropriate scientific data gathering or technology risk reduction demonstrations; and

“(3) remains an effective, functional vehicle providing research and test bed capabilities for the United States through at least September 30, 2024.”

(5) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF CONTENTS OF 2010 ACT.—The item relating to section 501 in the table of contents in section 1(b) of the National Aeronautics and Space Administration Authorization Act of 2010 (124 Stat. 2806) is amended by striking “through 2020”.

(B) TABLE OF CONTENTS OF CHAPTER 709.—The table of contents for chapter 709 is amended by amending the item relating to section 70907 to read as follows:

“70907. Maintaining use through at least 2024.”

SEC. 115. STATE COMMERCIAL LAUNCH FACILITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) State involvement, development, ownership, and operation of launch facilities can enable growth of the Nation’s commercial suborbital and orbital space endeavors and support both commercial and Government space programs;

(2) State launch facilities and the people and property in the affected launch areas of those facilities may be subject to risks resulting from an activity carried out under a license under chapter 509 of title 51, United States Code; and

(3) to ensure the success of the commercial launch industry and the safety of the people and property in the affected launch areas of those facilities, States and State launch facilities should seek to take proper measures to protect themselves, to the extent of their potential liability for involvement in launch services or reentry services, and compensate third parties for possible death, bodily injury, or property damage or loss resulting from an activity carried out under a license under chapter 509 of title 51, United States Code, to which the State or State launch facility is involved in the launch services or reentry services.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the potential inclusion of all government property, including State and municipal property, in the existing indemnification regime established under section 50914 of title 51, United States Code.

SEC. 116. SPACE SUPPORT VEHICLES STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the use of space support vehicle services in the commercial space industry.

Deadline.
Reports.

(b) CONTENTS.—This report shall include—

(1) the extent to which launch providers rely on such services as part of their business models;

(2) the statutory, regulatory, and market barriers to the use of such services; and

(3) recommendations for legislative or regulatory action that may be needed to ensure reduced barriers to the use of such services if such use is a requirement of the industry.

Recommendations.

SEC. 117. SPACE LAUNCH SYSTEM UPDATE.

(a) IN GENERAL.—Chapter 701 is amended—

(1) in the heading by striking “SPACE SHUTTLE” and inserting “SPACE LAUNCH SYSTEM”;

(2) in section 70101—

(A) in the heading, by striking “space shuttle” and inserting “space launch system”; and

(B) by striking “space shuttle” and inserting “space launch system”;

(3) by amending section 70102 to read as follows:

51 USC
prec. 70101.

51 USC 70101.

“§ 70102. Space launch system use policy

“(a) IN GENERAL.—The Space Launch System may be used for the following circumstances:

“(1) Payloads and missions that contribute to extending human presence beyond low-Earth orbit and substantially benefit from the unique capabilities of the Space Launch System.

“(2) Other payloads and missions that substantially benefit from the unique capabilities of the Space Launch System.

“(3) On a space available basis, Federal Government or educational payloads that are consistent with NASA’s mission for exploration beyond low-Earth orbit.

“(4) Compelling circumstances, as determined by the Administrator.

“(b) AGREEMENTS WITH FOREIGN ENTITIES.—The Administrator may plan, negotiate, or implement agreements with foreign entities for the launch of payloads for international collaborative efforts relating to science and technology using the Space Launch System.

Deadline.
Determination.
Notification.

“(c) COMPELLING CIRCUMSTANCES.—Not later than 30 days after the date the Administrator makes a determination under subsection (a)(4), the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives written notification of the Administrator’s intent to select the Space Launch System for a specific mission under that subsection, including justification for the determination.”;

51 USC 70103.

(4) in section 70103—

(A) in the heading, by striking “SPACE SHUTTLE” and inserting “SPACE LAUNCH SYSTEM”; and

(B) in subsection (b), by striking “space shuttle” each place it appears and inserting “space launch system”; and
(5) by adding at the end the following:

51 USC 70104.

“§ 70104. Definition of Space Launch System

“In this chapter, the term ‘Space Launch System’ means the Space Launch System authorized under section 302 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322).”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

51 USC
prec. 10101.

(1) TABLE OF CHAPTERS.—The table of chapters of title 51 is amended by amending the item relating to chapter 701 to read as follows:

“701. Use of space launch system or alternatives70101”.

51 USC
prec. 70101.

(2) TABLE OF CONTENTS OF CHAPTER 701.—The table of contents of chapter 701 is amended—

(A) in the item relating to section 70101, by striking “space shuttle” and inserting “space launch system”;

(B) in the item relating to section 70102, by striking “Space shuttle” and inserting “Space launch system”;

(C) in the item relating to section 70103, by striking “space shuttle” and inserting “space launch system”; and

(D) by adding at the end the following:

“70104. Definition of Space Launch System.”.

51 USC 50131.

(3) REQUIREMENT TO PROCURE COMMERCIAL SPACE TRANSPORTATION SERVICES.—Section 50131(a) of chapter 51 is amended by inserting “or in section 70102” after “in this section”.

TITLE II—COMMERCIAL REMOTE SENSING

SEC. 201. ANNUAL REPORTS.

(a) IN GENERAL.—Subchapter III of chapter 601 is amended by adding at the end the following:

“§ 60126. Annual reports

51 USC 60126.

“(a) IN GENERAL.—The Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives not later than 180 days after the date of enactment of the U.S. Commercial Space Launch Competitiveness Act, and annually thereafter, on—

“(1) the Secretary’s implementation of section 60121, including—

Lists.

“(A) a list of all applications received in the previous calendar year;

“(B) a list of all applications that resulted in a license under section 60121;

“(C) a list of all applications denied and an explanation of why each application was denied, including any information relevant to the interagency adjudication process of a licensing request;

“(D) a list of all applications that required additional information; and

“(E) a list of all applications whose disposition exceeded the 120 day deadline established in section 60121(c), the total days overdue for each application that exceeded such deadline, and an explanation for the delay;

“(2) all notifications and information provided to the Secretary under section 60122; and

Notifications.

“(3) a description of all actions taken by the Secretary under the administrative authority granted by paragraphs (4), (5), and (6) of section 60123(a).

“(b) CLASSIFIED ANNEXES.—Each report under subsection (a) may include classified annexes as necessary to protect the disclosure of sensitive or classified information.

“(c) SUNSET.—The reporting requirement under this section terminates effective September 30, 2020.”

(b) TABLE OF CONTENTS.—The table of contents of chapter 601 is amended by inserting after the item relating to section 60125 the following:

51 USC
prec. 60101.

“60126. Annual reports.”

SEC. 202. STATUTORY UPDATE REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce, in consultation with the heads of other appropriate Federal agencies and the National Oceanic and Atmospheric Administration’s Advisory Committee on Commercial Remote Sensing, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on statutory updates necessary to license private remote sensing space systems. In preparing the report, the Secretary shall

Consultation.

take into account the need to protect national security while maintaining United States private sector leadership in the field, and reflect the current state of the art of remote sensing systems, instruments, or technologies.

TITLE III—OFFICE OF SPACE COMMERCE

SEC. 301. RENAMING OF OFFICE OF SPACE COMMERCIALIZATION.

(a) CHAPTER HEADING.—

51 USC
prec. 50701.

(1) AMENDMENT.—The heading for chapter 507 is amended by striking “COMMERCIALIZATION” and inserting “COMMERCE”.

51 USC
prec. 10101.

(2) CONFORMING AMENDMENT.—The item relating to chapter 507 in the table of chapters for title 51 is amended by striking “Commercialization” and inserting “Commerce”.

51 USC 50701.

(b) DEFINITION OF OFFICE.—Section 50701 is amended by striking “Commercialization” and inserting “Commerce”.

51 USC 50702.

(c) RENAMING.—Section 50702(a) is amended by striking “Commercialization” and inserting “Commerce”.

SEC. 302. FUNCTIONS OF THE OFFICE OF SPACE COMMERCE.

Section 50702(c) is amended by striking “Commerce.” and inserting “Commerce, including—

“(1) to foster the conditions for the economic growth and technological advancement of the United States space commerce industry;

“(2) to coordinate space commerce policy issues and actions within the Department of Commerce;

“(3) to represent the Department of Commerce in the development of United States policies and in negotiations with foreign countries to promote United States space commerce;

“(4) to promote the advancement of United States geospatial technologies related to space commerce, in cooperation with relevant interagency working groups; and

“(5) to provide support to Federal Government organizations working on Space-Based Positioning Navigation, and Timing policy, including the National Coordination Office for Space-Based Position, Navigation, and Timing.”.

TITLE IV—SPACE RESOURCE EXPLORATION AND UTILIZATION

Space Resource
Exploration and
Utilization Act of
2015.

51 USC 10101
note.

SEC. 401. SHORT TITLE.

This title may be cited as the “Space Resource Exploration and Utilization Act of 2015”.

SEC. 402. TITLE 51 AMENDMENT.

51 USC
prec. 51301.

(a) IN GENERAL.—Subtitle V is amended by adding at the end the following:

**“CHAPTER 513—SPACE RESOURCE COMMERCIAL
EXPLORATION AND UTILIZATION**

“Sec.

“51301. Definitions.

“51302. Commercial exploration and commercial recovery.

“51303. Asteroid resource and space resource rights.

“§ 51301. Definitions

51 USC 51301.

“In this chapter:

“(1) **ASTEROID RESOURCE.**—The term ‘asteroid resource’ means a space resource found on or within a single asteroid.

“(2) **SPACE RESOURCE.**—

“(A) **IN GENERAL.**—The term ‘space resource’ means an abiotic resource in situ in outer space.

“(B) **INCLUSIONS.**—The term ‘space resource’ includes water and minerals.

“(3) **UNITED STATES CITIZEN.**—The term ‘United States citizen’ has the meaning given the term ‘citizen of the United States’ in section 50902.

“§ 51302. Commercial exploration and commercial recovery

President.

51 USC 51302.

“(a) **IN GENERAL.**—The President, acting through appropriate Federal agencies, shall—

“(1) facilitate commercial exploration for and commercial recovery of space resources by United States citizens;

“(2) discourage government barriers to the development in the United States of economically viable, safe, and stable industries for commercial exploration for and commercial recovery of space resources in manners consistent with the international obligations of the United States; and

“(3) promote the right of United States citizens to engage in commercial exploration for and commercial recovery of space resources free from harmful interference, in accordance with the international obligations of the United States and subject to authorization and continuing supervision by the Federal Government.

“(b) **REPORT.**—Not later than 180 days after the date of enactment of this section, the President shall submit to Congress a report on commercial exploration for and commercial recovery of space resources by United States citizens that specifies—

“(1) the authorities necessary to meet the international obligations of the United States, including authorization and continuing supervision by the Federal Government; and

“(2) recommendations for the allocation of responsibilities among Federal agencies for the activities described in paragraph (1).

Recommendations.

“§ 51303. Asteroid resource and space resource rights

“A United States citizen engaged in commercial recovery of an asteroid resource or a space resource under this chapter shall be entitled to any asteroid resource or space resource obtained, including to possess, own, transport, use, and sell the asteroid resource or space resource obtained in accordance with applicable law, including the international obligations of the United States.”.

51 USC
prec. 10101.

(b) TABLE OF CHAPTERS.—The table of chapters for title 51 is amended by adding at the end of the items for subtitle V the following:

“513. Space resource commercial exploration and utilization51301”.

SEC. 403. DISCLAIMER OF EXTRATERRITORIAL SOVEREIGNTY.

It is the sense of Congress that by the enactment of this Act, the United States does not thereby assert sovereignty or sovereign or exclusive rights or jurisdiction over, or the ownership of, any celestial body.

Approved November 25, 2015.

LEGISLATIVE HISTORY—H.R. 2262:

HOUSE REPORTS: No. 114–119 (Comm. on Science, Space, and Technology).
CONGRESSIONAL RECORD, Vol. 161 (2015):

- May 21, considered and passed House.
- Nov. 10, considered and passed Senate, amended.
- Nov. 16, House concurred in Senate amendment.

