

114TH CONGRESS
1ST SESSION

H. R. 2262

AN ACT

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.

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

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Spurring Private Aerospace Competitiveness and Entre-
 4 preneurship Act of 2015” or the “SPACE Act of 2015”.

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

Sec. 1. Short title; table of contents.

TITLE I—COMMERCIAL SPACE LAUNCH

- Sec. 101. Consensus standards.
- Sec. 102. International launch competitiveness.
- Sec. 103. Launch license flexibility.
- Sec. 104. Government astronauts.
- Sec. 105. Indemnification for space flight participants.
- Sec. 106. Independent study of indemnification for space flight participants.
- Sec. 107. Federal jurisdiction.
- Sec. 108. Cross-waivers.
- Sec. 109. Orbital traffic management.
- Sec. 110. State commercial launch facilities.
- Sec. 111. Space support vehicles study.
- Sec. 112. Streamline commercial space launch activities.
- Sec. 113. Space Launch System update.

TITLE II—SPACE RESOURCE EXPLORATION AND UTILIZATION

- Sec. 201. Short title.
- Sec. 202. Title 51 amendment.

TITLE III—COMMERCIAL REMOTE SENSING

- Sec. 301. Annual reporting.
- Sec. 302. Statutory update report.

TITLE IV—OFFICE OF SPACE COMMERCE

- Sec. 401. Renaming of Office of Space Commercialization.
- Sec. 402. Functions of the Office of Space Commerce.

7 **TITLE I—COMMERCIAL SPACE**
 8 **LAUNCH**

9 **SEC. 101. CONSENSUS STANDARDS.**

10 Section 50905(c) of title 51, United States Code, is
 11 amended—

1 (1) by striking paragraph (3);

2 (2) by redesignating paragraph (4) as para-
3 graph (8); and

4 (3) by inserting after paragraph (2) the fol-
5 lowing:

6 “(3) INTERIM INDUSTRY VOLUNTARY CON-
7 SENSUS STANDARDS REPORT.—The Secretary, in
8 consultation with the Commercial Space Transpor-
9 tation Advisory Committee, or its successor organi-
10 zation, shall provide a report to the Committee on
11 Science, Space, and Technology of the House of
12 Representatives and the Committee on Commerce,
13 Science, and Transportation of the Senate on the
14 progress of the commercial space transportation in-
15 dustry in developing voluntary consensus standards
16 or any other construction that promotes best prac-
17 tices to improve the industry. Such report shall in-
18 clude, at a minimum—

19 “(A) any voluntary industry consensus
20 standards or any other construction that have
21 been accepted by the industry at large;

22 “(B) the identification of areas that have
23 the potential to become voluntary industry con-
24 sensus standards or another potential construc-

1 tion that are currently under consideration by
2 the industry at large;

3 “(C) an assessment from the Secretary on
4 the general progress of the industry in adopting
5 voluntary consensus standards or any other
6 construction;

7 “(D) lessons learned about voluntary in-
8 dustry consensus standards or any other con-
9 struction, best practices, and commercial space
10 launch operations;

11 “(E) any lessons learned associated with
12 the development, potential application, and ac-
13 ceptance of voluntary industry consensus stand-
14 ards or any other construction, best practices,
15 and commercial space launch operations; and

16 “(F) recommendations, findings, or obser-
17 vations from the Commercial Space Transpor-
18 tation Advisory Committee, or its successor or-
19 ganization, on the progress of the industry in
20 developing industry consensus standards or any
21 other construction.

22 This report, with the appropriate updates in the in-
23 tervening periods, shall be transmitted to such com-
24 mittees no later than December 31, 2016, December
25 31, 2018, December 31, 2020, and December 31,

1 2022. Each report shall describe and assess the
2 progress achieved as of 6 months prior to the speci-
3 fied transmittal date.

4 “(4) INTERIM REPORT ON KNOWLEDGE AND
5 OPERATIONAL EXPERIENCE.—The Secretary shall
6 provide a report to the Committee on Science,
7 Space, and Technology of the House of Representa-
8 tives and the Committee on Commerce, Science, and
9 Transportation of the of the Senate on the status of
10 the knowledge and operational experience acquired
11 by the industry while providing flight services for
12 compensation or hire to support the development of
13 a safety framework. Interim reports shall by trans-
14 mitted to such committees no later than December
15 31, 2018, December 31, 2020, and December 31,
16 2022. Each report shall describe and assess the
17 progress achieved as of 6 months prior to the speci-
18 fied transmittal date.

19 “(5) INDEPENDENT REVIEW.—No later than
20 December 31, 2023, an independent, private systems
21 engineering and technical assistance organization or
22 standards development organization contracted by
23 the Secretary shall provide to the Committee on
24 Science, Space, and Technology of the House of
25 Representatives and the Committee on Commerce,

1 Science, and Transportation of the Senate an assess-
2 ment of the readiness of the commercial space indus-
3 try and the Federal Government to transition to a
4 safety framework that may include regulations. As
5 part of the review, the contracted organization shall
6 evaluate—

7 “(A) the progress of the commercial space
8 industry in adopting industry voluntary stand-
9 ards or any other construction as reported by
10 the Secretary in the interim assessments in-
11 cluded in reports provided under paragraph (3);
12 and

13 “(B) the knowledge and operational experi-
14 ence obtained by the commercial space industry
15 while providing services for compensation or
16 hire as reported by the Secretary in the interim
17 knowledge and operational reports provided
18 under paragraph (4).

19 “(6) LEARNING PERIOD.—Beginning on De-
20 cember 31, 2025, the Secretary may propose regula-
21 tions under this subsection without regard to para-
22 graph (2)(C) and (D). The development of any such
23 regulations shall take into consideration the evolving
24 standards of the commercial space flight industry as

1 identified through the reports published under para-
2 graphs (3) and (4).

3 “(7) COMMUNICATION AND TRANSPARENCY.—
4 Nothing in this subsection shall be construed to limit
5 the authority of the Secretary of Transportation to
6 discuss potential approaches, potential performance
7 standards, or any other topic related to this sub-
8 section with the commercial space industry including
9 observations, findings, and recommendations from
10 the Commercial Space Transportation Advisory
11 Committee, or its successor organization, prior to
12 the issuance of a notice of proposed rulemaking.
13 Such discussions shall not be construed to permit
14 the Secretary to promulgate industry regulations ex-
15 cept as otherwise provided in this section.”.

16 **SEC. 102. INTERNATIONAL LAUNCH COMPETITIVENESS.**

17 (a) PURPOSE.—The purpose of this section is to pro-
18 vide for updating the methodology used to calculate the
19 maximum probable loss from claims under section 50914
20 of title 51, United States Code, with a validated risk pro-
21 file approach to provide reasonable maximum probable
22 loss values associated with potential third party losses
23 from commercially licensed launches. An appropriately up-
24 dated methodology will help ensure that the Federal Gov-
25 ernment is not exposed to greater financial risks than in-

1 tended and that launch companies are not required to pur-
2 chase more insurance coverage than necessary.

3 (b) MAXIMUM PROBABLE LOSS PLAN.—Not later
4 than 180 days after the date of enactment of this Act,
5 the Secretary of Transportation shall provide to the Com-
6 mittee on Science, Space, and Technology of the House
7 of Representatives and the Committee on Commerce,
8 Science, and Transportation of the Senate a plan to up-
9 date the methodology used to calculate maximum probable
10 loss from claims under section 50914 of title 51, United
11 States Code, through the use of a validated risk profile
12 approach. Such plan shall include, at a minimum—

13 (1) an evaluation of the reasonableness of the
14 current single casualty estimate and, if needed, the
15 steps the Secretary will take to update such esti-
16 mate;

17 (2) an evaluation, in consultation with the Ad-
18 ministrator of the National Aeronautics and Space
19 Administration and the heads of other relevant exec-
20 utive agencies, of the reasonableness of the dollar
21 value of the insurance requirement required by the
22 Secretary for launch providers to cover damage to
23 Government property resulting from a commercially
24 licensed space launch activity, and recommendations
25 as to a reasonable calculation if, as determined by

1 the Secretary, the current statutory threshold is in-
2 sufficient;

3 (3) a schedule of when updates to the method-
4 ology and calculations for the totality of the Max-
5 imum Probable Loss will be implemented, and a de-
6 tailed explanation of any changes to the current cal-
7 culation; and

8 (4) consideration of the impact of the cost of its
9 implementation on the licensing process, both in
10 terms of the cost to industry of collecting and pro-
11 viding the requisite data and cost to the Government
12 of analyzing the data.

13 (c) INDEPENDENT ASSESSMENT.—Not later than
14 270 days after transmittal of the plan under subsection
15 (b), the Comptroller General shall provide to the Com-
16 mittee on Science, Space, and Technology of the House
17 of Representatives and the Committee on Commerce,
18 Science, and Transportation of the Senate an assessment
19 of—

20 (1) the conclusions and analysis provided by the
21 Secretary of Transportation in the plan required
22 under subsection (b);

23 (2) the implementation schedule proposed by
24 the Secretary in such plan;

1 (3) the suitability of the plan for implementa-
2 tion; and

3 (4) any further actions needed to implement the
4 plan or otherwise accomplish the purpose of this sec-
5 tion.

6 (d) LAUNCH LIABILITY EXTENSION.—Section
7 50915(f) of title 51, United States Code, is amended by
8 striking “December 31, 2016” and inserting “December
9 31, 2025”.

10 **SEC. 103. LAUNCH LICENSE FLEXIBILITY.**

11 Section 50906 of title 51, United States Code, is
12 amended—

13 (1) in subsection (d), by striking “that will be
14 launched or reentered” and inserting “or reusable
15 launch vehicles that will be launched into a sub-
16 orbital trajectory or reentered under that permit”;

17 (2) by amending subsection (d)(1) to read as
18 follows:

19 “(1) research and development to test design
20 concepts, equipment, or operating techniques;”;

21 (3) in subsection (d)(3)—

22 (A) by striking “prior to obtaining a li-
23 cense”; and

24 (B) by inserting “or vehicle” after “design
25 of the rocket”;

1 (4) in subsection (e)(1), by striking “suborbital
2 rocket design” and inserting “suborbital rocket or
3 rocket design, or for a particular reusable launch ve-
4 hicle or reusable launch vehicle design,”;

5 (5) in subsection (e)(2), by inserting “or launch
6 vehicle” after “the suborbital rocket”;

7 (6) by amending subsection (g) to read as fol-
8 lows:

9 “(g) The Secretary may issue a permit under this sec-
10 tion notwithstanding any license issued under this chapter.
11 The issuance of a license under this chapter shall not in-
12 validate a permit under this section.”; and

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

15 **SEC. 104. GOVERNMENT ASTRONAUTS.**

16 (a) DEFINITIONS.—Section 50902 of title 51, United
17 States Code, is amended—

18 (1) by redesignating paragraphs (4) through
19 (22) as paragraphs (5) through (23), respectively;

20 (2) by inserting after paragraph (3) the fol-
21 lowing new paragraph:

22 “(4) ‘government astronaut’ means an indi-
23 vidual designated as such by the Administrator of
24 the National Aeronautics and Space Administration,

1 pursuant requirements established by the Adminis-
2 trator, who—

3 “(A) is an employee of—

4 “(i) the United States Government,
5 including the United States Armed Forces;
6 or

7 “(ii) a foreign government that is a
8 party to the Intergovernmental Agreement
9 Among the Government of Canada, Gov-
10 ernments of Member States of the Euro-
11 pean Space Agency, the Government of
12 Japan, the Government of the Russian
13 Federation, and the Government of the
14 United States of America Concerning Co-
15 operation on the Civil International Space
16 Station, signed on January 29, 1998; and

17 “(B) is carried within a launch vehicle or
18 reentry vehicle in the course of his or her em-
19 ployment, which may include performance of ac-
20 tivities directly relating to the launch, reentry,
21 or other operation of the launch vehicle or re-
22 entry vehicle.”;

23 (3) in paragraph (5), as so redesignated by
24 paragraph (1) of this subsection, by inserting “gov-
25 ernment astronaut,” after “crew,”;

1 (4) in paragraph (7)(A), as so redesignated by
2 paragraph (1) of this subsection, by inserting “gov-
3 ernment astronaut,” after “(including crew train-
4 ing),”;

5 (5) in paragraph (14), as so redesignated by
6 paragraph (1) of this subsection, by inserting “gov-
7 ernment astronauts,” after “crew,”;

8 (6) in paragraph (15)(A), as so redesignated by
9 paragraph (1) of this subsection, by inserting “gov-
10 ernment astronaut,” after “(including crew train-
11 ing),”;

12 (7) by amending paragraph (18), as so redesign-
13 ated by paragraph (1) of this subsection, to read
14 as follows:

15 “(18) ‘space flight participant’ means an indi-
16 vidual, who is not crew or a government astronaut,
17 carried within a launch vehicle or reentry vehicle.”;
18 and

19 (8) in paragraph (22)(E), as so redesignated by
20 paragraph (1) of this subsection, by inserting “, gov-
21 ernment astronauts,” after “crew”.

22 (b) RESTRICTIONS ON LAUNCHES, OPERATIONS, AND
23 REENTRIES; SINGLE LICENSE OR PERMIT.—Section
24 50904(d) of title 51, United States Code, is amended by
25 inserting “, government astronauts,” after “crew”.

1 (c) LICENSE APPLICATIONS AND REQUIREMENTS;
2 APPLICATIONS.—Section 50905 of title 51, United States
3 Code, is amended—

4 (1) in subsection (a)(2), by striking “crews and
5 space flight participants” and inserting “crew, gov-
6 ernment astronauts, and space flight participants”;

7 (2) in subsection (b)(2)(D), by inserting “, gov-
8 ernment astronauts,” after “crew”; and

9 (3) in subsection (c)—

10 (A) in paragraph (1), by inserting “, gov-
11 ernment astronauts,” after “crew”; and

12 (B) in paragraph (2), by striking “to crew
13 or space flight participants” each place it ap-
14 pears and inserting “to crew, government astro-
15 nauts, or space flight participants”.

16 (d) MONITORING ACTIVITIES.—Section 50907(a) of
17 title 51, United States Code, is amended by striking “crew
18 or space flight participant training” and inserting “crew,
19 government astronaut, or space flight participant train-
20 ing”.

21 (e) ADDITIONAL SUSPENSIONS.—Section
22 50908(d)(1) of title 51, United States Code, is amended
23 by striking “to crew or space flight participants” each
24 place it appears and inserting “to crew, government astro-
25 nauts, or space flight participants”.

1 **SEC. 105. INDEMNIFICATION FOR SPACE FLIGHT PARTICI-**
2 **PANTS.**

3 Chapter 509 of title 51, United States Code, is
4 amended—

5 (1) in section 50914(a)(4), by adding at the
6 end the following:

7 “(E) space flight participants.”; and

8 (2) in section 50915(a)(1)—

9 (A) by striking “or a contractor” and in-
10 sserting “a contractor”; and

11 (B) by striking “but not against” and in-
12 sserting “or”.

13 **SEC. 106. INDEPENDENT STUDY OF INDEMNIFICATION FOR**
14 **SPACE FLIGHT PARTICIPANTS.**

15 Not later than 1 year after the date of enactment
16 of this Act, the Comptroller General shall provide to the
17 Committee on Science, Space, and Technology of the
18 House of Representatives and the Committee on Com-
19 merce, Science, and Transportation of the Senate a report
20 detailing the results of a study of the issues associated
21 with space flight participants and potential third party
22 claims that could arise from a potential accident of a com-
23 mercial licensed launch vehicle or reentry vehicle that is
24 carrying space flight participants. The study shall—

25 (1) identify the issues associated with space
26 flight participants and third party liability;

1 (2) identify options for addressing the issues;

2 (3) identify any potential unintended con-
3 sequences and issues associated with each of the op-
4 tions; and

5 (4) identify any potential costs to the Federal
6 Government for each of the options.

7 **SEC. 107. FEDERAL JURISDICTION.**

8 Section 50914 of title 51, United States Code, is
9 amended by adding at the end the following:

10 “(g) FEDERAL JURISDICTION.—Any action or tort
11 arising from a licensed launch or reentry shall be the sole
12 jurisdiction of the Federal courts.”.

13 **SEC. 108. CROSS-WAIVERS.**

14 Section 50914(b)(1) of title 51, United States Code,
15 is amended to read as follows: “(1) A launch or reentry
16 license issued or transferred under this chapter shall con-
17 tain a provision requiring the licensee or transferee to
18 make a reciprocal waiver of claims with its contractors,
19 subcontractors, and customers, the contractors and sub-
20 contractors of the customers, and any space flight partici-
21 pants, involved in launch services or reentry services or
22 participating in a flight under which each party to the
23 waiver agrees to be responsible for property damage or
24 loss it or they sustain, or for personal injury to, death
25 of, or property damage or loss sustained by its own em-

1 ployees resulting from an activity carried out under the
2 applicable license.”.

3 **SEC. 109. ORBITAL TRAFFIC MANAGEMENT.**

4 (a) SENSE OF CONGRESS.—It is the sense of the Con-
5 gress that, as none currently exists, there may be a need
6 for a framework that addresses space traffic management
7 of United States Government assets and United States
8 private sector assets to minimize the proliferation of debris
9 and decrease the congestion of the orbital environment.

10 (b) STUDY REQUIRED.—Not later than 90 days after
11 the date of enactment of this Act, the Administrator of
12 the National Aeronautics and Space Administration, in
13 consultation with the Federal Aviation Administration, the
14 Federal Communications Commission, the National Oce-
15 anic and Atmospheric Administration, and the Depart-
16 ment of Defense, shall enter into an arrangement with an
17 independent, nonprofit, private systems engineering and
18 technical assistance organization to study frameworks for
19 the management of space traffic and orbital activities. The
20 study shall include the following:

21 (1) An assessment of current regulations, Gov-
22 ernment best practices, and industry standards that
23 apply to space traffic management and orbital debris
24 mitigation.

1 (2) An assessment of current statutory author-
2 ity granted to the Federal Communications Commis-
3 sion, the Federal Aviation Administration, and the
4 National Oceanic and Atmospheric Administration
5 and how those agencies utilize and coordinate those
6 authorities.

7 (3) A review of all space traffic management
8 and orbital debris requirements under treaties and
9 other international agreements to which the United
10 States is a signatory, and other nonbinding inter-
11 national arrangements in which the United States
12 participates, and the manner in which the Federal
13 Government complies with those requirements.

14 (4) An assessment of existing Federal Govern-
15 ment assets used to conduct space traffic manage-
16 ment and space situational awareness.

17 (5) An assessment of the risk associated with
18 smallsats as well as any necessary Government co-
19 ordination for their launch and utilization.

20 (6) An assessment of existing private sector in-
21 formation sharing activities associated with space
22 situational awareness and space traffic management.

23 (7) Recommendations related to the framework
24 for the protection of the health, safety, and welfare

1 of the public and economic vitality of the space in-
2 dustry.

3 (c) REPORT TO CONGRESS.—Not later than 1 year
4 after the date of enactment of this Act, the Administrator
5 shall provide to the Committee on Science, Space, and
6 Technology of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate the report required in subsection (b).

9 (d) DEPARTMENT OF DEFENSE AUTHORITIES.—
10 Congress recognizes the vital and unique role played by
11 the Department of Defense in protecting national security
12 assets in space. Nothing in this section shall be construed
13 to amend authorities granted to the Department of De-
14 fense to safeguard the national security.

15 **SEC. 110. STATE COMMERCIAL LAUNCH FACILITIES.**

16 (a) SENSE OF CONGRESS.—It is the Sense of Con-
17 gress that State involvement, development, ownership, and
18 operation of launch facilities can help enable growth of
19 the Nation's commercial suborbital and orbital space en-
20 deavors and support both commercial and Government
21 space programs. It is further the sense of Congress that
22 State launch facilities and the people and property within
23 the affected launch areas of those State facilities are sub-
24 ject to risks if the commercial launch vehicle fails or expe-
25 riences an anomaly. To ensure the success of the commer-

1 cial launch industry and the safety of the people and prop-
2 erty in the affected launch areas, it is the further sense
3 of Congress that States and State launch facilities should
4 seek to take proper measures to secure their investments
5 and the safety of third parties from potential damages
6 that could be suffered from commercial launch activities.

7 (b) REPORT REQUIRED.—Not later than 1 year after
8 the date of enactment of this Act, the Comptroller General
9 shall submit to the Committee on Science, Space, and
10 Technology of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate a report on the potential inclusion of all govern-
13 ment property, including State and municipal property, in
14 the existing indemnification regime established under sec-
15 tion 50914 of title 51, United States Code.

16 **SEC. 111. SPACE SUPPORT VEHICLES STUDY.**

17 Not less than 1 year after the date of enactment of
18 this Act, the Comptroller General shall submit to the Com-
19 mittee on Science, Space, and Technology of the House
20 of Representatives and the Committee on Commerce,
21 Science, and Transportation of the Senate, a report on
22 the use of space support vehicle services in the commercial
23 space industry. This report shall include—

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

1 (2) the statutory, regulatory, and market bar-
2 riers to the use of such services; and

3 (3) recommendations for legislative or regu-
4 latory action that may be needed to ensure reduced
5 barriers to the use of such services if such use is a
6 requirement of the industry.

7 **SEC. 112. STREAMLINE COMMERCIAL SPACE LAUNCH AC-**
8 **TIVITIES.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that eliminating duplicative requirements and ap-
11 provals for commercial launch and reentry operations will
12 promote and encourage the development of the commercial
13 space sector.

14 (b) REAFFIRMATION OF POLICY.—Congress reaf-
15 firms that the Secretary of Transportation, in overseeing
16 and coordinating commercial launch and reentry oper-
17 ations, should—

18 (1) promote commercial space launches and re-
19 entries by the private sector;

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

23 (3) protect public health and safety, safety of
24 property, national security interests, and foreign pol-
25 icy interests of the United States; and

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

7 (c) REQUIREMENTS.—

8 (1) IN GENERAL.—The Secretary of Transpor-
9 tation under section 50918 of title 51, United States
10 Code, and subject to section 50905(b)(2)(C) of that
11 title, shall consult with the Secretary of Defense, the
12 Administrator of the National Aeronautics and
13 Space Administration, and the heads of other execu-
14 tive agencies, as appropriate—

15 (A) to identify all requirements that are
16 imposed to protect the public health and safety,
17 safety of property, national security interests,
18 and foreign policy interests of the United States
19 relevant to any commercial launch of a launch
20 vehicle or commercial reentry of a reentry vehi-
21 cle; and

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

1 (i) determine whether the satisfaction
2 of a requirement of one agency could result
3 in the satisfaction of a requirement of an-
4 other agency; and

5 (ii) resolve any inconsistencies and re-
6 move any outmoded or duplicative require-
7 ments or approvals of the Federal Govern-
8 ment relevant to any commercial launch of
9 a launch vehicle or commercial reentry of
10 a reentry vehicle.

11 (2) REPORTS.—Not later than 180 days after
12 the date of enactment of this Act, and annually
13 thereafter until the Secretary of Transportation de-
14 termines no outmoded or duplicative requirements or
15 approvals of the Federal Government exist, the Sec-
16 retary of Transportation, in consultation with the
17 Secretary of Defense, the Administrator of the Na-
18 tional Aeronautics and Space Administration, the
19 commercial space sector, and the heads of other ex-
20 ecutive agencies, as appropriate, shall submit to the
21 Committee on Commerce, Science, and Transpor-
22 tation of the Senate, the Committee on Science,
23 Space, and Technology of the House of Representa-
24 tives, and the congressional defense committees a re-
25 port that includes the following:

1 (A) A description of the process for the ap-
2 plication for and approval of a permit or license
3 under chapter 509 of title 51, United States
4 Code, for the commercial launch of a launch ve-
5 hicle or commercial reentry of a reentry vehicle,
6 including the identification of—

7 (i) any unique requirements for oper-
8 ating on a United States Government
9 launch site, reentry site, or launch prop-
10 erty; and

11 (ii) any inconsistent, outmoded, or du-
12 plicative requirements or approvals.

13 (B) A description of current efforts, if any,
14 to coordinate and work across executive agen-
15 cies to define interagency processes and proce-
16 dures for sharing information, avoiding duplica-
17 tion of effort, and resolving common agency re-
18 quirements.

19 (C) Recommendations for legislation that
20 may further—

21 (i) streamline requirements in order
22 to improve efficiency, reduce unnecessary
23 costs, resolve inconsistencies, remove dupli-
24 cation, and minimize unwarranted con-
25 straints;

1 (ii) consolidate or modify require-
2 ments across affected agencies into a sin-
3 gle application set that satisfies the re-
4 quirements identified in paragraph (1)(A);
5 (iii) facilitate outreach to minority-
6 and women-owned businesses on business
7 opportunities in the commercial space in-
8 dustry; and
9 (iv) facilitate the participation of the
10 Emerging Researchers National Con-
11 ference in STEM, American Association
12 for the Advancement of Science, Louis
13 Stokes Alliances for Minority Participation
14 Program (LAMP), Historically Black Col-
15 leges and Universities Undergraduate Pro-
16 gram (HBCU-UP) of the National Science
17 Foundation, Emerging Researchers Na-
18 tional Conference in Science, Technology,
19 Engineering and Mathematics, the Univer-
20 sity of Florida's Institute for African-
21 American Mentoring in Computing
22 Sciences, the Hispanic Association of Col-
23 leges and Universities, the National Indian
24 Education Association, and other institu-
25 tions, organizations, or associations as the

1 Secretary of Transportation determines to
2 be useful in investigating the feasibility of
3 developing programs for fellowships, work-
4 study, and employment opportunities for
5 undergraduate and graduate students.

6 (3) DEFINITIONS.—For purposes of this sub-
7 section—

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

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

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

19 **SEC. 113. SPACE LAUNCH SYSTEM UPDATE.**

20 (a) CHAPTER 701.—

21 (1) AMENDMENT.—The chapter heading of
22 chapter 701 of title 51, United States Code, is
23 amended by striking “**SPACE SHUTTLE**” and
24 inserting “**SPACE LAUNCH SYSTEM**”.

1 (2) CONFORMING AMENDMENT.—The item re-
2 relating to chapter 701 in the table of chapters of title
3 51, United States Code, is amended by striking
4 “Space Shuttle” and inserting “Space Launch Sys-
5 tem”.

6 (b) SECTION 70101.—

7 (1) AMENDMENTS.—Section 70101 of title 51,
8 United States Code, is amended—

9 (A) in the section heading, by striking
10 “**space shuttle**” and inserting “**Space**
11 **Launch System**”; and

12 (B) by striking “space shuttle” and insert-
13 ing “Space Launch System”.

14 (2) CONFORMING AMENDMENT.—The item re-
15 lating section 70101 in the table of sections for
16 chapter 701 of title 51, United States Code is
17 amended by striking “space shuttle” and inserting
18 “Space Launch System”.

19 (c) SECTION 70102.—

20 (1) AMENDMENTS.—Section 70102 of title 51,
21 United States Code, is amended—

22 (A) in the section heading, by striking
23 “**Space shuttle**” and inserting “**Space**
24 **Launch System**”;

1 (B) in subsection (a)(1)(A), by striking
2 “space shuttle” both places it appears and in-
3 serting “Space Launch System”;

4 (C) in subsection (a)(1)(A)(i), by inserting
5 “directly to cis-lunar space and the regions of
6 space beyond low-Earth orbit” after “human
7 presence”;

8 (D) in subsection (a)(1)(B), by striking “a
9 shuttle launch” and inserting “a launch of the
10 Space Launch System”;

11 (E) in subsection (a)(2), by striking “a
12 space shuttle mission” and inserting “a mission
13 of the Space Launch System”;

14 (F) in subsection (b)—

15 (i) by striking “space shuttle” each
16 place it appears and inserting “Space
17 Launch System”; and

18 (ii) by striking “from the shuttle” and
19 inserting “from the Space Launch Sys-
20 tem”;

21 (G) in subsection (c), by striking “space
22 shuttle” and inserting “Space Launch System”;
23 and

24 (H) by adding at the end the following new
25 subsection:

1 “(d) DEFINITION.—In this section, the term ‘Space
2 Launch System’ means the Space Launch System author-
3 ized under section 302 of the National Aeronautics and
4 Space Administration Authorization Act of 2010.”.

5 (2) CONFORMING AMENDMENT.—The item re-
6 lating section 70102 in the table of sections for
7 chapter 701 of title 51, United States Code is
8 amended by striking “Space shuttle” and inserting
9 “Space Launch System”.

10 (d) SECTION 70103.—

11 (1) AMENDMENTS.—Section 70103 of title 51,
12 United States Code, is amended—

13 (A) in the section heading, by striking
14 “**space shuttle**” and inserting “**Space**
15 **Launch System**”; and

16 (B) by striking “space shuttle” each place
17 it appears and inserting “Space Launch Sys-
18 tem”.

19 (2) CONFORMING AMENDMENT.—The item re-
20 lating section 70103 in the table of sections for
21 chapter 701 of title 51, United States Code is
22 amended by striking “space shuttle” and inserting
23 “Space Launch System”.

1 **TITLE II—SPACE RESOURCE EX-**
 2 **PLORATION AND UTILIZA-**
 3 **TION**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “Space Resource Explo-
 6 ration and Utilization Act of 2015”.

7 **SEC. 202. TITLE 51 AMENDMENT.**

8 (a) IN GENERAL.—Subtitle V of title 51, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing new chapter:

11 **“CHAPTER 513—SPACE RESOURCE**
 12 **EXPLORATION AND UTILIZATION**

“Sec.

“51301. Definitions.

“51302. Commercialization of space resource exploration and utilization.

“51303. Legal framework.

13 **“§ 51301. Definitions**

14 “In this chapter:

15 “(1) SPACE RESOURCE.—The term ‘space re-
 16 source’ means a natural resource of any kind found
 17 in situ in outer space.

18 “(2) ASTEROID RESOURCE.—The term ‘asteroid
 19 resource’ means a space resource found on or within
 20 a single asteroid.

21 “(3) STATE.—The term ‘State’ means any of
 22 the several States, the District of Columbia, the
 23 Commonwealth of Puerto Rico, the Virgin Islands,

1 Guam, American Samoa, the Commonwealth of the
2 Northern Mariana Islands, and any other common-
3 wealth, territory, or possession of the United States.

4 “(4) UNITED STATES COMMERCIAL SPACE RE-
5 SOURCE UTILIZATION ENTITY.—The term ‘United
6 States commercial space resource utilization entity’
7 means an entity providing space resource exploration
8 or utilization services, the control of which is held by
9 persons other than a Federal, State, local, or foreign
10 government, and that is—

11 “(A) duly organized under the laws of a
12 State;

13 “(B) subject to the subject matter and per-
14 sonal jurisdiction of the courts of the United
15 States; or

16 “(C) a foreign entity that has voluntarily
17 submitted to the subject matter and personal
18 jurisdiction of the courts of the United States.

19 **“§ 51302. Commercialization of space resource explo-
20 ration and utilization**

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

23 “(1) facilitate the commercial exploration and
24 utilization of space resources to meet national needs;

1 “(2) discourage government barriers to the de-
2 velopment of economically viable, safe, and stable in-
3 dustries for the exploration and utilization of space
4 resources in manners consistent with the existing
5 international obligations of the United States; and

6 “(3) promote the right of United States com-
7 mercial entities to explore outer space and utilize
8 space resources, in accordance with the existing
9 international obligations of the United States, free
10 from harmful interference, and to transfer or sell
11 such resources.

12 “(b) REPORT REQUIRED.—Not later than 180 days
13 after the date of the enactment of this section, the Presi-
14 dent shall submit to Congress a report that contains rec-
15 ommendations for—

16 “(1) the allocation of responsibilities relating to
17 the exploration and utilization of space resources
18 among Federal agencies; and

19 “(2) any authorities necessary to meet the
20 international obligations of the United States with
21 respect to the exploration and utilization of space re-
22 sources.

23 **“§ 51303. Legal framework**

24 “(a) PROPERTY RIGHTS.—Any asteroid resources ob-
25 tained in outer space are the property of the entity that

1 obtained such resources, which shall be entitled to all
2 property rights thereto, consistent with applicable provi-
3 sions of Federal law and existing international obligations.

4 “(b) SAFETY OF OPERATIONS.—A United States
5 commercial space resource utilization entity shall avoid
6 causing harmful interference in outer space.

7 “(c) CIVIL ACTION FOR RELIEF FROM HARMFUL IN-
8 TERFERENCE.—A United States commercial space re-
9 source utilization entity may bring a civil action for appro-
10 priate legal or equitable relief, or both, under this chapter
11 for any action by another entity subject to United States
12 jurisdiction causing harmful interference to its operations
13 with respect to an asteroid resource utilization activity in
14 outer space.

15 “(d) RULE OF DECISION.—In a civil action brought
16 pursuant to subsection (c) with respect to an asteroid re-
17 source utilization activity in outer space, a court shall
18 enter judgment in favor of the plaintiff if the court finds—

19 “(1) the plaintiff—

20 “(A) acted in accordance with all existing
21 international obligations of the United States;

22 and

23 “(B) was first in time to conduct the activ-
24 ity; and

1 “(2) the activity is reasonable for the explo-
2 ration and utilization of asteroid resources.

3 “(e) EXCLUSIVE JURISDICTION.—The district courts
4 of the United States shall have original jurisdiction over
5 an action under this chapter without regard to the amount
6 in controversy.”.

7 (b) CLERICAL AMENDMENT.—The table of chapters
8 for title 51, United States Code, is amended by adding
9 at the end of the items for subtitle V the following:

“513. Space resource exploration and utilization51301”.

10 **TITLE III—COMMERCIAL**
11 **REMOTE SENSING**

12 **SEC. 301. ANNUAL REPORTING.**

13 (a) IN GENERAL.—Subchapter III of chapter 601 of
14 title 51, United States Code, is amended by adding at the
15 end the following:

16 **“§ 60126. Annual reporting**

17 “The Secretary shall provide a report to the Com-
18 mittee on Science, Space, and Technology of the House
19 of Representatives and the Committee on Commerce,
20 Science, and Transportation of the Senate not later than
21 180 days after the date of enactment of the SPACE Act
22 of 2015 and annually thereafter on—

23 “(1) the Secretary’s implementation of section
24 60121, including—

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

3 “(B) a list of all applications approved;

4 “(C) a list of all applications denied and
5 an explanation of why each application was de-
6 nied, including any information relevant to the
7 interagency adjudication process of a licensing
8 request;

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

11 “(E) a list of all applications whose dis-
12 position exceeded the 120 day deadline estab-
13 lished in section 60121(c), the total days over-
14 due for applications that exceeded such dead-
15 line, and an explanation for the delay;

16 “(2) all notifications and information provided
17 to the Secretary pursuant to section 60122; and

18 “(3) all actions taken by the Secretary under
19 the administrative authority granted by section
20 60123(a)(4), (5), and (6).

21 Such report may include classified annexes as necessary
22 to protect the disclosure of sensitive or classified informa-
23 tion.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of chapter 601 of such title is amended

1 by inserting after the item relating to section 60125 the
 2 following new item:

“60126. Annual reporting.”.

3 **SEC. 302. STATUTORY UPDATE REPORT.**

4 Not later than 1 year after the date of enactment
 5 of this Act, the Secretary, in consultation with other ap-
 6 propriate Federal agencies and the National Oceanic and
 7 Atmospheric Administration’s Advisory Committee on
 8 Commercial Remote Sensing, shall report to the Com-
 9 mittee on Science, Space, and Technology of the House
 10 of Representatives and the Committee on Commerce,
 11 Science, and Transportation of the Senate on statutory
 12 updates necessary to protect national security, protect pri-
 13 vacy (which is not to be taken as altering any condition
 14 or standards for licensing), protect the United States in-
 15 dustrial base, and reflect the current state of the art of
 16 remote sensing systems, instruments, or technologies.

17 **TITLE IV—OFFICE OF SPACE**
 18 **COMMERCE**

19 **SEC. 401. RENAMING OF OFFICE OF SPACE COMMER-**
 20 **IALIZATION.**

21 (a) CHAPTER HEADING.—

22 (1) AMENDMENT.—The chapter heading for
 23 chapter 507 of title 51, United States Code, is
 24 amended by striking “**COMMERCIALIZA-**
 25 **TION**” and inserting “**Commerce**”.

1 (2) CONFORMING AMENDMENT.—The item re-
2 relating to chapter 507 in the table chapters for title
3 51, United States Code, is amended by striking
4 “Commercialization” and inserting “Commerce”.

5 (b) DEFINITION OF OFFICE.— Section 50701 of title
6 51, United States Code, is amended by striking “Commer-
7 cialization” and inserting “Commerce”.

8 (c) RENAMING.—Section 50702(a) of title 51, United
9 States Code, is amended by striking “Commercialization”
10 and inserting “Commerce”.

11 **SEC. 402. FUNCTIONS OF THE OFFICE OF SPACE COM-**
12 **MERCE.**

13 Section 50702(c) of title 51, United States Code, is
14 amended by striking “Commerce.” and inserting “Com-
15 merce, including to—

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

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

21 “(3) represent the Department of Commerce in
22 the development of United States policies and in ne-
23 gotiations with foreign countries to promote United
24 States space commerce;

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

5 “(5) provide support to Federal Government or-
6 ganizations working on Space-Based Positioning
7 Navigation, and Timing policy, including the Na-
8 tional Coordination Office for Space-Based Position,
9 Navigation, and Timing.”.

Passed the House of Representatives May 21, 2015.

Attest:

Clerk.

114TH CONGRESS
1ST SESSION

H. R. 2262

AN ACT

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.