To amend title 51, United States Code, to update government oversight of commercial space activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BABIN (for himself and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on

A BILL

To amend title 51, United States Code, to update government oversight of commercial space activities, and for other purposes.

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.

(a) SHORT TITLE.—This Act may be cited as the “Commercial Space Act of 2023”.

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

Sec. 1. Short title; table of contents.
SEC. 2. FINDINGS; POLICY; PURPOSES; DEFINITIONS.

(a) FINDINGS.—Congress finds the following:

(1) The United States, through existing authorization and supervision mechanisms, satisfies and is in conformity with its obligation under the Outer Space Treaty to authorize and supervise nongovernmental space activities to assure such activities are carried out in conformity with the international obligations of the United States pertaining to nongovernmental entities under the Outer Space Treaty.

(2) The United States has a robust and innovative private sector that is investing in, developing, and placing into outer space, spacecraft and payloads.

(3) Authorization and supervision mechanisms for nongovernmental activities in outer space that exist as of the date of the enactment of this Act could be improved to relieve administrative burdens on nongovernmental space entities.
(4) It serves the national interest to address misperceptions of legal uncertainty through the establishment of a general authorization and supervision certification for outer space activities carried on by nongovernmental entities.

(5) The exploration and use of outer space by nongovernmental entities will further the national security, foreign policy, and economic interests of the United States.

(b) Policy.—It is the policy of the United States that—

(1) United States citizens and entities are free to explore and use outer space, including through the utilization of outer space and resources contained therein;

(2) to the maximum extent practicable, the Federal Government shall interpret and fulfill United States international obligations in a manner that minimizes regulations and limitations on the freedom of United States nongovernmental entities to explore and use outer space;

(3) to the maximum extent practicable, the Federal Government shall take steps to protect the physical safety of space objects operated by the Federal Government that do not involve limitations on
the freedoms of nongovernmental entities of the United States; and

(4) nongovernmental activities in outer space shall only be authorized and supervised in manner that is transparent, timely, and predictable, and that places minimal costs and burdens on the authorized and supervised nongovernmental entities.

(c) PURPOSES.—The purposes of this Act and the amendments made by this Act are—

(1) to enhance the existing outer space authorization and supervision framework of the Federal Government to increase transparency and efficiency, and to reduce the administrative burden for nongovernmental entities of the United States seeking to conduct space activities; and

(2) to ensure that the United States remains the world leader in commercial space activities.

(d) DEFINITIONS.—In this Act—

(1) AGREEMENT ON THE RESCUE OF ASTRO-NAUTS AND THE RETURN OF SPACE OBJECTS.—the term “Agreement on the Rescue of Astronauts and the Return of Space Objects” means the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (signed at Washington, Moscow, and
London on April 22, 1968, ratified by the United States on December 3, 1968; 19 UST 7570).

(2) Convention on Registration of Space Objects.—the term “Convention on Registration of Space Objects” means the Convention on Registration of Objects Launched into Outer Space (signed at New York on January 14, 1975, ratified by the United States on September 15, 1976; 28 UST 695).

(3) Covered Treaties on Outer Space.—the term “covered treaties on outer space” means the following:

(A) The Outer Space Treaty.

(B) The Agreement on the Rescue of Astronauts and the Return of Space Objects.

(C) The Convention on Registration of Space Objects.

(D) The Liability Convention.


SEC. 3. CERTIFICATION TO OPERATE SPACE OBJECTS.

Title 51, United States Code, is amended by adding at the end the following:

“Subtitle VIII—Authorization and Supervision of Nongovernmental Space Activities

“CHAPTER 801—CERTIFICATION TO OPERATE SPACE OBJECTS

§ 80101. Definitions

“In this subtitle:
“(1) AGENCY.—The term ‘agency’ has the
meaning given the term ‘Executive agency’ in section
105 of title 5.

“(2) AGREEMENT ON THE RESCUE OF ASTRO-
NAUTS AND THE RETURN OF SPACE OBJECTS.—The
term ‘Agreement on the Rescue of Astronauts and
the Return of Space Objects’ means the Agreement
on the Rescue of Astronauts, the Return of Astro-
nauts and the Return of Objects Launched into
Outer Space (signed at Washington, Moscow, and
London on April 22, 1968, ratified by the United
States on December 3, 1968; 19 UST 7570).

“(3) CONVENTION ON REGISTRATION OF SPACE
OBJECTS.—The term ‘Convention on Registration of
Space Objects’ means the Convention on Registra-
tion of Objects Launched into Outer Space (signed
at New York on January 14, 1975, ratified by the
United States on September 15, 1976; 28 UST
695).

“(4) COVERED TREATIES ON OUTER SPACE.—
The term ‘covered treaties on outer space’ means the
following:

“(A) The Outer Space Treaty.

“(B) The Agreement on the Rescue of As-
tronauts and the Return of Space Objects.
“(C) The Convention on Registration of Space Objects.

“(D) The Liability Convention.


“(6) NATIONAL OF THE UNITED STATES.—The term ‘national of the United States’ has the meaning given such term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).


“(8) SECRETARY.—The term ‘Secretary’ means, except as otherwise provided in this subtitle, the Secretary of Commerce, acting through the Office of Space Commerce.
“(9) Space debris mitigation.—The term ‘space debris mitigation’ means efforts to—

“(A) prevent on-orbit break-ups;
“(B) remove space objects that have reached the end of their mission operation from useful, densely-populated orbit regions; or
“(C) limit the amount of debris released during normal operations of a space object.

“(10) Space object.—

“(A) In general.—The term ‘space object’ means—

“(i) a human-made object located in outer space, including on the Moon and other celestial bodies, with or without human occupants, that was launched from Earth, such as a payload or a spacecraft, including component parts of such object; or
“(ii) any item carried on such object that is intended for use in outer space outside of, and independent of, the operation of such carrying object.

“(B) Inclusion.—Such term also means any human-made object that is—
“(i) manufactured or assembled in outer space; and

“(ii) intended for operations in outer space outside of, and independent of, the operations of such object in which the manufacturing or assembly occurred.

“(C) EXCLUSIONS.—Such term does not include—

“(i) an article on board a space object that is only intended for use inside the space object;

“(ii) an article manufactured or processed in outer space that is a material; or

“(iii) an article intended for use outside of a space object as part of the certified operations of the space object.

“(11) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

“(12) UNITED STATES.—The term ‘United States’ means the States, collectively.
“(13) **UNITED STATES ENTITY.**—The term ‘United States entity’ means—

“(A) an individual who is a national of the United States; or

“(B) a nongovernmental entity organized or existing under, and subject to, the laws of the United States or a State.

**§80102. Certification authority**

“(a) **IN GENERAL.**—Not later than one year after the date of the enactment of the Commercial Space Act of 2023, the Secretary shall begin issuing certifications for the operation of a space object to any United States entity that submits an application for such a certification in satisfaction of the requirements of this chapter.

“(b) **CONSULTATION.**—The Secretary may, as the Secretary considers necessary, consult with the heads of other relevant agencies in carrying out the requirements of this chapter, pursuant to section 80210.

“(c) **CERTIFICATION REQUIRED FOR OPERATION.**—Beginning on the date that is one year after the date of the enactment of the Commercial Space Act of 2023, a United States entity may not operate a space object unless the entity—

“(1) holds a certification issued under this chapter for the operation of such space object; or
(2) holds a valid covered license, as defined in section 80109(c), and such covered license satisfies the requirements of section 80109.

(d) FOREIGN ENTITIES PROHIBITED.—The Secretary may not issue a certification under this chapter to any entity that is not a United States entity.

(e) COVERAGE OF CERTIFICATION.—The Secretary shall, to the maximum extent practicable, require only one certification under this chapter for a United States entity to—

(1) conduct multiple operations carried out using a single space object;

(2) operate multiple space objects that carry out substantially similar operations; or

(3) use multiple space objects to carry out a single space operation.

§ 80103. Certification application and requirements

(a) APPLICATION.—

(1) IN GENERAL.—To be eligible for a certification to operate a space object or a transfer of a certification to operate a space object under this chapter, a United States entity shall submit an application to the Secretary as provided in paragraphs (2) and (3). Such application shall include, for each
required item in paragraph (2), sufficient evidence
to demonstrate each fact or assertion.

“(2) ITEMS.—An application described in para-
graph (1) shall include only the following informa-
tion, with respect to each space object and the oper-
ations proposed to be certified:

“(A) The name, address, and contact in-
formation of one or more nationals of the
United States designated by the applicant as
responsible for the operation of the space ob-
ject.

“(B) An affirmation, and a document of
proof, that the applicant is a United States en-
tity.

“(C) If available at the time of submission
of the application, the planned date and loca-
tion of the launch of the space object, and the
identity of the launch provider.

“(D) The general physical form and com-
position of the space object.

“(E) A description of the proposed oper-
ations of the space object that includes the fol-
lowing:

“(i) When and where the space object
will operate.
“(ii) When and where operation of the space object will terminate.

“(F) A space debris mitigation plan describing how the space object will be operated and disposed of in a manner to mitigate the generation of space debris.

“(G) Information regarding third-party liability insurance obtained, if any, by the applicant for operation of the space object, including the amount and coverage of such liability insurance.

“(3) ATTESTATIONS.—An application described in paragraph (1) shall contain an attestation by the applicant of each the following:

“(A) The space object is not a nuclear weapon or a weapon of mass destruction.

“(B) The space object will not carry a nuclear weapon or weapon of mass destruction.

“(C) The space object will not be operated as a weapon or used for testing of any weapon on a celestial body.

“(D) All information in the application and supporting documents is true, complete, and accurate.

“(b) REVIEW OF APPLICATION.—
“(1) VERIFICATION OF INFORMATION AND ATTESTATIONS.—Not later than 60 days after receipt of an application under this section, the Secretary shall verify the following:

“(A) The application contains all information required under subsection (a)(2), including any required supporting documents.

“(B) The application contains each attestation required under subsection (a)(3).

“(C) The application does not contain any clear indication of fraud or falsification.

“(2) DETERMINATION.—Not later than 60 days after receipt of an application under this section—

“(A) if the Secretary verifies that the applicant has met the application requirements as described in paragraph (1), the Secretary shall approve the application and issue a certification to the applicant, with or without conditions on the proposed operation of the space object in accordance with subsection (c)(1)(A); or

“(B) if the Secretary cannot verify that the applicant has met the application requirements as described in paragraph (1), or if the Secretary determines it is necessary to deny the
application pursuant to subsection (c)(1)(B),
the Secretary—

“(i) shall issue a denial of the applica-
tion signed by the Secretary (a duty that
may not be delegated, including to the Of-

“(ii) shall, not later than 10 days
after the decision to deny the application—

“(I) provide the applicant with a
written notification containing a clear-
ly articulated rationale for the denial
that provides, to the maximum extent
practicable, guidance to the applicant
as to how such rationale for denial
could be addressed in a subsequent
application; and

“(II) notify the Committee on
Commerce, Science, and Transpor-
tation of the Senate and the Com-
mittee on Science, Space, and Tech-
ology of the House of Representa-
tives of such rationale.

“(3) OPPORTUNITY TO CURE.—

“(A) IN GENERAL.—If the Secretary finds,
at any point during review of the application,
that it will likely condition operations pursuant
to paragraph (2)(A), or that denial of the appli-
cation is likely under paragraph (2)(B), the
Secretary shall provide the applicant with writ-
ten notification that states such finding and a
clearly articulated rationale for the finding that
provides, to the maximum extent practicable,
guidance to the applicant as to how such ra-
tionale could be addressed in a response to the
notification.

“(B) Response.—Not later than 10 days
after receipt of written notification in subpara-
graph (A), the applicant may elect to submit a
response to the notification that may contain
additional information to clarify or remedy any
issue identified in the notification.

“(C) Review.—If the applicant submits a
response to the notification described in sub-
paragraph (B), the Secretary shall review such
response and issue a determination pursuant to
paragraph (2) either 20 days after receipt of
such response, or after the expiration of the re-
mainder of the 60-day period set forth in this
subsection, whichever is later.
“(D) LIMITATION.—The Secretary may not issue more than one notification under this paragraph for each application.

“(4) TOLLING.—The Secretary may not allow tolling of the 60-day period set forth in this subsection, except as specified in paragraph (3).

“(5) AUTOMATIC APPROVAL.—If the Secretary has not approved or denied the application before the deadline specified in paragraph (2), or, if applicable, the deadline as extended in accordance with paragraph (3), the Secretary shall issue a certification without condition.

“(6) SUBSEQUENT REVIEW.—If the Secretary denies an application pursuant to paragraph (2)(C), the Secretary may not prejudice a subsequent application for the same proposed operations if such subsequent application contains remedies to address the rationale for the previous denial.

“(c) COMPLIANCE WITH THE OUTER SPACE TREATY.—

“(1) IN GENERAL.—If the Secretary determines, based upon clear and convincing evidence, that the proposed operation of a space object under an application for a certification under this chapter is a violation of an international obligation of the
United States pertaining to a nongovernmental entity of the United States under the Outer Space Treaty—

“(A) the Secretary may issue a certification with conditions on the proposed operations only to the extent necessary to prevent a violation of such international obligation; or

“(B) if the Secretary determines there is no practicable way to condition the proposed operations to prevent such a violation, the Secretary may deny the application.

“(2) LIMITATION FOR DETERMINATIONS.—A determination under paragraph (1) shall be limited as follows:

“(A) The Federal Government shall interpret and fulfill its international obligations under the Outer Space Treaty in a manner that minimizes regulations and limitations on the freedom of United States nongovernmental entities to explore and use space.

“(B) The Federal Government shall interpret and fulfill its international obligations under the Outer Space Treaty in a manner that promotes free enterprise in outer space.
“(C) The Federal Government may not presume all obligations of the United States under the Outer Space Treaty are obligations to be imputed upon United States nongovernmental entities.

“(D) The Federal Government may not consider guidelines promulgated by the Committee on Space Research of the International Science Counsel to be international obligations of the United States.

“(3) Presumptions.—In making a determination under paragraph (1), the Secretary shall presume, absent clear and convincing evidence to the contrary, that—

“(A) any attestation made by an applicant pursuant to subsection (a)(3) is sufficient to meet the international obligations of the United States pertaining to nongovernmental entities of the United States under the Outer Space Treaty addressed by such attestation; and

“(B) reasonably commercially available efforts by the applicant are sufficient for the United States to be in conformity with its international obligations pertaining to nongovern-
mental entities of the United States under the Outer Space Treaty.

“(4) PROHIBITION ON RETROACTIVE CONDITIONS.—The Secretary may not modify or place additional conditions on a certification after the date on which the certification is issued, except—

“(A) to modify a certification to account for a material change, as provided in section 80106(b); or

“(B) to remove a condition pursuant to subsection (d).

“(5) NONDELEGABLE.—The responsibilities of the Secretary under this subsection may not be delegated, including to the Office of Space Commerce.

“(d) AUTHORITY TO REMOVE CONDITIONS.—The Secretary, as determined appropriate, may remove from a certification a condition placed on operations of a space object pursuant to subsection (c)(1)(A).

§ 80104. Mitigation of space debris

“(a) PLAN SUBMISSION.—To be eligible for a certification under this chapter, each application shall include a space debris mitigation plan for the space object, as set forth in section 80103(a)(2). Such plan—
“(1) shall take into account best practice guidelines promulgated by the United States and the Inter-Agency Debris Coordinating Committee; and

“(2) may take into account that a space object may terminate certified operations and be stored in a safe manner until such time as the space object is permanently disposed of or certified for further operations.

“(b) IMPLEMENTATION.—To the maximum extent practicable, a holder of a certification under this chapter shall notify the Secretary not later than 30 days before beginning to implement the disposal phase of a space debris mitigation plan referred to in subsection (a). Such certification holder shall, not later than 30 days after completing implementation of such phase, notify the Secretary of the results of any space debris mitigation efforts.

“§ 80105. Liability

“(a) IN GENERAL.—As a condition of a certification issued under this subtitle, a certification holder shall enter into an agreement with the United States under which the certification holder agrees to pay costs incurred by the United States that arise from a valid claim for compensation made by another State Party under the Outer Space Treaty or Liability Convention for damage caused by a space object of the certification holder.
“(b) IMPLEMENTATION.—The Secretary shall implement the agreement described in subsection (a) on behalf of the United States.

§ 80106. Continuing certification requirements

“(a) NOTIFICATION REQUIREMENT.—A certification holder shall, in a timely manner, notify the Secretary if—

“(1) a certified space object has terminated operations; or

“(2) a certified space object is involved in a catastrophic event, such as the unplanned destruction of a space object.

“(b) MATERIAL CHANGE.—

“(1) NOTIFICATION OF MATERIAL CHANGE.— The Secretary shall require certification holders to inform the Secretary of the following:

“(A) Any material changes to a space object or the planned operations of a space object prior to launch.

“(B) Any material anomalies or material departures from the certified operations described during the course of operations.

“(2) UPDATE TO CERTIFICATION.—Not later than 14 days after the date of receipt of information regarding a material change pursuant to paragraph (1), the Secretary shall make a determination of
whether such material change is substantial enough
to warrant review under section 80103(b). Not later
than 60 days after a determination that such review
is warranted, the Secretary shall complete a similar
review process for such material change as is re-
quired for a certification application under such sec-
tion.

“§ 80107. Certification transfer
“(a) IN GENERAL.—Subject to subsections (b) and
(c), the Secretary shall provide for the transfer of a certifi-
cation under this chapter from the certification holder to
another United States entity to continue the operations
allowed under such certification.

“(b) TRANSFER REQUEST REQUIREMENTS.—To be
eligible for a transfer under subsection (a), the certifi-
cation holder shall submit to the Secretary a request that
includes the following:

“(1) Any information regarding the proposed
transfer, including accompanying supporting docu-
ments, that would be required under an initial appli-
cation under section 80103.

“(2) Each attestation required under section
80103(a)(3) completed by the proposed transferee.

“(c) DETERMINATION.—Not later than 60 days after
a certification holder submits a request under subsection
(b), the Secretary shall complete a similar review process for the request for transfer as is required for a certification applicant under section 80103(b).

§ 80108. Certification expiration and termination

“(a) Certification Expiration.—A certification issued under this chapter shall expire on the earliest of the following:

“(1) The date on which all operations approved under such certification terminate, including carrying out the disposal phase of the space debris mitigation plan.

“(2) The date on which all space objects approved under the certification no longer exist.

“(3) The date that is five years after the date on which the certification was issued, if no certified operations have commenced by such date.

“(b) Certification Termination.—

“(1) In General.—The Secretary shall terminate a certification under this chapter if an applicant or certification holder is convicted of a violation of section 1001 of title 18 related to the certification process under this chapter.

“(2) Eligibility.—A certification holder whose certification is terminated under this sub-
section shall be ineligible to apply for or receive a

certification under this chapter.

“(3) Space debris mitigation plan.—Upon
termination of a certification under paragraph (1),
the Secretary may require the certification holder to
carry out the disposal phase of the space debris miti-
gation plan submitted by the certification holder
under section 80103(a)(2).

“§ 80109. Existing license or pending application for
space object operations

“(a) Continuation of existing license.—If the
operations of a space object governed by this subtitle have
been approved on or before the effective date of this sec-
tion under a covered license, and such operations are not
subject to an exemption under 80111, the United States
entity responsible for the space object may—

“(1) elect to be immediately considered certified
for operation under this chapter on such effective
date, and all terms and conditions applicable to the
operations of such space object as approved in the
covered license shall apply for the duration of the
operation of the space object; or

“(2) apply for a certification under this chapter
for such operation of the space object, and continue
to operate pursuant to such covered license until
such time as a certification under this subtitle is issued.

“(b) Rescission or Transfer of a Pending Covered License.—For operations of a space object of a United States entity that are not subject to an exemption under section 80111, and that are set forth in an application for a covered license that is pending approval on the effective date of this section, the applicant may elect to—

“(1) rescind its application for a covered license without prejudice; or

“(2) transfer the portions of such application that are related to operations governed by this subtitle to the Office of Space Commerce, at which the application shall be deemed to be a pending application for certification under this chapter.

“(c) Covered License.—In this subtitle, the term ‘covered license’ means any of the following:

“(1) An approval of a payload for launch or re-entry under section 50904 as part of a license issued under chapter 509.

“(2) A license for spectrum use issued under the Communications Act of 1934 (47 U.S.C. 151 et seq.).
“(3) A license for operation of a space-based remote sensing system issued under subchapter III of chapter 601 of title 51.

“(d) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of the Commercial Space Act of 2023.

“§ 80110. Private Space Activity Advisory Committee

“(a) ESTABLISHMENT.—The Secretary shall establish a Private Space Activity Advisory Committee (in this section referred to as the ‘Committee’).

“(b) CHAIR.—The Committee shall designate one member as the chair of the Committee for one year.

“(c) MEMBERSHIP.—The Committee shall be composed of 15 members, as follows:

“(1) Three members appointed by the Secretary.

“(2) Three members appointed by the chair of, and three members appointed by the ranking member of, the Committee on Commerce, Science, and Transportation of the Senate.

“(3) Three members appointed by the chair of, and three members appointed by the ranking member of, the Committee on Science, Space, and Technology of the House of Representatives.
“(d) LIMITATION.—Members of the Committee may not be Federal Government employees or officials, or employed by or affiliated with a federally funded research and development center.

“(e) TRAVEL EXPENSES.—Members of the Committee shall receive travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions under subchapter I of chapter 57 of title 5.

“(f) QUALIFICATIONS.—Members of the Committee shall include a variety of space professionals, including policy, engineering, technical, science, legal, and finance professionals. Not fewer than half of the members shall have significant experience working in the commercial space industry.

“(g) TERMS.—Each member of the Committee—

“(1) shall serve for a term of four years; and

“(2) may not serve as a member for the two-year period following the date of completion of each such term.

“(h) DUTIES.—The duties of the Committee are the following:

“(1) To analyze the status and recent developments of nongovernmental space activities.
“(2) To analyze the effectiveness and efficiency of the implementation of the certification process under this chapter.

“(3) To provide recommendations to the Secretary and Congress regarding how the United States can facilitate and promote a robust and innovative private sector that is investing in, developing, and operating space objects.

“(4) To identify any challenges the United States private sector is experiencing with respect to the following:

“(A) The authorization and supervision of the operation of space objects under this chapter.

“(B) More generally, international obligations of the United States relevant to private sector activities in outer space.

“(C) Harmful interference to private sector activities in outer space.

“(D) Access to adequate, predictable, and reliable radio frequency spectrum for certified operations.

“(E) Competing on the international marketplace.
“(5) To review existing best practices for United States entities to avoid the harmful contamination of the Moon and other celestial bodies.

“(6) To review existing best practices for United States entities to avoid adverse changes in the environment of the Earth resulting from the introduction of extraterrestrial matter.

“(7) To review existing best practices for United States entities to support the responsible launch, deployment, and operation of space objects to avoid the creation of persistent space debris.

“(8) To provide information, advice, and recommendations on matters relating to United States private sector activities in outer space.

“(9) To provide information, advice, and recommendations on matters related to the authority of the Secretary under this chapter, or to private sector space activities authorized pursuant to this chapter, that the Committee determines necessary.

“(i) ANNUAL REPORT.—The Committee shall submit to Congress, the President, and the Secretary an annual report that includes the information, analysis, findings, and recommendations described in subsection (h).
“(j) SUNSET.—The Committee shall terminate on the
date that is 20 years after the date on which the Com-
mittee is established.

§ 80111. Exemptions

“A certification is not required under this chapter for
any of the following operations:
“(1) Space activities authorized by another
country that is a party to the Outer Space Treaty.
“(2) Launch or reentry vehicle activities li-
censed by the Department of Transportation under
chapter 509.
“(3) Spectrum use licensed by the Federal
Communications Commission under the Communi-
tations Act of 1934 (47 U.S.C. 151 et seq.).”.

SEC. 4. ADMINISTRATIVE PROVISIONS RELATED TO CER-
TIFICATION.

Title 51, United States Code, as amended by section
3, is further amended by adding at the end the following:

“CHAPTER 802—ADMINISTRATIVE PROVI-
SIONS RELATED TO CERTIFICATION

“80201. Administrative authority.
“80202. Consultation.
“80203. Appeal of denial or condition of certification.
“80204. Exclusive authority for determination of international obligations.
“80205. Limitation on certain agency supervision.
“80206. Commercial exploration and use of outer space.
“80209. Regulatory authority.
“80210. Consultation with relevant agencies.
§ 80201. Administrative authority

(a) FUNCTIONS.—In order to carry out the responsibilities specified in this chapter, the Secretary may—

(1) seek an order of injunction or similar judicial determination from a district court of the United States with personal jurisdiction over a certification holder to terminate certifications under this subtitle and terminate certified operations on an immediate basis, if the Secretary determines that the certification holder has substantially failed to comply with any provisions of this subtitle, or with any terms of a certification;

(2) provide for civil penalties not to exceed $10,000 (each day of operation constituting a separate violation) and not to exceed $500,000 in total, for—

(A) noncompliance with the certification requirements, conditions, or regulations issued under this subtitle; or

(B) the operation of a space object without the applicable certification issued under this subtitle;

(3) compromise, modify, or remit any such civil penalty;

(4) seize any object, record, or report, or copies of materials, documents, or records, pursuant to
a warrant from a magistrate based on a showing of probable cause to believe that such object, record, or report was used, is being used, or is likely to be used in violation of this subtitle or the requirements of a certification or regulation issued thereunder; and

“(5) make investigations and inquiries concerning any matter relating to the enforcement of this subtitle.

“(b) REVIEW OF AGENCY ACTION.—Any holder of, or applicant for, a certification who makes a timely request for review of an adverse action taken pursuant to paragraph (2) or (4) of subsection (a) shall be entitled to adjudication by the Secretary on the record after an opportunity for any agency hearing with respect to such adverse action. Any final action by the Secretary under this subsection shall be subject to judicial review under chapter 7 of title 5, as provided in section 80203 of this chapter.

“(c) NO COST FOR CERTIFICATION.—The Secretary may not impose a fee or other cost on a holder of, or applicant for, a certification under chapter 801.

“(d) NO AUTHORITY TO SET CONDITIONS.—The Secretary may not impose a substantive condition on, or any other requirement for, the issuance of a certification except as specifically provided in this subtitle.
“(e) FOIA EXEMPTION.—Notwithstanding any other provision of law, the Secretary may withhold from public disclosure information submitted as part of any filing relating to a certification under this subtitle. For purposes of section 552 of title 5, this subsection shall be considered a statute described in subsection (b)(3) of such section and is intended to exempt information within this subtitle from disclosure. Nothing in this subsection may be construed as authorizing the withholding of information from Congress.

“(f) LIMITATION ON EXCEPTIONS TO ADMINISTRATIVE PROCEDURES.—The exceptions under section 553(a)(1), section 553(b)(B), or section 554(a)(4) of title 5 shall not apply with respect to a certification under this subtitle.

“§ 80202. Consultation

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

“(1) the United States Government has assets in outer space that are critical to national security, scientific research, economic growth, and exploration;

“(2) such assets represent a considerable investment of United States taxpayers; and
“(3) it is in the national interest of the United States to facilitate opportunities to provide for the protection of such assets.

“(b) REVIEW.—Not later than 30 days after the Secretary issues a certification under chapter 801, the Secretary shall review the operations of any space objects covered by the certification to determine whether the interaction between such operations and the operations of a Federal Government space object present a substantial risk to the physical safety of a space object operated by either party.

“(c) REQUIREMENT TO PARTICIPATE IN CONSULTATION.—If the Secretary makes a determination that a substantial risk identified under subsection (b) exists, the Secretary may require that the certification holder participate in a consultation under this section.

“(d) PARTIES TO A CONSULTATION.—

“(1) IN GENERAL.—A consultation under this section may be held, with respect to a substantial safety risk identified under subsection (b), between—

“(A) a certification holder responsible for the certified space object operations; and

“(B) any entity of the Federal Government operating a potentially affected space object.
“(2) PARTICIPATION.—The Secretary may not impose any requirement on a party pursuant to participation in the consultation.

“(e) MITIGATION OF SAFETY RISK.—In carrying out a consultation, the Secretary shall—

“(1) facilitate a discussion among the parties to the consultation;

“(2) encourage a mutual understanding of the safety risk; and

“(3) encourage, to the maximum extent practicable, voluntary agreements between the parties to the consultation to improve the physical safety of affected space object operations or mitigate the physical safety risk.

“(f) DURATION OF CONSULTATION; NOTICE.—Not later than 90 days after the Secretary requires a consultation under this section, the Secretary shall—

“(1) complete all activities related to the consultation; and

“(2) submit to Congress a written notification with respect to such consultation, that includes—

“(A) the names of each party to the consultation;

“(B) a description of the physical safety risk at issue;
“(C) whether any voluntary agreement was made by the parties; and
“(D) the content of any such agreement.

“(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed to grant any additional authority to the Secretary to regulate, or place conditions on, any activity conducted by a space object for which a certification is required under this subtitle.

“§ 80203. Appeal of denial or condition of certification

“An applicant who is denied a certification under section 80103(b)(2)(B), or an applicant whose certification is conditioned pursuant to section 80103(e), respectively, may appeal the denial or placement of a condition to the Secretary. The Secretary shall affirm or reverse the denial or placement of a condition after providing the applicant notice and an opportunity to be heard. The Secretary shall dispose of the appeal not later than 60 days after the appeal is submitted. If the Secretary denies the appeal, the applicant may seek review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business.
§ 80204. Exclusive authority for determination of international obligations

“Except for the Secretary as authorized by this subtitle, no agency may impose a requirement with regard to an international obligation of the United States pertaining to a nongovernmental entity of the United States under the Outer Space Treaty relating to the following:

“(1) The operation of a space object certified under chapter 801.

“(2) The carrying out of a space debris mitigation plan of a space object for which a certification was issued under chapter 801.

§ 80205. Limitation on certain agency supervision

“(a) IN GENERAL.—Not later than one year after the date of the enactment of the Commercial Space Act of 2023, no other agency shall have the authority to authorize, place conditions on, or supervise the operation of space objects required to be certified under chapter 801, except as set forth in this subtitle.

“(b) AGREEMENT LIMITATIONS.—Nothing in this section may be construed to prevent an agency from including additional terms, conditions, limitations, or requirements, consistent with applicable provisions of law, beyond those required in this subtitle, in a contract or other agreement with the holder of a certification under
chapter 801 for the operation of the applicable space object.

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§ 80206. Commercial exploration and use of outer space

“To the maximum extent practicable, the President, acting through appropriate Federal agencies, shall interpret and fulfill international obligations, including obligations under the covered treaties on outer space, to minimize regulations and limitations on the freedom of United States nongovernmental entities to explore and use outer space.

§ 80207. Federal jurisdiction

“The district courts shall have original jurisdiction, exclusive of the courts of the States, over any civil action resulting from the operation of a space object for which a certification is required under this subtitle.

§ 80208. Global commons

“Notwithstanding any other provision of law, outer space may not be considered a global commons.

§ 80209. Regulatory authority

“(a) IN GENERAL.—Not later than 10 months after the date of the enactment of the Commercial Space Act of 2023, the Secretary shall issue such regulations as are necessary to carry out this subtitle.
“(b) REDUCING REGULATORY BURDEN.—In issuing regulations to carry out this subtitle, the Secretary shall avoid, to the maximum extent practicable, the placement of inconsistent, duplicative, or otherwise burdensome requirements on the operations of United States nongovernmental entities in outer space.

§ 80210. Consultation with relevant agencies

“(a) IN GENERAL.—Subject to subsection (b), the Secretary may, as the Secretary considers necessary, consult with the heads of other relevant agencies in carrying out this subtitle.

“(b) EXCLUSIVE AUTHORITY OF THE SECRETARY.—The consultation authority under subsection (a) may not be interpreted to alter the exclusive authority of the Secretary to authorize, place conditions on, and supervise the operation of space objects under this chapter, as provided in and subject to the limitations of section 80205.”.

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CHAPTERS.—The table of chapters of title 51, United States Code, is amended by adding at the end the following:

“Subtitle VIII—Authorization and Supervision of Nongovernmental Space Activities

“801. Certification to Operate Space Objects ..................80101
“802. Administrative Provisions Related to Certification80201”.

(b) REPEALS.—
(1) IN GENERAL.—Title 51, United States Code, is amended as follows:

(A) Subchapter III of chapter 601 is repealed.

(B) The table of sections for chapter 601 is amended by striking the items relating to subchapter III.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is one year after the date of the enactment of this Act.

(c) TECHNICAL CORRECTIONS.—Title 51, United States Code, is amended—

(1) in section 20302(c)(2), by striking “means has the meaning” and inserting “has the meaning”;

(2) in section 50702(c)(5), by striking “Space-Based Position” and inserting “Space-Based Positioning”; and

(3) in section 71102(1), by striking “tracking device” and inserting “tracking device to”.

SEC. 6. OFFICE OF SPACE COMMERCE.

Section 50702 of title 51, United States Code, is amended—

(1) in subsection (b)—
(A) by striking “The Office shall be head-
ed” and inserting the following:
“(1) IN GENERAL.—The Office shall be head-
ed”; and

(B) by adding at the end the following:
“(2) DIRECT REPORT.—The Director shall re-
port directly to the Secretary of Commerce.”; and

(2) in subsection (c)—

(A) in paragraph (4), by striking “and” at
the end;

(B) in paragraph (5), by striking the pe-
riod at the end and inserting a semicolon; and

(C) by adding at the end the following new
paragraphs:
“(6) to authorize and supervise the operations
of United States nongovernmental entities in outer
space, pursuant to chapter 801 of this title; and

“(7) to facilitate and promote the development
of best practices among operators of space objects to
address substantial risks to the physical safety of
Federal Government space objects, including the risk
of on-orbit collisions.”.
SEC. 7. SPACE SITUATIONAL AWARENESS.

(a) IN GENERAL.—Chapter 507 of title 51, United States Code, is amended by adding at the end the following new sections:

“§ 50704. Space situational awareness

“(a) DEFINITIONS.—In this section:

“(1) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

“(2) NONPROFIT ORGANIZATION.—The term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.

“(3) NOT-FOR-PROFIT ORGANIZATION.—The term ‘not-for-profit organization’ means an organization that is described in section 501(c)(7) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.

“(4) SPACE SITUATIONAL AWARENESS.—The term ‘space situational awareness’ means—

“(A) the identification and characterization of space objects and orbital debris; and
“(B) the understanding of the manner in which space objects and orbital debris behave in outer space.

“(b) AUTHORITY.—Pursuant to the authority provided in section 50702, the Director of the Office of Space Commerce shall—

“(1) not later than one year after the date of the enactment of the Commercial Space Act of 2023, competitively award a cooperative agreement to an entity eligible under subsection (d) to establish a consortium to provide data, information, and services for space situational awareness; and

“(2) coordinate with the heads of other relevant agencies to transfer unclassified space situational awareness data and information to the consortium established pursuant to paragraph (1).

“(c) PROHIBITION.—The Secretary may not promulgate regulations for space situational awareness or space traffic management.

“(d) ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—Except as provided in paragraph (3), to be eligible for a cooperative agreement under this section, an entity shall be a United States entity that is any of the following:

“(A) An institution of higher education.
“(B) A nonprofit organization.

“(C) A not-for-profit organization.

“(2) CONSIDERATIONS.—In awarding a cooperative agreement to any entity under this section, the Director shall consider, at a minimum, the following with respect to such entity:

“(A) Demonstrated expertise in space situational awareness.

“(B) Financial contributions, including non-Federal cost-sharing.

“(C) Public-private collaboration experience.

“(D) International coordination potential.

“(3) PROHIBITION.—An entity that is a federally funded research and development center is not an eligible entity for a cooperative agreement under this section.

“(e) CONSORTIUM MEMBERSHIP.—The entity awarded a cooperative agreement under subsection (b) shall seek consortium membership and participation from the following:

“(1) Commercial entities.

“(2) Other institutions of higher education, nonprofit organizations, or not-for-profit organizations.
“(f) CONSORTIUM ACTIVITIES.—The entity awarded a cooperative agreement under subsection (b)(1) shall, in consultation with the consortium members specified in subsection (e)—

“(1) provide publicly available data, information, and services for space situational awareness, including—

“(A) a validated and synthesized catalog of space objects; and

“(B) conjunction notifications;

“(2) coordinate information sharing agreements between consortium members;

“(3) seek broad consortium membership, participation, and information sharing from both domestic and international spacecraft operators and commercial and nongovernmental data providers;

“(4) seek to maximize cost sharing and enable the commercialization of private sector products and services in order to promote a more robust commercial space situational awareness industry, including further privatization of space situational awareness services;
“(5) facilitate opportunities for United States commercial entities to participate in and contribute to the consortium; and

“(6) promote voluntary consensus standards and best practices for space situational awareness.

“(g) IMMUNITY.—The entity awarded the cooperative agreement under subsection (b)(1) shall be immune from any suit in any court for any cause of action arising from the provision or receipt of data, information, or services for space situational awareness pursuant to such cooperative agreement.

§ 50705. Authorization of appropriations

There is authorized to be appropriated to the Office of Space Commerce $70,000,000 for fiscal year 2024 to carry out this chapter.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 507 of title 51, United States Code, is amended by inserting after the item relating to section 50703 the following new items:

“50704. Space situational awareness.

“50705. Authorization of appropriations.”.

SEC. 8. NASA SPACE SITUATIONAL AWARENESS INSTITUTE.

(a) IN GENERAL.—Chapter 315 of title 51, United States Code, is amended by amending section 31501 to read as follows:
§ 31501. Orbital debris space situational awareness

(a) ORBITAL DEBRIS.—The Administrator, in conjunction with the heads of other Federal agencies, shall take steps to assess, develop, or acquire technologies that will decrease the risks associated with orbital debris.

(b) SPACE SITUATIONAL AWARENESS INSTITUTE.—

(1) IN GENERAL.—Subject to appropriations, the Administrator shall award a cooperative agreement to an eligible entity to establish a Space Situational Awareness Institute (in this section referred to as the ‘Institute’) to advance scientific, technological, and transdisciplinary research in space situational awareness.

(2) PURPOSE.—The Institute shall—

(A) conduct transdisciplinary research, development, and demonstration projects related to orbital mechanics, astrodynamics, and the detecting, tracking, identifying, characterizing, and modeling, of orbital debris and space objects to improve—

(i) space situational awareness and the development of open-architecture resources;

(ii) the unique identification, tracking, classification, prediction, and modeling of orbital debris and space objects;
“(iii) the monitoring, quantification, assessment, modeling, and prediction of space operations and hazards, including in-space collisions;

“(iv) peer exchange and documentation of evidence-based practices for orbital debris mitigation and remediation; and

“(v) sharing, modeling, and curation of data related to orbital debris and space objects;

“(B) leverage non-Federal sources of support to improve space situational awareness and minimize space safety, security, and sustainability risks;

“(C) draw on commercial capabilities and data, as appropriate; and

“(D) coordinate with—

“(i) NASA’s Orbital Debris Program Office located at the Johnson Space Center;

“(ii) NASA’s Conjunction Assessment and Risk Analysis program located at the Goddard Space Flight Center;

“(iii) the consortium established pursuant to section 50704; and
“(iv) any other government agencies
as determined by the Administrator.

“(3) ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—To be eligible for a
cooperative agreement under this section, an
entity shall be led by any of the following:

“(i) An institution of higher edu-
cation.

“(ii) A nonprofit organization.

“(iii) A not-for-profit organization.

“(B) MEMBERSHIP.—The Institute shall
seek to include membership from the following:

“(i) Commercial entities.

“(ii) Federal laboratories.

“(iii) Other institutions of higher edu-
cation, nonprofit organizations, or not-for-
profit organizations.

“(4) CONSIDERATIONS.—In awarding a cooper-
ative agreement under this section, the Secretary
shall consider, at a minimum the following:

“(A) The potential to improve the science
and technology of space situational awareness.

“(B) The commitment of financial support,
advice, participation, and other contributions
from non-Federal sources.
“(5) Cooperative agreement period.—A cooperative agreement awarded under this section shall be awarded for a period of 10 years.

“(6) Authorization.—Of the funds authorized to be appropriated to NASA for the Office of Safety and Mission Assurance, Agency Technical Authority, $10,000,000 is authorized to be appropriated to carry out this section for fiscal year 2024.

“(e) Definitions.—In this section:

“(1) Institution of higher education.—The term ‘institution of higher education’ has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

“(2) Nonprofit organization.—The term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.

“(3) Not-for-profit organization.—The term ‘not-for-profit organization’ means an organization that is described in section 501(c)(7) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.

“(4) Space situational awareness.—The term ‘space situational awareness’ means—
“(A) the identification and characterization of space objects and orbital debris; and

“(B) the understanding of the manner in which space objects and orbital debris behave in outer space.”.

(b) **Technical and Conforming Amendment.**—

In the table of sections for chapter 315 of title 51, United States Code, the item relating to section 31501 is amended by inserting “space situational awareness” after “debris”.

**SEC. 9. LAUNCH AND REENTRY.**

(a) **In General.**—Chapter 509 of title 51, United States Code, is amended—

(1) in 50901—

(A) in subsection (a)(7), by striking “to ensure compliance with international obligations of the United States and to protect the public health and safety, safety of property, and national security and foreign policy interests of the United States” and inserting “to protect the public health and safety or safety of property, prevent violations of the international obligations of the United States, and prevent substantial harm to the national security of the United States”; and
(B) in subsection (b)(3), by striking “, safety of property, and national security and foreign policy interests of the United States” and inserting “or safety of property, prevent violations of the international obligations of the United States, and prevent substantial harm to the national security of the United States”;

(2) in 50904(c)—

(A) by striking “, safety of property, or national security or foreign policy interests of the United States” and inserting “or safety of property, violate United States international obligations, or cause substantial harm to the national security of the United States”; and

(B) by adding at the end the following:

“No launch or reentry may be prevented under this subsection on the basis of international obligations of the United States, including under the covered treaties on outer space (as such term is defined in section 80101) if the payload is included in certification under chapter 801.”;

(3) in 50905—

(A) in subsection (a)(1)—

(i) in the second sentence, by striking “Consistent with the public health and
safety, safety of property, and national se-
curity and foreign policy interests of the
United States, the” and inserting “The”; 

(ii) by striking “criteria established 
pursuant to subsection (b)(2)(D)” each 
place it appears and inserting “criteria es-
tablished pursuant to subsection 
(b)(2)(E)”;

(B) in subsection (b)—

(i) in paragraph (2)(B), by striking “,
safety of property, national security inter-
est, and foreign policy interest of the 
United States” and inserting “and safety 
of property, or to prevent a violation of 
United States international obligations, or 
to prevent substantial harm to the national 
security of the United States”;

(ii) in paragraph (2)(C), by striking “,
safety of property, national security inter-
est, or foreign policy interests of the 
United States” and inserting “or safety of 
property, to prevent a violation of United 
States international obligations, or to pre-
vent substantial harm to the national security of the United States”; and

(iii) in paragraph (3), in the first sentence, by striking “, safety of property, and national security and foreign policy interests of the United States” and inserting “or safety of property, violate United States international obligations, or cause substantial harm to the national security of the United States”; and

(C) in subsection (e)—

(i) in paragraph (5)—

(I) by striking “2016” and inserting “2024”; and

(II) by striking “2021” and inserting “2031”;

(ii) by striking paragraph (6);

(iii) by redesignating paragraphs (7) through (10) as paragraphs (6) through (9), respectively;

(iv) in paragraph (6), as so redesignated, by striking “each of 2018 and 2022” and inserting “, 2031,”;
(v) in paragraph (7), as so redesignated, by striking “identified by the report under paragraph (6)”;

(vi) in paragraph (8), as so redesignated, by striking “January 1, 2024” and inserting “October 1, 2031”; and

(vii) in paragraph (9), as so redesigned, by striking “, safety of property, or national security or foreign policy interests of the United States” and inserting “or safety of property, to prevent a violation of United States international obligations, or to prevent substantial harm to the national security of the United States”;

(5) in 50908(c)(2), by striking “or a national security or foreign policy interest of the United States” and inserting “or to prevent a violation of the international obligations of the United States, or prevent substantial harm to the national security of the United States”;

(6) in 50909(a), by striking “, the safety of property, or a national security or foreign policy interest of the United States” and inserting “or the safety of property, violates an international obliga-
tion of the United States, or causes substantial harm to the national security of the United States’;

(7) in 50914—

(A) in subsection (a)(5), by striking “2025” and inserting “2031”; and

(B) in subsection (b)(1)(C), by striking “2025” and inserting “2031”;

(8) in 50915—

(A) in subsection (a)(3)(B), by striking “2025” and inserting “2033”; and

(B) in subsection (f), by striking “2025” and inserting “2033”;

(9) in 50918—

(A) in subsection (a), in the second sentence—

(i) by striking “of a national security interest” and inserting “of substantial harm to national security”; and

(ii) by striking “foreign policy interest or obligation” and inserting “of any potential violations of the international obligations of the United States”; and

(B) by adding at the end the following new subsection:
“(d) TIMING.—The Secretary shall conclude any consultations described in this section not later than 120 days after receiving an application for a license submitted pursuant to this chapter.”; and

(10) by adding at the end the following new section:

“§ 50924. Prohibition

“No agency may prohibit the launch or operation of a private sector space object in order to comply with a treaty obligation that is not self-executing.”; and

(b) CLERICAL AMENDMENT.—The table of sections for chapter 509 of title 51, United States Code, is amended by adding at the end the following new item:

“50924. Prohibition.”.

SEC. 10. REPORT ON REGISTRATION OF SPACE OBJECTS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Commerce, acting through the Office of Space Commerce and in consultation with the Private Space Activity Advisory Committee established pursuant to section 80110 of title 51, United States Code, as added by this Act, shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of the space object registration obligations of the United States and other countries under...
Article VIII of the Outer Space Treaty and the Convention on Registration of Space Objects.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include the following:

(1) An identification of the practices and procedures among countries that are members of the Outer Space Treaty and the Convention on Registration of Space Objects in implementing and complying with the registration obligations contained in the Treaty and Convention.

(2) A description of any existing practices and procedures of the Federal Government for the registration of nongovernmental space objects.

(3) Recommendations on how the registration of space objects in the United States could be improved to benefit the United States, including by improving United States leadership in commercial space activities.

SEC. 11. COMMERCIAL SPACE LAUNCH AND REENTRY ACCIDENT INVESTIGATIONS.

(a) FINDINGS.—Congress finds that—

(1) safety oversight under existing law continues to encourage innovation and enables the United States to maintain leadership in space technology;
(2) several government agencies provide significant expertise in the conduct of commercial space launch or reentry mishap investigations; and

(3) commercial space launch and reentry is not a common carrier industry.

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

(1) the commercial space launch and reentry investigation regime authorized under section 50917 of title 51, United States Code, is effective and should not be substantially modified;

(2) manufacturers and operators bring unique expertise and technical understanding to the commercial space launch and reentry investigation process;

(3) this regime is, and should remain, focused on protecting public safety and avoid regulating a nascent industry that continues to innovate; and

(4) pursuant to section 50917 of title 51, United States Code, other agencies should be allowed to participate, as appropriate, in commercial space launch and reentry investigations.

SEC. 12. IN-SPACE SERVICING, ASSEMBLY, AND MANUFACTURING.

It is the sense of Congress that—
(1) in-space servicing, assembly, and manufacturing capabilities are of vital importance to the United States;

(2) the Federal Government should continue to promote and foster the development of commercial, crewed and autonomous in-space servicing, assembly, and manufacturing capabilities;

(3) the Federal Government should cooperate and coordinate with private industry to develop and deploy in-space servicing, assembly, and manufacturing capabilities and utilize such capabilities for government missions as appropriate; and

(4) Federal agencies with space procurement authorities and strategies should be encouraged, as appropriate, to reduce any barriers in current federal government procurement policies that limit the acquisition of such technologies or the inclusion of such technologies in federal procurement strategies.

SEC. 13. SPACE NUCLEAR SYSTEMS.

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

(1) the ability to use space nuclear power and propulsion systems safely, securely, and sustainably is a significant part of maintaining and advancing United States leadership in space;
the United States should use all commercial means to safely and sustainably advance space exploration, including nuclear propulsion;

(3) the authorization for launches of spacecraft containing space nuclear systems should follow a three-tiered process based upon the characteristics of the system, as defined in the Presidential Memorandum on Launch of Spacecraft Containing Space Nuclear Systems (NSPM–20), issued on August 20, 2019; and

(4) licensing for in all three tiers for commercial launches of spacecraft containing space nuclear systems should be consistent with chapter 509 of title 51, United States Code.

(b) REPORTS.—

(1) By Secretary of Transportation.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation, in coordination with the Interagency Nuclear Safety Review Board, shall submit to the Committee on Science, Space, and Technology of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Commercial Space Transportation Advisory Committee a report containing a proposal for the process
for licensing the launch of commercial spacecraft containing space nuclear systems that includes the following:

(A) Any proposed nuclear safety analysis necessary to enable the launch of a commercial space nuclear system.

(B) Proposed requirements for indemnification and insurance.

(2) By Commercial Space Transportation Advisory Committee.—Not later than 180 days after the submission of the report under paragraph (1), the Commercial Space Transportation Advisory Committee shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing industry and stakeholder perspectives on the report under paragraph (1).

Sec. 14. Limitation on International Agreements Concerning Outer Space Activities.

(a) In General.—Chapter 307 of title 51, United States Code, is amended by adding at the end the following new section:
§ 30705. Limitation on international agreements concerning outer space activities

(a) Certification Required.—If the United States becomes a signatory to a non-legally binding international agreement concerning an international code of conduct or norms of behavior for outer space activities or any similar agreement, at the same time as the United States becomes such a signatory—

(1) the President shall submit to the appropriate congressional committees a certification that such agreement has no legally-binding effect or basis for limiting the activities of nongovernmental entities of the United States in outer space; and

(2) the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, and the Secretary of Transportation shall jointly submit to the appropriate congressional committees a certification that such agreement will be equitable, enhance the free exploration and use of outer space, and have no economically significant impact on the ability of United States nongovernmental entities to conduct activities in outer space.

(b) Briefings and Notifications Required.—

(1) Policy formulation with respect to outer space.—No action may be taken that would obligate the United States or United States non-
governmental entities to limit private sector activities in space except pursuant to the treaty-making power of the President set forth in Article II, Section 2, Clause II of the Constitution or unless authorized by the enactment of further affirmative legislation by Congress.

“(2) Briefings.—

“(A) In general.—The Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, and the Secretary of Transportation shall jointly provide to the appropriate congressional committees regular, detailed briefings on the negotiation of any non-legally-binding international agreement concerning an international code of conduct or norms of behavior for outer space activities or any similar agreement.

“(B) Termination of requirement.—

The requirement to provide regular briefings on negotiations of an agreement under subparagraph (A) shall terminate on the date on which the United States becomes a signatory to such agreement referred to in subparagraph (A), or on the date on which the President certifies to Congress that the United States is no longer
negotiating such an agreement, whichever is earlier.

“(3) NOTIFICATIONS.—If the United States becomes a signatory to a non-legally binding international agreement concerning an international code of conduct or norms of behavior for outer space activities or any similar agreement, not less than 60 days prior to any action that will obligate the United States to reduce or limit the activities of the United States or United States nongovernmental entities in space, the head of each department or agency of the Federal Government that is affected by such action shall submit to Congress notice of such action and the effect of such action on such department or agency, as well as the potential impact on United States nongovernmental entities.

“(c) DEFINITION.—In this section, the term ‘appropriate congressional committees’ means the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.’.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 307 of title 51, United States Code, is amended by inserting after the item relating to section 30704 the following new item:
“30705. Limitation on international agreements concerning outer space activities.”