



SUBCOMMITTEE ON SPACE AND AERONAUTICS

HEARING CHARTER

“A Review of the Office of Space Commerce’s Mission Authorization Proposal”

Wednesday, July 15, 2026

10:00 AM

2318 Rayburn House Office Building

Purpose

The purpose of this hearing is to consider the proper structure for authorizing and supervising non-governmental space activities not specifically addressed by the current regulatory structure. The hearing will review the Department of Commerce Office of Space Commerce’s proposed approach for authorization of space activities and assess whether the framework both ensures U.S. compliance with international obligations under the Outer Space Treaty and enables innovation and economic competitiveness.

Witnesses

- **The Honorable Taylor Jordan**, Director of the Office of Space Commerce

Background

The United States is a signatory to the Outer Space Treaty (OST), a multilateral United Nations (UN) agreement adopted in 1967 that forms the foundation of international space law.¹ The Treaty promotes the use of outer space for peaceful purposes and activities carried out for the benefit of all mankind. The Treaty also states that outer space is not subject to national appropriation and directs States Parties to the Treaty to carry out activities in outer space in accordance with international law. Per the Treaty, States Parties undertake not to place nuclear

¹ United Nations Office for Outer Space Affairs, 2222 (XXI). *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies*, Resolution Adopted by the General Assembly, (Dec. 19, 1966), <https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/outerspacetreaty.html>.

weapons or any other weapons of mass destruction in space, establish military bases, or carry out military maneuvers.

A key point of debate during the drafting of the OST was how to address non-governmental space activities. While the Soviet Union believed that space activities should be carried out exclusively by nations, the U.S. sought to enable non-governmental space activities in addition to government operations.² Ultimately, the two sides reached a compromise that is captured by the language of Article VI of the OST, which states:

“States Parties to the Treaty shall bear international responsibility for national activities in outer space, including the moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of non-governmental entities in outer space, including the moon and other celestial bodies, shall require authorization and continuing supervision by the appropriate State Party to the Treaty.”³

Article VI allows non-governmental space activities but charges States Parties with the “authorization and continuing supervision” of their nationals and assigns international responsibility and liability for such activities.

United States Regulatory Framework for Non-Governmental Space Activities

While the OST established international space obligations between its signatories, many countries, including the United States, satisfy their obligations through a national framework of regulations applied to activities of private entities. Several Federal agencies govern the conduct of private space activities, but the three key regulatory agencies are the Federal Aviation Administration (FAA), the Department of Commerce (DOC), and the Federal Communications Commission (FCC).

Federal Aviation Administration

Space Services Inc. carried out the first successful commercial space launch in the U.S. in September 1982, with the launch of its Conestoga rocket.⁴ Before it could launch, Space Services Inc. had to navigate a thicket of regulations imposed by over 20 Federal agencies, highlighting the pressing need to assign an agency the authority to regulate commercial launch operations.⁵

² Vladimir Kopal, *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies*, Audiovisual Library of International Law, (Dec. 19, 1966), <https://legal.un.org/avl/ha/tos/tos.html>.

³ See *supra* note 1.

⁴ Space Services Inc of America, *The Launch of Conestoga I*, (Sep. 9, 1982), <https://www.celestis.com/about/conestoga-1/>.

⁵ Federal Aviation Administration, *Origins of the Commercial Space Industry*, https://www.faa.gov/sites/faa.gov/files/about/history/milestones/Commercial_Space_Industry.pdf.

Accordingly, in 1984, President Reagan issued Executive Order 12645, which designated the Department of Transportation (DOT) as the lead agency responsible for licensing launch activities,⁶ a decision that Congress subsequently affirmed and codified by passing the Commercial Space Launch Act (CSLA) the same year.⁷ DOT established the Office of Commercial Space Transportation (AST) as part of the Office of the Secretary of Transportation to carry out these responsibilities.⁸ In November of 1995, AST was administratively transferred by the Secretary to the FAA as part of a department restructuring.⁹

Today, AST is responsible for licensing commercial space launches and reentries, issuing experimental launch permits, and licensing the operation of spaceports with a mandate to protect “public health and safety, safety of property, and national security and foreign policy interests of the United States.”¹⁰ Notably, the Office is also directed to “encourage, facilitate, and promote U.S. commercial launches.”¹¹ Since 1989, AST has licensed 1,180 launches and reentries, including 145 launches and 6 reentries so far this year.¹²

Department of Commerce

The mission of the Office of Space Commerce, located within the Department of Commerce, is “to foster the conditions for the economic growth and technological advancement of the U.S. commercial space industry.”¹³ OSC is also authorized to regulate private Earth remote sensing.

Remote sensing, defined as “the collection of unenhanced data by an instrument in orbit of the Earth which can be processed into imagery of surface features of the Earth,”¹⁴ supports a wide range of scientific and commercial applications. Remote sensing data is used across several commercial sectors, informing operations such as land management and supporting agricultural activities.

The 1992 Land Remote Sensing Policy Act directed the Secretary of Commerce to license private remote sensing operations, ensure licensed activities comply with international obligations, and restrict the availability of certain types of remote sensing data.¹⁵ The Commercial Remote Sensing Regulatory Affairs (CRSRA) division of OSC is responsible for “promulgating regulations and licensing the operations of private space-based remote sensing

⁶ Exec. Order No. 12465, 49 Fed. Reg. 7211 (Feb. 28, 1984).

⁷ <https://www.congress.gov/bill/98th-congress/house-bill/3942>

⁸ Federal Aviation Administration, *About the Office of Commercial Space Transportation*, https://www.faa.gov/about/office_org/headquarters_offices/ast.

⁹ See *supra* note 8.

¹⁰ 51 U.S. Code § 50901 (2023).

¹¹ Federal Aviation Administration, *Commercial Space*, FAA Aerospace Forecast Fiscal Years 2023-2024, <https://www.faa.gov/sites/faa.gov/files/2023-Commercial%20Space.pdf>.

¹² Federal Aviation Administration, *Commercial Space Data*, https://www.faa.gov/data_research/commercial_space_data.

¹³ Office of Space Commerce, *About Us*, <https://space.commerce.gov/about/>.

¹⁴ Licensing of Private Remote Sensing Space Systems, 85 Fed. Reg. 30790, (May 20, 2020) (to be codified at 15 C.F.R. pt. 960).

¹⁵ Land Remote Sensing Policy Act of 1992, Pub. L. No. 102-555, 106 Stat. 4163, (Oct. 28, 1992).

systems.”¹⁶ In addition to licensing, CRSRA is also charged with ensuring that licensed activities “preserve essential U.S. national security and foreign policy interests, and international obligations.”¹⁷

Federal Communications Commission

The Communications Act of 1934 authorized the FCC to license non-governmental communications using radio frequencies and to implement the Radio Regulations of the International Telecommunication Union.¹⁸ The FCC views satellites using radio frequencies to communicate as stations located in space and requires that entities conducting such communications obtain an FCC license. In a 2023 reorganization, the FCC established a new Space Bureau dedicated to managing policy and licensing matters related to satellite communications.¹⁹

Past Mission Authorization Proposals

As private sector space activity continues to grow, commercial entities are pursuing space operations that do not clearly fall within the statutory purview of a specific agency under the existing framework. When these activities—such as in-space manufacturing, lunar operations, and satellite servicing—do not neatly fit within current regulatory authorities, they can create legal uncertainty for commercial operators and investors about U.S. authorization and supervision of those activities.

This issue was highlighted by the U.S. Commercial Space Launch Competitiveness Act (CSLCA), which was signed into law on November 25, 2015,²⁰ and tasked the White House Office of Science and Technology Policy (OSTP) with finding a solution. The CSLCA directed OSTP to assess both current and proposed near-term commercial space activities and identify potential appropriate authorization and supervision mechanisms that would prioritize safety, leverage existing authorities, minimize burdens to the industry, promote the U.S. commercial space sector, and ensure continued compliance with the United States’ obligations under international treaties.²¹

¹⁶ Office of Space Commerce, *About the Licensing of Private Remote Sensing Space Systems*, Licensing, <https://space.commerce.gov/regulations/commercial-remote-sensing-regulatory-affairs/licensing/>.

¹⁷ Office of Space Commerce, *About Compliance and Monitoring*, Compliance and Monitoring, <https://space.commerce.gov/regulations/commercial-remote-sensing-regulatory-affairs/compliance-and-monitoring/>.

¹⁸ Communications Act of 1934, Title 47 U.S.C. § 307 (1934).

¹⁹ Will Wiquist, *FCC Space Bureau & Office of International Affairs to Launch Next Week*, FCC News, (Apr. 7, 2023), <https://docs.fcc.gov/public/attachments/DOC-392418A1.pdf>.

²⁰ U.S. Commercial Space Launch Competitiveness Act, Pub. L. No. 114-90, 129 Stat. 704, (Nov. 25, 2015).

²¹ See *supra* note 20.

Office of Science and Technology Policy Report and Proposal

On April 4, 2016, OSTP submitted a report to Congress responding to the directive in the CSLCA.²² The report found that U.S. commercial space entities were planning to perform a range of commercial space activities, including private missions beyond Earth orbit, new on-orbit activities, and space resource utilization. The report assessed that several of these planned activities were not clearly addressed by existing regulatory systems.

In the report, OSTP proposed establishing a new authorization process for novel space activities with tailored conditions to ensure compliance with U.S. international obligations, foreign policy and national security interests, and the protection of government space operations. The proposed framework was “closely modeled on the FAA’s Payload Review process, in that the FAA would coordinate an interagency process in which designated agencies would review a proposed mission in relation to specified government interests, with only such conditions as necessary for fulfillment of those government interests.”²³

The report also included a legislative proposal to amend Title 51 of the U.S. Code to formally establish a framework to authorize novel commercial space activities and assigned the Secretary of Transportation the leadership role in implementing the framework. However, ultimately, the OSTP proposal was not adopted by Congress.

American Space Commerce Free Enterprise Act

Two years after OSTP published its report and proposal, in 2018, the House of Representatives passed the American Space Commerce Free Enterprise Act (ASCFEA).²⁴ ASCFEA directed the Secretary of Commerce to establish a process to issue certifications for the operations of a U.S. space object, and provided requirements that operators had to satisfy to be issued a certification. This certification was intended to serve as a light-touch approach to authorization, focused on giving operators regulatory certainty while demonstrating U.S. authorization and supervision of private actor activities in compliance with its obligations under the OST.

President Trump’s National Space Policy

On December 9, 2020, the Trump Administration released its National Space Policy, which heavily emphasized promoting and supporting the U.S. commercial space industry.²⁵ The Policy called for Federal agencies to “create transparent regulatory processes that minimize, consistent with national security and public safety, the regulatory burden and uncertainty for commercial

²² Nat’l Sci. & Tech. Council, Report on on-orbit authority, as requested by the Commercial Space Launch Competitiveness Act (Public Law 114-113), (Apr. 4, 2016), https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/csla_report_4-4-16_final.pdf.

²³ See *supra* note 22.

²⁴ American Space Commerce Free Enterprise Act of 2017, H.R. 2809, (Jun. 7, 2017), <https://docs.house.gov/bills20180423/HR2809.pdf>.

²⁵ National Space Policy of the United States of America, (Dec. 9, 2020), <https://trumpwhitehouse.archives.gov/wp-content/uploads/2020/12/National-Space-Policy.pdf>.

space activities and that are flexible to accommodate and to adapt to technical development, business innovation, and market demands.”²⁶

The Policy also directed the Secretary of Commerce, in coordination with the National Space Council (NSPS), to identify any planned commercial space activities not clearly addressed by existing regulatory processes. For any identified activities, the Secretary of Commerce was further directed to develop minimally burdensome, responsive, transparent, and adaptive processes for review, authorization, and supervision that aligned with U.S. interests and included a presumption of approval.

The Commercial Space Act of 2023

Mission authorization was further addressed in the Commercial Space Act of 2023.²⁷ The Act directed the Secretary of Commerce to issue certifications for the operation of a space object by U.S. entities that met the requirements outlined in the bill. It defined a space object as “a human-made object located in outer space that was launched from Earth [...] such as a payload or a spacecraft.”²⁸ Largely modeled on the American Space Commerce Free Enterprise Act (ASCFEA), which had passed the House in 2018, the Commercial Space Act sought to assign authority to the Department of Commerce to receive and review applications for proposed space activities to ensure compliance with Outer Space Treaty obligations pertaining to nongovernmental entities.

President Biden’s Mission Authorization Proposal

On the morning the House Science, Space, and Technology Committee was scheduled to mark up the Commercial Space Act of 2023, the Biden Administration released its legislative proposal for mission authorization, titled “Authorization and Supervision of Novel Private Sector Space Activities Act.”²⁹ The proposal divided the regulatory authority for novel space activities between DOC and DOT. It granted DOT regulatory authority over all human spaceflight activities, including crewed missions on orbit as well as on other celestial bodies, and authority over the transportation of materials in space. For DOC, the proposal granted authority to regulate uncrewed space activities, such as orbital debris removal and certain in-space manufacturing operations. To support each agency’s regulatory efforts, the proposal also called for the establishment of an interagency consultation process whereby federal agencies outside of DOT and DOC can assess an application for concerns related to national security, foreign policy, or any other national interest of the United States. This proposal was also not adopted by Congress.

²⁶ See supra note 25.

²⁷ Commercial Space Act of 2023, H.R. 6131, 118th Cong. (2023).

²⁸ See supra note 27.

²⁹ The White House, *Draft Bill Text “Authorization and Supervision of Novel Private Sector Space Activities Act”*, (Dec. 20, 2023), https://bidenwhitehouse.archives.gov/wp-content/uploads/2023/11/Authorization-and-Supervision-of-Novel-Private-Sector-Space-Activities_Legislative-Text_final.pdf.

Office of Space Commerce Mission Authorization Proposal

On August 13, 2025, the Trump Administration published Executive Order 14335, “Enabling Competition in the Commercial Space Industry.”³⁰ The EO directed the Secretary of Commerce to “propose a process for individualized mission authorizations for activities that are covered by Article VI of the Outer Space Treaty of 1967, but not clearly or straightforwardly governed by existing regulatory frameworks, to expedite and streamline authorizations to enable American space competitiveness and superiority.”³¹

In response to the EO, on March 24, 2026, OSC released its mission authorization proposal.³² The proposal aims to “provide comprehensive authorization for novel space activities with narrowly tailored requirements for commercial actors.”³³ It would establish an OSC-led interagency process to certify novel commercial space activities. Through a voluntary, opt-in process, commercial space operators could obtain a “Space Commerce Certification” for their activities, on a per-mission basis.

Proposal - Space Commerce Certification

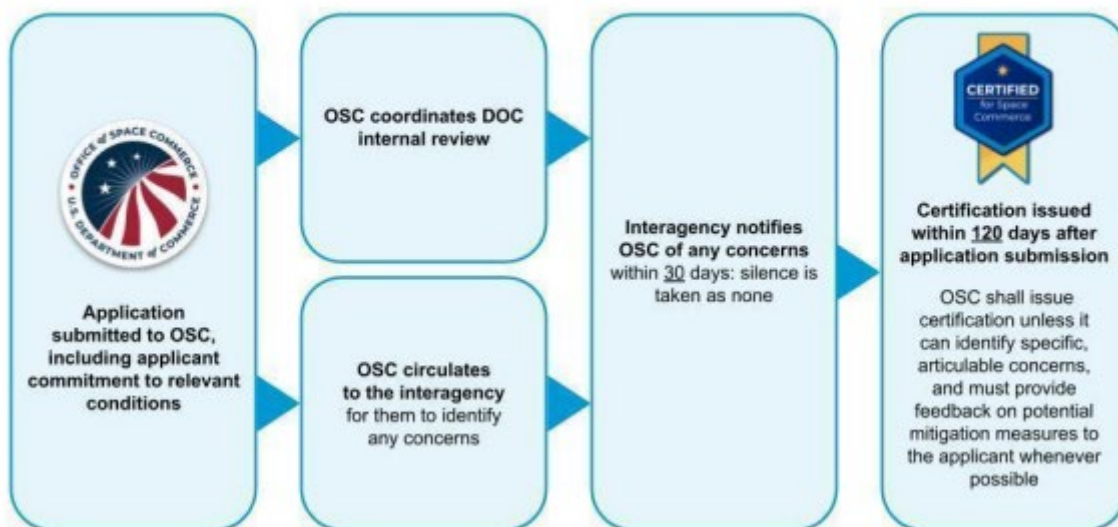


Figure 1: OSC’s proposed Space Commerce Certification process. [Source: Office of Space Commerce]

Commercial entities seeking certification would submit an application to OSC, which would simultaneously review the application while distributing it to relevant federal agencies, such as the FAA and FCC, for concurrent evaluation. Those agencies would conduct tailored assessments focused on national security, international obligations, and safety. The interagency process

³⁰ Exec. Order No. 14335, 90 Fed. Reg. 40219 (Aug. 13, 2025).

³¹ See supra note 30.

³² Office of Space Commerce, *OSC Released Updated Mission Authorization Proposal*, Mission Authorization, (Mar. 24, 2026), <https://space.commerce.gov/osc-releases-updated-mission-authorization-proposal/>.

³³ See supra note 32.

intends to coordinate regulatory reviews and requirements across the government by enabling other agencies to accept the certification to satisfy aspects of their current licensing processes covered by the certification. Although the opt-in certification does not replace existing statutory authorities, other agencies could accept the certification and waive certain elements of their regulatory review. The certification process also establishes a 120-day time limit for OSC to process and decide on an application, reducing the potential for prolonged reviews without a defined timeline for completion.

OSC intends for the certification to apply to all novel space activities, but intends “to be selective initially, choosing applications that are critical to industry and government interests.”³⁴ OSC hopes to build its experience over time, incorporating lessons learned, and work toward establishing “a more standard certification process that provides greater predictability to industry and requires less intensive involvement of the interagency.”³⁵

³⁴ See *supra* note 32.

³⁵ See *supra* note 32.