

Commercial Space Act of 2023

Executive Summary

Background

The purpose of the Commercial Space Act of 2023 is to modernize government oversight of commercial space activities. The Act also works to ensure that the U.S. remains the world leader in commercial space activities.

Summary of Legislation

Streamlines Compliance with International Obligations

The bill dispels regulatory uncertainty by clarifying the process through which the United States complies with its obligations under the Outer Space Treaty, the Rescue and Return Agreement, the Registration Convention, and the Liability Convention. It provides a streamlined authorization and supervision certification process for nongovernmental space activities that reduces the administrative burden for nongovernmental entities operating in space, while ensuring compliance with international treaty obligations and national security concerns. It also promotes responsible behavior in space by requiring a U.S. entity applying for a certification to describe a space debris mitigation plan in the application.

Clarifies Agencies Regulatory Authority

The bill designates the Department of Commerce Office of Space Commerce (DOC/OSC) as the single authority responsible for the authorization and supervision certification process. Also grants OSC the sole authority and responsibility for making determinations and placing conditions on certifications to assure compliance with U.S. International obligations. The regulatory streamlining does not impact existing FCC authority to regulate spectrum and telecommunication satellites or FAA authority to regulate launch and reentry operations.

Elevates the Office of Space Commerce

The bill returns the OSC back to the Department of Commerce where it is statutorily authorized.

Improves Domestic Space Situational Awareness

The bill enhances U.S. space situational awareness (SSA) through the establishment of a consortium to provide SSA data, information, and services. It also directs the creation of a NASA institute to advance research in SSA.

Encourages Commercial Space Development

The bill establishes a Private Space Activity Advisory Committee to monitor the effectiveness and efficiency of the new certification process, make recommendations on how the U.S. can further promote and facilitate a robust and innovative private space sector, and identify challenges the U.S. private space sector faces. The bill also adds transparency to launch and reentry licensing and permitting by clarifying requirements related to international obligations and national security. The bill supports private sector development and deployment of In-Space Servicing, Assembly, and Manufacturing, and encourages U.S. development of space nuclear power and propulsion technology as well as a regime for licensing the launch of spacecraft containing space nuclear systems. It also addresses concerns that registered activities may pose a safety risk to existing Federal Government space systems and facilitates collision avoidance and physical safety on-orbit between certification holders and USG operators.