

118TH CONGRESS
1ST SESSION

H. R. 6131

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2023

Mr. BABIN (for himself, Mr. LUCAS, Mr. POSEY, Mr. MIKE GARCIA of California, Mr. OBERNOLTE, and Ms. TENNEY) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

A BILL

To amend title 51, United States Code, to update government oversight of commercial space activities, 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,*

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

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; policy; purposes; definitions.
- Sec. 3. Certification to operate space objects.
- Sec. 4. Administrative provisions related to certification.

- Sec. 5. Technical and conforming amendments.
- Sec. 6. Office of Space Commerce.
- Sec. 7. Space situational awareness.
- Sec. 8. NASA Space Situational Awareness Institute.
- Sec. 9. Launch and reentry.
- Sec. 10. Report on registration of space objects.
- Sec. 11. Commercial space launch and reentry accident investigations.
- Sec. 12. In-space servicing, assembly, and manufacturing.
- Sec. 13. Space nuclear systems.
- Sec. 14. Limitation on international agreements concerning outer space activities.

1 **SEC. 2. FINDINGS; POLICY; PURPOSES; DEFINITIONS.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) The United States, through existing author-
4 ization and supervision mechanisms, satisfies and is
5 in conformity with its obligation under the Outer
6 Space Treaty to authorize and supervise nongovern-
7 mental space activities to assure such activities are
8 carried out in conformity with the international obli-
9 gations of the United States pertaining to non-
10 governmental entities under the Outer Space Treaty.

11 (2) The United States has a robust and innova-
12 tive private sector that is investing in, developing,
13 and placing into outer space, spacecraft and pay-
14 loads.

15 (3) Authorization and supervision mechanisms
16 for nongovernmental activities in outer space that
17 exist as of the date of the enactment of this Act
18 could be improved to relieve administrative burdens
19 on nongovernmental space entities.

1 (4) It serves the national interest to address
2 misperceptions of legal uncertainty through the es-
3 tablishment of a general authorization and super-
4 vision certification for outer space activities carried
5 on by nongovernmental entities.

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

10 (b) POLICY.—It is the policy of the United States
11 that—

12 (1) United States citizens and entities are free
13 to explore and use outer space, including through
14 the utilization of outer space and resources con-
15 tained therein;

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

22 (3) to the maximum extent practicable, the
23 Federal Government shall take steps to protect the
24 physical safety of space objects operated by the Fed-
25 eral Government that do not involve limitations on

1 the freedoms of nongovernmental entities of the
2 United States; and

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

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

10 (1) to enhance the existing outer space author-
11 ization and supervision framework of the Federal
12 Government to increase transparency and efficiency,
13 and to reduce the administrative burden for non-
14 governmental entities of the United States seeking
15 to conduct space activities; and

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

18 (d) DEFINITIONS.—In this Act—

19 (1) AGREEMENT ON THE RESCUE OF ASTRO-
20 NAUTS AND THE RETURN OF SPACE OBJECTS.—the
21 term “Agreement on the Rescue of Astronauts and
22 the Return of Space Objects” means the Agreement
23 on the Rescue of Astronauts, the Return of Astro-
24 nauts and the Return of Objects Launched into
25 Outer Space (signed at Washington, Moscow, and

1 London on April 22, 1968, ratified by the United
2 States on December 3, 1968; 19 UST 7570).

3 (2) CONVENTION ON REGISTRATION OF SPACE
4 OBJECTS.—the term “Convention on Registration of
5 Space Objects” means the Convention on Registra-
6 tion of Objects Launched into Outer Space (signed
7 at New York on January 14, 1975, ratified by the
8 United States on September 15, 1976; 28 UST
9 695).

10 (3) COVERED TREATIES ON OUTER SPACE.—the
11 term “covered treaties on outer space” means the
12 following:

13 (A) The Outer Space Treaty.

14 (B) The Agreement on the Rescue of As-
15 tronauts and the Return of Space Objects.

16 (C) The Convention on Registration of
17 Space Objects.

18 (D) The Liability Convention.

19 (4) LIABILITY CONVENTION.—The term “Li-
20 ability Convention” means the Convention on the
21 International Liability for Damage Caused by Space
22 Objects (signed at Washington, Moscow, and Lon-
23 don on March 29, 1972, ratified by the United
24 States on October 9, 1973; 24 UST 2389).

1 (5) OUTER SPACE TREATY.—The term “Outer
2 Space Treaty” means the Treaty on Principles Gov-
3 erning the Activities of States in the Exploration
4 and Use of Outer Space, including the Moon and
5 Other Celestial Bodies (signed at Washington, Mos-
6 cow, and London on January 27, 1967, ratified by
7 the United States on October 10, 1967; 18 UST
8 2410).

9 **SEC. 3. CERTIFICATION TO OPERATE SPACE OBJECTS.**

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

12 **“Subtitle VIII—Authorization and**
13 **Supervision of Nongovern-**
14 **mental Space Activities**

15 **“CHAPTER 801—CERTIFICATION TO**
16 **OPERATE SPACE OBJECTS**

“Sec.

“80101. Definitions.

“80102. Certification authority.

“80103. Certification application and requirements.

“80104. Mitigation of space debris.

“80105. Liability.

“80106. Continuing certification requirements.

“80107. Certification transfer.

“80108. Certification expiration and termination.

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

“80110. Private Space Activity Advisory Committee.

“80111. Exemptions.

17 **“§ 80101. Definitions**

18 “In this subtitle:

1 “(1) AGENCY.—The term ‘agency’ has the
2 meaning given the term ‘Executive agency’ in section
3 105 of title 5.

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

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14 OBJECTS.—The term ‘Convention on Registration of
15 Space Objects’ means the Convention on Registra-
16 tion of Objects Launched into Outer Space (signed
17 at New York on January 14, 1975, ratified by the
18 United States on September 15, 1976; 28 UST
19 695).

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

23 “(A) The Outer Space Treaty.

24 “(B) The Agreement on the Rescue of As-
25 tronauts and the Return of Space Objects.

1 “(C) The Convention on Registration of
2 Space Objects.

3 “(D) The Liability Convention.

4 “(5) LIABILITY CONVENTION.—The term ‘Li-
5 ability Convention’ means the Convention on the
6 International Liability for Damage Caused by Space
7 Objects (signed at Washington, Moscow, and Lon-
8 don on March 29, 1972, ratified by the United
9 States on October 9, 1973; 24 UST 2389).

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

14 “(7) OUTER SPACE TREATY.—The term ‘Outer
15 Space Treaty’ means the Treaty on Principles Gov-
16 erning the Activities of States in the Exploration
17 and Use of Outer Space, including the Moon and
18 Other Celestial Bodies (signed at Washington, Mos-
19 cow, and London on January 27, 1967, ratified by
20 the United States on October 10, 1967; 18 UST
21 2410).

22 “(8) SECRETARY.—The term ‘Secretary’
23 means, except as otherwise provided in this subtitle,
24 the Secretary of Commerce, acting through the Of-
25 fice of Space Commerce.

1 “(9) SPACE DEBRIS MITIGATION.—The term
2 ‘space debris mitigation’ means efforts to—

3 “(A) prevent on-orbit break-ups;

4 “(B) remove space objects that have
5 reached the end of their mission operation from
6 useful, densely-populated orbit regions; or

7 “(C) limit the amount of debris released
8 during normal operations of a space object.

9 “(10) SPACE OBJECT.—

10 “(A) IN GENERAL.—The term ‘space ob-
11 ject’ means—

12 “(i) a human-made object located in
13 outer space, including on the Moon and
14 other celestial bodies, with or without
15 human occupants, that was launched from
16 Earth, such as a payload or a spacecraft,
17 including component parts of such object;
18 or

19 “(ii) any item carried on such object
20 that is intended for use in outer space out-
21 side of, and independent of, the operation
22 of such carrying object.

23 “(B) INCLUSION.—Such term also means
24 any human-made object that is—

1 “(i) manufactured or assembled in
2 outer space; and

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

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

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

12 “(ii) an article manufactured or proc-
13 essed in outer space that is a material; or

14 “(iii) an article intended for use out-
15 side of a space object as part of the cer-
16 tified operations of the space object.

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

24 “(12) UNITED STATES.—The term ‘United
25 States’ means the States, collectively.

1 “(13) UNITED STATES ENTITY.—The term
2 ‘United States entity’ means—

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

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

8 **“§ 80102. Certification authority**

9 “(a) IN GENERAL.—Not later than one year after the
10 date of the enactment of the Commercial Space Act of
11 2023, the Secretary shall begin issuing certifications for
12 the operation of a space object to any United States entity
13 that submits an application for such a certification in sat-
14 isfaction of the requirements of this chapter.

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

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

24 “(1) holds a certification issued under this
25 chapter for the operation of such space object; or

1 “(2) holds a valid covered license, as defined in
2 section 80109(c), and such covered license satisfies
3 the requirements of section 80109.

4 “(d) FOREIGN ENTITIES PROHIBITED.—The Sec-
5 retary may not issue a certification under this chapter to
6 any entity that is not a United States entity.

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

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

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

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

17 **“§ 80103. Certification application and requirements**

18 “(a) APPLICATION.—

19 “(1) IN GENERAL.—To be eligible for a certifi-
20 cation to operate a space object or a transfer of a
21 certification to operate a space object under this
22 chapter, a United States entity shall submit an ap-
23 plication to the Secretary as provided in paragraphs
24 (2) and (3). Such application shall include, for each

1 required item in paragraph (2), sufficient evidence
2 to demonstrate each fact or assertion.

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

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

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

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

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

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

24 “(i) When and where the space object
25 will operate.

1 “(ii) When and where operation of the
2 space object will terminate.

3 “(F) A space debris mitigation plan de-
4 scribing how the space object will be operated
5 and disposed of in a manner to mitigate the
6 generation of space debris.

7 “(G) Information regarding third-party li-
8 ability insurance obtained, if any, by the appli-
9 cant for operation of the space object, including
10 the amount and coverage of such liability insur-
11 ance.

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

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

17 “(B) The space object will not carry a nu-
18 clear weapon or weapon of mass destruction.

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

22 “(D) All information in the application and
23 supporting documents is true, complete, and ac-
24 curate.

25 “(b) REVIEW OF APPLICATION.—

1 “(1) VERIFICATION OF INFORMATION AND AT-
2 TESTATIONS.—Not later than 60 days after receipt
3 of an application under this section, the Secretary
4 shall verify the following:

5 “(A) The application contains all informa-
6 tion required under subsection (a)(2), including
7 any required supporting documents.

8 “(B) The application contains each attes-
9 tation required under subsection (a)(3).

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

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

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

21 “(B) if the Secretary cannot verify that
22 the applicant has met the application require-
23 ments as described in paragraph (1), or if the
24 Secretary determines it is necessary to deny the

1 application pursuant to subsection (c)(1)(B),
2 the Secretary—

3 “(i) shall issue a denial of the applica-
4 tion signed by the Secretary (a duty that
5 may not be delegated, including to the Of-
6 fice of Space Commerce); and

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

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

17 “(II) notify the Committee on
18 Commerce, Science, and Transpor-
19 tation of the Senate and the Com-
20 mittee on Science, Space, and Tech-
21 nology of the House of Representa-
22 tives of such rationale.

23 “(3) OPPORTUNITY TO CURE.—

24 “(A) IN GENERAL.—If the Secretary finds,
25 at any point during review of the application,

1 that it will likely condition operations pursuant
2 to paragraph (2)(A), or that denial of the appli-
3 cation is likely under paragraph (2)(B), the
4 Secretary shall provide the applicant with writ-
5 ten notification that states such finding and a
6 clearly articulated rationale for the finding that
7 provides, to the maximum extent practicable,
8 guidance to the applicant as to how such ra-
9 tionale could be addressed in a response to the
10 notification.

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

17 “(C) REVIEW.—If the applicant submits a
18 response to the notification described in sub-
19 paragraph (B), the Secretary shall review such
20 response and issue a determination pursuant to
21 paragraph (2) either 20 days after receipt of
22 such response, or after the expiration of the re-
23 mainder of the 60-day period set forth in this
24 subsection, whichever is later.

1 “(D) LIMITATION.—The Secretary may
2 not issue more than one notification under this
3 paragraph for each application.

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

7 “(5) AUTOMATIC APPROVAL.—If the Secretary
8 has not approved or denied the application before
9 the deadline specified in paragraph (2), or, if appli-
10 cable, the deadline as extended in accordance with
11 paragraph (3), the Secretary shall issue a certifi-
12 cation without condition.

13 “(6) SUBSEQUENT REVIEW.—If the Secretary
14 denies an application pursuant to paragraph (2)(C),
15 the Secretary may not prejudice a subsequent appli-
16 cation for the same proposed operations if such sub-
17 sequent application contains remedies to address the
18 rationale for the previous denial.

19 “(c) COMPLIANCE WITH THE OUTER SPACE TREA-
20 TY.—

21 “(1) IN GENERAL.—If the Secretary deter-
22 mines, based upon clear and convincing evidence,
23 that the proposed operation of a space object under
24 an application for a certification under this chapter
25 is a violation of an international obligation of the

1 United States pertaining to a nongovernmental enti-
2 ty of the United States under the Outer Space Trea-
3 ty—

4 “(A) the Secretary may issue a certifi-
5 cation with conditions on the proposed oper-
6 ations only to the extent necessary to prevent a
7 violation of such international obligation; or

8 “(B) if the Secretary determines there is
9 no practicable way to condition the proposed
10 operations to prevent such a violation, the Sec-
11 retary may deny the application.

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

15 “(A) The Federal Government shall inter-
16 pret and fulfill its international obligations
17 under the Outer Space Treaty in a manner that
18 minimizes regulations and limitations on the
19 freedom of United States nongovernmental enti-
20 ties to explore and use space.

21 “(B) The Federal Government shall inter-
22 pret and fulfill its international obligations
23 under the Outer Space Treaty in a manner that
24 promotes free enterprise in outer space.

1 “(C) The Federal Government may not
2 presume all obligations of the United States
3 under the Outer Space Treaty are obligations to
4 be imputed upon United States nongovern-
5 mental entities.

6 “(D) The Federal Government may not
7 consider guidelines promulgated by the Com-
8 mittee on Space Research of the International
9 Science Counsel to be international obligations
10 of the United States.

11 “(3) PRESUMPTIONS.—In making a determina-
12 tion under paragraph (1), the Secretary shall pre-
13 sume, absent clear and convincing evidence to the
14 contrary, that—

15 “(A) any attestation made by an applicant
16 pursuant to subsection (a)(3) is sufficient to
17 meet the international obligations of the United
18 States pertaining to nongovernmental entities of
19 the United States under the Outer Space Trea-
20 ty addressed by such attestation; and

21 “(B) reasonably commercially available ef-
22 forts by the applicant are sufficient for the
23 United States to be in conformity with its inter-
24 national obligations pertaining to nongovern-

1 mental entities of the United States under the
2 Outer Space Treaty.

3 “(4) PROHIBITION ON RETROACTIVE CONDI-
4 TIONS.—The Secretary may not modify or place ad-
5 ditional conditions on a certification after the date
6 on which the certification is issued, except—

7 “(A) to modify a certification to account
8 for a material change, as provided in section
9 80106(b); or

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

12 “(5) NONDELEGABLE.—The responsibilities of
13 the Secretary under this subsection may not be dele-
14 gated, including to the Office of Space Commerce.

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

19 **“§ 80104. Mitigation of space debris**

20 “(a) PLAN SUBMISSION.—To be eligible for a certifi-
21 cation under this chapter, each application shall include
22 a space debris mitigation plan for the space object, as set
23 forth in section 80103(a)(2). Such plan—

1 “(1) shall take into account best practice guide-
2 lines promulgated by the United States and the
3 Inter-Agency Debris Coordinating Committee; and

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

9 “(b) IMPLEMENTATION.—To the maximum extent
10 practicable, a holder of a certification under this chapter
11 shall notify the Secretary not later than 30 days before
12 beginning to implement the disposal phase of a space de-
13bris mitigation plan referred to in subsection (a). Such
14 certification holder shall, not later than 30 days after com-
15 pleting implementation of such phase, notify the Secretary
16 of the results of any space debris mitigation efforts.

17 **“§ 80105. Liability**

18 “(a) IN GENERAL.—As a condition of a certification
19 issued under this subtitle, a certification holder shall enter
20 into an agreement with the United States under which the
21 certification holder agrees to pay costs incurred by the
22 United States that arise from a valid claim for compensa-
23 tion made by another State Party under the Outer Space
24 Treaty or Liability Convention for damage caused by a
25 space object of the certification holder.

1 “(b) IMPLEMENTATION.—The Secretary shall imple-
2 ment the agreement described in subsection (a) on behalf
3 of the United States.

4 **“§ 80106. Continuing certification requirements**

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

7 “(1) a certified space object has terminated op-
8 erations; or

9 “(2) a certified space object is involved in a cat-
10 astrophic event, such as the unplanned destruction
11 of a space object.

12 “(b) MATERIAL CHANGE.—

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

16 “(A) Any material changes to a space ob-
17 ject or the planned operations of a space object
18 prior to launch.

19 “(B) Any material anomalies or material
20 departures from the certified operations de-
21 scribed during the course of operations.

22 “(2) UPDATE TO CERTIFICATION.—Not later
23 than 14 days after the date of receipt of information
24 regarding a material change pursuant to paragraph
25 (1), the Secretary shall make a determination of

1 whether such material change is substantial enough
2 to warrant review under section 80103(b). Not later
3 than 60 days after a determination that such review
4 is warranted, the Secretary shall complete a similar
5 review process for such material change as is re-
6 quired for a certification application under such sec-
7 tion.

8 **“§ 80107. Certification transfer**

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

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

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

22 “(2) Each attestation required under section
23 80103(a)(3) completed by the proposed transferee.

24 “(c) DETERMINATION.—Not later than 60 days after
25 a certification holder submits a request under subsection

1 (b), the Secretary shall complete a similar review process
2 for the request for transfer as is required for a certifi-
3 cation applicant under section 80103(b).

4 **“§ 80108. Certification expiration and termination**

5 “(a) CERTIFICATION EXPIRATION.—A certification
6 issued under this chapter shall expire on the earliest of
7 the following:

8 “(1) The date on which all operations approved
9 under such certification terminate, including car-
10 rying out the disposal phase of the space debris miti-
11 gation plan.

12 “(2) The date on which all space objects ap-
13 proved under the certification no longer exist.

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

17 “(b) CERTIFICATION TERMINATION.—

18 “(1) IN GENERAL.—The Secretary shall termi-
19 nate a certification under this chapter if an appli-
20 cant or certification holder is convicted of a violation
21 of section 1001 of title 18 related to the certification
22 process under this chapter.

23 “(2) ELIGIBILITY.—A certification holder
24 whose certification is terminated under this sub-

1 section shall be ineligible to apply for or receive a
2 certification under this chapter.

3 “(3) SPACE DEBRIS MITIGATION PLAN.—Upon
4 termination of a certification under paragraph (1),
5 the Secretary may require the certification holder to
6 carry out the disposal phase of the space debris miti-
7 gation plan submitted by the certification holder
8 under section 80103(a)(2).

9 **“§ 80109. Existing license or pending application for**
10 **space object operations**

11 “(a) CONTINUATION OF EXISTING LICENSE.—If the
12 operations of a space object governed by this subtitle have
13 been approved on or before the effective date of this sec-
14 tion under a covered license, and such operations are not
15 subject to an exemption under 80111, the United States
16 entity responsible for the space object may—

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

23 “(2) apply for a certification under this chapter
24 for such operation of the space object, and continue
25 to operate pursuant to such covered license until

1 such time as a certification under this subtitle is
2 issued.

3 “(b) RESCISSION OR TRANSFER OF A PENDING COV-
4 ERED LICENSE.—For operations of a space object of a
5 United States entity that are not subject to an exemption
6 under section 80111, and that are set forth in an applica-
7 tion for a covered license that is pending approval on the
8 effective date of this section, the applicant may elect to—

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

11 “(2) transfer the portions of such application
12 that are related to operations governed by this sub-
13 title to the Office of Space Commerce, at which the
14 application shall be deemed to be a pending applica-
15 tion for certification under this chapter.

16 “(c) COVERED LICENSE.—In this subtitle, the term
17 ‘covered license’ means any of the following:

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

21 “(2) A license for spectrum use issued under
22 the Communications Act of 1934 (47 U.S.C. 151 et
23 seq.).

1 “(3) A license for operation of a space-based re-
2 mote sensing system issued under subchapter III of
3 chapter 601 of title 51.

4 “(d) EFFECTIVE DATE.—This section shall take ef-
5 fect on the date that is one year after the date of the en-
6 actment of the Commercial Space Act of 2023.

7 **“§ 80110. Private Space Activity Advisory Committee**

8 “(a) ESTABLISHMENT.—The Secretary shall estab-
9 lish a Private Space Activity Advisory Committee (in this
10 section referred to as the ‘Committee’).

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

13 “(c) MEMBERSHIP.—The Committee shall be com-
14 posed of 15 members, as follows:

15 “(1) Three members appointed by the Sec-
16 retary.

17 “(2) Three members appointed by the chair of,
18 and three members appointed by the ranking mem-
19 ber of, the Committee on Commerce, Science, and
20 Transportation of the Senate.

21 “(3) Three members appointed by the chair of,
22 and three members appointed by the ranking mem-
23 ber of, the Committee on Science, Space, and Tech-
24 nology of the House of Representatives.

1 “(d) LIMITATION.—Members of the Committee may
2 not be Federal Government employees or officials, or em-
3 ployed by or affiliated with a federally funded research
4 and development center.

5 “(e) TRAVEL EXPENSES.—Members of the Com-
6 mittee shall receive travel expenses, including per diem in
7 lieu of subsistence, in accordance with the applicable pro-
8 visions under subchapter I of chapter 57 of title 5.

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

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

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

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

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

22 “(1) To analyze the status and recent develop-
23 ments of nongovernmental space activities.

1 “(2) To analyze the effectiveness and efficiency
2 of the implementation of the certification process
3 under this chapter.

4 “(3) To provide recommendations to the Sec-
5 retary and Congress regarding how the United
6 States can facilitate and promote a robust and inno-
7 vative private sector that is investing in, developing,
8 and operating space objects.

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

12 “(A) The authorization and supervision of
13 the operation of space objects under this chap-
14 ter.

15 “(B) More generally, international obliga-
16 tions of the United States relevant to private
17 sector activities in outer space.

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

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

23 “(E) Competing on the international mar-
24 ketplace.

1 “(5) To review existing best practices for
2 United States entities to avoid the harmful contami-
3 nation of the Moon and other celestial bodies.

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

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

12 “(8) To provide information, advice, and rec-
13 ommendations on matters relating to United States
14 private sector activities in outer space.

15 “(9) To provide information, advice, and rec-
16 ommendations on matters related to the authority of
17 the Secretary under this chapter, or to private sector
18 space activities authorized pursuant to this chapter,
19 that the Committee determines necessary.

20 “(i) ANNUAL REPORT.—The Committee shall submit
21 to Congress, the President, and the Secretary an annual
22 report that includes the information, analysis, findings,
23 and recommendations described in subsection (h).

1 “(j) SUNSET.—The Committee shall terminate on the
2 date that is 20 years after the date on which the Com-
3 mittee is established.

4 **“§ 80111. Exemptions**

5 “A certification is not required under this chapter for
6 any of the following operations:

7 “(1) Space activities authorized by another
8 country that is a party to the Outer Space Treaty.

9 “(2) Launch or reentry vehicle activities li-
10 censed by the Department of Transportation under
11 chapter 509.

12 “(3) Spectrum use licensed by the Federal
13 Communications Commission under the Communica-
14 tions Act of 1934 (47 U.S.C. 151 et seq.).”.

15 **SEC. 4. ADMINISTRATIVE PROVISIONS RELATED TO CER-**
16 **TIFICATION.**

17 Title 51, United States Code, as amended by section
18 3, is further amended by adding at the end the following:

19 **“CHAPTER 802—ADMINISTRATIVE PROVI-**
20 **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.

“80207. Federal jurisdiction.

“80208. Global commons.

“80209. Regulatory authority.

“80210. Consultation with relevant agencies.

1 **“§ 80201. Administrative authority**

2 “(a) FUNCTIONS.—In order to carry out the respon-
3 sibilities specified in this chapter, the Secretary may—

4 “(1) seek an order of injunction or similar judi-
5 cial determination from a district court of the
6 United States with personal jurisdiction over a cer-
7 tification holder to terminate certifications under
8 this subtitle and terminate certified operations on an
9 immediate basis, if the Secretary determines that
10 the certification holder has substantially failed to
11 comply with any provisions of this subtitle, or with
12 any terms of a certification;

13 “(2) provide for civil penalties not to exceed
14 \$10,000 (each day of operation constituting a sepa-
15 rate violation) and not to exceed \$500,000 in total,
16 for—

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

20 “(B) the operation of a space object with-
21 out the applicable certification issued under this
22 subtitle;

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

25 “(4) seize any object, record, or report, or cop-
26 ies of materials, documents, or records, pursuant to

1 a warrant from a magistrate based on a showing of
2 probable cause to believe that such object, record, or
3 report was used, is being used, or is likely to be used
4 in violation of this subtitle or the requirements of a
5 certification or regulation issued thereunder; and

6 “(5) make investigations and inquiries con-
7 cerning any matter relating to the enforcement of
8 this subtitle.

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

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

22 “(d) NO AUTHORITY TO SET CONDITIONS.—The
23 Secretary may not impose a substantive condition on, or
24 any other requirement for, the issuance of a certification
25 except as specifically provided in this subtitle.

1 “(e) FOIA EXEMPTION.—Notwithstanding any other
2 provision of law, the Secretary may withhold from public
3 disclosure information submitted as part of any filing re-
4 lating to a certification under this subtitle. For purposes
5 of section 552 of title 5, this subsection shall be considered
6 a statute described in subsection (b)(3) of such section
7 and is intended to exempt information within this subtitle
8 from disclosure. Nothing in this subsection may be con-
9 strued as authorizing the withholding of information from
10 Congress.

11 “(f) LIMITATION ON EXCEPTIONS TO ADMINISTRA-
12 TIVE PROCEDURES.—The exceptions under section
13 553(a)(1), section 553(b)(B), or section 554(a)(4) of title
14 5 shall not apply with respect to a certification under this
15 subtitle.

16 **“§ 80202. Consultation**

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

19 “(1) the United States Government has assets
20 in outer space that are critical to national security,
21 scientific research, economic growth, and explo-
22 ration;

23 “(2) such assets represent a considerable in-
24 vestment of United States taxpayers; and

1 “(3) it is in the national interest of the United
2 States to facilitate opportunities to provide for the
3 protection of such assets.

4 “(b) REVIEW.—Not later than 30 days after the Sec-
5 retary issues a certification under chapter 801, the Sec-
6 retary shall review the operations of any space objects cov-
7 ered by the certification to determine whether the inter-
8 action between such operations and the operations of a
9 Federal Government space object present a substantial
10 risk to the physical safety of a space object operated by
11 either party.

12 “(c) REQUIREMENT TO PARTICIPATE IN CONSULTA-
13 TION.—If the Secretary makes a determination that a sub-
14 stantial risk identified under subsection (b) exists, the
15 Secretary may require that the certification holder partici-
16 pate in a consultation under this section.

17 “(d) PARTIES TO A CONSULTATION.—

18 “(1) IN GENERAL.—A consultation under this
19 section may be held, with respect to a substantial
20 safety risk identified under subsection (b), be-
21 tween—

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

24 “(B) any entity of the Federal Government
25 operating a potentially affected space object.

1 “(2) PARTICIPATION.—The Secretary may not
2 impose any requirement on a party pursuant to par-
3 ticipation in the consultation.

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

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

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

10 “(3) encourage, to the maximum extent prac-
11 ticable, voluntary agreements between the parties to
12 the consultation to improve the physical safety of af-
13 fected space object operations or mitigate the phys-
14 ical safety risk.

15 “(f) DURATION OF CONSULTATION; NOTICE.—Not
16 later than 90 days after the Secretary requires a consulta-
17 tion under this section, the Secretary shall—

18 “(1) complete all activities related to the con-
19 sultation; and

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

22 “(A) the names of each party to the con-
23 sultation;

24 “(B) a description of the physical safety
25 risk at issue;

1 “(C) whether any voluntary agreement was
2 made by the parties; and

3 “(D) the content of any such agreement.

4 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion may be construed to grant any additional authority
6 to the Secretary to regulate, or place conditions on, any
7 activity conducted by a space object for which a certifi-
8 cation is required under this subtitle.

9 **“§ 80203. Appeal of denial or condition of certifi-**
10 **cation**

11 “An applicant who is denied a certification under sec-
12 tion 80103(b)(2)(B), or an applicant whose certification
13 is conditioned pursuant to section 80103(c), respectively,
14 may appeal the denial or placement of a condition to the
15 Secretary. The Secretary shall affirm or reverse the denial
16 or placement of a condition after providing the applicant
17 notice and an opportunity to be heard. The Secretary shall
18 dispose of the appeal not later than 60 days after the ap-
19 peal is submitted. If the Secretary denies the appeal, the
20 applicant may seek review in the United States Court of
21 Appeals for the District of Columbia Circuit or in the
22 court of appeals of the United States for the circuit in
23 which the person resides or has its principal place of busi-
24 ness.

1 **“§ 80204. Exclusive authority for determination of**
2 **international obligations**

3 “Except for the Secretary as authorized by this sub-
4 title, no agency may impose a requirement with regard to
5 an international obligation of the United States pertaining
6 to a nongovernmental entity of the United States under
7 the Outer Space Treaty relating to the following:

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

10 “(2) The carrying out of a space debris mitiga-
11 tion plan of a space object for which a certification
12 was issued under chapter 801.

13 **“§ 80205. Limitation on certain agency supervision**

14 “(a) IN GENERAL.—Not later than one year after the
15 date of the enactment of the Commercial Space Act of
16 2023, no other agency shall have the authority to author-
17 ize, place conditions on, or supervise the operation of space
18 objects required to be certified under chapter 801, except
19 as set forth in this subtitle.

20 “(b) AGREEMENT LIMITATIONS.—Nothing in this
21 section may be construed to prevent an agency from in-
22 cluding additional terms, conditions, limitations, or re-
23 quirements, consistent with applicable provisions of law,
24 beyond those required in this subtitle, in a contract or
25 other agreement with the holder of a certification under

1 chapter 801 for the operation of the applicable space ob-
2 ject.

3 **“§ 80206. Commercial exploration and use of outer**
4 **space**

5 “To the maximum extent practicable, the President,
6 acting through appropriate Federal agencies, shall inter-
7 pret and fulfill international obligations, including obliga-
8 tions under the covered treaties on outer space, to mini-
9 mize regulations and limitations on the freedom of United
10 States nongovernmental entities to explore and use outer
11 space.

12 **“§ 80207. Federal jurisdiction**

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

17 **“§ 80208. Global commons**

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

20 **“§ 80209. Regulatory authority**

21 “(a) IN GENERAL.—Not later than 10 months after
22 the date of the enactment of the Commercial Space Act
23 of 2023, the Secretary shall issue such regulations as are
24 necessary to carry out this subtitle.

1 “(b) REDUCING REGULATORY BURDEN.—In issuing
 2 regulations to carry out this subtitle, the Secretary shall
 3 avoid, to the maximum extent practicable, the placement
 4 of inconsistent, duplicative, or otherwise burdensome re-
 5 quirements on the operations of United States nongovern-
 6 mental entities in outer space.

7 **“§ 80210. Consultation with relevant agencies**

8 “(a) IN GENERAL.—Subject to subsection (b), the
 9 Secretary may, as the Secretary considers necessary, con-
 10 sult with the heads of other relevant agencies in carrying
 11 out this subtitle.

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

18 **SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.**

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

**“Subtitle VIII—Authorization and Supervision of
 Nongovernmental Space Activities**

**“801. Certification to Operate Space Objects80101
 “802. Administrative Provisions Related to Certification80201”.**

22 (b) REPEALS.—

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

3 (A) Subchapter III of chapter 601 is re-
4 pealed.

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

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

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

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

16 (2) in section 50702(c)(5), by striking “Space-
17 Based Position” and inserting “Space-Based Posi-
18 tioning”; and

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

21 **SEC. 6. OFFICE OF SPACE COMMERCE.**

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

24 (1) in subsection (b)—

1 (A) by striking “The Office shall be head-
2 ed” and inserting the following:

3 “(1) IN GENERAL.—The Office shall be head-
4 ed”; and

5 (B) by adding at the end the following:

6 “(2) DIRECT REPORT.—The Director shall re-
7 port directly to the Secretary of Commerce.”; and

8 (2) in subsection (c)—

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

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

13 (C) by adding at the end the following new
14 paragraphs:

15 “(6) to authorize and supervise the operations
16 of United States nongovernmental entities in outer
17 space, pursuant to chapter 801 of this title; and

18 “(7) to facilitate and promote the development
19 of best practices among operators of space objects to
20 address substantial risks to the physical safety of
21 Federal Government space objects, including the risk
22 of on-orbit collisions.”.

1 **SEC. 7. SPACE SITUATIONAL AWARENESS.**

2 (a) IN GENERAL.—Chapter 507 of title 51, United
3 States Code, is amended by adding at the end the fol-
4 lowing new sections:

5 **“§ 50704. Space situational awareness**

6 “(a) DEFINITIONS.—In this section:

7 “(1) INSTITUTION OF HIGHER EDUCATION.—

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

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

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

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

23 “(A) the identification and characterization
24 of space objects and orbital debris; and

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

4 “(b) AUTHORITY.—Pursuant to the authority pro-
5 vided in section 50702, the Director of the Office of Space
6 Commerce shall—

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

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

17 “(c) PROHIBITION.—The Secretary may not promul-
18 gate regulations for space situational awareness or space
19 traffic management.

20 “(d) ELIGIBLE ENTITIES.—

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

25 “(A) An institution of higher education.

1 “(B) A nonprofit organization.

2 “(C) A not-for-profit organization.

3 “(2) CONSIDERATIONS.—In awarding a cooper-
4 ative agreement to any entity under this section, the
5 Director shall consider, at a minimum, the following
6 with respect to such entity:

7 “(A) Demonstrated expertise in space situ-
8 ational awareness.

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

11 “(C) Public-private collaboration experi-
12 ence.

13 “(D) International coordination potential.

14 “(3) PROHIBITION.—An entity that is a feder-
15 ally funded research and development center is not
16 an eligible entity for a cooperative agreement under
17 this section.

18 “(e) CONSORTIUM MEMBERSHIP.—The entity award-
19 ed a cooperative agreement under subsection (b) shall seek
20 consortium membership and participation from the fol-
21 lowing:

22 “(1) Commercial entities.

23 “(2) Other institutions of higher education,
24 nonprofit organizations, or not-for-profit organiza-
25 tions.

1 “(3) States.

2 “(4) Political subdivisions of States.

3 “(5) Governments of foreign countries.

4 “(f) CONSORTIUM ACTIVITIES.—The entity awarded
5 a cooperative agreement under subsection (b)(1) shall, in
6 consultation with the consortium members specified in
7 subsection (e)—

8 “(1) provide publicly available data, informa-
9 tion, and services for space situational awareness,
10 including—

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

13 “(B) conjunction notifications;

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

16 “(3) seek broad consortium membership, par-
17 ticipation, and information sharing from both do-
18 mestic and international spacecraft operators and
19 commercial and nongovernmental data providers;

20 “(4) seek to maximize cost sharing and enable
21 the commercialization of private sector products and
22 services in order to promote a more robust commer-
23 cial space situational awareness industry, including
24 further privatization of space situational awareness
25 services;

1 “(5) facilitate opportunities for United States
2 commercial entities to participate in and contribute
3 to the consortium; and

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

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

12 **“§ 50705. Authorization of appropriations**

13 “‘There is authorized to be appropriated to the Office
14 of Space Commerce \$70,000,000 for fiscal year 2024 to
15 carry out this chapter.’”.

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

 “50704. Space situational awareness.
 “50705. Authorization of appropriations.”.

20 **SEC. 8. NASA SPACE SITUATIONAL AWARENESS INSTITUTE.**

21 (a) IN GENERAL.—Chapter 315 of title 51, United
22 States Code, is amended by amending section 31501 to
23 read as follows:

1 **“§ 31501. Orbital debris space situational awareness**

2 “(a) ORBITAL DEBRIS.—The Administrator, in con-
3 junction with the heads of other Federal agencies, shall
4 take steps to assess, develop, or acquire technologies that
5 will decrease the risks associated with orbital debris.

6 “(b) SPACE SITUATIONAL AWARENESS INSTITUTE.—

7 “(1) IN GENERAL.—Subject to appropriations,
8 the Administrator shall award a cooperative agree-
9 ment to an eligible entity to establish a Space Situa-
10 tional Awareness Institute (in this section referred
11 to as the ‘Institute’) to advance scientific, techno-
12 logical, and transdisciplinary research in space situa-
13 tional awareness.

14 “(2) PURPOSE.—The Institute shall—

15 “(A) conduct transdisciplinary research,
16 development, and demonstration projects re-
17 lated to orbital mechanics, astrodynamics, and
18 the detecting, tracking, identifying, character-
19 izing, and modeling, of orbital debris and space
20 objects to improve—

21 “(i) space situational awareness and
22 the development of open-architecture re-
23 sources;

24 “(ii) the unique identification, track-
25 ing, classification, prediction, and modeling
26 of orbital debris and space objects;

1 “(iii) the monitoring, quantification,
2 assessment, modeling, and prediction of
3 space operations and hazards, including in-
4 space collisions;

5 “(iv) peer exchange and documenta-
6 tion of evidence-based practices for orbital
7 debris mitigation and remediation; and

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

11 “(B) leverage non-Federal sources of sup-
12 port to improve space situational awareness and
13 minimize space safety, security, and sustain-
14 ability risks;

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

17 “(D) coordinate with—

18 “(i) NASA’s Orbital Debris Program
19 Office located at the Johnson Space Cen-
20 ter;

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

24 “(iii) the consortium established pur-
25 suant to section 50704; and

1 “(iv) any other government agencies
2 as determined by the Administrator.

3 “(3) ELIGIBLE ENTITIES.—

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

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

9 “(ii) A nonprofit organization.

10 “(iii) A not-for-profit organization.

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

13 “(i) Commercial entities.

14 “(ii) Federal laboratories.

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

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

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

23 “(B) The commitment of financial support,
24 advice, participation, and other contributions
25 from non-Federal sources.

1 “(5) COOPERATIVE AGREEMENT PERIOD.—A
2 cooperative agreement awarded under this section
3 shall be awarded for a period of 10 years.

4 “(6) AUTHORIZATION.—Of the funds author-
5 ized to be appropriated to NASA for the Office of
6 Safety and Mission Assurance, Agency Technical
7 Authority, \$10,000,000 is authorized to be appro-
8 priated to carry out this section for fiscal year 2024.

9 “(c) DEFINITIONS.—In this section:

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

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

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

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

1 “(A) the identification and characterization
2 of space objects and orbital debris; and

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

6 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
7 In the table of sections for chapter 315 of title 51, United
8 States Code, the item relating to section 31501 is amend-
9 ed by inserting “space situational awareness” after “de-
10bris”.

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

12 (a) **IN GENERAL.**—Chapter 509 of title 51, United
13 States Code, is amended—

14 (1) in 50901—

15 (A) in subsection (a)(7), by striking “to
16 ensure compliance with international obligations
17 of the United States and to protect the public
18 health and safety, safety of property, and na-
19 tional security and foreign policy interests of
20 the United States” and inserting “to protect
21 the public health and safety or safety of prop-
22 erty, prevent violations of the international obli-
23 gations of the United States, and prevent sub-
24 stantial harm to the national security of the
25 United States”; and

1 (B) in subsection (b)(3), by striking “,
2 safety of property, and national security and
3 foreign policy interests of the United States”
4 and inserting “ or safety of property, prevent
5 violations of the international obligations of the
6 United States, and prevent substantial harm to
7 the national security of the United States”;

8 (2) in 50904(c)—

9 (A) by striking “, safety of property, or
10 national security or foreign policy interests of
11 the United States” and inserting “or safety of
12 property, violate United States international ob-
13 ligations, or cause substantial harm to the na-
14 tional security of the United States”; and

15 (B) by adding at the end the following:
16 “No launch or reentry may be prevented under
17 this subsection on the basis of international ob-
18 ligations of the United States, including under
19 the covered treaties on outer space (as such
20 term is defined in section 80101) if the payload
21 is included in certification under chapter 801.”;

22 (3) in 50905—

23 (A) in subsection (a)(1)—

24 (i) in the second sentence, by striking

25 “Consistent with the public health and

1 safety, safety of property, and national se-
2 curity and foreign policy interests of the
3 United States, the” and inserting “The”;
4 and

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

10 (B) in subsection (b)—

11 (i) in paragraph (2)(B), by striking “,
12 safety of property, national security inter-
13 ests, and foreign policy interest of the
14 United States” and inserting “and safety
15 of property, or to prevent a violation of
16 United States international obligations, or
17 to prevent substantial harm to the national
18 security of the United States”;

19 (ii) in paragraph (2)(C), by striking “,
20 safety of property, national security inter-
21 ests, or foreign policy interests of the
22 United States” and inserting “or safety of
23 property, to prevent a violation of United
24 States international obligations, or to pre-

1 vent substantial harm to the national secu-
2 rity of the United States”; and

3 (iii) in paragraph (3), in the first sen-
4 tence, by striking “, safety of property,
5 and national security and foreign policy in-
6 terests of the United States” and inserting
7 “or safety of property, violate United
8 States international obligations, or cause
9 substantial harm to the national security
10 of the United States”; and

11 (C) in subsection (c)—

12 (i) in paragraph (5)—

13 (I) by striking “2016” and in-
14 serting “2024”; and

15 (II) by striking “2021” and in-
16 serting “2031”;

17 (ii) by striking paragraph (6);

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

21 (iv) in paragraph (6), as so redesi-
22 gnated, by striking “each of 2018 and
23 2022” and inserting “, 2031,”;

1 (v) in paragraph (7), as so redesignated,
2 nated, by striking “identified by the report
3 under paragraph (6)”;

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

7 (vii) in paragraph (9), as so redesignated,
8 nated, by striking “, safety of property, or
9 national security or foreign policy interests
10 of the United States” and inserting “or
11 safety of property, to prevent a violation of
12 United States international obligations, or
13 to prevent substantial harm to the national
14 security of the United States”;

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

21 (6) in 50909(a), by striking “, the safety of
22 property, or a national security or foreign policy in-
23 terest of the United States” and inserting “ or the
24 safety of property, violates an international obliga-

1 tion of the United States, or causes substantial
2 harm to the national security of the United States”;

3 (7) in 50914—

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

6 (B) in subsection (b)(1)(C), by striking
7 “2025” and inserting “2031”;

8 (8) in 50915—

9 (A) in subsection (a)(3)(B), by striking
10 “2025” and inserting “2033”; and

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

13 (9) in 50918—

14 (A) in subsection (a), in the second sen-
15 tence—

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

19 (ii) by striking “foreign policy interest
20 or obligation” and inserting “of any poten-
21 tial violations of the international obliga-
22 tions of the United States”; and

23 (B) by adding at the end the following new
24 subsection:

1 “(d) TIMING.—The Secretary shall conclude any con-
2 sultations described in this section not later than 120 days
3 after receiving an application for a license submitted pur-
4 suant to this chapter.”; and

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

7 **“§ 50924. Prohibition**

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

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

“50924. Prohibition.”.

14 **SEC. 10. REPORT ON REGISTRATION OF SPACE OBJECTS.**

15 (a) IN GENERAL.—Not later than one year after the
16 date of the enactment of this Act, the Secretary of Com-
17 merce, acting through the Office of Space Commerce and
18 in consultation with the Private Space Activity Advisory
19 Committee established pursuant to section 80110 of title
20 51, United States Code, as added by this Act, shall submit
21 to the Committee on Science, Space, and Technology of
22 the House of Representatives and the Committee on Com-
23 merce, Science, and Transportation of the Senate a report
24 on the implementation of the space object registration ob-
25 ligations of the United States and other countries under

1 Article VIII of the Outer Space Treaty and the Convention
2 on Registration of Space Objects.

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

5 (1) An identification of the practices and proce-
6 dures among countries that are members of the
7 Outer Space Treaty and the Convention on Registra-
8 tion of Space Objects in implementing and com-
9 plying with the registration obligations contained in
10 the the Treaty and Convention.

11 (2) A description of any existing practices and
12 procedures of the Federal Government for the reg-
13 istration of nongovernmental space objects.

14 (3) Recommendations on how the registration
15 of space objects in the United States could be im-
16 proved to benefit the United States, including by im-
17 proving United States leadership in commercial
18 space activities.

19 **SEC. 11. COMMERCIAL SPACE LAUNCH AND REENTRY ACCI-**
20 **DENT INVESTIGATIONS.**

21 (a) FINDINGS.—Congress finds that—

22 (1) safety oversight under existing law con-
23 tinues to encourage innovation and enables the
24 United States to maintain leadership in space tech-
25 nology;

1 (2) several government agencies provide signifi-
2 cant expertise in the conduct of commercial space
3 launch or reentry mishap investigations; and

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

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) the commercial space launch and reentry in-
9 vestigation regime authorized under section 50917
10 of title 51, United States Code, is effective and
11 should not be substantially modified;

12 (2) manufacturers and operators bring unique
13 expertise and technical understanding to the com-
14 mercial space launch and reentry investigation proc-
15 ess;

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

19 (4) pursuant to section 50917 of title 51,
20 United States Code, other agencies should be al-
21 lowed to participate, as appropriate, in commercial
22 space launch and reentry investigations.

23 **SEC. 12. IN-SPACE SERVICING, ASSEMBLY, AND MANUFAC-**
24 **TURING.**

25 It is the sense of Congress that—

1 (1) in-space servicing, assembly, and manufac-
2 turing capabilities are of vital importance to the
3 United States;

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

8 (3) the Federal Government should cooperate
9 and coordinate with private industry to develop and
10 deploy in-space servicing, assembly, and manufac-
11 turing capabilities and utilize such capabilities for
12 government missions as appropriate; and

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

19 **SEC. 13. SPACE NUCLEAR SYSTEMS.**

20 (a) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that—

22 (1) the ability to use space nuclear power and
23 propulsion systems safely, securely, and sustainably
24 is a significant part of maintaining and advancing
25 United States leadership in space;

1 (2) the United States should use all commercial
2 means to safely and sustainably advance space ex-
3 ploration, including nuclear propulsion;

4 (3) the authorization for launches of spacecraft
5 containing space nuclear systems should follow a
6 three-tiered process based upon the characteristics of
7 the system, as defined in the Presidential Memo-
8 randum on Launch of Spacecraft Containing Space
9 Nuclear Systems (NSPM–20), issued on August 20,
10 2019; and

11 (4) licensing for in all three tiers for commer-
12 cial launches of spacecraft containing space nuclear
13 systems should be consistent with chapter 509 of
14 title 51, United States Code.

15 (b) REPORTS.—

16 (1) BY SECRETARY OF TRANSPORTATION.—Not
17 later than 180 days after the date of the enactment
18 of this Act, the Secretary of Transportation, in co-
19 ordination with the Interagency Nuclear Safety Re-
20 view Board, shall submit to the Committee on
21 Science, Space, and Technology of the House of
22 Representatives, the Committee on Commerce,
23 Science, and Transportation of the Senate, and the
24 Commercial Space Transportation Advisory Com-
25 mittee a report containing a proposal for the process

1 for licensing the launch of commercial spacecraft
2 containing space nuclear systems that includes the
3 following:

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

7 (B) Proposed requirements for indem-
8 nification and insurance.

9 (2) BY COMMERCIAL SPACE TRANSPORTATION
10 ADVISORY COMMITTEE.—Not later than 180 days
11 after the submission of the report under paragraph
12 (1), the Commercial Space Transportation Advisory
13 Committee shall submit to the Committee on
14 Science, Space, and Technology of the House of
15 Representatives and the Committee on Commerce,
16 Science, and Transportation of the Senate a report
17 detailing industry and stakeholder perspectives on
18 the report under paragraph (1).

19 **SEC. 14. LIMITATION ON INTERNATIONAL AGREEMENTS**
20 **CONCERNING OUTER SPACE ACTIVITIES.**

21 (a) IN GENERAL.—Chapter 307 of title 51, United
22 States Code, is amended by adding at the end the fol-
23 lowing new section:

1 **“§ 30705. Limitation on international agreements con-**
2 **cerning outer space activities**

3 “(a) CERTIFICATION REQUIRED.—If the United
4 States becomes a signatory to a non-legally binding inter-
5 national agreement concerning an international code of
6 conduct or norms of behavior for outer space activities or
7 any similar agreement, at the same time as the United
8 States becomes such a signatory—

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

14 “(2) the Administrator of the National Aero-
15 nautics and Space Administration, the Secretary of
16 Commerce, and the Secretary of Transportation
17 shall jointly submit to the appropriate congressional
18 committees a certification that such agreement will
19 be equitable, enhance the free exploration and use of
20 outer space, and have no economically significant
21 impact on the ability of United States nongovern-
22 mental entities to conduct activities in outer space.

23 “(b) BRIEFINGS AND NOTIFICATIONS REQUIRED.—

24 “(1) POLICY FORMULATION WITH RESPECT TO
25 OUTER SPACE.—No action may be taken that would
26 obligate the United States or United States non-

1 governmental entities to limit private sector activi-
2 ties in space except pursuant to the treaty-making
3 power of the President set forth in Article II, Sec-
4 tion 2, Clause II of the Constitution or unless au-
5 thorized by the enactment of further affirmative leg-
6 islation by Congress.

7 “(2) BRIEFINGS.—

8 “(A) IN GENERAL.—The Administrator of
9 the National Aeronautics and Space Adminis-
10 tration, the Secretary of Commerce, and the
11 Secretary of Transportation shall jointly pro-
12 vide to the appropriate congressional commit-
13 tees regular, detailed briefings on the negotia-
14 tion of any non-legally-binding international
15 agreement concerning an international code of
16 conduct or norms of behavior for outer space
17 activities or any similar agreement.

18 “(B) TERMINATION OF REQUIREMENT.—

19 The requirement to provide regular briefings on
20 negotiations of an agreement under subpara-
21 graph (A) shall terminate on the date on which
22 the United States becomes a signatory to such
23 agreement referred to in subparagraph (A), or
24 on the date on which the President certifies to
25 Congress that the United States is no longer

1 negotiating such an agreement, whichever is
2 earlier.

3 “(3) NOTIFICATIONS.—If the United States be-
4 comes a signatory to a non-legally binding inter-
5 national agreement concerning an international code
6 of conduct or norms of behavior for outer space ac-
7 tivities or any similar agreement, not less than 60
8 days prior to any action that will obligate the United
9 States to reduce or limit the activities of the United
10 States or United States nongovernmental entities in
11 space, the head of each department or agency of the
12 Federal Government that is affected by such action
13 shall submit to Congress notice of such action and
14 the effect of such action on such department or
15 agency, as well as the potential impact on United
16 States nongovernmental entities.

17 “(c) DEFINITION.—In this section, the term ‘appro-
18 priate congressional committees’ means the Committee on
19 Science, Space, and Technology of the House of Rep-
20 resentatives and the Committee on Commerce, Science,
21 and Transportation of the Senate.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—
23 The table of sections for chapter 307 of title 51, United
24 States Code, is amended by inserting after the item relat-
25 ing to section 30704 the following new item:

“30705. Limitation on international agreements concerning outer space activities.”.

