H.R.2262 - U.S. Commercial Space Launch Competitiveness Act

114th Congress (2015-2016)

Sponsor:	Rep. McCarthy, Kevin [R-CA-23] (Introduced 05/12/2015)
Committees:	House - Science, Space, and Technology | Senate - Commerce, Science, and Transportation
Committee Meetings:	05/19/15 3:00PM 05/13/15 2:00PM
Committee Reports:	H. Rept. 114-119
Committee Prints:	H.Prt. 114-17
Latest Action:	11/25/2015 Became Public Law No: 114-90. (All Actions)
Roll Call Votes:	There have been 2 roll call votes
Tracker:	Introduced > Passed House > Passed Senate > Resolving Differences > To President > **Became Law**

Summary(5) Text(8) Actions(51) Titles(16) Amendments(8) Cosponsors(12) Committees(3) Related Bills(4)

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Shown Here:
Public Law No: 114-90 (11/25/2015)

(This measure has not been amended since it was passed by the Senate on November 10, 2015. The summary of that version is repeated here.)

U.S. Commercial Space Launch Competitiveness Act

TITLE I--SPURRING PRIVATE AEROSPACE COMPETITIVENESS AND ENTREPRENEURSHIP
Spurring Private Aerospace Competitiveness and Entrepreneurship Act of 2015 or the SPACE Act of 2015

(Sec. 102) It is the sense of Congress that it is in the public interest to update the methodology used to calculate the maximum probable loss from commercial space launch liability claims with a validated risk profile approach in order to consistently compute valid and reasonable maximum probable loss values.

The Department of Transportation (DOT) shall: (1) evaluate and, if necessary, develop a plan to update, the methodology used to calculate the maximum probable loss from commercial space launch liability claims; and (2) meet specified criteria in evaluating or developing the plan.

The Government Accountability Office (GAO) shall assess the evaluation and any plan.

The liability coverage of licensees subject to third-party claims exceeding the amount of insurance or demonstration of financial responsibility shall be extended through FY2025.

(Sec. 103) Liability insurance and financial responsibility requirements shall cover space flight participants through FY2025.

(Sec. 104) Certain time constraints in requirements for commercial space launch and reentry experimental permits are repealed. Rockets, reusable launch vehicles that will be launched into a suborbital trajectory, and designs for such vehicles as well as rocket designs shall be covered. DOT may issue an experimental launch or reentry permit notwithstanding the issuance of any launch or reentry license. Neither shall the issuance of such a license invalidate an experimental permit.

DOT may issue an experimental permit for reusable suborbital rockets or reusable launch vehicles that will be launched into a suborbital trajectory or reentered solely for crew training regardless of whether the crew trains before or after obtaining a license.

Experimental permits may also authorize an unlimited number of launches and reentries for a particular suborbital rocket or reusable launch vehicle or reusable launch vehicle design (currently, only for a suborbital rocket design).

No person may operate a reusable launch vehicle (or, as currently, a reusable suborbital rocket) under an experimental permit for carrying any property or human being for compensation or hire.

(Sec. 105) DOT shall report to Congress on approaches for streamlining the licensing and permitting process of launch vehicles, reentry vehicles, or their components, to enable non-launch flight operations related to space transportation.

(Sec. 106) Federal courts shall have exclusive jurisdiction of any claim by a third party or space flight participant for death, bodily injury, or property damage or loss resulting from an activity carried out under the commercial space launch or reentry license.

(Sec. 107) Reciprocal waiver of claims requirements shall apply to space flight participants through FY2025.

(Sec. 108) The Office of Science and Technology Policy shall:

- assess current, and proposed near-term, commercial non-governmental activities conducted in space;
- identify appropriate authorization and supervision authorities for such activities; and
- recommend to Congress an authorization and supervision approach that would prioritize safety, utilize existing authorities, minimize burdens to the commercial space transportation industry, promote the U.S. commercial space sector, and meet U.S. obligations under international treaties.

These requirements shall not apply to the International Space Station (ISS) or any research or development projects using the ISS national laboratory.

(Sec. 109) The bill expresses the sense of Congress concerning space traffic management of federal assets and U.S. private assets in outer space and orbital debris mitigation.

The National Aeronautics and Space Administration (NASA) shall arrange with an independent systems engineering and technical assistance organization to study alternate frameworks for the management of space traffic and orbital activities.

It is the sense of Congress that the Department of Defense (DOD) plays a vital and unique role in the protection of national security assets in space.

(Sec. 110) DOT, in concurrence with DOD, shall study the feasibility of processing and releasing to any entity safety-related space situational awareness data and information consistent with national security interests and U.S. public safety obligations.

(Sec. 111) DOT shall continue to work with the commercial space sector, including the Commercial Space Transportation Advisory Committee (or its successor organization), to facilitate the development of voluntary consensus standards based on recommended best practices to improve the safety of crew, government astronauts, and space flight participants as that sector continues to mature.

DOT shall also report periodically to specified congressional committees on the progress of the commercial space transportation industry in developing voluntary consensus standards that promote best practices to improve industry safety.

DOT must report to Congress key industry metrics that might indicate readiness of the commercial space sector and DOT to transition to a safety framework that considers space flight participant, government astronaut, and crew safety.

An independent systems engineering and technical assistance organization or standards development organization contracted by DOT shall assess the readiness of the commercial space industry and the federal government to transition to a safety

framework that may include regulations.

(Sec. 112) Certain commercial space launch requirements shall apply to government astronauts, defined as any NASA designees who are U.S. government employees or international partner astronauts carried within a launch or reentry vehicle in the course of their employment.

(Sec. 113) The sense of Congress is expressed favoring the elimination of duplicative requirements and approvals for commercial launch and reentry operations.

This bill reaffirms that DOT, in overseeing and coordinating commercial launch and reentry operations, should:

- promote commercial space launches and reentries by the private sector;
- facilitate government, state, and private sector involvement in enhancing U.S. launch sites and facilities;
- protect public health and safety, safety of property, national security interests, and foreign policy interests of the United States; and
- consult with another executive agency, including DOD or NASA, as necessary to provide consistent application of commercial space launch licensing requirements.

DOT must consult with DOD, NASA, and other executive agencies to identify and evaluate all requirements imposed to protect health and safety, safety of property, national security interests, and foreign policy interests of the United States relevant to any commercial launch of a launch vehicle or commercial reentry of a reentry vehicle, and:

- determine whether the satisfaction of a requirement of one agency could result in the satisfaction of a requirement of another agency, and
- resolve any inconsistencies and remove any outmoded or duplicative federal requirements or approvals.

DOT shall report annually to Congress on these efforts until no outmoded or duplicative federal requirements or approvals exist.

(Sec. 114) The sense of Congress is expressed regarding operation and use of the ISS.

NASA shall ensure that the ISS remains a viable and productive facility capable of potential U.S. utilization through at least FY2024 (currently, through FY2020).

NASA shall ensure that the ISS as a designated national laboratory:

- remains viable as an element of overall exploration and partnership strategies and approaches;
- is considered for use by all NASA mission directorates for technically appropriate scientific data gathering or technology risk reduction demonstrations; and
- remains an effective, functional vehicle providing research and test bed capabilities for the United States through at least FY2024.

(Sec. 115) The sense of Congress is expressed concerning state commercial launch facilities. States and state launch facilities should seek to take proper measures to protect themselves to the extent of their potential liability for involvement in launch services or reentry services, and to compensate third parties for possible death, bodily injury, or property damage or loss resulting from any licensed commercial space launch activity to which the state or state launch facility is involved in launch services or reentry services.

The GAO shall report to Congress on the potential inclusion of all government property, including state and municipal property, in the existing indemnification regime.

(Sec. 116) The GAO shall report to Congress on the use of space support vehicle services in the commercial space industry.

(Sec. 117) The space shuttle program with respect to commercial space flight is replaced by a Space Launch System.

The Space Launch System may be used for:

- payloads and missions that contribute to extending human presence beyond low-Earth orbit and substantially benefit from the System's unique capabilities;
- other payloads and missions that also benefit substantially from the System's unique capabilities;

- federal government or educational payloads, on a space available basis, consistent with NASA's mission for exploration beyond low-Earth orbit; and
- compelling circumstances, as determined by NASA.

NASA may plan, negotiate, or implement agreements with foreign entities for the launch of payloads for international collaborative efforts related to science and technology using the Space Launch System.

In the case of a compelling circumstance, NASA shall notify Congress of its intent to select the Space Launch System for a specific mission, with a justification for that determination.

TITLE II--COMMERCIAL REMOTE SENSING

(Sec. 201) The Department of Commerce shall report annually to Congress on the implementation of its authority to license private sector parties to operate private remote sensing space systems.

Each such report may include classified annexes necessary to protect the disclosure of sensitive or classified information.

(Sec. 202) Commerce shall report to Congress on the statutory updates necessary to license private remote sensing space systems, taking into account the need to protect national security while maintaining U.S. private sector leadership in the field.

TITLE III--OFFICE OF SPACE COMMERCE

(Sec. 301) This bill renames the Office of Space Commercialization as the Office of Space Commerce.

(Sec. 302) The Office of Space Commerce shall:

- foster the conditions for the economic growth and technological advancement of the U.S. space commerce industry;
- coordinate space commerce policy issues and actions within Commerce;
- represent Commerce in the development of U.S. policies and in negotiations with foreign countries to promote U.S. space commerce;
- promote the advancement of U.S. geospatial technologies related to space commerce in cooperation with relevant interagency working groups; and
- support federal government organizations working on Space-Based Positioning, Navigation, and Timing policy.

TITLE IV--SPACE RESOURCE EXPLORATION AND UTILIZATION

Space Resource Exploration and Utilization Act of 2015

(Sec. 402) The bill directs the President, acting through appropriate federal agencies, to:

- facilitate the commercial exploration for and commercial recovery of space resources by U.S. citizens;
- discourage government barriers to the development of economically viable, safe, and stable industries for the commercial exploration for and commercial recovery of space resources in manners consistent with U.S. international obligations; and
- promote the right of U.S. citizens to engage in commercial exploration for and commercial recovery of space resources free from harmful interference, in accordance with such obligations and subject to authorization and continuing supervision by the federal government.

A U.S. citizen engaged in commercial recovery of an asteroid resource or a space resource shall be entitled to any asteroid resource or space resource obtained, including to possess, own, transport, use, and sell it according to applicable law, including U.S. international obligations.

(Sec. 403) It is the sense of Congress that the United States does not, by enactment of this Act, assert sovereignty or sovereign or exclusive rights or jurisdiction over, or ownership of, any celestial body.