IN THE SENATE OF THE UNITED STATES

MAY 22, 2015

Received; read twice and referred to the Committee on Commerce, Science, and Transportation

AN ACT

To facilitate a pro-growth environment for the developing commercial space industry by encouraging private sector investment and creating more stable and predictable regulatory conditions, 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,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Spurring Private Aerospace Competitiveness and Entrepreneurship Act of 2015” or the “SPACE Act of 2015”.

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

1. Short title; table of contents.

TITLE I—COMMERCIAL SPACE LAUNCH

101. Consensus standards.
102. International launch competitiveness.
103. Launch license flexibility.
104. Government astronauts.
105. Indemnification for space flight participants.
106. Independent study of indemnification for space flight participants.
108. Cross-waivers.
109. Orbital traffic management.
110. State commercial launch facilities.
111. Space support vehicles study.
112. Streamline commercial space launch activities.
113. Space Launch System update.

TITLE II—SPACE RESOURCE EXPLORATION AND UTILIZATION

201. Short title.
202. Title 51 amendment.

TITLE III—COMMERCIAL REMOTE SENSING

301. Annual reporting.
302. Statutory update report.

TITLE IV—OFFICE OF SPACE COMMERCE

401. Renaming of Office of Space Commercialization.
402. Functions of the Office of Space Commerce.

TITLE I—COMMERCIAL SPACE LAUNCH

SEC. 101. CONSENSUS STANDARDS.

Section 50905(c) of title 51, United States Code, is amended—
(1) by striking paragraph (3);

(2) by redesignating paragraph (4) as para-

graph (8); and

(3) by inserting after paragraph (2) the fol-

lowing:

“(3) INTERIM INDUSTRY VOLUNTARY CON-

SENSUS STANDARDS REPORT.—The Secretary, in

consultation with the Commercial Space Transpor-

tation Advisory Committee, or its successor organi-

zation, shall provide a report to the Committee on

Science, Space, and Technology of the House of

Representatives and the Committee on Commerce,

Science, and Transportation of the Senate on the

progress of the commercial space transportation in-

dustry in developing voluntary consensus standards

or any other construction that promotes best prac-

tices to improve the industry. Such report shall in-

clude, at a minimum—

“(A) any voluntary industry consensus

standards or any other construction that have

been accepted by the industry at large;

“(B) the identification of areas that have

the potential to become voluntary industry con-

sensus standards or another potential construc-
tion that are currently under consideration by the industry at large;

“(C) an assessment from the Secretary on the general progress of the industry in adopting voluntary consensus standards or any other construction;

“(D) lessons learned about voluntary industry consensus standards or any other construction, best practices, and commercial space launch operations;

“(E) any lessons learned associated with the development, potential application, and acceptance of voluntary industry consensus standards or any other construction, best practices, and commercial space launch operations; and

“(F) recommendations, findings, or observations from the Commercial Space Transportation Advisory Committee, or its successor organization, on the progress of the industry in developing industry consensus standards or any other construction.

This report, with the appropriate updates in the intervening periods, shall be transmitted to such committees no later than December 31, 2016, December 31, 2018, December 31, 2020, and December 31,
2022. Each report shall describe and assess the progress achieved as of 6 months prior to the specified transmittal date.

“(4) INTERIM REPORT ON KNOWLEDGE AND OPERATIONAL EXPERIENCE.—The Secretary shall provide a report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of the knowledge and operational experience acquired by the industry while providing flight services for compensation or hire to support the development of a safety framework. Interim reports shall be transmitted to such committees no later than December 31, 2018, December 31, 2020, and December 31, 2022. Each report shall describe and assess the progress achieved as of 6 months prior to the specified transmittal date.

“(5) INDEPENDENT REVIEW.—No later than December 31, 2023, an independent, private systems engineering and technical assistance organization or standards development organization contracted by the Secretary shall provide to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce,
Science, and Transportation of the Senate an assess-
ment of the readiness of the commercial space indus-
try and the Federal Government to transition to a
safety framework that may include regulations. As
part of the review, the contracted organization shall
evaluate—

“(A) the progress of the commercial space
industry in adopting industry voluntary stand-
ards or any other construction as reported by
the Secretary in the interim assessments in-
cluded in reports provided under paragraph (3); and

“(B) the knowledge and operational experi-
ence obtained by the commercial space industry
while providing services for compensation or
hire as reported by the Secretary in the interim
knowledge and operational reports provided
under paragraph (4).

“(6) LEARNING PERIOD.—Beginning on De-
cember 31, 2025, the Secretary may propose regula-
tions under this subsection without regard to para-
graph (2)(C) and (D). The development of any such
regulations shall take into consideration the evolving
standards of the commercial space flight industry as
identified through the reports published under paragraphs (3) and (4).

“(7) COMMUNICATION AND TRANSPARENCY.—Nothing in this subsection shall be construed to limit the authority of the Secretary of Transportation to discuss potential approaches, potential performance standards, or any other topic related to this subsection with the commercial space industry including observations, findings, and recommendations from the Commercial Space Transportation Advisory Committee, or its successor organization, prior to the issuance of a notice of proposed rulemaking. Such discussions shall not be construed to permit the Secretary to promulgate industry regulations except as otherwise provided in this section.”.

SEC. 102. INTERNATIONAL LAUNCH COMPETITIVENESS.

(a) PURPOSE.—The purpose of this section is to provide for updating the methodology used to calculate the maximum probable loss from claims under section 50914 of title 51, United States Code, with a validated risk profile approach to provide reasonable maximum probable loss values associated with potential third party losses from commercially licensed launches. An appropriately updated methodology will help ensure that the Federal Government is not exposed to greater financial risks than in-
tended and that launch companies are not required to pur-
chase more insurance coverage than necessary.

(b) MAXIMUM PROBABLE LOSS PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall provide to the Com-
mittee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to up-
date the methodology used to calculate maximum probable loss from claims under section 50914 of title 51, United States Code, through the use of a validated risk profile approach. Such plan shall include, at a minimum—

(1) an evaluation of the reasonableness of the current single casualty estimate and, if needed, the steps the Secretary will take to update such esti-
mate;

(2) an evaluation, in consultation with the Ad-
ministrator of the National Aeronautics and Space Administration and the heads of other relevant exec-
utive agencies, of the reasonableness of the dollar value of the insurance requirement required by the Secretary for launch providers to cover damage to Government property resulting from a commercially licensed space launch activity, and recommendations as to a reasonable calculation if, as determined by
the Secretary, the current statutory threshold is insufficient;

(3) a schedule of when updates to the methodology and calculations for the totality of the Maximum Probable Loss will be implemented, and a detailed explanation of any changes to the current calculation; and

(4) consideration of the impact of the cost of its implementation on the licensing process, both in terms of the cost to industry of collecting and providing the requisite data and cost to the Government of analyzing the data.

(c) Independent Assessment.—Not later than 270 days after transmittal of the plan under subsection (b), the Comptroller General shall provide to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of—

(1) the conclusions and analysis provided by the Secretary of Transportation in the plan required under subsection (b);

(2) the implementation schedule proposed by the Secretary in such plan;
(3) the suitability of the plan for implementation; and

(4) any further actions needed to implement the plan or otherwise accomplish the purpose of this section.

(d) LAUNCH LIABILITY EXTENSION.—Section 50915(f) of title 51, United States Code, is amended by striking “December 31, 2016” and inserting “December 31, 2025”.

SEC. 103. LAUNCH LICENSE FLEXIBILITY.

Section 50906 of title 51, United States Code, is amended—

(1) in subsection (d), by striking “that will be launched or reentered” and inserting “or reusable launch vehicles that will be launched into a suborbital trajectory or reentered under that permit”;

(2) by amending subsection (d)(1) to read as follows:

“(1) research and development to test design concepts, equipment, or operating techniques;”;

(3) in subsection (d)(3)—

(A) by striking “prior to obtaining a license”; and

(B) by inserting “or vehicle” after “design of the rocket”;

...
(4) in subsection (e)(1), by striking “suborbital rocket design” and inserting “suborbital rocket or rocket design, or for a particular reusable launch vehicle or reusable launch vehicle design,”;

(5) in subsection (e)(2), by inserting “or launch vehicle” after “the suborbital rocket”;

(6) by amending subsection (g) to read as follows:

“(g) The Secretary may issue a permit under this section notwithstanding any license issued under this chapter. The issuance of a license under this chapter shall not invalidate a permit under this section.”; and

(7) in subsection (h), by inserting “or reusable launch vehicle” after “suborbital rocket”.

SEC. 104. GOVERNMENT ASTRONAUTS.

(a) DEFINITIONS.—Section 50902 of title 51, United States Code, is amended—

(1) by redesignating paragraphs (4) through (22) as paragraphs (5) through (23), respectively;

(2) by inserting after paragraph (3) the following new paragraph:

“(4) ‘government astronaut’ means an individual designated as such by the Administrator of the National Aeronautics and Space Administration,
pursuant requirements established by the Administrator, who—

“(A) is an employee of—

“(i) the United States Government, including the United States Armed Forces; or

“(ii) a foreign government that is a party to the Intergovernmental Agreement Among the Government of Canada, Governments of Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America Concerning Cooperation on the Civil International Space Station, signed on January 29, 1998; and

“(B) is carried within a launch vehicle or reentry vehicle in the course of his or her employment, which may include performance of activities directly relating to the launch, reentry, or other operation of the launch vehicle or reentry vehicle.”;

(3) in paragraph (5), as so redesignated by paragraph (1) of this subsection, by inserting “government astronaut,” after “crew,”;
(4) in paragraph (7)(A), as so redesignated by paragraph (1) of this subsection, by inserting “government astronaut,” after “(including crew training),”;

(5) in paragraph (14), as so redesignated by paragraph (1) of this subsection, by inserting “government astronauts,” after “crew,”;

(6) in paragraph (15)(A), as so redesignated by paragraph (1) of this subsection, by inserting “government astronaut,” after “(including crew training),”;

(7) by amending paragraph (18), as so redesignated by paragraph (1) of this subsection, to read as follows:

“(18) ‘space flight participant’ means an individual, who is not crew or a government astronaut, carried within a launch vehicle or reentry vehicle.”;

and

(8) in paragraph (22)(E), as so redesignated by paragraph (1) of this subsection, by inserting “, government astronauts,” after “crew”.

(b) Restrictions on Launches, Operations, and Reentries; Single License or Permit.—Section 50904(d) of title 51, United States Code, is amended by inserting “, government astronauts,” after “crew”.
(c) LICENSE APPLICATIONS AND REQUIREMENTS;

APPLICATIONS.—Section 50905 of title 51, United States Code, is amended—

(1) in subsection (a)(2), by striking “crews and space flight participants” and inserting “crew, government astronauts, and space flight participants”;

(2) in subsection (b)(2)(D), by inserting “, government astronauts,” after “crew”; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting “, government astronauts,” after “crew”; and

(B) in paragraph (2), by striking “to crew or space flight participants” each place it appears and inserting “to crew, government astronauts, or space flight participants”.

(d) MONITORING ACTIVITIES.—Section 50907(a) of title 51, United States Code, is amended by striking “crew or space flight participant training” and inserting “crew, government astronaut, or space flight participant training”.

(e) ADDITIONAL SUSPENSIONS.—Section 50908(d)(1) of title 51, United States Code, is amended by striking “to crew or space flight participants” each place it appears and inserting “to crew, government astronauts, or space flight participants”.
SEC. 105. INDEMNIFICATION FOR SPACE FLIGHT PARTICIPANTS.

Chapter 509 of title 51, United States Code, is amended—

(1) in section 50914(a)(4), by adding at the end the following:

“(E) space flight participants.”; and

(2) in section 50915(a)(1)—

(A) by striking “or a contractor” and inserting “a contractor”; and

(B) by striking “but not against” and inserting “or”.

SEC. 106. INDEPENDENT STUDY OF INDEMNIFICATION FOR SPACE FLIGHT PARTICIPANTS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General shall provide to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the results of a study of the issues associated with space flight participants and potential third party claims that could arise from a potential accident of a commercial licensed launch vehicle or reentry vehicle that is carrying space flight participants. The study shall—

(1) identify the issues associated with space flight participants and third party liability;
(2) identify options for addressing the issues;

(3) identify any potential unintended consequences and issues associated with each of the options; and

(4) identify any potential costs to the Federal Government for each of the options.

SEC. 107. FEDERAL JURISDICTION.

Section 50914 of title 51, United States Code, is amended by adding at the end the following:

“(g) FEDERAL JURISDICTION.—Any action or tort arising from a licensed launch or reentry shall be the sole jurisdiction of the Federal courts.”.

SEC. 108. CROSS-WAIVERS.

Section 50914(b)(1) of title 51, United States Code, is amended to read as follows: “(1) A launch or reentry license issued or transferred under this chapter shall contain a provision requiring the licensee or transferee to make a reciprocal waiver of claims with its contractors, subcontractors, and customers, the contractors and subcontractors of the customers, and any space flight participants, involved in launch services or reentry services or participating in a flight under which each party to the waiver agrees to be responsible for property damage or loss it or they sustain, or for personal injury to, death of, or property damage or loss sustained by its own em-
ployees resulting from an activity carried out under the applicable license.”.

SEC. 109. ORBITAL TRAFFIC MANAGEMENT.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, as none currently exists, there may be a need for a framework that addresses space traffic management of United States Government assets and United States private sector assets to minimize the proliferation of debris and decrease the congestion of the orbital environment.

(b) STUDY REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Administrator of the National Aeronautics and Space Administration, in consultation with the Federal Aviation Administration, the Federal Communications Commission, the National Oceanic and Atmospheric Administration, and the Department of Defense, shall enter into an arrangement with an independent, nonprofit, private systems engineering and technical assistance organization to study frameworks for the management of space traffic and orbital activities. The study shall include the following:

(1) An assessment of current regulations, Government best practices, and industry standards that apply to space traffic management and orbital debris mitigation.
(2) An assessment of current statutory authority granted to the Federal Communications Commission, the Federal Aviation Administration, and the National Oceanic and Atmospheric Administration and how those agencies utilize and coordinate those authorities.

(3) A review of all space traffic management and orbital debris requirements under treaties and other international agreements to which the United States is a signatory, and other nonbinding international arrangements in which the United States participates, and the manner in which the Federal Government complies with those requirements.

(4) An assessment of existing Federal Government assets used to conduct space traffic management and space situational awareness.

(5) An assessment of the risk associated with smallsats as well as any necessary Government coordination for their launch and utilization.

(6) An assessment of existing private sector information sharing activities associated with space situational awareness and space traffic management.

(7) Recommendations related to the framework for the protection of the health, safety, and welfare
of the public and economic vitality of the space industry.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall provide to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report required in subsection (b).

(d) DEPARTMENT OF DEFENSE AUTHORITIES.—Congress recognizes the vital and unique role played by the Department of Defense in protecting national security assets in space. Nothing in this section shall be construed to amend authorities granted to the Department of Defense to safeguard the national security.

SEC. 110. STATE COMMERCIAL LAUNCH FACILITIES.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that State involvement, development, ownership, and operation of launch facilities can help enable growth of the Nation’s commercial suborbital and orbital space endeavors and support both commercial and Government space programs. It is further the sense of Congress that State launch facilities and the people and property within the affected launch areas of those State facilities are subject to risks if the commercial launch vehicle fails or experiences an anomaly. To ensure the success of the commercial
cial launch industry and the safety of the people and property in the affected launch areas, it is the further sense of Congress that States and State launch facilities should seek to take proper measures to secure their investments and the safety of third parties from potential damages that could be suffered from commercial launch activities.

(b) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the potential inclusion of all government property, including State and municipal property, in the existing indemnification regime established under section 50914 of title 51, United States Code.

SEC. 111. SPACE SUPPORT VEHICLES STUDY.

Not less than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report on the use of space support vehicle services in the commercial space industry. This report shall include—

(1) the extent to which launch providers rely on such services as part of their business models;
(2) the statutory, regulatory, and market barriers to the use of such services; and

(3) recommendations for legislative or regulatory action that may be needed to ensure reduced barriers to the use of such services if such use is a requirement of the industry.

SEC. 112. STREAMLINE COMMERCIAL SPACE LAUNCH ACTIVITIES.

(a) Sense of Congress.—It is the sense of Congress that eliminating duplicative requirements and approvals for commercial launch and reentry operations will promote and encourage the development of the commercial space sector.

(b) Reaffirmation of Policy.—Congress reaffirms that the Secretary of Transportation, in overseeing and coordinating commercial launch and reentry operations, should—

(1) promote commercial space launches and reentries by the private sector;

(2) facilitate Government, State, and private sector involvement in enhancing U.S. launch sites and facilities;

(3) protect public health and safety, safety of property, national security interests, and foreign policy interests of the United States; and
(4) consult with the head of another executive agency, including the Secretary of Defense or the Administrator of the National Aeronautics and Space Administration, as necessary to provide consistent application of licensing requirements under chapter 509 of title 51, United States Code.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of Transportation under section 50918 of title 51, United States Code, and subject to section 50905(b)(2)(C) of that title, shall consult with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, and the heads of other executive agencies, as appropriate—

(A) to identify all requirements that are imposed to protect the public 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

(B) to evaluate the requirements identified in subparagraph (A) and, in coordination with the licensee or transferee and the heads of the relevant executive agencies—
(i) determine whether the satisfaction of a requirement of one agency could result in the satisfaction of a requirement of another agency; and

(ii) resolve any inconsistencies and remove any outmoded or duplicative requirements or approvals of the Federal Government relevant to any commercial launch of a launch vehicle or commercial reentry of a reentry vehicle.

(2) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter until the Secretary of Transportation determines no outmoded or duplicative requirements or approvals of the Federal Government exist, the Secretary of Transportation, in consultation with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the commercial space sector, and the heads of other executive agencies, as appropriate, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the congressional defense committees a report that includes the following:
(A) A description of the process for the application for and approval of a permit or license under chapter 509 of title 51, United States Code, for the commercial launch of a launch vehicle or commercial reentry of a reentry vehicle, including the identification of—

(i) any unique requirements for operating on a United States Government launch site, reentry site, or launch property; and

(ii) any inconsistent, outmoded, or duplicative requirements or approvals.

(B) A description of current efforts, if any, to coordinate and work across executive agencies to define interagency processes and procedures for sharing information, avoiding duplication of effort, and resolving common agency requirements.

(C) Recommendations for legislation that may further—

(i) streamline requirements in order to improve efficiency, reduce unnecessary costs, resolve inconsistencies, remove duplication, and minimize unwarranted constraints;
(ii) consolidate or modify requirements across affected agencies into a single application set that satisfies the requirements identified in paragraph (1)(A);

(iii) facilitate outreach to minority- and women-owned businesses on business opportunities in the commercial space industry; and

(iv) facilitate the participation of the Emerging Researchers National Conference in STEM, American Association for the Advancement of Science, Louis Stokes Alliances for Minority Participation Program (LAMP), Historically Black Colleges and Universities Undergraduate Program (HBCU–UP) of the National Science Foundation, Emerging Researchers National Conference in Science, Technology, Engineering and Mathematics, the University of Florida’s Institute for African-American Mentoring in Computing Sciences, the Hispanic Association of Colleges and Universities, the National Indian Education Association, and other institutions, organizations, or associations as the
Secretary of Transportation determines to be useful in investigating the feasibility of developing programs for fellowships, work-study, and employment opportunities for undergraduate and graduate students.

(3) DEFINITIONS.—For purposes of this subsection—

(A) any applicable definitions set forth in section 50902 of title 51, United States Code, shall apply;

(B) the terms “launch”, “reenter”, and “reentry” include landing of a launch vehicle or reentry vehicle; and

(C) the terms “United States Government launch site” and “United States Government reentry site” include any necessary facility, at that location, that is commercially operated on United States Government property.

SEC. 113. SPACE LAUNCH SYSTEM UPDATE.

(a) CHAPTER 701.—

(1) AMENDMENT.—The chapter heading of chapter 701 of title 51, United States Code, is amended by striking “SPACE SHUTTLE” and inserting “SPACE LAUNCH SYSTEM”.

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(2) CONFORMING AMENDMENT.—The item relating to chapter 701 in the table of chapters of title 51, United States Code, is amended by striking “Space Shuttle” and inserting “Space Launch System”.

(b) SECTION 70101.—

(1) AMENDMENTS.—Section 70101 of title 51, United States Code, is amended—

(A) in the section heading, by striking “space shuttle” and inserting “Space Launch System”; and

(B) by striking “space shuttle” and inserting “Space Launch System”.

(2) CONFORMING AMENDMENT.—The item relating section 70101 in the table of sections for chapter 701 of title 51, United States Code is amended by striking “space shuttle” and inserting “Space Launch System”.

(c) SECTION 70102.—

(1) AMENDMENTS.—Section 70102 of title 51, United States Code, is amended—

(A) in the section heading, by striking “Space shuttle” and inserting “Space Launch System”;
(B) in subsection (a)(1)(A), by striking “space shuttle” both places it appears and inserting “Space Launch System”;

(C) in subsection (a)(1)(A)(i), by inserting “directly to cis-lunar space and the regions of space beyond low-Earth orbit” after “human presence”;

(D) in subsection (a)(1)(B), by striking “a shuttle launch” and inserting “a launch of the Space Launch System”;

(E) in subsection (a)(2), by striking “a space shuttle mission” and inserting “a mission of the Space Launch System”;

(F) in subsection (b)—

(i) by striking “space shuttle” each place it appears and inserting “Space Launch System”; and

(ii) by striking “from the shuttle” and inserting “from the Space Launch System”;

(G) in subsection (c), by striking “space shuttle” and inserting “Space Launch System”; and

(H) by adding at the end the following new subsection:
“(d) DEFINITION.—In this section, the term ‘Space Launch System’ means the Space Launch System authorized under section 302 of the National Aeronautics and Space Administration Authorization Act of 2010.”.

(2) CONFORMING AMENDMENT.—The item relating section 70102 in the table of sections for chapter 701 of title 51, United States Code is amended by striking “Space shuttle” and inserting “Space Launch System”.

(d) SECTION 70103.—

(1) AMENDMENTS.—Section 70103 of title 51, United States Code, is amended—

(A) in the section heading, by striking “space shuttle” and inserting “Space Launch System”; and

(B) by striking “space shuttle” each place it appears and inserting “Space Launch System”.

(2) CONFORMING AMENDMENT.—The item relating section 70103 in the table of sections for chapter 701 of title 51, United States Code is amended by striking “space shuttle” and inserting “Space Launch System”.

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TITLE II—SPACE RESOURCE EXPLORATION AND UTILIZATION

SEC. 201. SHORT TITLE.
This title may be cited as the “Space Resource Exploration and Utilization Act of 2015”.

SEC. 202. TITLE 51 AMENDMENT.
(a) In general.—Subtitle V of title 51, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 513—SPACE RESOURCE EXPLORATION AND UTILIZATION

"Sec. 51301. Definitions.
"51301. Definitions.
"51302. Commercialization of space resource exploration and utilization.
"51303. Legal framework.

§ 51301. Definitions

“In this chapter:

“(1) SPACE RESOURCE.—The term ‘space resource’ means a natural resource of any kind found in situ in outer space.

“(2) ASTEROID RESOURCE.—The term ‘asteroid resource’ means a space resource found on or within a single asteroid.

“(3) STATE.—The term ‘State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands,

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Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

“(4) UNITED STATES COMMERCIAL SPACE RESOURCE UTILIZATION ENTITY.—The term ‘United States commercial space resource utilization entity’ means an entity providing space resource exploration or utilization services, the control of which is held by persons other than a Federal, State, local, or foreign government, and that is—

“(A) duly organized under the laws of a State;

“(B) subject to the subject matter and personal jurisdiction of the courts of the United States; or

“(C) a foreign entity that has voluntarily submitted to the subject matter and personal jurisdiction of the courts of the United States.

§ 51302. Commercialization of space resource exploration and utilization

“(a) IN GENERAL.—The President, acting through appropriate Federal agencies, shall—

“(1) facilitate the commercial exploration and utilization of space resources to meet national needs;
“(2) discourage government barriers to the development of economically viable, safe, and stable industries for the exploration and utilization of space resources in manners consistent with the existing international obligations of the United States; and

“(3) promote the right of United States commercial entities to explore outer space and utilize space resources, in accordance with the existing international obligations of the United States, free from harmful interference, and to transfer or sell such resources.

“(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this section, the President shall submit to Congress a report that contains recommendations for—

“(1) the allocation of responsibilities relating to the exploration and utilization of space resources among Federal agencies; and

“(2) any authorities necessary to meet the international obligations of the United States with respect to the exploration and utilization of space resources.

“§ 51303. Legal framework

“(a) PROPERTY RIGHTS.—Any asteroid resources obtained in outer space are the property of the entity that
obtained such resources, which shall be entitled to all property rights thereto, consistent with applicable provisions of Federal law and existing international obligations.

“(b) SAFETY OF OPERATIONS.—A United States commercial space resource utilization entity shall avoid causing harmful interference in outer space.

“(c) CIVIL ACTION FOR RELIEF FROM HARMFUL INTERFERENCE.—A United States commercial space resource utilization entity may bring a civil action for appropriate legal or equitable relief, or both, under this chapter for any action by another entity subject to United States jurisdiction causing harmful interference to its operations with respect to an asteroid resource utilization activity in outer space.

“(d) RULE OF DECISION.—In a civil action brought pursuant to subsection (c) with respect to an asteroid resource utilization activity in outer space, a court shall enter judgment in favor of the plaintiff if the court finds—

“(1) the plaintiff—

“(A) acted in accordance with all existing international obligations of the United States; and

“(B) was first in time to conduct the activity; and
“(2) the activity is reasonable for the exploration and utilization of asteroid resources.

“(e) EXCLUSIVE JURISDICTION.—The district courts of the United States shall have original jurisdiction over an action under this chapter without regard to the amount in controversy.”.

(b) CLERICAL AMENDMENT.—The table of chapters for title 51, United States Code, is amended by adding at the end of the items for subtitle V the following:

“513. Space resource exploration and utilization ..................51301”.

TITLE III—COMMERCIAL REMOTE SENSING

SEC. 301. ANNUAL REPORTING.

(a) IN GENERAL.—Subchapter III of chapter 601 of title 51, United States Code, is amended by adding at the end the following:

“§ 60126. Annual reporting

“The Secretary shall provide a report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of the SPACE Act of 2015 and annually thereafter on—

“(1) the Secretary’s implementation of section 60121, including—
“(A) a list of all applications received in the previous calendar year;

“(B) a list of all applications approved;

“(C) a list of all applications denied and an explanation of why each application was denied, including any information relevant to the interagency adjudication process of a licensing request;

“(D) a list of all applications that required additional information; and

“(E) a list of all applications whose disposition exceeded the 120 day deadline established in section 60121(c), the total days overdue for applications that exceeded such deadline, and an explanation for the delay;

“(2) all notifications and information provided to the Secretary pursuant to section 60122; and

“(3) all actions taken by the Secretary under the administrative authority granted by section 60123(a)(4), (5), and (6).

Such report may include classified annexes as necessary to protect the disclosure of sensitive or classified information.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 601 of such title is amended
by inserting after the item relating to section 60125 the following new item:

“60126. Annual reporting.”.

SEC. 302. STATUTORY UPDATE REPORT. Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with other appropriate Federal agencies and the National Oceanic and Atmospheric Administration’s Advisory Committee on Commercial Remote Sensing, shall report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on statutory updates necessary to protect national security, protect privacy (which is not to be taken as altering any condition or standards for licensing), protect the United States industrial base, and reflect the current state of the art of remote sensing systems, instruments, or technologies.

TITLE IV—OFFICE OF SPACE COMMERCE

SEC. 401. RENAMING OF OFFICE OF SPACE COMMERCIALIZATION. (a) Chapter Heading.—

(1) Amendment.—The chapter heading for chapter 507 of title 51, United States Code, is amended by striking “COMMERCIALIZATION” and inserting “Commerce”.
(2) CONFORMING AMENDMENT.—The item relating to chapter 507 in the table chapters for title 51, United States Code, is amended by striking “Commercialization” and inserting “Commerce”.

(b) DEFINITION OF OFFICE.—Section 50701 of title 51, United States Code, is amended by striking “Commercialization” and inserting “Commerce”.

(c) RENAMING.—Section 50702(a) of title 51, United States Code, is amended by striking “Commercialization” and inserting “Commerce”.

SEC. 402. FUNCTIONS OF THE OFFICE OF SPACE COMMERCE.

Section 50702(c) of title 51, United States Code, is amended by striking “Commerce.” and inserting “Commerce, including to—

“(1) foster the conditions for the economic growth and technological advancement of the United States space commerce industry;

“(2) coordinate space commerce policy issues and actions within the Department of Commerce;

“(3) represent the Department of Commerce in the development of United States policies and in negotiations with foreign countries to promote United States space commerce;
“(4) promote the advancement of United States geospatial technologies related to space commerce, in cooperation with relevant interagency working groups; and

“(5) provide support to Federal Government organizations working on Space-Based Positioning Navigation, and Timing policy, including the National Coordination Office for Space-Based Position, Navigation, and Timing.”.

Passed the House of Representatives May 21, 2015.

Attest: KAREN L. HAAS,

Clerk.