AN ACT

To amend title 51, United States Code, to create within the Department of Commerce a Bureau of Space Commerce to administer the Department’s promotion, coordination, and regulation of commercial space activities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Space Policy Advancing Commerce” or the “SPACE” Act.

SECTION 2. DEFINITIONS.

In this Act:

(1) COMMERCIAL SPACE ACTIVITIES. The term ‘commercial space activities,’ ‘commercial space activity,’ or ‘space commerce’ includes the activities of non-governmental entities in outer space, including suborbital space, Earth orbit, cis-lunar space, the Moon, deep space, and other celestial bodies, under the
authorization and continuing supervision of the United States. This definition does not include licensing authorities as defined in chapter 509 of Title 51.

(2) DEPARTMENT. The term ‘Department’ means the Department of Commerce.

(3) SECRETARY. The term ‘Secretary’ means the Secretary of Commerce.

(4) ASSISTANT SECRETARY. The term ‘Assistant Secretary’ means the Assistant Secretary of Commerce for Space Commerce.

(5) EXECUTIVE AGENCY. The term ‘Executive agency’ means any department, agency, or instrumentality of the United States.

(6) UNITED STATES GOVERNED ENTITY. The term ‘United States governed entity’ or ‘United States governed entities’ means any corporation, partnership, governmental organization (other than an Executive agency), or other entity that places or controls objects or persons in outer space and is or can be subject to the authority and control of the United States.

SECTION 3. Policy and Purpose.

(a) POLICY. It is the policy of the United States to advance and support commercial space activities by United States Governed Entities, consistent with U.S. National Security interests, foreign policy, and international obligations. Space commerce is important to the Nation’s continued economic growth, job creation, technological innovation, human development, and national security. To this end it is a priority for the United States Government to consolidate, to the maximum extent possible, the administration and oversight of commercial space activities, and to reduce unnecessary regulatory burdens on the domestic space industry. In addition, the United States endeavors to create an economic
environment favorable to commercial space activities and seeks to ensure United States leadership in space commerce.

(b) PURPOSE. The purposes of this Act are:

(1) to encourage commercial space activities by United States Governed Entities through consolidation and coordination of the Department of Commerce’s commercial space functions and clarification of the Department’s responsibilities in the authorization and supervision of commercial space activities;

(2) to streamline regulations to facilitate American leadership in space commerce in order to promote economic growth, minimize uncertainty for investors and private industry and reduce costs to taxpayers while protecting national security, public safety, and foreign policy interests;

(3) to consolidate the Department’s space commerce functions to efficiently address existing and new responsibilities relating to commercial space activities as authorized by Congress; and

(4) to provide authority to the Department to authorize and supervise commercial space activities consistent with the international obligations of the United States, and to serve as an advocate for U.S. commercial space industry.

SECTION 4. Bureau of Space Commerce.

(a) Section 50701 of title 51, United States Code, is amended – by striking all and inserting, “In this chapter, the term “Bureau” means the BUREAU OF SPACE COMMERCE established in section 50702 of this title.”
(b) Section 50702 of title 51, United States Code, is amended - by striking all and inserting,

“(a) In General.—

There is established within the Department of Commerce a Bureau of Space Commerce.

(b) Assistant Secretary.—

The Bureau shall be headed by an Assistant Secretary for Space Commerce, to be appointed by the President with the advice and consent of the Senate and compensated at level II or III of the Executive Schedule, as determined by the Secretary of Commerce. The Assistant Secretary shall report directly to the Secretary.

(c) Functions of Bureau.—The Bureau shall oversee the Department’s promotion, coordination, and regulation of commercial space activities and serve as the principal unit within the Department of Commerce for space commerce issues, programs, and initiatives, including—

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

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

    (3) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to promote United States space commerce;

    (4) promoting the advancement of United States geospatial technologies related to space commerce, in cooperation with relevant interagency working groups; and
(5) providing support to Federal Government organizations working on Space-Based Positioning Navigation, and Timing policy, including the National Coordination Office for Space-Based Positioning, Navigation, and Timing.

(d) Duties of Assistant Secretary.—The primary responsibilities of the Assistant Secretary in carrying out the functions of the Office shall, under the direction and supervision of the Secretary, include—

(1) coordinating Department policy impacting commercial space activity, working with other executive agencies to promote policies that advance commercial space activities, and representing the Department of Commerce in working groups of the National Space Council and National Security Council;

(2) promoting commercial provider investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(3) assisting United States commercial providers in the efforts of those providers to conduct business with the United States Government;

(4) acting as an industry advocate within the executive branch of the Federal Government to ensure that the Federal Government uses commercially available space goods and services, to the extent feasible, for its space-related activities;

(5) ensuring that the United States Government does not compete with and discourage United States commercial providers in the provision of
space hardware and services otherwise available from United States commercial providers,

   (6) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce, consistent with the international obligations, foreign policy, and national security interests of the United States;

   (7) seeking the removal, as appropriate, of legal, policy, and institutional impediments to space commerce;

   (8) streamlining regulations of the Department to implement this Act or any responsibilities or international obligations of the United States regarding space activities; and

   (9) developing procedures for authorizing and supervising, as appropriate, commercial space activities, not already authorized and supervised through other Federal authorities. The Secretary shall authorize commercial space activity to the extent consistent with the international obligations, foreign policy and national security interests of the United States, and United States Government uses of outer space, with conditions, as appropriate, developed in coordination with the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Secretary of Transportation, the Administrator of the National Aeronautics and Space Administration, the Director of National Intelligence, and the heads of other appropriate departments and Executive agencies.”

(c) Chapter 601 of title 51, United States Code, is amended –
(1) by striking paragraph 60121(a)(2), and re-designating paragraph 60121(a)(2) as section 60121(a).

(2) by striking all of Section 60124 and inserting, “The Secretary, through the Bureau, may issue regulations to carry out this subchapter. Such regulations shall be promulgated only after public notice and comment in accordance with the provisions of section 553 of title 5.”

SECTION 5. Industry Advice.

(a) The Secretary shall engage with representatives of the commercial space industry and other relevant organizations to seek input on policy and regulatory updates.

(b) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to interactions with representatives of the commercial space industry and other relevant organizations under this section.

SECTION 6. Authorization of Appropriations

There are authorized to be appropriated to the Secretary of Commerce $10,000,000 for the Bureau of Space Commerce for fiscal year 2020 and each of the four succeeding fiscal years.