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H. R. XXXX

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Received; read twice and referred to the Committee on Science, Space,
and Technology

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.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Space Policy Advancing Commerce" or the
5 "SPACE" Act.

6 **SECTION 2. DEFINITIONS.**

7 In this Act:

8 (1) **COMMERCIAL SPACE ACTIVITIES.** The term 'commercial space
9 activities,' 'commercial space activity,' or 'space commerce' includes the activities
10 of non-governmental entities in outer space, including suborbital space, Earth orbit,
11 cis-lunar space, the Moon, deep space, and other celestial bodies, under the

12 authorization and continuing supervision of the United States. This definition does
13 not include licensing authorities as defined in chapter 509 of Title 51.

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

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

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

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

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

26 **SECTION 3. Policy and Purpose.**

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

36 environment favorable to commercial space activities and seeks to ensure United
37 States leadership in space commerce.

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

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

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

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

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

56 **SECTION 4. Bureau of Space Commerce.**

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

60 (b) Section 50702 of title 51, United States Code, is amended - by striking all and
61 inserting,

62 “(a) In General.—

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

65 (b) Assistant Secretary.—

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

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

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

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

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

82 (4) promoting the advancement of United States geospatial
83 technologies related to space commerce, in cooperation with relevant
84 interagency working groups; and

85 (5) providing support to Federal Government organizations working
86 on Space-Based Positioning Navigation, and Timing policy, including the
87 National Coordination Office for Space-Based Positioning, Navigation, and
88 Timing.

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

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

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

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

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

107 (5) ensuring that the United States Government does not compete
108 with and discourage United States commercial providers in the provision of

109 space hardware and services otherwise available from United States
110 commercial providers,

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

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

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

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

132 (c) Chapter 601 of title 51, United States Code, is amended –

133 (1) by striking paragraph 60121(a)(2), and re-designating
134 paragraph 60121(a)(2) as section 60121(a).

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

139 **SECTION 5. Industry Advice.**

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

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

145 **SECTION 6. Authorization of Appropriations**

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