

HR 2809

American Space Commerce Free Enterprise Act

Congress: 115 (2017–2019, Ended)

Chamber: House

Policy Area: Science, Technology, Communications

Introduced: Jun 7, 2017

Current Status: Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transp

Latest Action: Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation. (Apr 25, 2018)

Official Text: <https://www.congress.gov/bill/115th-congress/house-bill/2809>

Sponsor

Name: Rep. Smith, Lamar [R-TX-21]

Party: Republican • **State:** TX • **Chamber:** House

Cosponsors (15 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Babin, Brian [R-TX-36]	R · TX		Jun 7, 2017
Rep. Bridenstine, Jim [R-OK-1]	R · OK		Jun 7, 2017
Rep. Higgins, Clay [R-LA-3]	R · LA		Jun 7, 2017
Rep. Hultgren, Randy [R-IL-14]	R · IL		Jun 7, 2017
Rep. Kilmer, Derek [D-WA-6]	D · WA		Jun 7, 2017
Rep. Perlmutter, Ed [D-CO-7]	D · CO		Jun 7, 2017
Rep. Rohrabacher, Dana [R-CA-48]	R · CA		Jun 7, 2017
Rep. Weber, Randy K., Sr. [R-TX-14]	R · TX		Jun 7, 2017
Rep. Lamborn, Doug [R-CO-5]	R · CO		Jun 26, 2017
Rep. Calvert, Ken [R-CA-42]	R · CA		Jul 11, 2017
Rep. Dunn, Neal P. [R-FL-2]	R · FL		Jul 11, 2017
Rep. Coffman, Mike [R-CO-6]	R · CO		Sep 12, 2017
Rep. Soto, Darren [D-FL-9]	D · FL		Dec 15, 2017
Rep. Bera, Ami [D-CA-7]	D · CA		Apr 24, 2018
Rep. McCarthy, Kevin [R-CA-23]	R · CA		Apr 24, 2018

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Referred To	Apr 25, 2018
Science, Space, and Technology Committee	House	Reported By	Apr 24, 2018

Subjects & Policy Tags

Policy Area:

Science, Technology, Communications

Related Bills

No related bills are listed.

American Space Commerce Free Enterprise Act

(Sec. 3) This bill grants the Office of Space Commerce of the Department of Commerce the authority to issue certifications to U.S. nationals and nongovernmental entities (U.S. entities) for the operation of human-made objects launched from Earth and the items carried on them (space objects).

The office shall require only one certification for a U.S. entity to:

- conduct multiple operations using a single space object,
- operate multiple space objects that carry out substantially similar operations, or
- use multiple space objects to carry out a single space operation.

The bill sets forth requirements for the approval of applications for the issuance or transfer of a certification. Applications must include a space debris mitigation plan.

A certification shall expire on the earlier of:

- when all operations approved under the certification cease, including the carrying out of a space debris mitigation plan;
- when all space objects approved under the certification no longer exist; or
- five years after the certification was approved, if no approved operations have commenced.

Any U.S. entity for whom a payload has been approved as part of a license issued under current federal law may:

- elect to be immediately considered certified for operation, or
- apply for a certification for the operation of the licensed activities and may continue to operate pursuant to such license until such certification is issued.

A payload of a U.S. entity that is pending approval under current federal law as part of a commercial launch or reentry license that has already been issued, may be, at the election of the applicant, rescinded or deemed to be a pending application for certification.

The office shall establish a Private Space Activity Advisory Committee to:

- analyze the status and recent developments of nongovernmental space activities;
- analyze the implementation of the certification process;
- provide recommendations on how the United States can facilitate and promote a robust and innovative private sector that is investing in, developing, and operating space objects;
- identify any challenges the private sector is experiencing regarding activities in outer space;
- review existing best practices for U.S. entities to avoid harmful contamination of celestial bodies and adverse changes in Earth's environment resulting from the introduction of extraterrestrial matter;
- advise on matters relating to private sector space activities; and
- provide information, advice, and recommendations related to the office's authority.

The committee shall be terminated 10 years after it is established.

The bill directs the President to protect the interests of U.S. entities in outer space, including commercial activity, the exploitation of space resources, and ownership rights over space objects and obtained space resources.

(Sec. 4) The bill authorizes the office to issue permits for the operation of space-based remote sensing systems.

Only one permit is required for the operation of a space-based remote sensing system to:

- conduct multiple operations using such a system,
- operate multiple such systems that carry out similar operations, or
- use those systems to carry out a single remote sensing operation.

The bill bars any person from operating any space-based remote sensing system without a permit.

Where an applicant for a permit is not a U.S. entity, the applicant must identify a U.S. entity that has consented to being responsible for the permitted operation of the space-based remote sensing system.

The operation of a space-based remote sensing system:

- begins when it is in outer space and can meet the minimum threshold and objective capabilities for its stated need;
and
- shall not cover acts of distribution, sale, or transfer of data, information, or services.

The bill sets forth permit application and review requirements. If the proposed operation of a space-based remote sensing system poses a significant threat to national security, the office may deny the application or condition the permit to address the threat. The office may place on a permit only a condition that is achievable using reasonably commercially available efforts. An application may not be denied and a permit may not be conditioned for a system with similar capabilities to systems that are already commercially available or expected to be available in the next three years.

The office shall provide for the transfer of a permit.

A person may apply for a permit to operate a space-based remote sensing system that utilizes a civilian federal government satellite or vehicle as a platform. The office may offer assistance in finding such opportunities. An executive agency may enter into an agreement for such use if the agreement is consistent with the agency's mission and statutory authority.

The office shall establish an Advisory Committee on Commercial Remote Sensing to:

- advise on matters relating to the commercial space-based remote sensing industry;
- analyze the implementation of the space-based remote sensing system permitting process;
- provide recommendations on how the United States can facilitate and promote a robust and innovative private sector that is investing in, developing, and operating such systems;
- identify any challenges the private sector is experiencing with the authorization and supervision of the operation of such systems; and
- provide information, advice, and recommendations related to the office's authority or to authorized private sector activities in outer space.

Such committee shall be terminated 10 years after it is established.

Any U.S. entity with a valid license for the operation of space-based remote sensing system may:

elect to be immediately considered permitted, or

- apply for a permit and continue to operate pursuant to such license until a permit is issued.

A pending application for a remote sensing license may be, at the election of such applicant, rescinded or deemed to be a pending application for a permit.

The bill abolishes the Commercial Remote Sensing Regulatory Affairs Office of the National Oceanic and Atmospheric Administration.

(Sec. 5) The bill sets forth administrative authority and procedures related to certifications and permits.

(Sec. 6) The bill repeals provisions relating to the licensing of private remote sensing space systems and relating to certain consultations concerning the management of the Landsat Program.

(Sec. 7) The office must be located in the principal physical location of the Office of the Secretary of Commerce.

Future directors of the office shall be appointed by the President and confirmed by the Senate. The director shall be the Assistant Secretary of Commerce for Space Commerce and shall report directly to the Secretary of Commerce.

As an additional function, the office shall facilitate and promote the development of best practices among operators of space objects and space-based remote sensing systems to address risks to federal government space objects.

(Sec. 8) No launch or reentry may be prevented under the authority of the Department of Transportation (DOT) on the basis of national security, foreign policy, or international obligations of the United States if the payload has received a certification to operate as a space object.

(Sec. 9) The office shall report on the implementation of the space object registration obligations of the United States and other countries under Article VIII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967) and the Convention on Registration of Objects Launched into Outer Space (1975).

(Sec. 10) The Government Accountability Office shall report on removing the Office of Commercial Space Transportation from under the jurisdiction of the Federal Aviation Administration and reestablishing such office under the jurisdiction of DOT.

(Sec. 11) Commerce shall report to the Advisory Committee on Commercial Remote Sensing on space-based radiofrequency mapping, including whether there is a need to regulate such mapping.

Actions Timeline

- **Apr 25, 2018:** Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.
- **Apr 24, 2018:** Reported (Amended) by the Committee on Science, Space, and Technology. H. Rept. 115-649.
- **Apr 24, 2018:** Placed on the Union Calendar, Calendar No. 498.
- **Apr 24, 2018:** Mr. Smith (TX) moved to suspend the rules and pass the bill, as amended.
- **Apr 24, 2018:** Considered under suspension of the rules. (consideration: CR H3476-3489)
- **Apr 24, 2018:** DEBATE - The House proceeded with forty minutes of debate on H.R. 2809.
- **Apr 24, 2018:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H3476-3484)
- **Apr 24, 2018:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H3476-3484)
- **Apr 24, 2018:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 8, 2017:** Committee Consideration and Mark-up Session Held.
- **Jun 8, 2017:** Ordered to be Reported (Amended) by Voice Vote.
- **Jun 7, 2017:** Introduced in House
- **Jun 7, 2017:** Referred to the House Committee on Science, Space, and Technology.