

118TH CONGRESS
2D SESSION

S. 4064

To amend section 50905 of title 51, United States Code, to extend and modify provisions relating to license applications and requirements for commercial space launch activities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2024

Mr. SCHMITT (for himself and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend section 50905 of title 51, United States Code, to extend and modify provisions relating to license applications and requirements for commercial space launch activities, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commercial Standards
5 Paramount to Accelerating Cosmic Exploration Leader-
6 ship Act” or “Commercial SPACE Leadership Act”.

1 **SEC. 2. EXTENSIONS AND MODIFICATIONS RELATING TO**
2 **HUMAN OCCUPANT SAFETY.**

3 (a) LICENSE APPLICATIONS AND REQUIREMENTS
4 FOR COMMERCIAL SPACE LAUNCH ACTIVITIES.— Section
5 50905 of title 51, United States Code, is amended—

6 (1) in subsection (b), by adding at the end the
7 following:

8 “(7) The Secretary shall not issue any regulation or
9 other binding guidance regarding human occupant safety
10 until the date on which all of the following have occurred:

11 “(A) The Secretary has approved or denied all
12 applications submitted under this section during the
13 2 calendar years ending before the date of the enact-
14 ment of this paragraph within the timelines set forth
15 in this section, including any period during the proc-
16 essing of such applications that is tolled.

17 “(B) The date specified in subsection (c)(9) has
18 passed.”; and

19 (2) in subsection (c)—

20 (A) by amending paragraph (3) to read as
21 follows:

22 “(3) COLLABORATION ON DEVELOPMENT OF
23 CONSENSUS STANDARDS.—

24 “(A) PARTICIPATION OF SECRETARY.—

25 “(i) IN GENERAL.—The Secretary, in
26 collaboration with the commercial human

1 space flight industry, shall meaningfully
2 participate in the development of voluntary
3 industry consensus standards that facili-
4 tate the safety of crew, government astro-
5 nauts, and space flight participants.

6 “(ii) TECHNICAL EXPERTISE AND
7 FEEDBACK.—

8 “(I) IN GENERAL.—The partici-
9 pation of the Secretary under clause
10 (i) shall include the contribution of
11 technical expertise and feedback dur-
12 ing the standards development proc-
13 ess.

14 “(II) LIMITATION.—The tech-
15 nical expertise and feedback referred
16 to in subclause (I) shall be limited to
17 such expertise and feedback provided
18 by technical experts from the National
19 Aeronautics and Space Administra-
20 tion, the Federal Aviation Administra-
21 tion, and the commercial human space
22 flight industry who have experience in
23 reviewing human space flight missions
24 and implementing regulations.

25 “(B) PROMOTION OF STANDARDS.—

1 “(i) IN GENERAL.—The Secretary
2 shall promote the adoption of, but shall not
3 require the commercial space sector to im-
4 plement, the standards developed through
5 the collaboration under subparagraph (A).

6 “(ii) ENGAGEMENT WITH COMMER-
7 CIAL SPACE SECTOR.—In promoting the
8 adoption of such standards, the Secretary
9 shall engage with the commercial space
10 sector to collect feedback on the practical
11 application of such standards.”;

12 (B) in paragraph (5)—

13 (i) in subparagraph (A)—

14 (I) by striking “December 31,
15 2016, and every 30 months thereafter
16 until December 31, 2021,” and insert-
17 ing “90 days after the date of the en-
18 actment of the Commercial SPACE
19 Leadership Act, and biannually there-
20 after until the date that is 5 years
21 after such date of enactment,”;

22 (II) by striking “a report” and
23 inserting “, and publish in the Fed-
24 eral Register, a report”; and

1 (III) by striking “that promote
2 best practices” and inserting “to fa-
3 cilitate the safety of crew, government
4 astronauts, and space flight partici-
5 pants and”; and

6 (ii) in subparagraph (B)—

7 (I) by amending clause (v) to
8 read as follows:

9 “(v) any lessons learned associated
10 with—

11 “(I) the development, potential
12 application, and acceptance of vol-
13 untary industry consensus standards;
14 and

15 “(II) commercial space launch
16 operations; and”;

17 (II) by redesignating clause (vi)
18 as clause (xi);

19 (III) by inserting after clause (v)
20 the following:

21 “(vi) any lessons learned with respect
22 to the need for new standards applicable to
23 emerging human space flight technologies
24 and approaches for future standards devel-
25 opment to ensure safety and innovation;

1 “(vii) recommendations on areas in
2 which updates to existing industry con-
3 sensus standards may be appropriate;

4 “(viii) a description of the participa-
5 tion of the Secretary in the development of
6 the voluntary industry consensus standards
7 under paragraph (3)(A);

8 “(ix) a description of the efforts of
9 the Secretary to promote the adoption of
10 such standards under paragraph (3)(B)(i);

11 “(x) a description of the activities
12 conducted by the Secretary to engage with
13 the commercial space sector to collect feed-
14 back on the practical application of such
15 standards under paragraph (3)(B)(ii);
16 and”;

17 (IV) in clause (xi), as redesign-
18 nated, by striking “standards that
19 promote” and all that follows through
20 the period at the end and inserting
21 “standards—

22 “(I) to facilitate the safety of
23 crew, government astronauts, and
24 space flight participants; and

1 “(II) to improve industry safe-
2 ty.”;

3 (C) in paragraph (6)—

4 (i) by striking “Not later than 270
5 days after the date of enactment of the
6 SPACE Act of 2015,” and inserting the
7 following:

8 “(A) IN GENERAL.—Not later than 270
9 days after the date of the enactment of the
10 Commercial SPACE Leadership Act,”; and

11 (ii) by adding at the end the fol-
12 lowing:

13 “(B) CONTENTS.—The report required by
14 subparagraph (A) shall include the following:

15 “(i) An assessment of the experience
16 of the Office of Commercial Space Trans-
17 portation in evaluating novel public safety
18 frameworks.

19 “(ii) An assessment as to whether the
20 timeframe in which the Office of Commer-
21 cial Space Transportation reviews, proc-
22 esses, and completes applications is con-
23 sistent with the pace of development of the
24 commercial human space flight industry.

1 “(iii) An assessment of the continued
2 implementation, review, and improvement
3 of part 450 of title 14, Code of Federal
4 Regulations.

5 “(iv) An identification of any addi-
6 tional resources necessary for the Office of
7 Commercial Space Transportation to fulfill
8 its responsibilities.”;

9 (D) in paragraph (8), in the first sentence
10 of the matter preceding subparagraph (A), by
11 striking “December 31, 2022” and inserting
12 “December 31, 2030”;

13 (E) by amending paragraph (9) to read as
14 follows:

15 “(9) LEARNING PERIOD.—

16 “(A) IN GENERAL.—Not earlier than 5
17 years after the date of the enactment of the
18 Commercial SPACE Leadership Act, the Sec-
19 retary may propose regulations under this sub-
20 section without regard to subparagraphs (C)
21 and (D) of paragraph (2).

22 “(B) AEROSPACE RULEMAKING COM-
23 MITTEE FOR COMMERCIAL HUMAN OCCUPANT
24 SAFETY.—Not earlier than 3 years after the
25 date of the enactment of the Commercial

1 SPACE Leadership Act, and before com-
2 mencing the development of proposed regula-
3 tions under this paragraph, the Secretary of
4 Transportation shall, consistent with section
5 106(p)(5) of title 49, United States Code, es-
6 tablish an aerospace rulemaking committee, to
7 be known as the ‘Aerospace Rulemaking Com-
8 mittee for Commercial Human Occupant Safe-
9 ty’ (referred to in this paragraph as ‘SpARC’).

10 “(C) PURPOSES.—The purposes of SpARC
11 shall be—

12 “(i) to gather input from the commer-
13 cial space flight industry on the develop-
14 ment of proposed regulations under this
15 paragraph;

16 “(ii) to survey and assess existing vol-
17 untary performance-based industry con-
18 sensus standards for commercial human
19 space flight;

20 “(iii) to determine which published
21 standards, or subcomponents of published
22 standards, may contribute to commercial
23 human space flight regulations;

24 “(iv) to provide a forum for Federal
25 Aviation Administration technical experts

1 with regulatory implementation experience
2 to meaningfully engage with industry with
3 respect to the regulation of commercial
4 human space flight; and

5 “(v) to make recommendations with
6 respect to the scope and substance of com-
7 mercial human space flight regulations in
8 a report to the Secretary.

9 “(D) COMPOSITION.—

10 “(i) IN GENERAL.—SpARC shall be
11 composed only of representatives of the
12 commercial human space flight industry
13 with relevant expertise, including—

14 “(I) current and prospective com-
15 mercial space launch license and per-
16 mit holders; and

17 “(II) any other individual or enti-
18 ty involved in commercial human
19 space flight services.

20 “(ii) CO-CHAIRPERSONS.—The Sec-
21 retary of Transportation shall appoint as
22 co-chairpersons of SpARC—

23 “(I) an official of the Federal
24 Aviation Administration; and

1 “(II) a representative of the com-
2 mercial human space flight industry
3 described in clause (i).

4 “(iii) OBSERVERS.—The co-chair-
5 persons of SpARC may invite to serve as
6 a SpARC observer any individual with rel-
7 evant expertise who is an employee of the
8 Department of Commerce, the Department
9 of Defense, the Department of Transpor-
10 tation, the National Aeronautics and Space
11 Administration, or any other Federal agen-
12 cy.

13 “(E) CONSIDERATIONS.—In developing
14 recommendations under this paragraph, SpARC
15 shall take into consideration—

16 “(i) the evolving standards of the
17 commercial space flight industry as identi-
18 fied in the reports published under para-
19 graphs (5), (6), and (7); and

20 “(ii) the input of the commercial
21 space flight industry.

22 “(F) REPORTING REQUIREMENTS.—

23 “(i) BRIEFING.—Not later than 90
24 days after the date on which SpARC is es-
25 tablished under subparagraph (B), the

1 Secretary of Transportation shall provide a
2 briefing to the Committee on Commerce,
3 Science, and Transportation of the Senate
4 and the Committee on Science, Space, and
5 Technology of the House of Representa-
6 tives on the composition, charter, work
7 plan, and as applicable, work progress of
8 SpARC.

9 “(ii) BIENNIAL REPORT.—

10 “(I) IN GENERAL.—Not later
11 than 1 year after the date on which
12 the initial briefing required by clause
13 (i) is conducted, and biennially there-
14 after until the date on which SpARC
15 terminates, the Secretary of Trans-
16 portation shall submit to the Com-
17 mittee on Commerce, Science, and
18 Transportation of the Senate, the
19 Committee on Science, Space, and
20 Technology of the House of Rep-
21 resentatives, and the Commercial
22 Space Transportation Advisory Com-
23 mittee of the Federal Aviation Admin-
24 istration a report on the efforts of the
25 Secretary and SpARC with respect to

1 the development of voluntary con-
2 sensus human space flight standards.

3 “(II) ELEMENTS.—Each report
4 required by subclause (I) shall include
5 the following:

6 “(aa) A list of voluntary
7 consensus human space flight
8 standards that have been adopted
9 or are in development as of the
10 date of the report.

11 “(bb) A prioritized list of
12 any additional standard the de-
13 velopment of which the Secretary
14 of Transportation considers nec-
15 essary in promoting the safety of
16 commercial human space flight.

17 “(cc) An estimate of the
18 technical, personnel, and capital
19 resources required for the Fed-
20 eral Government to efficiently
21 and effectively develop and imple-
22 ment commercial human space
23 flight regulations.

24 “(dd) A description of the
25 contribution that technical ex-

1 perts of the Federal Government
2 with regulatory implementation
3 experience are making to the de-
4 velopment of voluntary consensus
5 human space flight standards
6 and to the efforts of SpARC.

7 “(ee) An assessment of the
8 efforts and progress of SpARC.

9 “(iii) FINAL REPORT.—Not later than
10 90 days after the date on which the report
11 referred to in subparagraph (C)(v) is sub-
12 mitted by SpARC, the Secretary of Trans-
13 portation shall submit to Congress a report
14 that includes the following:

15 “(I) The report submitted by
16 SpARC.

17 “(II) The response of the Sec-
18 retary of Transportation to such re-
19 port, including substantive reasoning
20 for any disagreement with the rec-
21 ommendations of SpARC.

22 “(III) A plan for drafting rules,
23 including the extent to which such
24 rules will or will not reflect the input
25 of SpARC.

1 “(IV) A plan for meaningfully
2 engaging industry during the rule-
3 making process through SpARC, the
4 Commercial Space Transportation Ad-
5 visory Committee, and the conduct of
6 public forums.”;

7 (F) by redesignating paragraph (10) as
8 paragraph (11); and

9 (G) by inserting after paragraph (9) the
10 following:

11 “(10) OTHER AGENCIES.—With respect to a
12 commercial human space flight operator that meets
13 safety requirements, the Secretary shall accept an
14 application described in subsection (a) from the op-
15 erator that has, using the same or substantially
16 similar hardware and operations as the hardware
17 and operations proposed to be used under the appli-
18 cation—

19 “(A) previously launched government as-
20 tronauts or space flight participants employed
21 by a Federal agency on a launch vehicle or
22 launch system under a contract with any other
23 Federal agency; or

24 “(B)(i) entered into a contract with any
25 other Federal agency to launch government as-

1 tronauts or space flight participants employed
2 by a Federal agency on a launch vehicle or
3 launch system; and

4 “(ii) has satisfactorily demonstrated com-
5 pliance with the safety requirements or quali-
6 fications of such other Federal agency.”.

7 (b) EXTENSION OF LIABILITY INSURANCE AND FI-
8 NANCIAL RESPONSIBILITY REQUIREMENTS.—Section
9 50914 of title 51, United States Code, is amended—

10 (1) in subsection (a)(5), by striking “September
11 30, 2025” and inserting “September 30, 2033”; and

12 (2) in subsection (b)(1)(C), by striking “Sep-
13 tember 30, 2025” and inserting “September 30,
14 2033”.

15 (c) EXTENSION OF PAYMENT OF CLAIMS EXCEEDING
16 LIABILITY INSURANCE AND FINANCIAL RESPONSIBILITY
17 REQUIREMENTS.—Section 50915 of title 51, United
18 States Code, is amended—

19 (1) in subsection (a)(3)(B), by striking “Sep-
20 tember 30, 2025” and inserting “September 30,
21 2033”; and

22 (2) in subsection (f), in the first sentence, by
23 striking “September 30, 2025” and inserting “Sep-
24 tember 30, 2033”.

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