The University of Mississippi School of Law

National Center for Remote Sensing, Air and Space Law

Informational resources on the legal aspects of human activities using aerospace technologies

The United States of America National Space Law Regime

Prof. Joanne Irene Gabrynowicz, Director
Editor-in-Chief, Journal of Space Law

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50 Years of the Evolution of the Law: The Law Follows Technology

- 1958
  - Infrastructure response to Cold War exigencies
  - Civil program and national security
- 1980s
  - Commerce added to civil and military sectors
- 1980s and 1990s
  - Technology applications
    - Launch
    - Remote sensing/Earth observations
    - Global Positioning System
- 2000s
  - Federal regulatory refinement
  - Individual state space law
- 2010: Codification USC Title 51

Infrastructure: 1958 National Aeronautics and Space Act

- Created the U.S. civil space program
- Established NASA
- Added to every year
  - —NASA Authorizations and Appropriations
- Multiple bodies of law
  - —Contract, Tort, International, intellectual property, Space
- Wide variety of subjects
  - —International Space Station, space settlements, Congressional Space Medal of Honor, Science, Space, and Technology Education Trust Fund, space commerce agreements

1980s: Commerce

- Congress: U.S. general welfare requires NASA to seek and encourage, to the maximum extent possible, the fullest commercial use of space
- Commerce legally recognized as the third space sector
  - Added to civil space and military space
- In U.S. "private" means "commercial"
  - In general, government does not participate in commercial activities
    - Some exceptions: US Postal Service, for example

1980s and 1990s: Applications

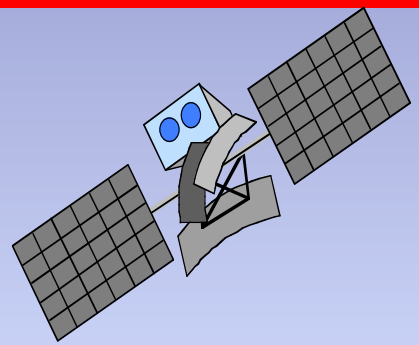
- **Commercial Space Launch Activities**
  - 1984 Commercial Space Launch Act
  - 1988 Amendments
  - 2004 Amendments
- **Remote Sensing - Earth Observations**
  - 1984 Land Remote Sensing Commercialization Act
  - 1992 Land Remote Sensing Policy Act
- **Global Positioning System**
  - Combination of national defense and civilian law
  - "GPS": satellites, signal equipment, ground stations, data links, and command and control facilities
  - "Essential element" in civil, scientific and military activities
    - Because of U.S. industry which provides equipment and services
  - Secretaries of Defense, Commerce, Transportation, Commerce and Trade Representative

2000s: Regulatory Refinement: Remote Sensing

The Public-Private Spectrum for Data Access Policy

Public	Hybrid	Private
All Tax Money	Public and Private Money	All Private Money
Full nondiscriminatory access at cost of reproduction/free	Case-by-case determination	Access to sensed states only on commercial terms

One System:
Different Parts, Different Sector Responsibilities

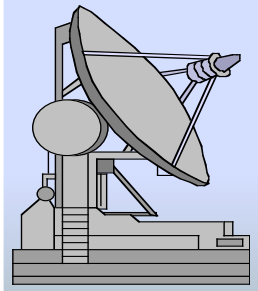


Data Stream

- Government Owned and Operated
- Civil Version Available to Users at No Charge
- Separate Military Signal
- "Selective Availability" Eliminated

Space Segment

Military Owned and Operated



Ground Segment

Private sector commercial equipment and services

2000s: Federal Regulatory Refinement Individual State Space Laws

- **Federal Regulatory Refinement**
  - Commercial remote sensing regulations
    - 2000
    - 2006
    - Currently being revised
  - Commercial human space flight
    - "Space tourism"
  - *International Space Station* Code of Conduct

- **Individual state space law**
  - Spaceports
    - Alaska, California, Florida, Hawaii, New Mexico, Oklahoma, Texas, Virginia, Wisconsin

2010 Codification: Title 51 of the U.S.C

- National and Commercial Space Programs
- Brings all Federal space law into a single section of the U.S. Code
- Does not change the law
- Brings U.S. Space Law into the 21st Century
- Journal of Space Law Title 51 Special Issue downloadable for free at

  http://www.spacelaw.olemiss.edu/jsl/back-issues/jsl-37-1.html

Questions?
Comments?