United States Novel Space Activities Authorization and Supervision Framework

23 April 2024
Agenda Item 6
63rd Legal Subcommittee
Mr. Derek Hanson
Agenda

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• Process
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Context

- Outer Space Treaty Article VI obligations
- Public policy considerations (national security, safety, space sustainability, national interest, economic opportunity including workforce development)
- 2021 U.S. Space Priorities Framework highlights importance of regulatory clarity and certainty, particularly of roles and responsibilities
- U.S. regulatory system:
  - Department of Commerce (private remote sensing systems)
  - Department of Transportation (launch & reentry)
  - Federal Communications Commission (non-government spectrum)
Challenges

- The United States authorizes and supervises U.S. private sector activities in outer space, but lacks regulation that explicitly refers to novel activities
  - Novel = activities that are not explicitly referenced in three main buckets
- Lack of clarity re: roles and responsibilities of U.S. regulatory agencies
- Augmenting existing, or establishing new, roles and responsibilities should be achieved through legislation as well as additional resources to implement.
- Future space activities may be sufficiently different from current ones. Therefore, a rigid regulatory framework could be detrimental in adapting to these new activities.
- Consideration of how in space activities impact the sustainability of the space environment as part of their regulation.
- Multiple countries have emerging commercial space sectors that include novel space activities, and some of these countries are starting to outline regulatory frameworks for in-space operations. There are benefits to regulatory interoperability.
Objective

• At 9 September 2022 National Space Council (NSpC) meeting, Vice President Harris requested U.S. departments and agencies to provide a proposal for the authorization and supervision of novel private sector activities that will:
  • develop a clear and predictable framework of rules; and
  • include how we will ensure that space operations are sustainable and safe.
• Vice President Harris directed NSpC to engage with private sector stakeholders at the Commercial Space Sector event held at the Chabot Space & Science Center.
Process

- NSpC convened multiple interagency meetings with robust participation across the government.
- NSpC held three public listening sessions
  - 535 attendees, 61 public statements, 43 written statements in online docket
  - Stakeholders from academia, industry, professional organizations, subject matter experts, think tanks, and other non-governmental organizations
Result

• NSpC presented its draft legislative proposal with sectional analysis to the U.S. Congress on 15 November 2023.

• Vice President Harris announced the United States Novel Space Activities Authorization and Supervision Framework at the Administration’s 3rd National Space Council meeting on 20 December 2024.
### Implementation of LTS Guidelines

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<thead>
<tr>
<th>LTS Guideline</th>
<th>Description</th>
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<tr>
<td>A.1</td>
<td>Adopt, revise and amend, as necessary, national regulatory frameworks for outer space activities.</td>
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<td>A.2</td>
<td>Consider a number of elements when developing, revising or amending, as necessary, national regulatory frameworks for outer space activities.</td>
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<td>A.3</td>
<td>Supervise national space activities.</td>
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<td>A.5</td>
<td>Enhance the practice of registering space objects.</td>
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<td>B.3</td>
<td>Promote the collection, sharing and dissemination of space debris monitoring information.</td>
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<td>B.4</td>
<td>Perform conjunction assessment during all orbital phases of controlled flight.</td>
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