

Akin™

Space Law, Regulation and Policy Update

November 17, 2023

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Good Afternoon!

This is Akin's weekly policy newsletter on space policy and regulatory developments, providing information on major space headlines from this past week and forthcoming space-related events and hearings:

On The Hill

Articles and Quotes

New commercial space bill addresses mission authorization and SSA **(SpaceNews)**

The Commercial Space Act of 2023 ([H.R. 6131](#)) was recently introduced by Reps. Brian Babin (R-TX) and Frank Lucas (R-OK), the chairs of the House Science Committee space subcommittee and the full committee, respectively. The bill would create a mission authorization system for commercial space activities and alter plans for a space traffic coordination system.

Chairman Lucas Opening Statement at Markup of H.R. 6213 & H.R. 6131 **(House Committee on SST)**

“[The Commercial Space Act of 2023] was developed over the course of months, with input gathered from a wide range of stakeholders. In our conversations, and during our hearings on this topic, we heard repeatedly that American competitiveness depends on a vibrant commercial space economy. Globally, the space industry is worth nearly \$550 billion, and it's projected to keep growing. We can either encourage that growth here at home, or we can allow it to flow to other countries who have friendlier environments. The bill before us today supports the growth of the American commercial space industry by providing a more certain regulatory environment, helping us comply with our international treaty obligations, and encouraging innovation... I understand that the White House Space Council is working on commercial space proposals of their own, that have been released this morning. While I respect that effort, these proposals simply go in the wrong direction and hurt rather than support America's space industry.”

House Releases Details of Its Science Budget Proposals (American Institute of Physics)

The House Appropriations Committee shared a [document](#) detailing the program-level spending proposals in the Commerce, Justice, Science, and Related Agencies (CJS)

Appropriations Act of 2024 ([H.R. 5893](#)). The proposed text would cut the budget of the National Aeronautics and Space Administration's (NASA) Science Mission Directorate by 5% and increase funding for the Mars Sample Return mission. Additionally, the House proposal would direct NASA to fund the VERITAS Venus mission at a level that would ensure it launches before the end of the decade.

House bill would fully fund Mars Sample Return, block cooperation on ExoMars (*SpaceNews*)

Whereas the Senate's funding proposal for NASA would provide only \$300 million for NASA's Mars Sample Return (MSR) program, the House's proposed CJS appropriations bill would fully fund MSR at the requested \$949.3 million. The House bill also provides slightly higher funding for NASA science programs at \$7.38 billion, compared to the Senate's \$7.341 billion.

Rogers Remarks at Rules Committee Hearing on H.R. 5893, The Commerce, Justice, Science, and Related Agencies Appropriations Act (House Appropriations Committee)

"Despite the limited allocation, we prioritized the fight against fentanyl and efforts to counter China by supporting innovation and manufacturing initiatives, space exploration, and scientific research...I am pleased to describe some of the highlights of the bill for, you, Mr. Chairman, and your Committee, today... The bill prioritizes the Drug Enforcement Administration, NASA, and the National Science Foundation, while freezing, reducing, or eliminating funding for non-essential programs and offices. The United States must maintain a competitive advantage over China. This bill takes important steps to counter China by fully funding the administration's request for Deep Space Exploration, supporting the recently authorized Directorate for Technology, Innovation and Partnerships at the National Science Foundation, and increasing resources to counter China's efforts to steal U.S. technology and research."

U.S. advisory commission: Intense U.S.-China rivalry is 'the new normal' (*SpaceNews*)

The U.S.-China Economic and Security Review Commission, a congressional advisory body established in 2000, released its annual report to Congress on November 14. The [741-page report](#) warns that China seeks to shape international law in its favor in sectors such as space and cyberspace. In fact, the report states that "China views the current international architecture that governs space as favorable to its interests. It has refrained from endorsing efforts to establish norms for responsible behavior in space." The report adds that China is wary of proposed changes to the order "that it believes would constrain its future actions in space, particularly U.S.-sponsored changes like the voluntary moratorium on destructive anti-satellite testing in space."

Rogers Warns of Cooperation Between Russia and China on Space Weapons (HASC)

In a statement last week, Rep. Mike Rogers (R-AL), Chairman of the House Armed Services Committee, called for the U.S. to "continue our efforts to strengthen and expand our space capabilities" to "ensure freedom of action in space and counter efforts by those like China and Russia who seek to attack our forces in and through space."

Introduced Legislation & Legislative Updates

Rep. Tom Kean (R-NJ) introduced the Accessing Satellite Capabilities to Enable New Discoveries (ASCEND) Act ([H.R. 6219](#)), a bill to require the Administrator of the National Aeronautics and Space Administration to establish a program to identify, evaluate, acquire and disseminate commercial Earth remote sensing data and imagery in order to satisfy the

scientific, operational and educational requirements of the administration, and for other purposes.

The Commerce, Justice, Science, and Related Agencies Appropriations Act of 2024 ([H.R. 5893](#)) moved directly from subcommittee markup in the House Appropriations Committee to the Rules Committee, which on Tuesday, November 14, reported the bill to the House floor under [H. Res. 869](#) by a vote of 8-3. On Wednesday, November 15, the rule failed on the House floor by a vote of 198-225; 19 Republicans voted against the rule. As of now, there are no votes scheduled in the House until November 28, so the path forward for the CJS appropriations bill remains unclear.

On November 6, the Senate notified the House of Representatives that it passed the Consolidated Appropriations Act of 2024 ([H.R. 4366](#)). This funding bill provides fiscal year (FY) 2024 appropriations for the Federal Aviation Administration's (FAA) Airport and Airway Trust Fund, including roughly \$42 million for commercial space transportation activities.

The Science, Space, and Technology Committee marked up the Commercial Space Act of 2023 ([H.R. 6131](#)) on Wednesday, November 15, but elected to postpone votes on the bill until after the House returns following the Thanksgiving holiday.

Please find our Space Legislation Tracker [here](#).

Upcoming Congressional Hearings

November 10-24, 2023

Senate

No relevant Senate hearings.

House of Representatives

[H.R. 5893 - Commerce, Justice, Science, and Related Agencies Appropriations Act, 2024](#)

House Rules Committee

Tuesday, November 14 at 2:00 PM ET

[Markup of H.R. 6131, the Commercial Space Act of 2023](#)

House Science, Space, and Technology Committee

Wednesday, November 15 at 10:00 AM ET

[Congressional Commission on the Strategic Posture of the United States](#)

House Armed Services Committee

Wednesday, November 15 at 10:00 AM ET

In The Executive Branch



Articles and Quotes

[White House proposal would split mission authorization between Commerce and Transportation \(SpaceNews\)](#)

On November 15, the National Space Council released a legislative proposal that would give the Departments of Commerce and Transportation regulatory authority over novel commercial space activities. The text, titled the Authorization and Supervision of Novel Private Sector Space Activities Act, would give oversight and licensing of human spaceflight activities and in-space transportation to the Department of Transportation's FAA's Office of Commercial Space Transportation. The Department of Commerce's Office of Space Commerce would have oversight over other uncrewed spacecraft, including in-space servicing, assembly and manufacturing (ISAM) and debris removal.

Transportation Department official suggests industry help pay for FAA commercial space office (SpaceNews)

Speaking at the FAA's Commercial Space Transportation Advisory Committee meeting on November 8, Deputy Secretary of Transportation Polly Trottenberg rejected calls to increase the budget of the FAA's Office of Commercial Space Transportation (AST), stating that "[she does not] think we made the commensurate investments on the aviation side" and instead calling for industry to contribute revenues to AST instead.

NASA slows down work on Mars Sample Return due to budget uncertainty (SpaceNews)

Sandra Connelly, NASA's Deputy Associate Administrator for Science, reported at a meeting of NASA's Planetary Science Advisory Committee that the agency directed three field centers working on the Mars Sample Return program "to start ramping back on activities" due to the uncertainty surrounding that program's FY2024 funding.

'Lunar gold rush': NASA wants to mine the moon (GreenWire)

NASA scientists and geologists from the U.S. Geological Survey are researching lunar resources with hopes of eventually being able to extract and process such materials for use in space.

Startups, universities selected for accelerator focused on space domain awareness (SpaceNews)

The Space Force's Space Systems Command selected several startups and universities to participate in a new accelerator program focused on enhancing space domain awareness.

Space Force procurement chief to 'double down' on reforms (SpaceNews)

Assistant Secretary of the Air Force for Space Acquisition and Integration Frank Calvelli told an audience at Aviation Week's Aerospace & Defense Programs conference that he "would double down" on his methods of space acquisition because they address core issues that slow down space acquisition.

What Does the U.S. Space Force Actually Do? (New York Times)

A *New York Times* journalist visited the U.S. Space Force's headquarters in Colorado Springs to gain a better understanding of the newest branch of the U.S. military's operations.

Federal Agency Space News

Department of Commerce

Biden-Harris Administration Launches National Spectrum Strategy To Advance U.S. Wireless Leadership (November 13, 2023)

The White House

Memorandum on Modernizing United States Spectrum Policy and Establishing a National Spectrum Strategy (November 13, 2023)

State Department

[United States and Republic of Korea Space Forum](#) (November 7, 2023)

[Joint Statement on the Japan-ROK-U.S. Trilateral Dialogue on Space Security](#) (November 8, 2023)

Department of Defense

[DLA, Space Force leaders discuss strategic partnership in first meeting](#) (November 2, 2023)

[Assistant Secretary of Defense for Space Policy Travel to Japan](#) (November 6, 2023)

Check out below for comment opportunities, requests for proposals, notices of proposed rulemaking and a look at the week ahead in space events:

Comment Opportunities (RFIs)

[Request for Information for Future Commercial LEO Destinations - Requirements and Standards](#)

National Aeronautics and Space Administration

Close Date: November 17, 2023

[Spaceborne Antenna Array Technology Request for Information \(RFI\)](#)

Department of Defense

Close Date: November 17, 2023

[Command Post Integrated Infrastructure \(CPI2\) - Capability White Paper](#)

Department of Defense

Close Date: November 28, 2023

[Future Proliferated Warfighter Space Architecture Optical Communications Waveforms](#)

DoD Space Development Agency

Close Date: December 8, 2023

[Request for Information for NASA's Space Technology Mission Directorate Lunar Infrastructure Foundational Technologies-1 \(LIFT-1\)](#)

National Aeronautics and Space Administration

Close Date: December 18, 2023

[Improving the Usability of the Research Opportunities in Space and Earth Science \(ROSES\) NASA Research Announcement \(NRA\)](#)

National Aeronautics and Space Administration

Close Date: January 24, 2024

[Space Technology Advanced Research-Fast-Tracking Innovative Software and Hardware \(STAR-FISH\) Advanced Research Announcement \(ARA\)](#)

Department of Defense

Close Date: April 23, 2025

Requests for Proposals (RFPs)

[NASA Goddard Space Flight Center - Space Exploration Network Service and Evolution \(SENSE\) Follow-On Decoupling](#)

National Aeronautics and Space Administration

Close Date: November 30, 2023

[Geostationary Extended Observations \(GeoXO\) Spacecraft \(SC\) Phase B Implementation](#)

National Aeronautics and Space Administration

Close Date: November 30, 2023

[United States Deorbit Vehicle](#)

National Aeronautics and Space Administration

Close Date: December 14, 2023

[National Security Space Launch \(NSSL\) Phase 3 Lane 2 Request for Proposal](#)

Department of Defense

Close Date: December 16, 2023

[Lab-to-Orbit: Accelerating the Development and Testing of Materials for Low Earth Orbit](#)

Department of Defense

Close Date: December 20, 2023

[Research Opportunities in Space and Earth Sciences \(ROSES\) 2023](#)

National Aeronautics and Space Administration

Close Date: February 6, 2024

Notices of Proposed Rulemakings (NPRMs)

[Mitigation Methods for Launch Vehicle Upper Stages on the Creation of Orbital Debris](#)

Federal Aviation Administration

Close Date: December 26, 2023

International



Articles and Quotes

[Putin calls for closer Russia-China cooperation on military satellites and prospective weapons \(AP News\)](#)

Russian President Vladimir Putin told senior Chinese military officials that the two nations should expand their cooperation on military satellites and other space defense technologies. “I mean space, including high-orbit assets, and new prospective types of weapons that will ensure strategic security of both Russia and the People’s Republic of China,” Putin said in televised remarks.

[26 aerospace companies sign statement against destructive anti-satellite](#)

tests (Space.com)

Twenty-six aerospace companies from 10 nations-Canada, France, Germany, India, Italy, the Netherlands, Japan, Switzerland, the United Kingdom and the U.S.-signed a statement supporting an international effort to stop direct-ascent antisatellite tests that create space debris, thereby threatening commercial space activities.

Europe to hold competition to build space cargo ship (Phys.org)

The European Space Agency (ESA) announced it will hold a competition between private sector firms to develop commercial vehicles to deliver cargo to the International Space Station. ESA chief Josef Aschbacher stated that “a new economy is developing in low Earth orbit that will transform space exploration,” adding that “private companies are revolutionizing the landscape from launchers to exploration.” He also stated that “we are in the midst of a paradigm shift for space transportation.”

Europe takes one small step toward astronaut spaceflight (POLITICO)

Member states of the ESA agreed to spend €75 million for the new commercial space program because it will give Europe the “operational capabilities it currently lacks” to send astronauts to space.

Bulgaria Signs Artemis Accords (SpaceNews)

On November 9, Bulgaria’s Minister of Innovation and Growth Milena Stoycheva signed the Artemis Accords, the agreement outlining principles for cooperation in space exploration. Bulgaria is the 32nd country to sign the Accords since its inception three years ago and the third in recent weeks: Iceland and the Netherlands signed the Accords on October 31 and November 1, respectively.

Airbus and Voyager sign agreement with ESA on Starlab commercial space station (SpaceNews)

During the European Space Summit on November 9, Airbus and Voyager signed a memorandum of understanding (MOU) with the ESA to study the use of the companies’ Starlab commercial space station as a successor to the International Space Station.

Upcoming Space Events

World Radiocommunication Conference 2023 (WRC-23)

International Telecommunication Union
November 20 - December 15, 2023

Unlocking the Stars: Your Path to Space Collaboration

Horizon 2020 European Union Funding for Research and Innovation
Tuesday, November 21 at 10:00 AM ET

United Nations Conference on Space Law and Policy: The Outer Space Treaty for the 21st Century

U.N. Office for Outer Space Affairs
November 28 - 30, 2023

Defense Space Conference 2023

UK Space Command
December 12, 2023

Global Space Summit

Space Enterprise Council

Wednesday, December 13, 2023 at 12:00 PM ET

World Space Forum 2023

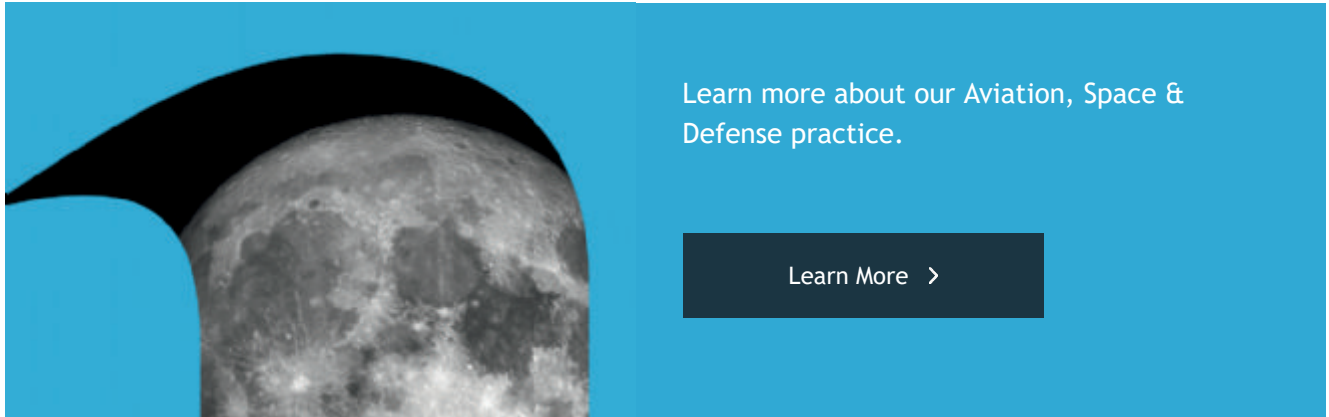
U.N. Office for Outer Space Affairs

December 12 - 14, 2023

19th Annual DoD Commercial SATCOM Workshop

Satellite Industry Association/U.S. Space Command

December 12 - 14, 2023



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Questions?

If you have any questions, please contact:

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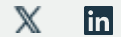


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