

Akin

Space Law, Regulation and Policy Update



March 08, 2024

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Good Afternoon!

This is Akin's biweekly policy newsletter on space policy and regulatory developments, providing information on major space headlines and forthcoming space-related events and hearings:

On The Hill

Articles and Quotes

House Easily Passes First FY24 Minibus Appropriations (Space Policy Online)

The minibus spending package that bundles six of the 12 regular appropriations bills and includes funding for the National Aeronautics and Space Administration (NASA), National Oceanic and Atmospheric Administration (NOAA) and the Federal Aviation Administration (FAA), passed by a vote of 339-85.

Final NASA 2024 Spending Bill Defers Decision on MSR Funding (SpaceNews)

The bill text and report language for the Commerce, Justice, and Science (CJS) appropriations for FY24 cut NASA spending by 2% for a total of \$24.875 billion, 8.5% lower than what the agency requested. Additionally, congressional appropriators did not decide on funding for the Mars Sample Return (MSR) program, leaving NASA uncertain about the program's future.

Senate Passes Another Extension for the FAA and the "Learning Period" (Space Policy Online)

The Senate passed the Airport and Airway Extension Act of 2024 to keep the FAA authorized for another two months. The bill also extends the "learning period" under which the FAA's Office of Commercial Space Transportation is prohibited from promulgating new commercial human spaceflight regulations until May 11. The legislation now goes to the President for signature.

Space Force General Warns of 'Window of Vulnerability' in Satellite Defense (SpaceNews)

During a hearing before the Senate Armed Services Committee, Gen. Stephen Whiting, commander of U.S. Space Command, warned lawmakers that "the [People's Republic of China's] and Russia's actions have transformed space into a contested warfighting domain."

Gen. Whiting also provided the senators a list of requirements to ensure that Space Command can match the pace of America's adversaries.

U.S. General Warns of Russia's Enduring Space Threat Despite Ukraine Woes **(SpaceNews)**

In remarks at the Potomac Officers Club 2024 Space Summit, Gen. Whiting warned against underestimating Russia's space capabilities and its intentions to challenge U.S. space dominance. He cautioned that Russia's struggles following its invasion of Ukraine "should not create a false sense of confidence that Moscow is fading in the space domain."

Legislation Would Make Spaceports Eligible for Tax-Exempt Bonds **(SpaceNews)**

Legislation introduced in both chambers of Congress last week would allow spaceports to issue tax-exempt municipal bonds to fund infrastructure improvements, similar to those issued by airports and seaports. In a **statement** following the introduction of the bill, Sen. Marco Rubio (R-FL) said, "In the race for space dominance, we cannot afford to fall behind. As adversaries like China continue to expand their presence in space, it's imperative the United States takes decisive action to bolster our own capabilities. The Secure U.S. Leadership in Space Act of 2024 is a critical step towards ensuring our nation maintains its competitive edge."

Introduced Legislation

Sen. Marco Rubio (R-FL) and Rep. Neal Dunn (R-FL) introduced the Secure U.S. Leadership in Space Act of 2024 ([S. 3823](#); [H.R. 7470](#)) to amend the Internal Revenue Code of 1986 to treat spaceports like airports for purposes of exempt facility bond rules.

Rep. Deborah Ross (D-NC) introduced a bill to make revisions in title 51, United States Code, as necessary to keep the title current, and to make technical amendments to improve the United States Code ([H.R. 7339](#)). Title 51 of the U.S. Code, entitled National and Commercial Space Programs, is the compilation of laws regarding space programs.

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

Recent and Upcoming Congressional Hearings

February 23 - March 15, 2024

Senate

To Receive Testimony on United States Strategic Command and United States Space Command in Review of the Defense Authorization Request for Fiscal Year 2025 and the Future Years Defense Program

Senate Armed Services Committee

Thursday, February 29, 2024 at 9:30 AM ET

House of Representatives

Mission Critical: Restoring National Security as the Focus of Defense Production Act Reauthorization

House Financial Services Committee

Tuesday, March 12, 2024 at 10:00 AM ET

In The Executive Branch



Articles and Quotes

NASA Shutting Down \$2B Satellite Refueling Project Over Tech, Cost Challenges (The Hill)

NASA recently announced the shutdown of the On-orbit Servicing, Assembly, and Manufacturing 1 (OSAM-1) project after an “in-depth, independent” review. According to NASA, the shutdown is the result of “continued technical, cost, and schedule challenges, and a broader community evolution away from refueling unprepared spacecraft, which has led to a lack of a committed partner.”

NASA Studies to Examine Commercial Partnerships for Mars Exploration (SpaceNews)

NASA has undertaken studies to identify the potential for commercial partnerships to support robotic Mars mission concepts. Eric Ianson, director of NASA’s Mars Exploration Program, stated that “We’re really interested to see what the commercial sector can provide from a commercial standpoint. We’re intending to make multiple selections for these studies to assess cost, feasibility, and technological maturity of potential services at Mars.”

FAA to Establish Committee to Refine Launch Licensing Regulations (SpaceNews)

The FAA will establish an aerospace rulemaking committee (SpARC) to streamline launch and reentry licensing regulations and to get industry input on ways to improve the launch licensing process.

Space Force to Lean on Private Sector for Space Tracking Data (SpaceNews)

Lt. Gen. David Miller, commander of Space Operations Command, told reporters that the Space Force plans to leverage private sector services for space domain awareness. Lt. Gen. Miller stated that “the demand for space power is only increasing, it’s not decreasing. There are more mission areas to be plowed, some to be provided by commercial partners and allies.”

Will NASA Be Able to Return Mars Samples to Earth? New Audit Raises Doubts (Space.com)

An **audit report** released by NASA’s Office of Inspector General (OIG) found that the Mars Sample Return project is facing significant design, cost and scheduling obstacles. The OIG report noted that the program could cost billions more than initially projected and is already more than a year behind schedule. The OIG report calls for NASA to “develop a corrective action plan that incorporates the lessons learned and recommendations from the Large Mission Study [completed in 2020] to improve the guidance and practices for pre-formulation of large missions.”

NASA Leases Houston Land to Firm to Boost Space Industry Commercialization (CoStar)

NASA announced that it has signed a 20-year lease agreement with the American Center for Manufacturing and Innovation to establish the Space Systems Campus just beyond the Johnson Space Center campus. The facility, which is part of the 240-acre Exploration Park, will be used to conduct applied research and development to advance commercial and defense space manufacturing.

Federal Agency Space News

Department of Defense

[Remarks by DOD General Counsel on "Space Law: Promoting the Rules-Based Order Through Multi-Domain Lawyering" at U.S. Space Command Legal Conference](#) (March 5, 2024)

Federal Aviation Administration

[FAA Meeting the Demand for Space Launch and Reentry Licenses](#) (February 21, 2024)

National Aeronautics and Space Administration

[Update on Status of NASA's OSAM-1 Project](#) (March 1, 2024)

The White House

[Statement from President Joe Biden on the Successful Landing of the Odysseus Lunar Craft](#) (February 24, 2024)

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)

[Notice of Intent to Prepare an Environmental Impact Statement for SpaceX Starship-Super Heavy Operations at Cape Canaveral Space Force Station](#)

Department of Defense

Close Date: March 22, 2024

[License Requirements for Operation of a Launch Site](#)

Federal Aviation Administration

Close Date: March 26, 2024

[Promoting Supply Chain Resilience](#)

Office of the U.S. Trade Representative

Close Date: April 22, 2024

[NASA Hosted Payload Interface Guide \(HPIG\) for Proposers](#)

National Aeronautics and Space Administration

Close Date: April 30, 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)

Commercial SmallSat Data Acquisition (CSDA) Program Indefinite Delivery Indefinite Quantity (IDIQ) On-Ramp 1

National Aeronautics and Space Administration

Close Date: March 25, 2024

Research Opportunities in Space and Earth Sciences 2024 (ROSES-2024)

National Aeronautics and Space Administration

Close Date: May 15, 2025

Notices of Proposed Rulemakings (NPRMs)

Mitigation of Orbital Debris in the New Space Age

Federal Communications Commission

Close Date: TBD

International



Articles and Quotes

Russia Says it is Considering Putting a Nuclear Power Plant on the Moon With China (Reuters)

According to Roscosmos head Yuri Borisov, Russia and China have been working jointly to develop a lunar program to contribute to Russia's expertise on "nuclear space energy." "Today we are seriously considering a project - somewhere at the turn of 2033-2035 - to deliver and install a power unit on the lunar surface together with our Chinese colleagues," Borisov said.

China Outlines Position on Use of Space Resources (SpaceNews)

China's delegation to the United Nations submitted a [document](#) to the Working Group on Legal Aspects of Space Resource Activities of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space (COPUOS) outlining its belief that the use of space resources is legal but must adhere to the existing frameworks of international space law, particularly the Outer Space Treaty (OST) of 1967.

China's 2024 Space Plans Include 100 Launches and Moon Sample Return Mission (SpaceNews)

The China Aerospace Science and Technology Corporation (CASC) released its annual "blue book" on February 26, outlining the nation's planned space activities in 2024. Included in the plan are 100 orbital launches, two crewed and two cargo missions to the Tiangong space station and the launch of a first-ever lunar far side sample return mission.

Japan's SLIM Moon Lander Stages Unexpected Revival After Lunar Night (SpaceNews)

Despite the spacecraft not being designed to survive the cold of lunar night, the Japan Aerospace Exploration Agency (JAXA) made contact with the Smart Lander for Investigating Moon (SLIM) spacecraft on February 25.

Poland to Launch Military Satellites in 2025, Deputy Defence Minister Says (Reuters)

Polish Defense Minister Wladyslaw Kosiniak-Kamysz announced plans to launch a series of military observation satellites in 2025 that will use radar and optical technology from both foreign and domestic sources. Poland will also develop a space force this year, with Kosiniak-Kamysz noting that "All the actions we are taking this year, creating drone forces, creating space component forces or medical forces, these are actions that strengthen the Polish army and also result from the Ukrainian experience."

Atom Bombs in Space Are Back to Scare Us Again (New York Times)

Space combat writer William J. Broad writes that despite threats of use of nuclear weapons in space, such threats are likely just scare tactics meant to frighten adversaries. He notes that the fact that an attacker using nuclear weapons in space would also result in harm to the attacker serves as a major deterrent.

Upcoming Space Events

Meeting of the Aeronautics Committee of the NASA Advisory Council (NAC)


National Aeronautics and Space Administration
Wednesday, March 13 at 10:30 AM ET

Satellite 2024 Conference and Exhibition

Walter E. Washington Convention Center
Washington, DC
March 18-21, 2024

Goddard Space Science Symposium: Space 2040: Pathways to the Future

American Astronautical Society
March 20-22, 2024



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Questions?

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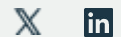


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