



UNITED STATES NOVEL SPACE ACTIVITIES AUTHORIZATION AND SUPERVISION FRAMEWORK

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Introduction

The United States of America will foster a competitive, responsible, sustainable U.S. space sector. The United States Government provides oversight for private sector space activities, including for novel activities, by authorizing and continuing to supervise them, consistent with international treaty and other legal obligations. This oversight regime will balance economic competitiveness together with safety, security, sustainability, and responsibility.

Novel space activities are those that are not directly regulated under the current U.S. regulatory regime for private sector space activities, including industry, academia, and non-profit organizations. The existing regime was, in part, developed and is being implemented to meet the nation's international obligations as a State Party to the *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies*, opened for signature on January 27, 1967 (Outer Space Treaty). Article VI of that treaty provides that States Parties bear international responsibility for the national activities of both governmental and non-governmental entities in space, and for assuring they are carried out in conformity with the Outer Space Treaty's provisions. States Parties are obligated to provide authorization and continuing supervision for the activities of non-governmental entities in outer space.

Ensuring appropriate supervision is in our national interest. The United States has been a global leader in promulgating domestic space laws and regulations and the current oversight system has succeeded in supporting a large and growing space industry. However, our system was not designed with today's volume and diversity of private activities in mind – innovation that benefits Americans and the entire world, now and in the future. This system must be matured to create an agile framework that can respond to changing needs as we scale to the future and provide a predictable, transparent, and justifiable foundation for U.S. entities to pursue their economic, intellectual, scientific, exploration, and cultural goals in space. This system must also protect U.S. national interests, including national security and foreign policy, while also maintaining freedom of access to, and use of, outer space.

Consideration of the long-term sustainability of space activities across the life cycle of space systems is critical to ensure that the outer space environment remains suitable for exploration and use by current and future generations.

The Nation benefits from increased in-space capabilities and reduced costs made possible by current and emerging private space actors. Similarly, U.S. national interests are furthered if the U.S. space sector thrives and if the United States is the country of choice for international space investment. A thriving U.S. space industry creates jobs in many sectors including manufacturing, transportation, logistics, agriculture, finance, and communications. Developing a clear, comprehensive, and flexible regulatory environment that looks to the future will help maximize these benefits from a thriving private space sector.



Updating the United States Regulatory Framework

Consistent with the Biden-Harris Administration’s Space Priorities Framework, the United States is working to modernize the current oversight regime, providing a unified approach that works with the private space sector and within and across branches of the federal government. This updated regime will facilitate innovation and further the United States’ leadership in the safety, security, and long-term sustainability of the space environment and space activities.

By adopting the changes outlined below, the United States will be more capable of growing and evolving in response to technological advancements and increasingly complex missions and operating environments without hindering innovation in the private space sector. This flexible approach will be able to take advantage of existing and future industry-developed consensus standards and best practices, streamline the existing regulatory process, reduce undue burden and duplication, better address space capabilities now and in the future, and provide the United States with opportunities for global leadership in the responsible exploration and use of outer space.

This Framework is intended to set forth actions the Executive Branch will work to implement, which will be complementary to more comprehensive statutory authorities provided by legislation.

Principles

As Federal departments and agencies undertake specific reforms to implement this Framework, they should act consistently with the following principles:

- Authorization and supervision of space activities should continue throughout the lifecycle of space systems and their operations consistent with U.S. obligations under international law.
- Each private space activity should be overseen by the authorized U.S. Government departments or agencies in a manner that is collaborative with private industry.
- To preserve the space environment for responsible, peaceful, and safe use, the United States should ensure, consistent with international obligations, timely and accurate registration of U.S. space objects launched into Earth orbit or beyond pursuant to authorization by a competent U.S. Government authority.
- Regulatory processes will be consistent with U.S. national security, international obligations, foreign policy interests, and national interests including preserving safety, economic opportunity, and space sustainability.
- Regulations and other rules will start with a presumption of an expedited review for approval, and be complementary, consistent, and not duplicative across U.S. Government departments and agencies.
- To minimize uncertainty, regulatory processes should be transparent, timely, efficient, and adaptable to new technologies.



- It is in the national interest for the U.S. Government to raise its awareness of the many private sector space activities undertaken by U.S. entities occurring in space or impacting the space environment.

Private Sector Space Activities Interagency Steering Group

The Secretaries of Commerce and Transportation will co-lead a Private Sector Space Activities Interagency Steering Group in consultation with the Chairperson of the Federal Communications Commission (FCC), comprising representation from the Departments of Defense, Energy, Homeland Security, Interior, and State, the National Aeronautics and Space Administration (NASA), the Office of the Director of National Intelligence, the Office of Science and Technology Policy, and any other Federal entities with expertise or equities pertaining to private sector novel space activities, including relevant stakeholders from the Executive Office of the President. The Steering Group serves as a coordinating body to ensure that the U.S. Government oversight system is prepared to meet U.S. priorities while taking into consideration the competitiveness of U.S. industry now and into the future.

The Interagency Steering Group shall:

- Identify government organizations with expertise relevant to private sector space activities across the U.S. Government.
- Discuss strategies to appropriately address issues pertaining to emerging private sector space capabilities that are nascent or in development.
- Lead a process, in consultation with the U.S. private sector, to collate, develop, and promote standards, best practices, and information sharing protocols to address core U.S. Government interests common to novel space activities. These standards, best practices, and protocols will inform the guidance the Secretaries of Commerce and Transportation provide to industry.

The Department of Commerce, through its National Institute of Standards and Technology, should work with the Interagency Steering Group and the private sector to develop standards, best practices, and protocols and encourage their use.

The Secretaries of Commerce and Transportation, in consultation with the Chairperson of the FCC, should assess the suitability of incorporating these updated standards, best practices, and protocols into their respective oversight processes, as appropriate and consistent with applicable law.

Other U.S. departments and agencies should consider adopting these standards, best practices, and protocols in their domestic regulatory frameworks and, as appropriate, contractual requirements.

The Secretary of State should seek to promote internationally the industry and U.S. Government standards, best practices, and protocols described above and use them to inform and help shape consensus-based international practices and standards.



Roles and Responsibilities

Departments and agencies should carry out the following roles and responsibilities to facilitate the update of the current U.S. regulatory regime in furtherance of the policy and principles described in this Framework.

The Secretaries of Commerce and Transportation, in consultation with other departments and agencies, shall undertake and coordinate activities that can be taken within their existing statutory authorities, utilizing best practices and standards as guidance to the private sector.

U.S. Government departments and agencies will continue regulating private sector missions in line with their current statutory authorities, and shall adjust their approach in accordance with any future statutory changes.

To the greatest extent feasible, the Secretaries of Commerce and Transportation should minimize burdens on industry and U.S. Government entities by aligning oversight processes for private space sector novel activities, including strict timelines for applications and interagency reviews, with a transparent elevation process to adjudicate disagreements, and should harmonize the timing of, and language in, legislative proposals and respective Administrative Procedure Act rulemakings. Regulations and other rules should start with a presumption of an expedited review for approval. A presumption of expedited review for approval requires that a denial or request for modification of a licensing request must be based on an articulable national interest and should be as narrowly construed as feasible.

The Secretaries of the Departments of Commerce and Transportation should coordinate with the Secretaries of the Department of Defense, Energy, Homeland Security, Interior, and State, and with the Chairperson of the FCC, the Administrator of NASA, and the Director of National Intelligence to leverage specific subject-matter expertise for the implementation of this Framework and in the exercise of their regulatory authorities, with the flexibility to bring in other federal departments and agencies with equities or expertise as needed. All departments and agencies will, consistent with their statutory authorities, provide timely expert assistance when requested.

The Secretaries of Commerce and Transportation should consult with the private sector to identify incentives and tools to help space operators manage risks associated with missions of increased complexity, and explore methods to incentivize the use of responsible practices and maintain consistency during all phases of a mission.

Leveraging statutory authorities, the Secretaries of Commerce and Transportation, in consultation with the Chairperson of the FCC, should coordinate to conduct efficient enforcement for the oversight of novel private sector space activities, when appropriate.

The Secretaries of Commerce and Transportation should consider expanding existing, or establish new, federal advisory committees to account for all expanded space authorities in furtherance of this Framework and related legislative proposals.

The Secretaries of Commerce and Transportation should consider whether to require measures to protect the sustainable use of outer space in their regulations, to include the mitigation and remediation of orbital debris and consideration of impacts to the space operational environment.

The United States Government Orbital Debris Mitigation Standard Practices (ODMSP) are the standard that should be referenced by regulatory agencies when regulating private sector space debris issues. The Administrator of NASA, in coordination with the Secretaries of Commerce,



Defense, State, and Transportation, and the Director of National Intelligence, and in consultation with the Chairperson of the FCC, should evaluate the need to update the ODMSP every two years and provide a recommendation to the National Space Council. Should an ODMSP update be determined to be necessary, the relevant departments and agencies should consider issuing an ODMSP update within one year of determination.

The U.S. Government will benefit from a centralized repository of knowledge to obtain information about private sector space activities. The Secretary of Commerce should establish and maintain an inventory of non-governmental space operations. The Secretary of Commerce should consider establishing a coordination mechanism to receive from departments and agencies information and updates about private sector operations.

The Secretary of State, in cooperation with U.S. regulatory agencies, should engage with foreign governments, bilaterally and multilaterally, to maintain awareness about global novel space activities, regulations, and relevant issues and should bolster international collaboration and alignment of international private sector space activities authorization and supervision frameworks, as appropriate.

The Secretary of State will work with other departments and agencies to ensure that our space oversight system implements our country's international obligations and commitments.

The Secretaries of Commerce and Transportation, in coordination with the Secretaries of Defense and State, the Director of National Intelligence, and the NASA Administrator, should consider co-leading efforts to encourage and facilitate continued U.S. leadership in emerging space activities and should seek opportunities to engage with the U.S. private space sector to assist with this goal.

The Secretaries of Commerce and Transportation should account for the initiatives in this Framework as well as the Administration's legislative proposal in their budget planning.

Nothing in this Framework shall be construed to impair or otherwise affect: (i) the authority granted by law to an executive department or agency, or the head thereof; or (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

This Framework will be implemented consistent with applicable law and subject to the availability of appropriations.

Conclusion

The United States benefits from a thriving private space sector through increased in-space capabilities, reduced costs, strength in the global space marketplace, and job creation in multiple sectors. At the same time, the private space sector benefits from a responsive, predictable, flexible, and scalable oversight regime that facilitates innovation and balances this with safety, security, and long-term sustainability of space activities. The United States Novel Space Activities Authorization and Supervision Framework provides the principles that underpin the United States' commitment to this balanced approach to support our continued growth and leadership.