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FALLEN PROMETHEUS—DID HE MAKE A SOUND? A REVIEW OF US LEGAL & REGULATORY  
RESPONSE (OR LACK THEREOF) TO THE VIRGIN GALACTIC ACCIDENT.**Abstract**

In order to understand the current US system, the best place to start is the passage of the Commercial Space Launch Act in 2004, which governs suborbital flights in the United States. At the time of passage, House Representative Sherwood Boehlert, Chairman of the House Committee on Science, explained, "[H]ere is what the bill does not do. It does not allow the FAA right now to guess whether some new untested rocket technology will do harm to the people onboard. Why? Because this industry is at the stage when it is the preserve of visionaries and daredevils and adventurers. These are people who will fly at their own risk to try out new technologies. These are people who do not expect and should not expect to be protected by the government. Such protection would only stifle innovation." Ten years later we are faced with this specific scenario: people (Virgin and Xcor customers) who choose to fly to try out new technologies. Sometimes this results in success; sometimes in tragedy, as was the case when Virgin Galactic lost a pilot during an experimental flight in late 2014. When the FAA passed regulations governing licensing of commercial space in the United States it created a "learning-period moratorium" during which the FAA would not impose regulations on Space Flight Participant safety. This period is also referred to as the "regulatory learning period." This learning-period moratorium is set to end on October 1, 2015. Debates regarding whether the period should be extended beyond that, were already underway before the Virgin Galactic crash. COMSTAC (the Commercial Space Transport Advisory Committee to the FAA) would like to see the moratorium run eight years from the first commercial flight. Others, such as Associate Administrator George Nield disagree with COMSTAC regarding the extension. So far, the US has adopted a licensing system and not a certification system for the regulation of commercial space flight. Whether, and why, the US changes its approach is a significant area of development in space law—whether through a US decision to enact regulation or the decision to abstain from regulating. The paper will first briefly review the state of the law and policy prior to the accident. Second, the paper will collect all public statements, decisions, and developments thereafter, at the policy, regulatory, and legislative levels. Third, the paper will analyze these materials to determine US position.