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HYPOTHETICAL “EXPLORATION AND USE OF OUTER SPACE ACT OF 2015”

Abstract

This paper will summarize the hypothetical act and the on-line discussion of the IISL members about the issues presented by the hypothetical act. In summary, the hypothetical act is presented as a potential bill to be considered by the U.S. Congress, and if passed by Congress and signed by the President would become U.S. law. The various sections of the hypothetical bill are based on other legislation that has been enacted into law. For example, the hypothetical bill would provide that the President of the United States would have authority to promulgate legislation to designate which activities in the exploration and use of outer space require authorization and to proscribe regulations for granting such authorizations. The hypothetical bill also would establish a presumption in favor of granting such authorizations unless the proposed activity would (i) be inconsistent with U.S. Law (including the Outer Space Treaty), (ii) harmfully interferes with prior authorized activities of a national of the United States, (ii) harmfully interferes with the prior authorized activities of a national of a nation that meets certain conditions (i.e., is a signatory to the Outer Space Treaty and has entered into a bilateral agreement with the United States to recognize and enforce authorizations granted to nationals of the U.S.) or (iii) endangers the public health or safety of the U.S. or endangers the public health or safety of a nation that has entered into a bilateral agreement to protect public health and safety. The hypothetical bill also would provide criminal and civil penalties for violation of the Act or the regulations promulgated thereunder.