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TITLE IV OF THE U.S. COMMERCIAL SPACE LAUNCH COMPETITIVENESS ACT OF 2015: A
CRITICAL STEP FORWARD IN FACILITATING THE DEVELOPMENT OF A VIABLE SPACE
INFRASTRUCTURE

Abstract

With the passage of the Commercial Space Launch Competitiveness Act of 2015, the U.S. became the first country to recognize the right of its citizens to own resources they obtain in space. Also known as Title IV of the “SPACE Act”, the law mandates the President to actively facilitate the commercial exploration of space resources, discourage government barriers to the development of a U.S. space resource industry, and promote the right of U.S. citizens to engage in commercial recovery of space resources.

The U.S. Congress drafted Title IV of the SPACE Act with careful and detailed consideration in order to ensure compliance with international law and its treaty obligations. The space resource utilization provisions of the SPACE Act were vetted by various agencies of the U.S. Administration, including the Department of State, and included the input of space law and policy experts. The result was the abandonment of the initial ASTEROIDS Act, and the creation of a new legislation that explicitly comported with Articles II and VI of the Outer Space Treaty of 1967.

The passage of the SPACE Act was not only historic in precedence, but is also one of the most forward-thinking space regulatory regimes which will spur the development of an international space resource utilization industry. Prior to the passage of Title IV, international space law was blatantly unclear as to the ownership rights of extracted space resources, effectively shuttering the ability of the nascent space resource utilization industry to secure critical financing. The passage of Title IV, however, has provided the necessary regulatory security for potential investors to assist in the development of the industry with private financing. More importantly, it has immediately catalyzed the interest of other nations, such as Luxembourg, to determine whether they too should pass similar space resource utilization legislation. As additional nations draft their own versions of Title IV of the SPACE Act and as technology rapidly advances, an international space resource utilization industry will organically develop.