

A BILL

To amend title 49 and title 51, United States Code, to support the licensing and operation of commercial space transportation systems and spaceports, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Commercial Spaceflight Operations Act of 2024.”

SEC. 2. ESTABLISHMENT OF ASSISTANT SECRETARY FOR COMMERCIAL SPACEFLIGHT.

Section 102(e) of title 49, United States Code, subtitle 1, is amended —

- (1) in paragraph (1) by striking “7” and inserting “8”; and
- (2) in paragraph (1)(A) by inserting “an Assistant Secretary for Commercial Spaceflight,” after “an Assistant Secretary for Research and Technology,”.

SEC. 3. ESTABLISHMENT OF COMMERCIAL SPACE TRANSPORTATION ADMINISTRATION.

Title 49, United States Code, subtitle I, Chapter 1, is amended by adding at the end the following:

“§ 120 - Commercial Space Transportation Administration.

“(a) The Commercial Space Transportation Administration is an administration in the Department of Transportation.

“(b) The head of the Administration is the Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. When making an appointment, the President shall consider the fitness of the individual to carry out efficiently the duties and powers of the office. Except as provided in subsection (f) or in other provisions of law, the Administrator reports directly to the Secretary of Transportation. The term of office for any individual appointed as Administrator shall be 5 years.

“(c) The Administrator must—

- (1) be a citizen of the United States;
- (2) be a civilian; and
- (3) have experience in a field directly related to space transportation.

“(d)

“(1) The Administration has a Deputy Administrator, who shall be appointed by the President. In making an appointment, the President shall consider the fitness of the appointee to efficiently carry out the duties and powers of the office. The Deputy Administrator shall be a citizen of the United States and have experience in a field directly related to space transportation. An officer on active duty in an armed force may be appointed as Deputy Administrator. However, if the Administrator is a former regular officer of an armed force, the Deputy Administrator may not be an officer on active duty

in an armed force, a retired regular officer of an armed force, or a former regular officer of an armed force.

“(2) The annual rate of basic pay of the Deputy Administrator shall be set by the Secretary but shall not exceed the annual rate of basic pay payable to the Administrator of the Commercial Space Transportation Administration.

“(3) An officer on active duty or a retired officer serving as Deputy Administrator is entitled to hold a rank and grade not lower than that held when appointed as Deputy Administrator. The Deputy Administrator may elect to receive (A) the pay provided by law for the Deputy Administrator, or (B) the pay and allowances or the retired pay of the military grade held. If the Deputy Administrator elects to receive the military pay and allowances or retired pay, the Administration shall reimburse the appropriate military department from funds available for the expenses of the Administration.

“(4) The appointment and service of a member of the armed forces as a Deputy Administrator does not affect the status, office, rank, or grade held by that member, or a right or benefit arising from the status, office, rank, or grade. The Secretary of a military department does not control the member when the member is carrying out duties and powers of the Deputy Administrator.

“(e) The Administrator and the Deputy Administrator may not have a pecuniary interest in, or own stock in or bonds of, an aerospace enterprise, or engage in another business, vocation, or employment.

“(f) Authority of the Secretary and the Administrator. —

“(1) Authority of the Secretary. —

Except as provided in paragraph (2), the Secretary of Transportation shall carry out the duties and powers, and controls the personnel and activities, of the Administration. Neither the Secretary nor the Administrator may submit decisions for the approval of, or be bound by the decisions or recommendations of, a committee, board, or organization established by executive order.

“(2) Authority of the Administrator. — The Administrator —

“(A) is the final authority for carrying out all functions, powers, and duties of the Administration relating to—

“(i) the appointment and employment of all officers and employees of the Administration (other than Presidential and political appointees);

“(ii) the acquisition and maintenance of property, services, and equipment of the Administration; and

“(iii) except as otherwise provided in paragraph (3), the promulgation of regulations, rules, orders, circulars, bulletins, and other official publications of the Administration;

“(B) shall offer advice and counsel to the President with respect to the appointment and qualifications of any officer or employee of the Administration to be appointed by the President or as a political appointee;

“(C) may delegate, and authorize successive redelegations of, to an officer or employee of the Administration any function, power, or duty conferred upon the Administrator, unless such delegation is prohibited by law; and

“(D) except as otherwise provided for in this title, and notwithstanding any other provision of law, shall not be required to coordinate, submit for approval or concurrence, or seek the advice or views of the Secretary or any other officer or

employee of the Department of Transportation on any matter with respect to which the Administrator is the final authority.

“(3) Regulations. —

“(A) In general. —

In the performance of the functions of the Administrator and the Administration, the Administrator is authorized to issue, rescind, and revise such regulations as are necessary to carry out those functions. The issuance of such regulations shall be governed by the provisions of chapter 5 of title 5. The Administrator shall act upon all petitions for rulemaking no later than 6 months after the date such petitions are filed by dismissing such petitions, by informing the petitioner of an intention to dismiss, or by issuing a notice of proposed rulemaking or advanced notice of proposed rulemaking. The Administrator shall issue a final regulation, or take other final action, not later than 16 months after the last day of the public comment period for the regulations or, in the case of an advanced notice of proposed rulemaking, if issued, not later than 24 months after the date of publication in the Federal Register of notice of the proposed rulemaking. On February 1 and August 1 of each year the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a letter listing each deadline the Administrator missed under this subparagraph during the 6-month period ending on such date, including an explanation for missing the deadline and a projected date on which the action that was subject to the deadline will be taken.

“(B) Approval of Secretary of Transportation. —

“(i) The Administrator may not issue a proposed regulation or final regulation that is likely to result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$250,000,000 or more (adjusted annually for inflation) in any year, or any regulation which is significant, unless the Secretary of Transportation approves the issuance of the regulation in advance. For purposes of this paragraph, a regulation is significant if the Administrator, in consultation with the Secretary (as appropriate), determines that the regulation is likely to—

“(I) have an annual effect on the economy of \$250,000,000 or more or adversely affect in a substantial and material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; or

“(II) raise novel or significant legal or policy issues arising out of legal mandates that may substantially and materially affect other transportation modes.

“(ii) In an emergency, the Administrator may issue a regulation described in clause (i) without prior approval by the Secretary, but any such emergency regulation is subject to ratification by the Secretary after it is issued and shall be rescinded by the Administrator within 5 days

(excluding Saturdays, Sundays, and legal public holidays) after issuance if the Secretary fails to ratify its issuance.

“(iii) Any regulation that does not meet the criteria of clause (i), and any regulation or other action that is a routine or frequent action or a procedural action, may be issued by the Administrator without review or approval by the Secretary.

“(iv) The Administrator shall submit a copy of any regulation requiring approval by the Secretary under clause (i) to the Secretary, who shall either approve it or return it to the Administrator with comments within 45 days after receiving it.

“(C) Periodic review. —

“(i) The Administrator shall review any unusually burdensome regulation issued by the Administrator beginning not later than 3 years after the effective date of the regulation to determine if the cost assumptions were accurate, the benefit of the regulations, and the need to continue such regulations in force in their present form.

“(ii) The Administrator may identify for review under the criteria set forth in clause (i) unusually burdensome regulations that have been in force for more than 3 years.

“(iii) For purposes of this subparagraph, the term “unusually burdensome regulation” means any regulation that results in the annual expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$25,000,000 or more (adjusted annually for inflation) in any year.

“(iv) The periodic review of regulations may be performed by advisory committees.

“(4) Definition of political appointee. — For purposes of this subsection, the term “political appointee” means any individual who—

“(A) is employed in a position listed in sections 5312 through 5316 of title 5 (relating to the Executive Schedule);

“(B) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5; or

“(C) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

“(g) Duties and Powers of Administrator. — The Administrator shall carry out the following:

“(1) Duties and powers of the Secretary of Transportation under subsection (f) of this section related to commercial space transportation safety.

“(2) Additional duties and powers prescribed by the Secretary of Transportation.

“(h) The Deputy Administrator shall carry out duties and powers prescribed by the Administrator. The Deputy Administrator acts for the Administrator when the Administrator is absent or unable to serve, or when the office of the Administrator is vacant.

“(i) Authorization of Appropriations for Operations. —

“(1) Salaries, operations, and maintenance. — There is authorized to be appropriated to the Secretary of Transportation for salaries, operations, and maintenance of the Administration —

“(A) \$213,531,000 for fiscal year 2024;

“(B) \$221,884,000 for fiscal year 2025;

“(C) \$231,072,000 for fiscal year 2026;

“(D) \$241,179,000 for fiscal year 2027; and

“(E) \$252,296,000 for fiscal year 2028.

“Such sums shall remain available until expended.

“(2) Authorized expenditures. — Out of amounts appropriated under paragraph (1), the following expenditures are authorized:

“(A) \$100,000,000 per year for a Spaceport Infrastructure Improvement Program.

“(B) \$30,000,000 per year to administer a Commercial Spaceflight Research Alliance.

“(3) Administering program within available funding. —

Notwithstanding any other provision of law, in each of fiscal years 2024 through 2028, if the Secretary determines that the funds appropriated under paragraph (1) are insufficient to meet the salary, operations, and maintenance expenses of the Commercial Space Transportation Administration, as authorized by this section, the Secretary shall reduce nonsafety-related activities of the Administration as necessary to reduce such expenses to a level that can be met by the funding available under paragraph (1).

“(j) Personnel and Services. —

“(1) Officers and employees. —

Except as provided in subsections (a) and (g) of section 40122, the Administrator is authorized, in the performance of the functions of the Administrator, to appoint, transfer, and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Administrator and the Administration. In fixing compensation and benefits of officers and employees, the Administrator shall not engage in any type of bargaining, except to the extent provided for in section 40122(a), nor shall the Administrator be bound by any requirement to establish such compensation or benefits at particular levels.

“(2) Experts and consultants. —

The Administrator is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5.

“(3) Transportation and per diem expenses. —

The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5.

“(4) Use of personnel from other agencies. —

The Administrator is authorized to utilize the services of personnel of any other Federal agency (as such term is defined under section 551(1) of title 5).

“(5) Voluntary services. —

“(A) General rule. —

In exercising the authority to accept gifts and voluntary services under section 326 of this title, and without regard to section 1342 of title 31, the Administrator may

not accept voluntary and uncompensated services if such services are used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

“(B) Incidental expenses. —

The Administrator is authorized to provide for incidental expenses, including transportation, lodging, and subsistence, for volunteers who provide voluntary services under this subsection.

“(C) Limited treatment as federal employees. —

An individual who provides voluntary services under this subsection shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, relating to compensation for work injuries, and chapter 171 of title 28, relating to tort claims.

“(6) Contracts. —

The Administrator is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration. The Administrator may enter into such contracts, leases, cooperative agreements, and other transactions with any Federal agency (as such term is defined in section 551(1) of title 5) or any instrumentality of the United States, any State, territory, or possession, or political subdivision thereof, any other governmental entity, or any person, firm, association, corporation, or educational institution, on such terms and conditions as the Administrator may consider appropriate.

“(7) Prohibition on certain performance-based incentives. —

No employee of the Administration shall be given an award, financial incentive, or other compensation, as a result of actions to meet performance goals related to meeting or exceeding schedules, quotas, or deadlines for certificates issued under section 44704.

“(k) Cooperation by Administrator. —

With the consent of appropriate officials, the Administrator may, with or without reimbursement, use or accept the services, equipment, personnel, and facilities of any other Federal agency (as such term is defined in section 551(1) of title 5) and any other public or private entity. The Administrator may also cooperate with appropriate officials of other public and private agencies and instrumentalities concerning the use of services, equipment, personnel, and facilities. The head of each Federal agency shall cooperate with the Administrator in making the services, equipment, personnel, and facilities of the Federal agency available to the Administrator. The head of a Federal agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, with or without reimbursement, supplies, personnel, services, and equipment other than administrative supplies or equipment.

“(l) Acquisition. —

“(1) In general. — The Administrator is authorized —

“(A) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain—

“(i) research and testing sites and facilities; and

“(ii) such other real and personal property (including office space and patents), or any interest therein, within and outside the continental United States as the Administrator considers necessary;

“(B) to lease to others such real and personal property; and

“(C) to provide by contract or otherwise for eating facilities and other necessary facilities for the welfare of employees of the Administration at the installations of

the Administration, and to acquire, operate, and maintain equipment for these facilities.

“(2) Title. —

Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

“(m) Transfers of Funds. —

The Administrator is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred by law to the Administrator or functions transferred pursuant to law to the Administrator.”

SEC. 4. NATIONAL SPACEPORT POLICY. — Title 51, United States Code, is amended by adding at the end of subtitle V the following:

“§ 51502 National Spaceport Policy

“The U.S. Government strongly supports the development and operation of a National Spaceport Network, consisting of commercial, government, and privately-operated launch and reentry sites, that will allow assured access to space for all users, while enabling the United States to:

“(1) Satisfy national security requirements;

“(2) Maintain technological leadership;

“(3) Enable international competitiveness; and

“(4) Provide inspiration for students and the development of a robust aerospace workforce.”

SEC. 5. SPACE TRANSPORTATION INFRASTRUCTURE MATCHING GRANTS.

(a) Section 51102(b) of title 51, United States Code, is amended by striking paragraphs (1) and (2) and inserting “the grant will not be for more than 90 percent of the total cost of the project.”

(b) Section 51105 of title 51, United States Code, is amended by striking “\$10,000,000” and inserting “\$500,000,000”.

SEC. 6. COMMERCIAL HUMAN SPACE FLIGHT TRAINING.

(a) Section 50902, paragraph (22) of title 51, United States Code, is amended —

(1) in subparagraph (B), by striking the “or”;

(2) in subparagraph (C), by striking the period at the end and inserting “;”;

(3) and by adding at the end the following:

“(D) a vehicle in development to become a launch vehicle, reentry vehicle, or a component of a launch or reentry vehicle; or

“(E) an aircraft when it conducts a space support flight.”

(b) Section 50904 of title 51, United States Code, is amended by striking paragraph (d) and replacing it with the following:

“(d) Single License or Permit. — The Secretary of Transportation —

“(1) shall ensure that only 1 license or permit is required from the Department of Transportation to conduct activities involving crew, government astronauts, or space flight participants, including launch and reentry;

“(2) may authorize by license or permit flight of a space support vehicle; and

“(3) shall ensure that all Department of Transportation regulations relevant to the licensed or permitted activity are satisfied under a single license or permit.”

SEC. 7. POINT-TO-POINT TRANSPORTATION THROUGH SPACE.

(a) Section 50901(a) of title 51, United States Code, is amended by adding at the end the following new paragraph:

“(16) the ability to conduct high-speed, long-distance transportation, specifically point-to-point transportation through space, will be a major game changer for both national security and economic competitiveness, and the U.S. must lead in developing such capabilities.”

(b) Report on Point-to-Point Transportation. —

- (1) Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to Congress a report that —
 - (A) assesses potential barriers to the testing and operations of hypersonic and suborbital vehicles that are currently under development for point-to-point transportation;
 - (B) identifies needed changes to policies, laws, regulations, and procedures to allow such operations;
 - (C) recommends flight trajectories and/or corridors that could be used for vehicle testing and demonstrations, both within the U.S., and between sites in the U.S. and international sites.
- (2) In preparing the report required by this subsection, the Secretary shall consult with individuals including —
 - (A) the Secretary of Defense;
 - (B) the Chief of Space Operations;
 - (C) the Administrator of the National Aeronautics and Space Administration;
 - (D) the Secretary of State;
 - (E) the Secretary of Commerce; and
 - (F) interested persons at spaceports, State and local governments, and industry.

SEC. 8. COMMERCIAL SPACEFLIGHT RESEARCH. — Chapter 509 of title 51, United States Code, is amended by adding at the end the following new section:

“§ 50924. Commercial Spaceflight Research

“(a) Definitions. — In this section:

“(1) **INSTITUTION OF HIGHER EDUCATION.**—The term ‘institution of higher education’ has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

“(2) **NONPROFIT ORGANIZATION.**—The term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.

“(3) **NOT-FOR-PROFIT ORGANIZATION.**—The term ‘not-for-profit organization’ means an organization that is described in section 501(c)(7) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.

“(b) Cooperative agreement.— Not later than one year after the date of the enactment of the Commercial Spaceflight Operations Act of 2024, the Secretary of Transportation shall competitively award a cooperative agreement to an entity eligible under subsection (c) to establish a consortium to operate a Commercial Spaceflight Research Alliance.

“(c) Eligible entities. —

“(1) **IN GENERAL.** — Except as provided in paragraph (3), to be eligible for a cooperative agreement under this section, an entity shall be a United States entity that is

any of the following:

“(A) An institution of higher education.

“(B) A nonprofit organization.

“(C) A not-for-profit organization.

“(2) CONSIDERATIONS.—In awarding a cooperative agreement to any entity under this section, the Secretary shall consider, at a minimum, the following with respect to such entity:

“(A) Demonstrated expertise in commercial spaceflight operations.

“(B) Financial contributions, including non-Federal cost-sharing.

“(C) Public-private collaboration experience.

“(D) International coordination potential.

“(3) PROHIBITION. — An entity that is a federally funded research and development center is not an eligible entity for a cooperative agreement under this section.

“(d) Consortium membership. — The entity awarded a cooperative agreement under subsection (b) shall seek consortium membership and participation from the following:

“(1) Commercial entities.

“(2) Other institutions of higher education, nonprofit organizations, or not-for-profit organizations.

“(3) States.

“(4) Political subdivisions of States.

“(5) Governments of foreign countries.

“(e) Consortium activities. — The entity awarded a cooperative agreement under subsection (b) shall, in consultation with the consortium members specified in subsection (d) —

“(1) provide publicly available data, information, and services related to commercial spaceflight;

“(2) coordinate information sharing agreements between consortium members;

“(3) seek broad consortium membership, participation, and information sharing from both domestic and international stakeholders;

“(4) seek to maximize cost sharing and enable the commercialization of private sector products and services in order to promote a more robust commercial spaceflight industry;

“(5) facilitate opportunities for United States commercial entities to participate in and contribute to the consortium; and

“(6) promote voluntary consensus standards and best practices for commercial spaceflight.”