

113TH CONGRESS  
1ST SESSION

# H. R. 3038

To streamline the process of commercial space launch licensing and to establish demonstration projects involving the use of experimental aircraft in direct and indirect support of commercial space launch activities.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2013

Mr. MCCARTHY of California (for himself and Mr. POSEY) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

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## A BILL

To streamline the process of commercial space launch licensing and to establish demonstration projects involving the use of experimental aircraft in direct and indirect support of commercial space launch activities.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Suborbital and Orbital  
5 Advancement and Regulatory Streamlining Act” or the  
6 “SOARS Act”.

1 **SEC. 2. COMMERCIAL SPACE LAUNCH LICENSING.**

2 Chapter 509 of title 51, United States Code, is  
3 amended—

4 (1) by amending section 50902(6)(A) to read as  
5 follows:

6 “(A) activities involved in the preparation  
7 of a launch vehicle or element thereof, payload,  
8 crew (including crew training), or space flight  
9 participant (including space flight participant  
10 training) for launch; and”;

11 (2) by amending section 50904(d) to read as  
12 follows:

13 “(d) SINGLE LICENSE OR PERMIT.—The Secretary  
14 of Transportation—

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

19 “(2) may authorize by license or permit flight  
20 of a launch or reentry vehicle, or element thereof, in  
21 support of a launch or reentry, even when the vehi-  
22 cle or element is not being launched or reentered;  
23 and

24 “(3) shall ensure that all Department of Trans-  
25 portation regulations relevant to the licensed or per-

1 mitted activity are satisfied under a single license or  
2 permit.”; and

3 (3) in section 50906—

4 (A) in subsection (e), by striking “sub-  
5 orbital rocket design” and inserting “suborbital  
6 rocket or rocket design”; and

7 (B) by amending subsection (g) to read as  
8 follows:

9 “(g) A permit may be issued, and a permit that has  
10 already been issued shall remain valid for the uses de-  
11 scribed in subsection (d), for a particular reusable sub-  
12 orbital rocket or rocket design after a license has been  
13 issued for the launch or reentry of a rocket of that de-  
14 sign.”.

15 **SEC. 3. DEMONSTRATION PROJECT.**

16 (a) ESTABLISHMENT.—The Secretary of Transpor-  
17 tation shall establish and implement, under the Office of  
18 Commercial Space Transportation, a demonstration  
19 project under chapter 509 of title 51, United States Code,  
20 to evaluate the benefits of using experimental aircraft for  
21 both the direct and indirect support of commercial space  
22 launch and reentry activities.

23 (b) DURATION AND SCOPE.—

24 (1) DURATION.—Beginning not later than 90  
25 days after the date of enactment of this Act, the

1 Secretary of Transportation shall conduct the dem-  
2 onstration project for a period of not less than 3  
3 years.

4 (2) SCOPE.—

5 (A) IN GENERAL.—The Secretary of  
6 Transportation shall enroll not less than 8 com-  
7 mercial businesses involved in direct and indi-  
8 rect support of commercial space launch activi-  
9 ties, with at least 1 business designated for  
10 each Department of Transportation-licensed  
11 commercial space launch facility.

12 (B) TYPES OF ACTIVITIES.—Such commer-  
13 cial space launch support activities may include  
14 revenue-producing activities and the use of  
15 former military aircraft or vehicles designated  
16 as experimental by the Department of Trans-  
17 portation.

18 (C) REDEPLOYMENT.—After a period of 6  
19 months from the beginning of the demonstra-  
20 tion program, the Secretary of Transportation  
21 shall determine if there are any Department of  
22 Transportation-licensed launch facilities that do  
23 not have a commercial company participating  
24 with them in the demonstration project and  
25 shall redeploy that demonstration allocation to

1 any other licensed launch facilities that are in-  
2 terested in expanding their participation to a  
3 second (or more) demonstration project com-  
4 pany.

5 (3) LIABILITY COVERAGE.—During the period  
6 of the demonstration program, liability of partici-  
7 pating commercial businesses for damages resulting  
8 from participation in the demonstration program  
9 shall be limited to actual losses incurred.

10 (4) PAYMENT.—There will be no fees charged  
11 by the Department of Transportation to either li-  
12 censed launch facilities or commercial businesses  
13 participating in this demonstration project.

14 (5) WAIVER AUTHORITY.—The Secretary of  
15 Transportation may waive such requirements or lim-  
16 itations of chapter 509 of title 51, United States  
17 Code, as may be necessary to carry out the dem-  
18 onstration project.

19 (6) STUDY AND REPORT TO CONGRESS.—

20 (A) INTERIM EVALUATION AND REPORT.—

21 No sooner than 1 year and not later than 2  
22 years after the date of enactment of this Act,  
23 the Secretary of Transportation shall submit to  
24 Congress a report that contains an interim eval-  
25 uation of the positive and negative impact of

1 the demonstration project on the United States  
2 commercial space transportation industry, any  
3 planned changes to the demonstration project,  
4 and an initial assessment of whether the dura-  
5 tion of the demonstration project should be ex-  
6 tended.

7 (B) FURTHER EVALUATION AND RE-  
8 PORT.—Not later than 6 months after the date  
9 of completion of the demonstration project or 2  
10 years after the most recent prior report, the  
11 Secretary of Transportation shall submit to  
12 Congress a report that contains the following:

13 (i) An updated evaluation of the im-  
14 pact of the demonstration project on the  
15 United States commercial space transpor-  
16 tation industry.

17 (ii) An analysis of the benefits and  
18 costs of continuing, restarting, expanding,  
19 or making permanent the demonstration  
20 project, including any proposed changes to  
21 the project.

22 (iii) The Secretary's recommendation  
23 regarding continuing, restarting, expand-  
24 ing, or making permanent the demonstra-

1                   tion project, based on the analysis under  
2                   clause (ii).

3                   (iv) Options for Congress to provide  
4                   any additional legislative or regulatory au-  
5                   thority which may be required to imple-  
6                   ment clause (iii).

7                   (7) TEMPORARY EXTENSIONS.—If, at any time  
8                   after the first two years of the demonstration  
9                   project, the Secretary’s most recent report to Con-  
10                  gress has stated that the demonstration project is  
11                  succeeding in advancing the purposes of chapter 509  
12                  of title 51, United States Code, and that the dura-  
13                  tion of the demonstration project should be ex-  
14                  tended, then the Secretary is authorized to extend  
15                  the project for a period of up to two years per exten-  
16                  sion, without restriction, effective 30 days after writ-  
17                  ten notification to the Congress of the extension.

18                  (c) DEFINITIONS.—In this section:

19                  (1) DEMONSTRATION PROJECT.—The term  
20                  “demonstration project” means the demonstration  
21                  project conducted under this section.

22                  (2) INDIRECT SUPPORT OF COMMERCIAL SPACE  
23                  LAUNCH ACTIVITIES.—The term “indirect support of  
24                  commercial space launch activities” shall include  
25                  pilot, crew, and passenger evaluation, preparation,

1       and training, payload testing and preparation, and  
2       any other activities deemed necessary by the com-  
3       mercial space launch company participating in the  
4       demonstration project to prepare for, or execute, a  
5       commercial suborbital or orbital launch.

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