

Department of Commerce Proposal
Responding to Executive Order 14335 Section 5

Summary

The United States is the undisputed global leader in commercial space technology. However, the current regulatory environment leaves room for improvement. Industry has raised concerns about the current process being burdensome and duplicative, hence making it difficult to provide a clear path to “yes” for the commercial in-space activities occurring today and others in active development.

The Department of Commerce’s Office of Space Commerce (OSC), Federal Communications Commission (FCC), and the Department of Transportation’s Federal Aviation Administration (FAA) all regulate specific aspects of commercial space activity, but much of the in-space “novel activities” such as in-space manufacturing, orbital computing, satellite servicing, lunar operations, and commercial inhabitable stations all fall outside of the existing legislative authorities. Existing regulatory systems do not fully address unique issues raised by these novel space activities and cannot provide industry with certainty about whether and how the in-space portions would be licensed. Novel activities offer substantial potential benefits to the United States’ economic and national security, and underpin key Administration priorities such as the Artemis program.

Recognizing the importance of continued U.S. commercial space leadership, President Trump signed Executive Order 14335, *Enabling Competition in the Commercial Space Industry* (EO) on August 13, 2025. The EO directed the Department of Commerce to propose a mission authorization process tailored specifically to novel space activities, ensuring overly burdensome regulation does not hinder innovation.

The Department of Commerce proposes developing an opt-in Space Commerce Certification to provide additional certainty to operators interested in conducting novel space activities. This Certification would also streamline the existing regulatory framework for these operations. Under this proposal, OSC, working with relevant U.S. government agencies, would issue a certification conditioned on a light-touch set of requirements. These requirements would be narrowly-tailored to satisfy core national interests such as national security, international obligations, foreign policy, and safety. After reviewing applications and seeking interagency feedback, OSC would promptly grant certification after a defined period unless significant problems were identified and could not be resolved. OSC will work with relevant U.S. government agencies to define the appropriate working relationship in a manner that avoids duplicative review of novel space activities.

Critically, the Department of Commerce understands that existing regulators at FAA, FCC, and OSC could utilize the Space Commerce Certification to waive certain elements of their regulatory review. Specifically, commercial actors may be able to use the Space Commerce Certification to satisfy or forego certain other applicable requirements.

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OSC proposes to deploy the Space Commerce Certification quickly, developing narrowly-tailored requirements for novel space activities and for certain classes of space activities that raise specific considerations by working through actual applications. Lessons learned from processing applications will allow OSC to rapidly iterate its process and requirements, as needed. OSC could begin by focusing on a certain type of activity, such as satellite servicing, then open the process to applications for commercial inhabitable stations, lunar operations, etc. in a sequence driven by the needs of industry and government users.

OSC seeks comment on this proposal from industry, the public, and all stakeholders.

Background

The United State's is focused on addressing the gaps in its current regulatory system. Industry has raised concerns that the processes are outdated, burdensome, and confusing. The current system stifles American innovation and prevents the United States and the American people from fully realizing the benefits of commercial space capabilities.

Space Policy Directive-2 (2018) directed the streamlining of individual regulations of commercial space, but subsequent efforts nonetheless resulted in a system where three agencies separately receive overlapping information and engage in multiple, parallel reviews operating on different timelines. Consistent with President Trump's EO 14192, *Unleashing Prosperity Through Deregulation* (2025), EO 14335 (2025) tasks the Department of Commerce with proposing a "mission authorization" process to modernize, streamline, and clarify the overall system of space regulations for novel activities.

Currently, companies seeking authorization for space activities must apply for multiple licenses from a number of U.S. regulators:

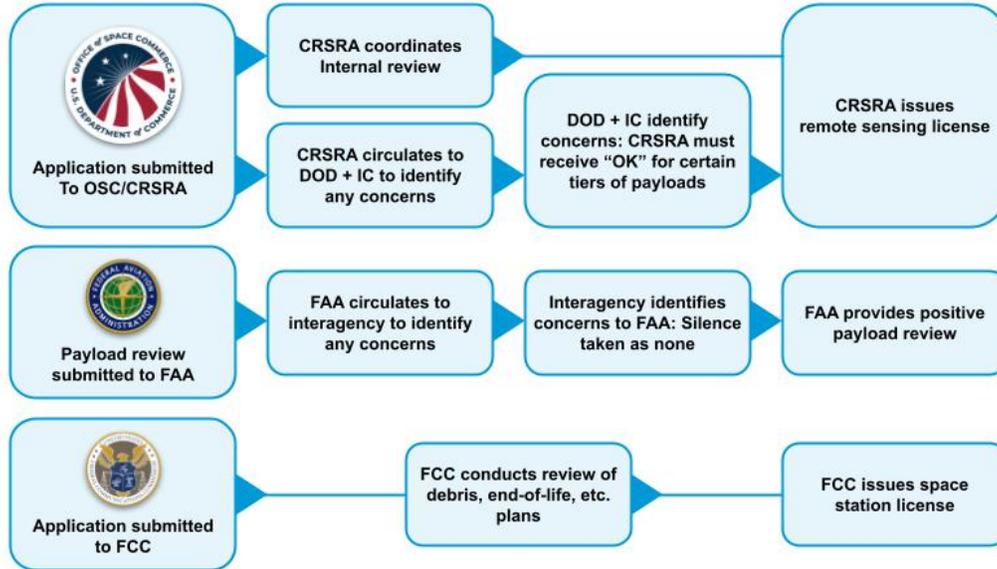
- A license from the FAA to launch and reenter, including an interagency payload review;
- A license from the FCC for radiofrequency communications, including space debris rules; and
- A license from OSC for remote sensing, where remote sensing is involved.

Activities such as communications and remote-sensing satellites are clearly regulated and would not be eligible under this proposal. However, the system as a whole has gaps that make it unclear whether or how the United States government could best authorize and supervise all aspects of novel space activities such as in-space manufacturing, commercial inhabitable space stations, and satellite servicing. This uncertainty creates an unnecessary burden for industry and government alike.

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Current Process for Payloads



The President tasked the Department of Commerce with proposing a “process for individualized mission authorizations for activities that are covered by Article VI of the Outer Space Treaty of 1967, but not clearly or straightforwardly governed by existing regulatory frameworks, with the goal of expediting and streamlining authorizations to enable American space competitiveness and superiority.” This is an opportunity to streamline the regulatory processes and provide much-needed certainty for U.S. industry.

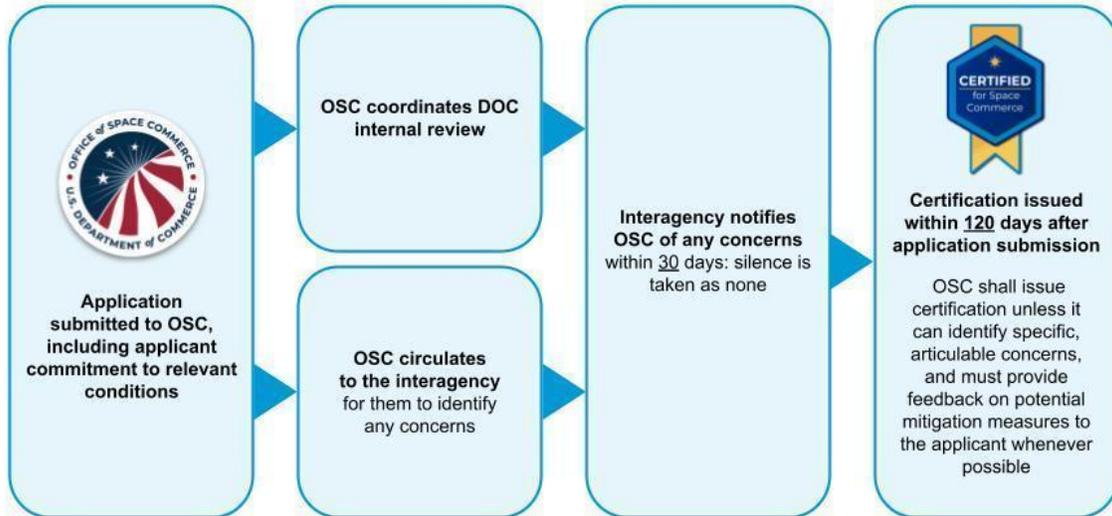
Proposal

Secretary Lutnick directed the Department of Commerce to develop a process for certifying novel activities that is focused and results in quick successes. Accordingly, OSC proposes the development of an OSC-administered “Space Commerce Certification,” as described in Annex 1.

Through an OSC-run interagency review process, OSC would articulate specific, light-touch requirements for novel space activities. Companies wishing to engage in these activities would apply for a per-mission certification, committing to adhere to those requirements. OSC would then conduct basic due-diligence, while simultaneously circulating the application to relevant portions of the interagency to identify any concerns relating to national security, foreign policy or international obligations, and safety of operations. If no concerns are identified, certification would be granted within 120 days of the complete application’s submission.

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Proposal - Space Commerce Certification



The Space Commerce Certification would bring immediate benefits to industry. Most importantly, existing space regulators, including the FAA, FCC, and OSC’s private remote sensing regulator (Commercial Remote Sensing Regulatory Affairs, “CRSRA”) may choose to incorporate a Space Commerce Certification into their regulatory processes. The precise means of accepting Space Commerce Certification as sufficient for their own requirements would be for regulatory agencies to determine as we refine implementation details.

Additional details regarding the proposed role for the existing space regulators are provided in the Implementation section below, and full details of the proposal are provided in Annex 1.

The certification process seeks to coordinate Federal Government review and requirements. This process would not replace CRSRA, FAA or FCC statutory responsibilities. For example, where an activity is subject to an existing licensing or authorization requirement, such as a requirement for a license from FCC for earth or space station communications, such requirement remains applicable and controlling, and participation in Space Commerce Certification would not relieve an operator of the obligation to obtain and comply with such authorizations.

For any remaining regulatory issues to be addressed beyond a certification, the FCC, FAA, and CRSRA could rely on the submissions provided by an applicant in the OSC certification application for their review of remaining individual interests as much as possible, eliminating duplicative paperwork from any supplemental application requirements.

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The Department of Commerce has the authority to implement this certification process under existing authorities. The Department of Commerce and OSC specifically have wide-ranging authorities “to foster the conditions for the economic growth and technological advancement of the United States space commerce industry[.]” 51 U.S.C. § 50702(c)(1). In addition, the OSC Director is tasked with “seeking the removal of legal, policy, and institutional impediments to space commerce.” 51 U.S.C. § 50702(d)(7). This authority is sufficient to establish an opt-in, voluntary scheme such as that proposed here.

Implementation

Many commercial space activities in a given regime (low Earth orbit, geostationary orbit, lunar, etc.) implicate similar USG equities, regardless of the particular commercial activities being undertaken. For example: end-of-life requirements for spacecraft operating in low-Earth orbit should generally be the same for all similarly-situated industry satellites regardless of what they did during their operational lifetimes. However, certain types of operations also raise unique issues. Unique concerns tied to remote sensing and radio-frequency operations are addressed through existing regulations, but many activities are not clearly or straightforwardly addressed. Novel activities requiring more focused commitments may include:

- Rendezvous and proximity operations (RPO) (e.g. satellite servicing)
- In-space computing (e.g. orbital data centers)
- Lunar surface operations (e.g. Artemis commercial missions)
- Lunar orbit operations
- Space resource utilization (e.g. helium and rare Earth materials mining on the Moon)

Upon initiation of the OSC Certification, OSC will clearly define what types of novel activities are eligible and what relief can be provided (i.e., which specific FCC or FAA application requirements and reviews will be handled by the certification process rather than through the regulatory agency).

It would be impractical to articulate rules for each of these novel activities immediately. Some activities have years of heritage and well-developed best practices, while others have never been done either by private companies or at all. Likewise, some activities are early-stage concepts, while others are critical industry contributions to major USG programs (e.g., the Artemis Program).

Even if OSC could develop rules, the current regulatory challenges cannot continue unresolved for the months or years it would take to develop them. Instead, the Space Commerce Certification scheme could be implemented initially between industry applicants and the government. Through experience, rather than abstract discussion, OSC can rapidly iterate its process and refine requirements.

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Because this certification scheme is voluntary and may not require typical rulemaking processes, OSC could adjust both the process and requirements as necessary over time, allowing quick certifications from the beginning while maintaining the ability to respond to unanticipated problems or address emergent needs.

OSC proposes to open the Space Commerce Certification process to all eligible novel space activities. OSC will need to be selective initially, choosing applications that are critical to industry and government interests.

OSC would use these first applications to determine whether any general requirements are likely necessary for all novel space activities to satisfy the USG interests listed above. Additionally, the experience gained through processing applications representative of specific activities would lead to requirements likely necessary for those activities. OSC would engage closely with the applicant and other government agencies (who will be afforded the opportunity to comment on a voluntary basis), and consider any emerging industry standards.

For example, satellite servicing missions have already begun under existing regulatory systems and industry has worked for years to develop best practices and standards, especially through associations such as the Consortium for Execution of Rendezvous and Servicing Operations (CONFERS) and the Consortium for Space Mobility and ISAM Capabilities (COSMIC).

Existing regulators at the FAA, FCC, and CRSRA would be offered the opportunity to be included in these reviews to the extent they find it helpful to ensure the process and outcome enables them to leverage those aspects of in-space activities now covered by the Space Commerce Certification, either by accepting certification to satisfy some or all of their requirements or by waiving some of their requirements or by modifying their own licensing regimes to narrow their scope when applied to novel space activities. Regulatory agencies would not be required to participate in these reviews, but could use Space Commerce Certification to satisfy certain of their regulatory requirements as described here.

The FCC could waive its rules governing orbital debris mitigation requirements and include a condition requiring its licensee to obtain, maintain, and comply with an OSC certification. The FCC could find that the inclusion of this condition would constitute “good cause” for waiving rules related to orbital debris and disposal, and allowing FCC not to impose any additional conditions for those same interests. To the extent a commitment in the OSC certification addressed FCC’s statutory and regulatory interests, FCC could pursue enforcement action against any licensee failing to comply with this condition. FCC would continue to accept and review applications for space and earth station licenses and oversee licenses under its existing regulatory procedures for spectrum/communication-related concerns.

Likewise, the FAA could accept the OSC certification either in whole or in part as a means of satisfying portions or all of its payload review requirements. For example, the FAA could accept the interagency review performed through the OSC certification process and any conditions developed through that

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process as satisfying its obligation to ensure a novel payload does not jeopardize national security, international obligations, or foreign policy interests. This would eliminate the need for separate interagency review of such payloads under FAA regulations. FAA could indicate their reliance on the OSC certification as the basis for these aspects of its favorable payload review determination, and to the extent a commitment in the OSC certification addressed FAA's statutory and regulatory interests, FAA may be able to pursue enforcement action against any payload operator failing to comply with their OSC certification. FAA would continue to review payloads to determine whether their launch would jeopardize safety of property and public health and safety.

OSC/CRSRA could issue guidance indicating that it would accept an OSC certification as satisfying its satellite disposal requirements. Additionally, CRSRA could include a temporary condition requiring its Tier 3 licensees to obtain, maintain, and comply with an OSC certification, instead of conducting its separate interagency review for determining temporary conditions addressing interests covered by the certification. CRSRA could pursue enforcement action against any licensee failing to comply with this condition or to dispose in accordance with their certification.

After additional experience, OSC should be able to develop a more standard certification process that provides greater predictability to industry and requires less intensive involvement of the interagency. Furthermore, regulators at FAA, FCC, and CRSRA should be able to standardize each agency's approach to accepting certifications through guidance or rulemakings.

Conclusion

If implemented, the Space Commerce Certification process could provide comprehensive authorization for novel space activities with narrowly tailored requirements for commercial actors. This would speed review timelines and encourage investment. At the same time, this proposal would implement President Trump's deregulatory agenda by allowing FAA, FCC, and CRSRA to avoid duplicative consideration of many aspects of in-space activities, resulting in a streamlined, coordinated regulatory system.

Stakeholder Feedback

With the release of our proposal, the Office of Space Commerce continues to seek stakeholder input and feedback. Don't hesitate to contact us via email at Space.Commerce@noaa.gov, with the email title "Feedback – Mission Authorization Proposal."

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ANNEX 1: PROPOSAL FOR SPACE COMMERCE CERTIFICATION PROCESS

A. Certifying Authority

The Secretary of Commerce (hereafter referred to as “Secretary”) or their designee will serve as the certifying authority. The Secretary shall consult with the Secretaries of War and State, the Administrators of FAA and NASA, and the Chairman of the FCC (or their designees) prior to issuing certifications, and may consult with representatives of other departments and agencies that have specialized interests in a given commercial space activity.

This process will be called “Space Commerce Certification” (SCC).

There will be no fees assessed as part of this certification process.

B. Scope

- (i) **Onboarding Timeline.** Space Commerce Certification will become available to novel space activities as quickly and in a manner determined to be feasible by the Secretary of Commerce.
- (ii) **Eligibility Generally.** Any United States entity. Missions owned and operated by U.S. government entities are exempt from this certification.
- (iii) **Multiple Assets.** Missions with multiple space objects are permitted to apply under a single certification request, so long as planned activities can be anticipated at the time of application, whether or not they are launched simultaneously.

The decision to seek a Space Commerce Certification is voluntary. U.S. entities may choose to use the existing, traditional regulatory processes to license their space activities through the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and the Office of Space Commerce’s Commercial Remote Sensing Regulatory Affairs Division (OSC/CRSRA), as applicable. In those circumstances, the Department of Commerce may work with the interagency to maintain insight into novel activities undertaken outside of the Space Commerce Certification process.

C. Application Contents and Certification Amendments

The Space Commerce Certification application should be limited in its requirements to prevent unduly burdening applicants, many of whom may be smaller companies without large regulatory compliance teams. The content will in part depend on the activity to be conducted. However, in general it will require information necessary to satisfy or to waive the applicable statutory and regulatory requirements of FAA, FCC, and CRSRA, including but not limited to:

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- Name, address, and contact information of U.S. nationals responsible for the activities;
- Proof the applicant is a U.S. entity;
- Date and location of launch(es), and launch provider if manifested;
- Description of the physical form and composition of the space object(s);
- Description of proposed operations that includes when and where the operations will occur, when they will terminate, and an agreement to notify the government of any material change to certified activities;
- Attestation that the applicant will comply with requirements included in the Space Commerce Certification issued by the Department of Commerce for the applicant's activities;
- Attestation that the space object is not a weapon and does not carry nuclear or other weapons of mass destruction; and
- Paragraph-level markings to identify which information in the applicant's view would be improper for public disclosure due to trade secrets or export control restrictions.

The standards of adjudication on these contents should be transparent to all applicants, and include a process to provide clarification to the applicant where necessary.

1. Certification Amendments and Reissuance.

A certified operator shall provide timely notice to the Department of Commerce of any material change that may affect the scope, representations, or commitments underlying the certification. Material changes may include, but are not limited to, changes in mission design, operational concept, ownership or control, safety-critical systems, or other factors relevant to the certified activity.

Upon receipt of such notice, the Department may determine whether the change may be addressed through an amendment to the existing certification or whether re-certification is required, depending on the nature and significance of the change.

D. Application Process

1. Prompt Timeline

Applications shall be processed promptly and on a strict timeline. Upon receiving a completed application, the Secretary shall take no more than 120 days to certify unless extended to 180 days as described below, or to provide a rationale for denying the application and identifying potential steps the applicant could take to address these reasons.

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2. **Presumption of Approval**

Unless the Secretary determines there is a valid basis of denial, the Secretary shall certify the application within the specified timeline. The certification may be subject to conditions developed through the application review process, including through interagency input.

3. **Basis for Denial**

The Secretary of Commerce shall deny certification of a mission only for the following reasons:

- (i) The applicant is unlikely to or incapable of complying with commitments in a certification;
- (ii) The proposed mission has a likelihood and capacity to harm national security interests, which cannot be satisfactorily mitigated by certification conditions;
- (iii) The proposed mission has a likelihood and capacity to cause the United States to violate its international obligations or deleteriously impact the foreign relations of the United States, which cannot be satisfactorily mitigated by certification conditions; or
- (iv) The proposed mission has a likelihood and capacity to cause unacceptable dangers to the safety of space operations, assets, or to public safety which cannot be satisfactorily mitigated by certification conditions.

An entity whose application is denied may take the following actions:

- (i) Appeal (as described in Section E); or
- (ii) Reapply, after addressing the basis for denial.

4. **Process for Application Review**

The interagency review process for certifications shall include a voluntary opportunity for input from all Departments and Agencies with interests in the novel space activity under review, with the capacity to provide meaningful input on national security or international obligations and foreign policy interests, or concerns relating to the safety of space operations, as determined by the Secretary of Commerce or their designee.

a. **Review**

Reviewing agencies shall have 30 days after receipt of the application materials to complete their review. The reviewing agencies may, within 10 days of receipt, submit a request for up to two 30-day extensions of the timeline to the Office of Space Commerce if necessary for their review.

The Secretary of State may review the application to determine conditions necessary to meet international obligations and U.S. foreign policy interests. The Secretary of War and other national security agencies may review the application to determine conditions necessary to meet national security concerns. FAA, FCC, and OSC will review the application to determine consistency with their regulatory requirements or to waive their regulatory requirements. NASA, the Department of War, and NOAA may review the application to determine conditions necessary to protect the safety of U.S. government space operations. Any other agencies identified by the Secretary of Commerce may review the application to determine conditions necessary to address their specific interests.

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If concerns are identified during the review, the identifying agency will provide written notification to the Secretary that includes:

- the specific interest at risk;
- a detailed rationale for concluding that the application is inconsistent with the specified interest; and
- the conditions necessary to mitigate the risk or the rationale for a denial of application.

The written notification must also explain how the following factors are satisfied:

1. The risk addressed by the proposed condition or denial is specific and compelling;
2. The proposed condition or denial would be effective against the risk;
3. The U.S. Government cannot currently mitigate the risk without the proposed condition or denial; and
4. The U.S. Government cannot address the risk by some less restrictive means than the proposed condition or denial.

Any objection raised during interagency consultation shall be provided in writing within the applicable review period and shall be specific to the proposed certified activity. Objections must identify the applicable basis for the objection and be tied to an enumerated ground for denial or modification set forth in this framework. Generalized concerns, requests for additional information outside the scope of the certified activity, or objections not grounded in an identified basis shall not, standing alone, prevent certification.

The Secretary may call interagency meetings to discuss concerns. The Secretary shall be the ultimate authority for determining whether to grant certification.

At the conclusion of the review, findings will be provided to the applicant and the applicant will be consulted to determine if it could mitigate any risk by taking alternative, less burdensome action than a proposed condition or denial.

Finally, the applicant will be provided with the determination that the certification is granted, granted subject to conditions, or denied. If necessary, the applicant may then appeal or resubmit a modified application.

b. Interagency Review Dispute Resolution

Agencies should use a series of interagency meetings comprising agency staff of ascending seniority to adjudicate disagreements on certification applications. The Secretary may extend the application review time for 60 days to complete this process; if that occurs, the Office of Space Commerce must notify the applicant. After a total of 180 days have elapsed, the application must be granted, granted subject to conditions, or denied.

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As a general matter, issues raised during interagency consultation should be addressed at the staff level, through direct coordination among designated agency representatives, consistent with established review timelines. Agencies are expected to make good-faith efforts to resolve concerns within these timelines and to clearly articulate any conditions necessary to mitigate identified risks.

If agreement cannot be reached within the applicable review period, or if an agency determines that a concern cannot be resolved at the staff level, the matter shall be elevated through existing agency chains of command, including deputies-level consideration where appropriate. The Department of Commerce shall coordinate this process.

Where disagreement remains unresolved following deputies-level consideration, the matter shall be elevated for final decision.

In such cases, if the Secretary of Commerce and the Secretary of a consulted agency cannot resolve a disagreement, the matter will be elevated to the President.

This escalation framework is intended to ensure timely decision-making and prevent unresolved interagency disagreement from functioning as a de facto denial, while preserving statutory authorities and avoiding the creation of a separate appeals or adjudication process.

c. Ongoing Supervision

Continuing supervision and monitoring under Space Commerce Certification is intended to be risk-informed and proportionate to the nature of the certified activity. As a general matter, supervision may rely on light-touch mechanisms such as periodic attestations, limited reporting, or other non-intrusive means appropriate to the activity and its risk profile.

More active engagement or review may occur where identified triggers are met, including material changes to the activity, credible indications of non-compliance with certification commitments, or the emergence of national security, foreign policy, or public safety concerns. This approach is intended to ensure continued oversight while avoiding unnecessary burden on certified operators.

Failure to satisfactorily correct non-compliance with certification commitments may result in a formal finding of non-compliance or a revocation of the Space Commerce Certification. Such a finding or revocation could lead to additional enforcement and compliance actions by associated regulators.

d. Appeal

Entities may request reconsideration by the Secretary of the following actions, by submitting such a request in writing within 21 calendar days of the action:

1. Denial of a certification;
2. Revocation of a certification;
3. Inclusion of a condition in a certification.

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The Secretary will respond to the request for reconsideration within 60 days by either granting, granting subject to conditions, or denying.

Regardless of appeal, applicants may resubmit applications at any time after denial.

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