

FOREWORD

U.S. CODE TITLE 51: NATIONAL AND COMMERCIAL SPACE PROGRAM

*By Joanne Irene Gabrynowicz**

This volume of the *Journal of Space Law* began in 2006 when the Editor-in-Chief had a discussion with an attorney in the Office of Revision Counsel of the U.S. House of Representatives about a draft bill being prepared to revise and restate laws relating to United States national and commercial space programs as a new positive law title of the United States Code. This is a process known as positive law codification. Since then, the National Center for Remote Sensing, Air, and Space Law (Center) has had an active role in the codification process and informing the space law community about its progress.

An integral part of the codification process is to make the bill available to the public and interested parties to solicit their comments on the bill. As part of that process, the Chair of the Committee on the Judiciary of the U.S. House of Representatives Committee (Committee) was “requesting relevant congressional committees and federal agencies, and other interested parties, to review the bill and submit any comments to the Law Revision Counsel.”¹ In 2008, the Chair also requested the Center to assist the Committee “in ensuring the appropriate codifica-

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¹ Letter from John Conyers, Jr. Chair, U.S. House of Representatives Committee on the Judiciary, to Prof. Joanne Irene Gabrynowicz, Director, National Center for Remote Sensing, Air, and Space Law (Mar. 28, 2008), 37 J. SPACE L. at 75 (2011).

tion of title 51...”. The Center then contacted numerous members of the private U.S. bar informing them about the pending bill and soliciting their comments. The letter was also posted on the Center’s blog, *Res Communis*.² All of the comments received by the Center were forwarded to the Committee for inclusion in the review process.

From 2008 to 2010, the Center tracked the bill’s progress, providing input to the process as needed. Progress was posted on *Res Communis* and it culminated in the announcement that on December 20, 2010, U.S. President Barak Obama signed H.R. 3237 into law as Public Law 111-314, which enacted the new Title 51, United States Code, “The National and Commercial Space Programs”.

This volume of the *Journal of Space Law* is dedicated to the historic promulgation of Title 51. It is the intention of the *Journal of Space Law* to serve the space law community by making this dedicated issue a complete reference work for Title 51. The keystone element of this issue is the article, *Positive Law Codification of Space Programs: The Enactment of Title 51, United States Code* written by Robert Mark Sukol, Senior Counsel in the Office of the Law Revision Counsel, United States House of Representatives. The author was the principle legislative drafter involved in preparing the legislation to enact the new title.

The next component of this special volume is the official version of Public Law 111-314, which is published here in its entirety. The Committee’s accompanying report that explains the law’s purpose, summary, and background is also published here. It is titled, *To Enact Certain Laws Relating To National and Commercial Space Programs As Title 51, United States Code, “National And Commercial Space Programs.”* The letter from John Conyers, Jr. Chair, Committee on the Judiciary of the U.S. House of Representatives Committee regarding the codification process is included. A Title 51 legislative timeline and a special bibliography that addresses the subject of positive law codification rounds out the reference materials.

² <http://rescommunis.files.wordpress.com/2008/04/congressional-letter-john-conyers-jr.pdf>.

Finally, an article authored by the *Journal of Space Law's* Editor-in-Chief, and originally published in the Harvard Law & Policy Review is republished here. It is titled, *One Half Century and Counting: The Evolution of U.S. National Space Law and Three Long-Term Emerging Issues*.³ As the title indicates, the article traces the development of U.S. national space law since its inception and is offered in this special volume to provide context and commentary for Title 51.

³ Joanne Irene Gabrynowicz, *One Half Century and Counting: The Evolution of U.S. National Space Law and Three Long-Term Emerging Issues*, 4 HARV. L. & POL'Y REV. 405 (2010).