

III - CONCLUSIONS

Congress and the judiciary can expect to play a major role in the implementation of the space station agreement currently being negotiated by the executive branch. In addition to the oversight function it exercises with respect to NASA, Congress will be called on to decide which of the existing laws already apply to space, what new laws are necessary to protect U.S. nationals living and working in space, and how to best encourage commercial activities on the space station. The judiciary will be left to unravel what at first could be daunting jurisdiction and conflict of law problems, and, to the extent that it is not done by Congress, to develop specific rules for space-related product liability, contract, intellectual property and other suits.

Congress need not wait for the completion of the space station agreement to begin to examine the issues discussed in this paper. In the near term, three tasks can be identified that would benefit greatly from congressional attention:

1. Congress could begin to identify those Federal and State laws which already apply to space and those laws which Congress believes should apply to space;
2. Congress could begin to resolve the questions of power-sharing between Federal and State laws and between Federal and State courts as they relate to space station activities; and
3. Congress could monitor the space station negotiations to ensure that the final space station agreements protect the fundamental rights and interests of U.S. citizens and support U.S. policies, including those related to commercial activities in space.

Should Congress choose to undertake these tasks, it could benefit greatly by drawing on the experience of a wide range of international and domestic lawyers. To obtain such a range of experience, Congress may wish to encourage professional societies, such as the American Bar Association, the American Society of International Law, or the International Institute of Space Law, to form working groups to examine the legal implications of space station development and operation.