

Hon. Lamar Smith
Chairman
2409 Rayburn
House Office
Building
Washington, DC
20515

Hon. Eddie
Bernice Johnson
Ranking Member
2468 Rayburn
House Office
Building
Washington, DC
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Hon. Brian Babin
Chairman
316 Cannon
House Office
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Washington, DC
20515

Hon. Ami Bera
Ranking Member
1431 Longworth
House Office
Building
Washington, DC
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June 8, 2017

Dear Chairman Smith, Ranking Member Johnson, Chairman Babin, and Ranking Member Bera:

I am writing to the Committee on Science, Space, and Technology today in strong support of the American Space Commerce Free Enterprise Act (ASCFEA) as introduced by Chairman Smith, Chairman Babin, Rep. Bridenstine, Rep. Ed Perlmutter, Rep. Rohrabacher, Rep. Hultgren, Rep. Weber, Rep. Higgins, and Rep. Kilmer. Bigelow Aerospace strongly endorses the core principles of the ASCFEA to ensure a regulatory “light touch” approach that enables technological innovation and also helps to promote safe operations in space under an authorization schema through the registration of space objects. I applaud the committee for working tirelessly on a bipartisan approach that upholds and enhances American leadership in space as well as lays the foundation for commercial space activities to grow and flourish. Bigelow Aerospace endorses the effort of the Committee to report the bill out favorably to the House of Representatives for further consideration.

The ASCFEA addresses two main issues that Bigelow Aerospace believes needs resolution as soon as possible to ensure future coordination of commercial activities thereby promoting safety in space, to avoid regulatory uncertainty impeding capital and market formation, and to provide for timely approvals and appealable denials from the US Government for commercial, “non-traditional” space activities. First, the ASCFEA seeks to identify a Federal agency to handle the authorization schema for space objects. Second, the bill seeks to reorganize the interagency process relating to how the US Government shall review the proposed activities of space objects subject to an internal US registry system. However, overall, the ASCFEA provides much needed regulatory certainty to the commercial space industry as we bring online innovative and critical technologies to bring down the cost of access to space.

With respect to the identification of a Federal agency to handle the authorization schema for space objects, I understand that there are concerns regarding whether the Federal Aviation Administration’s Office of Commercial Space Transportation (FAA/AST) or the Department of Commerce’s Office of Space Commerce (DOC/OSC) should hold that authority. Bigelow Aerospace believes that it is prudent to seek a clear demarcation between launch and reentry from all other commercial, “non-traditional” space activities that do not have a transportation function. Given the projected cadence of space activities within the next five years, it is critical that the Congress make a decision that does not burden the ability of commercial space companies to conduct operations in space. Therefore, Bigelow Aerospace believes that the

DOC/OSC should have the authority to maintain an authorization for space objects because the ASCFEA would provide for closer political responsiveness from the Secretary of Commerce and it would properly treat expandable habitat systems as destinations and not transportation.

Moreover, no matter which Federal agency the Congress chooses to place the new authorities expressed in the ASCFEA within, Bigelow Aerospace believes that it is vitally important that the registration of space objects that form the basis of any authorization regime should be public enough to ensure that some notice is given to the operations of commercial activities in space. It is vital for safe operations in space that we maintain a timely, public registry of space objects that will help incentivize market formation for insurance and secured transactions, among other markets, establish duties of care in operations, and lay the foundation for de-conflicting operations between two or more space objects. Any Federal agency with authority over the authorization of space objects must be able to handle a timely and updatable public registry of space objects.

With respect to the reorganization of the interagency process to authorize and supervise commercial space activities, the ASCFEA contains the basic principles that Bigelow Aerospace, et al., previously articulated in a jointly signed letter to the Committee on March 8, 2017. In that letter, Bigelow Aerospace, Space Systems Loral, Deep Space Industries, and Space Florida expressed to the Committee that any Federal agency that has the authority to authorize and supervise commercial space activities should have a process that presumes approval, establishes a transparent and responsive process for approval, has defined deadlines, and provides a commercial entity with a clear understanding and ability to appeal as well as address denials or conditions when seeking a launch license. Moreover, these criteria are a product of concerns raised and discussed between FAA/AST and the Department of State with Bigelow Aerospace as a consequence of our payload review determination in 2014. Through that process, FAA/AST and the Department of State (DOS) worked together to identify the salient issues relating to the authorization and supervision of commercial, “non-traditional” space activities. We applaud the efforts of FAA/AST Associate Administrator George Neild and DOS Director of the Office of Space and Advanced Technology, Kenneth Hodgkins, as well as former DOS Attorney-Advisor Brian Israel for their work to find a path forward to approving commercial, “non-traditional” space activities. I am elated that the Committee has found a possible solution to the concerns raised about the interagency process for commercial, “non-traditional” space activities. I thank the Committee for being receptive to the concerns raised by Bigelow Aerospace and others regarding the interagency process.

Bigelow Aerospace is greatly appreciative to the Committee Members and staff for dedicating their time and energy to drafting a bill that helps enable and support commercial markets for spacecraft like expandable habitat systems. We thank the Committee for considering the principles we laid out and look forward to working with Members and staff as the bill progresses through the legislative process.

Sincerely,



Christopher M. Hearsey

Director of Legislative Affairs
Bigelow Aerospace, LLC