



COMMITTEE ON
SCIENCE, SPACE, & TECHNOLOGY
Lamar Smith, Chairman

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Statement of Chairman Lamar Smith (R-Texas)

H.R. 2809, the American Space Commerce Free Enterprise Act of 2017

Chairman Smith: Good afternoon. Today we mark-up H.R. 2809, the *American Space Commerce Free Enterprise Act of 2017*.

H.R. 2809 establishes a legal and policy environment intended to unleash American free enterprise and business, assure conformity with Outer Space Treaty obligations, and ensure that the United States will lead the world in commercial space activities throughout the 21st century.

This bill will promote investment and innovation, resulting in the creation of new high paying and high value jobs across the country.

It will increase American competitiveness and attract companies, talent, and money that otherwise would have gone to other countries. It ensures America and its workforce will benefit from the new space economy.

The problem this bill seeks to address is the kind of legal uncertainty that arose after Bigelow Aerospace and Moon Express sought payload approval from the Department of Transportation for its non-traditional space activities.

The payload review and approval process is meant to prevent launches of payloads that jeopardize American interests and safety. It is not designed to satisfy the State Department's concerns about complying with Article VI of the Outer Space Treaty.

Under the Treaty, signatories are to authorize and provide continuing supervision of their country's non-governmental space activities. In the case of Bigelow and Moon Express, the Executive Branch stated that it would not be able to assure the public that new and innovative space activities would be approved for launch in the future.

The goal of this bill is not to regulate space broadly or to address all of the possible future challenges that the private sector will face in outer space. Doing so would be premature and likely stifle innovation and investment.

Instead, the bill takes a common sense approach by establishing a legal foundation upon which U.S. industry can flourish.

It establishes a transparent U.S. authorization and supervision certification process for non-governmental space activities that provides regulatory certainty for the U.S. commercial space sector. It assures compliance with United States Outer Space treaty obligations and addresses national security concerns in the least burdensome manner possible.

The bill includes a provision that consolidates at the Department of Commerce's Office of Space Commerce existing regulatory authority spread across three different federal agencies. America gets a "one-stop shop" for authorizing activities that will take place in outer space.

It also streamlines remote sensing regulations to ensure that United States national security is addressed not by holding America's space industry back, but by empowering it to lead the world.

Absent this bill, American industry would continue to face legal uncertainty. Innovation would be subject to a burdensome and open-ended regulatory process, with no assurance of Outer Space Treaty compliance.

An initial draft of the legislation before us now was publicly presented over a month ago for any and all input. We have spent the past month meeting, listening, and considering specific, detailed comments from outside stakeholders, interested federal agencies, the Administration, and our Committee colleagues including those from the minority side of this Committee. Many if not most of their recommendations and requested changes have been included.

Over the past few days, we have received letters and statements of support for the bill from the following entities:

AgileAero, Inc.

Atmospheric and Environmental Research

Atmospheric & Space Technology Research

Axiom Space, LLC

Bigelow Aerospace, LLC

Blue Origin

Carmel Research Center, Inc.

The Commercial Spaceflight Federation

Digital Globe, Inc.

GeoOptics

Moon Express Inc.

Panasonic

Planet Labs, Inc.

Satellite Industry Association

Space Frontier Foundation

Spaceport Strategies, LLC

Spire Global, Inc.

Space Environment Technologies

SpaceX

Students for the Exploration and Development of Space, and TechFreedom

Without objection, the letters we have received will be included in the record. I want to thank these groups for their support of the bill.

Space Subcommittee Chairman Brian Babin and Representative Jim Bridenstine are co-authors and original co-sponsors of the bill. They both have worked diligently for several years to advance this legislation.

I'm glad to have Representative Perlmutter and former Science Committee member Derek Kilmer as original co-sponsors as well. It speaks to the hard work of all Committee members and staff in developing this common sense, bipartisan, regulatory reform bill.

This transformative groundbreaking legislation declares in word and intent that America is "open for business" in space. I strongly recommend this bill and urge my colleagues to support it.

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