

# Congress of the United States

## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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March 5, 2021

The Honorable Gina Raimondo  
Secretary  
U.S. Department of Commerce  
1401 Constitution Avenue, NW  
Washington, DC 20230

Dear Secretary Raimondo:

The House Science, Space, and Technology Committee has jurisdiction over several offices and agencies within the Department of Commerce (DoC), and we look forward to working with you. In particular, the Committee continues to work on policy and legislative issues related to the Office of Space Commerce within the Department, including space situational awareness (SSA) and space traffic management (STM). Your attention to SSA and STM during your tenure could have a profound impact on the future of U.S. leadership in space. I look forward to working with you going forward and hope you can provide additional information on the Department's plans.

The committee held several hearings over the last four Congresses (see attachment A) related to SSA and STM. Space Policy Directive 3, issued on June 18, 2018, tasked the DoC with developing standards and protocols for creation of an open architecture data repository to improve SSA data interoperability and enable greater SSA data sharing. The directive also tasked DoC with developing options for establishing such a repository.<sup>1</sup>

The committee favorably reported legislation directing the DoC to partner with the private sector to maintain publicly available SSA data.<sup>2</sup> A year later, the appropriations act for Fiscal Year (FY) 2020 directed the DoC to contract with the National Academy of Public Administration to conduct an independent review of the DoC's suitability for providing space situational awareness (SSA) data and services. The report highlighted "the Department's concept of operations using a collaborative approach involving military, civilian, commercial, and international space actors, and its ability to draw upon the deep expertise from across the Department."<sup>3</sup> The report concluded that

- 1) the DoC's Office of Space Commerce (OSC) is best suited to perform STM tasks within the federal government,

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<sup>1</sup> <https://trumpwhitehouse.archives.gov/presidential-actions/space-policy-directive-3-national-space-traffic-management-policy/>

<sup>2</sup> <https://www.congress.gov/bill/115th-congress/house-bill/6226/text>

<sup>3</sup> <https://www.napawash.org/studies/academy-studies/united-states-department-of-commerce-office-of-space-commerce>

- 2) that OSC views STM as predominantly a data management function, rather than as a prescriptive regulatory role, and that
- 3) the DoC, with its proven ability to effectively manage large, diverse, and complex data sets, provides essential technical expertise and other support to the Office of Space Commerce for SSA and STM tasks.<sup>4</sup>

As a result of the NAPA report's findings, the appropriations act of FY 2021 approved the merger of the Office of Space Commerce with the Office of Commercial Remote Sensing Regulatory Affairs, and provided \$10 million to initiate a pilot program and initiate an open data architecture for SSA. The law also directed that the National Oceanic and Atmospheric Administration's (NOAA) National Environmental Satellite, Data, and Information Service (NESDIS) to provide Congress with a detailed spending plan for the funding provided to OSC.<sup>5</sup>

The House Science, Space, and Technology Committee was created following the Soviet launch of the Sputnik spacecraft in 1958. Since its inception, the committee has maintained jurisdiction over not only the National Aeronautics and Space Administration, but also “[o]uter space, including exploration and **control thereof**” (emphasis added).<sup>6</sup> The committee is tasked under House Rules to evaluate how laws are applied, administered, and executed; to analyze whether conditions and circumstances may necessitate enacting new or additional legislation; and to determine whether laws are being implemented and carried out in accordance with the intent of Congress.<sup>7</sup>

In order to help the Committee understand how the Department is complying with congressional direction, please provide the following information and documents:

- 1) The “detailed spending plan for the funding to OSC” as requested in the FY2021 Appropriation Act, as well as any and all documents (see attachment B) related to its development;
- 2) A list of all Office of Space Commerce employees and contractor including any detailed or temporary employees as of November 1, 2020, as well as a job description of their duties;
- 3) A current list of all Office of Space Commerce employees and contractors including any detailed or temporary employees, as well as a job description of their duties;
- 4) A list of all Office of Commercial Remote Sensing Regulatory Affairs employees and contractors including any detailed or temporary employees, as of November 1, 2020, as well as a job description of their duties;
- 5) A current list of all Office of Commercial Remote Sensing Regulatory Affairs employees and contractors, including any detailed or temporary employees, as well as a job description of their duties;

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<sup>4</sup> Office of Space Commerce Briefing to House of Representatives Committee on Science, Space, and Technology Subcommittee on Space and Aeronautics, October 15, 2020.

<sup>5</sup> <https://www.govinfo.gov/content/pkg/CREC-2020-12-21/pdf/CREC-2020-12-21-house-bk3.pdf>

<sup>6</sup> Rules of the House of Representatives, One Hundred Seventeenth Congress, February 2, 2021; Rule X(1)(p).

<sup>7</sup> Ibid, see “General oversight responsibilities” pursuant to House Rule X(2)(a) and (b), and “Special oversight functions” pursuant to House Rule X(3).

- 6) Any documents related to the transfer, or potential transfer, of any Office of Space Commerce or the Office of Commercial Remote Sensing Regulatory Affairs employees, detailed employees, or contractors.

Please provide two copies of all documents (one for the Majority and one for the Minority) by March 19, 2021. Please contact Mr. Tom Hammond of the committee minority staff with any questions related to this inquiry.

Sincerely,



Rep. Frank Lucas  
Ranking Member



Rep. Brian Babin  
Ranking Member  
Space and Aeronautics  
Subcommittee

CC: Rep. Eddie Bernice Johnson  
Chair

Rep. Donald Beyer  
Chair  
Space and Aeronautics  
Subcommittee

During the 113<sup>th</sup>, 114<sup>th</sup>, 115<sup>th</sup>, and 116<sup>th</sup> Congresses, the House Committee on Science, Space, and Technology held several hearings and considered numerous pieces of legislation related to space situational awareness and space traffic management.

On Wednesday, November 20, 2013, the Subcommittee on Space held a hearing titled, "Commercial Space," to examine ways in which companies are utilizing federal support and government policies to grow their commercial business in space launch, communications, GPS, remote sensing, weather monitoring, suborbital tourism, scientific research, and human spaceflight. The witnesses discussed policies contained in H.R. 3038, the "Suborbital and Orbital Advancement and Regulatory Streamlining Act," or "SOARS Act." The Subcommittee heard testimony from the Honorable Kevin McCarthy, Member and Majority Whip of the U.S. House of Representatives; Ms. Patricia Cooper, President of the Satellite Industry Association; Mr. Stuart Witt, Chief Executive Officer and General Manager of the Mojave Air and Space Port; and Mr. Dennis Tito, Chairman of the Inspiration Mars Foundation.

On Tuesday, February 4, 2014, the Subcommittee on Space held a hearing titled, "Necessary Updates to the Commercial Space Launch Act," to discuss the growth of the commercial space industry since the passage of the Commercial Space Launch Act (CSLA) of 1984. The CSLA provided authority to the Federal Aviation Administration (FAA) to license launches and indemnify launch providers from third-party claims should an accident occur. The law also provides a framework for the FAA's regulatory authority. The hearing examined the various changes in the industry and what, if any, accompanying changes to the CSLA may be needed going forward. The Subcommittee heard testimony from Dr. George Nield, Associate Administrator for Commercial Space Transportation at the Federal Aviation Administration; Dr. Alicia Cackley, Director of Financial Markets and Community Investment Team at the Government Accountability Office; and Dr. Henry Hertzfeld, Research Professor of Space Policy and International Affairs at the Elliot School of International Affairs at George Washington University.

On Friday, May 9, 2014, the Subcommittee on Space held a hearing titled, "Space Traffic Management: How to Prevent a Real Life 'Gravity'," to explore the roles and responsibilities of the Department of Defense, FAA, and the Federal Communications Commission (FCC) in policing orbital debris, what authorities are currently granted by Congress to federal agencies, and how to coordinate these activities. The Subcommittee heard testimony from Lt. Gen. John "Jay" Raymond, Commander of the 14th Air Force of the Air Force Space Command, and Commander of the Joint Functional Component Command for Space of the U.S. Strategic Command; Mr. George Zamka, Deputy Associate Administrator of the Office of Commercial Space Transportation at the Federal Aviation Administration; Mr. Robert Nelson, Chief Engineer at the International Bureau of the Federal Communications Commission; Mr. P.J. Blount, Adjunct Professor of Air and Space Law at the University of Mississippi School of Law; and Mr. Brian Weeden, Technical Advisor at the Secure World Foundation.

On Wednesday, May 13, 2015, the Committee met to consider H.R. 2262, the "Spurring Private Aerospace Competitiveness and Entrepreneurship Act of 2015." H.R. 2262 facilitates a pro-growth environment for the developing commercial space industry by encouraging private sector investment and creating more stable and predictable regulatory conditions. Several reporting requirements were due under this Act regarding licensing of space vehicles. This Act became law on November 25, 2015 (P.L. 114-90).

On Tuesday, April 19, 2016, the Subcommittee on Space held a hearing titled, "The Commercial Space Launch Industry: Small Satellite Opportunities and Challenges," to examine the current state of the small satellite commercial launch industry. The hearing highlighted the contributions and impacts of the commercial space launch industry, as well as NASA's Launch Services Program for the acquisition and program management of expendable launch vehicle (ELV) missions. Service providers and small satellite launch vehicles, including the use of reusable vehicles, were also discussed. The Subcommittee heard testimony from Mr. Elliot Pulham, Chief Executive Officer of the Space Foundation; and Mr. Eric Stallmer, President of the Commercial Spaceflight Federation.

On Friday, September 16, 2016, the Committee received from the Department of Transportation the report due pursuant to Section 110 of H.R. 2262, the "U.S. Commercial Space Launch Competitiveness Act," on the feasibility of processing space situational awareness data and information. The report included findings on the expanded demand for SSA data, and the recommendation that a civil agency should process and release such data.

On Wednesday, March 8, 2017, the Subcommittee on Space held a hearing titled, "Regulating Space: Innovation, Liberty, and International Obligations," to examine U.S. international obligations in light of new and innovative space activities. The hearing reviewed the authorization and continued supervision of non-governmental activities in space per the Outer Space Treaty. The licensing of launch and re-entry vehicles and sites by the FAA was also discussed. The Subcommittee heard testimony from Ms. Laura Montgomery, Attorney and Sole Proprietor of Ground Based Space Matters, LLC; Dr. Eli Dourado, Senior Research Fellow and Director of the Technology Policy Program at the Mercatus Center at George Mason University; Mr. Doug Loverro, Former Deputy Assistant Secretary of Defense for Space Policy; Mr. Dennis J. Burnett, Adjunct Professor of Law at the University of Nebraska--Lincoln College of Law; and Dr. Henry B. Hogue, Specialist in American National Government at the Congressional Research Service.

On Thursday, June 8, 2017, the Committee met to consider H.R. 2809, the "American Space Commerce Free Enterprise Act of 2017." H.R. 2809 provides a transparent U.S. authorization and supervision certification process for non-governmental space activities that generates certainty for stakeholders and complies with Outer Space Treaty obligations and national security concerns in the least disruptive way possible. H.R. 2809 also improves the international competitiveness of the U.S. by reforming the burdensome and inefficient space-based remote sensing regulatory system.

On Monday, July 10, 2017, the Committee received from NASA the report due pursuant to Section 839(b)(1) of P.L. 115-10, the "NASA Transition Authorization Act of 2017," regarding the status of efforts to coordinate with foreign countries within the Inter-Agency Space Debris Coordination Committee (IADC) to mitigate the effects and growth of orbital debris. The report included existing orbital debris mitigation guidelines derived from the 2001 U.S. Government Orbital Debris Mitigation Standard Practices (ODMSP), as well as recent efforts by the Department of Defense to improve its SSA capabilities.

On Monday, August 14, 2017, the Committee received from the Office of Science and Technology Policy (OSTP) the report due pursuant to Section 839(b)(2) of P.L. 115-10, the "NASA Transition Authorization Act of 2017," regarding the status of an orbital debris mitigation strategy. The report included orbital debris mitigation efforts in the United States and the IADC, as well as NASA's recent efforts to coordinate with the IADC member agencies to mitigate the effects and growth of orbital debris.

On Friday, October 20, 2017, the Committee received from the Department of Transportation and NASA the report due pursuant to Section 113 of H.R. 2262, the "U.S. Commercial Space Launch Competitiveness Act," regarding the streamlining of commercial space launch activities. The report included a description of the process for the application and approval of a permit or license, current efforts to coordinate across executive agencies, and recommendations for legislation to improve efficiency in the licensing of space launch activities.

On Friday, June 22, 2018, the Subcommittee on Space of the Committee on Science, Space, and Technology with the Subcommittee on Strategic Forces of the Committee on Armed Services held a hearing titled, "Space Situational Awareness: Whole of Government Perspectives on Roles and Responsibilities." The hearing assessed and reviewed the roles and responsibilities of the particular departments and agencies that execute SSA missions, the growing role of civil and commercial actors as they impact future SSA missions, and the Administration's new Space Traffic Management Policy laid out in Space Policy Directive-3 (SPD-3). The Subcommittees heard testimony from the Honorable Wilbur Ross, Secretary of Commerce at the Department of Commerce; the Honorable Jim Bridenstine, Administrator of NASA; and General John Hyten, Commander of U.S. Strategic Command. On Wednesday, June 27, 2018, the Committee met to consider H.R. 6226, the "American Space SAFE Management Act."

On Wednesday, March 13, 2019, the Committee received testimony on orbital debris, space traffic management, international obligations, and cooperation with China at a hearing titled, "America in Space: Future Visions, Current Issues."

On July 25, 2019, the Space and Aeronautics Subcommittee held a hearing titled "The Commercial Space Landscape: Innovation, Market, and Policy." The Committee received testimony from Dr. Bhavya Lal, Research Staff Member, IDA Science and Technology Policy Institute; Ms. Carissa Christensen, Chief Executive Officer, Bryce Space and Technology; Mr. Eric W. Stallmer, President, Commercial Spaceflight Federation; Mr. Mike French, Vice President, Space Systems, Aerospace Industries Association; Ms. Laura Montgomery, Proprietor, Ground Based Space Matters, Professor, Catholic University's Columbus School of Law

On February 11, 2020, the Space subcommittee held a hearing titled, "Space Situational Awareness: Key Issues in an Evolving Landscape." The Subcommittees heard testimony from Dr. Brian Weeden, Director of Program Planning, Secure World Foundation ; Mr. Daniel Oltrogge, AIAA Space Traffic Management Space Governance Task Force Chair, Founder and Administrator, Space Safety Coalition, Official International Standards Organization (ISO) representative to the United Nations Committee for the Peaceful Use of Outer Space (UNCOPUOS); Professor Joanne Gabrynowicz, Professor Emerita of Space Law, University of Mississippi Law Center; Professor Danielle Wood, Director of the Space Enabled Research Group, Assistant Professor of Media Arts & Sciences and Aeronautics & Astronautics, Massachusetts Institute of Technology; Dr. Ruth Stilwell, Adjunct Professor, Norwich University, Senior Non-Resident Scholar, Space Policy Institute, George Washington University.

Prior to these activities, the Committee drafted the first legislation related to outer space, the National Aeronautics and Space Act, informed the negotiations of the Outer Space Treaty, and spend over 50 years conducting oversight of space issues.

**Responding to Committee Document Requests**

1. In complying with this request, you are required to produce all responsive documents, in unredacted form, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committees.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
  - (a) The production should consist of single page Tagged Image File ("TIF"), or PDF files.
  - (b) Document numbers in the load file should match document Bates numbers and TIF or PDF file names.
  - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production. Failure to provide an explanation constitutes a waiver of any objections to the subpoena (if one was issued).
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. In complying with this request, be apprised that the U.S. House of Representatives and the Committee on Science, Space, and Technology do not recognize: any of the purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges such as privileges over law-enforcement sensitive disclosures; or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.
14. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
15. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee on Science, Space, and Technology, production sets shall be delivered to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 324 of the Ford House Office Building. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could



contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committees.

19. When representing a witness or entity before the Committee in response to a document request, request for transcribed interview, or subpoena from the Committee, or in connection with testimony before the Committee at a hearing, counsel for the witness or entity must promptly submit to the Committee a notice of appearance specifying the following: (a) counsel's name, firm or organization, and contact information; and (b) each client represented by the counsel in connection with the proceeding. Submission of a notice of appearance constitutes acknowledgement that counsel is authorized to accept service of process by the Committee on behalf of such client(s), and that counsel is bound by and agrees to comply with all applicable House and Committee rules and regulations.

### **Schedule Definitions**

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.