



214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400
heritage.org

March 7, 2017

The Honorable Lamar Smith
Chairman
House Committee on Science, Space and Technology
2321 Rayburn House Office Building
Washington, DC, 20515

Dear Chairman Smith:

The following statement is submitted with regards to the hearing scheduled for March 8, 2017, “Regulating Space: Innovation, Liberty, and International Obligations,” and in response to a request to discuss possible “legal warfare” dangers that might arise from excessive regulation.

For the last several years, there have been calls for the United States to pursue an “international code of conduct” or “rules of the road” regarding space activities. The nominal objectives of such a code would be to establish “common sense standards for debris limitation, launch notification, on-orbit monitoring, and collision avoidance.”¹ The purpose is to “stem the rise of uncontrollable debris, add demonstratively to spaceflight safety, and clearly differentiate those who use space responsibly from those who do not.”²

The problem is that the creation of such a code would not necessarily influence key competitors and potential adversaries, who see space first and foremost as a strategic domain that must be controlled. Worse, by extending such a code into the realm of regulatory oversight, it would open the way to legal warfare or “lawfare” measures, undermining American security and competitiveness while doing little to constrain those same competitors and adversaries.

It is essential to note that even advocates of the various iterations of the code of conduct acknowledge that the United States itself already follows the various common sense standards and best practices. So, American companies do not require a code, or an additional set of regulations, to already operate in a responsible manner.

By contrast, certain other states, especially the People’s Republic of China (PRC) are unlikely to be moved to adopt this code of conduct, given their own interests. These include, in the first place, being able to secure their own strategic position in space. This goal is reiterated in the most recent Chinese space white paper, “China’s Space Activities in 2016,” which enunciates the vision of building China “into a space power in all respects.”³ The PRC has made major investments in all aspects of its space capabilities, including space launch, satellite development, anti-satellite and counter-space forces, as well as satellite applications.

¹Douglas Loverro, testimony before Senate Armed Services Committee, Strategic Forces Subcommittee (March 12, 2014), http://www.armed-services.senate.gov/imo/media/doc/Loverro_03-12-14.pdf (accessed March 6, 2017).

²Ibid.

³State Council Information Office, People's Republic of China, *China's Space Activities in 2016*, December 2016, http://news.xinhuanet.com/english/china/2016-12/27/c_135935416.htm (accessed March 6, 2017).