



May 12, 2015

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

The Honorable Eddie Bernice Johnson
Ranking Member,
Committee on Science, Space and
Technology
2321 Rayburn House Office Building
Washington, DC 20515

Re: Oppose Liability Protections in the SPACE Act of 2015

Dear Chairman Smith and Ranking Member Johnson:

The American Association for Justice (AAJ) opposes the unnecessary and harmful liability protections in the “Spurring Private Aerospace Competitiveness and Entrepreneurship Act of 2015” or SPACE Act. These provisions were included in the bill without any hearing or debate regarding whether such protections were necessary and what industry is doing to protect participants and bystanders from harm.

The American Association for Justice (AAJ), formerly the Association of Trial Lawyers of America (ATLA) with members in United States, Canada and abroad, is the world’s largest trial bar. It was established in 1946 to safeguard victims’ rights, strengthen the civil justice system, promote injury prevention and foster public health and safety. AAJ is an advocate for a strong civil justice system in order to protect the health and wellbeing of all Americans.

AAJ recognizes the challenges of trying to give a new industry the flexibility to grow and innovate without unnecessary burdens. However, language included in the bill will provide companies involved in commercial space travel immunity for torts arising from a licensed commercial space launch or reentry. More specifically, Section 7 of the bill states: “Any action or tort arising from a licensed launch or reentry shall be the sole jurisdiction of the Federal courts and shall be decided under federal law.” Since there is no federal tort law applicable to private companies, there is no remedy available to anyone injured or any property damage incurred as a result of a negligent launch or reentry. Essentially, Section 7 provides immunity for recklessness and intentional misconduct. Notably, this immunity could stretch to foreign companies involved in commercial space travel at the expense of United States citizens, businesses and government.

In addition to providing broad liability protections, Section 8 of the SPACE Act of 2015 also requires passengers on commercial spacecraft to waive any right to damages for personal injury, property damage or death resulting from commercial air travel. While it may be acceptable for businesses with equal footing and negotiating power to execute cross waivers limiting their responsibility to each other, this waiver language should not extend to passengers. This provision is unfair and harmful to individuals.

As the commercial space travel industry grows, safety should be put first and foremost. But, providing no recourse for grossly negligent, reckless or even intentional misconduct leading to personal injury or death is irresponsible and wrong. Simply put, industry interests should not be valued over the safety of the American public. As written, the SPACE Act of 2015 gives reckless and bad actors complete immunity, while innocent participants and bystanders are left without recourse, regardless of the circumstance.

Sincerely,

A handwritten signature in cursive script that reads "Linda Lipsen".

Linda Lipsen
C.E.O.
American Association for Justice