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# AgileAero

To:

Rep. Lamar Smith

Chairman Smith,

Quietly, for many years, a debate has taken place in government and commercial space policy circles about the proper legal structure for handling actions by U.S. entities that take place far from Earth. The American Space Commerce Free Enterprise Act of 2017 brilliantly resolves some of the contradictions inherent in more traditional models and proposes a new and, in my opinion, very effective legal structure for future activities.

We currently have a “permission first” approach for launch and reentry activities, driven by concerns over the potential risks to the uninvolved public from rocket launches. Today, no Federal agency has jurisdiction over the purely in-space activities for future activities such as private space stations, satellite servicing and refueling, or private missions to the Moon. And yet, both simple prudence and the treaty obligations of the United States require us to ensure that the peaceful activities of U.S. entities do not interfere with the peaceful activities of other nations, so some Federal scrutiny is called for. A more traditional structure of seeking permission for each new type of activity has the inherent problem that when something has never been done, a host of questions comes up which take a long time to answer.

The bill solves that problem by placing the burden of decision on the Federal review rather than on private actors, some of whom will be small innovative companies – by a very American approach to the problem. U.S. citizens are the primary authority in the United States, the Federal government has only the powers delegated to it. U.S. citizens will be the primary actors in space, under this regime; they will notify the Federal government of their action far enough for the Federal government to confirm that there are no treaty violations or national security concerns, and then, unless the Federal government moves to stop the action, it is permitted. This is an excellent model for maintaining U.S. national security and foreign policy responsibilities while encouraging a wide range of innovative commercial activities in space.

The concept of a central registry also provides a non-regulatory mechanism by which, over time, U.S. entities can cooperate with each other and with non U.S. entities to coordinate their activities and areas of operation.

No one today can foresee all of the businesses and companies which might flourish under such a regime, and no regulatory agency could possibly have suitable, clear regulatory guidance for all of those things which are unforeseeable. Together, under this bills structure, we can all discover new ways for space assets and resources to contribute to the economy of the Earth.

Jeff Greason

CEO, Agile Aero