



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

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Statement of Representative Jim Bridenstine (R-Okla.)

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

Rep. Bridenstine: Mr. Chairman, I am glad we are here today marking up the American Space Commerce Free Enterprise Act. For several years now, there has been uncertainty around what government agency has the responsibility to approve nontraditional space activities while ensuring conformity with the Outer Space Treaty. This uncertainty has hurt capital formation and innovation. It also sends American companies scrambling overseas to countries such as Luxembourg or the UAE. This is the exact opposite environment we need in this country.

I have made solving this issue one of my top priorities in Congress. Last year, I proposed legislation to provide for an Enhanced Payload Review. The American Space Commerce Free Enterprise Act takes from that and builds upon much of the consensus we gained around the policies in that draft legislation.

The American Space Commerce Free Enterprise Act provides certainty to industry by granting the ability to approve commercial space activities to a single authority, in this case the Secretary of Commerce. The Office of Space Commerce will be elevated to a more prominent position within the Commerce Department and will perform a simple review of proposed operations to check that they are not violating the United States' obligations under the Outer Space Treaty. This gives the executive branch the tool it claims needs while instituting a clear, known, transparent, and timely process for American industry to prosper.

There is discretion built into this bill for the Secretary to condition or deny a certification. I think this is important to have from a policy standpoint, however, the onus to prove there is a problem is now on the government. The message Congress is trying to send is: America is open for business in space.

However, Congress also recognizes that there are other policies and interests of the United States that are affected by private sector space activities, one of them being national security. As a former Naval aviator, current Oklahoma Air National Guardsman, and member of the House Armed Services Committee, there is nothing more important to me than the national security of the United States. This bill improves national security.

This is why the American Space Commerce Free Enterprise Act rolls in remote sensing reform. National security interests – for the foreseeable future – will be implicated by remote sensing systems, both of the Earth and objects in orbit. By requiring a national security risk assessment during the remote sensing system permitting process, we are ensuring national security concerns are met.

This has also provided an opportunity in this bill for us to majorly reform the broken system of remote sensing licensing that is overly restrictive, thwarts industry, and hands an advantage to foreign competitors. As the author of Title II of the Commercial Space Launch Competitiveness Act of 2015, along with my good friend from Colorado Ed Perlmutter, I have been committed to fixing this issue.

The American Space Commerce Free Enterprise Act improves the remote sensing permitting process by creating a single decision point, increasing transparency of the process, avoiding unnecessary reviews of technologies available on the market or that have already been approved, and preventing the interagency process from indefinitely delaying decision making.

These changes will allow our remote sensing industry to once again be the world leader.

The bill also goes farther than current law to provide for the physical safety of United States government assets on orbit. After operations are certificated, the government can do an assessment for physical safety issues, and a consultation forum will be held to come to a solution that can prevent any disastrous collisions and protect the safety of government and private assets.

This bill will engender a growth in commercial space activity that we have not yet seen. A good growth. But this growth will continue to put further stress on the agency responsible for approving launches – FAA/AST. Congress needs to be mindful that we must be proactive on that office as well, and I will have an amendment to begin addressing this issue later in the mark up.

All in all Mr. Chairman, this is a very strong and bipartisan bill, which was very important for me that we make sure this bill, and space, remained bipartisan. This is a good place to begin the legislative process as we work with the rest of our House colleagues, the Senate, and the Administration to eventually get a solution put into law.

I want to thank Chairman Smith and Chairman Babin for working with me on this, we have been working hand in hand to craft the American Space Commerce Free Enterprise Act, and we are sending a clear message that American innovation will lead the world. I am proud to support the bill and look forward to favorably reporting it out of the Science Committee.

I'd like to thank the staff for their work on this issue: my staffer Christopher Ingraham, and Science Committee staffers Chris Wydler, Tom Hammond, Mike Mineiro, and Shana Dale.

I yield back.

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