

STATEMENT ON AMENDMENT IN THE NATURE OF A SUBSTITUTE  
**Ranking Member Eddie Bernice Johnson (D-TX)**

House Committee on Science, Space, and Technology  
*Markup of: H.R. 2809, the “American Space Commerce Free Enterprise Act of 2017”*  
June 8, 2017

Thank you. When I first learned that the Chairman wanted to pursue commercial space legislation this spring, I let him know that I wanted to work with him to see whether we could develop a bipartisan piece of legislation that all Members could support. Majority and Minority staff tried hard to achieve such a result, but ultimately too many significant issues still remained to be resolved with this bill when today’s markup was noticed.

As I mentioned in my opening remarks, many concerns were raised about the bill’s provisions by NASA, our national security agencies, the State Department, and industry stakeholders, among others. In fact, when NASA reviewed the latest version of the bill we are marking up today, the agency identified even more concerns than were included in its original set of comments. In short, this bill is not a bill that can be fixed with a few cut-and-bite amendments at today’s markup.

That said, the issues that the bill attempts to address are important ones. I feel an obligation to propose an alternative approach that can address those issues—not just oppose the current bill—and that is what my amendment is intended to do.

Fortunately, we already have a roadmap for much of this work. Congress asked for, and received, guidance from the Administration last year regarding certification of innovative new space activities.

That legislative proposal represented a consensus of all of the agencies that will need to deal with these new space systems and ensure that they meet our national security and international obligations. Section 3 of my amendment essentially codifies that interagency consensus on mission certification.

Among the key features of that consensus approach is a decision to not “reinvent the wheel” but instead to leverage the competencies that have been built up in the FAA’s Office of Commercial Space Transportation, and utilize the existing robust interagency review process. One of the strengths of that interagency process is that it can help provide companies and investors the assurance that an agency will not try to block their proposed activity at the last minute simply because the agency hadn’t had an opportunity to review the proposal.

As mentioned in my opening statement, that needn’t require creating yet another Federal bureaucracy with all of the resulting costs and delays that will accompany its creation.

In essence, the amendment takes a “light touch” approach to regulating the emerging non-traditional commercial space systems. Rather than requiring page after page of convoluted legislative text, the amendment builds on the highly successful FAA space launch licensing

process and provides a clean, straightforward path for the certification of these innovative new space systems.

In addition, Section 3 of the amendment is consistent with the consensus approach endorsed by the space professionals of the agencies that will have to deal with these new systems, in marked contrast to the bill being marked up today.

With respect to commercial remote sensing licensing, my amendment again attempts to build on an existing process, rather than blowing it up and starting over. The amendment proposes a number of reforms that have been urged by the remote sensing industry, including shortened timetables for application reviews, certainty that granting a license means that national security and international obligation concerns have been addressed, and elevation of the remote sensing licensing function at the Commerce Department. Equally importantly, it authorizes a significant increase in funding for the Office that will be handling those remote sensing licensing applications. It is hard to criticize Commerce for the slowness of its licensing operation when Congress has too often failed to provide the resources and staffing the licensing office needs.

In conclusion, the amendment I am offering today addresses head-on the two issues that we are considering today and takes an approach that is limited, allows our oversight of these new systems to evolve as we gain more experience, and minimizes the costs and delays that will inevitably be incurred under the approach taken in the base bill.

However, I can count, and realize that this amendment has very little chance of being adopted. As I mentioned earlier, I don't think the issues being addressed today are inherently partisan, and it is my hope that we can continue to work together to find common ground to support all aspects of the commercial space industry. In that light, I'm going to withdraw my amendment, and hope that we can continue to work together to reach a consensus on this bill.

I ask consent to withdraw my amendment, and with that I yield back.