

AMENDMENT STATEMENT
Ranking Member Eddie Bernice Johnson (D-TX)

Committee on Science, Space, and Technology
Markup of H.R. 6226, the “American Space SAFE Management Act”
June 27, 2018

Mr. Chairman, my amendment is straightforward. It would direct the NASA Administrator to enter into an arrangement with the National Academies to carry out an assessment of what capabilities are needed for the provision of civil Federal government space situational awareness data, information, and services as well as what capabilities currently exist at Federal agencies to meet those needs.

The assessment would provide a recommendation to Congress as to which agency should be the lead in delivering those space situational awareness functions. And the National Academies would deliver its assessment to Congress within one year.

The intent of my amendment is also straightforward. It is intended to give Congress the information it will need to determine which government agency should be the lead for the provision of civil space situational awareness, or SSA. Because we should not simply rubberstamp the Trump Administration’s proposal to have the Department of Commerce be the lead agency, any more than we should simply adopt the interagency consensus reached in the Obama Administration that FAA should be the lead. As was strongly argued by at least one Member at last Friday’s hearing on SSA—the first one we’ve held on the topic in more than four years—the Administration can propose its approach to civil SSA, but Congress then needs to do its job and engage in serious oversight, hold hearings, and hear from a broad array of stakeholders. Only after it has done its own work on the issue and examined the Administration’s proposal in depth can Congress make informed decisions about the best way to proceed.

This Committee has somehow found the time to hold at least 5 hearings under this Chairman on the search for alien life. An interesting topic to be sure, but one with little legislative relevance. At the same time, we can’t be bothered to seriously investigate the legislative and policy proposals put forth by the current Administration.

We are once again rushing to a markup today without having first done our job as legislators. And so, we will once again mark up a bill that has received little serious scrutiny.

My amendment would slow the rush to blindly fall in line behind the Trump Administration’s plan and instead let us make use of the independent and objective analysis of the National Academies. Some may say that we can’t afford to wait a year to get the information we need, but I ask “why not”? The DOD is going to continue to provide their SSA services—it is not going to unilaterally walk away from that responsibility. We are not risking anything by taking the time to do our jobs as Members of Congress.

I had planned to offer an amendment that would have assigned the lead SSA responsibility to our nation’s premier space agency, NASA, to make the point that there are serious alternatives to

Commerce that need to be considered by Congress. In many ways it makes more sense to assign the role to NASA. NASA already works closely with the DOD on SSA and on collision avoidance.

It has a wealth of knowledge and experience and resources that it can bring to bear. NASA has demonstrated the ability to garner international support on past issues, and I believe it can do the same for SSA and space traffic management because it is trusted as an unbiased neutral agency. Some will say that while NASA is the most qualified civil agency to do the job, they are not a regulatory agency. I agree—NASA is not a regulatory agency, but as I read the bill, there are no regulatory responsibilities defined or mandated to the lead civil agency for SSA.

But at the end of the day, I am not prepared to say that NASA is the answer, even if it appears to be an obviously better choice than Commerce. We simply do not yet have enough information to make an informed decision.

That is why we need we need the National Academies to help us understand these complex issues.

We may not agree with the Academies' recommendation, but if in the meantime we are also doing our job as a Committee and holding hearings and getting input from experts and stakeholders, we will be far better prepared to legislate in this area after we get the Academies' assessment.

And there could be serious consequences if we get this wrong. In the past, when Congress has legislated haphazardly and assigned grand new functions to agencies ill-equipped to deal with them, bad things have happened. Assigning SSA functions to an unprepared agency could end up costing the Federal Government a lot of wasted money and time as we stand up what is essentially a new agency when other, better alternatives may exist.

In sum, my amendment is really a "Science Committee, do your job" amendment, and I urge my colleagues to support it.

Thank you, and I yield back.