COMMITTEE ON SCIENCE, SPACE & TECHNOLOGY
SUBCOMMITTEE ON SPACE

"NECESSARY UPDATES TO THE COMMERCIAL SPACE LAUNCH ACT"

OPENING STATEMENT OF
RANKING MEMBER DONNA F. EDWARDS

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Thank you, Mr. Chairman, for holding today's hearing on "Necessary Updates to the Commercial Space Launch Act", and welcome to our witnesses. Looking back to when the Commercial Space Launch Act—CSLA—was passed in 1984, followed by the Commercial Space Launch Act Amendments in 1988, and the Commercial Space Launch Amendments Act in 2004, it is fair to say that the commercial space industry has come a long way. Not only has it come a long way, but it's growing and changing as companies and entrepreneurs continue to generate new ideas and technical concepts for potential commercial space transportation systems and related operations.

Mr. Chairman, this is the type of ingenuity and innovative spirit that defines our nation and our economic potential; and I want to see it succeed. I've said it before and I'll say it again, I want to fly as a passenger one day. However, Mr. Chairman, my enthusiasm is tempered by the recognition that there are number of questions about this growing industry that remain unanswered, and issues that need to be resolved. I raise them because they are questions of national policy and safety that deserve our due diligence and that help us, as Members of Congress, to fulfill our responsibilities to the American taxpayers.

Commercial space transportation, in fact, draws heavily on government support through contracts for launches, use of infrastructure, technical assistance, and financial support for the development of government-required transportation services. I want to recognize the significant taxpayer investments involved in supporting this industry as we consider any direction on policy or regulation.

Mr. Chairman, the recently passed extension of the third-party liability and indemnification regime for three years means that we have the time for a thoughtful examination of these questions, and I look forward to our Subcommittee conducting future hearings to address them. For example, should we be providing indemnification permanently or should we be laying the groundwork for a shift toward an insurance-based regime? How might such a transition occur and on what timeline? What would such a transition mean for the insurance industry? What other industry models should we examine?

There are also questions about how liabilities should be treated for passengers, or space flight participants as they are called. And that brings me to the question of whether the policy and regulations for commercial space flights with humans should differ from that for commercial launches carrying satellites, cargo or other payloads, which have comprised the commercial space launch industry to date. In short, is a "one-size-fits-all" approach to commercial space

transportation policy and regulation appropriate? Or should we consider different frameworks for commercial human and commercial uncrewed space transportation systems?

Already, we are seeing the existing statute being tested by the evolving nature of the industry. For example, the current statute does not allow a commercial launch provider to hold a license on a launch vehicle design being used for paid flights, while also holding an experimental permit to test out improvements or modifications on another vehicle of the same design that is not being used for paid flights. This would seem to be something that could be remedied quickly through either legislative or administrative action, and I look forward to getting the FAA's thoughts on the matter at today's hearing.

In addition, when will Congress allow FAA to issue safety regulations for these new vehicles? I know that some in industry would like to put that date off for as long as possible. But, Mr. Chairman, we all know that spaceflight involves risk, and I don't think we should wait until there is an accident to put sensible safety regulations in place.

Finally, I also hope we can begin serious consideration of how we are going to handle accident investigation of commercial space launches, because we are getting closer to the day when humans will be flying on commercial suborbital, and eventually orbital systems. And when inevitably there is a "bad day", I don't think the government, the industry, or the families of those who might potentially be lost will benefit if we wind up developing an accident investigation framework under pressure and in reaction to a catastrophic event.

We have the opportunity and the time to thoughtfully consider what is needed to develop a structure for accident investigation, including the expertise that would be required and the data that industry should be collecting to facilitate a potential investigation, should an accident occur, and how other high-risk operations handle accident investigation.

Well, this is just a sample of questions that I hope we can explore with industry, government, academia and other stakeholders through hearings and dialogue, over at least the coming year, to inform what will be important legislation. So, let's not rush a bill, Mr. Chairman, when there are too many critical questions and issues that need our careful consideration. Let's take the time to get it right. I look forward to working with you to ensure the safety and success of the commercial space transportation industry.

Thank you, and I yield back the balance of my time.