

OPENING STATEMENT  
**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 Chairman Smith. And I want to thank you for holding today’s markup of H.R. 2809, the “American Space Commerce Free Enterprise Act of 2017.” The issues that this bill attempts to address are important and need to be addressed. Unfortunately, I think the solutions provided in H.R. 2809 may cause more problems than they solve. For this reason, I cannot support the bill in its current form.

I think there is a bipartisan agreement concerning the problems being addressed at today’s markup. There is a regulatory gap in our current structure of oversight over commercial space activities.

We currently regulate launch and reentry activities, earth imaging, and space communications, but other in-orbit or deep space operations are essentially unregulated. I think it is widely acknowledged that these orbital activities need to be more closely overseen, especially as the problems of space debris have increased.

The other problem addressed by H.R. 2809 is in the area of commercial remote sensing. Again, I think there is bipartisan agreement that this subject needs to be addressed. U.S. companies are increasingly at a competitive disadvantage versus their foreign competitors due to the current regulatory and oversight situation in the United States in the area of commercial remote sensing. Clearly, something needs to be done here to align our oversight system to the realities of the global marketplace.

Unfortunately, the approach the Majority has taken with H.R. 2809 may cause more problems than it will fix.

For instance, instead of housing space regulatory authority at an agency with existing expertise and existing space regulatory activities, H.R. 2809 would essentially create an entirely new bureaucracy to implement this law. The office that this bill assigns these responsibilities to has a total of three full time employees right now. This makes no sense to me, and it makes no sense to many in the stakeholder community. We have an existing space regulatory body, created by the Science Committee, and housed at the Department of Transportation, which has the base of expertise to implement this law. I think it makes much more sense to place these new responsibilities within this existing office rather than to create an entirely new and different regulatory body in a different Department of the government.

Likewise, with regard to commercial remote sensing, this bill takes an unnecessarily expansive approach to addressing the problem.

The underlying bill would make the Secretary of Commerce the judge, jury, and executioner with regard to national security issues raised in the commercial remote sensing regulatory

process. This is a dramatic turn away from the interagency process that has historically been used to address national security issues in space. Again, instead of improving the process for commercial remote sensing, this bill blows up that process. I think a more incremental improvement to the process would be more constructive. And I think we should acknowledge the reality that the approach this bill takes with regard to national security issues and international obligations will likely doom any chance for enactment of this legislation.

There are numerous other issues, both large and small, with this legislation. Many of these issues have been pointed out by the stakeholder community both in government and industry.

I think if those stakeholders had been consulted prior to drafting this legislation, rather than as an afterthought, we could have avoided these problems entirely. We have good staff here on the Committee. For instance, my aerospace staff have over 100 years of combined experience working on these issues in government, industry, and NGOs. Nonetheless, even with their wealth of experience and expertise, I wouldn't want them to craft complex legislation without first consulting the full cross-section of the affected stakeholder community. The result of not consulting with that stakeholder community from the outset is that we have a bill before us today that is needlessly complex, unsupported by broad swaths of government and industry, and very unlikely to be enacted into law.

Mr. Chairman, I applaud your efforts to address two very real problems with our commercial space regulatory regime.

However, I think we would be better served by hitting the reset button on this legislation.

Thank you, and I yield back.