<u>OPENING STATEMENT</u>
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of the Subcommittee on Space

House Committee on Science, Space, and Technology
Subcommittee on Space
"Regulating Space: Innovation, Liberty, and International Obligations"
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Good morning. And welcome to our distinguished panel. Thank you Mr. Chairman for calling this hearing.

In 1967, capabilities such as satellite repair and refueling, orbital habitats, and extraction of rare-earth elements from the Moon or asteroids were only figments of the imagination; two years before Neil Armstrong walked on the Moon.

Yet 1967 was an important milestone in space exploration: that was the year when the United States signed the Outer Space Treaty. Through a series of seventeen Articles, the Outer Space Treaty outlines principles for what nations can and cannot do in space and on other worlds. In essence, it is the basis of international space law. The Treaty was signed when space travel was in its infancy and at a time when space activities were solely conducted by nation states.

The former Soviet Union had wanted to ban space activity by non-governmental entities. The U.S. urged that the Treaty preserve the possibility of non-governmental space activities because American companies had plans for operating telecommunications satellites.

Fortunately, a compromise was struck. Through Article VI, the treaty explicitly provides for non-governmental activity in space, with a requirement that "States Parties" take responsibility for supervising such non-governmental activity. I use the word fortunately because today, in 2017, we have an exciting, vibrant, and innovative commercial space industry. And the capabilities I mentioned earlier, such as satellite servicing, are closer to becoming a reality. But because existing licensing and regulatory regimes do not address

these non-traditional space activities, further clarity is necessary on how such activities will be authorized and continually supervised in order to comply with the Outer Space Treaty.

In particular, the 2015 Commercial Space Launch Competitiveness Act directed the Office of Science and Technology Policy to recommend to Congress "*an authorization and supervision approach that would prioritize safety, utilize existing authorities, minimize burdens to the commercial space transportation industry, promote the U.S. commercial space sector, and meet U.S. obligations under international treaties*".

The legislative proposal submitted in April 2016 by OSTP would have FAA coordinate an interagency process in which designated agencies would review a proposed mission in relation to specified government interests. For example, the State Department would be responsible for reviewing proposed missions for consistency with the Outer Space Treaty and the Department of Defense would review it for ensuring the protection of national security interests.

Mr. Chairman, I recognize that the OSTP proposal is just one approach. In carrying out our due diligence, this Subcommittee has the responsibility to fully examine the full spectrum of issues related to authorization and continuing supervision and consider the various ways by which this can be achieved.

So I look forward to our witnesses' testimony to help inform our work in this important area of policy. In particular, I hope today's discussion can provide clarity on the following questions:

> *What is meant by "continuing supervision" as stated in Article VI of the Outer Space Treaty? Can our obligations under Article VI be met with existing authorities? If not, why not? How would the U.S. government actually be able to enforce compliance once a mission is launched?*
> *What are the potential risks of regulating or not regulating non-governmental missions that are not currently covered under existing government authorities?*

Is the U.S. government exposed to liabilities by granting "mission authorization" or approval?

How is the safety of NASA and national security space assets impacted under alternative approaches?

Article IX of the Outer Space Treaty requires that studies of outer space and exploration be conducted "so as to avoid their harmful contamination." What are the options for addressing this Treaty obligation as part of a "mission authorization" process for non-governmental entities?

In short, these are not easy issues to address, and they will take time and require hearing from all the relevant stakeholders before we know whether legislation is needed, and if so, what it should entail.

Thank you and I yield back.