

May 20, 2015

The Honorable John Boehner
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, DC 20515

RE: Opposition to H.R. 2262 the “Spurring Private Aerospace Competitiveness and Entrepreneurship Act of 2015” or SPACE Act.

Dear Speaker Boehner and Leader Pelosi:

The undersigned organizations are writing to express opposition to H.R. 2262, the “Spurring Private Aerospace Competitiveness and Entrepreneurship Act of 2015” or SPACE Act. While some of our organizations may have concerns about various parts of this legislation, this letter addresses two sections in particular: Sections 7 and 8.

The sweeping immunity proposed by these provisions is alarming. The commercial space industry’s safety record has been shoddy with normal rules in place. The last thing Congress should be doing is passing legislation that removes this industry’s financial incentive to conduct safe commercial space operations. And it is particularly troubling that this legislation was passed out of the House Committee on Science, Space, and Technology without a single hearing held.

Section 7 of the bill states: “Any action or tort arising from a licensed launch or reentry shall be the sole jurisdiction of the Federal courts and shall be decided under federal law.” Given that no federal tort law exists in such cases, this provision will immunize the private space industry for any harm it causes. It wipes out any tort remedy for death, injuries or property damage suffered as a result of a negligent or reckless launch or reentry. And space passengers are not the only individuals covered by this language. Anyone, from innocent bystanders watching a rocket launch, to people who happen to be at the wrong place at the wrong time, suffering any harm, whether that be losing a house, limb, or life, will be left without recourse. Imagine the vast radioactive carnage that could result from an exploding nuclear rocket, which the industry is discussing for future rocket propulsion.

Section 8 of the SPACE Act requires both companies *and passengers* on commercial space flights to cross-waive liability claims. It is one thing for companies with equal bargaining power to establish liability agreements between them. However, it is unfair to force passengers into such agreements. This provision does not protect passengers – it strips away their rights.

Supporters of the bill say immunity is needed to spur innovation and save jobs. This is nonsense. If the civil justice system were harming the industry in some way, this would already be evident. But according to the most recent Space Foundation report, “The global space

economy grew to \$314.17 billion in commercial revenue and government budgets in 2013, reflecting growth of 4 percent from the 2012 total of \$302.22 billion. **Commercial activity -- space products and services and commercial infrastructure -- drove much of this increase. From 2008 through 2013, the total has grown by 27 percent.**”

This industry should be subject to the same civil justice system that applies to every other dangerous industry in America. If a private space company is grossly negligent and harms people, it should be accountable for the harm it causes. For these reasons, we strongly oppose H.R. 2262 the “Spurring Private Aerospace Competitiveness and Entrepreneurship Act of 2015” or SPACE Act.

Very sincerely,

Alliance for Justice

Center for Justice & Democracy

Consumer Watchdog

National Consumers League

Network for Environmental & Economic Responsibility of United Church of Christ

Protect All Children's Environment

Public Citizen