



May 22, 2017

The Honorable Ted Cruz
The Honorable Edward J. Markey
Commerce, Science, and Transportation Committee
Space, Science, and Competitiveness Subcommittee
United States Senate
427 Hart Senate Office Building
Washington DC 20510

Dear Chairman Cruz and Ranking Member Markey:

The Heinlein Prize Trust honors the memory of renowned American author Robert A. Heinlein and his wife, Virginia, by awarding prizes for the advancement of commercial spaceflight and conducting a variety of educational outreach activities. As its trustees, we write first to thank you for your leadership in passing the Commercial Space Launch Competitiveness Act, which promotes the development of commercial spaceflight in the United States in a manner consistent with Robert Heinlein's vision; and second to address issues related to the Outer Space Treaty which you have raised in recent public comments and your Subcommittee's hearing this month.

We recognize that the Outer Space Treaty was a Faustian compromise with the USSR. It was an attempt to prevent an Evil Empire from gaining an upper hand in the strategically vital realm of outer space, and as a result it left on the bargaining table a wide range of opportunities for the United States. That said, the treaty has proven that it can be the foundation for productive international cooperation to explore and develop outer space - and perhaps more importantly, it has not yet been shown to impede the efforts of the United States or U.S. entities.

Of course, Congress and the Administration must remain vigilant to prevent the Outer Space Treaty - or any international law - from being used in a manner contrary to its original intent so that it binds the United States in ways not accepted by our government at the time it was signed and ratified. When international legal activists attempt to assert that the United States has international responsibility for the activities of nongovernmental actors as a result of the treaty, those arguments should be refuted. Space should not be different from aviation and admiralty in that respect.

To the extent that adjustments are needed, we strongly recommend updating U.S. law rather than reopening the Outer Space Treaty wherever possible. Fortunately, the terms of the Treaty are loose enough that nations can define its application by adopting national laws controlling national activities. The Commercial Space Launch Competitiveness Act's provisions on property rights in space resources - by our estimation, the most sweeping legislative recognition of property rights in human history - is an excellent example.

The Outer Space Treaty has worked well for 50 years. It is accepted by more than 100 nations. Trying to change the Treaty now will create significant risks of delay and confusion. Such risks should be avoided, especially when the option of changes to national law exists.



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Thank you again for your leadership on these matters. As Robert and Virginia Heinlein saw so clearly, space is inherently multinational and international. All countries are neighbors sharing an "upper border," outer space. History teaches us that nations flourish as neighbors when there is liberty and where commerce is managed with minimum regulation within a framework of strong human rights. Space resources are effectively infinite, thus cooperation in their use should benefit all stakeholders much more than competition. The emergence of humanity into the cosmos can be a non-zero sum adventure. All of humanity will win if there is enough ordered liberty.

Sincerely,

Arthur M. Dula
Trustee

J. Buckner Hightower
Trustee