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January 22, 2013

The Honorable Mary Kay Papen
President Pro Tempore
New Mexico State Senate
The Round House
Santa Fe, New Mexico

The Honorable Stuart Ingle
Senate Republican Floor Leader
New Mexico State Senate
The Round House
Santa Fe, New Mexico

The Honorable Ken Martinez
Speaker of the House
New Mexico State House of Representatives
The Round House
Santa Fe, New Mexico

The Honorable Donald Bratton
House Republican Floor Leader
New Mexico State House of Representatives
The Round House
Santa Fe, New Mexico

Dear Distinguished Colleagues:

I hope this letter finds you well. Let me begin by congratulating you on the start of the 2013 legislative sessions of the New Mexico State Senate and House of Representatives. Additionally, thank you for the opportunity to address a joint session of the legislature in Santa Fe. I very much enjoyed visiting with you and look forward to working with you in the upcoming year on issues that will benefit all New Mexicans.

I am writing you on an issue vital to the future of New Mexico's economy to ask for your support and influence to pass SB 63 and HB 49, the Space Flight Informed Consent Act. Under your leadership, I have high hope that this legislation can be approved before the end of the session.

The Space Flight Informed Consent Act will establish important footholds for our state's economic future. The legislation will not cost New Mexico taxpayers a dime. However, without it, our state stands to lose thousands of potential jobs, as well as the investments made in Spaceport America. With action by the legislature, New Mexico can re-claim its historical position as the best place to access outer space.

As you know, the scientific exploration of space began in New Mexico back in 1946. New Mexico was the first choice to access outer space because the launch site was isolated from centers of population and was inexpensive because the great weather minimized launch delays. Government enthusiasm for rockets/missiles began to rapidly increase due to the successes at the White Sands Missile Range (WSMR). Ultimately, in 1949, Florida's location at Cape Canaveral was chosen as a result of preference for immediate access to overwater flight.

Today, over 60 years later, the United States (and the global business community) is back to looking at how to safely and inexpensively access outer space. Confidence in rocket reliability is steadily increasing to the level of jets, and we need to greatly reduce the cost of launching into space to stay competitive for both commerce and defense.

At Spaceport America's groundbreaking ceremony in October of 2011, I spoke to the gathered guests that "in our weariness, in our economic turmoil, in our concerns for tomorrow, the world is looking for a vision." The vision I was speaking of is the new vision and the new adventure for New Mexico, through commercial space flight. The potential for our community is huge, and the future is at hand; however, in order to achieve that potential, there are important steps that must be taken by New Mexico. Without action, New Mexico's vision for adventure will be realized by other states, leaving the Land of Enchantment in the dust.

Up until now, New Mexico was the leader in this burgeoning global industry. Today, we stand on the precipice of losing our future to Colorado, Texas, California, Virginia and Florida.

It should surprise no one that spaceflight is still riskier than airline flight. In 2004, the Commercial Space Launch Amendments Act was signed into federal law, and has worked very well in fostering the development of new companies in the United States—especially New Mexico. This law has allowed for the creation of a new commercial business – suborbital spaceflight for average citizens. It allows commercial space travel companies to obtain insurance by having passengers sign a consent agreement, in exchange for the thrill, the excitement and the experience of a lifetime. To date, hundreds of potential passengers have signed a federally approved consent agreement that protects these new companies in federal court.

Just last year, even in the climate of political discord in Washington, the federal statute was approved by BOTH the Republican lead House and the Democrat lead Senate, and signed into law by President Obama, extending it through 2015. Washington, remarkably, has done its job.

Texas, Colorado, California, Virginia and Florida already have this language in their statutes, and are in sync with the federal law. In essence, recognizing the future growth and potential the commercial space flight industry offers, they acted and removed their state loophole laws. If New Mexico wishes to continue leading in the expansion of commercial space travel, it is important that it pass legislation.

Low cost access to space will create an investment gold mine and every businessman around the world knows it. New types of launch vehicles are receiving hundreds of millions of dollars in private investment.

Thankfully, for once, geography and geology are working in New Mexico's favor to attract a major industry. As we witnessed in 1949, we are often handicapped by overwater requirements but in this case that is not a significant factor. This is not about low-cost labor -- in fact most launch industry jobs pay high salaries. Our schools are turning out top quality employees, which too often are lost to other states. We still have all the benefits of weather, altitude, and unfettered airspace that made New Mexico a winner in 1946. Therefore, in 2013 we need to refine our knowledge of the competition, including the need to understand the critical role of our state regulations in winning future competitions.

Keep in mind, Spaceport America is part of the service industry. Similar to insurance companies or cruise lines, there are many options for the customers (e.g. rocket owners), and the price is often these customers primary consideration. In short, for Spaceport America to flourish, it must be one of the low cost providers. The State of New Mexico must be sensitive to the cost of doing business as whole. New Mexico is not just competing against other states. We're in a fight against Russia, China, Japan, and France.

It's a constant fight to remain competitive, especially when the rest of the world wants to attract the same business. For the space launch business New Mexico has world class advantages (but not every advantage) and **this is a world class fight New Mexico can win!**

The Space Flight Informed Consent Act seeks to create the option for passengers to sign a consent agreement. Simply, this legislation would support New Mexico's future in the commercial space industry by preventing frivolous lawsuits from circumventing the wishes of potential spaceflight passengers.

Closing the informed consent loophole will mean jobs for New Mexico. It is time for New Mexicans to stand side-by-side with their elected officials in Santa Fe, and fight for the future of our great state. We stand on the brink of a new, exciting and prosperous adventure. Let's have New Mexico continue to lead this industry.

Thank you for considering my request and views on this important issue.

Sincerely,



Steve Pearce
Member of Congress

Cc: Governor Susana Martinez
Lt. Governor John Sanchez
Senator Phil Griego, Corporations and Transportation Committee
Senator William E. Sharer, Corporations and Transportation Committee
Senator Richard Martinez, Judiciary Committee
Senator William Payne, Judiciary Committee
Representative Debbie Rodella, Business and Industry Committee
Representative Gail Chasey, Judiciary Committee