United States Senate
WASHINGTON, DC 20510-0908

September 17, 2024

The Honorable Michael Whitaker
Administrator
Federal Aviation Administration
800 Independence Avenue SW
Washington, D.C. 20591

Dear Administrator Whitaker:

We write with regard to the Federal Aviation Administration's (FAA) Office of Commercial Space Transportation's (AST) current approach for licensing launches or reentries under Part 450. As you are aware, the space industry, which supports critical national security missions, is rapidly evolving, and it is crucial that our regulatory framework keeps pace with these developments to ensure the continued growth and competitiveness of the United States in the global space sector. Failure to do so risks putting our country's space ambitions behind our competitors– namely China and Russia.

We are seeking to understand how AST is utilizing its current resources and authorities under Title 51 to ensure that the U.S. remains a leader in commercial space activities, including the FAA's direction to bolster commercial space companies by "simplifying and expediting the issuance and transfer for commercial of commercial licenses."[1] Part 450 was specifically designed to facilitate a streamlined process for industry, including the ability to issue a license for multiple launches and allow for greater flexibility and efficiency in commercial space operations. However, industry stakeholders have reported significant challenges in Part 450 implementation and obtaining these licenses due to overly specific, cumbersome, and often restrictive requirements imposed by AST.

In addition, while Part 450 was released in 2020, AST has not released the majority of its internal and external regulatory guidance detailing how to comply with this rule, leading to confusion during the licensing process. In its Fiscal Year 2025 budget request, FAA acknowledged these issues, stating: "AST licensing remains a 'gate' to space for other national priorities" and that there are "some shortcomings in the part 450 rule, as well as gaps in standards and guidance."[2]

We are also concerned about the delays and inefficiencies introduced by AST's current interpretation of its licensing authority. By law, AST is authorized to regulate launch activity to "protect the public health and safety, safety of property, and national security and foreign policy interests of the United States."[3] In testimony before Congress, industry has reported that AST's processes for reviewing licenses are fragmented, misaligned with these statutory responsibilities, and that AST's delays are a major driver of delays for key national priorities, like the Artemis

[1] 51 U.S.C. §50901(b)
[2] https://www.transportation.gov/sites/dot.gov/files/2024-03/FAA_FY_2025_Budget_Budget_Request.pdf, pp. 51.
[3] 51 U.S.C. §50901(b)(3)

Program.[4] AST's licensing timelines must keep pace with commercial space activity, and we cannot allow management issues to give China an edge in the race back to the Moon.

Given the importance of simplifying and accelerating commercial space licensing, particularly in the context of maintaining national security and ensuring the resilience of our space infrastructure, AST's processes must be efficient and aligned with statutory goals of reducing burdens on commercial industry. As near-peer competitors continue to make significant strides in their space capabilities, in both developing new vehicles and vast new infrastructure, it is more crucial than ever that our regulatory processes enable commercial and government stakeholders to ensure the United States continues to lead the way. Given the significance of these issues to the future of commercial space operations in the United States, it is critical that we continue to work together to ensure that the FAA's regulatory framework supports the growth and success of the U.S. space industry. In light of these concerns, we request answers to the following questions:

1. What specific challenges has AST encountered in issuing licenses for multiple launches or reentries under Part 450, and what steps is AST undertaking to expand its use of this authority?
2. Has AST considered adjustments to its current licensing procedures to better align with the statutory goals of 51 U.S.C. § 50901(b) and to expedite the process for issuing licenses for multiple launches or reentries, especially for missions of national importance?
3. What steps are you taking to ensure AST is focused on its core mission of protecting public safety, and is not devoting vital resources and time on areas like mission assurance and in-space mission authorization that fall outside of its statutory authority?
4. Other than requesting additional financial resources, what steps is AST taking to address industry concerns about the time it takes to process license applications, and how does AST plan to improve the efficiency of this process?
5. How does AST issue formal feedback to industry when delays occur in issuing license applications?
6. While public safety is of critical importance when it comes to launches and reentries, how does AST anticipate prioritizing the flexibility required for licenses for multiple launches, particularly given the growing demand for rapid and repeatable commercial space operations?

We appreciate your attention to this important issue and look forward to your response.

Sincerely,

Marco Rubio
U.S. Senator

Rick Scott
U.S. Senator

[4] "Promoting Safety, Innovation, and Competitiveness in U.S. Commercial Human Space Activities," *Subcommittee on Space and Science,* October 18, 2023