

# United States Senate

October 25, 2024

The Honorable Michael G. Whitaker  
Administrator  
Federal Aviation Administration  
U.S. Department of Transportation  
800 Independence Avenue, SW  
Washington, D.C. 20591

Dear Administrator Whitaker:

Preserving the United States' leadership in the space domain is, and will continue to be, a national priority. Federal agencies have been tasked with this imperative, resulting in a revitalized American space enterprise and a robust aerospace supply chain that has generated billions of dollars for the economy.

Our nation's commercial space industry continues to demonstrate innovation, excellence, and a commitment to ensuring American preeminence in space. Over the past several years, this industry has undergone exciting growth, particularly for launches and reentries. In 2023, global commercial launch activity jumped 50%, with the United States seeing a 33% increase in launch attempts alone<sup>1</sup>. But this growth – and our national security along with it – are at risk unless the Department of Transportation (DOT) and the Federal Aviation Administration (FAA) initiate immediate changes to their implementation of the launch and reentry regulatory framework (Part 450).

Nothing enters orbit or returns to Earth without reliable and safe access to space; however, it troubles me that “access” alone is being threatened by regulatory inefficiency. Across the commercial space industry, concerns are abundant in every stage of FAA's Office of Space Transportation (AST) of both its formal licensing process and its informal pre-application review and acceptance processes that are required under the Part 413 Application Procedures. Pre-application processes appear to be wildly inconsistent, with some applicants reporting little to no meaningful guidance or engagement from the FAA, while others report that their process can take years to complete. These issues are compounded for applicants due to the Congressional mandate which requires applicants to have their means of compliance accepted by FAA prior to their application being accepted.

Moreover, AST's ongoing multi-month delays in processing modifications to existing licenses threaten vital rocket development programs essential for national security missions and key

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<sup>1</sup> Space Foundation Editorial Team, “The Space Report 2023 Q4 Shows Record Number of Launches for Third Year in a Row, Technological Firsts, and Heightened Focus on Policy,” *Space Foundation*, January 23, 2024, <https://www.spacefoundation.org/2024/01/23/the-space-report-2023-q4/>.

initiatives like returning Americans to the Moon. The Artemis Program is being delayed because of these issues, with vehicles ready to go but waiting for AST to complete its reviews. It is irrational to think it often takes more time to complete licensing evaluations than actual rocket development and testing. To be clear: AST must rapidly improve its transparency, accountability, and pace of execution; America's leadership in space depends on it. I understand that AST is able, with the necessary leadership from you, to quickly implement reasonable process fixes to address these issues without compromising public safety.

I would appreciate your responses to the following questions and comments by November 8th:

1. In February, FAA's Office of Commercial Space Transportation announced the establishment of an aerospace rulemaking committee, or SpARC, to identify ways to streamline launch and reentry regulations<sup>2</sup>. When will the SpARC be convened? Why has it taken AST more than eight months to establish a SpARC? How long does AST believe it will take the SpARC to complete its review, and when would any new rules be implemented following the review?
2. In Fiscal Year 2024, Congress appropriated \$42 million to FAA's Office of Commercial Space Transportation (AST), a \$4 million increase than Fiscal Year 2023. Please provide a breakdown of how those dollars have been spent across AST and how personnel have been allocated, including specifics as to how much directly supports licensing for launch and reentry activity and how much supports activities other than this core mission (e.g., human spaceflight, in-space mission authorization, etc.).
  - a. Since Congress has exceeded budgetary requests, are there additional resources needed to efficiently process application and launch requests for Fiscal Year 2025 or beyond?
3. Please outline how elevating AST into a standalone entity under the DOT might support better performance within the office and any resources required to effectively implement such a transfer.
4. Do you commit to improving the effectiveness of the pre-application process and increasing transparency across the licensing processes for commercial space operations, particularly for those that support other government agencies, like NASA and the Department of Defense?
5. What specific internal challenges have you identified that have contributed to AST's delays, and what actions is AST implementing or will implement this year to accelerate its processing of licensing material for national security missions and for rockets in development, particularly those that support national priorities like the Artemis Program?

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<sup>2</sup> "FAA Meeting the Demand for Space Launch and Reentry Licenses," *Federal Aviation Administration*, February 21, 2024, <https://www.faa.gov/newsroom/faq-meeting-demand-space-launch-and-reentry-licenses>.

This predicament is not a choice between public safety and facilitating an environment that stimulates innovation. Instead, it calls for a regulatory framework that allows both to flourish without impeding the other – or paralyzing the process entirely.

As an authorizer and lead appropriator for FAA, NASA, and other agencies coordinating the resilience of our nation's space programs, I look forward to your partnership in maintaining our nation's strategic advantage in the space domain.

Sincerely,



Jerry Moran  
United States Senator

cc:

The Honorable Bill Nelson  
Administrator, National Aeronautics and Space Administration

The Honorable Frank Kendall  
Secretary, United States Air Force

Lt. Gen. Shawn Bratton  
Deputy Chief of Space Operations, Strategy, Plans, Program and Requirements, United States  
Space Force

Ed Bolton  
Chief of Staff, Federal Aviation Administration

Kelvin Coleman  
Associate Administrator, Office of Commercial Space Transportation