



November 21, 2022

The Honorable Brian Schatz
Chairman
Senate Appropriations Subcommittee on
Transportation, Housing and Urban Development,
and Related Agencies
125 Hart Senate Office Building
Washington, D.C. 20510

The Honorable David E. Price
Chairman
House Appropriations Subcommittee on
Transportation, Housing and Urban Development,
and Related Agencies
2358-A Rayburn House Office Building
Washington, D.C. 20515

The Honorable Susan Collins
Ranking Member
Senate Appropriations Subcommittee on
Transportation, Housing and Urban Development,
and Related Agencies
186 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Mario Diaz-Balart
Ranking Member
House Appropriations Subcommittee on
Transportation, Housing and Urban Development,
and Related Agencies
1036 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Schatz, Chairman Price, Ranking Member Collins, and Ranking Member Diaz-Balart:

Our combined organizations represent hundreds of U.S. space companies employing hundreds of thousands of Americans across the space sector. Our members have been critical to spaceflight since its inception and are critical providers, suppliers, and manufacturers behind U.S. commercial, national security, and civil space launches. We greatly appreciate your attention to space matters.

FAA Office of Commercial Space Transportation Appropriations

We write to urge Congress to address a shortfall in the funding provided in the House and Senate Subcommittee bills for the FAA's Office of Commercial Space Transportation (AST). We ask the Congress to provide \$52.77 million for AST. This funding level is necessary to allow for the timely licensing of growing commercial spaceflight activity and ongoing regulatory streamlining and efficiency efforts.

U.S. commercial companies conducted 54 FAA-licensed launches in 2021, up from 11 in 2016. This growth has continued into 2022, with the FAA licensing 62 completed launches this year and more to come. This activity highlights the exciting innovation driven by our commercial space industrial base that is critical to our national competitiveness on a global scale. Although AST's budget has increased from \$17.8 million to \$32 million since 2016, we urge Congress to ensure that AST funding appropriately reflects the growth of the industry into the future to prevent delays in licensing and permitting resultant from limited resources, and to enable AST to continue to develop new tools to help streamline operations.

Investment at no less than \$52.77 million is necessary for AST to continue to effectively license and oversee commercial space operations. Reduced funding will not only impact the timeliness of and continued growth of the U.S. commercial space launch sector but will also directly impact national security and NASA space launch activity, as these launches are also conducted on commercial vehicles. Additionally, this funding must be paired with continued regulatory streamlining and efficiency efforts, as the agency highlighted in the President's Budget Request.

FY23 Subcommittee Report Language

On September 9, 2022, the FAA and NTSB released an updated Memorandum of Agreement (MOA) concerning commercial space mishap investigations. This update obviates the need for NTSB to continue with a related rulemaking process, and industry urges the Congress to reflect these developments in relevant FY23 report language.

Additionally, we urge the Congress to revise language in the Senate and House subcommittee reports regarding space launch and reentry activity to more accurately reflect the state of operations today. Suggested conference report language, to replace the Senate's *Commercial Space Operations and Oversight of Commercial Space Transportation* provisions, as well as the House's *Commercial Spaceflight* provision, are provided in the attached.

Thank you for the consideration of these requests. We welcome the opportunity to discuss further with you and your staff at your convenience.

Respectfully,



Tim McClees
Vice President for Legislative Affairs
Aerospace Industries Association



Karina Drees
President
Commercial Spaceflight Federation

Suggested Conference Report Language

Commercial Space Mishap Investigations.—The Committee believes that the commercial space flight industry will be a key component of commerce in the years to come, and that allowing the industry to innovate without undue government burdens is important. The Committee strongly desires to ensure that our nation’s progress and innovation in spaceflight is not jeopardized, which is critical to facilitating public safety and industry maturity.

Pursuant to a revised September 9, 2022 memorandum of agreement (MOA) between the FAA and the NTSB entitled “Commercial Space Mishap Investigations”, the FAA has delegated a portion of its statutory authority to ensure public safety to the NTSB to lead certain mishap investigations under this MOA. As this MOA addresses outstanding questions relating to roles and responsibilities in the mishap investigation process, the NTSB shall refrain from undertaking any further rulemaking on commercial space mishap investigations, and the FAA is directed, in consultation with the NTSB and commercial industry, to report to the Committees on Appropriations not later than 60 days after enactment of this Act on the implementation and impacts of the updated MOA on the commercial space accident investigation process and on the ways in which the current commercial space accident investigation process, which includes other agency and licensee participation, ensures public safety.

Airspace Integration with Commercial Space Operations.—The Committee is aware of the growth in the cadence of commercial space launches and reentries. It is critical that utilization of the NAS is optimized to allow all interested parties, including commercial aviation and commercial space, to operate efficiently and safely together. The FAA is directed to continue modernizing its tools, technologies, and processes for safety and efficiently integrating commercial space launches and reentries into the national airspace, with the goal of dynamic and flexible airspace closures and rerouting capabilities that maintain public safety. The FAA is directed to report to the House and Senate Committees on Appropriations within 90 days of the enactment of this Act on actions FAA, the commercial airline industry, and the commercial space industry are undertaking to understand and mitigate airspace challenges, and any additional resources the FAA requires to complete these tasks by December 31, 2023.