

118TH CONGRESS
2ND SESSION

S. 3966

To streamline the application of regulations relating to commercial space launch and reentry requirements and licensing of private remote sensing space systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2024

Mr. CORNYN (for himself, Mr. LUJÁN, Mr. KELLY, Mr. RUBIO, Ms. SINEMA, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To streamline the application of regulations relating to commercial space launch and reentry requirements and licensing of private remote sensing space systems, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Licensing Aerospace
5 Units to New Commercial Heights Act of 2024” or the
6 “LAUNCH Act”.

1 **SEC. 2. STREAMLINING REGULATIONS RELATING TO COM-**
2 **MERCIAL SPACE LAUNCH AND REENTRY RE-**
3 **QUIREMENTS.**

4 (a) EVALUATION OF IMPLEMENTATION OF PART
5 450.—

6 (1) IN GENERAL.—Not later than 120 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Transportation (referred to in this Act as
9 the “Secretary”) shall evaluate the implementation
10 of part 450 of title 14, Code of Federal Regulations
11 (in this section referred to as “part 450”) and the
12 impacts of part 450 on the commercial spaceflight
13 industry.

14 (2) ELEMENTS.—The evaluation required by
15 paragraph (1) shall include an assessment of—

16 (A) whether increased uncertainty in the
17 commercial spaceflight industry has resulted
18 from the implementation of part 450;

19 (B) whether part 450 has resulted in oper-
20 ational delays to emerging launch programs;
21 and

22 (C) whether timelines for reviews have
23 changed, including an assessment of the impact
24 of the incremental review process on those
25 timelines and the root cause for multiple re-
26 views, if applicable.

1 (3) REPORT REQUIRED.—Not later than 90
2 days after completing the review required by para-
3 graph (1), the Secretary shall submit to the Com-
4 mittee on Commerce, Science, and Transportation of
5 the Senate and the Committee on Science, Space,
6 and Technology of the House of Representatives a
7 report that includes—

8 (A) the findings of the review;

9 (B) recommendations for reducing delays
10 and inefficiencies resulting from part 450 that
11 do not rely solely on additional personnel or
12 funding; and

13 (C) an estimate for a timeline and funding
14 for implementing the recommendations de-
15 scribed in subparagraph (B).

16 (b) RULEMAKING COMMITTEE.—

17 (1) IN GENERAL.—The Secretary shall consider
18 establishing a Space Transportation Rulemaking
19 Committee, comprised of established and emerging
20 United States commercial space launch and reentry
21 services providers (including providers that hold, and
22 providers that have applied for but not yet received,
23 licenses issued under chapter 509 of title 51, United
24 States Code)—

1 (A) to facilitate industry participation in
2 developing recommendations for amendments to
3 part 450 to address the challenges identified in
4 conducting the review required by subsection
5 (a) or under paragraph (2) of section 50905(d)
6 of title 51, United States Code (as added by
7 subsection (d)(3)); and

8 (B) to provide a long-term forum for the
9 United States commercial spaceflight industry
10 to share perspectives relating to regulations af-
11 fecting the industry.

12 (2) PREVENTION OF DUPLICATIVE EFFORTS.—

13 The Secretary shall ensure that a Space Transpor-
14 tation Rulemaking Committee established under this
15 subsection does not provide services or make efforts
16 that are duplicative of the services provided and ef-
17 forts made by the Commercial Space Transportation
18 Advisory Committee.

19 (c) ENCOURAGEMENT OF INNOVATION.—The Sec-
20 retary shall, on an ongoing basis, determine whether any
21 requirements for a license issued under chapter 509 of
22 title 51, United States Code, can be modified or eliminated
23 to encourage innovative new technologies and operations.

24 (d) MODIFICATIONS TO REQUIREMENTS AND PROCE-
25 DURES FOR LICENSE APPLICATIONS.—

1 (1) CONSIDERATION OF SAFETY RATIONALES
2 OF LICENSE APPLICANTS.—Section 50905(a)(2) of
3 title 51, United States Code, is amended—

4 (A) by striking “Secretary may” inserting
5 the following: “Secretary—
6 “(A) may”;

7 (B) by striking the period at the end and
8 inserting “; and”; and

9 (C) by adding at the end the following:

10 “(B) shall accept a reasonable safety rationale
11 proposed by an applicant for a license under this
12 chapter, including new approaches, consistent with
13 paragraph (1).”.

14 (2) FACILITATION OF LICENSE APPLICATIONS
15 AND ASSISTANCE TO APPLICANTS.—Section
16 50905(a) of title 51, United States Code, is amend-
17 ed by adding at the end the following:

18 “(3) In carrying out paragraph (1), the Sec-
19 retary shall assign a licensing team lead to each ap-
20 plicant for a license under this chapter to assist the
21 applicant in streamlining the process for reviewing
22 and approving the license application.”.

23 (3) STREAMLINING OF REVIEW PROCESSES.—
24 Section 50905(d) of title 51, United States Code, is

1 amended by striking the end period and inserting
2 the following: “, including by—

3 “(1) adjudicating determinations with respect
4 to such applications and revisions to such determina-
5 tions in a timely manner as part of the incremental
6 review process under section 450.33 of title 14, Code
7 of Federal Regulations (or a successor regulation);
8 and

9 “(2) eliminating and streamlining duplicative
10 review processes with other agencies, particularly re-
11 lating to the use of Federal ranges or requirements
12 to use the assets of Federal ranges.”.

13 **SEC. 3. STREAMLINING LICENSING OF PRIVATE REMOTE**
14 **SENSING SPACE SYSTEMS.**

15 (a) CLARIFICATION OF REMOTE SENSING REGU-
16 LATORY AUTHORITY OVER CERTAIN IMAGING SYS-
17 TEMS.—Section 60121(a)(2) of title 51, United States
18 Code, is amended by adding at the end the following: “In-
19 struments used primarily for mission assurance or other
20 technical purposes shall not be considered to be con-
21 ducting remote sensing. Instruments used primarily for
22 mission assurance or other technical purposes are instru-
23 ments used to support the health of the launch vehicle or
24 spacecraft of the operator or the safety of the space oper-
25 ations of the operator, including instruments used to sup-

1 port on-board self-monitoring for technical assurance,
2 flight reliability, spaceflight safety, navigation, attitude
3 control, separation events, payload deployments, or instru-
4 ments collecting self-images.”.

5 (b) FACILITATION OF LICENSE APPLICATIONS AND
6 ASSISTANCE TO APPLICANTS.—

7 (1) IN GENERAL.—Section 60121 of title 51,
8 United States Code, is amended—

9 (A) by redesignating subsections (d) and
10 (e) as subsections (e) and (f), respectively; and

11 (B) by inserting after subsection (c) the
12 following:

13 “(d) ASSIGNMENT OF DEDICATED LICENSING OFFI-
14 CER.—The Secretary shall assign a licensing officer to
15 oversee the application of the applicant for a license under
16 subsection (a). The licensing officer shall assist the appli-
17 cant by facilitating the application process, minimizing li-
18 cense conditions, and expediting the review and approval
19 of the application, to the extent authorized by law.”.

20 (2) CONFORMING AMENDMENT.—Section
21 60122(b)(3) of title 51, United States Code, is
22 amended by striking “section 60121(e)” and insert-
23 ing “section 60121(f)”.

24 (c) TRANSPARENCY AND EXPEDITIOUS REVIEW OF
25 LICENSES.—In carrying out the authorities under sub-

1 chapter III of chapter 601 of title 51, United States Code,
2 the Secretary shall—

3 (1) provide transparency to and engagement
4 with applicants throughout the licensing process, in-
5 cluding by stating with specificity to the applicant or
6 licensee what basis caused the tiering determination
7 of the license;

8 (2) minimize the timelines for review of com-
9 mercial remote sensing licensing applications; and

10 (3) not less frequently than annually, reevaluate
11 the criteria for the tiering of satellite systems, with
12 a goal of expeditiously recategorizing Tier 3 systems
13 to a lower tier without temporary license conditions.

14 **SEC. 4. GAO REPORT.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 date of the enactment of this Act, the Comptroller General
17 of the United States shall submit to the Committee on
18 Commerce, Science, and Transportation of the Senate and
19 the Committee on Science, Space, and Technology of the
20 House of Representatives a report on the policies, regula-
21 tions, and practices of the Department of Commerce (re-
22 ferred to in this section as the “Department”) with respect
23 to the private remote sensing space industry.

24 (b) ELEMENTS.—The report required by subsection
25 (a) shall include the following:

1 (1) An assessment of the extent to which such
2 licensing policies, regulations, and practices of the
3 Department promote or inhibit a robust domestic
4 private remote sensing industry, including any re-
5 strictions that impede innovative remote sensing ca-
6 pabilities.

7 (2) Recommendations on changes to policies,
8 regulations, and practices for consideration by the
9 Secretary of Commerce to promote United States in-
10 dustry leadership in private remote sensing capabili-
11 ties, including recommendations for—

12 (A) determining whether the costs to in-
13 dustry outweigh the benefits of conducting on-
14 site ground station visits, and possible alter-
15 natives to ensuring compliance;

16 (B) assessing the information in a license
17 application that should be treated as a material
18 fact and the justification for such treatment;

19 (C) incorporating industry feedback into
20 Department policies, regulations, and practices;
21 and

22 (D) increasing Department transparency
23 by—

24 (i) ensuring the wide dissemination of
25 Department guidance;

- 1 (ii) providing clear application instruc-
- 2 tions; and
- 3 (iii) establishing written precedent of
- 4 Department actions.

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