

**AMENDMENT TO H.R. 6131**  
**OFFERED BY MR. MIKE GARCIA OF**  
**CALIFORNIA**  
**And Ms. Stevens of Michigan**

On page 56, strike lines 3 through 10 and insert the following:

1                   (iii) by striking paragraph (3) and in-  
2                   serting the following:

3                   “(3) **AUTHORITY TO WAIVE REQUIREMENTS.—**

4                   “(A) **IN GENERAL.—**The Secretary may  
5                   waive a requirement, including the requirement  
6                   to obtain a license, for an individual applicant  
7                   if the Secretary decides that the waiver is in the  
8                   public interest and will not jeopardize the public  
9                   health and safety or safety of property, violate  
10                  United States international obligations, or  
11                  cause substantial harm to the national security  
12                  of the United States.

13                  “(B) **WAIVER REQUESTS.—**An applicant  
14                  may request a waiver in the form and manner  
15                  that the Secretary prescribes.

16                  “(C) **EXPEDITED CONSIDERATION.—**Not  
17                  later than 60 days after receiving a waiver re-

1           quest for a requirement, the Secretary shall ei-  
2           ther—

3                   “(i) issue a waiver pursuant to sub-  
4                   paragraph (A) if—

5                           “(I) the individual has provided  
6                           rationale for why granting the request  
7                           is in the public interest and will not  
8                           jeopardize public health and safety or  
9                           safety of property, violate inter-  
10                          national obligations, or cause substan-  
11                          tial harm to the national security of  
12                          the United States;

13                           “(II) the individual applicant has  
14                           previously submitted a request for,  
15                           and the Secretary has previously  
16                           granted, a waiver for the same re-  
17                           quirement based on the same ration-  
18                           ale described in subelause (I); and

19                           “(III) the applicant has an estab-  
20                           lished record of meeting the terms of  
21                           its license or permit through previous  
22                           spaceflights; or

23                           “(ii) deny such waiver request and  
24                          provide a clear reason to the applicant for  
25                          such denial.

1           “(D) LIMITATION.—The Secretary may  
2 not grant a waiver under this paragraph that  
3 would permit the launch or reentry of a launch  
4 vehicle or reentry vehicle without a license or  
5 permit if a human being will be on board.”; and

On page 57, strike lines 7 through 14 and insert the following:

6           (vii) by striking paragraph (9), as so  
7 redesignated, and inserting the following  
8 new paragraphs:

9           “(9) LIMITATION.—The Secretary may not  
10 issue any regulations under this subsection or any  
11 advisory materials related to human spaceflight until  
12 the later of the following:

13           “(A) The Secretary certifies to the Com-  
14 mittee on Science, Space, and Technology of  
15 the House of Representatives and the Com-  
16 mittee on Commerce, Space, and Transpor-  
17 tation of the Senate that all applications sub-  
18 mitted under chapter 509 within the two pre-  
19 ceding full calendar years have received final  
20 determinations within the statutory deadlines  
21 set forth in this chapter.

22           “(B) The date in paragraph (8) passes.

1           “(10) RULE OF CONSTRUCTION.—Nothing in  
2           this subsection may be construed to limit the author-  
3           ity of the Secretary to issue requirements or regula-  
4           tions to protect the public health and safety or safe-  
5           ty of property, or to prevent a violation of United  
6           States international obligations, or to prevent sub-  
7           stantial harm to the national security of the United  
8           States.”;

Page 56, line 10, strike “and”.

Page 57, line 14, insert “and” after the semicolon.

On page 57, insert after line 14 the following:

9           (D) by adding at the end the following new  
10           subsections:

11           “(g) PROHIBITIONS.—The Secretary may not treat  
12           an application as incomplete for typographical errors or  
13           other minor points which can be easily clarified by the ap-  
14           plicant.

15           “(h) PILOT PROGRAM FOR OUTSIDE AGENCY SUP-  
16           PORT.—

17           “(1) OUTSIDE AGENCY SUPPORT SERVICES.—  
18           The Secretary of Transportation shall establish a 2-  
19           year pilot program to test and assess the feasibility,  
20           costs, timing, and benefits of, acquiring, upon re-  
21           quest of an applicant, the services of qualified ex-

1       perts from other appropriate government agencies  
2       outside of the Department of Transportation to sup-  
3       port expedited review of an application submitted  
4       under chapter 509 of this title.

5           “(2) PLAN.—

6           “(A) IN GENERAL.—The Secretary shall  
7       consult with appropriate agencies of the govern-  
8       ment outside of the Department, as determined  
9       by the Secretary, to develop a plan to imple-  
10      ment the pilot program described in paragraph  
11      (1). Such plan shall include the following:

12           “(i) List of requirements, selected by  
13      the Secretary, for which an appropriate  
14      government agency outside of the Depart-  
15      ment could provide support services.

16           “(ii) For each requirement set forth  
17      in clause (i), a list of agencies outside of  
18      the Department that the Secretary has  
19      deemed qualified to provide services to sup-  
20      port review of an applicant’s compliance  
21      with such requirement.

22           “(iii) Estimated costs associated with  
23      support services provided by an agency  
24      outside of the Department to be fully reim-  
25      bursed by the applicant.

1           “(B) SUBMISSION.—Not later than three  
2 months after the date of the enactment of this  
3 subsection, the Secretary shall submit the plan  
4 described in subparagraph (A) to the Com-  
5 mittee on Science, Space, and Technology of  
6 the House of Representatives, the Committee  
7 on Commerce, Science, and Transportation of  
8 the Senate, each agency listed pursuant to sub-  
9 paragraph (A)(ii), and the Commercial Space  
10 Transportation Advisory Committee.

11           “(3) PILOT PROGRAM.—

12           “(A) IN GENERAL.—Not later than six  
13 months after the date of the enactment of this  
14 subsection, the Secretary shall implement the 2-  
15 year pilot program described in paragraph (1).

16           “(B) NOTIFICATION.—Not later than 14  
17 days after receipt of an application, the Sec-  
18 retary shall notify the applicant of the fol-  
19 lowing:

20           “(i) Whether support services pro-  
21 vided by an outside agency could expedite  
22 the Secretary’s review of the application.

23           “(ii) Any sections of the application  
24 for which the Secretary will accept support  
25 services provided by an outside agency.

1           “(iii) An estimate of the amount of  
2           time by which support services from an  
3           outside agency may expedite the Sec-  
4           retary’s review of the application.

5           “(iv) An estimate of the costs, if any,  
6           associated with provision of such support  
7           services by an outside agency that must be  
8           reimbursed by the applicant.

9           “(C) PROCESS.—The Secretary shall es-  
10          tablish a process through which, upon election  
11          by the applicant, an applicant may obtain sup-  
12          port services as set forth in a notification issued  
13          pursuant to subparagraph (B) on a reimburs-  
14          able basis. The Secretary shall use such process  
15          to establish the terms and conditions of any  
16          support services provided by an outside agency,  
17          including the cost for all support services, if  
18          any, that must be fully reimbursed by the appli-  
19          cant in accordance with subparagraph (D).

20          “(D) REIMBURSEMENT.—The Secretary  
21          shall require an applicant to fully reimburse the  
22          United States Government for costs, if any, in-  
23          curred under this subsection, provided that  
24          such fees are reasonable and communicated to  
25          the applicant in advance. Such reimbursement

1           may be an amount equal to the direct costs (in-  
2           cluding salaries of United States civilian and  
3           contractor personnel) incurred by the United  
4           States as a result of the use of such support  
5           services by the applicant. For the purposes of  
6           this subparagraph, the term ‘direct costs’  
7           means the actual costs that can be unambig-  
8           uously associated with such use, and would not  
9           be borne by the United States Government in  
10          the absence of such use. Such payment may not  
11          be made through in-kind contributions.

12                   “(E) AUTHORITY OF THE SECRETARY.—  
13          The decision to issue a license or permit under  
14          this chapter is solely within the discretion of the  
15          Secretary or the Secretary’s designee.

16                   “(F) LIMITATIONS.—Nothing in this sub-  
17          section may—

18                           “(i) relieve the Secretary of its obliga-  
19                           tion to review applications that do not re-  
20                           ceive support from an outside agency with-  
21                           in the deadlines established by this chapter  
22                           and at no cost; or

23                           “(ii) grant preferential treatment  
24                           within the Department of Transportation

1           for applicants that elect to obtain support  
2           services from an outside agency.

3           “(4) REPORT.—Not later than 30 days after  
4           the completion of the pilot program conducted pur-  
5           suant to paragraph (3), the Secretary shall submit  
6           to the Committee on Science, Space, and Technology  
7           of the House of Representatives, the Committee on  
8           Commerce, Science, and Transportation of the Sen-  
9           ate, and the Commercial Space Transportation Advi-  
10          sory Committee a report that describes the fol-  
11          lowing:

12                   “(A) The results of the pilot program.

13                   “(B) The cost and efficiency associated  
14                   with support services provided under the pilot  
15                   program.

16                   “(C) The impact of the pilot program on  
17                   the processing time of expedited applications.

18                   “(D) The impact of the pilot program on  
19                   the processing time of non-expedited applica-  
20                   tions.

21                   “(E) The feasibility of using support serv-  
22                   ices of qualified experts from industry, aca-  
23                   demia, or other sources to expedite application  
24                   review while ensuring protection of public safe-  
25                   ty.

1           “(F) Any recommendations by the Sec-  
2           retary based on the results of the pilot pro-  
3           gram.”;

On page 57, strike lines 15 through 20 and insert  
the following:

4           (5) in section 50908—

5           (A) by amending subsection (b) to read as  
6           follows:

7           “(b) MODIFICATIONS.—

8           “(1) IN GENERAL.—On the initiative of the  
9           Secretary or on request of the licensee, the Secretary  
10          may modify a license issued or transferred under  
11          this chapter if the Secretary decides the modification  
12          will comply with this chapter.

13          “(2) PRE-MODIFICATION CONSULTATION.—A li-  
14          censee may request a pre-modification consultation.

15          “(3) REQUEST OF A LICENSEE.—

16                 “(A) IN GENERAL.—A licensee may re-  
17                 quest a license modification in the form and  
18                 manner that the Secretary prescribes. The re-  
19                 quest shall indicate whether the requested  
20                 modification is a material modification.

21                 “(B) DETERMINATION.—The Secretary  
22                 shall make a determination on such request—

1 “(i) not later than 60 days after the  
2 receipt of a request for a material modi-  
3 fication; and

4 “(ii) not later than 30 days after the  
5 receipt of a request for all other modifica-  
6 tions.

7 “(4) MODIFICATION.—The Secretary shall mod-  
8 ify a license issued or transferred under this chapter  
9 whenever a modification is needed for the license to  
10 be in conformity with a regulation that was issued  
11 pursuant to section 50905(c) after the issuance of  
12 the license. This paragraph does not apply in the  
13 case of permits.”; and

14 (B) in subsection (c)(2), by striking “or a  
15 national security or foreign policy interest of  
16 the United States” and inserting “or to prevent  
17 a violation of the international obligations of  
18 the United States, or prevent substantial harm  
19 to the national security of the United States”;

On page 58, line 22, strike “and”.

On page 58, insert after line 22 the following:

20 (B) in subsection (c)—  
21 (i) in paragraph (2), by striking  
22 “and” after the semicolon;

1 (ii) by redesignating paragraph (3) as  
2 paragraph (4); and

3 (iii) by inserting after paragraph (2)  
4 the following new paragraph:

5 “(3) in such a manner that limits excessive re-  
6 quests for information and respects the timeline re-  
7 quirements established by this chapter; and”; and

Add at the end the following:

8 **SEC. 15. EXPEDITING REVIEW FOR SPACE ACTIVITIES OF**  
9 **NATIONAL INTEREST.**

10 The Secretary of Transportation shall amend Federal  
11 Aviation Administration Order 1050.1F (July 16, 2015)  
12 to reflect the following:

13 (1) SPACE ACTIVITIES OF NATIONAL INTER-  
14 EST.—

15 (A) DEFINITION.—In this section, the  
16 term “space activity of national interest” means  
17 an activity described in an application sub-  
18 mitted under chapter 509 of title 51, United  
19 States Code, that is both—

20 (i) conducted by the applicant pursu-  
21 ant to an agreement, grant, or contract  
22 with one or more of the following—

23 (I) the Department of Defense;

1 (II) the intelligence community  
2 (as such defined in section 3(4) of the  
3 National Security Act of 1947 (50  
4 U.S.C. 3003(4)));

5 (III) the National Aeronautics  
6 and Space Administration;

7 (IV) any other Federal agency  
8 involved in space activities; and

9 (ii) designated by such Federal agency  
10 as an activity the timely completion of  
11 which directly contributes to a national in-  
12 terest of the United States.

13 (B) DETERMINATION.—Not later than five  
14 days after receipt of an application under chap-  
15 ter 509 of title 51, United States Code, the  
16 Secretary of Transportation shall determine  
17 whether the application is for a space activity of  
18 national interest.

19 (2) CATEGORICAL EXCLUSIONS.—Not later  
20 than two years after the date of the enactment of  
21 this Act, the Secretary of Transportation shall es-  
22 tablish categorical exclusions, in compliance with ap-  
23 plicable Federal law, and regulations issued by the  
24 Council on Environmental Quality, that apply to a  
25 space activity of national interest.

1           (3) ENVIRONMENTAL ASSESSMENT.—Not later  
2 than one year after the date of the enactment of this  
3 Act, the Secretary of Transportation shall develop a  
4 short-form environmental assessment, in compliance  
5 with applicable Federal law, for purposes of a space  
6 activity of national interest.

7 **SEC. 16. REPORT TO CONGRESS ON ELECTRONIC PROC-**  
8 **ESSING.**

9           (a) REPORT.—Not later than one year after the date  
10 of the enactment of this Act, the Secretary of Transpor-  
11 tation shall submit to the Committee on Science, Space,  
12 and Technology of the House of Representatives and the  
13 Committee on Commerce, Space, and Transportation of  
14 the Senate a report on the establishment, implementation,  
15 and operation of an electronic system to process applica-  
16 tions submitted, and licenses and permits issued, under  
17 chapter 509 of title 51, United States Code.

18           (b) CONTENTS.—The report required under sub-  
19 section (a) shall describe the following:

20           (1) The status of the electronic system referred  
21 to in such subsection.

22           (2) Types of data collected by the system and  
23 how such data are stored.

24           (3) Capabilities that the system offers—

25                   (A) the Secretary of Transportation; and

1 (B) applicants, licensees, and permittees.

2 (4) Implementation and use of a messaging ca-  
3 pability of the system.

4 (5) Notifications regarding status of the appli-  
5 cation review provided to the Secretary and the ap-  
6 plicant.

7 (6) Information that is made publicly available.

8 (7) Protection of proprietary data.

9 (8) Facilitation of interagency consultations.

10 (9) Facilitation of environmental review.

11 (10) Impacts of the system on application proc-  
12 essing and license and permit management.

13 **SEC. 17. REPORT TO CONGRESS ON RESOURCES AND HIR-**  
14 **ING.**

15 (a) REPORT.—Not later than one year after the date  
16 of the enactment of this Act, the Secretary of Transpor-  
17 tation shall submit to the Committee on Science, Space,  
18 and Technology of the House of Representatives and the  
19 Committee on Commerce, Space, and Transportation of  
20 the Senate a report on the Department of Transpor-  
21 tation's hiring practices for positions related to licensing  
22 and permitting of launch, reentry, and operation of launch  
23 and reentry sites.

24 (b) CONTENTS.—The report required under sub-  
25 section (a) shall describe the following:

1           (1) Hiring practices over the immediately pre-  
2           ceding year.

3           (2) The Secretary of Transportation's use of di-  
4           rect hire authorities and any other hiring authorities  
5           provided by law.

6           (3) Availability and allocation of resources.

7           (4) Positions currently filled.

8           (5) Number and type of job openings that—

9                   (A) were not or have not been filled within  
10           60 days of announcement; or

11                   (B) were not filled within 60 days in the  
12           preceding time period.

13           (6) Other efforts by the Secretary to ensure  
14           sufficient staffing for duties related to launch and  
15           reentry licensing and permitting under chapter 509  
16           of title 51, United States Code.

17 **SEC. 18. REPORT TO CONGRESS ON REVIEW OF APPLICA-**  
18 **TIONS.**

19           (a) IN GENERAL.—Not later than one year after the  
20           date of enactment of this Act and annually thereafter, the  
21           Secretary of Transportation shall submit to the Com-  
22           mittee on Science, Space, and Technology of the House  
23           of Representatives and the Committee on Commerce,  
24           Space, and Transportation of the Senate a report on the

1 review of applications submitted under chapter 509 of title  
2 51, United States Code.

3 (b) CONTENTS.—Each report required under sub-  
4 section (a) shall include, at a minimum, the following:

5 (1) The length of time between an applicant's  
6 initiation of pre-application consultation and submis-  
7 sion of a resulting application (if any).

8 (2) The length of time between an applicant's  
9 initiation of pre-application consultation and receipt  
10 of a final determination (if any).

11 (3) The frequency and average duration of any  
12 tolling of the statutory review timeline for an appli-  
13 cation.

14 (4) The number of applications the Secretary of  
15 Transportation did not grant within statutorily pro-  
16 vided review timelines.

17 (c) ADDITIONAL CONTENTS.—Each report required  
18 under subsection (a) also shall describe the following:

19 (1) Impacts of recent regulatory efforts on ap-  
20 plication processing times.

21 (2) Efforts by the Secretary of Transportation  
22 to streamline review of applications under chapter  
23 509 of title 51, United States Code, as required by  
24 section 50905(d) of such title.

1           (3) Challenges encountered in meeting the stat-  
2           utory deadlines.

3           (4) The feasibility of using services of qualified  
4           experts from industry, academia, or other sources to  
5           expedite processing of applications while preserving  
6           public safety.

7           (5) Recommendations for further improving re-  
8           view of applications under chapter 509 of title 51,  
9           United States Code, including opportunities and ac-  
10          tions taken by the Secretary to accelerate reviews for  
11          mature launch and reentry vehicle systems.

12 **SEC. 19. BRIEFING TO CONGRESS.**

13          (a) REQUIREMENT.—Not later than one year after  
14          the date of the enactment of this Act, the Secretary of  
15          Transportation shall brief the Committee on Science,  
16          Space, and Technology of the House of Representatives  
17          and the Committee on Commerce, Space, and Transpor-  
18          tation of the Senate regarding performance of the Sec-  
19          retary's duties under chapter 509 of title 51, United  
20          States Code.

21          (b) CONTENTS.—The Secretary of Transportation  
22          shall include in the briefing required under subsection (a)  
23          information on the following:

24                  (1) The contents of the reports to Congress re-  
25                  quired under in sections 16 through 18.

1           (2) Ongoing efforts to improve the Secretary's  
2           governance of launch, reentry, and operation of  
3           launch and reentry sites.

4           (3) The Secretary's assessment of whether the  
5           Department of Transportation is operating in such  
6           a way as to encourage the global competitiveness of  
7           the commercial space industry of the United States.

