



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

October 27, 2022

The Honorable Brian Babin
Ranking Member
Subcommittee on Space and Aeronautics
Committee on Science, Space and Technology
U.S. House of Representatives
394 Ford House Office Building
Washington, DC 20515

Dear Ranking Member Babin:

Thank you for your letter regarding the recent unanimous decision at the Federal Communications Commission to promote space safety and sustainability by requiring operators in low-Earth orbit to dispose of their satellites within five years of completing their missions. This decision replaces a longstanding guideline developed in the 1990s, well before the recent expansion of the number of commercial satellites in space and the development of megaconstellations, that permitted post-mission satellites to remain in orbit for as long as 25 years. By reducing the time that these dead satellites stay needlessly in orbit, the Commission is lowering the risk of debris-generating collisions that can pose grave dangers to astronauts, other spacecraft, and our environment.

I am pleased to hear that the Committee “recognizes the seriousness of the orbital debris threat to future space sustainability,” and I wholeheartedly agree that this issue “will need to be addressed comprehensively and holistically.” For our part, the Commission’s intent to adopt a five-year deorbit deadline has been public for several years and was coordinated with our federal partners. In fact, the agency first proposed to revisit the 25-year guideline in 2018, as part of a comprehensive, public review of our orbital debris policies in a Notice of Proposed Rulemaking.¹ We then sought further comment on this issue again in 2020, when we modernized our rules regarding orbital debris mitigation.² To date, our public record reflects participation from the National Aeronautics and Space Administration (NASA) and the Department of Commerce.³

We also kept other federal agencies with equities in the matter apprised of our progress. In August 2022, I updated the Office of Science and Technology Policy (OSTP), the National

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Space Council, NASA, and the Department of Commerce about the status of our review. Then, on September 9, I joined the National Space Council meeting chaired by Vice President Kamala Harris in Houston, Texas, to announce that I would be proposing new rules to shorten the 25-year guideline for deorbiting satellites. At the same time, I released our draft rules to the public so that they could be reviewed by everyone. We continued to take input and comments for an additional three weeks. Then, on September 29, the Commission unanimously adopted the new rules at its monthly Open Meeting.

Throughout this four-year process, other federal agencies did not object to the Commission moving ahead to shorten the 25-year guideline for commercial satellites. In addition, speaking about the Commission's decision, the Assistant Director for Space Policy at OSTP confirmed that "the FCC is part of, and continues to be part of, the orbital debris interagency group," and that "it's not a separate effort."

Of course, the Commission's authority to adopt these rules for commercial satellites has been well established for more than 20 years.⁴ These rules fall within the Commission's statutory authority under Title III of the Communications Act of 1934, as amended,⁵ to license radio spectrum pursuant to the public interest mandate.⁶ Section 303(g) in particular requires the Commission to consider "the larger and more effective use of radio in the public interest."⁷ As has been previously concluded, to the extent that spacecraft are controlled through radiocommunication links, there is a direct connection between the radiocommunications functions we are charged with licensing under the Act and the physical operations of the spacecraft.⁸ Moreover, while the Commission sought comment on whether it had cited all sources of its authority in this area in the 2018 Notice of Proposed Rulemaking,⁹ no commenters in that proceeding questioned the Commission's statutory authority in this regard.

Finally, I appreciate your recognition that NASA continues to reevaluate the U.S. Orbital Debris Mitigation Standards and Practices (ODMSP). As you know, the ODMSP released under the prior Administration apply to U.S. government satellite operators. Meanwhile, the Commission's recent decision applies only to non-government, commercial satellites that must be approved by the Commission through its licensing process. Thus, our rules are directly tied to the mitigation of orbital debris and will contribute to the Commission's ability to ensure that non-Federal satellite systems will serve the public interest. This is important considering that the Commission currently has pending before it applications for more than 64,000 new satellites. Our decision ensures that space safety is being considered from the start and not as an afterthought.

I look forward to continuing to work with the Administration, other Federal agencies, and Congress on these important issues. I have asked the Bureau staff to insert your letter into the

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Sincerely,

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Jessica Rosenworcel



FEDERAL COMMUNICATIONS COMMISSION
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October 27, 2022

The Honorable Donald S. Beyer, Jr.
Chairman
Subcommittee on Space and Aeronautics
Committee on Science, Space and Technology
U.S. House of Representatives
2321 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Beyer:

Thank you for your letter regarding the recent unanimous decision at the Federal Communications Commission to promote space safety and sustainability by requiring operators in low-Earth orbit to dispose of their satellites within five years of completing their missions. This decision replaces a longstanding guideline developed in the 1990s, well before the recent expansion of the number of commercial satellites in space and the development of megaconstellations, that permitted post-mission satellites to remain in orbit for as long as 25 years. By reducing the time that these dead satellites stay needlessly in orbit, the Commission is lowering the risk of debris-generating collisions that can pose grave dangers to astronauts, other spacecraft, and our environment.

I am pleased to hear that the Committee “recognizes the seriousness of the orbital debris threat to future space sustainability,” and I wholeheartedly agree that this issue “will need to be addressed comprehensively and holistically.” For our part, the Commission’s intent to adopt a five-year deorbit deadline has been public for several years and was coordinated with our federal partners. In fact, the agency first proposed to revisit the 25-year guideline in 2018, as part of a comprehensive, public review of our orbital debris policies in a Notice of Proposed Rulemaking.¹ We then sought further comment on this issue again in 2020, when we modernized our rules regarding orbital debris mitigation.² To date, our public record reflects participation from the National Aeronautics and Space Administration (NASA) and the Department of Commerce.³

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Throughout this four-year process, other federal agencies did not object to the Commission moving ahead to shorten the 25-year guideline for commercial satellites. In addition, speaking about the Commission's decision, the Assistant Director for Space Policy at OSTP confirmed that "the FCC is part of, and continues to be part of, the orbital debris interagency group," and that "it's not a separate effort."

Of course, the Commission's authority to adopt these rules for commercial satellites has been well established for more than 20 years.⁴ These rules fall within the Commission's statutory authority under Title III of the Communications Act of 1934, as amended,⁵ to license radio spectrum pursuant to the public interest mandate.⁶ Section 303(g) in particular requires the Commission to consider "the larger and more effective use of radio in the public interest."⁷ As has been previously concluded, to the extent that spacecraft are controlled through radiocommunication links, there is a direct connection between the radiocommunications functions we are charged with licensing under the Act and the physical operations of the spacecraft.⁸ Moreover, while the Commission sought comment on whether it had cited all sources of its authority in this area in the 2018 Notice of Proposed Rulemaking,⁹ no commenters in that proceeding questioned the Commission's statutory authority in this regard.

Finally, I appreciate your recognition that NASA continues to reevaluate the U.S. Orbital Debris Mitigation Standards and Practices (ODMSP). As you know, the ODMSP released under the prior Administration apply to U.S. government satellite operators. Meanwhile, the Commission's recent decision applies only to non-government, commercial satellites that must be approved by the Commission through its licensing process. Thus, our rules are directly tied to the mitigation of orbital debris and will contribute to the Commission's ability to ensure that non-Federal satellite systems will serve the public interest. This is important considering that the Commission currently has pending before it applications for more than 64,000 new satellites. Our decision ensures that space safety is being considered from the start and not as an afterthought.

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October 27, 2022

The Honorable Eddie Bernice Johnson
Chairwoman
Committee on Science, Space and Technology
U.S. House of Representatives
2321 Rayburn House Office Building
Washington, DC 20515

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October 27, 2022

The Honorable Frank Lucas
Ranking Member
Committee on Science, Space and Technology
U.S. House of Representatives
394 Ford House Office Building
Washington, DC 20515

Dear Ranking Member Lucas:

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