

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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September 27, 2022

The Honorable Jessica Rosenworcel
Chairwoman
Federal Communications Commission
445 12th Street, SW Washington, DC 20554

Dear Chairwoman Rosenworcel:

The Federal Communication Commission (FCC) has announced its potential consideration of a Second Report and Order in the matter of Mitigation of Orbital Debris in the New Space Age at its September 29 open Commission meeting.¹ The Committee on Science, Space, and Technology recognizes the seriousness of the orbital debris threat to future space sustainability—a threat that will need to be addressed comprehensively and holistically. That is why the Committee is concerned by the FCC’s proposal to act unilaterally and why we write today to request that you postpone consideration of this matter. As leaders of the House Science, Space, and Technology Committee, we understand the importance of supporting a safe, sustainable space environment. However, we are concerned that the Commission’s proposal to promulgate rules on this matter could create uncertainty and potentially conflicting guidance.

As the bipartisan leadership of the Science Committee and our Space and Aeronautics Subcommittee wrote to your predecessor in April 2020,² the Commission does not have clear authority from Congress, a fact which remains true today. We noted then that FCC’s own Notice of Proposed Rulemaking,³ issued on February 19, 2019, states that the Commission may not have cited sufficient authority to promulgate initial orbital debris regulations. As we stated in 2020, regulatory action by the FCC at this time, without clear authority from Congress, will at

¹ See Space Innovation: Mitigation of Orbital Debris in the New Space Age, IB Docket Nos. 22-271 and 18-313, Second Report and Order, FCC-CIRC2209-01 (rel. Sep. 8, 2022), available at <https://docs.fcc.gov/public/attachments/DOC-387024A1.pdf>.

² Available at <https://science.house.gov/news/press-releases/house-science-committee-leaders-criticize-fcc-action-on-space-orbital-debris>.

³ See Mitigation of Orbital Debris in the New Space Age, 84 Fed. Reg. 4742 (proposed Feb. 19, 2019) (to be codified at 47 C.F.R. pts. 5, 25, 97), available at <https://www.federalregister.gov/documents/2019/02/19/2019-02230/mitigation-of-orbital-debris-in-the-new-space-age>.

the very least create confusion and undermine the Commission's work, and at worst undermine U.S. economic competitiveness and leadership in space.

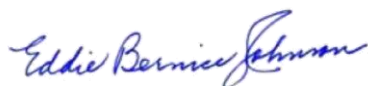
At the recent meeting of the National Space Council on September 9, 2022, which you attended, Vice President Harris underscored the importance of coordination and collaboration on federal space activities. The Commission's interest in acting alone to regulate orbital debris mitigation, however, poses the potential for creating confusion in an area that has historically been closely coordinated. Within the Federal government, agencies follow U.S. Orbital Debris Mitigation Standards and Practices,⁴ which are developed through coordination within the Federal government and based on scientific and technical research led by the National Aeronautics and Space Administration (NASA). In addition, NASA has been charged with reevaluating those standards⁵ and action by the FCC at this time could lead to conflicting U.S. guidelines.

Internationally, NASA has led coordination on space debris mitigation guidelines with other space agencies over several decades. This U.S. leadership in coordinating orbital debris guidelines provides a strong foundation for leading other areas of space sustainability. Actions on orbital debris mitigation that stand apart from or conflict with Federal government guidelines could lead to confusion that, in effect, undermines, rather than strengthens, national and international efforts to reduce and mitigate the risk of orbital debris.

The Committee is granted jurisdiction over “[o]uter space, including exploration and control thereof” under House Rule X(1). Legislation related to regulatory authority over orbital debris has a long history of being considered before the Committee, as well as oversight activities related to the topic. We invite the Commission to avail itself of the Science Committee and its staff on the matter of orbital debris. This would ensure that procedural measures such as the Congressional Review Act are not necessary.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Eddie Bernice Johnson".

Representative Eddie Bernice Johnson
Chairwoman
Committee on Science, Space, and Technology

⁴ Available at

https://orbitaldebris.jsc.nasa.gov/library/usg_orbital_debris_mitigation_standard_practices_november_2019.pdf.

⁵ In July 2022, the Biden Administration specifically assigned NASA to lead a re-evaluation of the Orbital Debris Mitigation Standards and Practices, including deorbit guidelines, the subject of the Second Report and Order. See National Orbital Debris Implementation Plan (rel. July 2022), available at <https://www.whitehouse.gov/wp-content/uploads/2022/07/07-2022-NATIONAL-ORBITAL-DEBRIS-IMPLEMENTATION-PLAN.pdf>.



Representative Frank Lucas
Ranking Member
Committee on Science, Space, and Technology



Representative Donald S. Beyer Jr.
Chair
Subcommittee on Space and Aeronautics



Representative Brian Babin
Ranking Member
Subcommittee on Space and Aeronautics

CC: Commissioner Brendan Carr
Commissioner Geoffrey Starks
Commissioner Nathan Simington