

Calendar No. 209

118TH CONGRESS
1ST SESSION**S. 1648**

To facilitate access to the electromagnetic spectrum for commercial space launches and commercial space reentries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2023

Mr. SCHMITT (for himself and Mr. HICKENLOOPER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 18, 2023

Reported by Ms. CANTWELL, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To facilitate access to the electromagnetic spectrum for commercial space launches and commercial space reentries, 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 “Launch Communica-
5 tions Act”.

1 **SEC. 2. ACCESS TO ELECTROMAGNETIC SPECTRUM FOR**
2 **COMMERCIAL SPACE LAUNCHES AND REEN-**
3 **TRIES.**

4 (a) SERVICE RULES; ALLOCATION.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of the enactment of this Act, the Commis-
7 sion shall—

8 (A) complete any proceeding in effect as of
9 such date of enactment related to the adoption
10 of service rules for access to the frequencies de-
11 scribed in subsection (c) for commercial space
12 launches and commercial space reentries, in-
13 cluding technical specifications, eligibility re-
14 quirements, and coordination procedures to pre-
15 serve the defense capabilities of the United
16 States; and

17 (B) allocate on a secondary basis such fre-
18 quencies for commercial space launches and
19 commercial space reentries.

20 (2) COORDINATION WITH NATIONAL TELE-
21 COMMUNICATIONS AND INFORMATION ADMINISTRA-
22 TION.—The coordination procedures adopted under
23 paragraph (1)(A) shall include requirements for per-
24 sons conducting commercial space launches and
25 commercial space reentries to coordinate with the
26 Assistant Secretary regarding access to the fre-

1 frequencies described in subsection (c) for commercial
2 space launches and commercial space reentries.

3 (3) LIMITATION.—Access to the frequencies de-
4 scribed in subsection (c) in accordance with the serv-
5 ice rules adopted under subparagraph (A) of para-
6 graph (1), and the allocation of such frequencies
7 under subparagraph (B) of that paragraph, shall be
8 limited to the use of such frequencies for commercial
9 space launches and commercial space reentries.

10 (b) STREAMLINING OF PROCESS FOR GRANTING AU-
11 THORIZATIONS.—Not later than 180 days after the date
12 of the enactment of this Act, the Commission shall issue
13 new regulations to streamline the process for granting au-
14 thorizations for access to the frequencies described in sub-
15 section (c) for commercial space launches and commercial
16 space reentries so as to provide for—

17 (1) authorizations that include access to such
18 frequencies for multiple commercial space launches
19 from 1 or more Federal space launch sites and mul-
20 tiple commercial space reentries to 1 or more Fed-
21 eral space ~~launch sites~~ *reentry sites*;

22 (2) authorizations that include access to such
23 frequencies for multiple commercial space launches
24 from 1 or more private space launch sites and mul-
25 tiple commercial space reentries to 1 or more private

1 space ~~launch sites, reentry sites~~, upon successful co-
2 ordination with any Federal space launch site within
3 a range for access to such frequencies such that
4 such a commercial space launch or commercial space
5 reentry ~~would cause~~ *would not cause* harmful inter-
6 ference with Federal systems;

7 (3) authorizations that include access to mul-
8 tiple uses of such frequencies for commercial space
9 launch or commercial space reentry;

10 (4) ~~automation of the processes of the Commis-~~
11 ~~sion to review~~ *electronic filing and processing of ap-*
12 *plications for authorizations for access to such fre-*
13 *quencies for commercial space launches and com-*
14 *mercial space reentries; and*

15 (5) improved coordination by the Commission
16 with the Assistant Secretary (who shall coordinate
17 with the head of any other Federal agency, as the
18 Assistant Secretary considers appropriate) to in-
19 crease the speed of review of applications for author-
20 izations for access to such frequencies for commer-
21 cial space launches and commercial space reentries,
22 *including coordination to increase automation simi-*
23 *lar to the automation described in the service rules es-*
24 *tablished by the Commission and the Assistant Sec-*
25 *retary to promote the development and use, by entities*

1 *other than the Federal Government, of spectrum in*
2 *other bands, including bands with the frequencies be-*
3 *tween 71 and 76 gigahertz, between 81 and 86*
4 *gigahertz, and between 92 and 95 gigahertz.*

5 (c) FREQUENCIES DESCRIBED.—The frequencies de-
6 scribed in this subsection are the frequencies between
7 2025 and 2110 megahertz, between 2200 and 2290 mega-
8 hertz, and between 2360 and 2395 megahertz.

9 (d) RULE OF CONSTRUCTION.—Each range of fre-
10 quencies described in this section shall be construed to be
11 inclusive of the upper and lower frequencies in the range.

12 (e) DEFINITIONS.—In this section:

13 (1) ASSISTANT SECRETARY.—The term “Assist-
14 ant Secretary” means the Assistant Secretary of
15 Commerce for Communications and Information.

16 (2) COMMERCIAL SPACE LAUNCH.—The term
17 “commercial space launch” means a launch licensed
18 under chapter 509 of title 51, United States Code.

19 (3) COMMERCIAL SPACE REENTRY.—The term
20 “commercial space reentry” means a reentry li-
21 censed under chapter 509 of title 51, United States
22 Code.

23 (4) COMMISSION.—The term “Commission”
24 means the Federal Communications Commission.

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