Suspend the Rules and Pass the Bill, H.R. 1338, With an Amendment
(The amendment strikes all after the enacting clause and inserts a new text)

118TH CONGRESS 1ST SESSION H. R. 1338

To amend the Communications Act of 1934 to provide authority for certain licenses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2023

Mrs. RODGERS of Washington (for herself and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to provide authority for certain licenses, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Satellite And Telecommunications Streamlining Act” or the “SAT Streamlining Act”.

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SEC. 2. AUTHORITY REGARDING CERTAIN LICENSES.

(a) AMENDMENT.—Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following new section:

“SEC. 346. RADIOFREQUENCY LICENSING AUTHORITY REGARDING CERTAIN OPERATIONS.

“(a) RULES.—

“(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this section, the Commission shall issue rules to amend part 25 of title 47, Code of Federal Regulations, to establish—

“(A) for any license granted under subsection (b) or grant of market access granted under subsection (e), specific, measurable, and technology-neutral performance objectives for space safety and orbital debris, in accordance with paragraph (2);

“(B) for any license granted under paragraph (1) or (2) of subsection (b), specific modifications (or classes of modifications) to such a license that warrant expedited treatment under subparagraph (A) or (B) (as the case may be) of subsection (g)(2);

“(C) for any license granted under subsection (b), grant of market access granted under subsection (e), authorization granted
under subsection (d), or covered authorization, the manner in which the licensee, grantee, or entity shall notify the Commission of a request to submit a modification under subsection (g)(5);

“(D) for any request to modify a covered authorization, the manner in which the entity with the covered authorization shall indicate in the request whether the entity is seeking a modification described in subsection (h)(2)(B)(i)(I) or a modification described in subsection (h)(2)(B)(i)(II);

“(E) for any license granted under subsection (b), grant of market access granted under subsection (c), or covered authorization, in a spectrum band with service rules that require a licensee of such a license, a grantee of such a grant, or an entity with such a covered authorization to share spectrum with another such licensee, grantee, or entity with a covered authorization that is authorized to use the same frequencies of such spectrum, specific actions taken by such a licensee, grantee, or entity with a covered authorization, or by any other entity that is authorized to use such frequencies, that
constitute a failure to coordinate in good faith, including whether withholding from another such licensee, grantee, entity with a covered authorization, or other entity information necessary to coordinate in good faith that it is technically feasible to make available to such licensee, grantee, entity with a covered authorization, or other entity is such an action;

“(F) for any license granted under subsection (b)(1) or grant of market access granted under subsection (c)(1), in a spectrum band with service rules that require a licensee of such a license, a grantee of such a grant, or an entity with a covered authorization to share spectrum (except with respect to the use of a gateway station) with another such licensee, grantee, or entity with a covered authorization that is authorized to use the same frequencies of such spectrum, a quantifiable level of protection required under subsection (h)(4);

“(G) rules that—

“(i) clarify, for purposes of subsection (h)(1)(A)(ii), the protection from harmful interference that, during the covered period, an entity with a covered authorization
that was approved in a processing round is required to provide to any other entity with a covered authorization that was approved in an earlier processing round; and

“(ii) seek to promote competition, innovation, and efficient use of spectrum by entities with covered authorizations, including by accounting for advancements in technology capable of managing interference concerns to the greatest extent possible consistent with clause (i); and

“(H) for any application or request for modification described in subsection (n), what constitutes reportable foreign ownership for purposes of paragraph (1) of such subsection.

“(2) CONFLICT WITH INTERAGENCY STANDARD PRACTICES.—In the rules issued pursuant to paragraph (1)(A), or any successor rule, the Commission may not establish performance objectives that conflict with any standard practice established in the Orbital Debris Mitigation Standard Practices adopted by the United States Government.

“(3) RULES OF CONSTRUCTION.—

“(A) SPACE SITUATIONAL AWARENESS SERVICES AND INFORMATION.—Nothing in this
subsection, including the rules issued pursuant
to paragraph (1)(A), shall be construed to
grant the Commission authority to carry out
the functions provided under section 2274 of
title 10, United States Code (relating to the
provision of space situational awareness services
and information), including any such functions
that may be transferred to a civilian agency
that are otherwise provided in law.

“(B) SPACE SAFETY AND ORBITAL DE-
bris.—Nothing in this subsection, including the
rules issued pursuant to paragraph (1)(A), shall
be construed to expand the authority of the
Commission to establish requirements for or
regulate space safety and orbital debris.

“(C) AUTHORITY OF COMMISSION UNDER
THIS ACT.—Nothing in subparagraph (A) or
(B) shall be construed to limit the authority of
the Commission with respect to space stations
licensed under this Act, as in effect on the day
before the date of the enactment of this section.

“(b) APPLICATION FOR LICENSE.—
“(1) NGSO DETERMINATION REQUIRED.—Ex-
cept as provided in paragraph (5) and subsection
(m), not later than 1 year after the date on which
the Commission issues a public notice of the accept-
ance for filing of a written application submitted to
the Commission, the Commission shall make a deter-
mination whether to grant such application (includ-
ing any amendment to such application) for a license
for covered radiocommunication services using—

“(A) a nongeostationary orbit space station
or space stations;

“(B) a blanket-licensed earth station or
earth stations that will operate with a nongeo-
stationary orbit space station or space stations;
or

“(C) a nongeostationary orbit space station
or space stations and the blanket-licensed earth
station or earth stations that will operate with
the nongeostationary orbit space station or
space stations.

“(2) GSO DETERMINATION REQUIRED.—Except
as provided in paragraph (5) and subsection (m),
not later than 1 year after the date on which the
Commission issues a public notice of the acceptance
for filing of a written application submitted to the
Commission, the Commission shall make a deter-
mination whether to grant such application (includ-
ing any amendment to such application) for a license for covered radiocommunication services using—

“(A) a geostationary orbit space station or space stations;

“(B) a blanket-licensed earth station or earth stations that will operate with a geo-stationary orbit space station or space stations; or

“(C) a geostationary orbit space station or space stations and the blanket-licensed earth station or earth stations that will operate with the geostationary orbit space station or space stations.

“(3) CONTENTS OF APPLICATION.—In addition to the application requirements described in section 308(b), an application submitted under paragraph (1) or (2) shall include the following:

“(A) Performance metrics with respect to the frequencies and transmission power to be used.

“(B) A demonstration of compliance by the applicant with the performance objectives established under subsection (a)(1)(A).
“(C) A description of compliance by the applicant with the actions established under subsection (a)(1)(E), if applicable.

“(D) In the case of an application submitted under paragraph (1), a demonstration of compliance by the applicant with the quantifiable level of protection established under subsection (a)(1)(F), if applicable.

“(4) TERM OF INITIAL LICENSE.—The Commission shall grant a license for a term not to exceed 15 years for any application granted under this subsection.

“(5) EXCEPTIONS.—The deadline for the determination required in paragraphs (1), (2), and (6) may be extended by the Commission for an application subject to review under subsection (n).

“(6) TIMELY GRANT OF CERTAIN APPLICATIONS.—

“(A) IN GENERAL.—Except as provided in paragraph (5) and subsection (m), not later than 60 days after the date on which the Commission issues a public notice of the acceptance for filing of a written application submitted to the Commission for a license described in paragraph (1) with respect to which the applicant
indicates in the application that the application meets the additional criteria described in subparagraph (B), the Commission shall—

“(i) determine whether such application (including any amendment to such application) meets the additional criteria described in subparagraph (B); and

“(ii) if the determination under clause (i) is affirmative, grant such application (including any amendment to such application).

“(B) CRITERIA DESCRIBED.—The additional criteria described in this subparagraph are as follows:

“(i) A limit on the number of space stations authorized by the license, as determined by the Commission.

“(ii) A limit on the total in-orbit lifetime for any individual space station, as determined by the Commission.

“(iii) For each space station, the following:

“(I) A limit on the orbital altitude at which the space station may
operate, as determined by the Commission.

“(II) A requirement that the space station has a maneuverability capability and the ability to make collision avoidance and deorbit maneuvers, as determined by the Commission.

“(III) A requirement that the space station is identifiable by a unique signal-based telemetry marker that meets requirements issued by the Commission.

“(IV) A requirement that the space station releases no operational debris.

“(V) A requirement that the space station can be commanded by command originating from the ground to immediately cease transmissions and the applicant has the capability to eliminate harmful interference when required by the Commission.

“(iv) A requirement that the operator has assessed and limited the probability of
an accidental explosion, including an explosion that results from the conversion of energy sources on board any space station into energy that fragments the space station.

“(v) A limit on the probability of a collision between each space station and any other large object, as determined by the Commission.

“(vi) A requirement that each space station is disposed of post-mission and the probability of human casualty from disposal meets requirements issued by the Commission.

“(C) CRITERIA NOT MET.—If the determination under subparagraph (A)(i) with respect to an application is negative, the Commission shall make a determination whether to grant such application (including any amendment to such application) under paragraph (1) by the deadline specified in such paragraph.

“(D) EVASION.—An application does not meet the additional criteria described in subparagraph (B) if the Commission determines that, taken together with any other application
or applications submitted by the applicant under subparagraph (A) (including an application that has been approved), such applications are submitted with the purpose of evading a negative determination with respect to such additional criteria.

“(E) RULE OF CONSTRUCTION.—For purposes of this section (other than this paragraph), any reference to an application submitted or granted or a license granted under paragraph (1) shall be construed to include an application submitted or granted or a license granted (as the case may be) under subparagraph (A).

“(F) IMPLEMENTATION.—

“(i) IN GENERAL.—Not later than 18 months after the date of the enactment of this section, the Commission shall—

“(I) issue rules to implement this paragraph; or

“(II) make the finding described in clause (ii).

“(ii) FINDING DESCRIBED.—If the Commission finds that the rules of the Commission, as of the date of the enact-
ment of this section, satisfy the requirements in this paragraph, the Commission shall issue a public notice stating such finding.

“(c) Application for Grant of Market Access.—

“(1) NGSO Determination Required.—

After the date on which the Commission issues a public notice of the acceptance for filing of a written application submitted to the Commission, the Commission shall make a determination whether to grant such application (including any amendment to such application) for market access within the United States for covered radiocommunication services using—

“(A) a nongeostationary orbit space station or space stations;

“(B) a blanket-licensed earth station or earth stations that will operate with a nongeostationary orbit space station or space stations; or

“(C) a nongeostationary orbit space station or space stations and the blanket-licensed earth station or earth stations that will operate with
the nongeostationary orbit space station or space stations.

“(2) GSO DETERMINATION REQUIRED.—After the date on which the Commission issues a public notice of the acceptance for filing of a written application submitted to the Commission, the Commission shall make a determination whether to grant such application (including any amendment to such application) for market access within the United States for covered radiocommunication services using a geostationary orbit space station or space stations.

“(3) CONTENTS OF APPLICATION.—In addition to the application requirements described in section 308(b), an application submitted under paragraph (1) or (2) shall include the following:

“(A) Performance metrics with respect to the frequencies and transmission power to be used.

“(B) A demonstration of compliance by the applicant with the performance objectives established under subsection (a)(1)(A).

“(C) A description of compliance by the applicant with the actions established under subsection (a)(1)(E), if applicable.
“(D) In the case of an application submitted under paragraph (1), a demonstration of compliance by the applicant with the quantifiable level of protection established under subsection (a)(1)(F), if applicable.

“(4) TERM OF INITIAL GRANT OF MARKET ACCESS.—The Commission shall grant a grant of market access for a term not to exceed 15 years for any application granted under this subsection.

“(d) EARTH STATION AUTHORIZATION.—

“(1) DETERMINATION REQUIRED FOR INDIVIDUALLY LICENSED EARTH STATIONS.—Except as provided in paragraph (4) and subsection (m), not later than 1 year after the date on which the Commission issues a public notice of the acceptance for filing of a written application submitted to the Commission, the Commission shall make a determination whether to grant such application (including any amendment to such application) for authorization to use an individually licensed earth station.

“(2) DETERMINATION REQUIRED FOR RECEIVE-ONLY EARTH STATIONS.—Except as provided in paragraph (4) and subsection (m), not later than 30 days after the date on which the Commission issues a public notice of the acceptance for filing of a writ-
ten application submitted to the Commission, the
Commission shall make a determination whether to
grant such application (including any amendment to
such application) for authorization to use an earth
station or earth stations to receive a signal from—

“(A) a nongeostationary orbit space station
or space stations operated under a license
granted under subsection (b)(1) or a grant of
market access granted under subsection (c)(1);
or

“(B) a geostationary orbit space station or
space stations operated under a license granted
under subsection (b)(2) or a grant of market
access granted under subsection (c)(2).

“(3) DEEMED GRANTED.—If the Commission
fails to grant or deny a written application (including
any amendment to such application) submitted
under paragraph (1) or (2) by the deadline for the
determination required by such paragraph (including
any extension of such deadline under paragraph (4)
or subsection (m)), the application (including any
amendment to such application) shall be deemed
granted on the date on which the Commission re-
ceives a written notice by the applicant of the fail-
ure.
“(4) Exception.—The deadline for the determination required by paragraph (1) or (2) may be extended by the Commission for an application subject to review under subsection (n).

“(5) Inapplicability to Blanket-Licensed Earth Stations.—This subsection does not apply with respect to an earth station or earth stations to the extent that the earth station or earth stations will be blanket-licensed with a space station or space stations as described in subsection (b)(1)(B), (b)(1)(C), (b)(2)(B), (b)(2)(C), (c)(1)(B), or (c)(1)(C).

“(e) Determination of Public Interest, Convenience, and Necessity.—The Commission may not make a determination to grant an application, renewal, or modification under subsection (b), (c), (d), (f), or (g) (as the case may be) unless—

“(1) except in the case of a modification under subsection (g)(2), the Commission determines that the license, grant, or authorization (as the case may be) serves the public interest, convenience, and necessity; and

“(2) the Commission determines that—

“(A) in the case of a licensee or grantee to which subsection (h)(4) applies—
“(i) in the case of an application, except in accordance with a coordination agreement, the licensee or grantee will not, during the term of the license or grant, exceed the quantifiable level of protection established in subsection (h)(4) in operating under the license or grant;

“(ii) in the case of a renewal, except in accordance with a coordination agreement, the licensee or grantee has not exceeded, during the preceding term of the license or grant, and will not exceed, during the term of the renewal of the license or grant, the quantifiable level of protection established in subsection (h)(4) in operating under the license or grant; and

“(iii) in the case of a modification, except in accordance with a coordination agreement, the licensee or grantee has not exceeded, during the portion of the term of the license or grant preceding the determination, and will not exceed, during the remainder of such term, the quantifiable level of protection established in subsection
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(h) (4) in operating under the license or
grant; and

“(B) in the case of a licensee or grantee
that is required to protect radio astronomy ob-
servatories by the International Telecommuni-
cation Union, the application, request for re-
newal, or request for modification demonstrates
that the licensee or grantee will provide such
protection in operating under the license or
grant.

“(f) RENEWAL OF LICENSE, GRANT OF MARKET AC-
CESS, OR AUTHORIZATION.—

“(1) IN GENERAL.—Except as provided in sec-
tion 309(k)(2), the Commission shall grant a re-
newal for a license granted under subsection (b), a
grant of market access granted under subsection (e),
or an authorization granted under subsection (d),
upon request by the licensee, grantee, or entity with
such authorization (as the case may be), for a term
not to exceed the length of the initial term beginning
the day after the date on which the preceding term
of the license, grant of market access, or authoriza-
tion expires, if the Commission determines the re-
quirements under subsection (e) and section 309(k)
have been met.
“(2) DEADLINE FOR DETERMINATION.—Except as provided in subsection (m), not later than 180 days after the date on which the Commission receives a request for renewal of a license granted under subsection (b), a grant of market access granted under subsection (c), or an authorization granted under subsection (d), the Commission shall—

“(A) grant such request (including any amendment to such request); or

“(B) make the determination described in section 309(k)(3) and deny such request (including any amendment to such request).

“(g) MODIFICATION OF LICENSE; GRANT OF MARKET ACCESS.—

“(1) MAJOR MODIFICATIONS.—Except as provided in paragraphs (2), (3), (5), and (6) and subsection (m), and not later than 1 year after the date on which the Commission receives a request to modify a license granted under subsection (b)(1), the Commission shall grant the request (including any amendment to such request) if the Commission determines the modification meets the requirements under subsection (e). Except as provided in paragraphs (2), (3), and (5), the Commission may grant

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a request (including any amendment to such request) to modify a license granted under subsection (b)(2) or a grant of market access granted under subsection (c) if the Commission determines the modification meets the requirements under subsection (e).

“(2) EXPEDITED TREATMENT FOR MINOR MODIFICATIONS.—

“(A) NGSO LICENSE MODIFICATIONS.—

Except as provided in paragraphs (3), (5), and (6) and subsection (m), and not later than 90 days after the date on which the Commission receives a request to modify a license granted under subsection (b)(1), the Commission shall grant the request (including any amendment to such request) if—

“(i) the Commission determines that the modification or modifications meet the requirements (if applicable) under subparagraphs (A) and (B) of subsection (e)(2); and

“(ii) the request is limited only to modifications, or a class of modifications, that—
“(I) increase transmission capacity;

“(II) improve spectral efficiency, such as by improving compression technologies; or

“(III) otherwise do not substantially modify the space station (or space stations, considered collectively, if there is more than one such space station) authorized by the license.

“(B) GSO LICENSE MODIFICATIONS.—Except as provided in paragraphs (3), (5), and (6) and subsection (m), and not later than 90 days after the date on which the Commission receives a request to modify a license granted under subsection (b)(2), the Commission shall grant the request (including any amendment to such request) if—

“(i) the Commission determines that the modification or modifications meet the requirements (if applicable) under subsection (e)(2)(B); and

“(ii) the request is limited only to modifications, or a class of modifications, that—
“(I) increase transmission capacity;

“(II) improve spectral efficiency, such as by improving compression technologies; or

“(III) otherwise do not substantially modify the space station (or space stations, considered collectively, if there is more than one such space station) authorized by the license.

“(C) DEEMED GRANTED.—If the Commission fails to grant a request (including any amendment to such request) made by a licensee under subparagraph (A) or (B) by the deadline specified in such subparagraph (including any extension of such deadline under paragraph (6) or subsection (m)), the request (including any amendment to such request) shall be deemed granted on the date on which the Commission receives a written notice by the licensee of the failure.

“(3) EMERGENCY GRANT, RENEWAL, OR MODIFICATION.—If the Commission finds that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in the
institution of such temporary operations would seri-
ously prejudice the public interest, the Commis-

“(A) may grant a license described in sub-
section (b), a grant of market access described
in subsection (c), or an authorization described
in subsection (d), a modification of such a li-
cense, grant of market access, or authorization,
or renewal of such a license, grant of market
access, or authorization for a period not to ex-
ceed 180 days in a manner and upon the terms
the Commission shall by rule prescribe in the
case of an emergency found by the Commission
involving—

“(i) danger to life or property; or

“(ii) an action that is necessary for
the national defense or security of the
United States;

“(B) shall include with a grant made
under this paragraph a statement of the rea-
sons of the Commission for making such grant;

“(C) may extend a grant made under this
paragraph for periods not to exceed 180 days; and
“(D) shall give expeditious treatment to any timely filed petition to deny such application and to any petition for rehearing of such grant filed under section 405.

“(4) EXCLUSION.—Paragraph (2) shall not apply to a request to modify a license for—

“(A) the addition of an ancillary terrestrial component; or

“(B) modifying the service offered under the initial license granted under subsection (b) between fixed satellite service and mobile satellite service.

“(5) AUTOMATIC GRANT OF CERTAIN MODIFICATIONS.—Upon notification to the Commission, the Commission may automatically grant a request to modify a license granted under subsection (b), a grant of market access granted under subsection (c), an authorization granted under subsection (d), or a covered authorization, to replace—

“(A) one space station (or component of such space station) with a technically similar space station (or component of such space station) previously approved by the Commission; or

“(B) one earth station (or component of such earth station) with a technically similar
earth station (or component of such earth station) previously approved by the Commission.

“(6) EXCEPTIONS.—The deadlines under paragraphs (1) and (2) may be extended by the Commission for a request subject to review under subsection (n).

“(h) SHARED SPECTRUM; PROTECTION FROM HARMFUL INTERFERENCE.—

“(1) GRANDFATHERED TREATMENT AND SUNSET OF CERTAIN AUTHORIZATIONS.—

“(A) IN GENERAL.—For the duration of the covered period—

“(i) a covered authorization shall not be treated as being granted under subsection (b)(1) or subsection (c)(1) (as the case may be); and

“(ii) an entity with a covered authorization shall be afforded, and shall afford to any other entity with a covered authorization, protection from harmful interference that is consistent with the terms of such protection afforded before the date of the enactment of this section.

“(B) TREATMENT OF CERTAIN APPLICATIONS.—The Commission shall dismiss without
prejudice any application for a license or grant of market access to operate a system described in subparagraph (A), (B), or (C) of subsection (b)(1) or subparagraph (A), (B), or (C) of subsection (c)(1) that is submitted to the Commission after the date of the enactment of this section and before the date on which the rules issued pursuant to subsection (a) take effect.

“(2) TRANSITIONAL RULES.—

“(A) RENEWAL UNDER THIS SECTION.—

An entity with a covered authorization may, at any time before the end of the covered period, seek renewal of the covered authorization under subsection (f) as if the covered authorization were a license granted under subsection (b)(1) or a grant of market access granted under subsection (c)(1) (as the case may be). If the Commission grants the renewal, the renewal shall be treated as a renewal of a license granted under subsection (b)(1) or a grant of market access granted under subsection (c)(1) (as the case may be).

“(B) MODIFICATION.—

“(i) INDICATION OF TYPE OF MODIFICATION SOUGHT.—If an entity with a
covered authorization submits to the Commission a request to modify the covered authorization, the entity shall indicate in the request whether the entity is seeking—

“(I) a modification of the covered authorization under the law and regulations applicable to the covered authorization; or

“(II) a modification of the covered authorization under subsection (g) as if the covered authorization were a license granted under subsection (b)(1) or a grant of market access granted under subsection (c)(1) (as the case may be).

“(ii) TREATMENT.—If the Commission grants a request to modify a covered authorization—

“(I) in the case of a request for a modification described in clause (i)(I), the covered authorization as modified shall continue to be treated as described in paragraph (1)(A)(i) and the entity with the covered authorization shall, with respect to the
covered authorization, continue to be afforded, and to afford to any other entity with a covered authorization, the protection described in paragraph (1)(A)(ii); and

“(II) in the case of a request for a modification described in clause (i)(II), the covered authorization as modified shall be treated as a license granted under subsection (b)(1) or a grant of market access granted under subsection (c)(1) (as the case may be) with respect to which a request to modify has been granted under subsection (g).

“(3) GOOD FAITH COORDINATION OF SHARED SPECTRUM.—Not later than the date on which the rules issued pursuant to subsection (a) take effect—

“(A) a licensee of a license granted under subsection (b), a grantee of a grant of market access granted under subsection (c), or an entity with a covered authorization, in a spectrum band with service rules that require such a licensee, grantee, or entity with a covered authorization to share spectrum with another such li-
icensee, grantee, or entity with a covered author-
ization that is authorized to use the same fre-
quencies of such spectrum, shall make a good
faith effort to coordinate the use of such fre-
quencies (including the use of such frequencies
by an individually licensed earth station) with
any other such licensee, grantee, or entity with
a covered authorization and any other entity
that is authorized to use such frequencies; and

“(B) any other entity that is authorized to
use such frequencies shall make a good faith ef-
fort to coordinate the use of such frequencies
with any such licensee, grantee, or entity with
a covered authorization.

“(4) Protection from Harmful Inter-
ference.—

“(A) In General.—Not later than the
date on which the rules issued pursuant to sub-
section (a) take effect, for any spectrum band
in which the Commission grants a license under
subsection (b)(1) or a grant of market access
under subsection (c)(1) and for which the serv-
ice rules require such a licensee or grantee or
an entity with a covered authorization to share
spectrum (except with respect to the use of a
gateway station) with another such licensee, grantee, or entity with a covered authorization that is authorized to use the same frequencies of such spectrum, the Commission shall establish a quantifiable level of protection that (except with respect to the use of a gateway station) such a licensee or grantee shall afford to any other entity (including an entity with a covered authorization but not including a licensee of a license granted under subsection (b)(2) or a grantee of a grant of market access granted under subsection (c)(2)) that is authorized to use such frequencies.

“(B) EXCEPTIONS.—Subparagraph (A) shall not apply with respect to—

“(i) the spectrum between the frequencies of 1617.775 megahertz and 1618.725 megahertz, inclusive; or

“(ii) any spectrum band allocated for the earth exploration satellite service.

“(5) CONSIDERATION REQUIRED.—When establishing the quantifiable level of protection described in paragraph (4), the Commission shall, with respect to the entities to which the quantifiable level of pro-
tection is required under such paragraph to be afforded—

“(A) consider protection of such entities based on a degraded throughput methodology, requiring that, except in accordance with a coordination agreement, a licensee of a license granted under subsection (b)(1) or a grantee of a grant of market access granted under subsection (c)(1) may cause no more than a certain percentage increase in the link unavailability of such an entity and may reduce the throughput of such an entity by no more than a certain percentage;

“(B) consider protection of such entities from interference beyond a permissible interference-to-noise ratio, or whether interference-to-noise alone provides a sufficient level of protection; and

“(C) consider protection of such entities from harmful interference by awarding a greater share of spectrum during in-line events to earlier-filed systems.

“(6) RELATION TO ITU RADIO REGULATIONS.—Nothing in this subsection shall be construed to require the Commission to adopt rules regarding the
use of spectrum that contravene a requirement of
the radio regulations of the International Tele-
communication Union.

“(7) RULE OF CONSTRUCTION.—An entity with
a covered authorization shall not be required to sub-
mit additional information in order to retain such
authorization, nor shall paragraph (1)(A) affect any
obligation of such entity under applicable law or reg-
ulation until the end of the covered period.

“(i) STATE PREEMPTION OF MARKET ENTR Y;
RATES.—Notwithstanding any other provision of law, no
State or local government shall have any authority to reg-
ulate the entry of or the rates charged by an applicant
or licensee related to a license granted under subsection
(b), an applicant or grantee related to a grant of market
access granted under subsection (c), or an applicant or
entity related to an authorization granted under sub-
section (d), except that this subsection shall not prohibit
a State from regulating the other terms and conditions
of such a licensee, grantee, or entity.

“(j) REGULATORY RESTRAINT.—
“(1) LIMITATION ON INFORMATION REQUIRED
tO BE PROVIDED.—In performing any act, making
any rule or regulation, or issuing any order nec-
essary to carry out this section, the Commission—
“(A) shall limit the information required to be furnished to the Commission;

“(B) shall demonstrate the Commission has taken every reasonable step to limit the information required to be furnished to the Commission;

“(C) may not require, with respect to an application under subsection (b), (c), or (d), a request for renewal under subsection (f), or a request for modification under subsection (g), the filing of any information which previously has been furnished to the Commission or which is not directly material to the considerations that affect the granting or denial of such application or request (but the Commission may require any new or additional facts the Commission deems necessary to make its findings); and

“(D) may not request additional information regarding the performance objectives established under subsection (a)(1)(A) for any case in which an applicant has demonstrated compliance with such performance objectives.

“(2) Deadline for petition determination.—If an applicant for a license or a licensee under subsection (b) files a petition under part 1 of
title 47, Code of Federal Regulations (or any successor regulation) relating to information required to be furnished to the Commission under this section, the Commission shall grant or deny the petition within 90 days after the date on which the petition is filed.

“(k) RELATION TO EXPERIMENTAL AND AMATEUR USES.—This section shall not apply to any Commission authorization in—

“(1) the experimental radio service; or

“(2) the amateur radio service.

“(l) COMPLETENESS.—

“(1) IN GENERAL.—Not later than 20 business days after receiving a written application submitted under subsection (b), (c), or (d), the Commission shall—

“(A) determine whether—

“(i) such application contains—

“(I) in the case of an application submitted under subsection (b), all of the information required to be submitted with the application under subsection (b)(3) and the first sentence of section 308(b);
“(II) in the case of an application submitted under subsection (e), all of the information required to be submitted with the application under subsection (e)(3) and the first sentence of section 308(b); or

“(III) in the case of an application submitted under subsection (d), all of the information required to be submitted with the application under the first sentence of section 308(b); and

“(ii) the applicant has paid the fee (if any) required under section 8 in connection with the application; and

“(B) either—

“(i) if both determinations under subparagraph (A) are in the affirmative, issue a public notice of the acceptance for filing of such application; or

“(ii) if either determination under subparagraph (A) is in the negative, provide notice to the applicant of the negative determination, including what information that was required to be submitted was not
submitted or the amount of the application
fee due, or both (as the case may be).

“(2) INACTION BY COMMISSION.—If the Com-
mission does not comply with paragraph (1) with re-
spect to an application by the deadline specified in
such paragraph, the Commission shall be deemed for
purposes of subsection (b), (c), or (d) (as the case
may be) to have issued a public notice of the accept-
ance for filing of such application on the date that
is 21 business days after the date on which such ap-
lication was received.

“(3) LIMITATION.—In making a determination
under paragraph (1)(A)(i), the Commission may
only consider whether the application contains the
information described in subclause (I), (II), or (III)
(as the case may be) of such paragraph and may not
consider whether the information is sufficient to
allow the Commission to grant or deny the applica-
tion.

“(m) TOLLING.—

“(1) IN GENERAL.—Except as provided in sub-
sections (b)(5), (d)(4), and (g)(6), with respect to an
application for a license under subsection (b) or an
authorization under subsection (d), or a request for
renewal under subsection (f) or modification under
subsection (g) of a license granted under subsection (b), a grant of market access granted under subsection (c), or an authorization granted under subsection (d), the Commission may extend the deadline under subsection (b), (d), (f), or (g) (as the case may be) for consideration of the application or request only if the Commission—

“(A) finds that there are extraordinary circumstances requiring additional time for consideration of the application or request such that, if the deadline were not extended, the public interest would be seriously prejudiced; and

“(B) issues a public notice of the finding described in subparagraph (A) that states—

“(i) the reasons of the Commission for the extension; and

“(ii) the length of the period of the extension.

“(2) LENGTH.—The Commission may not grant an extension of a deadline under paragraph (1) for a period that exceeds 90 days but may grant 1 or more additional extensions of such deadline under such paragraph, if the Commission makes the finding and issues the public notice required by such
paragraph with respect to any such additional extension.

“(n) Review for National Security and Law Enforcement Concerns.—

“(1) Review required for entities with reportable foreign ownership.—In the case of an application under subsection (b), (c), or (d), a request for modification under subsection (g), or a request for modification of a covered authorization that is submitted by an entity that the Commission determines to have reportable foreign ownership, the Commission shall refer such application or request to the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector established by Executive Order No. 13913 (85 Fed. Reg. 19643) (in this subsection referred to as the ‘Committee’) for review of national security and law enforcement concerns that may be raised by such application or request.

“(2) Review at discretion of Commission.—In addition to the applications and requests that the Commission is required to refer to the Committee under paragraph (1), the Commission may, in the discretion of the Commission, refer any other application under subsection (b), (c), or (d), request
for modification under subsection (g), or request for
modification of a covered authorization to the Com-
mittee for review of national security and law en-
forcement concerns that may be raised by such ap-
plication or request.

“(o) DEFINITIONS.—In this section:

“(1) COVERED APPLICATION.—The term ‘cov-
ered application’ means an application for a license
or grant of market access to operate a system de-
scribed in subparagraph (A), (B), or (C) of sub-
section (b)(1) or subparagraph (A), (B), or (C) of
subsection (c)(1) that is pending on the date of the
enactment of this section.

“(2) COVERED AUTHORIZATION.—The term
‘covered authorization’ means—

“(A) a license or grant of market access
granted by the Commission to operate a system
described in subparagraph (A), (B), or (C) of
subsection (b)(1) or subparagraph (A), (B), or
(C) of subsection (c)(1) that is in effect on the
date of the enactment of this section; or

“(B) a license or grant of market access
granted by Commission approval of a covered
application.
“(3) COVERED PERIOD.—The term ‘covered period’ means, with respect to a covered authorization, the period of time that begins on the date of the enactment of this section and ends on the earliest of—

“(A) the date that is 11 years after such date of enactment;

“(B) the date on which the Commission determines that the licensee or grantee (as the case may be) has not either—

“(i) deployed a level of service commensurate with the terms of the license or grant of market access; or

“(ii) otherwise demonstrated progress and investment consistent with the deployment obligations under the license or grant of market access;

“(C) the date on which the Commission grants a request to renew the covered authorization; or

“(D) the date on which the Commission grants a request for a modification of the covered authorization described in subsection (h)(2)(B)(i)(II).

“(4) COVERED RADIOCOMMUNICATION SERVICE.—The term ‘covered radiocommunication service—
ice’ means a radiocommunication service (as defined in the radio regulations of the International Telecommunication Union that are in force as of the date of the enactment of this section (or any successor to such regulations)), except that such term does not include any radionavigation or safety service specifically identified by the Commission as a safety service for aeronautical or maritime transportation.

“(5) GATEWAY STATION.—The term ‘gateway station’ means an earth station or a group of earth stations that—

“(A) supports the routing and switching functions of a system operated under a license granted under subsection (b) or a grant of market access granted under subsection (e);

“(B) may also be used for telemetry, tracking, and command transmissions;

“(C) does not originate or terminate communication traffic; and

“(D) is not for the exclusive use of any customer.

“(6) INDIVIDUALLY LICENSED EARTH STATION.—The term ‘individually licensed earth station’ means—
“(A) an earth station (other than a blanket-licensed earth station) that sends a signal to, and receives a signal from—

“(i) a nongeostationary orbit space station or space stations operated under a license granted under subsection (b)(1) or a grant of market access granted under subsection (c)(1); or

“(ii) a geostationary orbit space station or space stations operated under a license granted under subsection (b)(2) or a grant of market access granted under subsection (e)(2); or

“(B) a gateway station.”.

(b) RELATION TO OTHER LAW AMENDMENTS.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(1) in section 309(j)(2)—

(A) in subparagraph (B), by striking “; or” and inserting a semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:
“(C) for licenses, grants of market access, 
or authorizations granted under section 346; 
or”; and 
(2) in section 309(k)— 
(A) in the heading, by striking “BROADCAST STATION RENEWAL PROCEDURES” and 
inserting “RENEWAL PROCEDURES FOR CERTAIN AUTHORIZATIONS”;
(B) in paragraph (1)— 
(i) in the matter preceding subpara-
graph (A)—
(I) by inserting “, the licensee of 
a license granted under section 
346(b), the grantee of a grant of mar-
et access granted under section 
346(c), or an entity with authoriza-
tion granted under section 346(d),” 
after “broadcast station”;
(II) by inserting “, grant, or au-
thorization” after “such license”; 
(III) by striking “that station” 
and inserting “that licensee, grantee, 
or entity”; and
(IV) by inserting “, grant of market access, or authorization” after “its license”;

(ii) in subparagraph (A), by striking “the station” and inserting “in the case of a broadcast station, the station”;

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(iv) by inserting after subparagraph (A) the following:

“(B) in the case of a licensee of a license granted under section 346(b), a grantee of a grant of market access granted under section 346(c), or an entity with authorization granted under section 346(d), the licensee, grantee, or entity has met the requirements of section 346(e);”;

(v) in subparagraph (C), as so redesignated, by inserting “, grantee, or entity” after “licensee”; and

(vi) in subparagraph (D), as so redesignated, by inserting “, grantee, or entity” after “licensee”;
(C) in paragraph (2), by inserting ‘‘, or the
licensee of a license granted under section
346(b), the grantee of a grant of market access
granted under section 346(c), or an entity with
authorization granted under section 346(d),’’
after ‘‘broadcast station’’;

(D) in paragraph (3)—

(i) in the matter preceding subpara-
graph (A), by inserting ‘‘of a broadcast
station, a licensee of a license granted
under section 346(b), a grantee of a grant
of market access granted under section
346(c), or an entity with authorization
granted under section 346(d)’’ after ‘‘that
a licensee’’;

(ii) in subparagraph (A)—

(I) by inserting ‘‘, grantee, or en-
tity’’ after ‘‘licensee’’; and

(II) by inserting ‘‘or 346’’ after
‘‘section 308’’; and

(iii) in subparagraph (B), by striking
‘‘former licensee’’ and inserting ‘‘former li-
censee of a broadcast station or such appli-
cations for a license, grant of market ac-
cess, or authorization as may be filed
under section 346(b), 346(c), or 346(d)

specifying the information of the former li-
censee, grantee, or entity”; and

(E) in paragraph (4), by inserting “, grant
of market access, or authorization” after “li-
cense”.

(c) APPLICABILITY.—The requirements in the
amendments made by this section apply with respect to
any application submitted under subsection (b), (c), or (d)
of section 346 of the Communications Act of 1934 and
any request for renewal or modification submitted under
such section, as added by subsection (a), on or after the
date of the enactment of this Act.