

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 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 “Satellite And Tele-
5 communications Streamlining Act” or the “SAT Stream-
6 lining Act”.

1 **SEC. 2. AUTHORITY REGARDING CERTAIN LICENSES.**

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

5 **“SEC. 346. RADIOFREQUENCY LICENSING AUTHORITY RE-**
6 **GARDING CERTAIN OPERATIONS.**

7 “(a) RULES.—

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

12 “(A) for any license granted under sub-
13 section (b) or grant of market access granted
14 under subsection (c), specific, measurable, and
15 technology-neutral performance objectives for
16 space safety and orbital debris, in accordance
17 with paragraph (2);

18 “(B) for any license granted under para-
19 graph (1) or (2) of subsection (b), specific
20 modifications (or classes of modifications) to
21 such a license that warrant expedited treatment
22 under subparagraph (A) or (B) (as the case
23 may be) of subsection (g)(2);

24 “(C) for any license granted under sub-
25 section (b), grant of market access granted
26 under subsection (c), authorization granted

1 under subsection (d), or covered authorization,
2 the manner in which the licensee, grantee, or
3 entity shall notify the Commission of a request
4 to submit a modification under subsection
5 (g)(5);

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

13 “(E) for any license granted under sub-
14 section (b), grant of market access granted
15 under subsection (c), or covered authorization,
16 in a spectrum band with service rules that re-
17 quire a licensee of such a license, a grantee of
18 such a grant, or an entity with such a covered
19 authorization to share spectrum with another
20 such licensee, grantee, or entity with a covered
21 authorization that is authorized to use the same
22 frequencies of such spectrum, specific actions
23 taken by such a licensee, grantee, or entity with
24 a covered authorization, or by any other entity
25 that is authorized to use such frequencies, that

1 constitute a failure to coordinate in good faith,
2 including whether withholding from another
3 such licensee, grantee, entity with a covered au-
4 thorization, or other entity information nec-
5 essary to coordinate in good faith that it is
6 technically feasible to make available to such li-
7 censee, grantee, entity with a covered authoriza-
8 tion, or other entity is such an action;

9 “(F) for any license granted under sub-
10 section (b)(1) or grant of market access grant-
11 ed under subsection (c)(1), in a spectrum band
12 with service rules that require a licensee of such
13 a license, a grantee of such a grant, or an enti-
14 ty with a covered authorization to share spec-
15 trum (except with respect to the use of a gate-
16 way station) with another such licensee, grant-
17 ee, or entity with a covered authorization that
18 is authorized to use the same frequencies of
19 such spectrum, a quantifiable level of protection
20 required under subsection (h)(4);

21 “(G) rules that—

22 “(i) clarify, for purposes of subsection
23 (h)(1)(A)(ii), the protection from harmful
24 interference that, during the covered pe-
25 riod, an entity with a covered authorization

1 that was approved in a processing round is
2 required to provide to any other entity with
3 a covered authorization that was approved
4 in an earlier processing round; and

5 “(ii) seek to promote competition, in-
6 novation, and efficient use of spectrum by
7 entities with covered authorizations, in-
8 cluding by accounting for advancements in
9 technology capable of managing inter-
10 ference concerns to the greatest extent pos-
11 sible consistent with clause (i); and

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

16 “(2) CONFLICT WITH INTERAGENCY STANDARD
17 PRACTICES.—In the rules issued pursuant to para-
18 graph (1)(A), or any successor rule, the Commission
19 may not establish performance objectives that con-
20 flict with any standard practice established in the
21 Orbital Debris Mitigation Standard Practices adopt-
22 ed by the United States Government.

23 “(3) RULES OF CONSTRUCTION.—

24 “(A) SPACE SITUATIONAL AWARENESS
25 SERVICES AND INFORMATION.—Nothing in this

1 subsection, including the rules issued pursuant
2 to paragraph (1)(A), shall be construed to
3 grant the Commission authority to carry out
4 the functions provided under section 2274 of
5 title 10, United States Code (relating to the
6 provision of space situational awareness services
7 and information), including any such functions
8 that may be transferred to a civilian agency
9 that are otherwise provided in law.

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

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

22 “(b) APPLICATION FOR LICENSE.—

23 “(1) NGSO DETERMINATION REQUIRED.—Ex-
24 cept as provided in paragraph (5) and subsection
25 (m), not later than 1 year after the date on which

1 the Commission issues a public notice of the accept-
2 ance for filing of a written application submitted to
3 the Commission, the Commission shall make a deter-
4 mination whether to grant such application (includ-
5 ing any amendment to such application) for a license
6 for covered radiocommunication services using—

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

9 “(B) a blanket-licensed earth station or
10 earth stations that will operate with a nongeostationary orbit space station or space stations;
11
12 or

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

18 “(2) GSO DETERMINATION REQUIRED.—Except
19 as provided in paragraph (5) and subsection (m),
20 not later than 1 year after the date on which the
21 Commission issues a public notice of the acceptance
22 for filing of a written application submitted to the
23 Commission, the Commission shall make a deter-
24 mination whether to grant such application (includ-

1 ing any amendment to such application) for a license
2 for covered radiocommunication services using—

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

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

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

14 “(3) CONTENTS OF APPLICATION.—In addition
15 to the application requirements described in section
16 308(b), an application submitted under paragraph
17 (1) or (2) shall include the following:

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

21 “(B) A demonstration of compliance by the
22 applicant with the performance objectives estab-
23 lished under subsection (a)(1)(A).

1 “(C) A description of compliance by the
2 applicant with the actions established under
3 subsection (a)(1)(E), if applicable.

4 “(D) In the case of an application sub-
5 mitted under paragraph (1), a demonstration of
6 compliance by the applicant with the quantifi-
7 able level of protection established under sub-
8 section (a)(1)(F), if applicable.

9 “(4) TERM OF INITIAL LICENSE.—The Com-
10 mission shall grant a license for a term not to exceed
11 15 years for any application granted under this sub-
12 section.

13 “(5) EXCEPTIONS.—The deadline for the deter-
14 mination required in paragraphs (1), (2), and (6)
15 may be extended by the Commission for an applica-
16 tion subject to review under subsection (n).

17 “(6) TIMELY GRANT OF CERTAIN APPLICA-
18 TIONS.—

19 “(A) IN GENERAL.—Except as provided in
20 paragraph (5) and subsection (m), not later
21 than 60 days after the date on which the Com-
22 mission issues a public notice of the acceptance
23 for filing of a written application submitted to
24 the Commission for a license described in para-
25 graph (1) with respect to which the applicant

1 indicates in the application that the application
2 meets the additional criteria described in sub-
3 paragraph (B), the Commission shall—

4 “(i) determine whether such applica-
5 tion (including any amendment to such ap-
6 plication) meets the additional criteria de-
7 scribed in subparagraph (B); and

8 “(ii) if the determination under clause
9 (i) is affirmative, grant such application
10 (including any amendment to such applica-
11 tion).

12 “(B) CRITERIA DESCRIBED.—The addi-
13 tional criteria described in this subparagraph
14 are as follows:

15 “(i) A limit on the number of space
16 stations authorized by the license, as deter-
17 mined by the Commission.

18 “(ii) A limit on the total in-orbit life-
19 time for any individual space station, as
20 determined by the Commission.

21 “(iii) For each space station, the fol-
22 lowing:

23 “(I) A limit on the orbital alti-
24 tude at which the space station may

1 operate, as determined by the Com-
2 mission.

3 “(II) A requirement that the
4 space station has a maneuverability
5 capability and the ability to make col-
6 lision avoidance and deorbit maneu-
7 vers, as determined by the Commis-
8 sion.

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

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

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

24 “(iv) A requirement that the operator
25 has assessed and limited the probability of

1 an accidental explosion, including an explo-
2 sion that results from the conversion of en-
3 ergy sources on board any space station
4 into energy that fragments the space sta-
5 tion.

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

10 “(vi) A requirement that each space
11 station is disposed of post-mission and the
12 probability of human casualty from dis-
13 posal meets requirements issued by the
14 Commission.

15 “(C) CRITERIA NOT MET.—If the deter-
16 mination under subparagraph (A)(i) with re-
17 spect to an application is negative, the Commis-
18 sion shall make a determination whether to
19 grant such application (including any amend-
20 ment to such application) under paragraph (1)
21 by the deadline specified in such paragraph.

22 “(D) EVASION.—An application does not
23 meet the additional criteria described in sub-
24 paragraph (B) if the Commission determines
25 that, taken together with any other application

1 or applications submitted by the applicant
2 under subparagraph (A) (including an applica-
3 tion that has been approved), such applications
4 are submitted with the purpose of evading a
5 negative determination with respect to such ad-
6 ditional criteria.

7 “(E) RULE OF CONSTRUCTION.—For pur-
8 poses of this section (other than this para-
9 graph), any reference to an application sub-
10 mitted or granted or a license granted under
11 paragraph (1) shall be construed to include an
12 application submitted or granted or a license
13 granted (as the case may be) under subpara-
14 graph (A).

15 “(F) IMPLEMENTATION.—

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

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

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

23 “(ii) FINDING DESCRIBED.—If the
24 Commission finds that the rules of the
25 Commission, as of the date of the enact-

1 ment of this section, satisfy the require-
2 ments in this paragraph, the Commission
3 shall issue a public notice stating such
4 finding.

5 “(c) APPLICATION FOR GRANT OF MARKET AC-
6 CESS.—

7 “(1) NGSO DETERMINATION REQUIRED.—
8 After the date on which the Commission issues a
9 public notice of the acceptance for filing of a written
10 application submitted to the Commission, the Com-
11 mission shall make a determination whether to grant
12 such application (including any amendment to such
13 application) for market access within the United
14 States for covered radiocommunication services
15 using—

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

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

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

1 the nongeostationary orbit space station or
2 space stations.

3 “(2) GSO DETERMINATION REQUIRED.—After
4 the date on which the Commission issues a public
5 notice of the acceptance for filing of a written appli-
6 cation submitted to the Commission, the Commis-
7 sion shall make a determination whether to grant
8 such application (including any amendment to such
9 application) for market access within the United
10 States for covered radiocommunication services
11 using a geostationary orbit space station or space
12 stations.

13 “(3) CONTENTS OF APPLICATION.—In addition
14 to the application requirements described in section
15 308(b), an application submitted under paragraph
16 (1) or (2) shall include the following:

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

20 “(B) A demonstration of compliance by the
21 applicant with the performance objectives estab-
22 lished under subsection (a)(1)(A).

23 “(C) A description of compliance by the
24 applicant with the actions established under
25 subsection (a)(1)(E), if applicable.

1 “(D) In the case of an application sub-
2 mitted under paragraph (1), a demonstration of
3 compliance by the applicant with the quantifi-
4 able level of protection established under sub-
5 section (a)(1)(F), if applicable.

6 “(4) TERM OF INITIAL GRANT OF MARKET AC-
7 CESS.—The Commission shall grant a grant of mar-
8 ket access for a term not to exceed 15 years for any
9 application granted under this subsection.

10 “(d) EARTH STATION AUTHORIZATION.—

11 “(1) DETERMINATION REQUIRED FOR INDIVID-
12 UALLY LICENSED EARTH STATIONS.—Except as pro-
13 vided in paragraph (4) and subsection (m), not later
14 than 1 year after the date on which the Commission
15 issues a public notice of the acceptance for filing of
16 a written application submitted to the Commission,
17 the Commission shall make a determination whether
18 to grant such application (including any amendment
19 to such application) for authorization to use an indi-
20 vidually licensed earth station.

21 “(2) DETERMINATION REQUIRED FOR RECEIVE-
22 ONLY EARTH STATIONS.—Except as provided in
23 paragraph (4) and subsection (m), not later than 30
24 days after the date on which the Commission issues
25 a public notice of the acceptance for filing of a writ-

1 ten application submitted to the Commission, the
2 Commission shall make a determination whether to
3 grant such application (including any amendment to
4 such application) for authorization to use an earth
5 station or earth stations to receive a signal from—

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

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

15 “(3) DEEMED GRANTED.—If the Commission
16 fails to grant or deny a written application (includ-
17 ing any amendment to such application) submitted
18 under paragraph (1) or (2) by the deadline for the
19 determination required by such paragraph (including
20 any extension of such deadline under paragraph (4)
21 or subsection (m)), the application (including any
22 amendment to such application) shall be deemed
23 granted on the date on which the Commission re-
24 ceives a written notice by the applicant of the fail-
25 ure.

1 “(4) EXCEPTION.—The deadline for the deter-
2 mination required by paragraph (1) or (2) may be
3 extended by the Commission for an application sub-
4 ject to review under subsection (n).

5 “(5) INAPPLICABILITY TO BLANKET-LICENSED
6 EARTH STATIONS.—This subsection does not apply
7 with respect to an earth station or earth stations to
8 the extent that the earth station or earth stations
9 will be blanket-licensed with a space station or space
10 stations as described in subsection (b)(1)(B),
11 (b)(1)(C), (b)(2)(B), (b)(2)(C), (c)(1)(B), or
12 (c)(1)(C).

13 “(e) DETERMINATION OF PUBLIC INTEREST, CON-
14 VENIENCE, AND NECESSITY.—The Commission may not
15 make a determination to grant an application, renewal, or
16 modification under subsection (b), (c), (d), (f), or (g) (as
17 the case may be) unless—

18 “(1) except in the case of a modification under
19 subsection (g)(2), the Commission determines that
20 the license, grant, or authorization (as the case may
21 be) serves the public interest, convenience, and ne-
22 cessity; and

23 “(2) the Commission determines that—

24 “(A) in the case of a licensee or grantee to
25 which subsection (h)(4) applies—

1 “(i) in the case of an application, ex-
2 cept in accordance with a coordination
3 agreement, the licensee or grantee will not,
4 during the term of the license or grant, ex-
5 ceed the quantifiable level of protection es-
6 tablished in subsection (h)(4) in operating
7 under the license or grant;

8 “(ii) in the case of a renewal, except
9 in accordance with a coordination agree-
10 ment, the licensee or grantee has not ex-
11 ceeded, during the preceding term of the li-
12 cense or grant, and will not exceed, during
13 the term of the renewal of the license or
14 grant, the quantifiable level of protection
15 established in subsection (h)(4) in oper-
16 ating under the license or grant; and

17 “(iii) in the case of a modification, ex-
18 cept in accordance with a coordination
19 agreement, the licensee or grantee has not
20 exceeded, during the portion of the term of
21 the license or grant preceding the deter-
22 mination, and will not exceed, during the
23 remainder of such term, the quantifiable
24 level of protection established in subsection

1 (h)(4) in operating under the license or
2 grant; and

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

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

13 “(1) IN GENERAL.—Except as provided in sec-
14 tion 309(k)(2), the Commission shall grant a re-
15 newal for a license granted under subsection (b), a
16 grant of market access granted under subsection (c),
17 or an authorization granted under subsection (d),
18 upon request by the licensee, grantee, or entity with
19 such authorization (as the case may be), for a term
20 not to exceed the length of the initial term beginning
21 the day after the date on which the preceding term
22 of the license, grant of market access, or authoriza-
23 tion expires, if the Commission determines the re-
24 quirements under subsection (e) and section 309(k)
25 have been met.

1 “(2) DEADLINE FOR DETERMINATION.—Except
2 as provided in subsection (m), not later than 180
3 days after the date on which the Commission re-
4 ceives a request for renewal of a license granted
5 under subsection (b), a grant of market access
6 granted under subsection (c), or an authorization
7 granted under subsection (d), the Commission
8 shall—

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

11 “(B) make the determination described in
12 section 309(k)(3) and deny such request (in-
13 cluding any amendment to such request).

14 “(g) MODIFICATION OF LICENSE; GRANT OF MAR-
15 KET ACCESS.—

16 “(1) MAJOR MODIFICATIONS.—Except as pro-
17 vided in paragraphs (2), (3), (5), and (6) and sub-
18 section (m), and not later than 1 year after the date
19 on which the Commission receives a request to mod-
20 ify a license granted under subsection (b)(1), the
21 Commission shall grant the request (including any
22 amendment to such request) if the Commission de-
23 termines the modification meets the requirements
24 under subsection (e). Except as provided in para-
25 graphs (2), (3), and (5), the Commission may grant

1 a request (including any amendment to such re-
2 quest) to modify a license granted under subsection
3 (b)(2) or a grant of market access granted under
4 subsection (c) if the Commission determines the
5 modification meets the requirements under sub-
6 section (e).

7 “(2) EXPEDITED TREATMENT FOR MINOR
8 MODIFICATIONS.—

9 “(A) NGSO LICENSE MODIFICATIONS.—

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

17 “(i) the Commission determines that
18 the modification or modifications meet the
19 requirements (if applicable) under subpara-
20 graphs (A) and (B) of subsection (e)(2);
21 and

22 “(ii) the request is limited only to
23 modifications, or a class of modifications,
24 that—

1 “(I) increase transmission capac-
2 ity;

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

6 “(III) otherwise do not substan-
7 tially modify the space station (or
8 space stations, considered collectively,
9 if there is more than one such space
10 station) authorized by the license.

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

19 “(i) the Commission determines that
20 the modification or modifications meet the
21 requirements (if applicable) under sub-
22 section (e)(2)(B); and

23 “(ii) the request is limited only to
24 modifications, or a class of modifications,
25 that—

1 “(I) increase transmission capac-
2 ity;

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

6 “(III) otherwise do not substan-
7 tially modify the space station (or
8 space stations, considered collectively,
9 if there is more than one such space
10 station) authorized by the license.

11 “(C) DEEMED GRANTED.—If the Commis-
12 sion fails to grant a request (including any
13 amendment to such request) made by a licensee
14 under subparagraph (A) or (B) by the deadline
15 specified in such subparagraph (including any
16 extension of such deadline under paragraph (6)
17 or subsection (m)), the request (including any
18 amendment to such request) shall be deemed
19 granted on the date on which the Commission
20 receives a written notice by the licensee of the
21 failure.

22 “(3) EMERGENCY GRANT, RENEWAL, OR MODI-
23 FICATION.—If the Commission finds that there are
24 extraordinary circumstances requiring temporary op-
25 erations in the public interest and that delay in the

1 institution of such temporary operations would seri-
2 ously prejudice the public interest, the Commis-
3 sion—

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

15 “(i) danger to life or property; or

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

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

22 “(C) may extend a grant made under this
23 paragraph for periods not to exceed 180 days;
24 and

1 “(D) shall give expeditious treatment to
2 any timely filed petition to deny such applica-
3 tion and to any petition for rehearing of such
4 grant filed under section 405.

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

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

9 “(B) modifying the service offered under
10 the initial license granted under subsection (b)
11 between fixed satellite service and mobile sat-
12 ellite service.

13 “(5) AUTOMATIC GRANT OF CERTAIN MODI-
14 FICATIONS.—Upon notification to the Commission,
15 the Commission may automatically grant a request
16 to modify a license granted under subsection (b), a
17 grant of market access granted under subsection (c),
18 an authorization granted under subsection (d), or a
19 covered authorization, to replace—

20 “(A) one space station (or component of
21 such space station) with a technically similar
22 space station (or component of such space sta-
23 tion) previously approved by the Commission; or

24 “(B) one earth station (or component of
25 such earth station) with a technically similar

1 earth station (or component of such earth sta-
2 tion) previously approved by the Commission.

3 “(6) EXCEPTIONS.—The deadlines under para-
4 graphs (1) and (2) may be extended by the Commis-
5 sion for a request subject to review under subsection
6 (n).

7 “(h) SHARED SPECTRUM; PROTECTION FROM HARM-
8 FUL INTERFERENCE.—

9 “(1) GRANDFATHERED TREATMENT AND SUN-
10 SET OF CERTAIN AUTHORIZATIONS.—

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

13 “(i) a covered authorization shall not
14 be treated as being granted under sub-
15 section (b)(1) or subsection (c)(1) (as the
16 case may be); and

17 “(ii) an entity with a covered author-
18 ization shall be afforded, and shall afford
19 to any other entity with a covered author-
20 ization, protection from harmful inter-
21 ference that is consistent with the terms of
22 such protection afforded before the date of
23 the enactment of this section.

24 “(B) TREATMENT OF CERTAIN APPLICA-
25 TIONS.—The Commission shall dismiss without

1 prejudice any application for a license or grant
2 of market access to operate a system described
3 in subparagraph (A), (B), or (C) of subsection
4 (b)(1) or subparagraph (A), (B), or (C) of sub-
5 section (c)(1) that is submitted to the Commis-
6 sion after the date of the enactment of this sec-
7 tion and before the date on which the rules
8 issued pursuant to subsection (a) take effect.

9 “(2) TRANSITIONAL RULES.—

10 “(A) RENEWAL UNDER THIS SECTION.—

11 An entity with a covered authorization may, at
12 any time before the end of the covered period,
13 seek renewal of the covered authorization under
14 subsection (f) as if the covered authorization
15 were a license granted under subsection (b)(1)
16 or a grant of market access granted under sub-
17 section (c)(1) (as the case may be). If the Com-
18 mission grants the renewal, the renewal shall be
19 treated as a renewal of a license granted under
20 subsection (b)(1) or a grant of market access
21 granted under subsection (c)(1) (as the case
22 may be).

23 “(B) MODIFICATION.—

24 “(i) INDICATION OF TYPE OF MODI-
25 FICATION SOUGHT.—If an entity with a

1 covered authorization submits to the Com-
2 mission a request to modify the covered
3 authorization, the entity shall indicate in
4 the request whether the entity is seeking—

5 “(I) a modification of the covered
6 authorization under the law and regu-
7 lations applicable to the covered au-
8 thorization; or

9 “(II) a modification of the cov-
10 ered authorization under subsection
11 (g) as if the covered authorization
12 were a license granted under sub-
13 section (b)(1) or a grant of market
14 access granted under subsection (c)(1)
15 (as the case may be).

16 “(ii) TREATMENT.—If the Commis-
17 sion grants a request to modify a covered
18 authorization—

19 “(I) in the case of a request for
20 a modification described in clause
21 (i)(I), the covered authorization as
22 modified shall continue to be treated
23 as described in paragraph (1)(A)(i)
24 and the entity with the covered au-
25 thorization shall, with respect to the

1 covered authorization, continue to be
2 afforded, and to afford to any other
3 entity with a covered authorization,
4 the protection described in paragraph
5 (1)(A)(ii); and

6 “(II) in the case of a request for
7 a modification described in clause
8 (i)(II), the covered authorization as
9 modified shall be treated as a license
10 granted under subsection (b)(1) or a
11 grant of market access granted under
12 subsection (c)(1) (as the case may be)
13 with respect to which a request to
14 modify has been granted under sub-
15 section (g).

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

19 “(A) a licensee of a license granted under
20 subsection (b), a grantee of a grant of market
21 access granted under subsection (c), or an enti-
22 ty with a covered authorization, in a spectrum
23 band with service rules that require such a li-
24 censee, grantee, or entity with a covered author-
25 ization to share spectrum with another such li-

1 censee, grantee, or entity with a covered author-
2 zation that is authorized to use the same fre-
3 quencies of such spectrum, shall make a good
4 faith effort to coordinate the use of such fre-
5 quencies (including the use of such frequencies
6 by an individually licensed earth station) with
7 any other such licensee, grantee, or entity with
8 a covered authorization and any other entity
9 that is authorized to use such frequencies; and

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

15 “(4) PROTECTION FROM HARMFUL INTER-
16 FERENCE.—

17 “(A) IN GENERAL.—Not later than the
18 date on which the rules issued pursuant to sub-
19 section (a) take effect, for any spectrum band
20 in which the Commission grants a license under
21 subsection (b)(1) or a grant of market access
22 under subsection (c)(1) and for which the serv-
23 ice rules require such a licensee or grantee or
24 an entity with a covered authorization to share
25 spectrum (except with respect to the use of a

1 gateway station) with another such licensee,
2 grantee, or entity with a covered authorization
3 that is authorized to use the same frequencies
4 of such spectrum, the Commission shall estab-
5 lish a quantifiable level of protection that (ex-
6 cept with respect to the use of a gateway sta-
7 tion) such a licensee or grantee shall afford to
8 any other entity (including an entity with a cov-
9 ered authorization but not including a licensee
10 of a license granted under subsection (b)(2) or
11 a grantee of a grant of market access granted
12 under subsection (c)(2)) that is authorized to
13 use such frequencies.

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

16 “(i) the spectrum between the fre-
17 quencies of 1617.775 megahertz and
18 1618.725 megahertz, inclusive; or

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

21 “(5) CONSIDERATION REQUIRED.—When estab-
22 lishing the quantifiable level of protection described
23 in paragraph (4), the Commission shall, with respect
24 to the entities to which the quantifiable level of pro-

1 tection is required under such paragraph to be af-
2 forded—

3 “(A) consider protection of such entities
4 based on a degraded throughput methodology,
5 requiring that, except in accordance with a co-
6 ordination agreement, a licensee of a license
7 granted under subsection (b)(1) or a grantee of
8 a grant of market access granted under sub-
9 subsection (c)(1) may cause no more than a certain
10 percentage increase in the link unavailability of
11 such an entity and may reduce the throughput
12 of such an entity by no more than a certain
13 percentage;

14 “(B) consider protection of such entities
15 from interference beyond a permissible inter-
16 ference-to-noise ratio, or whether interference-
17 to-noise alone provides a sufficient level of pro-
18 tection; and

19 “(C) consider protection of such entities
20 from harmful interference by awarding a great-
21 er share of spectrum during in-line events to
22 earlier-filed systems.

23 “(6) RELATION TO ITU RADIO REGULATIONS.—
24 Nothing in this subsection shall be construed to re-
25 quire the Commission to adopt rules regarding the

1 use of spectrum that contravene a requirement of
2 the radio regulations of the International Tele-
3 communication Union.

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

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

21 “(j) REGULATORY RESTRAINT.—

22 “(1) LIMITATION ON INFORMATION REQUIRED
23 TO BE PROVIDED.—In performing any act, making
24 any rule or regulation, or issuing any order nec-
25 essary to carry out this section, the Commission—

1 “(A) shall limit the information required to
2 be furnished to the Commission;

3 “(B) shall demonstrate the Commission
4 has taken every reasonable step to limit the in-
5 formation required to be furnished to the Com-
6 mission;

7 “(C) may not require, with respect to an
8 application under subsection (b), (c), or (d), a
9 request for renewal under subsection (f), or a
10 request for modification under subsection (g),
11 the filing of any information which previously
12 has been furnished to the Commission or which
13 is not directly material to the considerations
14 that affect the granting or denial of such appli-
15 cation or request (but the Commission may re-
16 quire any new or additional facts the Commis-
17 sion deems necessary to make its findings); and

18 “(D) may not request additional informa-
19 tion regarding the performance objectives estab-
20 lished under subsection (a)(1)(A) for any case
21 in which an applicant has demonstrated compli-
22 ance with such performance objectives.

23 “(2) DEADLINE FOR PETITION DETERMINA-
24 TION.—If an applicant for a license or a licensee
25 under subsection (b) files a petition under part 1 of

1 title 47, Code of Federal Regulations (or any suc-
2 cessor regulation) relating to information required to
3 be furnished to the Commission under this section,
4 the Commission shall grant or deny the petition
5 within 90 days after the date on which the petition
6 is filed.

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

10 “(1) the experimental radio service; or

11 “(2) the amateur radio service.

12 “(l) COMPLETENESS.—

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

17 “(A) determine whether—

18 “(i) such application contains—

19 “(I) in the case of an application
20 submitted under subsection (b), all of
21 the information required to be sub-
22 mitted with the application under sub-
23 section (b)(3) and the first sentence of
24 section 308(b);

1 “(II) in the case of an applica-
2 tion submitted under subsection (c),
3 all of the information required to be
4 submitted with the application under
5 subsection (c)(3) and the first sen-
6 tence of section 308(b); or

7 “(III) in the case of an applica-
8 tion submitted under subsection (d),
9 all of the information required to be
10 submitted with the application under
11 the first sentence of section 308(b);
12 and

13 “(ii) the applicant has paid the fee (if
14 any) required under section 8 in connec-
15 tion with the application; and

16 “(B) either—

17 “(i) if both determinations under sub-
18 paragraph (A) are in the affirmative, issue
19 a public notice of the acceptance for filing
20 of such application; or

21 “(ii) if either determination under
22 subparagraph (A) is in the negative, pro-
23 vide notice to the applicant of the negative
24 determination, including what information
25 that was required to be submitted was not

1 submitted or the amount of the application
2 fee due, or both (as the case may be).

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

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

20 “(m) TOLLING.—

21 “(1) IN GENERAL.—Except as provided in sub-
22 sections (b)(5), (d)(4), and (g)(6), with respect to an
23 application for a license under subsection (b) or an
24 authorization under subsection (d), or a request for
25 renewal under subsection (f) or modification under

1 subsection (g) of a license granted under subsection
2 (b), a grant of market access granted under sub-
3 section (c), or an authorization granted under sub-
4 section (d), the Commission may extend the deadline
5 under subsection (b), (d), (f), or (g) (as the case
6 may be) for consideration of the application or re-
7 quest only if the Commission—

8 “(A) finds that there are extraordinary cir-
9 cumstances requiring additional time for consid-
10 eration of the application or request such that,
11 if the deadline were not extended, the public in-
12 terest would be seriously prejudiced; and

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

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

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

19 “(2) LENGTH.—The Commission may not grant
20 an extension of a deadline under paragraph (1) for
21 a period that exceeds 90 days but may grant 1 or
22 more additional extensions of such deadline under
23 such paragraph, if the Commission makes the find-
24 ing and issues the public notice required by such

1 paragraph with respect to any such additional exten-
2 sion.

3 “(n) REVIEW FOR NATIONAL SECURITY AND LAW
4 ENFORCEMENT CONCERNS.—

5 “(1) REVIEW REQUIRED FOR ENTITIES WITH
6 REPORTABLE FOREIGN OWNERSHIP.—In the case of
7 an application under subsection (b), (c), or (d), a re-
8 quest for modification under subsection (g), or a re-
9 quest for modification of a covered authorization
10 that is submitted by an entity that the Commission
11 determines to have reportable foreign ownership, the
12 Commission shall refer such application or request
13 to the Committee for the Assessment of Foreign
14 Participation in the United States Telecommuni-
15 cations Services Sector established by Executive
16 Order No. 13913 (85 Fed. Reg. 19643) (in this sub-
17 section referred to as the ‘Committee’) for review of
18 national security and law enforcement concerns that
19 may be raised by such application or request.

20 “(2) REVIEW AT DISCRETION OF COMMIS-
21 SION.—In addition to the applications and requests
22 that the Commission is required to refer to the Com-
23 mittee under paragraph (1), the Commission may, in
24 the discretion of the Commission, refer any other ap-
25 plication under subsection (b), (c), or (d), request

1 for modification under subsection (g), or request for
2 modification of a covered authorization to the Com-
3 mittee for review of national security and law en-
4 forcement concerns that may be raised by such ap-
5 plication or request.

6 “(o) DEFINITIONS.—In this section:

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

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

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

22 “(B) a license or grant of market access
23 granted by Commission approval of a covered
24 application.

1 “(3) COVERED PERIOD.—The term ‘covered pe-
2 riod’ means, with respect to a covered authorization,
3 the period of time that begins on the date of the en-
4 actment of this section and ends on the earliest of—

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

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

10 “(i) deployed a level of service com-
11 mensurate with the terms of the license or
12 grant of market access; or

13 “(ii) otherwise demonstrated progress
14 and investment consistent with the deploy-
15 ment obligations under the license or grant
16 of market access;

17 “(C) the date on which the Commission
18 grants a request to renew the covered author-
19 ization; or

20 “(D) the date on which the Commission
21 grants a request for a modification of the cov-
22 ered authorization described in subsection
23 (h)(2)(B)(i)(II).

24 “(4) COVERED RADIOCOMMUNICATION SERV-
25 ICE.—The term ‘covered radiocommunication serv-

1 ice’ means a radiocommunication service (as defined
2 in the radio regulations of the International Tele-
3 communication Union that are in force as of the
4 date of the enactment of this section (or any suc-
5 cessor to such regulations)), except that such term
6 does not include any radionavigation or safety serv-
7 ice specifically identified by the Commission as a
8 safety service for aeronautical or maritime transpor-
9 tation.

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

13 “(A) supports the routing and switching
14 functions of a system operated under a license
15 granted under subsection (b) or a grant of mar-
16 ket access granted under subsection (c);

17 “(B) may also be used for telemetry, track-
18 ing, and command transmissions;

19 “(C) does not originate or terminate com-
20 munication traffic; and

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

23 “(6) INDIVIDUALLY LICENSED EARTH STA-
24 TION.—The term ‘individually licensed earth station’
25 means—

1 “(A) an earth station (other than a blan-
2 ket-licensed earth station) that sends a signal
3 to, and receives a signal from—

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

9 “(ii) a geostationary orbit space sta-
10 tion or space stations operated under a li-
11 cense granted under subsection (b)(2) or a
12 grant of market access granted under sub-
13 section (c)(2); or

14 “(B) a gateway station.”.

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

18 (1) in section 309(j)(2)—

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

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

23 (C) by inserting after subparagraph (B)
24 the following new subparagraph:

1 “(C) for licenses, grants of market access,
2 or authorizations granted under section 346;
3 or”;

4 (2) in section 309(k)—

5 (A) in the heading, by striking “BROAD-
6 CAST STATION RENEWAL PROCEDURES” and
7 inserting “RENEWAL PROCEDURES FOR CER-
8 TAIN AUTHORIZATIONS”;

9 (B) in paragraph (1)—

10 (i) in the matter preceding subpara-
11 graph (A)—

12 (I) by inserting “, the licensee of
13 a license granted under section
14 346(b), the grantee of a grant of mar-
15 ket access granted under section
16 346(c), or an entity with authoriza-
17 tion granted under section 346(d),”
18 after “broadcast station”;

19 (II) by inserting “, grant, or au-
20 thorization” after “such license”;

21 (III) by striking “that station”
22 and inserting “that licensee, grantee,
23 or entity”;

1 (IV) by inserting “, grant of
2 market access, or authorization” after
3 “its license”;

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

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

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

12 “(B) in the case of a licensee of a license
13 granted under section 346(b), a grantee of a
14 grant of market access granted under section
15 346(c), or an entity with authorization granted
16 under section 346(d), the licensee, grantee, or
17 entity has met the requirements of section
18 346(e);”;

19 (v) in subparagraph (C), as so reded-
20 igned, by inserting “, grantee, or entity”
21 after “licensee”; and

22 (vi) in subparagraph (D), as so reded-
23 igned, by inserting “, grantee, or entity”
24 after “licensee”;

1 (C) in paragraph (2), by inserting “, or the
2 licensee of a license granted under section
3 346(b), the grantee of a grant of market access
4 granted under section 346(c), or an entity with
5 authorization granted under section 346(d),”
6 after “broadcast station”;

7 (D) in paragraph (3)—

8 (i) in the matter preceding subpara-
9 graph (A), by inserting “of a broadcast
10 station, a licensee of a license granted
11 under section 346(b), a grantee of a grant
12 of market access granted under section
13 346(c), or an entity with authorization
14 granted under section 346(d)” after “that
15 a licensee”;

16 (ii) in subparagraph (A)—

17 (I) by inserting “, grantee, or en-
18 tity” after “licensee”; and

19 (II) by inserting “or 346” after
20 “section 308”; and

21 (iii) in subparagraph (B), by striking
22 “former licensee” and inserting “former li-
23 censee of a broadcast station or such appli-
24 cations for a license, grant of market ac-
25 cess, or authorization as may be filed

1 under section 346(b), 346(c), or 346(d)
2 specifying the information of the former li-
3 censee, grantee, or entity”; and

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

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