

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”.

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

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

1 **“SEC. 346. RADIOFREQUENCY LICENSING AUTHORITY RE-**
2 **GARDING CERTAIN OPERATIONS.**

3 “(a) RULES.—

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

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

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

20 “(C) for any license granted under sub-
21 section (b), grant of market access granted
22 under subsection (c), authorization granted
23 under subsection (d), or covered authorization,
24 the manner in which the licensee, grantee, or
25 entity shall notify the Commission of a request

1 to submit a modification under subsection
2 (g)(5);

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

10 “(E) for any license granted under sub-
11 section (b)(1), grant of market access granted
12 under subsection (c)(1), or covered authoriza-
13 tion, in a spectrum band with service rules that
14 require a licensee of such a license, a grantee
15 of such a grant, or an entity with a covered au-
16 thorization to share spectrum, specific actions
17 taken by such a licensee, grantee, or entity with
18 a covered authorization, or by any other entity
19 that is authorized to use such shared spectrum,
20 that constitute a failure to coordinate in good
21 faith, including whether withholding from an-
22 other such licensee, grantee, entity with a cov-
23 ered authorization, or other entity information
24 necessary to coordinate in good faith that it is
25 technically feasible to make available to such li-

1 censee, grantee, entity with a covered authoriza-
2 tion, or other entity is such an action;

3 “(F) for any license granted under sub-
4 section (b)(1) or grant of market access grant-
5 ed under subsection (c)(1), in a spectrum band
6 with service rules that require a licensee of such
7 a license or a grantee of such a grant to share
8 spectrum (except with respect to the use of a
9 gateway station), a quantifiable level of protec-
10 tion required under subsection (h)(4);

11 “(G) rules that—

12 “(i) clarify, for purposes of subsection
13 (h)(1)(B), the protection from harmful in-
14 terference that, during the covered period,
15 an entity with a covered authorization that
16 was approved in a processing round is re-
17 quired to provide to any other entity with
18 a covered authorization that was approved
19 in an earlier processing round; and

20 “(ii) seek to promote competition, in-
21 novation, and efficient use of spectrum by
22 entities with covered authorizations, in-
23 cluding by accounting for advancements in
24 technology capable of managing inter-

1 ference concerns to the greatest extent pos-
2 sible consistent with clause (i); and

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

7 “(2) CONFLICT WITH INTERAGENCY STANDARD
8 PRACTICES.—In the rules issued pursuant to para-
9 graph (1)(A), or any successor rule, the Commission
10 may not establish performance objectives that con-
11 flict with any standard practice adopted by the Sec-
12 retary of Commerce.

13 “(b) APPLICATION FOR LICENSE.—

14 “(1) NGSO DETERMINATION REQUIRED.—Ex-
15 cept as provided in paragraph (5) and subsection
16 (m), not later than 1 year after the date on which
17 the Commission issues a public notice of the accept-
18 ance for filing of a written application submitted to
19 the Commission, the Commission shall make a deter-
20 mination whether to grant such application for a li-
21 cense for radiocommunication services using—

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

24 “(B) a blanket-licensed earth station or
25 earth stations that will operate with a nonge-

1 stationary orbit space station or space stations;
2 or

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

8 “(2) GSO DETERMINATION REQUIRED.—Except
9 as provided in paragraph (5) and subsection (m),
10 not later than 1 year after the date on which the
11 Commission issues a public notice of the acceptance
12 for filing of a written application submitted to the
13 Commission, the Commission shall make a deter-
14 mination whether to grant such application for a li-
15 cense for radiocommunication services using—

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

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

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

1 the geostationary orbit space station or space
2 stations.

3 “(3) CONTENTS OF APPLICATION.—In addition
4 to the application requirements described in section
5 308(b), an application submitted under paragraph
6 (1) or (2) shall include the following:

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

10 “(B) A demonstration of compliance by the
11 applicant with the performance objectives estab-
12 lished under subsection (a)(1)(A).

13 “(C) In the case of an application sub-
14 mitted under paragraph (1)—

15 “(i) a description of compliance by the
16 applicant with the actions established
17 under subsection (a)(1)(E); and

18 “(ii) a demonstration of compliance by
19 the applicant with the quantifiable level of
20 protection established under subsection
21 (a)(1)(F).

22 “(4) TERM OF INITIAL LICENSE.—The Com-
23 mission shall grant a license for a term not to exceed
24 15 years for any application granted under this sub-
25 section.

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

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

7 “(A) IN GENERAL.—Except as provided in
8 paragraph (5) and subsection (m), not later
9 than 60 days after the date on which the Com-
10 mission issues a public notice of the acceptance
11 for filing of a written application submitted to
12 the Commission for a license described in para-
13 graph (1) with respect to which the applicant
14 indicates in the application that the application
15 meets the additional criteria described in sub-
16 paragraph (B), the Commission shall—

17 “(i) determine whether such applica-
18 tion meets the additional criteria described
19 in subparagraph (B); and

20 “(ii) if the determination under clause
21 (i) is affirmative, grant such application.

22 “(B) CRITERIA DESCRIBED.—The addi-
23 tional criteria described in this subparagraph
24 are as follows:

1 “(i) A limit on the number of space
2 stations authorized by the license, as deter-
3 mined by the Commission.

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

7 “(iii) For each space station, the fol-
8 lowing:

9 “(I) A limit on the orbital alti-
10 tude at which the space station may
11 operate, as determined by the Com-
12 mission.

13 “(II) A requirement that the
14 space station has a maneuverability
15 capability and the ability to make col-
16 lision avoidance and deorbit maneu-
17 vers, as determined by the Commis-
18 sion.

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

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

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

11 “(iv) A requirement that the operator
12 has assessed and limited the probability of
13 an accidental explosion, including an explo-
14 sion that results from the conversion of en-
15 ergy sources on board any space station
16 into energy that fragments the space sta-
17 tion.

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

22 “(vi) A requirement that each space
23 station is disposed of post-mission and the
24 probability of human casualty from dis-

1 positional meets requirements issued by the
2 Commission.

3 “(C) CRITERIA NOT MET.—If the deter-
4 mination under subparagraph (A)(i) with re-
5 spect to an application is negative, the Commis-
6 sion shall make a determination whether to
7 grant such application under paragraph (1) by
8 the deadline specified in such paragraph.

9 “(D) EVASION.—An application does not
10 meet the additional criteria described in sub-
11 paragraph (B) if the Commission determines
12 that, taken together with any other application
13 or applications submitted by the applicant
14 under subparagraph (A) (including an applica-
15 tion that has been approved), such applications
16 are submitted with the purpose of evading a
17 negative determination with respect to such ad-
18 ditional criteria.

19 “(E) RULE OF CONSTRUCTION.—For pur-
20 poses of this section (other than this para-
21 graph), any reference to an application sub-
22 mitted or granted or a license granted under
23 paragraph (1) shall be construed to include an
24 application submitted or granted or a license

1 granted (as the case may be) under subpara-
2 graph (A).

3 “(F) IMPLEMENTATION.—

4 “(i) IN GENERAL.—Not later than 60
5 days after the date of the enactment of
6 this section, the Commission shall—

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

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

11 “(ii) FINDING DESCRIBED.—If the
12 Commission finds that the rules of the
13 Commission, as of the date of the enact-
14 ment of this section, satisfy the require-
15 ments in this paragraph, the Commission
16 shall issue a public notice stating such
17 finding.

18 “(c) APPLICATION FOR GRANT OF MARKET AC-
19 CESS.—

20 “(1) NGSO DETERMINATION REQUIRED.—

21 After the date on which the Commission issues a
22 public notice of the acceptance for filing of a written
23 application submitted to the Commission, the Com-
24 mission shall make a determination whether to grant

1 such application for market access within the United
2 States for radiocommunication services using—

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

5 “(B) a nongeostationary orbit space sta-
6 tion or space stations and the blanket-licensed
7 earth station or earth stations that will operate
8 with the nongeostationary orbit space station or
9 space stations.

10 “(2) GSO DETERMINATION REQUIRED.—After
11 the date on which the Commission issues a public
12 notice of the acceptance for filing of a written appli-
13 cation submitted to the Commission, the Commis-
14 sion shall make a determination whether to grant
15 such application for market access within the United
16 States for radiocommunication services using a geo-
17 stationary orbit space station or space stations.

18 “(3) CONTENTS OF APPLICATION.—In addition
19 to the application requirements described in section
20 308(b), an application submitted under paragraph
21 (1) or (2) shall include the following:

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

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

4 “(C) In the case of an application sub-
5 mitted under paragraph (1)—

6 “(i) a description of compliance by the
7 applicant with the actions established
8 under subsection (a)(1)(E); and

9 “(ii) a demonstration of compliance by
10 the applicant with the quantifiable level of
11 protection established under subsection
12 (a)(1)(F).

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

17 “(d) EARTH STATION AUTHORIZATION.—

18 “(1) DETERMINATION REQUIRED FOR INDIVID-
19 UALLY LICENSED EARTH STATIONS.—Except as pro-
20 vided in paragraph (4) and subsection (m), not later
21 than 1 year after the date on which the Commission
22 issues a public notice of the acceptance for filing of
23 a written application submitted to the Commission,
24 the Commission shall make a determination whether

1 to grant such application for authorization to use an
2 individually licensed earth station.

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

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

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

22 “(3) DEEMED GRANTED.—If the Commission
23 fails to grant or deny a written application sub-
24 mitted under paragraph (1) or (2) by the deadline
25 for the determination required by such paragraph

1 (including any extension of such deadline under
2 paragraph (4) or subsection (m)), the application
3 shall be deemed granted on the date on which the
4 Commission receives a written notice by the appli-
5 cant of the failure.

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

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

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

22 “(1) except in the case of a modification under
23 subsection (g)(2), the Commission determines that
24 the license, grant, or authorization (as the case may

1 be) serves the public interest, convenience, and ne-
2 cessity; and

3 “(2) the Commission determines that—

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

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

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

22 “(iii) in the case of a modification, ex-
23 cept in accordance with a coordination
24 agreement, the licensee or grantee has not
25 exceeded, during the portion of the term of

1 the license or grant preceding the deter-
2 mination, and will not exceed, during the
3 remainder of such term, the quantifiable
4 level of protection established in subsection
5 (h)(4) in operating under the license or
6 grant; and

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

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

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

1 of the license, grant of market access, or authoriza-
2 tion expires, if the Commission determines the re-
3 quirements under subsection (e) and section 309(k)
4 have been met.

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

13 “(A) grant such renewal; or

14 “(B) make the determination described in
15 section 309(k)(3) and deny such renewal.

16 “(g) MODIFICATION OF LICENSE; GRANT OF MAR-
17 KET ACCESS.—

18 “(1) MAJOR MODIFICATIONS.—Except as pro-
19 vided in paragraphs (2), (3), (5), and (6) and sub-
20 section (m), and not later than 1 year after the date
21 on which the Commission receives a request to mod-
22 ify a license granted under subsection (b)(1), the
23 Commission shall grant the request if the Commis-
24 sion determines the modification meets the require-
25 ments under subsection (e). Except as provided in

1 paragraphs (2), (3), and (5), the Commission may
 2 grant a request to modify a license granted under
 3 subsection (b)(2) or a grant of market access grant-
 4 ed under subsection (c) if the Commission deter-
 5 mines the modification meets the requirements
 6 under subsection (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), the Commission shall
 12 grant a request made by a licensee to modify a
 13 license granted under subsection (b)(1) not
 14 later than 90 days after the date on which the
 15 Commission receives the request to modify if—

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

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

24 “(I) increase transmission capac-
 25 ity;

1 “(II) improve spectral efficiency,
2 such as by improving compression
3 technologies;

4 “(III) improve the orbital vari-
5 ance efficiency of the space station (or
6 space stations, considered collectively,
7 if there is more than one such space
8 station) authorized by the license; or

9 “(IV) otherwise do not substan-
10 tially modify the space station (or
11 space stations, considered collectively,
12 if there is more than one such space
13 station) authorized by the license.

14 “(B) GSO LICENSE MODIFICATIONS.—Ex-
15 cept as provided in paragraphs (3), (5), and (6)
16 and subsection (m), the Commission shall grant
17 a request made by a licensee to modify a license
18 granted under subsection (b)(2) not later than
19 90 days after the date on which the Commis-
20 sion receives the request to modify if—

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

1 “(ii) the request is limited only to
2 modifications, or a class of modifications,
3 that—

4 “(I) increase transmission capac-
5 ity;

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

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

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

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

1 erations in the public interest and that delay in the
2 institution of such temporary operations would seri-
3 ously prejudice the public interest, the Commis-
4 sion—

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

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

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

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

23 “(C) may extend a grant made under this
24 paragraph for periods not to exceed 180 days;
25 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.—For the dura-
 11 tion of the covered period—

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

16 “(B) an entity with a covered authoriza-
 17 tion shall be afforded, and shall afford to any
 18 other entity with a covered authorization, pro-
 19 tection from harmful interference that is con-
 20 sistent with the terms of such protection af-
 21 forded before the date of the enactment of this
 22 section.

23 “(2) TRANSITIONAL RULES.—

24 “(A) RENEWAL UNDER THIS SECTION.—

25 An entity with a covered authorization may, at

1 any time before the end of the covered period,
2 seek renewal of the covered authorization under
3 subsection (f) as if the covered authorization
4 were a license granted under subsection (b)(1)
5 or a grant of market access granted under sub-
6 section (c)(1) (as the case may be). If the Com-
7 mission grants the renewal, the renewal shall be
8 treated as a renewal of a license granted under
9 subsection (b)(1) or a grant of market access
10 granted under subsection (c)(1) (as the case
11 may be).

12 “(B) MODIFICATION.—

13 “(i) INDICATION OF TYPE OF MODI-
14 FICATION SOUGHT.—If an entity with a
15 covered authorization submits to the Com-
16 mission a request to modify the covered
17 authorization, the entity shall indicate in
18 the request whether the entity is seeking—

19 “(I) a modification of the covered
20 authorization under the law and regu-
21 lations applicable to the covered au-
22 thorization; or

23 “(II) a modification of the cov-
24 ered authorization under subsection
25 (g) as if the covered authorization

1 were a license granted under sub-
2 section (b)(1) or a grant of market
3 access granted under subsection (c)(1)
4 (as the case may be).

5 “(ii) TREATMENT.—If the Commis-
6 sion grants a request to modify a covered
7 authorization—

8 “(I) in the case of a request for
9 a modification described in clause
10 (i)(I), the covered authorization as
11 modified shall continue to be treated
12 as described in paragraph (1)(A) and
13 the entity with the covered authoriza-
14 tion shall, with respect to the covered
15 authorization, continue to be afforded,
16 and to afford to any other entity with
17 a covered authorization, the protection
18 described in paragraph (1)(B); and

19 “(II) in the case of a request for
20 a modification described in clause
21 (i)(II), the covered authorization as
22 modified shall be treated as a license
23 granted under subsection (b)(1) or a
24 grant of market access granted under
25 subsection (c)(1) (as the case may be)

1 with respect to which a request to
2 modify has been granted under sub-
3 section (g).

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

7 “(A) a licensee of a license granted under
8 subsection (b)(1), a grantee of a grant of mar-
9 ket access granted under subsection (c)(1), or
10 an entity with a covered authorization, in a
11 spectrum band with service rules that require
12 such a licensee, grantee, or entity to share spec-
13 trum, shall make a good faith effort to coordi-
14 nate the use of such shared spectrum (including
15 the use of such shared spectrum by an individ-
16 ually licensed earth station) with any other such
17 licensee, grantee, or entity with a covered au-
18 thorization and any other entity that is author-
19 ized to use such shared spectrum; and

20 “(B) any other entity that is authorized to
21 use such shared spectrum shall make a good
22 faith effort to coordinate the use of such shared
23 spectrum with any such licensee, grantee, or en-
24 tity with a covered authorization.

1 “(4) PROTECTION FROM HARMFUL INTER-
2 FERENCE.—Not later than the date on which the
3 rules issued pursuant to subsection (a) take effect,
4 for any spectrum band in which the Commission
5 grants a license under subsection (b)(1) or a grant
6 of market access under subsection (c)(1) and for
7 which the service rules require such a licensee or
8 grantee to share spectrum (except with respect to
9 the use of a gateway station), the Commission shall
10 establish a quantifiable level of protection that (ex-
11 cept with respect to the use of a gateway station)
12 such a licensee or grantee shall afford to any other
13 entity (including an entity with a covered authoriza-
14 tion but not including a licensee of a license granted
15 under subsection (b)(2) or a grantee of a grant of
16 market access granted under subsection (c)(2)) that
17 is authorized to use such shared spectrum.

18 “(5) CONSIDERATION REQUIRED.—When estab-
19 lishing the quantifiable level of protection described
20 in paragraph (4), the Commission shall, with respect
21 to the entities to which the quantifiable level of pro-
22 tection is required under such paragraph to be af-
23 forded—

24 “(A) consider protection of such entities
25 based on a degraded throughput methodology,

1 requiring that, except in accordance with a co-
2 ordination agreement, a licensee of a license
3 granted under subsection (b)(1) or a grantee of
4 a grant of market access granted under sub-
5 section (c)(1) may cause no more than a certain
6 percentage increase in the link unavailability of
7 such an entity and may reduce the throughput
8 of such an entity by no more than a certain
9 percentage;

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

15 “(C) consider protection of such entities
16 from harmful interference by awarding a great-
17 er share of spectrum during in-line events to
18 earlier-filed systems.

19 “(6) RELATION TO ITU RADIO REGULATIONS.—

20 Nothing in this subsection shall be construed to re-
21 quire the Commission to adopt rules regarding the
22 use of spectrum that contravene a requirement of
23 the radio regulations of the International Tele-
24 communication Union.

1 “(7) RULE OF CONSTRUCTION.—An entity with
2 a covered authorization shall not be required to sub-
3 mit additional information in order to retain such
4 authorization, nor shall paragraph (1) affect any ob-
5 ligation of such entity under applicable law or regu-
6 lation until the end of the covered period.

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

18 “(j) REGULATORY RESTRAINT.—

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

23 “(A) shall limit the information required to
24 be furnished to the Commission;

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

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

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

21 “(2) DEADLINE FOR PETITION DETERMINA-
22 TION.—If an applicant for a license or a licensee
23 under subsection (b) files a petition under part 1 of
24 title 47, Code of Federal Regulations (or any suc-
25 cessor regulation) relating to information required to

1 be furnished to the Commission under this section,
2 the Commission shall grant or deny the petition
3 within 90 days after the date on which the petition
4 is filed.

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

8 “(1) the experimental radio service; or

9 “(2) the amateur radio service.

10 “(l) COMPLETENESS.—

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

15 “(A) determine whether—

16 “(i) such application contains—

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

23 “(II) in the case of an applica-
24 tion submitted under subsection (c),
25 all of the information required to be

1 submitted with the application under
2 subsection (c)(3) and the first sen-
3 tence of section 308(b); or

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

10 “(ii) the applicant has paid the fee (if
11 any) required under section 8 in connec-
12 tion with the application; and

13 “(B) either—

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

18 “(ii) if either determination under
19 subparagraph (A) is in the negative, pro-
20 vide notice to the applicant of the negative
21 determination, including what information
22 that was required to be submitted was not
23 submitted or the amount of the application
24 fee due, or both (as the case may be).

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

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

18 “(m) TOLLING.—

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

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

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

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

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

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

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

1 “(n) REVIEW FOR NATIONAL SECURITY AND LAW
2 ENFORCEMENT CONCERNS.—

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

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

1 mittee for review of national security and law en-
2 forcement concerns that may be raised by such ap-
3 plication or request.

4 “(o) CLARIFICATION RELATING TO SHARED SPEC-
5 TRUM.—

6 “(1) IN GENERAL.—For purposes of this sec-
7 tion—

8 “(A) spectrum shall only be treated as
9 being shared if more than 1 entity described in
10 paragraph (2) is authorized to use the same
11 frequencies of such spectrum; and

12 “(B) the spectrum between the frequencies
13 of 1617.775 megahertz and 1618.725 mega-
14 hertz, inclusive, shall not be treated as being
15 shared.

16 “(2) ENTITY DESCRIBED.—The entities de-
17 scribed in this paragraph are the following:

18 “(A) A licensee of a license granted under
19 subsection (b)(1).

20 “(B) A grantee of a grant of market access
21 granted under subsection (c)(1).

22 “(C) An entity with a covered authoriza-
23 tion.

24 “(p) DEFINITIONS.—In this section:

1 “(1) COVERED APPLICATION.— The term ‘cov-
2 ered application’ means an application for a license
3 or grant of market access to operate a system de-
4 scribed in subparagraph (A), (B), or (C) of sub-
5 section (b)(1) or subparagraph (A) or (B) of sub-
6 section (c)(1) in a processing round established be-
7 fore December 31, 2022, that is pending on the date
8 of the enactment of this section.

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

11 “(A) a license or grant of market access
12 granted by the Commission to operate a system
13 described in subparagraph (A), (B), or (C) of
14 subsection (b)(1) or subparagraph (A) or (B) of
15 subsection (c)(1) in a processing round estab-
16 lished before December 31, 2022; or

17 “(B) a license or grant of market access
18 granted by Commission approval of a covered
19 application.

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

24 “(A) the date on which the covered author-
25 ization expires;

1 “(B) the date that is 15 years after such
2 date of enactment;

3 “(C) the date on which the Commission de-
4 termines that the licensee or grantee (as the
5 case may be) has not either—

6 “(i) deployed a level of service com-
7 mensurate with the terms of the license or
8 grant of market access; or

9 “(ii) otherwise demonstrated progress
10 and investment consistent with the deploy-
11 ment obligations under the license or grant
12 of market access;

13 “(D) the date on which the Commission
14 grants a request to renew the covered author-
15 ization; or

16 “(E) the date on which the Commission
17 grants a request for a modification of the cov-
18 ered authorization described in subsection
19 (h)(2)(B)(i)(II).

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

23 “(A) supports the routing and switching
24 functions of a system operated under a license

1 granted under subsection (b) or a grant of mar-
2 ket access granted under subsection (c);

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

5 “(C) does not originate or terminate com-
6 munication traffic; and

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

9 “(5) INDIVIDUALLY LICENSED EARTH STA-
10 TION.—The term ‘individually licensed earth station’
11 means—

12 “(A) an earth station that sends a signal
13 to, and receives a signal from—

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

19 “(ii) a geostationary orbit space sta-
20 tion or space stations operated under a li-
21 cense granted under subsection (b)(2) or a
22 grant of market access granted under sub-
23 section (c)(2); or

24 “(B) a gateway station.

1 “(6) ORBITAL VARIANCE EFFICIENCY.—The
 2 term ‘orbital variance efficiency’ means the mean of
 3 the distance between the actual altitude of each
 4 space station and the authorized altitude for each
 5 space station authorized under subsection (b)(1).

6 “(7) RADIOCOMMUNICATION SERVICE.—The
 7 term ‘radiocommunication service’ has the meaning
 8 given such term in the radio regulations of the
 9 International Telecommunication Union that are in
 10 force as of the date of the enactment of this section
 11 (or any successor to such regulations).”.

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

15 (1) in section 309(j)(2)—

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

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

20 (C) by inserting after subparagraph (B)
 21 the following new subparagraph:

22 “(C) for licenses, grants of market access,
 23 or authorizations granted under section 346;
 24 or”; and

25 (2) in section 309(k)—

1 (A) in the heading, by striking “BROAD-
2 CAST STATION RENEWAL PROCEDURES” and
3 inserting “RENEWAL PROCEDURES FOR CER-
4 TAIN AUTHORIZATIONS”;

5 (B) in paragraph (1)—

6 (i) in the matter preceding subpara-
7 graph (A)—

8 (I) by inserting “, the licensee of
9 a license granted under section
10 346(b), the grantee of a grant of mar-
11 ket access granted under section
12 346(c), or an entity with authoriza-
13 tion granted under section 346(d),”
14 after “broadcast station”;

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

17 (III) by striking “that station”
18 and inserting “that licensee, grantee,
19 or entity”; and

20 (IV) by inserting “, grant of
21 market access, or authorization” after
22 “its license”;

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

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

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

6 “(B) in the case of a licensee of a license
7 granted under section 346(b), a grantee of a
8 grant of market access granted under section
9 346(c), or an entity with authorization granted
10 under section 346(d), the licensee, grantee, or
11 entity has met the requirements of section
12 346(e);”;

13 (v) in subparagraph (C), as so redesi-
14 gnated, by inserting “, grantee, or entity”
15 after “licensee”; and

16 (vi) in subparagraph (D), as so redesi-
17 gnated, by inserting “, grantee, or entity”
18 after “licensee”;

19 (C) in paragraph (2), by inserting “, or the
20 licensee of a license granted under section
21 346(b), the grantee of a grant of market access
22 granted under section 346(c), or an entity with
23 authorization granted under section 346(d),”
24 after “broadcast station”;

25 (D) in paragraph (3)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “of a broadcast
3 station, a licensee of a license granted
4 under section 346(b), a grantee of a grant
5 of market access granted under section
6 346(c), or an entity with authorization
7 granted under section 346(d)” after “that
8 a licensee”;

9 (ii) in subparagraph (A)—

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

12 (II) by inserting “or 346” after
13 “section 308”; and

14 (iii) in subparagraph (B), by striking
15 “former licensee” and inserting “former li-
16 censee of a broadcast station or such appli-
17 cations for a license, grant of market ac-
18 cess, or authorization as may be filed
19 under section 346(b), 346(c), or 346(d)
20 specifying the information of the former li-
21 censee, grantee, or entity”; and

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

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

○