(Original Signature of Member)

117TH CONGRESS 2D SESSION

## **H. R.** 9463

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

## IN THE HOUSE OF REPRESENTATIVES

Mrs. Rodgers of Washington introduced the following bill; which was referred to the Committee on \_\_\_\_\_

## 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 of 2022" or the "SAT
- 6 Streamlining Act of 2022".

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. 345. 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, title
11	47, Code of Federal Regulations, to establish for
12	each license granted under subsection (b) or any re-
13	quest for a grant of market access granted under
14	subsection $(c)$ —
15	"(A) in accordance with paragraph (2),
16	specific, measurable, and technology-neutral
17	performance objectives for space safety and or-
18	bital debris;
19	"(B) specific modifications (or classes of
20	modifications) to a license granted under sub-
21	section $(b)(1)$ that warrant expedited treatment
22	under subsection $(g)(2)$ ;
23	"(C) specific actions taken by a licensee of
24	a license granted under subsection (b)(1) or a
25	grantee that has been granted market access

1	under subsection $(c)(1)$ that constitute a failure
2	to coordinate in good faith;
3	"(D) a quantifiable level of protection re-
4	quired under subsection (h)(4); and
5	"(E) the manner in which an applicant
6	shall notify the Commission of a request to sub-
7	mit a modification under subsection (g)(5).
8	"(2) Conflict with interagency standard
9	PRACTICES.—In the rules issued pursuant to para-
10	graph (1)(A), or any successor rule, the Commission
11	may not establish performance objectives that con-
12	flict with any standard practice established in the
13	Orbital Debris Mitigation Standard Practices adopt-
14	ed by the United States Government.
15	"(b) Application for License.—
16	"(1) NGSO DETERMINATION REQUIRED.—Not-
17	withstanding sections 4(i), 303(r), and 303(y) and
18	the authority of the Commission to require such
19	other information under section 308(b) and consider
20	such other matters under section 309(a), and except
21	as provided in paragraph (5), not later than 1 year
22	after the date on which a written application is sub-
23	mitted to the Commission, the Commission shall
24	make a determination whether to grant such appli-
25	cation for a license for—

1	"(A) a nongeostationary orbit space station
2	or space-station constellation and an earth sta-
3	tion or earth stations;
4	"(B) a nongeostationary orbit space sta-
5	tion and the blanket-licensed earth stations that
6	will operate with the nongeostationary orbit
7	space station; or
8	"(C) a nongeostationary orbit space-station
9	constellation and the blanket-licensed earth sta-
10	tions that will operate with the nongeo-
11	stationary orbit space-station constellation.
12	"(2) GSO DETERMINATION REQUIRED.—Not
13	later than 1 year after the date on which a written
14	application is submitted to the Commission and ex-
15	cept as provided in paragraph (5), the Commission
16	shall make a determination whether to grant such
17	application for a license for a geostationary orbit
18	space station or space-station constellation and earth
19	stations.
20	"(3) Contents of Application.—In addition
21	to the application requirements described in section
22	308(b), an application submitted under paragraph
23	(1) or (2) shall include the following:

1	"(A) Performance metrics with respect to
2	the frequencies and transmission power to be
3	used.
4	"(B) A description of compliance by the
5	applicant with the performance objectives and
6	actions established under subparagraph (A) of
7	subsection (a)(1) and, in the case of an applica-
8	tion submitted under paragraph (1) of this sub-
9	section, subparagraphs (C) and (D) of sub-
10	section (a)(1).
11	"(4) TERM OF INITIAL LICENSE.—The Com-
12	mission shall grant a license for a term not to exceed
13	15 years for any application granted under this sub-
14	section.
15	"(5) Exceptions.—The deadline for the deter-
16	mination required in paragraphs (1) and (2) may be
17	extended by the Commission for an application sub-
18	ject to review under section 310(d).
19	"(6) Timely grant of certain applica-
20	TIONS.—
21	"(A) Grant of application re-
22	QUIRED.—Not later than 60 days after the date
23	on which the Commission receives a written ap-
24	plication for a license described in paragraph
25	(1) that the Commission determines meets the

1	additional criteria described in subparagraph
2	(B), the Commission shall grant such applica-
3	tion.
4	"(B) Criteria described.—The addi-
5	tional criteria described in this subparagraph
6	are as follows:
7	"(i) A limit on the number of space
8	stations a constellation contains, as deter-
9	mined by the Commission.
10	"(ii) A limit on the total in-orbit life-
11	time for any individual space station, as
12	determined by the Commission.
13	"(iii) For each space station, the fol-
14	lowing:
15	"(I) A limit on the orbital alti-
16	tude at which the space station may
17	operate, as determined by the Com-
18	mission.
19	"(II) A requirement that the
20	space station has a maneuverability
21	capability and the ability to make col-
22	lision avoidance and deorbit maneu-
23	vers, as determined by the Commis-
24	sion.

1	"(III) A requirement that each
2	space station is identifiable by a
3	unique signal-based telemetry marker
4	that meets requirements issued by the
5	Commission.
6	"(IV) A requirement that the
7	space station releases no operational
8	debris.
9	"(V) A requirement that the
10	space station can be commanded by
11	command originating from the ground
12	to immediately cease transmissions
13	and the applicant has the capability to
14	eliminate harmful interference when
15	required by the Commission.
16	"(iv) A requirement that the operator
17	has assessed and limited the probability of
18	an accidental explosion, including an explo-
19	sion that results from the conversion of en-
20	ergy sources on board any space station
21	into energy that fragments the space sta-
22	tion.
23	"(v) A limit on the probability of a
24	collision between each space station and

1	any other large object, as determined by
2	the Commission.
3	"(vi) A requirement that each space
4	station is disposed of post-mission through
5	atmospheric re-entry and the probability of
6	human casualty from such re-entry meets
7	requirements issued by the Commission.
8	"(C) Implementation.—Not later than
9	60 days after the date of the enactment of this
10	subparagraph, the Commission shall—
11	"(i) issue rules to implement this
12	paragraph; or
13	"(ii) make the finding described in
14	subparagraph (D).
15	"(D) FINDING DESCRIBED.—If the Com-
16	mission finds that the rules of the Commission,
17	as of the date of the enactment of this para-
18	graph, satisfy the requirements in this para-
19	graph, the Commission shall issue a public no-
20	tice stating such finding.
21	"(c) Application for Grant of Market Ac-
22	CESS.—
23	"(1) Determination required.—Notwith-
24	standing sections 4(i), 303(r), and 303(y) and the
25	authority of the Commission to require such other

1	information under section 308(b) and consider such
2	other matters under section 309(a), the Commission
3	shall make a determination whether to grant a writ-
4	ten application submitted to the Commission for
5	market access within the United States for—
6	"(A) a nongeostationary orbit space station
7	or space-station constellation and an earth sta-
8	tion or earth stations;
9	"(B) a nongeostationary orbit space sta-
10	tion and the blanket-licensed earth stations that
11	will operate with the nongeostationary orbit
12	space station; or
13	"(C) a nongeostationary orbit space-station
14	constellation and the blanket-licensed earth sta-
15	tions that will operate with the nongeo-
16	stationary orbit space-station constellation.
17	"(2) Contents of Application.—In addition
18	to the application requirements described in section
19	308(b), an application submitted under this sub-
20	section shall include the following:
21	"(A) Performance metrics with respect to
22	the frequencies and transmission power to be
23	used.
24	"(B) A description of compliance by the
25	applicant with the performance objectives and

1	actions established under subparagraphs (A),
2	(C), and (D) of subsection (a)(1).
3	"(3) TERM OF INITIAL GRANT OF MARKET AC-
4	CESS.—The Commission shall grant a grant of mar-
5	ket access for a term not to exceed 15 years for any
6	application granted under this subsection.
7	"(d) Earth Station Authorization.—
8	"(1) Determination required.—Notwith-
9	standing sections $4(i)$ , $303(r)$ , $303(y)$ , and $309(a)$
10	and subsections (a) through (c) and (e) through (j)
11	of this section, not later than 1 year after the date
12	on which a written application is submitted to the
13	Commission, the Commission shall make a deter-
14	mination whether to grant such application for au-
15	thorization to use an earth station (including a gate-
16	way station) to receive a signal from—
17	"(A) a nongeostationary orbit satellite or
18	nongeostationary orbit satellite system; or
19	"(B) a geostationary orbit satellite or geo-
20	stationary orbit satellite system.
21	"(2) DEEMED GRANTED.—If the Commission
22	does not grant or deny a written application sub-
23	mitted under paragraph (1) within 60 days after the
24	date on which the application is submitted to the
25	Commission, except as provided in paragraph (3),

1	the application shall be deemed granted on the date
2	on which the Commission receives a written notice of
3	the failure by the applicant.
4	"(3) Exception.—The deadline for the deter-
5	mination required in paragraph (1) may be extended
6	by the Commission for an application subject to re-
7	view under section 310(d).
8	"(e) Determination of Public Interest, Con-
9	VENIENCE, AND NECESSITY.—Before making a deter-
10	mination to grant an application, renewal, or modification
11	under subsection (b), (c), (d), (f), or (g) (as the case may
12	be), the Commission shall determine if the license, grant,
13	or authorization (as the case may be) serves the public
14	interest, convenience, and necessity, including—
15	"(1) in the case of a license or grant to which
16	subsection (h)(4) applies, the license or grant does
17	not exceed the quantifiable level of protection estab-
18	lished in subsection (h)(4); and
19	"(2) in the case of a license or grant that is re-
20	quired to protect radio astronomy observatories by
21	the International Telecommunication Union, the ap-
22	plication, renewal, or modification demonstrates that
23	such protection will be provided.
24	"(f) Renewal of License, Grant of Market Ac-
25	CESS, OR AUTHORIZATION.—

1	"(1) In general.—Except as provided in sec-
2	tion 309(k)(2), the Commission shall grant a re-
3	newal for a license issued under subsection (b), a
4	grant of market access under subsection (c), or an
5	authorization granted under subsection (d), upon re-
6	quest by an applicant for a term not to exceed the
7	length of the initial term beginning the day after the
8	date on which the previous license, grant of market
9	access, or authorization expires, if the Commission
10	determines the requirements under subsection (e)
11	and section 309(k) have been met.
12	"(2) Deadline for determination.—Not
13	later than 180 days after the date on which the
14	Commission receives a request for renewal of a li-
15	cense issued under subsection (b), a grant of market
16	access under subsection (c), or an authorization
17	granted under subsection (d), the Commission
18	shall—
19	"(A) grant or deny such renewal; or
20	"(B) make the determination described in
21	section $309(k)(3)$ .
22	"(g) Modification of License; Grant of Mar-
23	KET ACCESS.—
24	"(1) Major modifications.—Except as pro-
25	vided in paragraphs (2), (3), (5), and (6), and not

1	later than 1 year after the date on which the Com-
2	mission receives a request to modify an application
3	granted under subsection (b)(1), the Commission
4	shall grant the request if the Commission determines
5	the modification meets the requirement of subsection
6	(e). The Commission may grant a request to modify
7	an application submitted under subsection (b)(2) or
8	subsection (c) if the Commission determines the
9	modification meets the requirement of subsection
10	(e).
11	"(2) Expedited treatment for minor
12	MODIFICATIONS.—Except as provided in paragraphs
13	(3), (5), and (6), the Commission shall grant a re-
14	quest made by an applicant to modify an application
15	granted under subsection (b)(1) not later than 90
16	days after the date on which the Commission re-
17	ceives the request to modify if—
18	"(A) the request does not exceed the quan-
19	tifiable level of protection described in sub-
20	section (h)(4); and
21	"(B) the request is limited only to modi-
22	fications, or a class of modifications, that—
23	"(i) increase transmission capacity;
24	"(ii) improve spectral efficiency, such
25	as by improving compression technologies;

1	"(iii) improve the orbital variance effi-
2	ciency of the constellation; or
3	"(iv) otherwise do not substantially
4	modify the constellation.
5	"(3) Emergency modification.—If the Com-
6	mission finds that there are extraordinary cir-
7	cumstances requiring temporary operations in the
8	public interest and that delay in the institution of
9	such temporary operations would seriously prejudice
10	the public interest, the Commission—
11	"(A) may grant a license described in sub-
12	section (b), a grant of market access described
13	in subsection (c), or an authorization described
14	in subsection (d), a modification of such license,
15	grant of market access, or authorization, or re-
16	newal of such license, grant of market access,
17	or authorization for 180 days in a manner and
18	upon the terms the Commission shall by rule
19	prescribe in the case of an emergency found by
20	the Commission involving—
21	"(i) danger to life or property; or
22	"(ii) an action that is necessary for
23	the national defense or security of the
24	United States;

1	"(B) shall include with a grant made
2	under this paragraph a statement of the rea-
3	sons of the Commission for making such grant;
4	"(C) may extend a grant made under this
5	paragraph for periods not to exceed 180 days;
6	and
7	"(D) shall give expeditious treatment to
8	any timely filed petition to deny such applica-
9	tion and to any petition for rehearing of such
10	grant filed under section 405.
11	"(4) Exclusion.—Paragraph (2) shall not
12	apply to a request to modify a license for—
13	"(A) the addition of an ancillary terrestrial
14	component; or
15	"(B) modifying the service offered under
16	the initial license granted under subsection (b)
17	between fixed and mobile service.
18	"(5) Automatic grant of certain modi-
19	FICATIONS.—Upon notification to the Commission,
20	the Commission may automatically grant a request
21	to modify an application granted under subsection
22	(b), (c), or (d) or a covered authorization, to replace
23	one space station (or component of such space sta-
24	tion) with a technically similar space station (or

1	component of such space station) previously ap-
2	proved 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 section
6	310(d).
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) the Commission shall protect an enti-
17	ty with a covered authorization from harmful
18	interference consistent with the terms of such
19	protection afforded before the date of the enact-
20	ment of this section.
21	"(2) Transitional rule.—After the expira-
22	tion of the covered period, an entity with a covered
23	authorization may seek renewal for a license or
24	grant of market access under subsection (f).

1 "(3) Good faith coordination of shared 2 SPECTRUM.—Not later than the date on which the 3 rules issued pursuant to subsection (a) take effect, a licensee of a license granted under subsection 5 (b)(1), a grantee of market access granted under 6 subsection (c)(1), or an entity with a covered author-7 ization, in a spectrum band with service rules that 8 require such licensees or grantees to share spectrum, 9 shall make a good faith effort to coordinate the use 10 of spectrum with any other licensee or grantee au-11 thorized in the spectrum band in which another li-12 cense was granted under subsection (b)(1), another 13 grantee was granted under subsection (c)(1), or an-14 other entity was granted authorization to use spec-15 trum in such band. 16 "(4) Protection from Harmful inter-17 FERENCE.—Not later than the date on which the 18 rules issued pursuant to subsection (a) take effect, 19 for any spectrum band in which the Commission 20 grants a license under subsection (b)(1) or a grant 21 of market access under subsection (c)(1), the Com-22 mission shall establish a quantifiable level of protec-23 tion that a licensee of a license granted under sub-24 section (b)(1) or a grantee of market access granted 25 under subsection (c)(1) shall afford to any other li-

1	censee or grantee authorized in the spectrum band
2	in which another license was granted under sub-
3	section $(b)(1)$ , another grantee was granted under
4	subsection (c)(1), or another entity was granted au-
5	thorization to use spectrum in such band.
6	"(5) Consideration required.—When estab-
7	lishing the quantifiable level of protection described
8	in paragraph (4), the Commission shall ensure the
9	benefit to improved coordination among licensees
10	and grantees outweighs any costs associated with the
11	implementation of such protection.
12	"(6) Relation to itu radio regulations.—
13	Nothing in this subsection shall be construed to re-
14	quire the Commission to adopt rules regarding the
15	use of spectrum that contravene a requirement by
16	the radio regulations of the International Tele-
17	communication Union.
18	"(7) Rule of Construction.—An entity with
19	a covered authorization shall not be required to sub-
20	mit additional information in order to retain such
21	authorization, nor shall paragraph (1) affect any ob-
22	ligation of such entity under applicable law or regu-
23	lation until the end of the covered period.
24	"(i) State Preemption of Market Entry;
25	RATES.—Notwithstanding any provision of law, no State

1	or local government shall have any authority to regulate
2	the entry of or the rates charged by an applicant or li-
3	censee related to a license granted under subsection (b)
4	an applicant or grantee related to a grant of market access
5	granted under subsection (c), or an applicant or entity re-
6	lated to an authorization under subsection (d), except that
7	this subsection shall not prohibit a State from regulating
8	the other terms and conditions of such licensee, grantee
9	or entity.
10	"(j) Regulatory Restraint.—
11	"(1) Limitation of information pro-
12	VIDED.—In addition to the requirements described
13	in section 307(c)(2), in performing any act, making
14	any rule or regulation, or issuing any order nec-
15	essary to carry out this section, the Commission—
16	"(A) shall limit the information required to
17	be furnished to the Commission;
18	"(B) shall demonstrate the Commission
19	has taken every reasonable step to limit the in-
20	formation required to be furnished to the Com-
21	mission; and
22	"(C) may not request additional informa-
23	tion regarding the performance objectives estab-
24	lished in subsection (a)(1)(A) for any case in

1	which an applicant has demonstrated compli-
2	ance with such performance objectives.
3	"(2) Deadline for petition determina-
4	TION.—If an applicant for a license or a licensee
5	under subsection (b) files a petition under part 1,
6	title 47, Code of Federal Regulations (or any suc-
7	cessor regulation) relating to information required to
8	be furnished to the Commission under this section,
9	the Commission shall grant or deny the petition
10	within 90 days after the date on which the petition
11	is filed.
12	"(k) Definitions.—In this section:
13	"(1) COVERED APPLICATION.— The term 'cov-
14	ered application' means an application for a license
15	or grant of market access to operate a system de-
16	scribed in subparagraphs (A) through (C) of sub-
17	section (b)(1) or subparagraphs (A) through (C) of
18	subsection (c)(1) in a processing round established
19	before December 31, 2022, that is pending on the
20	date of the enactment of this section.
21	"(2) COVERED AUTHORIZATION.—The term
22	'covered authorization' means—
23	"(A) a license or grant of market access
24	granted by the Commission to operate a system
25	described in subparagraphs (A) through (C) of

1	subsection (b)(1) or subparagraphs (A) through
2	(C) of subsection (c)(1) in a processing round
3	established before December 31, 2022, that has
4	deployed a level of service commensurate with
5	the terms of the license or grant of market ac-
6	cess; or
7	"(B) a license or grant of market access
8	granted by Commission approval of a covered
9	application.
10	"(3) COVERED PERIOD.—The term 'covered pe-
11	riod' means, with respect to a covered authorization,
12	the period of time that begins on the date of the en-
13	actment of this section and ends on the earliest of—
14	"(A) the date on which the covered author-
15	ization expires;
16	"(B) the date that is 15 years after such
17	date of enactment; or
18	"(C) the date on which the Commission
19	grants a request to modify the covered author-
20	ization that would be a major modification
21	under subsection (g) if the covered authoriza-
22	tion were a license granted under subsection
23	(b)(1) or a grant of market access granted
24	under subsection $(e)(1)$ .

1	"(4) 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	(b) RELATION TO OTHER LAW AMENDMENTS.—The
7	Communications Act of 1934 (47 U.S.C. 151 et seq.) is
8	amended—
9	(1) in section $309(j)(2)$ —
10	(A) in the matter preceding subparagraph
11	(A), by inserting ", grants of market access,
12	authorizations," after "licenses";
13	(B) in subparagraph (B), by striking ";
14	or" and inserting a semicolon;
15	(C) by redesignating subparagraph (C) as
16	subparagraph (D); and
17	(D) by inserting after subparagraph (B)
18	the following new subparagraph:
19	"(C) for licenses, grants of market access,
20	or authorizations granted under section 345;
21	or'';
22	(2) in section 309(k)—
23	(A) in the heading, by striking "Broad-
24	CAST STATION RENEWAL PROCEDURES" and

1	inserting "Renewal Procedures for Cer-
2	TAIN AUTHORIZATIONS";
3	(B) in paragraph (1)—
4	(i) in the matter preceding subpara-
5	graph (A)—
6	(I) by inserting ", the licensee of
7	a license granted under section
8	345(b), the grantee of a grant of mar-
9	ket access granted under section
10	345(c), or an entity with authoriza-
11	tion granted under section 345(d),"
12	after "broadcast station";
13	(II) by inserting ", grant, or au-
14	thorization" after "such license";
15	(III) by striking "that station"
16	and inserting "that licensee, grantee,
17	or entity"; and
18	(IV) by inserting ", grant of
19	market access, or authorization" after
20	"its license";
21	(ii) in subparagraph (A), by striking
22	"the station" and inserting "in the case of
23	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 345(b), a grantee of a
8	grant of market access granted under section
9	345(c), or an entity with authorization granted
10	under section 345(d), the licensee, grantee, or
11	entity has served the public interest, conven-
12	ience, and necessity in accordance with section
13	345(e);";
14	(v) in subparagraph (C), as so redes-
15	ignated, by inserting ", grantee, or entity"
16	after "licensee"; and
17	(vi) in subparagraph (D), as so redes-
18	ignated, by inserting ", grantee, or entity"
19	after "licensee";
20	(C) in paragraph (2), by inserting ", or the
21	licensee of a license granted under section
22	345(b), the grantee of a grant of market access
23	under section 345(c), or an entity with author-
24	ization granted under section 345(d)," after
25	"broadcast station"; and

1	(D) in paragraph (3)—
2	(i) in the matter preceding subpara-
3	graph (A), by striking "that a licensee"
4	and inserting "that a broadcast station, a
5	licensee of a license granted under section
6	345(b), a grantee of market access granted
7	under section 345(c), or an entity with au-
8	thorization granted under section 345(d)";
9	(ii) in subparagraph (A), by inserting
10	"or 345" after "section 308"; and
11	(iii) in subparagraph (B), by inserting
12	"or under section 345 specifying the infor-
13	mation required by the Commission under
14	section $345(b)(3)$ , section $345(c)(2)$ , or
15	section 345(d)(1) (as the case may be) of
16	the former licensee, grantee, or entity"
17	after "former licensee"; and
18	(3) in section 310(b), by inserting "or license,
19	grant of market access, or authorization granted
20	under subsection (b), (c), or (d) of section 345"
21	after "radio station license".
22	(c) Applicability.—The requirements in the
23	amendments made by this section apply with respect to
24	any application submitted under subsection (b), (c), or (d)
25	of section 345 of the Communications Act of 1934 and

- 1 any request for renewal or modification under such sec-
- 2 tion, as added by subsection (a), on or after the date of
- 3 the enactment of this Act.