

[DISCUSSION DRAFT]

117TH CONGRESS
2^D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Ms. Rodgers 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.—Not later than 18 months after date
8 of the enactment of this section, the Commission shall
9 issue rules to amend part 25, title 47, Code of Federal
10 Regulations, to establish for licenses granted under sub-
11 section (b)—

12 “(1) specific performance requirements for
13 space safety and orbital debris requirements, includ-
14 ing—

15 “(A) limits on the amount of debris re-
16 leased in a planned manner;

17 “(B) limits on the probability of the space
18 station becoming a source of debris;

19 “(C) limits on the probability of accidental
20 explosions during and after completion of mis-
21 sion operations;

22 “(D) limits on the probability of a collision
23 between the space station and other operational
24 space stations;

25 “(E) the orbital parameters within which
26 space station will be maintained, including apo-

1 gee, perigee, inclination, and the right ascension
2 of any ascending node; and

3 “(F) disposal of the space station at end of
4 life;

5 “(2) specific modifications (or classes of modi-
6 fications) that warrant expedited treatment under
7 subsection (f)(2); and

8 “(3) specific actions taken by a licensee of a li-
9 cense granted under subsection (b) that constitute
10 good faith coordination.

11 “(b) APPLICATION FOR LICENSE.—

12 “(1) DETERMINATION REQUIRED.—**[[**Notwith-
13 standing sections 4(i), 303(r), and 303(y), sub-
14 sections (a) and (c) of section 307, section 308(b),
15 and subsections (a) through (h) of section 309 and
16 except as provided in paragraph (4)**]]**, not later
17 than **[1 year]** after the date on which a written ap-
18 plication is submitted to the Commission, the Com-
19 mission shall make a determination whether to grant
20 such application for a license for—

21 **[[**“(A) a nongeostationary orbit space sta-
22 tion or space-station constellation and earth
23 stations;**]]**

24 **[[**“(B) a nongeostationary orbit space sta-
25 tion and the blanket-licensed earth stations that

1 will operate with the nongeostationary orbit
2 space station; or】

3 【“(C) a nongeostationary orbit space-sta-
4 tion constellation and the blanket-licensed earth
5 stations that will operate within the nongeos-
6 tationary orbit space-station constellation.】

7 “(2) CONTENTS OF APPLICATION.—In addition
8 to the application requirements described in section
9 308(b), an application submitted under this sub-
10 section shall include the following:

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

14 “(B) A description of the plan of the appli-
15 cant to reasonably coordinate with any other
16 user.

17 “(C) A description of compliance by the
18 applicant with the performance requirements
19 established under subsection (a).

20 “(3) EXCEPTIONS.—The deadline for the deter-
21 mination required in paragraph (1) may be extended
22 by the Commission for an application—

23 “(A) subject to review under section
24 310(d); and

1 “(B) for frequencies that have not been al-
2 located in the United States for the proposed
3 service.

4 “(c) DETERMINATION OF PUBLIC INTEREST, CON-
5 VENIENCE, AND NECESSITY.—Before making a deter-
6 mination to grant an application, renewal, or modification
7 under subsection (b), (d), or (f) (as the case may be), the
8 Commission must determine that the license serves the
9 public interest, convenience, and necessity, including the
10 following:

11 【“(1) The license does not cause harmful inter-
12 ference with another license under this section 【enti-
13 tled to such protection】.】

14 【【“(2) The license does not diminish the
15 efficiency of spectrum use 【among】/【relative to】
16 functionally equivalent services.】】

17 【“(3) The license 【preserves or enables】/
18 【does not adversely】 affect competition among or
19 between functionally equivalent services.】

20 【“(4) In the case of a license that is to be used
21 for a mass-market, retail service, that the applicant
22 will provide or continue to provide (as the case may
23 be) services to the largest economically feasible num-
24 ber of users.】

25 “(d) RENEWAL OF LICENSE.—

1 “(1) IN GENERAL.—[[Notwithstanding section
2 307(c)(1)]]], the Commission may grant a renewal
3 for a license issued under subsection (b) upon re-
4 quest by an applicant beginning the day after the
5 date on which the previous license expires, if the
6 Commission determines the requirements under sub-
7 section (c) and section 309(k) have been met.

8 “(2) DEADLINE FOR DETERMINATION.—Not
9 later than [180 days] after the date on which the
10 Commission receives a request for renewal of a li-
11 cense issued under subsection (b), the Commission
12 shall grant or deny such renewal.

13 “(3) RULE OF CONSTRUCTION.—Nothing in
14 this subsection may be construed to affect the au-
15 thority of the Commission under paragraphs (2) and
16 (3) of section 307(c).

17 [[“(e) LIMITATION.—In carrying out subsections (a)
18 through (d), the Commission may not rely on authority
19 provided under subsection (a) or (b) of section 307.]]]

20 “(f) MODIFICATION OF LICENSE.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (3) and not later than [180 days] after the
23 date on which the Commission receives a request to
24 modify an application granted under subsection (b),
25 the Commission shall grant the request if the Com-

1 mission determines the modification meets the re-
2 quirement of subsection (c).

3 “(2) EXPEDITED TREATMENT.—The Commis-
4 sion shall grant a request made by an applicant to
5 modify a covered application granted under sub-
6 section (b) not later than [90 days] after the date
7 on which the Commission receives the request to
8 modify if—

9 “(A) the request does not increase the po-
10 tential for interference to other applicants or li-
11 censees; and

12 “(B) the request is limited only to modi-
13 fications, or a class of modifications, that—

14 “(i) increase transmission capacity;

15 “(ii) improve the orbital variance effi-
16 ciency of the constellation;

17 “(iii) seek to replace one space station
18 in the constellation with a substantially
19 similar space station; or

20 “(iv) otherwise do not substantially
21 modify the constellation.

22 “(3) EMERGENCY MODIFICATION.—The Com-
23 mission may grant a license described in subsection
24 (b), modification of such license, or renewal of such
25 license in a manner and upon the terms the Com-

1 mission shall by rule prescribe in the case of an
2 emergency found by the Commission involving—

3 “(A) danger to life or property; or

4 “(B) when such action is necessary for the
5 national defense or security of the United
6 States.

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

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

11 “(B) modifying the service offered under
12 the initial license granted under subsection (a)
13 between fixed and mobile service; or

14 “(C) establishing or modifying Intersat-
15 ellite links.

16 “(g) SHARED SPECTRUM; PROTECTION FROM HARM-
17 FUL INTERFERENCE.—

18 “(1) SHARED SPECTRUM.—A license granted
19 under subsection (b), or a licensee treated as such
20 under section 2(d) of the Satellite and Telecommuni-
21 cations Streamlining Act of 2022, shall be required
22 to—

23 “(A) share spectrum with any other li-
24 censee of the spectrum band in which another
25 license was granted under subsection (b);

1 “(B) coordinate in good faith with any
2 other licensee of the spectrum band in which
3 another license was granted under subsection
4 (b).

5 “(2) PROTECTION FROM HARMFUL INTER-
6 FERENCE.—In the case of a license granted in a
7 processing round before the date of the enactment of
8 this section, the Commission shall protect a license
9 granted under subsection (b), or treated as such
10 under section 2(d) of the Satellite and Telecommuni-
11 cations Streamlining Act of 2022, from harmful in-
12 terference caused by another licensee that was
13 granted in a processing round after the license, until
14 the earlier of—

15 “(A) **December 31, 2026**]; or

16 “(B) a date determined in the rules re-
17 quired to be adopted by the Commission under
18 section 2(e) of the Satellite and Telecommuni-
19 cations Streamlining Act of 2022.

20 **[[“(h) MARKET ENTRY; RATES.—Notwithstanding**
21 any provision of law, a State or local government may not
22 regulate the entry, **[[terms of service]]**, or rates charged
23 by an applicant related to a license granted under sub-
24 section (b).**]]**

25 “(i) REGULATORY RESTRAINT.—

1 “(1) LIMITATION OF INFORMATION PRO-
2 VIDED.—In addition to the requirements described
3 in section 307(c)(2), the Commission shall, in per-
4 forming any act, making any rule or regulation, or
5 issuing any order necessary to carry out this sec-
6 tion—

7 “(A) limit the information required to be
8 furnished to the Commission;

9 “(B) demonstrate the Commission has
10 taken every reasonable step to limit the infor-
11 mation required to be furnished to the Commis-
12 sion; and

13 “(C) limit any request for additional infor-
14 mation regarding the performance requirements
15 established in subsection (a) for a case in which
16 an applicant has demonstrated compliance with
17 such performance requirements.

18 “(2) DEADLINE FOR PETITION DETERMINA-
19 TION.—If an applicant for a license or a licensee
20 under subsection (b) files a petition under part 1,
21 title 47, Code of Federal Regulations (or any suc-
22 cessor regulation) relating to information required to
23 be furnished to the Commission under this section,
24 the Commission shall grant or deny the petition

1 within **[90 days]** after the date on which the peti-
2 tion is filed.”.

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

6 (1) in section 307(c)(2), by inserting after “sta-
7 tion licenses” the following: “, or applications sub-
8 mitted under section 345,”;

9 (2) in section 309(d), by adding at the end the
10 following:

11 “(3) Paragraphs (1) and (2) do not apply to a
12 request made by an applicant under paragraphs (2)
13 and (3) of section 345(f).”;

14 (3) in section 309(j)(2)—

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

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

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

21 “(C) for licenses granted under section
22 345; or”.

23 (4) in section 309(k)—

24 (A) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting after “broadcast
3 station” the following: “, or the licensee of
4 a license granted under section 345,”;

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

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

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

14 “(B) in the case of a licensee of a license
15 granted under section 345, the licensee has
16 served the public interest, convenience, and ne-
17 cessity in accordance with section 345(c);”;

18 (B) in paragraph (2), by inserting after
19 “broadcast station” the following: “, or the li-
20 censee of a license granted under section 345,”;
21 and

22 (C) in paragraph (3)—

23 (i) in subparagraph (A), by inserting
24 “or 345” after “section 308”; and

1 (ii) in subparagraph (B), by inserting
2 after “former licensee” the following: “or
3 under section 345 specifying the [channel
4 or orbital location of the former licensee]”;
5 and

6 (5) in section 310(b), by inserting “or license
7 granted under section 345(a)” after “radio station
8 license”.

9 (c) APPLICABILITY.—The requirements in the
10 amendments made by this section apply with respect to
11 any application submitted under section 345(b) of the
12 Communications Act of 1934 and any request for renewal
13 or modification under such section, as added by subsection
14 (b), on or after the effective date of such amendments.

15 (d) TREATMENT OF CERTAIN LICENSES.—A licensee
16 with a license to provide a substantially similar service to
17 a license granted under section 345(b) of the Communica-
18 tions Act of 1934, as added by subsection (a), that was
19 granted before the effective date of this section, shall be
20 treated as being licensed under section 345(b).

21 (e) TRANSITIONAL RULE.—Not later than [18
22 months] after the date of the enactment of this section,
23 the Federal Communications Commission shall amend its
24 rules to establish a sunset of the protection from harmful
25 interference described in section 345(g)(2) of the Commu-

1 nications Act of 1934, as added by subsection (a), for a
2 license granted under section 345(b) of such Act, or a li-
3 cense treated as such under subsection (d).

4 (f) EFFECTIVE DATE.—This section, and the amend-
5 ments made by this section, shall be effective on the date
6 on which the Federal Communications Commission issues
7 the rules pursuant to section 345(a) of the Communica-
8 tions Act of 1934, as added by subsection (a).