

CRV2 - CANTWELL SUBSTITUTE (As modified)

S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

**S. 3639**To expedite processing of satellite and space licenses, and  
for other purposes.Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by MR. CRV2 (For himself and Ms. CANTWELL)

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing: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. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

9 (1) the United States space industry represents  
10 a vital component to the present and future econ-  
11 omy, spurring job creation, innovation, and United  
12 States leadership for years to come;

1           (2) the Federal Communications Commission  
2           should take action within its remit to be forward-  
3           looking and ensure the United States sustains global  
4           leadership in commercial space, including advancing  
5           and implementing cutting-edge policy positions so  
6           that the United States is the global standard setter;

7           (3) coordination among relevant Federal agen-  
8           cies is important to monitoring and minimizing  
9           harm to the space environment so that these finite  
10          resources may be well-utilized to the benefit of fu-  
11          ture generations of Americans;

12          (4) streamlined Commission decision making on  
13          satellite and earth station licensing will help provide  
14          clarity to the United States space and satellite in-  
15          dustry; and

16          (5)       engagement       at       the       World  
17          Radiocommunication Conferences of the Inter-  
18          national Telecommunication Union is important to  
19          United States space leadership.

20   **SEC. 3. AUTHORITY REGARDING CERTAIN LICENSES.**

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

1 **"SEC. 346. RADIOFREQUENCY LICENSING AUTHORITY RE-**  
2 **LATING TO CERTAIN OPERATIONS.**

3 **"(a) DEFINITIONS.—**

4 **"(1) IN GENERAL.—**In this section:

5 **"(A) ASSISTANT SECRETARY.—**The term  
6 'Assistant Secretary' means the Assistant Sec-  
7 retary of Commerce for Communications and  
8 Information.

9 **"(B) MAJOR AMENDMENT.—**The term  
10 'major amendment' has the meaning given that  
11 term in section 25.116(b) of title 47, Code of  
12 Federal Regulations, or any successor regula-  
13 tion.

14 **"(C) RELEVANT COMMITTEES.—**The term  
15 'relevant committees' means the Committee on  
16 Commerce, Science, and Transportation of the  
17 Senate and the Committee on Energy and Com-  
18 merce of the House of Representatives.

19 **"(2) CODE OF FEDERAL REGULATIONS.—**The  
20 terms in section 25.103 of title 47, Code of Federal  
21 Regulations, or any successor regulation, are incor-  
22 porated by reference into this Act.

23 **"(b) RULES.—**

24 **"(1) IN GENERAL.—**Not later than 1 year after  
25 the date of enactment of this section the Commis-  
26 sion shall issue rules to carry out this section that

1 shall apply to applications and petitions submitted  
2 under subsection (c) after the date of enactment of  
3 this section, except that rulemaking required under  
4 paragraph (3) of subsection (c) shall adhere to the  
5 timeline specified in such paragraph.

6 “(2) VOTING.—At the request of any Commis-  
7 sioner, the Commission shall vote on—

8 “(A) rules promulgated under this section;

9 “(B) new and novel applications filed pur-  
10 suant to (c)(1) of this section; and

11 “(C) petitions for a grant of market access  
12 filed pursuant to (c)(2) of this section.

13 “(3) EFFECTIVE DATE.—No application or pe-  
14 tition may be considered under paragraphs (1) or  
15 (3) of subsection (c) until the Commission has com-  
16 pleted the rulemakings required under this section.

17 “(c) APPLICATIONS AND PETITIONS.—

18 “(1) APPLICATIONS FOR LICENSES AND MAJOR  
19 AMENDMENTS.—Not later than 1 year after the date  
20 of receipt of a completed application for a license or  
21 a major amendment of a license from an applicant  
22 with the necessary technical capability, the Commis-  
23 sion shall grant, on condition of successful coordina-  
24 tion with the Assistant Secretary and other Federal  
25 users as applicable, or deny the application for—

1           “(A) a non-geostationary orbit space sta-  
2           tion license;

3           “(B) a geostationary orbit space station li-  
4           cense;

5           “(C) an earth station; or

6           “(D) a blanket-licensed earth station.

7           “(2) PETITION FOR A GRANT OF MARKET AC-  
8           CESS.—

9           “(A) IN GENERAL.—After the Commission  
10           issues a public notice of the acceptance for fil-  
11           ing of a petition for a grant of market access,  
12           the Commission shall grant or deny the petition  
13           for—

14           “(i) a non-geostationary orbit space  
15           station market access; or

16           “(ii) a geostationary orbit space sta-  
17           tion market access.

18           “(B) GRANT OF MARKET ACCESS AND  
19           TERM.—No grant of market access shall be  
20           granted for more than 15 years. Grants of mar-  
21           ket access in effect on the date of enactment of  
22           this section shall expire not later than 15 years  
23           from the date of enactment of this section.

24           “(C) MARKET ACCESS RENEWALS.—The  
25           Commission may create a market access re-

1 newal mechanism for grantees that remain in  
2 compliance and have no change in their risk  
3 profile.

4 “(3) REVIEW EXTENSION.—

5 “(A) IN GENERAL.—The Commission may  
6 extend the period of review of an application for  
7 a license or renewal only if—

8 “(i) the Commission finds that there  
9 are extraordinary circumstances involving  
10 safety, a danger to life or property, harm-  
11 ful interference as substantiated by tech-  
12 nical analysis of the Commission’s Office  
13 of Engineering and Technology, or an ac-  
14 tion that is necessary for the national de-  
15 fense or security of the United States re-  
16 quiring additional time for consideration of  
17 the application;

18 “(ii) the Commission finds that extra  
19 time is needed to complete a non-geo-  
20 stationary space station application proc-  
21 essing round under the terms in section  
22 25.157 of title 47, Code of Federal Regula-  
23 tions, or any successor regulation;

1                   “(iii) a lapse in appropriations occurs  
2                   with respect to the Commission granting  
3                   such applications; or

4                   “(iv) the Commission determines an  
5                   extension is necessary for any other reason  
6                   and the Commission and the applicant,  
7                   notwithstanding limitations of periods of  
8                   extension elsewhere in this section, jointly  
9                   agree to an additional extension of the pe-  
10                  riod of review, for a jointly agreed upon  
11                  period of time of not longer than 180 days,  
12                  provided the Commission submits to the  
13                  relevant committees a notification explain-  
14                  ing the determination, including the reason  
15                  and the jointly agreed upon length of the  
16                  extension, not later than 30 days after  
17                  agreement between the Commission and  
18                  the applicant;

19                  “(B) LIMITATIONS ON PERIOD OF EXTEN-  
20                  SION.—Except as provided under subparagraph  
21                  (A)(iv), the Commission may not grant—

22                         “(i) an extension of a deadline for a  
23                         period that is more than 90 days; or

24                         “(ii) more than 2 extensions of a  
25                         deadline.

1           “(C) DEEMED GRANTED.—

2                   “(i) IN GENERAL.—If the Commission  
3 fails to grant or deny an application, in  
4 whole or in part, for a license or major  
5 amendment of a license, or for a renewal  
6 of a license or renewal of a grant of mar-  
7 ket access, from an applicant with the nec-  
8 essary technical capability by the end of  
9 the applicable review period, the applica-  
10 tion shall be deemed granted, 15 business  
11 days after the date on which the Commis-  
12 sion receives from the applicant written no-  
13 tice of the Commission’s failure to grant or  
14 deny the application by the applicable  
15 deadline.

16                   “(ii) EXCEPTION FOR COMMISSION  
17 ACTION.—If the Commission acts to grant  
18 or deny the application, in whole or in  
19 part, within the 15-business-day period  
20 after receiving written notice from the ap-  
21 plicant of the Commission’s failure to  
22 grant or deny the application by the appli-  
23 cable deadline, the deemed granted provi-  
24 sion in subparagraph (C)(i) shall not  
25 apply.



1                   “(iii) TREATMENT OF DEEMED  
2 GRANTED.—Any application deemed grant-  
3 ed under this section shall—

4                   “(I) for the purposes of the 30-  
5 day reconsideration mechanism pro-  
6 vided under section 1.108 of title 47,  
7 Code of Federal Regulations, or any  
8 successor regulation, be treated as an  
9 ‘action’ as the term is used in such  
10 regulation with the 30-day period for  
11 reconsideration commencing on the  
12 date the application is deemed grant-  
13 ed; and

14                   “(II) for the purposes of judicial  
15 review, treated as a final agency ac-  
16 tion upon expiration of the 30-day pe-  
17 riod for reconsideration under that  
18 section 1.108.

19                   “(iv) Rule of Construction. – Nothing  
20 in subparagraph (C) shall be construed to  
21 modify the Commission’s obligations under  
22 sections 551 through 559 of title 5, United  
23 States Code.

24                   “(D) RULEMAKING ON DEEMED GRANT-  
25 ED.—

1           “(i) IN GENERAL.—The Commission  
2 shall complete a rulemaking not later than  
3 2 years from enactment to establish the  
4 criteria and procedures under which a  
5 completed application for a license or a  
6 major amendment of a license, or for a re-  
7 newal of a license or renewal of a grant of  
8 market access, under (c)(1) shall be eligi-  
9 ble for deemed granted treatment upon the  
10 Commission’s failure to act within the ap-  
11 plicable review period.

12           “(ii) REQUIREMENTS.—The rule-  
13 making under clause (i) shall—

14           “(I) define the specific cat-  
15 egories, parameters, and characteris-  
16 tics of applications, amendments, or  
17 petitions that are eligible for deemed  
18 granted treatment, including consider-  
19 ation of constellation size, orbital  
20 shell, spectrum bands, and potential  
21 for harmful interference to incumbent  
22 users;

23           “(II) exclude from the deemed  
24 granted process established under sec-  
25 tion (C), those portions of an applica-

1           tion for a license or a major amend-  
2           ment of a license, or for a renewal of  
3           a license or renewal of a grant of mar-  
4           ket access, which propose to operate  
5           in—

6                   “(aa) spectrum bands that  
7                   are allocated on an exclusive  
8                   basis to Federal use; and

9                   “(bb) such shared Federal  
10                  and non-Federal bands and fre-  
11                  quencies which the Assistant Sec-  
12                  retary, in coordination with the  
13                  heads spectrum using agencies,  
14                  designate; and

15                 “(III) consider whether to ex-  
16                 clude from deemed granted treatment  
17                 any application, amendment, or peti-  
18                 tion that proposes to utilize substan-  
19                 tially novel or unique architectures for  
20                 which the Commission has not estab-  
21                 lished standard processing criteria;

22                 “(IV) consider whether to exclude  
23                 from deemed granted treatment any  
24                 application, amendment, or petition in  
25                 which the applicant has requested

1           waivers of Commission rules that  
2           would make expedited processing im-  
3           practicable;

4                   “(V) consider whether to estab-  
5           lish appropriate constellation size  
6           thresholds, below which applications,  
7           amendments, or petitions may be eli-  
8           gible for deemed granted treatment;

9                   “(VI) consider whether to include  
10          provisions to protect incumbent spec-  
11          trum operations necessary for the  
12          safety of life, including Federal oper-  
13          ations, from harmful interference; and

14                   “(VII) consider whether to estab-  
15          lish a streamlined process for approval  
16          of standard applications, amendments,  
17          or petitions that may not qualify for  
18          deemed granted treatment but that  
19          the Commission determines can be  
20          processed on an expedited basis.

21                   “(iii)   LIMITATION   ON   DEEMED  
22          GRANTED   FOR   SPACE   STATION   LI-  
23          CENSES.—No application for a non-geo-  
24          stationary orbit space station license, geo-  
25          stationary orbit space station license, or

1 major amendment thereof shall be deemed  
2 granted under this section unless such ap-  
3 plication meets the criteria established by  
4 the Commission through the rulemaking  
5 under clause (i) and is submitted after the  
6 effective date of the final rules issued pur-  
7 suant to such rulemaking.

8 “(iv) SUBSEQUENT RULEMAKING.—  
9 Not earlier than 2 years after the effective  
10 date of the final rules issued pursuant to  
11 clause (i), and periodically thereafter as  
12 necessary, the Commission may initiate a  
13 subsequent rulemaking to modify the cri-  
14 teria established under clause (i), including  
15 to reasonably adjust constellation size  
16 thresholds, based on the Commission’s ex-  
17 perience implementing this section.

18 “(v) INTERAGENCY COORDINATION.—  
19 In conducting the rulemaking under clause  
20 (i), as well as any subsequent rulemaking  
21 pursuant to clause (iv), the Commission  
22 shall coordinate with the Assistant Sec-  
23 retary to identify specific bands that are  
24 critical to Federal missions, which, if an  
25 application was deemed granted allowing

1 operations in such bands, would endanger  
2 the national defense or security of the  
3 United States, the safety of life, or the  
4 protection of property. The Commission  
5 shall exclude from deemed granted treat-  
6 ment any bands or frequencies so agreed  
7 to.

8 “(E) NOTICE TO CONGRESS.—If the Com-  
9 mission extends the review under subsection  
10 (A), it shall publish and submit to the relevant  
11 committees a notice that—

12 “(i) states the reasons of the Commis-  
13 sion for an extension; and

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

16 “(F) TOLLING FOR LAPSE IN APPROPRIA-  
17 TIONS.—Notwithstanding any other provision of  
18 this section, the period of time in which there  
19 is a lapse in appropriations under subparagraph  
20 (A)(iii) shall not apply towards the deadline and  
21 shall be added to the Commission’s period of re-  
22 view.

23 “(4) REQUESTS FOR RENEWAL OF LICENSE OR  
24 RENEWAL OF GRANT OF MARKET ACCESS.—

1           “(A) IN GENERAL.—Except as provided in  
2 paragraph (3), not later than 180 days after  
3 the date on which the Commission receives a  
4 complete request for renewal of a license or re-  
5 newal of a grant of market access, the Commis-  
6 sion shall—

7           “(i) if the Commission determines the  
8 requirements under section 309(k) have  
9 been met, grant the request for a term not  
10 to exceed the length of—

11           “(I) the initial term; or

12           “(II) in the case of a renewal of  
13 a grant of market access, 15 years;

14           “(ii) if the Commission makes the de-  
15 termination described in section 309(k)(3),  
16 deny the request; or

17           “(iii) if the Commission determines an  
18 extension necessary to ensure the national  
19 defense or security of the United States,  
20 submit to the relevant committees a report  
21 explaining the determination and extend  
22 the deadline of review for not longer than  
23 one additional 180-day term.

24           “(B) EXCEPTION.—The Commission may  
25 extend the period of review of a request under

1 subparagraph (A) for safety or for national se-  
2 curity and law enforcement concerns pursuant  
3 to paragraph (8).

4 “(5) EXPEDITED TREATMENT FOR MINOR AND  
5 CERTAIN MODIFICATIONS.—

6 “(A) Minor Modifications—

7                   “(i) IN GENERAL.—Except as pro-  
8                   vided in clause (ii) or to ensure the na-  
9                   tional defense or security of the United  
10                  States, not later than 90 days after the  
11                  date on which the Commission receives a  
12                  completed request to modify a license, the  
13                  Commission shall grant the request if the  
14                  request is limited only to a replacement  
15                  that does not, on net, increase the likeli-  
16                  hood of harmful interference to existing li-  
17                  censees.

18                               “(ii) **EXCLUSION.**—This paragraph  
19                               does not apply to a request to modify a li-  
20                               cense for—

21 “(I) the addition of an ancillary  
22 terrestrial component; or

23 “(II) modifying the service of-  
24 fered under the initial license granted  
25 pursuant to paragraph (1) between



1 fixed satellite service and mobile sat-  
2 ellite service.

3 “(iii) EXCEPTION.—The Commission  
4 may extend the period of review of a re-  
5 quest under subparagraph (i) for safety or  
6 for national security and law enforcement  
7 concerns pursuant to paragraph (8).

8 “(B) CERTAIN MODIFICATIONS.—

9 “(i) IN GENERAL.—Not later than 30  
10 days after the Commission receives a re-  
11 quest to replace a space or earth station,  
12 the Commission shall grant the request if  
13 the request is limited only to a replacement  
14 that does not, on net, increase the likeli-  
15 hood of harmful interference to existing li-  
16 censees.

17 “(ii) REPLACEMENT DESCRIBED.—A  
18 replacement described in this subpara-  
19 graph is a replacement of—

20 “(I) 1 space station, or compo-  
21 nent of a space station, with a tech-  
22 nically similar space station, or com-  
23 ponent of a space station, previously  
24 approved by the Commission; or

1                   “(II) 1 earth station, or compo-  
2                   nent of an earth station, with a tech-  
3                   nically similar earth station, or com-  
4                   ponent of an earth station, previously  
5                   approved by the Commission.

6                   “(iii) EXCEPTION.—The Commission  
7                   may extend the period of review of a re-  
8                   quest under subparagraph (i) for safety or  
9                   for national security and law enforcement  
10                  concerns pursuant to paragraph (8).

11               “(6) ALLEVIATION OF DELAYS FOR CERTAIN  
12               APPLICATIONS.—

13               “(A) EXTENSION OF SPECIAL TEMPORARY  
14               AUTHORITY.—The Commission may extend a  
15               grant of special temporary authority under sec-  
16               tion 25.120(b)(3) of title 47, Code of Federal  
17               Regulations, or any successor regulation, the re-  
18               quest for which was filed alongside an applica-  
19               tion for regular nonbroadcast operation, on the  
20               Commission’s own motion.

21               “(B) PRIORITY APPLICATIONS.—The Com-  
22               mission shall consider—

23               “(i) whether to implement a process  
24               that prioritizes applications relating to sys-  
25               tems most likely to imminently impact cus-

1           tomers, such as systems relating to cur-  
2           rently functioning or soon to be func-  
3           tioning systems;

4           “(ii) whether to charge a fee (and the  
5           amount of any fee) for an applicant elect-  
6           ing priority status with expedited proc-  
7           essing for their application; and

8           “(iii) the impact of a priority applica-  
9           tion process on new market entrants.

10          “(7) EMERGENCY GRANT, RENEWAL, OR MODI-  
11          FICATION.—If the Commission finds that there are  
12          extraordinary circumstances, the Commission—

13               “(A) may grant, for a period not to exceed  
14               180 days in a manner and upon the terms the  
15               Commission shall by rule prescribe—

16                   “(i) a license or grant of market ac-  
17                   cess;

18                   “(ii) a renewal of a license or grant of  
19                   market access; or

20                   “(iii) a modification of a license or  
21                   grant of market access;

22               “(B) shall include with a grant made  
23               under subparagraph (A) a statement of the rea-  
24               sons of the Commission for making the grant;

1           “(C) may extend a grant made under sub-  
2           paragraph (A) for a period not to exceed 180  
3           days; and

4           “(D) shall give expeditious treatment to  
5           any—

6                   “(i) timely filed petition to deny a  
7                   grant made under this subsection; or

8                   “(ii) timely filed petition for rehearing  
9                   of a grant made under this subsection that  
10                  is filed under section 405.

11           “(8) REVIEW FOR NATIONAL SECURITY AND  
12           LAW ENFORCEMENT CONCERNS.—

13                   “(A) REVIEW REQUIRED FOR ENTITIES  
14                   WITH REPORTABLE FOREIGN OWNERSHIP.—

15                           “(i) IN GENERAL.—For each applica-  
16                           tion for a license, petition for a grant of  
17                           market access, or request for a modifica-  
18                           tion submitted by an entity that has not  
19                           already undergone a foreign ownership re-  
20                           view pursuant to section 721 of the De-  
21                           fense Production Act of 1950 (50 U.S.C.  
22                           4565), or for which the ownership struc-  
23                           ture has materially changed since receiving  
24                           approval under that section that would re-  
25                           quire a subsequent review as described in

1 this subparagraph or has changed its for-  
2 eign ownership structure and that the  
3 Commission determines to have reportable  
4 foreign ownership, the Commission shall  
5 refer the application or request to the  
6 Committee for the Assessment of Foreign  
7 Participation in the United States Tele-  
8 communications Services Sector established  
9 by Executive Order 13913 (85 Fed. Reg.  
10 19643; relating to the establishment of the  
11 Committee for the Assessment of Foreign  
12 Participation in the United States Tele-  
13 communications Services Sector) (in this  
14 paragraph referred to as the 'Committee' )  
15 for review of national security and law en-  
16 forcement concerns that may be raised by  
17 the application, petition, or request.

18 “(ii) EXCEPTION.—A referral to the  
19 Committee shall not be required under  
20 clause (i) if the Commission determines,  
21 after conferral with the Committee, a prior  
22 review by the Committee on Foreign In-  
23 vestment in the United States, established  
24 pursuant to section 721 of the Defense  
25 Production Act (in this clause referred to

1 as 'CFIUS') was sufficient to address any  
2 national security and law enforcement con-  
3 cerns present at the time of application or  
4 request. For purposes of this clause, with-  
5 out limiting the changes that may be con-  
6 sidered not material, a change in an enti-  
7 ty's foreign ownership structure shall be  
8 deemed not to be material if a reportable  
9 foreign ownership interest reduces its in-  
10 terest in the entity.

11 "(B) REVIEW AT DISCRETION OF COMMIS-  
12 SION.—In addition to any application, petition,  
13 or request that the Commission is required  
14 under subparagraph (A) to refer to the Com-  
15 mittee, the Commission may, at the Commis-  
16 sion's own discretion, refer any other applica-  
17 tion for a license, petition for a grant of market  
18 access, renewal of a license, renewal of a grant  
19 of market access, or request for a modification  
20 submitted by an entity for review of national se-  
21 curity and law enforcement concerns that may  
22 be raised by the application, petition, or re-  
23 quest.

24 "(9) COMPLETENESS.—

1           “(A) IN GENERAL.—With respect to each  
2           application for a license, renewal of a license,  
3           renewal of a grant of market access, petition  
4           for a grant of market access, or application for  
5           an earth station, not later than 30 days after  
6           receiving such application or petition, the Com-  
7           mission shall—

8                   “(i) determine whether—

9                           “(I) the application or petition  
10                   contains—

11                                   “(aa) in the case of an ap-  
12                                   plication for a license, renewal of  
13                                   a license, or renewal of a grant of  
14                                   market access, all of the informa-  
15                                   tion required to be submitted  
16                                   with the application;

17                                   “(bb) in the case of a peti-  
18                                   tion for a grant of market access,  
19                                   all of the information required to  
20                                   be submitted with the petition; or

21                                   “(cc) in the case of an appli-  
22                                   cation for an earth station, all of  
23                                   the information required to be  
24                                   submitted with the application;  
25                                   and

1                   “(II) the applicant or petitioner  
2                   has paid the fee, if any, required; and

3                   “(ii)(I) if the determinations under  
4                   subclauses (I) and (II) of clause (i) are  
5                   both in the affirmative, issue a public no-  
6                   tice of the acceptance for filing of the ap-  
7                   plication as necessary; or

8                   “(II) if either determination  
9                   under subclause (I) or (II) of clause  
10                  (i) is in the negative, provide notice to  
11                  the applicant of the negative deter-  
12                  mination, including the information  
13                  required to be submitted for the appli-  
14                  cation to be determined complete.

15                  “(B) INACTION BY COMMISSION.—

16                  “(i) NOTICE TO COMMISSION.—If,  
17                  with respect to application for a license, re-  
18                  newal of a license, renewal of a grant of  
19                  market access, a petition for a grant of  
20                  market access, or application for an earth  
21                  station, the Commission fails to make the  
22                  determinations described in subparagraph  
23                  (A) within 60 days, the applicant may no-  
24                  tify the Commission in writing of the appli-  
25                  cant’s belief that the application is com-



plete and request a Commission vote on the completeness of the application.

“(ii) COMMISSION VOTE.—Upon receipt of a notification under clause (i), the Commission shall add to the agenda for its next monthly meeting occurring not less than 21 days from the receipt of notification a vote on the completeness of the application and, if the discrepancy remains at the next monthly meeting, vote at that meeting on the completeness of the application.

“(iii) APPLICATION OF SUNSHINE PROCEDURES.—The vote by the Commission under (ii) shall be conducted in compliance with the Commission’s sunshine procedures in part 1.1203 of title 47, Code of Federal Regulations, or any successor rule, except that such rules shall not restrict communications between the Commission and the applicant for the purposes of resolving the matter prior to such vote.

“(C) RULEMAKING ON COMPLETENESS.—Not later than 1 year after the date of enactment of this section, and periodically thereafter

1 as necessary, the Commission shall complete a  
2 rulemaking process that defines clearly what  
3 constitutes completeness for applications, re-  
4 newals, and petitions submitted under this sec-  
5 tion. In this rulemaking, the Commission shall  
6 establish criteria to determine whether the  
7 amendment of an application requires a new  
8 completeness finding that would reset the dead-  
9 lines in this section.

10 “(10) COORDINATION.—The Commission and  
11 Assistant Secretary shall enter into a Memorandum  
12 of Understanding, or execute comparable formal ar-  
13 rangements, to enhance and standardize interagency  
14 coordination to the extent practicable, with the aim  
15 of expediting the review of applications and petitions  
16 submitted under this subsection.

17 “(11) DENIAL WITHOUT PREJUDICE AND FEE  
18 REFUND.—If the Commission denies an application  
19 or petition submitted under this section solely be-  
20 cause it was unable to make a favorable determina-  
21 tion within the allotted timeframe for a diligent ap-  
22 plicant acting in good faith—

23 “(A) that denial shall be without prejudice  
24 for the purposes of future applicant filings; and

1                   “(B) the Commission shall refund any ap-  
2                   plication fees for the denied application to the  
3                   applicant upon request.

4                   “(12) RULEMAKING ON APPLICANT WITH THE  
5                   NECESSARY TECHNICAL CAPABILITY.—Not later  
6                   than 1 year after the date of enactment of this sec-  
7                   tion, and periodically thereafter as necessary, the  
8                   Commission shall complete a rulemaking process  
9                   that defines clearly what constitutes an applicant  
10                  with the necessary technical capability for applica-  
11                  tions and petitions submitted under this section. The  
12                  Commission shall limit consideration to factors di-  
13                  rectly related to technical capability needed to pre-  
14                  serve safety and prevent harmful interference.

15                  “(13) CHARACTER CONDITIONS.—In order to  
16                  receive a license or grant under this section, the ap-  
17                  plicant shall meet any relevant character conditions  
18                  required by the Commission under section 308(b).

19                  “(14) RULE OF CONSTRUCTION.—Nothing in  
20                  paragraph (c) shall be construed to modify the Com-  
21                  mission’s ability to partially grant or partially deny  
22                  an application.

23                  “(d) SPECTRUM EFFICIENCY.—The Commission  
24                  shall promulgate rules that seek to promote competition,  
25                  innovation, and efficient use of spectrum by entities li-

1 censed or granted market access, including by accounting  
2 for advancements in technology capable of reducing or  
3 eliminating harmful interference.

4 “(e) REGULATORY RESTRAINT.—In performing any  
5 act, issuing any rule or regulation, or issuing any order  
6 necessary to carry out this section, the Commission—

7 “(1) shall limit the information required to be  
8 furnished to the Commission to that which is strictly  
9 necessary;

10 “(2) with respect to an application for a license,  
11 petition for a grant of market access, or application  
12 for an earth station—

13 “(A) may not require the filing of any in-  
14 formation that is not directly material to the  
15 considerations that affect the decision on such  
16 application or petition; and

17 “(B) may require information about new  
18 or additional facts that the Commission deter-  
19 mines necessary to make its decision; and

20 “(3) shall proactively reorient the application  
21 and petitions systems of the Commission to reduce  
22 the amount of information required of applicants  
23 and petitioners that the Commission has already col-  
24 lected.

1       “(f) REPORT ON BACKLOG.—The Commission shall  
2 submit to the relevant committees and the Committee on  
3 Appropriations of the Senate and the Committee on Ap-  
4 propriations of the House of Representatives an annual  
5 report on the backlog of applications and petitions de-  
6 scribed under subsection (c), including the number of ap-  
7 plications that are outstanding for applicant companies  
8 that no longer exist, until the later of 2 years after the  
9 date of enactment of this section or such time as the back-  
10 log is reduced to processing times not exceeding 1 year.

11       “(g) RELATION TO EXPERIMENTAL AND AMATEUR  
12 USES.—This section shall not apply to any Commission  
13 authorization with respect to—

14               “(1) the experimental radio service; or

15               “(2) the amateur radio service.

16       “(h) INTERAGENCY COORDINATION PROGRAM.—Not  
17 later than 90 days after the date of enactment of this sec-  
18 tion, the Commission, in coordination with the Assistant  
19 Secretary and the heads of spectrum-using Federal agen-  
20 cies, shall submit to the relevant committees a report on  
21 the feasibility of establishing a program under which the  
22 Commission details qualified individuals to spectrum-using  
23 agencies for the purpose of improving interagency spec-  
24 trum coordination. The report shall include—

1           “(1) the estimated costs of establishing and op-  
2           erating such a program;

3           “(2) the number of full-time equivalent per-  
4           sonnel that would be required;

5           “(3) an identification of Federal agencies that  
6           would likely participate in such a program;

7           “(4) an assessment of how the Commission may  
8           use its authority to collect fees under section 9 of  
9           the Communications Act of 1934 to fund such a  
10          program; and

11          “(5) any recommendations for legislative or ad-  
12          ministrative actions necessary to implement such a  
13          program.

14          “(i) INTERNATIONAL SPECTRUM COORDINATION AND  
15          MARKET ACCESS.—

16               “(1) The Commission and the Assistant Sec-  
17               retary, in coordination with the Secretary of State,  
18               shall take such actions as may be necessary to expe-  
19               dite coordination with the International Tele-  
20               communication Union and foreign governments to  
21               facilitate spectrum access and market access for  
22               United States commercial satellite operators.

23               “(2) Not later than 1 year after the date of en-  
24               actment of this section, and annually thereafter, the  
25               Commission shall submit to the relevant committees

1 a report describing actions taken under this section  
2 and identifying foreign regulatory barriers to spec-  
3 trum access and market access for United States  
4 satellite operators.”.

5 (b) RELATION TO OTHER LAW AMENDMENTS.—Sec-  
6 tion 309 of the Communications Act of 1934 (47 U.S.C.  
7 309) is amended—

8 (1) in subsection (j)(2)—

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

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

13 (C) by inserting after subparagraph (B)  
14 the following:

15 “(C) for licenses or grants of market ac-  
16 cess granted under section 346; or”; and

17 (2) in subsection (k)—

18 (A) in the heading, by striking “broadcast  
19 station renewal procedures” and inserting “Re-  
20 newal Procedures for Certain Authorizations”;

21 (B) in paragraph (1)—

22 (i) in the matter preceding subpara-  
23 graph (A)—

24 (I) by inserting “, the holder of  
25 a license or the recipient of a grant of

1 market access granted under section  
2 346(c),” after “broadcast station”;

3 (II) by inserting “or grant” after  
4 “such license”;

5 (III) by striking “that station”  
6 and inserting “that licensee, recipient,  
7 or entity”; and

8 (IV) by inserting “or grant of  
9 market access” after “its license”;

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

13 (iii) in subparagraph (B), by inserting  
14 “, recipient, or entity” after “licensee”;  
15 and

16 (iv) in subparagraph (C), by inserting  
17 “, recipient, or entity” after “licensee”;

18 (C) in paragraph (2), by inserting “, or the  
19 holder of a license or the recipient of a grant  
20 of market access granted under section 346(c),”  
21 after “broadcast station”;

22 (D) in paragraph (3)—

23 (i) in the matter preceding subpara-  
24 graph (A), by inserting “of a broadcast  
25 station, a holder of a license, or a recipient



1 of a grant of market access granted under  
2 section 346(c)” after “that a licensee”;

3 (ii) in subparagraph (A)—

4 (I) by inserting “, recipient, or  
5 entity” after “licensee”; and

6 (II) by inserting “or 346” after  
7 “section 308”; and

8 (iii) in subparagraph (B), by striking  
9 “former licensee” and inserting “former li-  
10 censee of a broadcast station or such appli-  
11 cations for a license or grant of market ac-  
12 cess filed under section 346(c) specifying  
13 the information of the former licensee, re-  
14 cipient, or entity”; and

15 (E) in paragraph (4), by inserting “or a  
16 grant of market access” after “license”.