

117TH CONGRESS
2D SESSION

S. 3775

To authorize the Secretary of Defense and the Secretary of State to enter into contracts with satellite-based companies to provide or propagate internet and mobile service in countries where the United States Government is engaged in, or providing support related to, contingency operations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 8 (legislative day, MARCH 7), 2022

Mr. CORNYN (for himself and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize the Secretary of Defense and the Secretary of State to enter into contracts with satellite-based companies to provide or propagate internet and mobile service in countries where the United States Government is engaged in, or providing support related to, contingency operations, 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 “Safely Accessing Tele-
5 communications Act of 2022”.

1 **SEC. 2. AUTHORITY FOR DEPARTMENT OF DEFENSE TO**
2 **CONTRACT WITH SATELLITE-BASED COMPA-**
3 **NIES TO PROVIDE INTERNET AND MOBILE**
4 **SERVICE DURING CONTINGENCY OPER-**
5 **ATIONS.**

6 (a) IN GENERAL.—

7 (1) DEPARTMENT OF DEFENSE.—The Sec-
8 retary of Defense may enter into contracts with sat-
9 ellite-based communication service providers to pro-
10 vide or propagate broadband internet access service
11 and related telecommunications services and mobile
12 service in countries where the United States Govern-
13 ment is engaged in, or providing support related to,
14 contingency operations, for purposes of providing
15 military assistance.

16 (2) DEPARTMENT OF STATE.—The Secretary of
17 State may enter into contracts with satellite-based
18 companies to provide or propagate internet and mo-
19 bile service in countries where the United States
20 Government is engaged in, or providing support re-
21 lated to, contingency operations, for purposes of pro-
22 viding humanitarian assistance.

23 (3) ANCILLARY SERVICES.—A contract author-
24 ized under this subsection may include both the pro-
25 vision of the service itself and the procurement and
26 distribution of end-point infrastructure necessary for

1 the operations of the service, including stations,
2 modems, hubs for internet service, customer termi-
3 nals, equipment required to access the broadband
4 internet access service and related telecommuni-
5 cations services, and cellular devices.

6 (b) CONSIDERATIONS.—In entering into a contract to
7 provide or propagate internet or mobile service pursuant
8 to subsection (a), the Secretary of Defense or the Sec-
9 retary of State, as the case may be, shall consider the fol-
10 lowing factors:

11 (1) The degree to which the use of such service
12 will be in the national security interests of the
13 United States or its allies.

14 (2) The degree to which the use of such service
15 will protect the health and safety of displaced per-
16 sons due to the contingency operation.

17 (3) Whether the use of such service or the cap-
18 ture thereof would negatively impact the security of
19 the user or the United States.

20 (4) Whether the service provider is capable of
21 increasing the security of the service and the data
22 transmitted via the service.

23 (5) The degree to which such service may be
24 controlled from outside the conflict zone to limit its
25 use by enemy actors.

1 (6) The costs and benefits of providing such
2 service as compared to other forms of telecommuni-
3 cations assistance.

4 (7) The speed, reliability, and geographic cov-
5 erage with which a service provider may provide
6 operational telecommunications services.

7 (8) Whether the use of such service would en-
8 hance the capabilities of the allied government to
9 provide essential services to its citizens in the con-
10 flict zone.

11 (c) COMPLIANCE REQUIREMENTS.—

12 (1) DEPARTMENT OF COMMERCE ENTITY
13 LIST.—Any company awarded a contract under sub-
14 section (a) shall be required to comply with the En-
15 tity List maintained by the Department of Com-
16 merce and set forth in Supplement No. 4 to part
17 744 of the Export Administration Regulations under
18 subchapter C of chapter VII of title 15, Code of
19 Federal Regulations.

20 (2) LIST OF COVERED COMMUNICATIONS
21 EQUIPMENT OR SERVICES.—No covered communica-
22 tions equipment or service, as defined in section 9
23 of the Secure and Trusted Communications Net-
24 works Act of 2019 (47 U.S.C. 1608), may be pro-
25 cured or distributed under a contract entered into by

1 the Secretary of Defense or the Secretary of State
2 under subsection (a).

3 (d) RESTRICTIONS.—In entering into a contract to
4 provide or propagate internet or mobile service pursuant
5 to subsection (a), the Secretary of Defense or the Sec-
6 retary of State, as the case may be, may not—

7 (1) provide such service for a period longer
8 than is necessary to prevent or prepare for an immi-
9 nent armed conflict, respond to an active armed con-
10 flict, or recover from a recent armed conflict in
11 which the United States has a strategic interest; or

12 (2) compel a service provider to provide a serv-
13 ice.

14 (e) COST REIMBURSEMENT AGREEMENTS.—The Sec-
15 retary of Defense and the Secretary of State may enter
16 into agreements with governments of threatened countries
17 and countries supporting threatened countries to reim-
18 burse or offset the costs of providing services under con-
19 tracts entered into pursuant to subsection (a).

20 (f) LIMITATION.—The Secretary of Defense and the
21 Secretary of State may not reimburse a company with
22 which a contract has been entered into under subsection
23 (a) for services provided before the start date indicated
24 in the contract.

1 (g) CONSULTATION WITH AGENCIES THAT REGU-
2 LATE TELECOMMUNICATIONS.—The Secretary of Defense
3 and the Secretary of State shall consult with the Federal
4 Communications Commission and the Assistant Secretary
5 of Commerce for Communications and Information on how
6 to expedite the granting, by foreign governments, of li-
7 censes or other authorizations for the provision of internet
8 service or mobile service under contracts entered into
9 under subsection (a).

10 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion supersedes or limits the authority of the President,
12 the Secretary of Defense, or the Secretary of State under
13 the Federal Acquisition Regulation.

14 (i) MOBILE SERVICE DEFINED.—In this section, the
15 term “mobile service” has the meaning given the term in
16 section 3 of the Communications Act of 1934 (47 U.S.C.
17 153).

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