

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Marlink, Inc.) File No.: EB-TCD-25-00038619
) CD Acct. No.: 202632170001
) FRN: 0008760456
)
)

ORDER

Adopted: January 8, 2026

Released: January 8, 2026

By the Chief, Enforcement Bureau:

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission has entered into a Consent Decree to resolve its investigation into whether Marlink, Inc. (Marlink) violated terms of its international section 214 and earth station authorizations, as conditioned by the Commission. Those terms required Marlink to impose strict controls on foreign-employee access to United States communications infrastructure and customer information, including an obligation to notify the Department of Justice (DOJ) before granting such access to any foreign employee. To settle this matter, Marlink will revise its procedures and controls on such access, implement a compliance plan, and pay a \$175,000 voluntary contribution.

2. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the referenced investigation regarding Marlink's compliance with the conditions of its international section 214 and earth station authorizations.

3. In the absence of material new evidence relating to this matter, we do not set for hearing the question of Marlink's basic qualifications to hold or obtain any Commission license or authorization.¹

4. Accordingly, **IT IS ORDERED** that, pursuant to section 4(i) of the Act 47 U.S.C. § 154(i), and the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 CFR §§ 0.111, 0.311, the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

5. **IT IS FURTHER ORDERED** that the above-captioned matter **IS TERMINATED** in accordance with the terms of the attached Consent Decree.

6. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to Pauline Ruitenberg, Secretary, Marlink, Inc., 3327 South Sam Houston Parkway East, Suite 100, Houston, TX 77047, and to Kent Bressie, Rakesh Patel, Stephen Miller, HWG LLP, 1919 M Street, N.W., Suite 800, Washington, D.C. 20036.

¹ See 47 CFR § 1.93(b).

FEDERAL COMMUNICATIONS COMMISSION

Patrick Webre
Acting Chief
Enforcement Bureau

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CONSENT DECREE

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission and Marlink, Inc. (Marlink or Company), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigation into whether Marlink violated the terms of the Company's international section 214 and earth station authorizations, as conditioned by the Commission.¹ Those terms required Marlink to implement strict controls on foreign-employee access to United States communications infrastructure and customer information, including an obligation to notify the Department of Justice (DOJ) before granting such access to any foreign employee. Through its investigation, the Bureau found that due to an inadequate screening procedure, Marlink failed to submit for timely vetting to DOJ 186 foreign employees with access to its domestic infrastructure and/or certain types of customer information. To resolve this matter, Marlink agrees to implement revised procedures and controls on such access, implement a compliance plan, and pay a \$175,000 voluntary contribution.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:
 - (a) "Access" has the same meaning as the term is defined in the Marlink LOA.
 - (b) "Act" means the Communications Act of 1934, as amended.²
 - (c) "Adopting Order" means an order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (d) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.

¹ 47 U.S.C. §§ 214(a), 301, 308(b), 312; 47 CFR §§ 25.102(a), 63.18(e)(1), 63.21(a). The Commission granted Marlink's international section 214 application and associated earth station applications conditioned on the compliance with commitments made to the U.S. Department of Justice in the Marlink LOA. *See International Authorizations Granted, Section 214 Applications* (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000), Public Notice, 37 FCC Rcd 6695 (2022) (International Section 214 Transfer of Control Authorization) ("[F]ailure to comply and/or remain in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of the grant of this application and the underlying international section 214 authorization and thus grounds for declaring the authorization terminated without further action on the part of the Commission. Failure to meet a condition of the authorization may also result in monetary sanctions or other enforcement action by the Commission."); *Satellite Communications Services Information re: Actions Taken*, Public Notice, Report No. SES-02474 (IB June 15, 2022) (granting on June 10, 2022, applications for consent to transfer control of earth station authorizations for FCC ICFS File Nos. SES-T/C-20210923-01679, SES-T/C-20210923-01680, and SES-T/C-20210923-01681) (Earth Station Transfer of Control Authorizations) ("Grant conditioned on compliance with the commitments and undertakings set forth in the Letter of Agreement . . .").

² 47 U.S.C. § 151 *et seq.*

- (e) “CD Acct No.” means account number 202632170001, associated with payment obligations described in paragraph 26 of this Consent Decree.
- (f) “Commission” and “FCC” mean the Federal Communications Commission and all of its bureaus and offices.
- (g) “Communications Laws” means collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which Marlink is subject by virtue of its business activities.
- (h) “Compliance Plan” means the compliance obligations, program, and procedures described in this Consent Decree at paragraph 20.
- (i) “Covered Employees” means all employees and agents of Marlink who perform, supervise, oversee, or manage the performance of duties that relate to the Marlink LOA.
- (j) “Domestic Communications” (DC) has the same meaning as the term is defined in the Marlink LOA.
- (k) “Domestic Communications Infrastructure” (DCI) has the same meaning as the term is defined in the Marlink LOA.
- (l) “Effective Date” means the date by which both the Bureau and Marlink have signed the Consent Decree and the Bureau has released an Adopting Order.
- (m) “Foreign” has the same meaning as the term is defined in the Marlink LOA.
- (n) “Investigation” means the investigation commenced by the Bureau in EB-TCD-25-00038619 regarding whether Marlink violated the conditions of its international section 214 authorization and earth station licenses.
- (o) “Marlink” or “Company” means Marlink, Inc. and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.
- (p) “Marlink LOA” means the agreement between Marlink, Inc. and the U.S. Department of Justice, dated May 5, 2022, in relation to FCC ICFS File Nos. ITC-T/C-20210913-00135, SES-T/C-20210923-01679, SES-T/C-20210923-01680, and SES-T/C-20210923-01681, the grants of which the Commission expressly conditioned on compliance with the terms of the Letter of Agreement. *See Letter of Agreement from Thomas Collins, President, Marlink, Inc., and Sinisa Krnic, Manager, P8 Holding 1 S.à r.l. (“P8 Holding,” subsequently renamed Venga Topco S.à r.l. (“Venga Topco”), to the Chief of the Foreign Investment Review Section et al., National Security Division, U.S. Department of Justice, File Nos. ITC-T/C-20210913-00135 et al. (May 5, 2022)).*
- (q) “Operating Procedures” means the standard internal operating procedures and compliance policies established by Marlink to implement the Compliance Plan.
- (r) “Parties” means Marlink and the Bureau, each of which is a “Party.”
- (s) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- (t) “U.S. Records” has the same meaning as the term is defined in the Marlink LOA.

II. BACKGROUND

3. *Foreign Ownership and Operation of U.S. Telecommunications Services and Committee Review of National Security and Law Enforcement Risks.* The Act provides the Commission with authority to regulate U.S. telecommunications infrastructure. A principal purpose of the Act is to protect

the “national defense.”³ To further this purpose and the Commission’s oversight of U.S. telecommunications infrastructure, any person or entity seeking to construct, acquire or operate a transmission line, or engage in transmission through any such line, for interstate or U.S.-international telecommunications service must receive authorization from the Commission pursuant to section 214 of the Act.⁴ The Act further authorizes the Commission to generally regulate and issue licenses for radio communications, whereby any person seeking to transmit energy or communications must receive a license from the Commission, and the Commission’s rules require authorization to use or operate apparatus for the transmission of energy, communications, or signals by space or earth station.⁵ Any person or entity that holds domestic or international section 214 authority or earth station licenses must obtain prior Commission approval before the authorization holder consummates a substantial transfer of control of such authority or license to any other person or entity.⁶

4. In addition to other public interest factors, the Commission considers whether an application for transfer of control of such authority raises any national security, law enforcement, foreign policy, or trade policy concerns related to the applicant’s reportable foreign ownership.⁷ For over 25 years, the Commission, at its discretion, has referred certain types of applications—including those for transfers of control of international section 214 authorizations from entities that have reportable foreign ownership—to certain Executive Branch agencies, including the Departments of Justice, Homeland Security, and Defense (collectively, National Security Agencies), and sought their expertise in identifying and evaluating issues of concern that may arise from an applicant’s foreign ownership.⁸ In April 2020, Executive Order No. 13913 formalized this process and established the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (the Committee), commonly known as Team Telecom.⁹ The Commission, when deciding whether to grant an

³ 47 U.S.C. § 151.

⁴ 47 U.S.C. § 214(a) (prohibiting any carrier from constructing, acquiring, or operating any line, and from engaging in transmission through any such line, without first obtaining a certificate from the Commission “that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such . . . line . . .”); *see also China Telecom (Americas) Corp.*, Order on Revocation and Termination, 36 FCC Rcd 15966, 15968-69, para. 3 (2021) (*China Telecom Order*), aff’d, *China Telecom (Americas) Corp. v. FCC*, 57 F.4th 256 (D.C. Cir. 2022). While the Commission has granted domestic carriers blanket authority to provide domestic interstate services and to construct or operate any domestic transmission line, applicants seeking to provide international services, including applicants with reportable foreign ownership, must submit an application for international section 214 authority to the Commission and undergo an approval process under section 214. *Implementation of Section 402(b)(2)(A) of the Telecommunications Act of 1996; Petition for Forbearance of the Independent Telephone & Telecommunications Alliance*, Report and Order and Second Memorandum Opinion and Order, 14 FCC Rcd 11364, 11365-66, para. 2 & n.8 (1999) (*Domestic 214 Blanket Authority Order*); 47 CFR §§ 63.01, 63.18.

⁵ 47 U.S.C. §§ 301, 303; 47 CFR § 25.102(a).

⁶ 47 CFR §§ 25.102, 63.03–04, 63.24.

⁷ *China Telecom Order*, 36 FCC Rcd at 15970, para. 5.

⁸ *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, Second Report and Order, 36 FCC Rcd 14848, 14850, para. 2 (2021); *see Rules and Policies on Foreign Participation in the U.S. Telecommunications Market; Market Entry and Regulation of Foreign-Affiliated Entities*, IB Docket Nos. 97-142 and 95-22, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23918-21, paras. 59-66 (1997) (*Foreign Participation Order*), recon. denied, *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, IB Docket 97-142, Order on Reconsideration, 15 FCC Rcd 18158 (2000); *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, Report and Order, 35 FCC Rcd 10927, 10928-29, para. 3 (2020) (*Executive Branch Process Reform Order*).

⁹ Executive Order No. 13913, Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector, 85 Fed. Reg. 19643 (Apr. 8, 2020) (stating that, “[t]he security,

authorization, ultimately makes an independent decision in light of the information in the record, including any information provided by the applicant, authorization holder, or licensee in response to any filings by the Committee or National Security Agencies.¹⁰ The Commission, at its discretion, also may refer other types of applications.¹¹

5. During the course of the Committee's review, the applicant may enter into a mitigation agreement with the Committee, such as a Letter of Agreement (LOA), in which the applicant makes certain commitments to address identified national security and law enforcement concern.¹² Following its review, the Committee may recommend to the Commission that it condition its grant of the application on the applicant's compliance with the terms of the LOA in order to mitigate any national security and law enforcement concerns.¹³ The Commission may, at its discretion, condition its grant of the application on the applicant's compliance with the terms of the LOA. Pursuant to their functions and delegated authority, the Commission's Space Bureau (SB) and Office of International Affairs (OIA), among other bureaus and offices, monitor compliance with the terms and conditions of authorizations and licenses and pursue enforcement actions in conjunction with appropriate bureaus and offices.¹⁴ The Enforcement Bureau (Bureau), on behalf of and in coordination with SB and OIA, can pursue enforcement actions for failures to comply substantially with the conditions of a grant.¹⁵

6. The Commission may impose a forfeiture on a carrier that willfully or repeatedly fails to substantially comply with the terms of a Commission order, including the terms of an LOA where grant of the authorization is conditioned on compliance with the LOA's terms.¹⁶ The Act requires that, when determining whether to impose a forfeiture or its amount, the Commission must consider the nature, circumstances, extent, and gravity of the violation and, with respect to the carrier, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.¹⁷

7. *Marlink, Inc.* Marlink is a Delaware corporation headquartered in Houston, Texas, that provides maritime- and land-based satellite communications services. Marlink is a majority-owned,

integrity, and availability of United States telecommunications networks are vital to United States national security and law enforcement interests").

¹⁰ *Foreign Participation Order*, 12 FCC Rcd at 23921, para. 66.

¹¹ See *Executive Branch Process Reform Order*, 35 FCC Rcd at 10936, para. 24 ("The Commission retains the discretion to refer additional types of applications if we find that the specific circumstances of an application require the input of the Executive Branch as part of our public interest determination of whether an application presents national security, law enforcement, foreign policy, or trade policy concerns.").

¹² Exec. Order 13913, 85 Fed. Reg. at 19648 (Sec. 10); see *Executive Branch Process Reform Order*, 35 FCC Rcd at 10929–30, para. 5.

¹³ *Id.* (Sec. 10(a)). For example, on June 8, 2020, the Executive Branch filed a petition to adopt conditions, and the Commission conditioned its grant of the authorization on the applicant's compliance with the terms of the applicant's letter of assurances. *See Petition of the U.S. Dep't of Justice to Adopt Conditions to Authorizations and Licenses*, File No. ITC-214-20190131-00073 (filed June 8, 2020); *International Authorizations Granted Section 214 Applications* (47 CFR §§ 63.18, 63.24); *Section 310(b) Petitions* (47 CFR § 1.5000), Report No. TEL-02025, Public Notice, 35 FCC Rcd 6478 (IB 2020).

¹⁴ *See* 47 CFR §§ 0.19(i), 0.51(b).

¹⁵ *See* 47 CFR § 0.111(a) (establishing the Enforcement Bureau as "the primary Commission entity responsible for enforcement of . . . Commission orders and Commission authorizations"); § 0.111(a)(17) (noting that the Bureau pursues enforcement actions "on its own initiative or upon request of another Bureau or Office"); § 0.111(a)(18) (listing the various enforcement actions the Bureau is authorized to issue including "notices of apparent liability and related orders").

¹⁶ 47 U.S.C. § 503(b)(1)(A). The grant of the transfer of control of the international section 214 authorization is also expressly subject to termination by the Office of International Affairs. International Section 214 Transfer of Control Authorization (IBFS File No. ITC-T/C-20210913-00135).

¹⁷ 47 U.S.C. § 503(b)(2).

indirect subsidiary of Venga Topco, a Luxembourg entity. In 2001, the Commission granted Marlink an international section 214 authorization to provide global or limited global facilities-based and resale service.¹⁸ The Commission also granted Marlink authority to operate, transmit, and receive fixed land earth stations, earth stations on-board vessels, and very-small-aperture terminal (VSAT) earth stations to provide fixed satellite service.¹⁹

8. *Marlink LOA.* In 2021, Apax Partners SAS (Apax), the entity in control of Marlink at the time, and P8 Holding requested the Commission’s approval to transfer control of Marlink’s international section 214 authorization and earth station licenses from Apax to P8 Holding, arising out of P8 Holding’s planned acquisition of Apax’s controlling interest in Marlink.²⁰ The Committee reviewed Marlink’s applications and advised the Commission that it had no objections provided that the Commission “condition[] its approval on the assurances of [P8 Holding] and [Marlink, Inc.] to abide by the commitments and undertakings set forth in the May 5, 2022, Letter of Agreement.”²¹

9. The Commission subsequently granted Marlink’s international section 214 and earth station transfer-of-control applications on May 24, 2022, and in doing so expressly conditioned its grant on Marlink’s compliance with the commitments set forth in the Marlink LOA.²² Importantly, Marlink agreed that the commitments set forth in the Marlink LOA were intended to “address national security and law enforcement risks arising from” the company’s application.²³ Among those commitments is to implement strict controls on foreign-employee access to certain records. Under Paragraph 7 of the Marlink LOA, Marlink must notify DOJ before it allows Foreign employees Access to certain types of information.²⁴ In relevant part, Marlink agreed to “notify [DOJ] of all its Foreign person employees . . . that it intends to allow Access to U.S. Records, [Domestic Communications (DC)], or [Domestic Communications Infrastructure (DCI)]” at least “30 days prior to the date by which it is seeking such Access be granted.”²⁵

¹⁸ See *International Authorizations Granted: Section 214 Applications* (47 C.F.R. § 63.18); *Cable Landing License Applications* (47 C.F.R. § 1.767); *Requests to Authorize Switched Services over Private Lines* (47 C.F.R. § 63.16); *Section 310(b)(4) Requests*, DA 01-1726, Public Notice, (July 19, 2001) (*Section 214 Authorization*) (granting Marlink’s—known at the time as Telenor Satellite Mobile Services, Inc.—application for authority to provide facilities-based service in accordance with section 63.18(e)(1) and resale service in accordance with section 63.18(e)(2) of the Commission’s rules).

¹⁹ See Call Signs WB36 (ICFS File No. SES-MOD-20220707-00738), E070239 (ICFS File No. SES-RWL-20221209-01316), E990070 (ICFS File No. SES-RWL-20240422-00869), E850127 (ICFS File No. SES-RWL-20210825-01585), E920640 (ICFS File No. SES-RWL-20180520-01308), E920639 (ICFS File No. SES-MOD-20180819-02761).

²⁰ See *Application to Transfer Control of International Section 214 Authority—Streamlined Processing Requested*, Vincent Colomb, Director, Apax Partners SAS et al., ICFS File No. ITC-T/C-20210913-00135 (Sept. 13, 2021). See also *Earth Station Transfer of Control Authorizations* (granting ICFS File Nos. SES-T/C-20210923-01679, SES-T/C-20210923-01680, SES-T/C-20210923-01681) (June 10, 2022).

²¹ Petition to Adopt Conditions to Authorizations and Licenses of the National Telecommunications and Information Administration, File Nos. ITC-T/C-20210913-00135 et al. (filed May 24, 2022); see Letter of Agreement from Thomas Collins, President, Marlink, Inc., and Sinisa Krnic, Manager, P8 Holding 1 S.à r.l., to the Chief of the Foreign Investment Review Section et al., National Security Division, U.S. Department of Justice, File Nos. ITC-T/C-20210913-00135 et al. (May 5, 2022) (*Marlink LOA*).

²² See *International Section 214 Transfer of Control Authorization* (“[F]ailure to comply and/or remain in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of the grant of this application and the underlying international section 214 authorization and thus grounds for declaring the authorization terminated without further action on the part of the Commission. Failure to meet a condition of the authorization may also result in monetary sanctions or other enforcement action by the Commission.”).

²³ See Marlink LOA at 1.

²⁴ See Marlink LOA at 6, para. 7.

²⁵ Marlink LOA at 6, para. 7. See also “Definitions,” Marlink LOA at 2–5.

10. *The Enforcement Bureau's Investigation.* On May 22, 2024, Marlink, citing its obligations under the Marlink LOA, notified DOJ that it intended to grant multiple Foreign-person employees Access to U.S. Records.²⁶ DOJ investigated Marlink's request, which eventually led to DOJ's request to the Commission that it consider whether Marlink failed to comply with its commitments under the Marlink LOA.²⁷ DOJ directed the Commission's attention to Marlink's grant of Access to U.S. Records to several Foreign-person employees, "without timely submitting notification to DOJ," and its alleged failure to subsequently report the same to DOJ.²⁸ On behalf of and in coordination with SB and OIA, the Bureau's Telecommunications Consumers Division (TCD) then opened an investigation, with which Marlink fully cooperated.

11. TCD found that, at the time of this investigation, a total of 303 Foreign-person employees of Marlink had Access to U.S. Records and/or DCI.²⁹ But of those 303 employees, 186 were not submitted to DOJ for vetting before Marlink granted such Access to those employees.³⁰ DOJ has since approved all 186 of these employees' Access, although the requests for vetting were not submitted until after TCD had commenced its investigation.

12. Marlink's reliance on an inadequate manual screening procedure led to noncompliance with the Marlink LOA. The Company took prompt steps to address its process.³¹ With respect to current Foreign employees, Marlink reviewed its systems to ensure that all grants of Access to U.S. Records, DC, or DCI comply with the terms of the Marlink LOA. And for future grants of such Access, Marlink implemented forward-looking policies and procedures to more effectively ensure that the Company provides advanced notice to DOJ as required by the Marlink LOA.³²

13. To resolve these matters, the Parties negotiated the following terms and conditions of settlement and enter into this Consent Decree as provided below.

III. TERMS OF AGREEMENT

14. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

15. **Jurisdiction.** Marlink agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

16. **Effective Date.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

17. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Commission agrees to terminate the Investigation. In consideration for the termination of the Investigation, Marlink agrees to the terms, conditions, and procedures contained herein. The Commission further agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the

²⁶ Letter from Tyler J. Wood, Deputy Chief, Foreign Investment Review Section, DOJ National Security Division, to Patrick Webre, Acting Chief, Telecommunications Consumers Division, FCC Enforcement Bureau (DOJ Referral), Appendix 2 at Marlink 000067 (May 1, 2025) (on file in EB-TCD-25-00038619).

²⁷ DOJ Referral, Appendix 1.

²⁸ DOJ Referral at Marlink 000002.

²⁹ See LOI Response at 4; LOI Response, Exhibit 1; LOI Response Clarification, Exhibit 2 (Exhibit 2) (listing 186 foreign employees with Access to U.S. Records and/or DCI).

³⁰ See Exhibit 2.

³¹ See Letter from Kent Bressie et al., HWG LLP, to Marlene H. Dortch, Secretary, FCC (Aug. 8, 2025) (on file in EB-TCD-25-00038619).

³² *Id.* at 2.

Effective Date, or the existence of this Consent Decree, to institute any new proceeding on its own motion against Marlink concerning the matters that were the subject of the Investigation, or to set for hearing the question of Marlink's basic qualifications to be a Commission licensee or hold Commission licenses or authorizations based on the matters that were the subject of the Investigation.³³

18. **Admission of Facts.** Marlink admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 17 herein, that paragraphs 7 through 12 are a true and accurate description of the facts underlying the Investigation.

19. **Compliance Officer.** Within thirty (30) calendar days after the Effective Date, Marlink shall designate a senior corporate manager with the requisite corporate and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The person designated as the Compliance Officer shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that Marlink complies with the terms and conditions of the Compliance Plan and this Consent Decree. The Compliance Officer shall have specific knowledge of the conditions of Marlink's international section 214 authorization, including the Marlink LOA, prior to assuming their duties.

20. **Compliance Plan.** For purposes of settling the matters set forth herein, Marlink agrees that it shall, within sixty (60) calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the terms and conditions of this Consent Decree and the Marlink LOA. Marlink will implement, at a minimum, the following:

- (a) **Operating Procedures.** Within thirty (30) calendar days after the Effective Date, Marlink shall establish Operating Procedures that all Covered Employees must follow to ensure ongoing compliance with the Company's obligations regarding Foreign-employee access to DC, DCI, and U.S. Records as established in the Marlink LOA. At a minimum, the Operating Procedures shall include:
 - i. Processes to reasonably ensure that the Company's employee on-boarding process includes a review of every new employee to determine whether they are subject to DOJ vetting under the Marlink LOA; and
 - ii. Processes to process, manage, and track all Foreign-employee notifications to DOJ required under the Marlink LOA.
- (b) **Compliance Manual.** Within sixty (60) calendar days after the Effective Date, the Compliance Officer shall develop and distribute a Compliance Manual to all Covered Employees. The Compliance Manual shall explain the LOA and set forth the Operating Procedures that Covered Employees shall follow to help ensure Marlink's compliance with the LOA. Marlink shall periodically review and revise the Compliance Manual as necessary to ensure that the information set forth therein remains current and accurate. Marlink shall distribute any revisions to the Compliance Manual promptly to all Covered Employees.
- (c) **Compliance Training Program.** Marlink shall establish and implement a Compliance Training Program on compliance with the Operating Procedures. As part of the Compliance Training Program, Covered Employees shall be advised of Marlink's obligation to report any noncompliance with the LOA under paragraph 22 of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall be trained pursuant to the Compliance Training Program within sixty (60) calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after the initial Compliance Training Program shall be trained within thirty (30) calendar days after the date such person becomes a Covered Employee. Marlink shall repeat compliance training on an annual basis, and shall periodically review and revise the

³³ See 47 CFR § 1.93(b).

Compliance Training Program as necessary to ensure that it remains current and complete and to enhance its effectiveness.

21. **Compliance Audits.** Within fifteen (15) days of the Effective Date, Marlink shall send an electronic copy of its most recent annual report regarding compliance with the Marlink LOA, as required under Paragraph 37 of the Marlink LOA, to John Tran (john.tran@fcc.gov), Michael Epshteyn (michael.epshteyn@fcc.gov), and EB-TCD-Privacy@fcc.gov. Marlink shall similarly submit each successive annual report required under Paragraph 37 of the Marlink LOA within fifteen (15) days of submitting the report to DOJ.

22. **Reporting Noncompliance.** Marlink shall report any noncompliance with the terms and conditions of this Consent Decree or the Marlink LOA within thirty (30) calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each instance of noncompliance; (ii) the steps that Marlink has taken or will take to remedy such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that Marlink has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to John Tran (john.tran@fcc.gov) and Michael Epshteyn (michael.epshteyn@fcc.gov), with a copy submitted electronically to EB-TCD-Privacy@fcc.gov.

23. **Compliance Reports.** Marlink shall file compliance reports with the Commission ninety (90) calendar days after the Effective Date, twelve (12) months after the Effective Date, twenty-four (24) months after the Effective Date, and thirty-six (36) months after the Effective Date.

- (a) Each Compliance Report shall include a detailed description of Marlink's efforts during the relevant period to comply with the terms and conditions of this Consent Decree and the Marlink LOA. In addition, each Compliance Report shall include a certification by the Compliance Officer, as an agent of and on behalf of Marlink, stating that the Compliance Officer has personal knowledge that Marlink: (i) has established and implemented the Compliance Plan; (ii) has utilized the Operating Procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 22 of this Consent Decree, or the Marlink LOA.
- (b) The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and shall comply with section 1.16 of the Rules and be subscribed to as true under penalty of perjury in substantially the form set forth therein.³⁴
- (c) If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of Marlink, shall provide the Commission with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that Marlink has taken or will take to remedy such noncompliance, including the schedule on which proposed remedial actions will be taken; and (iii) the steps that Marlink has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
- (d) All Compliance Reports shall be submitted to John Tran (john.tran@fcc.gov) and Michael Epshteyn (michael.epshteyn@fcc.gov) with a copy submitted electronically to EB-TCD-Privacy@fcc.gov.

24. **Termination Date.** Unless stated otherwise, the requirements set forth in paragraphs 19 through 22 of this Consent Decree shall expire thirty-six (36) months after the Effective Date.

³⁴ 47 CFR § 1.16.

25. Section 208 Complaints; Subsequent Investigations. Nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints filed pursuant to section 208 of the Act³⁵ against Marlink or its affiliates for alleged violations of the Act, or for any other type of alleged misconduct, regardless of when such misconduct took place. The Commission's adjudication of any such complaint will be based solely on the record developed in that proceeding. Except as expressly provided in this Consent Decree, this Consent Decree shall not prevent the Commission from investigating new evidence of noncompliance by Marlink with the Communications Laws.

26. Voluntary Contribution. Marlink will pay a voluntary contribution to the United States Treasury in the amount of one hundred and seventy-five thousand dollars (\$175,000) *within thirty (30) calendar days of the Effective Date*. Marlink acknowledges and agrees that upon execution of this Consent Decree, the Voluntary Contribution shall become a “Claim” or “Debt” as defined in 31 U.S.C. § 3701(b)(1).³⁶ Upon an Event of Default, all procedures for collection as permitted by law may, at the Commission’s discretion, be initiated. Marlink shall send electronic notification of payment to EB-TCD-Privacy@fcc.gov on the date said payment is made. Payment of the Voluntary Contribution must be made by credit card using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts Voluntary Contribution payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:³⁷

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters “FORF”. In addition, a completed Form 159³⁸ or printed CORES form³⁹ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).⁴⁰ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the CD Acct. No. The bill number is the CD Acct. No. with the first two digits excluded (e.g., CD 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.

³⁵ 47 U.S.C. § 208.

³⁶ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

³⁷ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

³⁸ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

³⁹ Information completed using the Commission’s Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

⁴⁰ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the CD Acct. No. The bill number is the CD Acct. No. with the first two digits excluded (e.g., CD 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

27. **Event of Default.** Marlink agrees that an Event of Default shall occur upon the failure by Marlink to pay the full amount of the Voluntary Contribution on or before the due date specified in this Consent Decree.

28. **Interest, Charges for Collection, and Acceleration of Maturity Date.** After an Event of Default has occurred under this Consent Decree, the then unpaid amount of the Voluntary Contribution shall accrue interest, computed using the U.S. Prime Rate in effect on the date of the Event of Default plus 4.75%, from the date of the Event of Default until payment in full. Upon an Event of Default, the then unpaid amount of the Voluntary Contribution, together with interest, any penalties permitted and/or required by the law, including but not limited to 31 U.S.C. § 3717 and administrative charges, plus the costs of collection, litigation, and attorneys’ fees, shall become immediately due and payable, without notice, presentment, demand, protest, or notice of protest of any kind, all of which are waived by Marlink.

29. **Waivers.** As of the Effective Date, Marlink waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. Marlink shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or the Adopting Order, neither Marlink nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Marlink shall waive any statutory right to a trial *de novo*. Marlink hereby agrees to waive any claims it may otherwise have under the Equal Access to Justice Act⁴¹ relating to the matters addressed in this Consent Decree.

30. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

31. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

32. **Subsequent Rule or Order.** The Parties agree that if any provision of the Consent Decree conflicts with any subsequent Rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which Marlink does not expressly consent) that provision will be superseded by such Rule or order.

33. **Successors and Assigns.** Marlink agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

34. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

⁴¹ See 5 U.S.C. § 504; 47 CFR §§ 1.1501–1.1530.

35. **Modifications**. This Consent Decree cannot be modified without the advance written consent of both Parties.

36. **Paragraph Headings**. The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

37. **Authorized Representative**. Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

38. **Counterparts**. This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Patrick Webre
Acting Chief
Enforcement Bureau

Date

Pauline Ruitenberg
Secretary
Marlink, Inc.

Date