

- Sec.  
753. Implementation of policy.  
754 to 756. Repealed.  
757. Definitions.

SUBCHAPTER VI—COMMUNICATIONS  
COMPETITION AND PRIVATIZATION

PART A—ACTIONS TO ENSURE PRO-COMPETITIVE  
PRIVATIZATION

761. Federal Communications Commission licens-  
ing.  
761a. Incentives; limitation on expansion pending  
privatization.

PART B—FEDERAL COMMUNICATIONS COMMISSION  
LICENSING CRITERIA: PRIVATIZATION CRITERIA

763. General criteria to ensure a pro-competitive  
privatization of INTELSAT and Inmarsat.  
763a. Specific criteria for INTELSAT.  
763b. Repealed.  
763c. Space segment capacity of the GMDSS.  
763d. Encouraging market access and privatization.

PART C—DEREGULATION AND OTHER STATUTORY  
CHANGES

765. Access to INTELSAT.  
765a. Signatory role.  
765b. Elimination of procurement preferences.  
765c. ITU functions.  
765d. Termination of provisions of this chapter.  
765e. Reports to Congress.  
765f. Satellite auctions.  
765g. Exclusivity arrangements.

PART D—NEGOTIATIONS TO PURSUE PRIVATIZATION

767. Methods to pursue privatization.

PART E—DEFINITIONS

769. Definitions.

SUBCHAPTER I—GENERAL PROVISIONS

§ 701. Omitted

CODIFICATION

Section, Pub. L. 87-624, title I, §102, Aug. 31, 1962, 76 Stat. 419, which related to Congressional declaration of policy and purpose, ceased to be effective Apr. 15, 2005, pursuant to section 765d(4) of this title.

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-39, §1, June 30, 2003, 117 Stat. 835, provided that: "This Act [amending section 763 of this title] may be cited as the 'ORBIT Technical Corrections Act of 2003'."

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-180, §1, Mar. 17, 2000, 114 Stat. 48, provided that: "This Act [enacting subchapter VI of this chapter] may be cited as the 'Open-market Reorganization for the Betterment of International Telecommunications Act' or the 'ORBIT Act'."

SHORT TITLE

Pub. L. 87-624, title I, §101, Aug. 31, 1962, 76 Stat. 419, provided that: "This Act [enacting this chapter] may be cited as the 'Communications Satellite Act of 1962'."

Pub. L. 87-624, title V, §501, as added by Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2392, provided that: "This title [enacting subchapter V of this chapter] may be cited as the 'International Maritime Satellite Telecommunications Act'."

STYLISTIC CONSISTENCY

Pub. L. 103-414, title III, §303(f), Oct. 25, 1994, 108 Stat. 4296, provided that: "The Communications Act of 1934 [47 U.S.C. 151 et seq.] and the Communications Satellite

Act of 1962 [47 U.S.C. 701 et seq.] are amended so that the section designation and section heading of each section of such Acts shall be in the form and typeface of the section designation and heading of this section [108 Stat. 4294]."

INTERNATIONAL TELECOMMUNICATIONS SATELLITE  
ORGANIZATION

Pub. L. 99-93, title I, §146, Aug. 16, 1985, 99 Stat. 425, provided that:

"(a) POLICY.—The Congress declares that it is the policy of the United States—

"(1) as a party to the International Telecommunications Satellite Organization (hereafter in this section referred to as 'Intelsat'), to foster and support the global commercial communications satellite system owned and operated by Intelsat;

"(2) to make available to consumers a variety of communications satellite services utilizing the space segment facilities of Intelsat and any additional such facilities which are found to be in the national interest and which—

"(A) are technically compatible with the use of the radio frequency spectrum and orbital space by the existing or planned Intelsat space segment, and

"(B) avoid significant economic harm to the global system of Intelsat; and

"(3) to authorize use and operation of any additional space segment facilities only if the obligations of the United States under article XIV(d) of the Intelsat Agreement have been met.

"(b) PRECONDITIONS FOR INTELSAT CONSULTATION.—Before consulting with Intelsat for purposes of coordination of any separate international telecommunications satellite system under article XIV(d) of the Intelsat Agreement, the Secretary of State shall—

"(1) in coordination with the Secretary of Commerce, ensure that any proposed separate international satellite telecommunications system comply with the Executive Branch conditions established pursuant to the Presidential Determination No. 85-2 [49 F.R. 46987]; and

"(2) ensure that one or more foreign authorities have authorized the use of such system consistent with such conditions.

"(c) AMENDMENT OF INTELSAT AGREEMENT.—(1) The Secretary of State shall consult with the United States signatory to Intelsat and the Secretary of Commerce regarding the appropriate scope and character of a modification to article V(d) of the Intelsat Agreement which would permit Intelsat to establish cost-based rates for individual traffic routes, as exceptional circumstances warrant, paying particular attention to the need for avoiding significant economic harm to the global system of Intelsat as well as United States national and foreign policy interests.

"(2)(A) To ensure that rates established by Intelsat for such routes are cost-based, the Secretary of State, in consultation with the Secretary of Commerce and the Chairman of the Federal Communications Commission, shall instruct the United States signatory to Intelsat to ensure that sufficient documentation, including documentation regarding revenues and costs, is provided by Intelsat so as to verify that such rates are in fact cost-based.

"(B) To the maximum extent possible, such documentation [documentation] will be made available to interested parties on a timely basis.

"(3) Pursuant to the consultation under paragraph (1) and taking the steps prescribed in paragraph (2) to provide documentation, the United States shall support an appropriate modification to article V(d) of the Intelsat Agreement to accomplish the purpose described in paragraph (1).

"(d) CONGRESSIONAL CONSULTATION.—In the event that, after United States consultation with Intelsat for the purposes of coordination under article XIV(d) of the Intelsat Agreement for the establishment of a separate international telecommunications satellite system, the Assembly of Parties of Intelsat fails to recommend

such a separate system, and the President determines to pursue the establishment of a separate system notwithstanding the Assembly's failure to approve such system, the Secretary of State, after consultation with the Secretary of Commerce, shall submit to the Congress a detailed report which shall set forth—

“(1) the foreign policy reasons for the President's determination, and

“(2) a plan for minimizing any negative effects of the President's action on Intelsat and on United States foreign policy interests.

“(e) NOTIFICATION TO FEDERAL COMMUNICATIONS COMMISSION.—In the event the Secretary of State submits a report under subsection (d), the Secretary, 60 calendar days after the receipt by the Congress of such report, shall notify the Federal Communications Commission as to whether the United States obligations under article XIV(d) of the Intelsat Agreement have been met.

“(f) IMPLEMENTATION.—In implementing the provisions of this section, the Secretary of State shall act in accordance with Executive order 12046 [set out under section 305 of this title].

“(g) DEFINITION.—For the purposes of this section, the term ‘separate international telecommunications satellite system’ or ‘separate system’ means a system of one or more telecommunications satellites separate from the Intelsat space segment which is established to provide international telecommunications services between points within the United States and points outside the United States, except that such term shall not include any satellite or system of satellites established—

“(1) primarily for domestic telecommunications purposes and which incidentally provides services on an ancillary basis to points outside the jurisdiction of the United States but within the western hemisphere, or

“(2) solely for unique governmental purposes.”

## § 702. Definitions

As used in this chapter, and unless the context otherwise requires—

(1) the term “communications satellite system” refers to a system of communications satellites in space whose purpose is to relay telecommunication information between satellite terminal stations, together with such associated equipment and facilities for tracking, guidance, control, and command functions as are not part of the generalized launching, tracking, control, and command facilities for all space purposes;

(2) the term “satellite terminal station” refers to a complex of communication equipment located on the earth's surface, operationally connected with one or more terrestrial communication systems, and capable of transmitting telecommunications to or receiving telecommunications from a communications satellite system.<sup>1</sup>

(3) the term “communications satellite” means an earth satellite which is intentionally used to relay telecommunication information;

(4) the term “associated equipment and facilities” refers to facilities other than satellite terminal stations and communications satellites, to be constructed and operated for the primary purpose of a communications satellite system, whether for administration and management, for research and development, or for direct support of space operations;

(5) the term “research and development” refers to the conception, design, and first cre-

ation of experimental or prototype operational devices for the operation of a communications satellite system, including the assembly of separate components into a working whole, as distinguished from the term “production,” which relates to the construction of such devices to fixed specifications compatible with repetitive duplication for operational applications; and<sup>2</sup>

(6) the term “telecommunication” means any transmission, emission or reception of signs, signals, writings, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems.<sup>1</sup>

(7) omitted;

(8) the term “corporation” means the corporation authorized by subchapter III of this chapter.<sup>1</sup>

(9) the term “Administration” means the National Aeronautics and Space Administration; and

(10) the term “Commission” means the Federal Communications Commission.

(Pub. L. 87-624, title I, §103, Aug. 31, 1962, 76 Stat. 419.)

### CODIFICATION

Par. (7) of this section, which defined the term “communications common carrier”, ceased to be effective Apr. 15, 2005, pursuant to section 765d(4) of this title.

## § 703. Satellite service report

### (a) Annual report

The Federal Communications Commission shall review competitive market conditions with respect to domestic and international satellite communications services and shall include in an annual report an analysis of those conditions. The Commission shall transmit a copy of the report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

### (b) Content

The Commission shall include in the report—

(1) an identification of the number and market share of competitors in domestic and international satellite markets;

(2) an analysis of whether there is effective competition in the market for domestic and international satellite services; and

(3) a list of any foreign nations in which legal or regulatory practices restrict access to the market for satellite services in such nation in a manner that undermines competition or favors a particular competitor or set of competitors.

(Pub. L. 109-34, §4, July 12, 2005, 119 Stat. 377.)

### CODIFICATION

Section was not enacted as part of the Communications Satellite Act of 1962 which comprises this chapter.

## SUBCHAPTER II—FEDERAL COORDINATION, PLANNING, AND REGULATION

### § 721. Implementation of policy

In order to achieve the objectives and to carry out the purposes of this chapter—

<sup>1</sup> So in original. The period probably should be a semicolon.

<sup>2</sup> So in original. The word “and” probably should not appear.