

of this title: Sections 753(b) and 753(d) of this title.

(4) On the effective date of a Commission order determining under section 761(b)(2) of this title that INTELSAT privatization is consistent with criteria in sections 763 and 763a of this title: Section 701 of this title; section 702(7) of this title; paragraphs (2) through (4) and (7) of section 721(a) of this title; paragraphs (2), (6), and (7) of section 721(c) of this title; section 731 of this title; section 732 of this title; section 741 of this title; section 742 of this title; section 743 of this title; and section 744 of this title.

(Pub. L. 87-624, title VI, §645, as added Pub. L. 106-180, §3, Mar. 17, 2000, 114 Stat. 56.)

#### REFERENCES IN TEXT

The transfer of assets and receipt by signatories of ownership shares in the successor entity of INTELSAT, referred to in par. (2), occurred on July 18, 2001. See *FCC Report to Congress as Required by the ORBIT Act*, FCC 02-170, 17 FCC Rcd. 11458 (released June 14, 2002).

The effective date of the Commission order relating to Inmarsat privatization, referred to in par. (3), is June 14, 2005. See *In the Matter of Inmarsat Group Holdings Limited Petition for Declaratory Ruling Pursuant to Section 621(5)(F) of the ORBIT Act*, Memorandum Opinion and Order, IB Docket 04-439, FCC 05-126 (released June 14, 2005).

Section 763c of this title, referred to in par. (3), was amended generally by Pub. L. 109-34, §3, July 12, 2005, 119 Stat. 377, and no longer relates to specific criteria for Inmarsat privatization.

The effective date of the Commission order relating to INTELSAT privatization, referred to in par. (4), is Apr. 15, 2005. See *In the Matter of Intelsat, Ltd. Petition for Declaratory Ruling that Intelsat, Ltd. Complies With Section 621(5)(F) of the ORBIT Act*, Memorandum Opinion and Order, IB Docket 05-18, FCC 05-86 (released April 15, 2005).

### § 765e. Reports to Congress

#### (a) Annual reports

The President and the Commission shall report to the Committees on Commerce and International Relations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate within 90 calendar days of March 17, 2000, and not less than annually thereafter, on the progress made to achieve the objectives and carry out the purposes and provisions of this subchapter. Such reports shall be made available immediately to the public.

#### (b) Contents of reports

The reports submitted pursuant to subsection (a) shall include the following:

- (1) Progress with respect to each objective since the most recent preceding report.
- (2) Views of the Parties with respect to privatization.
- (3) Views of industry and consumers on privatization.
- (4) Impact privatization has had on United States industry, United States jobs, and United States industry's access to the global marketplace.

(Pub. L. 87-624, title VI, §646, as added Pub. L. 106-180, §3, Mar. 17, 2000, 114 Stat. 57.)

#### CHANGE OF NAME

Committee on Commerce of House of Representatives changed to Committee on Energy and Commerce of

House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred to Committee on Financial Services of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

#### DELEGATION OF RESPONSIBILITY

Memorandum of President of the United States, Aug. 21, 2000, 65 F.R. 52289, provided:

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to you the functions vested in me by section 646 of the ORBIT Act (Public Law 106-180) [probably means section 646 of Pub. L. 87-624, as added by Pub. L. 106-180, 47 U.S.C. 765e], relating to submission of annual reports to the appropriate congressional committees regarding the privatization of intergovernmental satellite organizations. The authority delegated by the memorandum may be further redelegated within the Department of State.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

### § 765f. Satellite auctions

Notwithstanding any other provision of law, the Commission shall not have the authority to assign by competitive bidding orbital locations or spectrum used for the provision of international or global satellite communications services. The President shall oppose in the International Telecommunication Union and in other bilateral and multilateral fora any assignment by competitive bidding of orbital locations or spectrum used for the provision of such services.

(Pub. L. 87-624, title VI, §647, as added Pub. L. 106-180, §3, Mar. 17, 2000, 114 Stat. 57.)

### § 765g. Exclusivity arrangements

#### (a) In general

No satellite operator shall acquire or enjoy the exclusive right of handling telecommunications to or from the United States, its territories or possessions, and any other country or territory by reason of any concession, contract, understanding, or working arrangement to which the satellite operator or any persons or companies controlling or controlled by the operator are parties.

#### (b) Exception

In enforcing the provisions of this section, the Commission—

(1) shall not require the termination of existing satellite telecommunications services under contract with, or tariff commitment to, such satellite operator; but

(2) may require the termination of new services only to the country that has provided the exclusive right to handle telecommunications, if the Commission determines the public interest, convenience, and necessity so requires.

(Pub. L. 87-624, title VI, §648, as added Pub. L. 106-180, §3, Mar. 17, 2000, 114 Stat. 57.)

PART D—NEGOTIATIONS TO PURSUE  
PRIVATIZATION

**§ 767. Methods to pursue privatization**

The President shall secure the pro-competitive privatizations required by this subchapter in a manner that meets the criteria in part B.

(Pub. L. 87-624, title VI, §661, as added Pub. L. 106-180, §3, Mar. 17, 2000, 114 Stat. 58.)

PART E—DEFINITIONS

**§ 769. Definitions**

**(a) In general**

As used in this subchapter:

**(1) INTELSAT**

The term “INTELSAT” means the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization (INTELSAT).

**(2) Inmarsat**

The term “Inmarsat” means the International Mobile Satellite Organization established pursuant to the Convention on the International Maritime Organization.

**(3) Signatories**

The term “signatories”—

(A) in the case of INTELSAT, or INTELSAT successors or separated entities, means a Party, or the telecommunications entity designated by a Party, that has signed the Operating Agreement and for which such Agreement has entered into force; and

(B) in the case of Inmarsat, or Inmarsat successors or separated entities, means either a Party to, or an entity that has been designated by a Party to sign, the Operating Agreement.

**(4) Party**

The term “Party”—

(A) in the case of INTELSAT, means a nation for which the INTELSAT agreement has entered into force; and

(B) in the case of Inmarsat, means a nation for which the Inmarsat convention has entered into force.

**(5) Commission**

The term “Commission” means the Federal Communications Commission.

**(6) International Telecommunication Union**

The term “International Telecommunication Union” means the intergovernmental organization that is a specialized agency of the United Nations in which member countries cooperate for the development of telecommunications, including adoption of international regulations governing terrestrial and space uses of the frequency spectrum as well as use of the geostationary satellite orbit.

**(7) Successor entity**

The term “successor entity”—

(A) means any privatized entity created from the privatization of INTELSAT or

Inmarsat or from the assets of INTELSAT or Inmarsat; but

(B) does not include any entity that is a separated entity.

**(8) Separated entity**

The term “separated entity” means a privatized entity to whom a portion of the assets owned by INTELSAT or Inmarsat are transferred prior to full privatization of INTELSAT or Inmarsat, including in particular the entity whose structure was under discussion by INTELSAT as of March 25, 1998, but excluding ICO.

**(9) Orbital location**

The term “orbital location” means the location for placement of a satellite on the geostationary orbital arc as defined in the International Telecommunication Union Radio Regulations.

**(10) Space segment**

The term “space segment” means the satellites, and the tracking, telemetry, command, control, monitoring and related facilities and equipment used to support the operation of satellites owned or leased by INTELSAT, Inmarsat, or a separated entity or successor entity.

**(11) Non-core services**

The term “non-core services” means, with respect to INTELSAT provision, services other than public-switched network voice telephony and occasional-use television, and with respect to Inmarsat provision, services other than global maritime distress and safety services or other existing maritime or aeronautical services for which there are not alternative providers.

**(12) Additional services**

The term “additional services” means—

(A) for Inmarsat, those non-maritime or non-aeronautical mobile services in the 1.5 and 1.6 Ghz band on planned satellites or the 2 Ghz band; and

(B) for INTELSAT, direct-to-home (DTH) or direct broadcast satellite (DBS) video services, or services in the Ka or V bands.

**(13) INTELSAT Agreement**

The term “INTELSAT Agreement” means the Agreement Relating to the International Telecommunications Satellite Organization (“INTELSAT”), including all its annexes (TIAS 7532, 23 UST 3813).

**(14) Headquarters Agreement**

The term “Headquarters Agreement” means the International Telecommunication<sup>1</sup> Satellite Organization Headquarters Agreement (November 24, 1976) (TIAS 8542, 28 UST 2248).

**(15) Operating Agreement**

The term “Operating Agreement” means—

(A) in the case of INTELSAT, the agreement, including its annex but excluding all titles of articles, opened for signature at Washington on August 20, 1971, by Governments or telecommunications entities des-

<sup>1</sup> So in original. Probably should be “Telecommunications”.