

SUBCHAPTER IV—MISCELLANEOUS  
PROVISIONS

**§§ 741 to 744. Omitted**

CODIFICATION

Sections 741 to 744 ceased to be effective Apr. 15, 2005, pursuant to section 765d(4) of this title.

Section 741, Pub. L. 87-624, title IV, § 401, Aug. 31, 1962, 76 Stat. 426, related to the common carrier status of and laws applicable to the corporation.

Section 742, Pub. L. 87-624, title IV, § 402, Aug. 31, 1962, 76 Stat. 426, related to foreign business negotiations of the corporation and required notice to the Department of State.

Section 743, Pub. L. 87-624, title IV, § 403, Aug. 31, 1962, 76 Stat. 426, related to sanctions imposed upon the corporation for violations of provisions of this chapter.

Section 744, Pub. L. 87-624, title IV, § 404, Aug. 31, 1962, 76 Stat. 426; Pub. L. 103-414, title III, § 304(b)(4), Oct. 25, 1994, 108 Stat. 4297; Pub. L. 104-66, title II, § 2051(a), Dec. 21, 1995, 109 Stat. 729, related to annual reports to the President and Congress by the corporation.

SUBCHAPTER V—INTERNATIONAL MARI-  
TIME SATELLITE TELECOMMUNICATIONS

**§§ 751, 752. Omitted**

CODIFICATION

Sections ceased to be effective Mar. 17, 2000, pursuant to section 765d(1) of this title.

Section 751, Pub. L. 87-624, title V, § 502, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2392; amended Pub. L. 103-414, title III, § 303(b)(4), Oct. 25, 1994, 108 Stat. 4296, related to congressional declaration of policy and purpose of this subchapter.

Section 752, Pub. L. 87-624, title V, § 503, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2392; amended Pub. L. 103-414, title III, §§ 303(b)(4), 304(b)(5), Oct. 25, 1994, 108 Stat. 4296, 4297, related to the corporation's status as the sole designated operating entity of the United States.

**§ 753. Implementation of policy**

(a) The Secretary of Commerce shall—

(1) coordinate the activities of Federal agencies with responsibilities in the field of telecommunications (other than the Commission), so as to ensure that there is full and effective compliance with the provisions of this subchapter;

(2) omitted;

(3) exercise his authority in a manner which seeks to obtain coordinated and efficient use of the electromagnetic spectrum and orbital space, and to ensure the technical compatibility of the space segment with existing communications facilities in the United States and in foreign countries; and

(4) omitted.

(b) to (d) Omitted.

(Pub. L. 87-624, title V, § 504, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2394.)

CODIFICATION

Subsecs. (a)(2), (4) and (c) of this section ceased to be effective Mar. 17, 2000, pursuant to section 765d(1) of this title. Subsec. (a)(2), (4) directed the Secretary of Commerce to ensure availability and utilization of the maritime satellite telecommunications services provided by INMARSAT for general governmental purposes and to determine the needs of users of the maritime satellite telecommunications system and to communicate that information to INMARSAT. Subsec. (c) assigned functions to the Commission.

Subsecs. (b) and (d) of this section ceased to be effective June 14, 2005, pursuant to section 765d(3) of this title. Subsec. (b) directed the President to supervise and issue instructions to the communications satellite corporation regarding activities with foreign governments, international entities, and INMARSAT. Subsec. (d) authorized the Federal Communications Commission to issue instructions to the corporation with respect to regulatory matters within the Commission's jurisdiction.

**§§ 754 to 756. Repealed. Pub. L. 103-414, title III, § 304(b)(5), Oct. 25, 1994, 108 Stat. 4298**

Section 754, Pub. L. 87-624, title V, § 505, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2395, related to study of structure and activities of corporation.

Section 755, Pub. L. 87-624, title V, § 506, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2395, related to study of public maritime coast station services.

Section 756, Pub. L. 87-624, title V, § 507, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2396, related to study of radio navigation systems.

**§ 757. Definitions**

For purposes of this subchapter—

(1) the term “person” includes an individual, partnership, association, joint stock company, trust, or corporation;

(2) the term “satellite earth terminal station” means a complex of communications equipment located on land, operationally interconnected with one or more terrestrial communications systems, and capable of transmitting telecommunications to, or receiving telecommunications from, the space segment;

(3) the term “space segment” means any satellite (or capacity on a satellite) maintained under the authority of INMARSAT, for the purpose of providing international maritime telecommunications services, and the tracking, telemetry, command, control, monitoring, and related facilities and equipment required to support the operation of such satellite; and

(4) the term “State” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(Pub. L. 87-624, title V, § 505, formerly § 508, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2396; renumbered § 505, Pub. L. 103-414, title III, § 304(b)(6), Oct. 25, 1994, 108 Stat. 4298.)

PRIOR PROVISIONS

A prior section 505 of Pub. L. 87-624 was classified to section 754 of this title prior to repeal by Pub. L. 103-414, § 304(b)(5).

TERMINATION OF TRUST TERRITORY OF THE PACIFIC  
ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SUBCHAPTER VI—COMMUNICATIONS  
COMPETITION AND PRIVATIZATION

PART A—ACTIONS TO ENSURE PRO-COMPETITIVE  
PRIVATIZATION

**§ 761. Federal Communications Commission li-  
censing**

**(a) Licensing for separated entities**

**(1) Competition test**

The Commission may not issue a license or construction permit to any separated entity, or renew or permit the assignment or use of any such license or permit, or authorize the use by any entity subject to United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not harm competition in the telecommunications market of the United States. If the Commission does not make such a determination, it shall deny or revoke authority to use space segment owned, leased, or operated by the separated entity to provide services to, from, or within the United States.

**(2) Criteria for competition test**

In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 763 and 763b<sup>1</sup> of this title, and shall not make such a determination unless the Commission determines that the privatization of any separated entity is consistent with such criteria.

**(b) Licensing for INTELSAT, Inmarsat, and suc-  
cessor entities**

**(1) Competition test**

**(A) In general**

In considering the application of INTELSAT, Inmarsat, or their successor entities for a license or construction permit, or for the renewal or assignment or use of any such license or permit, or in considering the request of any entity subject to United States jurisdiction for authorization to use any space segment owned, leased, or operated by INTELSAT, Inmarsat, or their successor entities, to provide non-core services to, from, or within the United States, the Commission shall determine whether—

(i) after April 1, 2001, in the case of INTELSAT and its successor entities, INTELSAT and any successor entities have been privatized in a manner that will harm competition in the telecommunications markets of the United States; or

(ii) after April 1, 2000, in the case of Inmarsat and its successor entities, Inmarsat and any successor entities have been privatized in a manner that will harm competition in the telecommunications markets of the United States.

**(B) Consequences of determination**

If the Commission determines that such competition will be harmed or that grant of

such application or request for authority is not otherwise in the public interest, the Commission shall limit through conditions or deny such application or request, and limit or revoke previous authorizations to provide non-core services to, from, or within the United States. After due notice and opportunity for comment, the Commission shall apply the same limitations, restrictions, and conditions to all entities subject to United States jurisdiction using space segment owned, leased, or operated by INTELSAT, Inmarsat, or their successor entities.

**(C) National security, law enforcement, and public safety**

The Commission shall not impose any limitation, condition, or restriction under subparagraph (B) in a manner that will, or is reasonably likely to, result in limitation, denial, or revocation of authority for non-core services that are used by and required for a national security agency or law enforcement department or agency of the United States, or used by and required for, and otherwise in the public interest, any other Department or Agency of the United States to protect the health and safety of the public. Such services may be obtained by the United States directly from INTELSAT, Inmarsat, or a successor entity, or indirectly through COMSAT, or authorized carriers or distributors of the successor entity.

**(D) Rule of construction**

Nothing in this subsection is intended to preclude the Commission from acting upon applications of INTELSAT, Inmarsat, or their successor entities prior to the latest date set out in section 763(5)(A) of this title, including such actions as may be necessary for the United States to become the licensing jurisdiction for INTELSAT, but the Commission shall condition a grant of authority pursuant to this subsection upon compliance with sections 763 and 763a of this title.

**(2) Criteria for competition test**

In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 763, 763a, and 763c<sup>1</sup> of this title, and shall determine that competition in the telecommunications markets of the United States will be harmed unless the Commission finds that the privatization referred to in paragraph (1) is consistent with such criteria.

**(3) Clarification: competitive safeguards**

In making its licensing decisions under this subsection, the Commission shall consider whether users of non-core services provided by INTELSAT or Inmarsat or successor or separated entities are able to obtain non-core services from providers offering services other than through INTELSAT or Inmarsat or successor or separated entities, at competitive rates, terms, or conditions. Such consideration shall also include whether such licensing decisions would require users to replace equip-

<sup>1</sup> See References in Text note below.