

105TH CONGRESS
1ST SESSION

S. 1328

To amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 28, 1997

Mr. INOUE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, 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 “Communications Sat-
5 ellite Competition and Privatization Act of 1997”.

1 **TITLE I—USE OF FEDERAL COM-**
 2 **MUNICATIONS COMMISSION**
 3 **LICENSING REQUIREMENTS**
 4 **TO SECURE COMPETITION**
 5 **AND PRIVATIZATION**

6 **SEC. 101. PURPOSE.**

7 It is the purpose of this Act to promote a fully com-
 8 petitive global market for satellite communication services
 9 for the benefit of consumers and providers of satellite serv-
 10 ices and equipment by fully privatizing the intergovern-
 11 mental satellite organizations, INTELSAT and
 12 INMARSAT.

13 **SEC. 102. REVISION OF COMMUNICATIONS SATELLITE ACT**
 14 **OF 1962.**

15 (a) ADDITION OF NEW TITLE.—The Communica-
 16 tions Satellite Act of 1962 (47 U.S.C. 101) is amended
 17 by adding at the end the following new title:

18 **“TITLE VI—COMMUNICATIONS**
 19 **COMPETITION AND PRIVAT-**
 20 **IZATION**

21 **“Subtitle A—Actions to Ensure**
 22 **Procompetitive Privatization**

23 **“SEC. 601. FEDERAL COMMUNICATIONS COMMISSION LI-**
 24 **CENSING.**

25 **“(a) LICENSING FOR SEPARATED ENTITIES.—**

1 “(1) COMPETITION TEST.—The Commission
2 may not issue a license or construction permit to
3 any separated entity, or renew or permit the assign-
4 ment or use of any such license or permit, or author-
5 ize the use by any entity subject to United States ju-
6 risdiction of any space segment owned or operated
7 by any separated entity, unless the Commission de-
8 termines that such issuance, renewal, assignment, or
9 use will not harm competition in the telecommuni-
10 cations market of the United States. If the Commis-
11 sion does not make such a determination, it shall
12 deny or revoke authority to use space segment
13 owned or operated by the separated entity to provide
14 services to, from, or within the United States.

15 “(2) CRITERIA FOR COMPETITION TEST.—In
16 making the determination required by paragraph
17 (1), the Commission shall use the licensing criteria
18 in sections 621 and 623, and shall not make such
19 a determination unless the Commission determines
20 that the privatization of any separated entity is con-
21 sistent with such criteria.

22 “(b) LICENSING FOR INTELSAT, INMARSAT, AND
23 SUCCESSOR ENTITIES.—

24 “(1) COMPETITION TEST.—The Commission
25 shall substantially limit, deny, or revoke the author-

1 ity for any entity subject to United States jurisdic-
2 tion to use space segment owned or operated by
3 INTELSAT or INMARSAT or any successor enti-
4 ties to provide non-core services to, from, or within
5 the United States, unless the Commission deter-
6 mines—

7 “(A) after January 1, 2002, in the case of
8 INTELSAT and its successor entities, that
9 INTELSAT and any successor entities have
10 been privatized in a manner that will not harm
11 competition in the telecommunications markets
12 of the United States; or

13 “(B) after January 1, 2001, in the case of
14 INMARSAT and its successor entities, that
15 INMARSAT and any successor entities have
16 been privatized in a manner that will not harm
17 competition in the telecommunications markets
18 of the United States.

19 “(2) CRITERIA FOR COMPETITION TEST.—In
20 making the determination required by paragraph
21 (1), the Commission use the licensing criteria in sec-
22 tions 621, 622, and 624, and shall not make such
23 a determination unless the Commission determines
24 that such privatization is consistent with such cri-
25 teria.

1 “(c) PREVENTION OF EXPANSION.—Pending privat-
2 ization in accordance with the licensing criteria in subtitle
3 B, the Commission shall not—

4 “(1) issue an authorization, license, or permit
5 to, or renew the license or permit of, any provider
6 of services using INTELSAT or INMARSAT space
7 segment, or authorize the use of such space seg-
8 ment, for additional services (including additional
9 applications of existing services) or additional areas
10 of business; or

11 “(2) otherwise assist the expansion of
12 INTELSAT or INMARSAT services, including
13 through authorizing COMSAT’s investment in new
14 INTELSAT or INMARSAT satellites or registering
15 for orbital slots intended for INTELSAT or
16 INMARSAT provision of additional services (includ-
17 ing additional applications of existing services) or
18 additional areas of business.

19 **“SEC. 602. INTELSAT OR INMARSAT ORBITAL SLOTS.**

20 “Unless, in a proceeding under section 610(b), the
21 Commission determines that INTELSAT or INMARSAT
22 have been privatized in a manner that will not harm com-
23 petition, then—

24 “(1) the President shall oppose, and the Com-
25 mission shall not assist, any registration for new or-

1 bital slots for INTELSAT or INMARSAT orbital
2 slots—

3 “(A) with respect to INTELSAT, after
4 January 1, 2002, and

5 “(B) with respect to INMARSAT, after
6 January 1, 2001, and

7 “(2) the President and Commission shall, con-
8 sistent with the deadlines in paragraph (1), take all
9 other necessary measures to preclude procurement,
10 registration, development, or use of new satellites
11 which would provide non-core services.

12 **“Subtitle B—Federal Communica-**
13 **tions Commission Licensing Cri-**
14 **teria: Privatization Criteria**

15 **“SEC. 621. GENERAL CRITERIA TO ENSURE A PRO-COM-**
16 **PETITIVE PRIVATIZATION OF INTELSAT AND**
17 **INMARSAT.**

18 “The President and the Commission shall secure a
19 pro-competitive privatization of INTELSAT and
20 INMARSAT that meets the criteria set forth in this sec-
21 tion and sections 622 through 624. In securing such
22 privatizations, the following criteria shall be applied as li-
23 censing criteria for purposes of subtitle A:

1 “(1) DATES FOR PRIVATIZATION.—Privatiza-
 2 tion shall be obtained in accordance with the criteria
 3 of this title of—

4 “(A) INTELSAT as soon as practicable,
 5 but no later than January 1, 2002, and

6 “(B) INMARSAT as soon as practicable,
 7 but no later than January 1, 2001.

8 “(2) INDEPENDENCE.—The successor entities
 9 and separated entities of INTELSAT and
 10 INMARSAT resulting from the privatization ob-
 11 tained pursuant to paragraph (1) shall—

12 “(A) be entities that are national corpora-
 13 tions; and

14 “(B) have ownership and management that
 15 is independent of—

16 “(i) any signatories or former signato-
 17 ries that control access to national tele-
 18 communications markets; and

19 “(ii) any intergovernmental organiza-
 20 tion remaining after the privatization.

21 “(3) TERMINATION OF PRIVILEGES AND IMMUN-
 22 NITIES.—The preferential treatment of INTELSAT
 23 and INMARSAT shall not be extended to any suc-
 24 cessor entity or separated entity of INTELSAT or
 25 INMARSAT. Such preferential treatment includes—

1 “(A) privileged or immune treatment by
2 national governments;

3 “(B) privileges or immunities or other
4 competitive advantages of the type accorded
5 INTELSAT and INMARSAT and their sig-
6 natories though the terms and operation of the
7 INTELSAT Agreement and the associated
8 Headquarters Agreement and the INMARSAT
9 Convention; and

10 “(C) preferential access to orbital slots.

11 “(4) PREVENTION OF EXPANSION DURING
12 TRANSITION.—During the transition period prior to
13 full privatization, INTELSAT and INMARSAT
14 shall be precluded from expanding into additional
15 services (including additional applications of existing
16 services) or additional areas of business.

17 “(5) CONVERSION TO STOCK CORPORATIONS.—
18 Any successor entity or separated entity created out
19 of INTELSAT or INMARSAT shall be a national
20 corporation established through the execution of an
21 initial public offering as follows:

22 “(A) Any successor entities and separated
23 entities shall be incorporated as private cor-
24 porations subject to the laws of the nation in
25 which incorporated.

1 “(B) An initial public offering of securities
2 of any successor entity or separated entity shall
3 be conducted no later than—

4 “(i) January 1, 2001, for the succes-
5 sor entities of INTELSAT; and

6 “(ii) January 1, 2000, for the succes-
7 sor entities of INMARSAT.

8 “(C) The shares of any successor entities
9 and separated entities shall be listed for trading
10 on one or more major stock exchanges with
11 transparent and effective securities regulation.

12 “(D) A majority of the board of directors
13 of any successor entity or separated entity shall
14 not be subject to selection or appointment by,
15 or otherwise serve as representatives of—

16 “(i) any signatory or former signatory
17 that controls access to national tele-
18 communications markets; or

19 “(ii) any intergovernmental organiza-
20 tion remaining after the privatization.

21 “(E) Any transactions or other relation-
22 ships between or among any successor entity,
23 separated entity, INTELSAT, or INMARSAT
24 shall be conducted on an arm’s length basis.

1 “(6) REGULATORY TREATMENT.—Any succes-
2 sor entity or separated entity shall apply through the
3 appropriate national licensing authorities for inter-
4 national frequency assignments and associated or-
5 bital registrations for all satellites.

6 “(7) COMPETITION POLICIES IN DOMICILIARY
7 COUNTRY.—Any successor entity or separated entity
8 shall be incorporated and headquartered in a nation
9 or nations that—

10 “(A) have effective laws and regulations
11 that secure competition in telecommunications
12 services;

13 “(B) are signatories of the World Trade
14 Organization Basic Telecommunications Serv-
15 ices Agreement; and

16 “(C) have a schedule of commitments in
17 such Agreement that includes non-discrimina-
18 tory market access to their satellite markets.

19 “(8) RETURN OF UNUSED ORBITAL SLOTS.—
20 INTELSAT, INMARSAT, and any successor enti-
21 ties and separated entities shall not be permitted to
22 warehouse orbital slots that do not have satellites
23 that are providing commercial services, and any or-
24 bital slots of INTELSAT or INMARSAT which are
25 not in use or brought into use providing commercial

1 services as of May 12, 1997, or thereafter, shall be
2 returned to the International Telecommunication
3 Union for reallocation.

4 “(9) APPRAISAL OF ASSETS.—Before any trans-
5 fer of assets by INTELSAT or INMARSAT to any
6 successor entity or separated entity, such assets
7 shall be independently audited for purposes of ap-
8 praisal, at both book and fair market value.

9 **“SEC. 622. SPECIFIC CRITERIA FOR INTELSAT.**

10 “In securing the privatizations required by section
11 621, the following additional criteria with respect to
12 INTELSAT privatization shall be applied as licensing cri-
13 teria for purposes of subtitle A:

14 “(1) NUMBER OF COMPETITORS.—The number
15 of competitors in the markets served by
16 INTELSAT, including the number of competitors
17 created out of INTELSAT, shall be sufficient to cre-
18 ate a fully competitive market.

19 “(2) PREVENTION OF EXPANSION DURING
20 TRANSITION.—Pending privatization in accordance
21 with the criteria in this title, INTELSAT shall not
22 expand by receiving additional orbital slots, placing
23 new satellites in existing slots, or procuring new or
24 additional satellites, except for specified replacement
25 satellites for which construction contracts have been

1 executed as of May 12, 1997, and the United States
2 shall oppose such expansion—

3 “(A) in INTELSAT, including at the As-
4 sembly of Parties,

5 “(B) in the International Telecommuni-
6 cation Union,

7 “(C) through United States instructions to
8 COMSAT,

9 “(D) in the Commission, through declining
10 to facilitate the registration of additional orbital
11 slots or the provision of additional services (in-
12 cluding additional applications of existing serv-
13 ices) or additional areas of business; and

14 “(E) in other appropriate fora.

15 “(3) TECHNICAL COORDINATION AMONG SIG-
16 NATORIES.—Technical coordination shall not be used
17 to impair competition or competitors, and coordina-
18 tion under Article XIV(d) of the INTELSAT Agree-
19 ment shall be eliminated.

20 **“SEC. 623. SPECIFIC CRITERIA FOR INTELSAT SEPARATED**
21 **ENTITIES.**

22 “In securing the privatizations required by section
23 621, the following additional criteria with respect to any
24 INTELSAT separated entity shall be applied as licensing
25 criteria for purposes of subtitle A:

1 “(1) DATE FOR PUBLIC OFFERING.—Within
2 one year after any decision to create any separated
3 entity, a public offering of the securities of such en-
4 tity shall be conducted.

5 “(2) PRIVILEGES AND IMMUNITIES.—The privi-
6 leges and immunities of INTELSAT and its signato-
7 ries shall be waived with respect to any transactions
8 with any separated entity, and any limitations on
9 private cause of action that would otherwise gen-
10 erally be permitted against any separated entity
11 shall be eliminated.

12 “(3) INTERLOCKING DIRECTORATES OR EM-
13 PLOYEES.—None of the officers, directors, or em-
14 ployees of any separated entity shall be individuals
15 who are officers, directors, or employees of
16 INTELSAT.

17 “(4) SPECTRUM ASSIGNMENTS.—After the ini-
18 tial transfer which may accompany the creation of a
19 separated entity, the portions of the electromagnetic
20 spectrum assigned on the date of enactment of this
21 Act to INTELSAT shall not be transferred between
22 INTELSAT and any separated entity.

23 “(5) REAFFILIATION PROHIBITED.—Any merg-
24 er or ownership or management ties or exclusive ar-
25 rangements between a privatized INTELSAT or any

1 successor entity and any separated entity shall be
2 prohibited until 15 years after the completion of
3 INTELSAT privatization under this title.

4 **“SEC. 624. SPECIFIC CRITERIA FOR INMARSAT.**

5 “In securing the privatizations required by section
6 621, the following additional criteria with respect to
7 INMARSAT privatization shall be applied as licensing cri-
8 teria for purposes of subtitle A:

9 “(1) MULTIPLE SIGNATORIES AND DIRECT AC-
10 CESS.—Multiple signatories and direct access to
11 INMARSAT shall be permitted.

12 “(2) PREVENTION OF EXPANSION DURING
13 TRANSITION.—Pending privatization in accordance
14 with the criteria in this title, INMARSAT should
15 not expand by receiving additional orbital slots; plac-
16 ing new satellites in existing slots, or procuring new
17 or additional satellites, except for specified replace-
18 ment satellites for which construction contracts have
19 been executed as of May 12, 1997, and the United
20 States shall oppose such expansion—

21 “(A) in INMARSAT, including at the
22 Council and Assembly of Parties,

23 “(B) in the International Telecommuni-
24 cation Union,

1 “(C) through United States instructions to
2 COMSAT,

3 “(D) in the Commission, through declining
4 to facilitate the registration of additional orbital
5 slots or providing new services or uses for
6 existing slots, and

7 “(E) in other appropriate fora.

8 “(3) NUMBER OF COMPETITORS.—The number
9 of competitors in the markets served by
10 INMARSAT, including the number of competitors
11 created out of INMARSAT, shall be sufficient to
12 create a fully competitive market.

13 “(4) REAFFILIATION PROHIBITED.—Any merg-
14 er or ownership or management ties or exclusive ar-
15 rangements between INMARSAT or any successor
16 entity or separated entity and ICO shall be prohib-
17 ited until 15 years after the completion of
18 INMARSAT privatization under this title.

19 “(5) INTERLOCKING DIRECTORATES OR EM-
20 PLOYEES.—None of the officers, directors, or em-
21 ployees of INMARSAT or any successor entity or
22 separated entity shall be individuals who are officers,
23 directors, or employees of ICO.

1 “(6) SPECTRUM ASSIGNMENTS.—The portions
2 of the electromagnetic spectrum assigned on the
3 date of enactment of this Act to INMARSAT—

4 “(A) shall, after January 1, 2006, or the
5 date on which the life of the current generation
6 of INMARSAT satellites ends, whichever is
7 later, be made available for assignment to all
8 systems (including the privatized INMARSAT)
9 on a non-discriminatory basis; and

10 “(B) shall not be transferred between
11 INMARSAT and ICO.

12 **Subtitle C—Deregulation and** 13 **Other Statutory Changes**

14 **“SEC. 641. DIRECT ACCESS; TREATMENT OF COMSAT AS** 15 **NONDOMINANT CARRIER.**

16 “The Commission shall take such actions as may be
17 necessary—

18 “(1) to permit providers or users of tele-
19 communications services to obtain direct access to
20 INTELSAT telecommunications services as soon as
21 practicable, but no later than January 1, 2001;

22 “(2) to permit providers or users of tele-
23 communications services to obtain direct access to
24 INMARSAT telecommunications services as soon as
25 practicable, but no later than January 1, 2000; and

1 “(3) to treat COMSAT as a nondominant car-
2 rier for the purposes of the Commission’s regula-
3 tions on the effective date of the actions taken pur-
4 suant to paragraphs (1) and (2), respectively.

5 **“SEC. 642. SIGNATORY ROLE.**

6 “(a) MULTIPLE SIGNATORIES PERMITTED.—

7 “(1) INTELSAT.—As soon as practicable, but
8 no later than January 1, 2001, multiple signatories
9 shall be permitted to represent the United States in
10 INTELSAT.

11 “(2) INMARSAT.—As soon as practicable, but
12 no later than January 1, 2000, multiple signatories
13 shall be permitted to represent the United States in
14 INMARSAT.

15 “(b) ELIMINATION OF COMSAT PRIVILEGES AND
16 IMMUNITIES.—Notwithstanding any other law or execu-
17 tive agreement, COMSAT shall not be entitled to any
18 privileges or immunities under the laws of the United
19 States or any State on the basis of its status as a signa-
20 tory of INTELSAT or INMARSAT.

21 “(c) PARITY OF TREATMENT.—Notwithstanding any
22 other law or executive agreement, the Commission shall
23 have the authority to impose similar regulatory fees on
24 the United States signatory which it imposes on other en-
25 tities providing similar services.

1 **“SEC. 643. ELIMINATION OF PROCUREMENT PREFERENCES.**

2 “Nothing in this Act or the Communications Act of
3 1934 shall be construed to authorize or require any pref-
4 erence, in Federal Government procurement of tele-
5 communications services, for the satellite space segment
6 provided by INTELSAT, INMARSAT, or any successor
7 entity or separated entity.

8 **“SEC. 644. USE OF ITU TECHNICAL COORDINATION.**

9 “The Commission and United States satellite compa-
10 nies shall utilize the International Telecommunication
11 Union procedures for technical coordination with
12 INTELSAT and its successor entities and separated enti-
13 ties, rather than INTELSAT procedures.

14 **“SEC. 645. TERMINATION OF COMMUNICATIONS SATELLITE**
15 **ACT OF 1962 PROVISIONS.**

16 “Effective on the dates specified, the following provi-
17 sions of this Act shall cease to be effective:

18 “(1) Date of enactment of this title: Sections
19 101 and 102; paragraphs (1), (5) and (6) of section
20 201(a); section 301; section 303; section 304; sec-
21 tion 502; and paragraphs (2) and (4) of section
22 504(a).

23 “(2) On the effective date of the Commission’s
24 order that establishes direct access to INTELSAT
25 space segment: Paragraphs (1), (3) through (5), and
26 (8) through (10) of section 201(c).

1 “(3) On the effective date of the Commission’s
 2 order that establishes direct access to INMARSAT
 3 space segment: Subsections (a) through (d) of sec-
 4 tion 503.

5 “(4) On the effective date of a Commission
 6 order determining under section 601(b)(2) that
 7 INMARSAT privatization is consistent with criteria
 8 in sections 621 and 624: Section 504(b).

9 “(5) On the effective date of a Commission
 10 order determining under section 601(b)(2) that
 11 INTELSAT privatization is consistent with criteria
 12 in sections 621 and 622: Paragraphs (2) and (4) of
 13 section 201(a); section 201(c)(2); subsection (a) of
 14 section 403; and section 404.

15 **“SEC. 646. REPORTS TO THE CONGRESS.**

16 “(a) ANNUAL REPORTS.—The President and the
 17 Commission shall report to the Congress within 90 cal-
 18 endar days of the enactment of this Act, and not less than
 19 annually thereafter, on the progress made to achieve the
 20 objectives and carry out the purposes and provisions of
 21 this Act. Such report shall be made available immediately
 22 to the public.

23 “(b) CONTENTS OF REPORTS.—The reports submit-
 24 ted pursuant to subsection (a) shall include the following:

1 “(1) Progress with respect to each objective
2 since the most recent preceding report.

3 “(2) Views of the Parties with respect to privat-
4 ization.

5 “(3) Views of industry and consumers on pri-
6 vatization.

7 **“SEC. 647. CONSULTATION WITH CONGRESS.**

8 “The President’s designees and the Commission shall
9 consult with the Committee on Commerce of the House
10 of Representatives and the Committee on Commerce,
11 Science, and Transportation of the Senate prior to each
12 meeting of the INTELSAT or INMARSAT Assembly of
13 Parties, the INTELSAT Board of Governors, the
14 INMARSAT Council, or appropriate working group meet-
15 ings.

16 **“SEC. 648. SATELLITE AUCTIONS.**

17 “Notwithstanding any other provision of law, the
18 Commission shall not have the authority to assign by com-
19 petitive bidding orbital slots or spectrum used for the pro-
20 vision of international or global satellite communications
21 services. The President shall oppose in the International
22 Telecommunication Union and in other bilateral and mul-
23 tilateral fora any assignment by competitive bidding of or-
24 bital slots or spectrum used for the provision of such serv-
25 ices.

1 **“Subtitle D—Negotiations To**
 2 **Pursue Privatization**

3 **”SEC. 661. METHODS TO PURSUE PRIVATIZATIONS.**

4 “The President shall secure the pro-competitive
 5 privatizations required by this title in a manner that meets
 6 the criteria in subtitle B.

7 **“Subtitle E—Definitions**

8 **“SEC. 681. DEFINITIONS.**

9 “(a) IN GENERAL.—As used in this title:

10 “(1) INTELSAT.—The term ‘INTELSAT’
 11 means the International Telecommunications Sat-
 12 ellite Organization established pursuant to the
 13 Agreement Relating to the International Tele-
 14 communications Satellite Organization
 15 (INTELSAT).

16 “(2) INMARSAT.—The term ‘INMARSAT’
 17 means the International Mobile Satellite Organiza-
 18 tion established pursuant to the Convention on the
 19 International Maritime Organization.

20 “(3) SIGNATORIES.—The term ‘signatories’—

21 “(A) in the case of INTELSAT, or
 22 INTELSAT successors or separated entities,
 23 means a Party, or the telecommunications en-
 24 tity designated by a Party, that has signed the
 25 Operating Agreement and for which such

1 Agreement has entered into force or to which
 2 such Agreement has been provisionally applied;

3 “(B) in the case of INMARSAT, or
 4 INMARSAT successors or separated entities,
 5 means either a Party to, or an entity that has
 6 been designated by a Party to sign, the Operat-
 7 ing Agreement.

8 “(4) PARTY.—The term ‘Party’—

9 “(A) in the case of INTELSAT, means a
 10 nation for which the INTELSAT agreement
 11 has entered into force or been provisionally ap-
 12 plied; and

13 “(B) in the case of INMARSAT, means a
 14 nation for which the INMARSAT convention
 15 has entered into force.

16 “(5) COMMISSION.—The term ‘Commission’
 17 means the Federal Communications Commission.

18 “(6) INTERNATIONAL TELECOMMUNICATION
 19 UNION.—The term ‘International Telecommuni-
 20 cation Union’ means the intergovernmental organi-
 21 zation that is a specialized agency of the United Na-
 22 tions in which member countries cooperate for the
 23 development of telecommunications, including adop-
 24 tion of international regulations governing terrestrial

1 and space uses of the frequency spectrum as well as
2 use of the geostationary satellite orbit.

3 “(7) DIRECT ACCESS.—The term ‘direct access’
4 means arrangements for purchase of space segment
5 capacity from, or investment in (or both),
6 INTELSAT or INMARSAT by means other than
7 through a signatory.

8 “(8) SUCCESSOR ENTITY.—The term ‘successor
9 entity’—

10 “(A) means any privatized entity created
11 from the privatization of INTELSAT or
12 INMARSAT or from the assets of INTELSAT
13 or INMARSAT, but

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

16 “(9) SEPARATED ENTITY.—The term ‘sepa-
17 rated entity’ means a privatized entity to whom a
18 portion of the assets owned by INTELSAT or
19 INMARSAT are transferred prior to full privatiza-
20 tion of INTELSAT or INMARSAT, including in
21 particular the entity whose structure was under dis-
22 cussion by INTELSAT as of May 12, 1997, but ex-
23 cluding ICO.

24 “(10) ORBITAL SLOT.—The term ‘orbital slot’
25 means the location for placement of a satellite on

1 the geostationary orbital are as defined in the Inter-
2 national Telecommunication Union Radio Regula-
3 tions.

4 “(11) SPACE SEGMENT.—The term ‘space seg-
5 ment’ means the satellites, and the tracking, telem-
6 etry, command, control, monitoring and related fa-
7 cilities and equipment used to support the operation
8 of satellites owned or leased by INTELSAT,
9 INMARSAT, or a separated entity or successor en-
10 tity.

11 “(12) NON-CORE.—The term ‘non-core services’
12 means, with respect to INTELSAT provision, serv-
13 ices other than public-switched network voice teleph-
14 ony and occasional-use television, and with respect
15 to INMARSAT provision, services other than global
16 maritime distress and safety services or other exist-
17 ing maritime or aeronautical services for which there
18 are not alternative providers.

19 “(13) ADDITIONAL SERVICES.—The term ‘addi-
20 tional services’ means Internet services, high-speed
21 data, non-maritime or non-aeronautical mobile serv-
22 ices, Direct to Home (DTH) or Direct Broadcast
23 Satellite (DBS) video services, or Ka-band services.

1 “(14) INTELSAT.—The term ‘INTELSAT’
2 means the International Telecommunications Sat-
3 ellite Organization.

4 “(15) INTELSAT AGREEMENT.—The term
5 ‘INTELSAT Agreement’ means the Agreement Re-
6 lating to the International Telecommunications Sat-
7 ellite Organization (INTELSAT), including all its
8 annexes (TIAS 7532, 23 UST 3813).

9 “(16) HEADQUARTERS AGREEMENT.—The term
10 ‘Headquarters Agreement’ means the International
11 Telecommunication Satellite Organization Head-
12 quarters Agreement (November 24, 1976)
13 (TIAS8542, 28 UST 2248).

14 “(17) OPERATING AGREEMENT.—The term
15 ‘Operating Agreement’ means—

16 “(A) in the case of INTELSAT, the agree-
17 ment, including its annex but excluding all ti-
18 tles of articles, opened for signature at Wash-
19 ington on August 20, 1971, by Governments or
20 telecommunications entities designated by Gov-
21 ernments in accordance with the provisions of
22 the Agreement, and

23 “(B) in the case of INMARSAT, the Oper-
24 ating Agreement on the International Maritime
25 Satellite Organization, including its annexes.

1 “(18) INMARSAT CONVENTION.—The term
2 ‘INMARSAT Convention’ means the Convention on
3 the International Maritime Satellite Organization
4 (INMARSAT) (TIAS 9605, 31 UST 1).

5 “(19) NATIONAL CORPORATION.—The term
6 ‘national corporation’ means a corporation the own-
7 ership of which is held through publicly traded secu-
8 rities, and that is incorporated under, and subject
9 to, the laws of a national, state, or territorial gov-
10 ernment.

11 “(20) COMSAT.—The term ‘COMSAT’ means
12 the corporation established pursuant to title III of
13 the Communications Satellite Act of 1962 (47
14 U.S.C. 731 et seq.)

15 “(21) ICO.—The term ‘ICO’ means the com-
16 pany known, as of the date of enactment of this Act,
17 as ICO Global Communications, Inc.

18 “(b) COMMON TERMINOLOGY.—Except as otherwise
19 provided in subsection (a), terms used in this Act that are
20 defined in section 3 of the Communications Act of 1934
21 have the meanings provided in such section.”.

