

Public Law 95-564
95th Congress

An Act

Nov. 1, 1978

[H.R. 11209]

To provide for the establishment, ownership, operation, and governmental oversight and regulation of international maritime satellite telecommunications services.

Communications
Satellite Act of
1962,
amendment.
47 USC 701 note.
International
Maritime
Satellite
Telecommunica-
tions Act.
47 USC 751 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Communications Satellite Act of 1962 is amended by adding at the end thereof the following new title:

“TITLE V—INTERNATIONAL MARITIME SATELLITE
TELECOMMUNICATIONS

“SHORT TITLE

“SEC. 501. This title may be cited as the ‘International Maritime Satellite Telecommunications Act’.

“DECLARATION OF POLICY AND PURPOSE

47 USC 751.

“SEC. 502. (a) The Congress hereby declares that it is the policy of the United States to provide for the participation of the United States in the International Maritime Satellite Organization (hereinafter in this title referred to as ‘INMARSAT’) in order to develop and operate a global maritime satellite telecommunications system. Such system shall have facilities and services which will serve maritime commercial and safety needs of the United States and foreign countries.

“(b) It is the purpose of this title to provide that the participation of the United States in INMARSAT shall be through the Communications Satellite Corporation, which constitutes a private entity operating for profit, and which is not an agency or establishment of the Federal Government.

“DESIGNATED OPERATING ENTITY

Communications
Satellite
Corporation.
47 USC 752.

“SEC. 503. (a) (1) The Communications Satellite Corporation is hereby designated as the sole operating entity of the United States for participation in INMARSAT, for the purpose of providing international maritime satellite telecommunications services.

“(2) The corporation also shall have authority to participate in any other maritime satellite telecommunications system on an interim basis to serve the maritime commercial and safety needs of the United States through an interim operating arrangement in accordance with subsection (b).

“(3) The corporation may participate in and is hereby authorized to sign the operating agreement or other pertinent instruments of INMARSAT as the sole designated operating entity of the United States.

“(b) (1) The corporation may participate in any maritime satellite telecommunications system under subsection (a) (2) only if—

“(A) the corporation signs the operating agreement of INMARSAT before beginning such participation;

"(B) such participation is in the nature of an interim operating arrangement remaining in effect only until INMARSAT begins its operations; and

"(C) (i) in the case of participation which may be undertaken only pursuant to a treaty or executive agreement, such treaty or executive agreement is in effect; or

"(ii) in any case in which participation does not require any treaty or executive agreement, the President does not disapprove such participation during the period of 60 calendar days after the corporation notifies the President of such proposed participation.

"(2) If the corporation participates in an interim operating arrangement with a maritime satellite telecommunications system under this subsection, the provisions of this title relating to participation of the corporation in INMARSAT also shall apply to such interim participation.

"(3) Any disapproval by the President under paragraph (1) (C) (ii) shall be published in the Federal Register as soon as practicable after the date of such disapproval.

"(c) The corporation—

"(1) may own and operate satellite earth terminal stations in the United States;

"(2) shall interconnect such stations, and the maritime satellite telecommunications provided by such stations, with the facilities and services of United States domestic common carriers and international common carriers, other than any common carrier or other entity in which the corporation has any ownership interest, as authorized by the Commission;

"(3) shall interconnect such stations and the maritime satellite telecommunications provided by such stations, with the facilities and services of private communications systems, unless the Commission finds that such interconnection will not serve the public interest; and

"(4) may establish, own, and operate the United States share of the jointly owned international space segment and associated ancillary facilities.

"(d) The corporation shall be responsible for fulfilling any financial obligation placed upon the corporation as a signatory to the operating agreement or other pertinent instruments, and any other financial obligation which may be placed upon the corporation as the result of a convention or other instrument establishing INMARSAT. The corporation shall be the sole United States representative in the managing body of INMARSAT.

"(e) (1) Any person, including the Federal Government or any agency thereof, may be authorized, in accordance with paragraph (2) or paragraph (3), to be the sole owner or operator, or both, of any satellite earth terminal station if such station is used for the exclusive purposes of training personnel in the use of equipment associated with the operation and maintenance of such station, or in carrying out experimentation relating to maritime satellite telecommunications services.

"(2) If the person referred to in paragraph (1) is the Federal Government or any agency thereof, such satellite earth terminal station shall have been authorized to operate by the executive department charged with such responsibility.

"(3) In any other case, such satellite earth terminal station shall have been authorized by the Commission.

Presidential
disapproval,
publication in
Federal Register.

Financial
obligation.

Satellite earth
terminal station.

Authorization.

"(f) The Commission may authorize ownership of satellite earth terminal stations by persons other than the corporation at any time the Commission determines that such additional ownership will enhance the provision of maritime satellite services in the public interest.

"(g) The Commission shall determine the operational arrangements under which the corporation shall interconnect its satellite earth terminal station facilities and services with United States domestic common carriers and international common carriers, other than any common carrier, system, or other entity in which the corporation has any ownership interest, and private communications systems when authorized pursuant to subsection (c) (3) for the purpose of extending maritime satellite telecommunications services within the United States and in other areas. The initial determination of operational arrangements shall be made by the Commission no later than 6 months after the effective date of this title, and the Commission shall thereupon transmit to the Congress a report relating to such determination.

"(h) Notwithstanding any provision of State law, the articles of incorporation of the corporation shall provide for the continued ability of the board of directors of the corporation to transact business under such circumstances of national emergency as the President or his delegate may determine would not permit a prompt meeting of the number of directors otherwise required to transact business.

"IMPLEMENTATION OF POLICY

47 USC 753.

"SEC. 504. (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 title;

"(2) take all necessary steps to ensure the availability and appropriate utilization of the maritime satellite telecommunications services provided by INMARSAT for general governmental purposes, except in any case in which a separate telecommunications system is required to meet unique governmental needs or is otherwise required in the national interest;

"(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) take all necessary steps to determine the interests and needs of the ultimate users of the maritime satellite telecommunications system and to communicate the views of the Federal Government on utilization and user needs to INMARSAT.

"(b) The President shall exercise such supervision over, and issue such instructions to, the corporation in connection with its relationships and activities with foreign governments, international entities, and INMARSAT as may be necessary to ensure that such relationships and activities are consistent with the national interest and foreign policy of the United States.

"(c) The Commission shall—

"(1) institute such proceedings as may be necessary to carry out the provisions of section 503 of this title;

"(2) make recommendations to the President for the purpose of assisting him in his issuance of instructions to the corporation;

Report to
Congress.

Recommendations to
President.

"(3) grant such authorizations as may be necessary under title II and title III of the Communications Act of 1934 to enable the corporation—

47 USC 201,
301.

"(A) to provide to the public, in accordance with section 503(c)(2) of this title, space segment channels of communication obtained from INMARSAT; and

"(B) to construct and operate such satellite earth terminal stations in the United States as may be necessary to provide sufficient access to the space segment;

"(4) grant such other authorizations as may be necessary under title II and title III of the Communications Act of 1934 to carry out to the provisions of this title;

"(5) establish procedures to provide for the continuing review of the telecommunications activities of the corporation as the United States signatory to the operating agreement or other pertinent instruments; and

"(6) prescribe such rules as may be necessary to carry out the provisions of this title.

"(d) The Commission is authorized to issue instructions to the corporation with respect to regulatory matters within the jurisdiction of the Commission. In the event an instruction of the Commission conflicts with an instruction of the President pursuant to subsection (b), the instructions issued by the President shall prevail.

Instruction
conflicts.

"STUDY OF STRUCTURE AND ACTIVITIES OF COMMUNICATIONS SATELLITE CORPORATION

"SEC. 505. (a) The Commission shall conduct a study of the corporate structure and operating activities of the corporation, with a view toward determining whether any changes are required to ensure that the corporation is able to effectively fulfill its obligations and carry out its functions under this Act and the Communications Act of 1934.

47 USC 754.

"(b) The Commission shall transmit a report to the Congress not later than 18 months after the effective date of this title relating to the study of the corporation conducted under subsection (a). Such report shall contain a detailed statement of the findings and conclusions of such study, any action taken by the Commission related to such findings and conclusions, and any recommendations of the Commission for such legislative or other action as the Commission considers necessary or appropriate.

47 USC 609.
Report to
Congress.

"STUDY OF PUBLIC MARITIME COAST STATION SERVICES

"SEC. 506. (a) The Commission shall conduct a study of public maritime coast station services, with particular emphasis on high seas services, with a view toward determining whether the rules and regulations of the Commission and the assignment of licenses and radio frequencies in effect on the effective date of this title should be subject to any alteration in order to establish a systematic approach for the provision of modern and effective maritime telecommunications systems.

47 USC 755.

"(b) The Commission shall transmit a report to the Congress not later than 12 months after the effective date of this title relating to the study of public maritime coast station services conducted under subsection (a). Such report shall contain a detailed statement of the findings and conclusions of such study, any action taken by the Commission related to such findings and conclusions, and any recom-

Report to
Congress.

mendations of the Commission for such legislative or other action as the Commission considers necessary or appropriate.

"STUDY OF RADIO NAVIGATION SYSTEMS"

47 USC 756.

Presidential
report and
recommendations,
transmittal
to Congress.

"SEC. 507. (a) The President, in conjunction with Government agencies which will or may be affected by the development of a Government-wide radio navigation plan, shall conduct a study of all Government radio navigation systems to determine the most effective manner of reducing the proliferation and overlap of such systems. The objective of such study shall be the development of such a plan.

"(b) The President shall transmit a report to the Congress no later than 12 months after the effective date of this title relating to the study conducted under subsection (a) of this section. Such report shall contain a detailed statement of the findings and conclusions of such study, any action taken by the President related to such findings and conclusions, and any recommendations of the President for such legislation or other action as the President considers necessary or appropriate for implementation of a Government-wide radio navigation plan.

"DEFINITIONS"

47 USC 757.

"SEC. 508. For purposes of this title—

"(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."

Approved November 1, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1134, Pt. I (Comm. on Interstate and Foreign Commerce) and Pt. II. (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 95-1036 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 124 (1978):

May 15, considered and passed House.

Aug. 7, considered and passed Senate, amended.

Oct. 12, House concurred in Senate amendment with an amendment.

Oct. 13, House vacated proceedings of Oct. 12; receded, and concurred in Senate amendment with an amendment.

Oct. 13, Senate concurred in House amendment.