

(b) Other funds

The Commission may recover costs associated with this subchapter under section 159 of this title to the extent provided for in an appropriation Act, as required under subsection (a) of that section.

(June 19, 1934, ch. 652, title VIII, §805, as added Pub. L. 116-130, §2, Mar. 23, 2020, 134 Stat. 238.)

§ 646. Other provisions

(a) OMB

Notwithstanding any other provision of law, the initial rule making required under section 642(a)(1) of this title shall be exempt from review by the Office of Management and Budget.

(b) PRA

Subchapter I of chapter 35 of title 44 (commonly known as the “Paperwork Reduction Act”) shall not apply to any rule making or other action by the Commission required under this subchapter.

(c) Execution of responsibilities

Except, with respect to an entity that is not the Universal Service Administrative Company, as provided in section 642(a)(2)(B) of this title, section 642(b)(1)(A)(ii) of this title, and subsections (c), (d), and (e) of section 644 of this title, the Commission—

(1) including the offices of the Commission, shall carry out the responsibilities assigned to the Commission under this subchapter; and

(2) may not delegate any of the responsibilities assigned to the Commission under this subchapter to any third party, including the Universal Service Administrative Company.

(d) Reporting

Each fiscal year, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that summarizes the implementation of this subchapter and associated enforcement activities conducted during the previous fiscal year.

(e) Rule of construction

If the Commission, before March 23, 2020, has taken an action that, in whole or in part, implements this subchapter, the Commission shall not be required to revisit such action to the extent that such action is consistent with this subchapter.

(June 19, 1934, ch. 652, title VIII, §806, as added Pub. L. 116-130, §2, Mar. 23, 2020, 134 Stat. 238; amended Pub. L. 117-58, div. F, title I, §60102(h)(2)(E)(ii), Nov. 15, 2021, 135 Stat. 1198.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 117-58 substituted “any rule making or other action by the Commission required under this subchapter” for “the initial rule making required under section 642(a)(1) of this title”.

Statutory Notes and Related Subsidiaries

IMPLEMENTATION

For requirement to implement amendment made by section 60102(h)(2)(E)(ii) of Pub. L. 117-58 as soon as pos-

sible after Nov. 15, 2021, see section 1702(h)(2)(E)(iii) of this title.

CHAPTER 6—COMMUNICATIONS SATELLITE SYSTEM

SUBCHAPTER I—GENERAL PROVISIONS

- Sec. 701. Omitted.
- 702. Definitions.
- 703. Repealed.

SUBCHAPTER II—FEDERAL COORDINATION, PLANNING, AND REGULATION

- 721. Implementation of policy.

SUBCHAPTER III—COMMUNICATIONS SATELLITE CORPORATION

- 731 to 735. Omitted.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

- 741 to 744. Omitted.

SUBCHAPTER V—INTERNATIONAL MARITIME SATELLITE TELECOMMUNICATIONS

- 751, 752. Omitted.
- 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 licensing.
- 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. Repealed.
- 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

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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 equip-