

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. Repealed. Pub. L. 115-141, div. P, title IV, § 402(a), Mar. 23, 2018, 132 Stat. 1089**

Section, Pub. L. 87-624, title VI, § 646, as added Pub. L. 106-180, § 3, Mar. 17, 2000, 114 Stat. 57, related to reports to Congress on the progress made to achieve the objectives and carry out the purposes and provisions of this subchapter.

**§ 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 as-

sets 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 designated by Governments in accordance with the provisions of the Agreement; and

(B) in the case of Inmarsat, the Operating Agreement on the International Maritime Satellite Organization, including its annexes.

**(16) Inmarsat Convention**

The term “Inmarsat Convention” means the Convention on the International Maritime

Satellite Organization (Inmarsat) (TIAS 9605, 31 UST 1).

**(17) National corporation**

The term “national corporation” means a corporation the ownership of which is held through publicly traded securities, and that is incorporated under, and subject to, the laws of a national, state, or territorial government.

**(18) COMSAT**

The term “COMSAT” means the corporation established pursuant to subchapter III of this chapter, or the successor in interest to such corporation.

**(19) ICO**

The term “ICO” means the company known, as of March 17, 2000, as ICO Global Communications, Inc.

**(20) Global maritime distress and safety services or GMDSS**

The term “global maritime distress and safety services” or “GMDSS” means the automated ship-to-shore distress alerting system which uses satellite and advanced terrestrial systems for international distress communications and promoting maritime safety in general. The GMDSS permits the worldwide alerting of vessels, coordinated search and rescue operations, and dissemination of maritime safety information.

**(21) National security agency**

The term “national security agency” means the National Security Agency, the Director of Central Intelligence and the Central Intelligence Agency, the Department of Defense, and the Coast Guard.

**(b) Common terminology**

Except as otherwise provided in subsection (a), terms used in this subchapter that are defined in section 153 of this title have the meanings provided in such section.

(Pub. L. 87-624, title VI, § 681, as added Pub. L. 106-180, § 3, Mar. 17, 2000, 114 Stat. 58.)

**Statutory Notes and Related Subsidiaries**

**CHANGE OF NAME**

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.

**TRANSFER OF FUNCTIONS**

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

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

**CHAPTER 7—CAMPAIGN COMMUNICATIONS**

**§§ 801 to 805. Repealed. Pub. L. 93-443, title II, § 205(b), Oct. 15, 1974, 88 Stat. 1278**

Section 801, Pub. L. 92-225, title I, §102, Feb. 7, 1972, 86 Stat. 3, related to definitions for purposes of this chapter.

Section 802, Pub. L. 92-225, title I, §103(b), Feb. 7, 1972, 86 Stat. 4, related to nonbroadcast media rates.

Section 803, Pub. L. 92-225, title I, §104(a), (b), Feb. 7, 1972, 86 Stat. 5, related to limitations of expenditures for use of communications media.

Section 804, Pub. L. 92-225, title I, §105, Feb. 7, 1972, 86 Stat. 7, related to regulations prescribed under this chapter.

Section 805, Pub. L. 92-225, title I, §106, Feb. 7, 1972, 86 Stat. 8, related to penalties imposed under this chapter.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF REPEAL**

Sections 801 to 805 repealed effective Jan. 1, 1975, see section 410(a) of Pub. L. 93-443, set out as an Effective Date of 1974 Amendment note under section 30101 of Title 52, Voting and Elections.

**CHAPTER 8—NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION**

**SUBCHAPTER I—ORGANIZATION AND FUNCTIONS**

- Sec. 901. Definitions; findings; policy.
- 902. Establishment; assigned functions.
- 903. Spectrum management activities.
- 904. General administrative provisions.
- 905. Omitted.
- 906. Wireless supply chain innovation and multilateral security.

**SUBCHAPTER II—TRANSFER OF AUCTIONABLE FREQUENCIES**

- 921. Definitions.
- 922. National spectrum allocation planning.
- 923. Identification of reallocable frequencies.
- 924. Withdrawal or limitation of assignment to Federal Government stations.
- 925. Distribution of frequencies by Commission.
- 926. Authority to recover reassigned frequencies.
- 927. Existing allocation and transfer authority retained.
- 928. Spectrum Relocation Fund.
- 929. National security and other sensitive information.

**SUBCHAPTER III—MISCELLANEOUS**

- 941. Child-friendly second-level Internet domain.
- 942. Coordination of 9-1-1, E9-1-1, and Next Generation 9-1-1 implementation.

**SUBCHAPTER I—ORGANIZATION AND FUNCTIONS**

**§ 901. Definitions; findings; policy**

**(a) Definitions**

In this chapter, the following definitions apply:

- (1) The term “NTIA” means the National Telecommunications and Information Administration.
- (2) The term “Assistant Secretary” means the Assistant Secretary for Communications and Information.
- (3) The term “Secretary” means the Secretary of Commerce.

(4) The term “Commission” means the Federal Communications Commission.

(5) The term “Corporation” means the Communications Satellite Corporation authorized in title III of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq.).

**(b) Findings**

The Congress finds the following:

(1) Telecommunications and information are vital to the public welfare, national security, and competitiveness of the United States.

(2) Rapid technological advances being made in the telecommunications and information fields make it imperative that the United States maintain effective national and international policies and programs capable of taking advantage of continued advancements.

(3) Telecommunications and information policies and recommendations advancing the strategic interests and the international competitiveness of the United States are essential aspects of the Nation’s involvement in international commerce.

(4) There is a critical need for competent and effective telecommunications and information research and analysis and national and international policy development, advice, and advocacy by the executive branch of the Federal Government.

(5) As one of the largest users of the Nation’s telecommunications facilities and resources, the Federal Government must manage its radio spectrum use and other internal communications operations in the most efficient and effective manner possible.

(6) It is in the national interest to codify the authority of the National Telecommunications and Information Administration, an agency in the Department of Commerce, as the executive branch agency principally responsible for advising the President on telecommunications and information policies, and for carrying out the related functions it currently performs, as reflected in Executive Order 12046.

**(c) Policy**

The NTIA shall seek to advance the following policies:

(1) Promoting the benefits of technological development in the United States for all users of telecommunications and information facilities.

(2) Fostering national safety and security, economic prosperity, and the delivery of critical social services through telecommunications.

(3) Facilitating and contributing to the full development of competition, efficiency, and the free flow of commerce in domestic and international telecommunications markets.

(4) Fostering full and efficient use of telecommunications resources, including effective use of the radio spectrum by the Federal Government, in a manner which encourages the most beneficial uses thereof in the public interest.

(5) Furthering scientific knowledge about telecommunications and information.

(Pub. L. 102-538, title I, §102, Oct. 27, 1992, 106 Stat. 3533.)