

ing and still achieve the purposes of this section if—

(i) the successor entity certifies to the Commission that—

(I) the successor entity has achieved substantial dilution of the aggregate amount of signatory or former signatory financial interest in such entity;

(II) any signatories and former signatories that retain a financial interest in such successor entity do not possess, together or individually, effective control of such successor entity; and

(III) no intergovernmental organization has any ownership interest in a successor entity of INTELSAT or more than a minimal ownership interest in a successor entity of Inmarsat;

(ii) the successor entity provides such financial and other information to the Commission as the Commission may require to verify such certification; and

(iii) the Commission determines, after notice and comment, that the successor entity is in compliance with such certification.

(G) For purposes of subparagraph (F), the term “substantial dilution” means that a majority of the financial interests in the successor entity is no longer held or controlled, directly or indirectly, by signatories or former signatories.

(6) Regulatory treatment

Any successor entity or separated entity created after March 17, 2000, shall apply through the appropriate national licensing authorities for international frequency assignments and associated orbital registrations for all satellites.

(7) Competition policies in domiciliary country

Any successor entity or separated entity shall be subject to the jurisdiction of a nation or nations that—

(A) have effective laws and regulations that secure competition in telecommunications services;

(B) are signatories of the World Trade Organization Basic Telecommunications Services Agreement; and

(C) have a schedule of commitments in such Agreement that includes non-discriminatory market access to their satellite markets.

(Pub. L. 87-624, title VI, § 621, as added Pub. L. 106-180, § 3, Mar. 17, 2000, 114 Stat. 51; amended Pub. L. 107-77, title VI, § 628, Nov. 28, 2001, 115 Stat. 804; Pub. L. 107-233, § 1, Oct. 1, 2002, 116 Stat. 1480; Pub. L. 108-39, § 2, June 30, 2003, 117 Stat. 835; Pub. L. 108-228, § 1, May 18, 2004, 118 Stat. 644; Pub. L. 108-371, § 1, Oct. 25, 2004, 118 Stat. 1752; Pub. L. 109-34, § 1, July 12, 2005, 119 Stat. 377.)

REFERENCES IN TEXT

Section 763b of this title, referred to in text, was repealed by Pub. L. 109-34, § 2, July 12, 2005, 119 Stat. 377.

Section 763c of this title, referred to in text, 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.

AMENDMENTS

2005—Par. (5)(D)(ii). Pub. L. 109-34, § 1(1), (2), struck out subcl. (I) designation after “managers who” and substituted “signatories; and” for “signatories, or (II) have any direct financial interest in or financial relationship to any signatories or former signatories, except that such interest may be managed through a blind trust or similar mechanism;”.

Par. (5)(D)(iii). Pub. L. 109-34, § 1(3), substituted “organization.” for “organization; and”.

Par. (5)(D)(iv). Pub. L. 109-34, § 1(4), struck out cl. (iv) which read as follows: “in the case of a separated entity, have no officers or directors, who (I) are officers or managers of any intergovernmental organization, or (II) have any direct financial interest in or financial relationship to any international organization, except that such interest may be managed through a blind trust or similar mechanism.”

2004—Par. (5)(A)(i). Pub. L. 108-228 substituted “June 30, 2005” for “December 31, 2003” and “December 31, 2005” for “June 30, 2004”.

Par. (5)(A)(ii). Pub. L. 108-371, § 1(1), substituted “June 30, 2005” for “June 30, 2004”.

Par. (5)(F), (G). Pub. L. 108-371, § 1(2), added subpars. (F) and (G).

2003—Par. (5)(A)(ii). Pub. L. 108-39 substituted “June 30, 2004” for “December 31, 2002” and “December 31, 2004” for “June 30, 2003”.

2002—Par. (5)(A)(i). Pub. L. 107-233 substituted “December 31, 2003,” for “October 1, 2001,” and “June 30, 2004;” for “December 31, 2002;”.

2001—Par. (5)(A)(ii). Pub. L. 107-77 substituted “not later than December 31, 2002, except that the Commission may extend this deadline to not later than June 30, 2003” for “on or about October 1, 2000, except that the Commission may extend this deadline in consideration of market conditions and relevant business factors relating to the timing of an initial public offering, but to no later than December 31, 2001”.

IMMIGRATION STATUS OF ALIEN EMPLOYEES OF INTELSAT AFTER PRIVATIZATION

Title III of Pub. L. 106-396, Oct. 30, 2000, 114 Stat. 1645, provided for maintenance of nonimmigrant and special immigrant status of alien employees of INTELSAT and their immediate family members after privatization, and for treatment of employment for purposes of obtaining immigrant status as a multinational executive or manager.

§ 763a. Specific criteria for INTELSAT

In securing the privatizations required by section 763 of this title, the following additional criteria with respect to INTELSAT privatization shall be applied as licensing criteria for purposes of part A of this subchapter:

(1)¹ TECHNICAL COORDINATION UNDER INTELSAT AGREEMENTS.—Technical coordination shall not be used to impair competition or competitors, and shall be conducted under International Telecommunication Union procedures and not under Article XIV(d) of the INTELSAT Agreement.

(Pub. L. 87-624, title VI, § 622, as added Pub. L. 106-180, § 3, Mar. 17, 2000, 114 Stat. 53.)

§ 763b. Repealed. Pub. L. 109-34, § 2, July 12, 2005, 119 Stat. 377

Section, Pub. L. 87-624, title VI, § 623, as added Pub. L. 106-180, § 3, Mar. 17, 2000, 114 Stat. 53, related to specific criteria for INTELSAT separated entities.

§ 763c. Space segment capacity of the GMDSS

The United States shall preserve the space segment capacity of the GMDSS. This section is

¹ So in original. No par. (2) has been enacted.