November 19, 1999

CONGRESSIONAL RECORD— SENATE 30901

before the Senate a message from the House to accompany S. 1418.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 1418) entitled “An Act to provide for the holding of court at Natchez, Mississippi, in the same manner as court is held at Vicksburg, Mississippi, and for other purposes,” do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. HOLDING OF COURT AT NATCHEZ, MISSISSIPPI.

Section 104(b)(3) of title 28, United States Code, is amended in the second sentence by striking all beginning with the colon through “United States”.

SEC. 2. HOLDING OF COURT AT WHEATON, ILLINOIS.

Section 93(a)(1) of title 28, United States Code, is amended by adding after Chicago “and Wheaton”.

Ms. COLLINS. I ask unanimous consent the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE CONGRESSIONAL BUDGET ACT OF 1974

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 3257, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3257) to amend the Congressional Budget Act of 1974 to assist the Congressional Budget Office with the scoring of State and local mandates.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3257) was read the third time and passed.

COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT OF 1999

Ms. COLLINS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

The PRESIDING OFFICER. The bill laid before the Senate has been referred to the Committee on Commerce, Science, and Transportation.

The PRESIDING OFFICER laid before the Senate a message from the INTELSAT or Inmarsat or successor or separated entities have been privatized in a manner that will not harm competition and privatization in satellite communications, and for other purposes”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Communications Satellite Competition and Privatization Act of 1999”.

SEC. 2. PURPOSE.

It is the purpose of this Act to promote a fully competitive global market for satellite communications and to provide incentives for the separation of INTELSAT and any successor entities, or for the privatization of INTELSAT and any successor entities to provide non-core services to, or operated by INTELSAT or Inmarsat or any successor or separated entities or to provide services from providers offering services other than through INTELSAT or Inmarsat or successor or separated entities, at competitive rates, terms, or conditions. Such consideration shall also include whether such licensing decisions would require users to replace equipment at substantial costs prior to the termination of its design life. In making its licensing decisions, the Commission shall also consider whether competitive alternatives in individual markets do not exist because they have been foreclosed due to anticompetitive actions undertaken by or resulting from the INTELSAT or Inmarsat systems. Such licensing decisions shall be made in a manner which facilitates achieving the purposes and goals in this title and shall be subject to notice and comment.

(c) ADDITIONAL CONSIDERATIONS IN DETERMINING LICENSING.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall take into consideration the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

(d) INDEPENDENT FACILITIES COMPETITION.—Nothing in this title precludes COMSAT from investing in or owning satellites or other facilities independent from INTELSAT and Inmarsat, and successor or separated entities.

(e) CIRCUITRY.—In making its licensing decisions, the Commission shall not make such a determination unless the Commission determines that the privatization of any separated entity is consistent with such criteria.

(f) LICENSING FOR INTELSAT, INMARSAT, AND SUCCESSOR ENTITIES.—In making the determination required by paragraphs (a) and (b), the Commission shall also consider whether competitive alternatives in individual markets do not exist because they have been foreclosed due to anticompetitive actions undertaken by or resulting from the INTELSAT or Inmarsat systems.

(g) FUNDING.—Nothing in this title shall be construed as precluding COMSAT from investing in or owning satellites or other facilities independent from INTELSAT and Inmarsat, and successor or separated entities.

(h) ORBITAL LOCATIONS.—Nothing in this title shall be construed as precluding COMSAT from investing in or owning satellites or other facilities independent from INTELSAT and Inmarsat, and successor or separated entities.

(i) ADDITIONAL CONSIDERATIONS IN DETERMINING LICENSING.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall take into consideration the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

(j) ADDITIONAL CONSIDERATIONS IN DETERMINING LICENSING.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall take into consideration the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

(k) ADMINISTRATION.—The Commission may issue an authorization, license, or permit to, or renew the license or permit of, any entity subject to the United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not make such an authorization, license, or permit necessary.

(l) CIRCUITRY.—In making the determination required by paragraph (a), the Commission shall also consider whether competitive alternatives in individual markets do not exist because they have been foreclosed due to anticompetitive actions undertaken by or resulting from the INTELSAT or Inmarsat systems. Such licensing decisions shall be made in a manner which facilitates achieving the purposes and goals in this title and shall be subject to notice and comment.

(m) ADDITIONAL CONSIDERATIONS IN DETERMINING LICENSING.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall take into consideration the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

(n) ADMINISTRATION.—The Commission may issue an authorization, license, or permit to, or renew the license or permit of, any entity subject to the United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not make such an authorization, license, or permit necessary.

(o) ADDITIONAL CONSIDERATIONS IN DETERMINING LICENSING.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall take into consideration the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

(p) ADMINISTRATION.—The Commission may issue an authorization, license, or permit to, or renew the license or permit of, any entity subject to the United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not make such an authorization, license, or permit necessary.

(q) ADDITIONAL CONSIDERATIONS IN DETERMINING LICENSING.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall take into consideration the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

(r) ADMINISTRATION.—The Commission may issue an authorization, license, or permit to, or renew the license or permit of, any entity subject to the United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not make such an authorization, license, or permit necessary.

(s) ADDITIONAL CONSIDERATIONS IN DETERMINING LICENSING.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall take into consideration the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

(t) ADMINISTRATION.—The Commission may issue an authorization, license, or permit to, or renew the license or permit of, any entity subject to the United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not make such an authorization, license, or permit necessary.

(u) ADDITIONAL CONSIDERATIONS IN DETERMINING LICENSING.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall take into consideration the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

(v) ADMINISTRATION.—The Commission may issue an authorization, license, or permit to, or renew the license or permit of, any entity subject to the United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not make such an authorization, license, or permit necessary.

(w) ADDITIONAL CONSIDERATIONS IN DETERMINING LICENSING.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall take into consideration the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

(x) ADMINISTRATION.—The Commission may issue an authorization, license, or permit to, or renew the license or permit of, any entity subject to the United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not make such an authorization, license, or permit necessary.

(y) ADDITIONAL CONSIDERATIONS IN DETERMINING LICENSING.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall take into consideration the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

(z) ADMINISTRATION.—The Commission may issue an authorization, license, or permit to, or renew the license or permit of, any entity subject to the United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not make such an authorization, license, or permit necessary.
such space segment, for additional services (including additional applications of existing services) or additional areas of business, subject to the requirements of this section.

“(2) ADDITIONAL SERVICES PERMITTED UNDER NEW CONTRACTS UNLESS PROGRESS FAILS.—If the Commission finds under subsection (b) that conditions required by such subsection have not been attained, the Commission may not, pursuant to paragraph (1), permit such additional services to be provided directly or indirectly under new contracts for the use of INTELSAT or Inmarsat space segment, unless and until the Commission subsequently makes a finding under such subsection that such conditions have been attained.

“(3) PREVENTION OF EVASION.—The Commission shall, by rule, prescribe means reasonably designed to prevent evasions of the limitations contained in paragraph (2) by customers who did not use specific additional services as of the date of the Commission’s most recent finding under subsection (b) that the conditions of such subsection have not been obtained.

“(b) REQUIREMENTS FOR ANNUAL FINDINGS.—

“(1) Finding required.—A finding required under this subsection shall be made, after notice and comment, on or before January 1 of 2000, 2001, and 2002. The Commission shall find (the findings required by this subsection having been obtained pursuant to paragraph (1) shall—

“(A) enterprises that are national corporations; and

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

“(i) any signatories or former signatories that control access to national telecommunications markets; and

“(ii) any intergovernmental organization remaining after the privatization.

“(C) TERMINATION OF PRIVILEGES AND IMMUNITIES.—The preferential treatment of INTELSAT and Inmarsat shall not be extended to any successor entity or separated entity of INTELSAT or Inmarsat. Such preferential treatment includes—

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

“(B) privileges or immunities or other competitive advantages of the type accorded INTELSAT and Inmarsat and their signatories through the terms and conditions of the INTELSAT Agreement and the associated Headquarters Agreement and the Inmarsat Convention; and

“(C) preferential access to orbital locations, including any access to orbital locations that are not subject to the legal or regulatory processes of a national government that applies due diligence requirements intended to prevent the warehousing of orbital locations.

“(4) PREVENTION OF Expansion during transition.—During the transition period prior to full privatization, INTELSAT and Inmarsat shall be precluded from expanding into additional services (including additional applications of existing services) or additional areas of business.

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

“(A) Any successor entities and separated entities shall be incorporated as private corporations subject to the laws of the nation in which incorporated.

“(B) An initial public offering of securities of any successor entity or separated entity shall be conducted on an arm’s length basis.

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

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

“(i) any signatory or former signatory that controls access to national telecommunications markets; or

“(ii) any intergovernmental organization remaining after the privatization.

“(E) Any transactions or other relationships between or among any successor entity, separated entity, INTELSAT, or Inmarsat shall be conducted on an arm’s length basis.

“(6) REGULATORY TREATMENT.—Any successor entity or separated entity created shall be governed in a nation or nations that—

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

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

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

“(7) RETURN OF UNUSED ORBITAL LOCATIONS.—INTELSAT, Inmarsat, and any successor entities and separated entities shall not be subject to selection or appointment by, or otherwise serve as representatives of—

“(A) as of March 25, 1998, did not contain a satellite that was providing commercial services, or, subsequent to such date, did not contain a satellite providing commercial services; or

“(B) as of March 25, 1998, was not designated in INTELSAT or Inmarsat operations plans for satellites for which construction contracts had been executed. Any such orbital location of INTELSAT or Inmarsat and of any successor entity or separated entity shall be returned to the International Telecommunication Union for reallocation.

“(8) APPRAISAL OF ASSETS.—Before any transfer of assets by INTELSAT or Inmarsat to any successor entity or separated entity, such assets shall be independently audited for purposes of appraisal, at both book and fair market value.

“(9) LIMITATION ON REMAINING IMPOSITIONS ON INTELSAT.—Pending privatization the provisions of this title, COMSAT shall not be authorized by the Commission to invest in a satellite known as K-TV, unless Congress authorizes such investment.

“SEC. 622. SPECIFIC CRITERIA FOR INTELSAT.

“In securing the privatizations required by section 621, the following additional criteria with respect to INTELSAT privatization shall be applied as licensing criteria for purposes of sub-section A:

“(1) NUMBER OF COMPETITORS.—The number of competitors in the markets served by INTELSAT, including the number of competitors created out of INTELSAT, shall be sufficient to create a fully competitive market.

“(2) PREVENTION OF EXPANSION DURING TRANSITION.—

“(A) IN GENERAL.—Pending privatization in accordance with this title, INTELSAT shall not expand by receiving additional orbital locations, placing new satellites in existing locations, or procuring new or additional spacecraft except as provided by sub-subsection (B) and the United States shall oppose such expansion.

“(B) IN INTTELSAT, including at the Assembly of Parties;

“(C) IN the International Telecommunication Union;
“(iii) through United States instructions to COMSAT; or
“(iv) in the Commission, through declining to facilitate the registration of additional orbital locations or the provision of additional services (including applications of existing services) or additional areas of business; and
“(v) in other appropriate fora.

(B) EXCEPT FOR CERTAIN REPLACEMENT SATELLITES IN SUBPARA.
(A) shall not apply to any replacement satellites if

(i) such replacement satellite is used solely to provide public-switched network voice telephony or occasional-use television services, or both; or
(ii) such replacement satellite is procured pursuant to ownership or management contracts that were executed on or before March 25, 1998; and

(iii) construction of such replacement satellite commences on or before the final date for INTELSAT privatization set forth in section 621(A)(A).

(3) INTELLIGIBLE COORDINATION AMONG SIGN.
—Technical coordination shall not be used to ensure or constitute any coordination under Article XIV(d) of the INTELSAT Agreement shall be eliminated.

SEC. 623. SPECIFIC CRITERIA FOR INTELSAT PRIVATIZATION.

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

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

(2) PRIVILEGES AND IMMUNITIES.—The privileges and immunities of INTELSAT and its signatories shall be waived with respect to any transactions with any separated entity, and any limitations on private causes of action that would otherwise generally be permitted against any separated entity shall be eliminated.

(3) INTERLOCKING DIRECTORATES OR EMPLOY.
—None of the officers, directors, or employees of any separated entity shall be individuals who are officers, directors, or employees of INTELSAT.

(4) SPECTRUM ASSIGNMENTS.—After the initial transfer which may accompany the creation of a separated entity, the portions of the electromagnetic spectrum assigned as of the date of the enactment of this title to INTELSAT shall not be transferred between INTELSAT and any separated entity.

(5) REAFFILIATION PROHIBITED.—Any merger or ownership or management ties or exclusive arrangements between a privatized INTELSAT or any successor entity and any separated entity shall be prohibited.

(6) SPECTRUM ASSIGNMENTS.—The portions of the electromagnetic spectrum assigned as of the date of the enactment of this title to Inmarsat—

(A) shall, after January 1, 2006, or the date on which the life of the current generation of Inmarsat satellites ends, whichever is later, be made available for assignment to all systems (including the privatized Inmarsat) on a non-discriminatory basis and in a manner in which continued availability of the GMDSS is provided; and

(B) shall not be transferred between Inmarsat and ICO.

(7) PRESERVATION OF THE GMDSS.—The United States shall seek to preserve space segment capacity of the GMDSS.

SEC. 625. ENCOURAGING MARKET ACCESS AND PRIVATIZATION.

“(a) NTIA DETERMINATION.—
“(1) DETERMINATION REQUIRED.—Within 180 days after the date of the enactment of this section, the Secretary of Commerce shall, through the Assistant Secretary for Communications and Information, transmit to the Commission—

(A) a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that impose barriers to market access for private satellite systems; and

(B) a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that are not supporting pro-competitive privatization of INTELSAT and Inmarsat.

“(2) CONSULTATION.—The Secretary’s determination under paragraph (1) shall be made in consultation with the Federal Communications Commission, the Secretary of State, and the United States Trade Representative, and shall take into account the position of the United States in all relevant fora, including the Assemblies of Parties of INTELSAT and Inmarsat.

“(b) IMPOSITION OF COST-BASED SETTLEMENTS RATES.—Notwithstanding any other law or executive agreement, such rates shall be imposed on or after the date of the enactment of this title to Inmarsat.

“(c) P ARITY OF TREATMENT.—Notwithstanding any other law or executive agreement, COMSAT shall not be entitled to any privileges or immunities under the laws of the United States or any State on the basis of its status as a signatory of INTELSAT or Inmarsat.

(2) LIMITED IMMUNITY.—COMSAT and any other company or organization as United States signatory to INTELSAT or Inmarsat shall not be liable for action taken by it in carrying out the specific, written instruction of the United States issued in connection with its relationships and activities with foreign governments, international entities, and the intergovernmental satellite organizations.

(3) PROVISIONS PROSPECTIVE.—Paragraph (1) shall not apply with respect to liability for any action taken by COMSAT before the date of the enactment of the Communications Satellite Competition and Privatization Act of 1999.

“(c) SETTLEMENTS POLICY.—The Commission shall not exercise its authority to grant settlements rates for United States international common carriers, seek to advance United States policy in favor of cost-based settlements in all relevant fora on international telecommunications policy, including in meetings with parties and signatories of INTELSAT and Inmarsat.

Subtitle C—Deregulation and Other Statutory Changes

SEC. 641. ACCESS TO INTELSAT.

“(a) ACCESS PERMITTED.—Beginning on the date of the enactment of this title, users or providers of telecommunications services shall be allowed, in exercising its authority, direct access to INTELSAT telecommunications services and space segment capacity through purchases of such capacity or services from, or through investment in, INTELSAT.

“(b) RULEMAKING.—Within 180 days after the date of the enactment of this title, the Commission shall complete a rulemaking, with notice and opportunity for submission of comments by interested persons, to determine if users or providers of telecommunications services have sufficient opportunity to access INTELSAT space segment capacity directly or indirectly to meet their service or capacity requirements. If the Commission determines that such opportunity does not exist, the Commission shall, by rule, take appropriate action to facilitate such direct access pursuant to its authority under this Act and the Communications Act of 1934. The Commission shall take such steps as may be necessary to prevent the circumvention of the intent of this section.

“(c) CONTRACT PRESERVATION.—Nothing in this section shall be construed to permit the abrogation or modification of any contract.

SEC. 642. SIGNATORY ROLE.

“(a) LIMITATIONS ON SIGNATORIES.—

(1) NATIONAL SECURITY LIMITATIONS.—The Federal Communications Commission, after a public interest determination, in consultation with the executive branch, may restrict foreign ownership of a United States signatory if the Commission determines that it would otherwise generally be permitted under any other law or executive agreement, and that not to do so would constitute a threat to national security.

(2) NO SIGNATORIES REQUIRED.—The United States Government shall not require signatories to represent the United States in INTELSAT or Inmarsat, provided that any actions after a pro-competitive privatization is achieved consistent with sections 621, 622, and 624.

(b) CLARIFICATION OF PRIVILEGES AND IMMUNITIES OF INTELSAT.

(1) GENERALLY NOT IMMUNIZED.—Notwithstanding any other law or executive agreement, COMSAT shall not be entitled to any privileges or immunities under the laws of the United States or any State on the basis of its status as a signatory of INTELSAT or Inmarsat.

(2) LIMITED IMMUNITY.—COMSAT and any other company or organization as United States signatory to INTELSAT or Inmarsat shall not be liable for action taken by it in carrying out the specific, written instruction of the United States issued in connection with its relationships and activities with foreign governments, international entities, and the intergovernmental satellite organizations.

(3) PROVISIONS PROSPECTIVE.—Paragraph (1) shall not apply with respect to liability for any action taken by COMSAT before the date of the enactment of the Communications Satellite Competition and Privatization Act of 1999.

“Parity of Treatment.—Notwithstanding any other law or executive agreement, the Commission shall have the authority to impose similar regulatory fees on United States signatory which it imposes on other entities providing similar services.
"SEC. 643. ELIMINATION OF PROCUREMENT PREFERENCES.

"Nothing in this title or the Communications Act of 1934 shall be construed to authorize or require any preference, in Federal Government procurement, or in any State or local government procurement, for the satellite space segment provided by INTELSAT, Inmarsat, or any successor entity or separated entity.

"SEC. 644. USE OF ITS TECHNICAL COORDINATION.

"The Commission and United States satellite companies shall utilize the International Telecommunication Union procedures for technical coordination with INTELSAT and its successor entities and separated entities, rather than INTELSAT procedures.

"SEC. 645. TERMINATION OF COMMUNICATIONS SATELLITE ACT OF 1962 PROVISIONS.

"Effective on the dates specified, the following provisions of this Act shall cease to be effective:

"(1) Date of the enactment of this title: Sections 112, 116, and 117; paragraphs (1) and (2) of section 201(a); section 202; and paragraphs (4) and (5) of section 204(a).

"(2) On the effective date of the Commission's order that establishes direct access to INTELSAT space segment: Paragraphs (1), (3) through (5), and (8) through (10) of section 201(c); and section 201(b).

"(3) On the effective date of the Commission's order that establishes direct access to Inmarsat space segment: Subsections (a) through (d) of section 503.

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

"(5) On the effective date of a Commission order determining under section 601(b)(2) that INTELSAT privatization is consistent with criteria in sections 621 and 624: Paragraphs (2) and (4) of section 201(a); section 201(c); subsection (a) of section 403; and section 404.

"SEC. 646. REPORTS TO CONGRESS.

"(a) ANNUAL REPORTS.—The President and the Commission shall report to the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate prior to each meeting of the Senate and the House of Representatives the status of privatized entities and separated entities, and the progress made toward their privatization.

"(b) CONTENTS OF REPORTS.—The reports submitted pursuant to subsection (a) shall include the following:

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

"(2) Views of the Parties with respect to privatization.

"(3) Views of industry and consumers on privatization.

"(4) Impact privatization has had on United States industry, United States jobs, and United States industry's access to the global marketplace.

"SEC. 647. CONSULTATION WITH CONGRESS.

"The President's designees and the Commission shall consult with the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate prior to each meeting of the Senate and the House of Representatives the status of privatized entities and separated entities, and the progress made toward their privatization.

"SEC. 648. 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 international forums any assignment by competitive bidding of orbital locations or spectrum used for the provision of such services.

"SEC. 649. EXCLUSIVITY ARRANGEMENTS.

"(a) In general.—A separated entity shall acquire or enjoy the exclusive right of handling telecommunications to or from the United States, its territories or possessions, and any other country, so far as any cession, 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.

"Subtitle D—Negotiations To Pursue Privatization

"SEC. 661. METHODS TO PURSUE PRIVATIZATION.

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

"Subtitle E—Definitions

"SEC. 681. DEFINITIONS.

"(a) In general.—In this title:

"(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 Maritime Mobile Satellite Services (Inmarsat).

"(3) SIGNATORIES.—The term 'signatories' means:

"(A) in the case of INTELSAT, or INTELSAT successors or separated entities, means a Party, or telecommunications entities designated by a Party to an INTELSAT Agreement and for which such Agreement has entered into force

"(B) does not include an entity that is a separated entity.

"(C) INMARSAT AGREEMENT.—The term 'INMARSAT Agreement' means the Agreement Relating to the International Telecommunications Satellite Organization (INMARSAT), including all its annexes (TIAS 7352, 22 UST 3813).

"(4) ADDITIONAL SERVICES.—The term 'additional services' means Internet services, high-speed data, interactive services, or non-aeronautical mobile services, Direct to Home (DTH) or Direct Broadcast Satellite (DBS) video services, or Ka-band services.

"(5) INTELSAT AGREEMENT.—The term 'INTELSAT Agreement' means the Agreement Relating to the International Telecommunications Satellite Organization (INTELSAT), including all its annexes (TIAS 7352, 22 UST 3813).


"(7) 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, concerning 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.


"(9) NATIONAL CORPORATION.—The term 'national corporation' means a corporation the ownership of which is held through publicly traded securities, and that is incorporated in and subject to, the laws of a national, state, or territorial government.

"(10) COMSAT.—The term 'COMSAT' means the corporation established pursuant to title II of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq).

"(11) ICO.—The term 'ICO' means the company known, as of the date of the enactment of this title, as ICO Global Communications, Inc.

"(12) INTELSAT.—The term 'INTELSAT' means the International Telecommunications Union established pursuant to the International Telecommunication Union Headquarters Agreement (November 24, 1976) (TIAS 8542, 28 UST 2248).

"(13) INMARSAT.—The term 'Inmarsat' means the International Mobile Satellite Organization established pursuant to the Convention on Maritime Mobile Satellite Services (Inmarsat).


"(15) COMSAT.—The term 'COMSAT' means the corporation established pursuant to title III of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq).

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"(18) COMSAT.—The term 'COMSAT' means the corporation established pursuant to title III of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq).

"(19) ICO.—The term 'ICO' means the company known, as of the date of the enactment of this title, as ICO Global Communications, Inc.
services under contracts executed prior to March 25, 1998 (but not including K–TV or similar systems). A satellite is only considered a replacement satellite to the extent such contracts are equitable by or on behalf of the individual.

(2) GLOBAL MARITIME DISTRESS AND SAFETY SERVICES OR GMDS.—The term ‘global maritime distress and safety services’ or ‘GMDS’ means a ship-to-shore distress and search and rescue system that uses satellite and advanced terrestrial systems for international distress communications and coordinating maritime safety with search and rescue operations. The term ‘GMDS’ also includes the worldwide alerting of vessels, coordinated search and rescue operations, and dissemination of maritime safety information.

(3) DEFINITIONS.—Except as otherwise provided in subsection (a), terms used in this title that are defined in section 3 of the Communications Act of 1934 have the meanings provided in such section.

Mr. SCHUMER. Mr. President, I rise today to speak about the Satellite Home Viewer Act, which is part of the Intellectual Property and Communications Omnibus Reform Act of 1999. There are approximately half a million direct broadcast satellite households in New York State that have been disadvantaged by the restrictions currently facing satellite service providers. There are countless others who would like the privilege of having satellite service as a multi-channel video program provider.

Earlier this year, direct broadcast satellite customers in many areas of New York State had their local network service shut off as a result of a court order. This meant that satellite service customers were unable to receive their local news, weather, and major broadcast stations from their local broadcast companies. We now have a bill that will allow direct broadcast satellite companies the ability to provide multi-channel local programming. For small, rural communities, it is imperative that residents be allowed to receive notice of local events, such as school closings, weather reports, cultural happenings, and local business developments. In addition, New York is one of the two states that will benefit from retroactive local programming via satellites.

For residents of New York rural counties like Allegany, Chenango, Clinton, Niagara, Ulster, and many others, that rely on distant broadcast network programming because they are typically unable to receive over-the-air broadcast signals, this bill allows them to continue to receive faraway broadcast signals.

While I am pleased that we were able to pass the Satellite Home Viewer Act before it expired on December 31, 1999, I hope we will continue to further its progress. The federal loan provision that was included during conference, and regrettably taken out of the Senate conference report, must be revisited. It is my understanding that the Senate Banking committee plans on holding hearings next year to ensure that multi-channel service providers are encouraged to extend satellite service to rural and underserved communities. I look forward to working with my colleagues on that committee to make sure my constituents in Western and Northern New York have the same viewing options as those in downtown New York.

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate agree to the amendment of the House, request a conference with the House, and the Chair be authorized to appoint conference on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Presiding Officer appointed Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. HOLINGS, and Ms. MCCUNE conferences on the part of the Senate.

RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 1999

Ms. COLLINS. Mr. President, I now ask unanimous consent the Senate proceed to the consideration of Calendar No. 370, S. 1515.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1515) to amend the Radiation Exposure Compensation Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part of the bill intended to be inserted is shown in italic.)

S. 1515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Radiation Exposure Compensation Act Amendments of 1999”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) recognized the responsibility of the Federal Government to compensate individuals who were harmed by the mining of radioactive materials or fallout from nuclear arms testing;

(2) a congressional oversight hearing conducted by the Committee on Labor and Human Resources of the Senate determined that since enactment of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), regulatory burdens have made it too difficult for some deserving individuals to be fairly and efficiently compensated;

(3) reports of the Atomic Energy Commission and the National Institute for Occupational Safety and Health testify to the need to extend to individuals in which the effects of the Federal Government sponsored uranium mining and milling from 1941 through 1971; scientific data resulting from the enactment of the Radiation Exposure Compensation Act of 1990 (38 U.S.C. 101 note), and obtained from the Committee on the Biological Effects of Ionizing Radiations, and obtained from the Senate.

Human Radiation Experiments provide medical validation for the extension of compensable radiogenic pathologies;

above-ground uranium miners, millers and individuals who transferred ore should be fairly compensated, in a manner similar to that provided for underground uranium miners, in cases in which those individuals suffered disease or resultant death, associated with radiation exposure, due to the failure of the Federal Government to warn and otherwise help protect the health hazards addressed by the Radiation Exposure Compensation Act of 1990 (42 U.S.C. 2210 note); and

(6) it should be the responsibility of the Federal Government in partnership with State and local governments and appropriate healthcare organizations, to initiate and support programs designed for the early detection, prevention and education on radiogenic diseases in approved States to aid the thousands of individuals adversely affected by the mining of uranium and the testing of nuclear weapons for the Nation's weapons arsenal.

SEC. 3. AMENDMENTS TO THE RADIATION EXPOSURE COMPENSATION ACT.

(a) CLAIMS RELATING TO ATMOSPHERIC NUCLEAR TESTING.—Section 4(a)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

“(1) who is described in subparagraph (A)(i) by inserting "and participating in the tests described in subparagraph (C) are met, an individual—

(II) was physically present in an affected area for a period of at least 1 year during the period beginning on January 21, 1951, and ending on October 31, 1958;" and

“(II) more than 2 years after first exposure to fallout.

“(B) AMOUNTS.—If the conditions described in subparagraph (C) are met, an individual—

(1) who is described in clause (i) or (ii) of subparagraph (A)(i) shall receive $50,000; or

(2) who is described in clause (iii) of subparagraph (A)(i) shall receive $75,000.

“(C) CONDITIONS.—The conditions described in this subparagraph are as follows:

“(I) Initial exposure occurred prior to age 21.

“(II) The claim for a payment under subparagraph (B) is filed with the Attorney General by or on behalf of the individual.

“(III) The Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.”;

(b) DEFINITIONS.—Section 4(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by inserting "in the year 1941, after ‘Millard’;"; and

(B) by amending subparagraph (C) to read as follows: