November 19, 1999

CONGRESSIONAL RECORD—SENATE

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 district 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 by adding after Chicago “and Wheaton”:

Ms. COLLINS. I ask unanimous consent to 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 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 laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 376) entitled “An Act to amend the Communications Satellite Act of 1962 to promote 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, including the benefit of privatization of satellite organizations, INTELSAT and Inmarsat.


The Communications Satellite Act of 1962 (47 U.S.C. 101) is amended by adding at the end the following new title:

“TITLE VI—COMMUNICATIONS COMPETITION AND PRIVATIZATION

“Subtitle A—Actions To Ensure Procompetitive Privatization

“SEC. 601. FEDERAL COMMUNICATIONS COMMISSION LICENSING.

“(a) LICENSING FOR SEPARATED ENTITIES.—Nothing in this Act shall be construed as authorizing the Commission to issue a license or construction permit to any entity which is a separated entity and for which the Commission has determined that any such issuance will harm competition in the telecommunication services offered in the United States.

“(A) IN CASE OF INTELSAT.—In making licensing decisions, the Commission shall consider whether INTELSAT or Inmarsat or any entity that is a successor entity to INTELSAT or Inmarsat will substantially limit, deny, or revoke the authority to provide non-core services to, or on behalf of, any entity subject to the telecommunications market of the United States.

“(B) IN CASE OF INMARSAT.—In making licensing decisions, the Commission shall consider whether INMARSAT or any entity that is a successor entity to INMARSAT will substantially limit, deny, or revoke the authority to provide non-core services to, or on behalf of, any entity subject to the telecommunications market of the United States.

“(B)WITH RESPECT TO INTELSAT.—The Commission shall not make such a determination unless the Commission determines that INTELSAT has been privatized in a manner that will not harm competition.

“(A) WITH RESPECT TO INMARSAT.—The Commission shall not make such a determination unless the Commission determines that INMARSAT has been privatized in a manner that will not harm competition.

“(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621 and 623, and shall not make such a determination unless the Commission determines that INTELSAT or INMARSAT and any successive entity has been privatized in a manner that will not harm competition.

“(B) LICENSING FOR INTELSAT, INMARSAT, AND SUCCESSOR ENTITIES.—In making licensing decisions under subsections (a) and (b), the Commission shall consider whether users of non-core services provided by INTELSAT or Inmarsat or successor or separated entities to provide non-core services are able to obtain non-core services from providers offering services other than through INTELSAT or Inmarsat or successor or separated entities, at competitive rates, terms, or conditions. Such considerations 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 closed or 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 Act 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. The subsection shall not be construed as restricting the types of contracts which can be executed or services which may be provided by COMSAT over the independent satellites or facilities described in this subsection.

“SEC. 603. INTELSAT OR INMARSAT ORBITAL LOCATIONS.

“(a) REQUIRED ACTIONS.—Unless, in a proceeding under section 601(b), the Commission determines that INTELSAT or Inmarsat have been privatized in a manner that will not harm competition, then—

“(1) the President shall oppose, and the Commission shall not make an application for new orbital locations for INTELSAT or Inmarsat—

“(B) with respect to INTETLSAT, after April 1, 2001; and

“(2) the President and Commission shall, consistent with the deadlines in paragraph (1), take all other necessary measures to preclude procurement, registration, development, or use of new satellites which would provide non-core services.

“(B) EXCPTION.—

“(1) REPLACEMENT AND PREVIOUSLY CONTRACTED SATELLITES.—Subsection (a) shall not apply to—

“(A) orbital locations for replacement satellites (as described in section 622(3)(B)); and

“(B) orbital locations for satellites that are contracted for as of March 25, 1994, if such satellites do not provide additional services.

“(2) LIMITATION ON EXCEPTION.—Paragraph (1) is available only with respect to satellites designed to provide services solely in the C and Ku bands for INTELSAT, and L for Inmarsat bands.

“SEC. 604. ADDITIONAL SECTIONS AUTHORIZED.

“(a) SERVICES AUTHORIZED DURING CONTINUOUS PROGRESS.—

“(1) CONTINUED AUTHORIZATION.—The Commission may issue an authorization, license, or permit to renew the license of any provider of services using INTELSAT or Inmarsat space segment, or authorize the use of