

States signatory to the operating agreement or other pertinent instruments; and

(6) prescribe such rules as may be necessary to carry out the provisions of this subchapter.

(d) Commission regulatory instructions; conflicting and prevailing instructions of President

The Commission is authorized to issue instructions to the corporation with respect to regulatory matters within the jurisdiction of the Commission. In the event an instruction of the Commission conflicts with an instruction of the President pursuant to subsection (b) of this section, the instructions issued by the President shall prevail.

(Pub. L. 87-624, title V, §504, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2394.)

REFERENCES IN TEXT

The Communications Act of 1934, referred to in subsec. (c)(3), (4), is act June 19, 1934, ch. 652, 48 Stat. 1964, as amended, which is classified principally to chapter 5 (§151 et seq.) of this title. Titles II and III of the Communications Act of 1934 are classified generally to subchapters II (§201 et seq.) and III (§301 et seq.), respectively, of chapter 5 of this title. For complete classification of this Act to the Code, see section 609 of this title and Tables.

Section 752(c)(2) of this title, referred to in subsec. (c)(3)(A), was redesignated section 752(b)(2) of this title by Pub. L. 103-414, title III, §304(b)(5)(E), Oct. 25, 1994, 108 Stat. 4298.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 902 of this title.

§§ 754 to 756. Repealed. Pub. L. 103-414, title III, § 304(b)(5), Oct. 25, 1994, 108 Stat. 4298

Section 754, Pub. L. 87-624, title V, §505, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2395, related to study of structure and activities of corporation.

Section 755, Pub. L. 87-624, title V, §506, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2395, related to study of public maritime coast station services.

Section 756, Pub. L. 87-624, title V, §507, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2396, related to study of radio navigation systems.

§ 757. Definitions

For purposes of this subchapter—

(1) the term “person” includes an individual, partnership, association, joint stock company, trust, or corporation;

(2) the term “satellite earth terminal station” means a complex of communications equipment located on land, operationally interconnected with one or more terrestrial communications systems, and capable of transmitting telecommunications to, or receiving telecommunications from, the space segment;

(3) the term “space segment” means any satellite (or capacity on a satellite) maintained under the authority of INMARSAT, for the purpose of providing international maritime telecommunications services, and the tracking, telemetry, command, control, monitoring, and related facilities and equipment required to support the operation of such satellite; and

(4) the term “State” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Is-

lands, and any other territory or possession of the United States.

(Pub. L. 87-624, title V, §505, formerly §508, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2396; renumbered §505, Pub. L. 103-414, title III, §304(b)(6), Oct. 25, 1994, 108 Stat. 4298.)

PRIOR PROVISIONS

A prior section 505 of Pub. L. 87-624 was classified to section 754 of this title prior to repeal by Pub. L. 103-414, §304(b)(5).

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

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.

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 431 of Title 2, The Congress.

CHAPTER 8—NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SUBCHAPTER I—ORGANIZATION AND FUNCTIONS

Sec.	
901.	Definitions; findings; policy. <ul style="list-style-type: none"> (a) Definitions. (b) Findings. (c) Policy.
902.	Establishment; assigned functions. <ul style="list-style-type: none"> (a) Establishment. (b) Assigned functions.
903.	Spectrum management activities. <ul style="list-style-type: none"> (a) Revision of regulations. (b) Requirements for revisions. (c) Certification to Congress. (d) Radio services. (e) Proof of compliance with FCC licensing requirements.
904.	General administrative provisions. <ul style="list-style-type: none"> (a) Interagency functions. (b) Advisory committees and informal consultations with industry. (c) General provisions. (d) Reorganization. (e) Limitation on solicitations.
905.	Annual report to Congress.

SUBCHAPTER II—TRANSFER OF AUCTIONABLE FREQUENCIES

921.	Definitions.
922.	National spectrum allocation planning.

- Sec.
923. Identification of reallocable frequencies.
 (a) Identification required.
 (b) Minimum amount of spectrum recommended.
 (c) Criteria for identification.
 (d) Procedure for identification of reallocable bands of frequencies.
 (e) Timetable for reallocation and limitation.
 (f) Additional reallocation report.
 (g) Relocation of Federal Government stations.
 (h) Federal action to expedite spectrum transfer.
 (i) "Federal entity" defined.
924. Withdrawal or limitation of assignment to Federal Government stations.
 (a) In general.
 (b) Exceptions.
925. Distribution of frequencies by Commission.
 (a) Allocation and assignment of immediately available frequencies.
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 (c) Allocation and assignment of frequencies identified in second reallocation report.
926. Authority to recover reassigned frequencies.
 (a) Authority of President.
 (b) Procedure for reclaiming frequencies.
 (c) Costs of reclaiming frequencies.
 (d) Effective date of reclaimed frequencies.
 (e) Effect on other law.
927. Existing allocation and transfer authority retained.
 (a) Additional reallocation.
 (b) Implementation of new technologies and services.

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.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, "this title", meaning title I of Pub. L. 102-538, Oct. 27, 1992, 106 Stat. 3533, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

The Communications Satellite Act of 1962, referred to in subsec. (a)(5), is Pub. L. 87-624, Aug. 31, 1962, 76 Stat. 419, as amended. Title III of the Act is classified generally to subchapter III (§731 et seq.) of chapter 6 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

Executive Order 12046, referred to in subsec. (b)(6), is set out as a note under section 305 of this title.

SHORT TITLE

Section 101 of title I of Pub. L. 102-538 provided that: "This title [enacting this chapter, amending section 394