

98TH CONGRESS
1ST SESSION

H. R. 2297

To amend the Communications Act of 1934 to authorize the Federal Communications Commission to regulate the entry of foreign telecommunications carriers into domestic United States telecommunications markets upon terms which are reciprocal with terms under which United States telecommunications carriers are permitted entry into the foreign markets involved.

5

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1983

Mr. ENGLISH introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to authorize the Federal Communications Commission to regulate the entry of foreign telecommunications carriers into domestic United States telecommunications markets upon terms which are reciprocal with terms under which United States telecommunications carriers are permitted entry into the foreign markets involved.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Communications Act of 1934 (47
4 U.S.C. 152) is amended by adding at the end thereof the
5 following new subsection:

1 “(c)(1) The Commission shall have authority to conduct
2 inquiries, and establish policies, rules, regulations, and re-
3 quirements, applicable to permitting the entry of foreign tele-
4 communications services and foreign telecommunications car-
5 riers into domestic United States telecommunications mar-
6 kets upon terms and conditions which are reciprocal with the
7 terms and conditions under which United States telecommu-
8 nications services and United States telecommunications car-
9 riers are permitted entry into—

10 “(A) the foreign nation in which the operations of
11 such foreign telecommunications service or such foreign
12 telecommunications carrier are based; or

13 “(B) the foreign nation under the laws of which
14 such foreign telecommunications service or such foreign
15 telecommunications carrier is established.

16 No other provision of this Act shall be construed to limit or
17 otherwise restrict the authority of the Commission estab-
18 lished in this paragraph.

19 “(2) In carrying out its authority under paragraph (1),
20 the Commission shall have the authority to inquire into any
21 charge, practice, classification, requirement, or provision of a
22 service, facility, or product by any carrier in order to deter-
23 mine if such charge, practice, classification, requirement, or
24 provision of a service, facility, or product is just and reason-
25 able, promotes the public convenience and necessity, and en-

1 sures the equitable treatment and competitive position of
2 United States enterprises in international markets.

3 “(3) The Commission shall adopt such rules, regula-
4 tions, policies, requirements, and procedures, and may
5 impose such restrictions upon a foreign telecommunications
6 carrier or a foreign telecommunications service, as it deter-
7 mines to be necessary or appropriate to carry out the provi-
8 sions of this subsection and to carry out its determinations
9 under this subsection.

10 “(4)(A) In conducting any inquiry under paragraph (1),
11 the Commission shall request and consider the views of the
12 Secretary of State and the United States Trade Representa-
13 tive.

14 “(B) The President may, not later than forty-five days
15 after any final determination of the Commission regarding the
16 imposition of reciprocal restrictions upon a foreign telecom-
17 munications carrier or a foreign telecommunications service,
18 veto such final determination if the President determines that
19 such final determination will injure the foreign policy inter-
20 ests of the United States.

21 “(C) If the President decides to take any action under
22 this paragraph, he shall publish notice of his determination,
23 including the reasons for the determination, in the Federal
24 Register. Unless he determines that expeditious action is re-

1 quired, the President shall provide an opportunity for the
2 presentation of views concerning the taking of such action.

3 “(5) For purposes of this subsection:

4 “(A) The term ‘foreign telecommunications carri-
5 er’ means any common carrier which is—

6 “(i) an alien or the representative of an alien;

7 “(ii) a foreign government or representative
8 of a foreign government;

9 “(iii) a corporation, partnership, joint ven-
10 ture, or other legal entity organized or established
11 under the laws of a foreign nation; or

12 “(iv) a corporation more than 20 percent of
13 the capital stock of which is owned of record or
14 voted by or on behalf of, an alien or the repre-
15 sentative of an alien, a foreign government or rep-
16 resentative of a foreign government, or a corpora-
17 tion, partnership, joint venture, or other legal
18 entity organized or established under the laws of
19 a foreign nation.

20 “(B) The term ‘foreign telecommunications serv-
21 ice’ means any telecommunications service or related
22 service, more than 20 percent of the revenues or profit
23 of which accrues (or would accrue if disbursements
24 were made) to—

25 “(i) an alien or the representative of an alien;

1 “(ii) a foreign government or representative
2 of a foreign government;

3 “(iii) a corporation, partnership, joint ven-
4 ture, or other legal entity organized or established
5 under the laws of a foreign nation; or

6 “(iv) a corporation more than 20 per centum
7 of the capital stock of which is owned of record or
8 voted by or on behalf of, an alien or the repre-
9 sentative of an alien, a foreign government or rep-
10 resentative of a foreign government, or a corpora-
11 tion, partnership, joint venture, or other legal
12 entity organized or established under the laws of
13 a foreign nation.

14 “(C) The term ‘telecommunications’ means any
15 transmission, emission, or reception of signs, signals,
16 writings, images, and sound or intelligence of any
17 nature by wire, radio, optical, or other electromagnetic
18 systems. Such term includes radio communication or
19 communication by radio, as defined in section 3(b).”.

○