

memorandum

DATE: November 8, 1983

REPLY TO
ATTN OF: Mark Hayes *M.H.*

SUBJECT: House Rules for H.R. 4102 and H.R. 2755

TO: Jack Lee

Late today, after meeting several hours, the House Rules Committee approved rules governing the debate of both H.R. 4102 and H.R. 2755. A rule must be adopted by the House before debate can commence in the Committee of the Whole.

At 8 p.m., the Majority Leader's office said that consideration of H.R. 4102 was scheduled to begin on the House floor on Wednesday afternoon (perhaps as early as 2:00), after discussion of a dairy bill, H.R. 4196. (That is the date that has been reported in the trade press for the last several days.) H.R. 2755 is not scheduled.

H.R. 4102

The Rules Committee heard testimony from some 10 to 12 members of the Energy and Commerce Committee, most arguing the substance of the bill. Dingell and Wirth were requesting an open rule with one hour of general debate and five hours for discussion of amendments; they requested that the text of H.R. 4295 be used as a substitute for H.R. 4102, with amendments being made to the H.R. 4295 text. Broyhill and other minority members were urging an open rule, with debate either unlimited or for 20 hours.

The Rules Committee adopted a rule providing for one hour of general debate and ten hours for amendments, and the use of H.R. 4295 as the text for any amendments.

Wirth identified a dozen amendments which he expected to be introduced, and Corcoran mentioned others. They are:

1. Rinaldo: Sec. 4 & 5 -- a one-year moratorium on the flat access charges, and then a cap at \$4-\$5 until 1992.
2. Tauke or Ritter: to delete the fee imposed on bypassers who would use the telephone network only as a backup in emergencies.
3. Tauke: An ENFIA amendment, to delete or alter the formula used to levy interconnect charges on long distance companies.
4. Dannemeyer: to delete the lifeline provisions.
5. Shelby & Bliley: to delete Title 13, the CUB provisions (consumer utility boards).

- 5A. Nielson: if the above amendment fails, to retain existing CUBs, but create no federal CUB agency.
6. Oxley: to delete the "provider of last resort" provision.
7. Dyson: to permit local telcos to offer long distance service.
8. Tauke: a Republican substitute bill.
9. Dannemeyer: to exempt governments from the access fee.
10. Gekas: to extend the lifeline provisions, so that the elderly could have full service at a reduced rate.
11. Tauke & Wirth: to adjust the total from 25% to 26.8% (? Sec. 221A(e)(2); p. 9?)
12. Tauzin: concerning the treatment of large rural areas.
13. Corcoran: amendments to sections 3, 4, 7, & 10.
- 13A. Corcoran: two new sections -- (a) jurisdictional separations; (b) regulatory transition to a competitive marketplace.

H.R. 2755

The Rules Committee heard testimony from Wirth, who requested a modified open rule for the bill, with amendments restricted to three particular matters. A statement from Broyhill recommended an open rule. Wirth said an open rule would permit amendments concerning anything over which the FCC had jurisdiction.

A motion for an open rule was defeated. (Had an open rule been adopted, the bill would probably never be scheduled for floor consideration.) The Rules Committee adopted a modified open rule, with amendments limited to:

- (1) changes in the dollar amount of the authorization (p. 2, line 10);
- (2) sections 3, 5, & 6 concerning CPB; and
- (3) section 8 (Bliley's dial-a-porn provision) -- to permit an amendment by ~~Rinaldo~~ & Kastenmeier printed in the Nov. 8th Congressional Record. *Rodino*

Attachments

H. RES. _____

H.R. 4102 — UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT OF 1983

1. Modified Open.
2. Makes in order in lieu of the committee amendment in the nature of a substitute an amendment in the nature of a substitute consisting of H. R. 4295 as original text, each section considered as read.
3. Provides that at the expiration of 10 hours of consideration of said substitute, no further amendment to the bill or to the substitute shall be in order, and the question shall occur on the pending amendment(s).
4. Provides one motion to recommit with or without instructions.

RESOLUTION

RESOLVED, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of Rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4102) to amend the Communications Act of 1934 to assure universal telephone service within the United States, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text of the bill H. R. 4295 as an original bill for the purpose of amendment under the five-minute rule, and each section of said substitute shall be considered as having been read. At the expiration of 10 hours of consideration of said substitute for amendment under the five-minute rule, no further amendment to the bill or to said substitute shall be in order, and the question shall occur on the pending amendment or amendments. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

H. RES.

H.R. 2755 - COMMUNICATIONS COMMISSION AUTHORIZATIONS ACT OF 1983

1. Modified Open.
2. Waives section 402(a) [authorization of new budget authority not reported by May 15 preceding the fiscal year in which it is effective] of the Budget Act against consideration of the bill.
3. Committee amendment in the nature of a substitute made in order as original text for purposes of amendment and considered as read.
4. No amendment in order except the following:
 - (1) amendments to change dollar amount for FCC authorization which are subject to dollar amount amendments;
 - (2) germane amendments to sections 3, 5 and 6 relating to funding and authority of CPB; and
 - (3) an amendment to section 8 printed in the Congressional Record of November 8, 1983 by Representative Rodino or Representative Kastenmeier.
5. Provides one motion to recommit with or without instructions.

RESOLUTION

RESOLVED, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of Rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2755) to authorize appropriations for the Federal Communications Commission for fiscal years 1984 and 1985, and for other purposes, the first reading of the bill shall be dispensed with, and all points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed 1 hour(s), to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said substitute shall be considered as having been read. No amendment to the bill or to said substitute shall be in order except:

- (1) amendments only to change the dollar figure on page 2, line 10 to another dollar figure, which shall only be subject to amendments to change such dollar figure to another dollar figure;
- (2) amendments which are germane to the text of sections 3, 5 and 6 of said substitute, relating to the funding and authority of the Corporation for Public Broadcasting; and
- (3) an amendment to section 8 of said substitute printed in the Congressional Record of November 8, 1983 by, and if offered by, Representative Rodino of New Jersey or Representative Kastenmeier of Wisconsin.

At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

memorandum

DATE: November 8, 1983

REPLY TO
ATTN OF: Mark Hayes *M.H.*

SUBJECT: House Rules for H.R. 4102 and H.R. 2755

TO: Jack Lee

Late today, after meeting several hours, the House Rules Committee approved rules governing the debate of both H.R. 4102 and H.R. 2755. A rule must be adopted by the House before debate can commence in the Committee of the Whole.

At 8 p.m., the Majority Leader's office said that consideration of H.R. 4102 was scheduled to begin on the House floor on Wednesday afternoon (perhaps as early as 2:00), after discussion of a dairy bill, H.R. 4196. (That is the date that has been reported in the trade press for the last several days.) H.R. 2755 is not scheduled.

H.R. 4102

The Rules Committee heard testimony from some 10 to 12 members of the Energy and Commerce Committee, most arguing the substance of the bill. Dingell and Wirth were requesting an open rule with one hour of general debate and five hours for discussion of amendments; they requested that the text of H.R. 4295 be used as a substitute for H.R. 4102, with amendments being made to the H.R. 4295 text. Broyhill and other minority members were urging an open rule, with debate either unlimited or for 20 hours.

The Rules Committee adopted a rule providing for one hour of general debate and ten hours for amendments, and the use of H.R. 4295 as the text for any amendments.

Wirth identified a dozen amendments which he expected to be introduced, and Corcoran mentioned others. They are:

1. Rinaldo: Sec. 4 & 5 -- a one-year moratorium on the flat access charges, and then a cap at \$4-\$5 until 1992.
2. Tauke or Ritter: to delete the fee imposed on bypassers who would use the telephone network only as a backup in emergencies.
3. Tauke: An ENFIA amendment, to delete or alter the formula used to levy interconnect charges on long distance companies.
4. Dannemeyer: to delete the lifeline provisions.
5. Shelby & Bliley: to delete Title 13, the CUB provisions (consumer utility boards).

- 5A. Nielson: if the above amendment fails, to retain existing CUBs, but create no federal CUB agency.
6. Oxley: to delete the "provider of last resort" provision.
7. Dyson: to permit local telcos to offer long distance service.
8. Tauke: a Republican substitute bill.
9. Dannemeyer: to exempt governments from the access fee.
10. Gekas: to extend the lifeline provisions, so that the elderly could have full service at a reduced rate.
11. Tauke & Wirth: to adjust the total from 25% to 26.8% (? Sec. 221A(e)(2); p. 9?)
12. Tauzin: concerning the treatment of large rural areas.
13. Corcoran: amendments to sections 3, 4, 7, & 10.
- 13A. Corcoran: two new sections -- (a) jurisdictional separations; (b) regulatory transition to a competitive marketplace.

H.R. 2755

The Rules Committee heard testimony from Wirth, who requested a modified open rule for the bill, with amendments restricted to three particular matters. A statement from Broyhill recommended an open rule. Wirth said an open rule would permit amendments concerning anything over which the FCC had jurisdiction.

A motion for an open rule was defeated. (Had an open rule been adopted, the bill would probably never be scheduled for floor consideration.) The Rules Committee adopted a modified open rule, with amendments limited to:

- (1) changes in the dollar amount of the authorization (p. 2, line 10);
- (2) sections 3, 5, & 6 concerning CPB; and
- (3) section 8 (Bliley's dial-a-porn provision) -- to permit an amendment by ~~Rodino~~ & Kastenmeier printed in the Nov. 8th Congressional Record.

Attachments

H. RES.

H.R. 4102 — UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT OF 1983

1. Modified Open.
2. Makes in order in lieu of the committee amendment in the nature of a substitute an amendment in the nature of a substitute consisting of H. R. 4295 as original text, each section considered as read.
3. Provides that at the expiration of 10 hours of consideration of said substitute, no further amendment to the bill or to the substitute shall be in order, and the question shall occur on the pending amendment(s).
4. Provides one motion to recommit with or without instructions.

RESOLUTION

RESOLVED, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of Rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4102) to amend the Communications Act of 1934 to assure universal telephone service within the United States, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour~~(s)~~, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text of the bill H. R. 4295 as an original bill for the purpose of amendment under the five-minute rule, and each section of said substitute shall be considered as having been read. At the expiration of 10 hours of consideration of said substitute for amendment under the five-minute rule, no further amendment to the bill or to said substitute shall be in order, and the question shall occur on the pending amendment or amendments. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

H. RES.

H.R. 2755 - COMMUNICATIONS COMMISSION AUTHORIZATIONS ACT OF 1983

1. Modified Open.
2. Waives section 402(a) [authorization of new budget authority not reported by May 15 preceding the fiscal year in which it is effective] of the Budget Act against consideration of the bill.
3. Committee amendment in the nature of a substitute made in order as original text for purposes of amendment and considered as read.
4. No amendment in order except the following:
 - (1) amendments to change dollar amount for FCC authorization which are subject to dollar amount amendments;
 - (2) germane amendments to sections 3, 5 and 6 relating to funding and authority of CPB; and
 - (3) an amendment to section 8 printed in the Congressional Record of November 8, 1983 by Representative Rodino or Representative Kastenmeier.
5. Provides one motion to recommit with or without instructions.

RESOLUTION

RESOLVED, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of Rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2755) to authorize appropriations for the Federal Communications Commission for fiscal years 1984 and 1985, and for other purposes, the first reading of the bill shall be dispensed with, and all points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed 1 hour(s), to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said substitute shall be considered as having been read. No amendment to the bill or to said substitute shall be in order except:

- (1) amendments only to change the dollar figure on page 2, line 10 to another dollar figure, which shall only be subject to amendments to change such dollar figure to another dollar figure;
- (2) amendments which are germane to the text of sections 3, 5 and 6 of said substitute, relating to the funding and authority of the Corporation for Public Broadcasting; and
- (3) an amendment to section 8 of said substitute printed in the Congressional Record of November 8, 1983 by, and if offered by, Representative Rodino of New Jersey or Representative Kastenmeier of Wisconsin.

At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.