

98TH CONGRESS
1ST SESSION

H. R. 2755

To authorize appropriations for the Federal Communications Commission for fiscal years 1984 and 1985, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 1983

Mr. WIRTH (for himself and Mr. DINGELL) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To authorize appropriations for the Federal Communications Commission for fiscal years 1984 and 1985, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Federal
5 Communications Commission Authorization Act of 1983".

6 FEDERAL COMMUNICATIONS COMMISSION

7 APPROPRIATIONS AUTHORIZATION

8 SEC. 2. (a) Section 6 of the Communications Act of
9 1934 (47 U.S.C. 156) is amended to read as follows:

1 "AUTHORIZATION OF APPROPRIATIONS

2 "SEC. 6. There are authorized to be appropriated for
3 the administration of this Act by the Commission
4 \$91,156,000, together with sums as may be necessary for
5 increases resulting from adjustments in salary, pay, retire-
6 ment, other employee benefits required by law, and other
7 nondiscretionary costs, for each of the fiscal years 1984 and
8 1985."

9 (b) The amendment made by subsection (a) shall apply
10 with respect to fiscal years beginning after September 30,
11 1983.

12 PUBLIC BROADCASTING APPROPRIATIONS AUTHORIZATION

13 SEC. 3. Section 396(k)(1)(C) of the Communications Act
14 of 1934 (47 U.S.C. 396(k)(1)(C)) is amended by striking out
15 ", and \$130,000,000 for each of the fiscal years 1984, 1985,
16 and 1986." and inserting in lieu thereof ", \$145,000,000 for
17 fiscal year 1984, \$153,000,000 for fiscal year 1985, and
18 \$162,000,000 for fiscal year 1986."

19 FEDERAL COMMUNICATIONS COMMISSION

20 ADMINISTRATIVE MATTERS

21 SEC. 4. (a) Section 316 of the Communications Act of
22 1934 (47 U.S.C. 316) is amended—

23 (1) in subsection (a), by inserting "(1)" after "(a)"
24 and by striking out "and shall ~~be~~ ^{have been} given reasonable op-
25 portunity" and all that follows and inserting in lieu

1 thereof “and shall be given reasonable opportunity, of
2 at least thirty days, to protest such proposed order of
3 modification; except that where safety of life or prop-
4 erty is involved, the Commission may by order provide
5 for a shorter period of notice.”;

6 (2) by adding at the end of subsection (a) the fol-
7 lowing new paragraphs:

8 “(2) Any other licensee or permittee who believes its
9 license or permit would be modified by the proposed action
10 may also protest the proposed action before its effective date.

11 “(3) A protest filed pursuant to this subsection shall be
12 subject to the requirements of section 309 for petitions to
13 deny.”; and

14 (3) in subsection (b), by inserting before the period
15 at the end thereof the following: “; except that, with
16 respect to any issue that addresses the question of
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18 or permit of a person described in subsection (a)(2),
19 such burdens shall be as determined by the Commis-
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21 (b) Section 503(b)(5) of such Act (47 U.S.C. ~~X~~^S503(b)(5)) is
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24 ting on frequencies assigned for use in a service in which

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1 individual station operation is authorized by rule pursuant to
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[June 6, 1983]

Amendment to H.R. 2755

Offered by Mr. Broyhill

Page 4, after line 2, insert the following new section:

1 Administration of Regional Concentration Rules for Broadcast
2 Stations

3 Sec. 5. Section 310 of the Communications Act of 1934 is
4 amended by adding at the end thereof the following new
5 subsection:

6 "(e)(1) In the case of any broadcast station, and any
7 ownership interest therein, which is excluded from the
8 regional concentration rules by reason of the savings
9 provision for existing facilities provided by the First
10 Report and Order issued March 9, 1977 (Docket No. 20548),
11 the exclusion shall not terminate solely by reason of
12 changes made in the technical facilities of the station to
13 improve its service.

14 "(2) For purposes of this subsection, the term
15 'regional concentration rules' means the provisions of
16 sections 73.35, 73.242, and 73.636 of title 47, Code of
17 Federal Regulations (as in effect June 1, 1983), which
18 prohibit any party from directly or indirectly owning,
19 operating, or controlling three broadcast stations in one or

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1 several services where any two of such stations are within
2 100 miles of the third (measured city-to-city), and where
3 there is a primary service contour overlap of any of the
4 stations.''.
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[June 29, 1983]

Amendment to H.R. 2755
Offered by Mr. Bliley

After section 4 insert the following new section:

1 Clarification and Administration of Section 223

2 Sec. 5. (a) Section 223 of the Communications Act of
3 1934 (47 U.S.C 223) is amended by inserting "(a)" before
4 "Whoever" and by adding at the end thereof the following
5 new subsection:

6 "(b)(1) Whoever--

7 "(A) in the District of Columbia or in interstate
8 or foreign communication, by means of telephone, makes
9 (directly or by recording device) any comment, request,
10 suggestion, or proposal which is obscene, lewd,
11 lascivious, filthy, or indecent, regardless of whether
12 the maker of such comments placed the call, or

13 "(B) knowingly permits any telephone facility under
14 such person's control to be used for any purpose
15 prohibited by subparagraph (A),
16 shall be fined not more than \$50,000 or imprisoned not more
17 than six months, or both.

1 “(2)(A) In addition to the criminal penalties under
2 paragraph (1), whoever, in the District of Columbia or in
3 interstate or foreign communication, violates paragraph
4 (1)(A) or (1)(B) for commercial purposes shall be subject to
5 a civil fine of not more than \$50,000 for each violation.
6 For purposes of this paragraph, each day of violation shall
7 constitute a separate violation.

8 “(B) A fine under this paragraph may be assessed
9 either--

10 “(1) by a court, pursuant to a civil action by the
11 Commission or any attorney employed by the Commission
12 who is designated by the Commission for such purpose, or

13 “(1i) by the Commission, after appropriate
14 administrative proceedings.

15 “(3)(A) Either the Attorney General, or the Commission
16 or any attorney employed by the Commission who is designated
17 by the Commission for such purpose, may bring suit in a
18 district court of the United States to enjoin any act or
19 practice which allegedly violates paragraph (1)(A) or
20 (1)(B).

21 “(B) Upon a proper showing that, weighing the equities
22 and considering the likelihood of ultimate success, a
23 preliminary injunction would be in the public interest, and
24 after notice to the defendant, such preliminary injunction
25 may be granted. If a full trial on the merits is not

1 scheduled within such period (not exceeding 20 days) as may
2 be specified by the court after issuance of the preliminary
3 injunction, the injunction shall be dissolved by the
4 court.".

(b) Section 223 (a) of the Communications Act of 1934
(as redesignated by subsection (a) of this Act) is amended--

(1) in paragraph (1), by striking out subparagraph
(A); and

(2) in paragraph (2), by inserting "facility"
after "telephone".