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2^D SESSION

H. R. 6180

IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, SEPTEMBER 30), 1992

Received

AN ACT

To authorize appropriations for the National Telecommunications and Information Administration, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Telecommunications
5 Authorization Act of 1992”.

1 **TITLE I—NATIONAL TELE-**
2 **COMMUNICATIONS AND IN-**
3 **FORMATION ADMINISTRA-**
4 **TION**

5 **PART A—ORGANIZATION AND FUNCTIONS**

6 **SEC. 101. SHORT TITLE.**

7 This title may be cited as the “National Tele-
8 communications and Information Administration Organi-
9 zation Act”.

10 **SEC. 102. DEFINITIONS; FINDINGS; POLICY.**

11 (a) **DEFINITIONS.**—In this title, the following defini-
12 tions apply:

13 (1) The term “NTIA” means the National
14 Telecommunications and Information Administra-
15 tion.

16 (2) The term “Assistant Secretary” means the
17 Assistant Secretary for Communications and Infor-
18 mation.

19 (3) The term “Secretary” means the Secretary
20 of Commerce.

21 (4) The term “Commission” means the Federal
22 Communications Commission.

23 (5) The term “Corporation” means the Com-
24 munications Satellite Corporation authorized in title

1 III of the Communications Satellite Act of 1962 (47
2 U.S.C. 731 et seq.).

3 (b) FINDINGS.—The Congress finds the following:

4 (1) Telecommunications and information are
5 vital to the public welfare, national security, and
6 competitiveness of the United States.

7 (2) Rapid technological advances being made in
8 the telecommunications and information fields make
9 it imperative that the United States maintain effec-
10 tive national and international policies and programs
11 capable of taking advantage of continued advance-
12 ments.

13 (3) Telecommunications and information poli-
14 cies and recommendations advancing the strategic
15 interests and the international competitiveness of the
16 United States are essential aspects of the Nation's
17 involvement in international commerce.

18 (4) There is a critical need for competent and
19 effective telecommunications and information re-
20 search and analysis and national and international
21 policy development, advice, and advocacy by the
22 executive branch of the Federal Government.

23 (5) As one of the largest users of the Nation's
24 telecommunications facilities and resources, the Fed-
25 eral Government must manage its radio spectrum

1 use and other internal communications operations in
2 the most efficient and effective manner possible.

3 (6) It is in the national interest to codify the
4 authority of the National Telecommunications and
5 Information Administration, an agency in the De-
6 partment of Commerce, as the executive branch
7 agency principally responsible for advising the Presi-
8 dent on telecommunications and information policies,
9 and for carrying out the related functions it cur-
10 rently performs, as reflected in Executive Order
11 12046.

12 (c) POLICY.—The NTIA shall seek to advance the
13 following policies:

14 (1) Promoting the benefits of technological de-
15 velopment in the United States for all users of tele-
16 communications and information facilities.

17 (2) Fostering national safety and security, eco-
18 nomic prosperity, and the delivery of critical social
19 services through telecommunications.

20 (3) Facilitating and contributing to the full de-
21 velopment of competition, efficiency, and the free
22 flow of commerce in domestic and international tele-
23 communications markets.

24 (4) Fostering full and efficient use of tele-
25 communications resources, including effective use of

1 the radio spectrum by the Federal Government, in
2 a manner which encourages the most beneficial uses
3 thereof in the public interest.

4 (5) Furthering scientific knowledge about tele-
5 communications and information.

6 **SEC. 103. ESTABLISHMENT; ASSIGNED FUNCTIONS.**

7 (a) ESTABLISHMENT.—

8 (1) ADMINISTRATION.—There shall be within
9 the Department of Commerce an administration to
10 be known as the National Telecommunications and
11 Information Administration.

12 (2) HEAD OF ADMINISTRATION.—The head of
13 the NTIA shall be an Assistant Secretary of Com-
14 merce for Communications and Information, who
15 shall be appointed by the President, by and with the
16 advice and consent of the Senate.

17 (b) ASSIGNED FUNCTIONS.—

18 (1) IN GENERAL.—Subject to section 105(d),
19 the Secretary shall assign to the Assistant Secretary
20 and the NTIA responsibility for the performance of
21 the Secretary's communications and information
22 functions.

23 (2) COMMUNICATIONS AND INFORMATION
24 FUNCTIONS.—Subject to section 105(d), the func-
25 tions to be assigned by the Secretary under para-

1 graph (1) include (but are not limited to) the follow-
2 ing functions transferred to the Secretary by Reor-
3 ganization Plan Number 1 of 1977 and Executive
4 Order 12046:

5 (A) The authority delegated by the Presi-
6 dent to the Secretary to assign frequencies to
7 radio stations or classes of radio stations be-
8 longing to and operated by the United States,
9 including the authority to amend, modify, or re-
10 voke such assignments, but not including the
11 authority to make final disposition of appeals
12 from frequency assignments.

13 (B) The authority to authorize a foreign
14 government to construct and operate a radio
15 station at the seat of Government of the United
16 States, but only upon recommendation of the
17 Secretary of State and after consultation with
18 the Attorney General and the Chairman of the
19 Commission.

20 (C) Functions relating to the communica-
21 tions satellite system, including authority vested
22 in the President by section 201(a) of the Com-
23 munications Satellite Act of 1962 (47 U.S.C.
24 721(a)) and delegated to the Secretary under
25 Executive Order 12046, to-

1 (i) aid in the planning and develop-
2 ment of the commercial communications
3 satellite system and the execution of a na-
4 tional program for the operation of such a
5 system;

6 (ii) conduct a continuous review of all
7 phases of the development and operation of
8 such system, including the activities of the
9 Corporation;

10 (iii) coordinate, in consultation with
11 the Secretary of State, the activities of
12 governmental agencies with responsibilities
13 in the field of telecommunications, so as to
14 ensure that there is full and effective com-
15 pliance at all times with the policies set
16 forth in the Communications Satellite Act
17 of 1962;

18 (iv) make recommendations to the
19 President and others as appropriate, with
20 respect to steps necessary to ensure the
21 availability and appropriate utilization of
22 the communications satellite system for
23 general governmental purposes in con-
24 sonance with section 201(a)(6) of the Com-

1 communications Satellite Act of 1962 (47
2 U.S.C. 721(a)(6));

3 (v) help attain coordinated and effi-
4 cient use of the electromagnetic spectrum
5 and the technical compatibility of the com-
6 munications satellite system with existing
7 communications facilities both in the
8 United States and abroad;

9 (vi) assist in the preparation of Presi-
10 dential action documents for consideration
11 by the President as may be appropriate
12 under section 201(a) of the Communica-
13 tions Satellite Act of 1962 (47 U.S.C.
14 721(a)), make necessary recommendations
15 to the President in connection therewith,
16 and keep the President informed with re-
17 spect to the carrying out of the Commu-
18 nications Satellite Act of 1962; and

19 (vii) serve as the chief point of liaison
20 between the President and the Corpora-
21 tion.

22 (D) The authority to serve as the Presi-
23 dent's principal adviser on telecommunications
24 policies pertaining to the Nation's economic and

1 technological advancement and to the regulation
2 of the telecommunications industry.

3 (E) The authority to advise the Director of
4 the Office of Management and Budget on the
5 development of policies relating to the procure-
6 ment and management of Federal telecommuni-
7 cations systems.

8 (F) The authority to conduct studies and
9 evaluations concerning telecommunications re-
10 search and development and concerning the ini-
11 tiation, improvement, expansion, testing, oper-
12 ation, and use of Federal telecommunications
13 systems and advising agencies of the results of
14 such studies and evaluations.

15 (G) Functions which involve—

16 (i) developing and setting forth, in co-
17 ordination with the Secretary of State and
18 other interested agencies, plans, policies,
19 and programs which relate to international
20 telecommunications issues, conferences,
21 and negotiations;

22 (ii) coordinating economic, technical,
23 operational, and related preparations for
24 United States participation in international

1 telecommunications conferences and nego-
2 tiations; and

3 (iii) providing advice and assistance to
4 the Secretary of State on international
5 telecommunications policies to strengthen
6 the position and serve the best interests of
7 the United States in support of the Sec-
8 retary of State's responsibility for the con-
9 duct of foreign affairs.

10 (H) The authority to provide for the co-
11 ordination of the telecommunications activities
12 of the executive branch and assist in the formu-
13 lation of policies and standards for those activi-
14 ties, including (but not limited to) consider-
15 ations of interoperability, privacy, security,
16 spectrum use, and emergency readiness.

17 (I) The authority to develop and set forth
18 telecommunications policies pertaining to the
19 Nation's economic and technological advance-
20 ment and to the regulation of the telecommuni-
21 cations industry.

22 (J) The responsibility to ensure that the
23 views of the executive branch on telecommuni-
24 cations matters are effectively presented to the
25 Commission and, in coordination with the

1 Director of the Office of Management and
2 Budget, to the Congress.

3 (K) The authority to establish policies con-
4 cerning spectrum assignments and use by radio
5 stations belonging to and operated by the
6 United States.

7 (L) Functions which involve—

8 (i) developing, in cooperation with the
9 Commission, a comprehensive long-range
10 plan for improved management of all elec-
11 tromagnetic spectrum resources;

12 (ii) performing analysis, engineering,
13 and administrative functions, including the
14 maintenance of necessary files and data
15 bases, as necessary for the performance of
16 assigned functions for the management of
17 electromagnetic spectrum resources;

18 (iii) conducting research and analysis
19 of electromagnetic propagation, radio sys-
20 tems characteristics, and operating tech-
21 niques affecting the utilization of the elec-
22 tromagnetic spectrum in coordination with
23 specialized, related research and analysis
24 performed by other Federal agencies in
25 their areas of responsibility; and

1 (iv) conducting research and analysis
2 in the general field of telecommunications
3 sciences in support of assigned functions
4 and in support of other Government
5 agencies.

6 (M) The authority to conduct studies and
7 make recommendations concerning the impact
8 of the convergence of computer and communica-
9 tions technology.

10 (N) The authority to coordinate Federal
11 telecommunications assistance to State and
12 local governments.

13 (O) The authority to conduct and coordi-
14 nate economic and technical analyses of tele-
15 communications policies, activities, and oppor-
16 tunities in support of assigned functions.

17 (P) The authority to contract for studies
18 and reports relating to any aspect of assigned
19 functions.

20 (Q) The authority to participate, as appro-
21 priate, in evaluating the capability of tele-
22 communications resources, in recommending re-
23 medial actions, and in developing policy options.

24 (R) The authority to participate with the
25 National Security Council and the Director of

1 the Office of Science and Technology Policy as
2 they carry out their responsibilities under sec-
3 tions 4-1, 4-2, and 4-3 of Executive Order
4 12046, with respect to emergency functions, the
5 national communication system, and tele-
6 communications planning functions.

7 (S) The authority to establish coordinating
8 committees pursuant to section 10 of Executive
9 Order 11556.

10 (T) The authority to establish, as per-
11 mitted by law, such interagency committees and
12 working groups composed of representatives of
13 interested agencies and consulting with such de-
14 partments and agencies as may be necessary for
15 the effective performance of assigned functions.

16 (3) ADDITIONAL COMMUNICATIONS AND INFOR-
17 MATION FUNCTIONS.—In addition to the functions
18 described in paragraph (2), the Secretary under
19 paragraph (1)—

20 (A) may assign to the NTIA the perform-
21 ance of functions under section 504(a) of the
22 Communications Satellite Act of 1962 (47
23 U.S.C. 753(a)); and

24 (B) shall assign to the NTIA the adminis-
25 tration of the Public Telecommunications Fa-

1 cilities Program under sections 390 through
2 393 of the Communications Act of 1934 (47
3 U.S.C. 390–393), and the National Endowment
4 for Children’s Educational Television under sec-
5 tion 394 of the Communications Act of 1934
6 (47 U.S.C. 394).

7 **SEC. 104. SPECTRUM MANAGEMENT ACTIVITIES.**

8 (a) **REVISION OF REGULATIONS.**—Within 180 days
9 after the date of the enactment of this Act, the Secretary
10 of Commerce and the NTIA shall amend the Department
11 of Commerce spectrum management document entitled
12 “Manual of Regulations and Procedures for Federal Radio
13 Frequency Management” to improve Federal spectrum
14 management activities and shall publish in the Federal
15 Register any changes in the regulations in such document.

16 (b) **REQUIREMENTS FOR REVISIONS.**—The amend-
17 ments required by subsection (a) shall—

18 (1) provide for a period at the beginning of
19 each meeting of the Interdepartmental Radio Advi-
20 sory Committee to be open to the public to make
21 presentations and receive advice, and provide the
22 public with other meaningful opportunities to make
23 presentations and receive advice;

24 (2) include provisions that will require (A) pub-
25 lication in the Federal Register of major policy pro-

1 proposals that are not classified and that involve spec-
2 trum management, and (B) adequate opportunity
3 for public review and comment on those proposals;

4 (3) include provisions that will require publica-
5 tion in the Federal Register of major policy
6 decisions that are not classified and that involve
7 spectrum management;

8 (4) include provisions that will require that
9 nonclassified spectrum management information be
10 made available to the public, including access to
11 electronic databases; and

12 (5) establish procedures that provide for the
13 prompt and impartial consideration of requests for
14 access to Government spectrum by the public, which
15 procedures shall include provisions that will require
16 the disclosure of the status and ultimate disposition
17 of any such request.

18 (c) CERTIFICATION TO CONGRESS.—Not later than
19 180 days after the date of enactment of this Act, the Sec-
20 retary of Commerce shall certify to Congress that the Sec-
21 retary has complied with this section.

22 (d) RADIO SERVICES.—

23 (1) ASSIGNMENTS FOR RADIO SERVICES.—In
24 assigning frequencies for mobile radio services and
25 other radio services, the Secretary of Commerce

1 shall promote efficient and cost-effective use of the
2 spectrum to the maximum extent feasible.

3 (2) AUTHORITY TO WITHHOLD ASSIGNMENTS.—

4 The Secretary of Commerce shall have the authority
5 to withhold or refuse to assign frequencies for mo-
6 bile radio service or other radio service in order to
7 further the goal of making efficient and cost-
8 effective use of the spectrum.

9 (3) SPECTRUM PLAN.—By October 1, 1993, the
10 Secretary of Commerce shall adopt and commence
11 implementation of a plan for Federal agencies with
12 existing mobile radio systems to use more spectrum-
13 efficient technologies that are at least as spectrum-
14 efficient and cost-effective as readily available com-
15 mercial mobile radio systems. The plan shall include
16 a time schedule for implementation.

17 (4) REPORT TO CONGRESS.—By October 1,
18 1993, the Secretary of Commerce shall submit to the
19 Committee on Commerce, Science, and Transpor-
20 tation of the Senate and the Committee on Energy
21 and Commerce of the House of Representatives a re-
22 port summarizing the plan adopted under paragraph
23 (3), including the implementation schedule for the
24 plan.

1 **SEC. 105. GENERAL ADMINISTRATIVE PROVISIONS.**

2 (a) INTERAGENCY FUNCTIONS.—

3 (1) AGENCY CONSULTATION.—Federal agencies
4 shall consult with the Assistant Secretary and the
5 NTIA to ensure that the conduct of telecommuni-
6 cations activities by such agencies is consistent with
7 the policies developed under section 103(b)(2)(K).

8 (2) REPORT TO PRESIDENT.—The Secretary
9 shall timely submit to the President each year the
10 report (including evaluations and recommendations)
11 provided for in section 404(a) of the Communica-
12 tions Satellite Act of 1962 (47 U.S.C. 744(a)).

13 (3) COORDINATION WITH SECRETARY OF
14 STATE.—The Secretary shall coordinate with the
15 Secretary of State the performance of the functions
16 described in section 103(b)(2)(C). The Corporation
17 and concerned executive agencies shall provide the
18 Secretary with such assistance, documents, and
19 other cooperation as will enable the Secretary to
20 carry out those functions.

21 (b) ADVISORY COMMITTEES AND INFORMAL CON-
22 SULTATIONS WITH INDUSTRY.—To the extent the Assist-
23 ant Secretary deems it necessary to continue the Inter-
24 departmental Radio Advisory Committee, such Committee
25 shall serve as an advisory committee to the Assistant Sec-
26 retary and the NTIA. As permitted by law, the Assistant

1 Secretary may establish one or more telecommunications
2 or information advisory committees (or both) composed of
3 experts in the telecommunications and/or information
4 areas outside the Government. The NTIA may also infor-
5 mally consult with industry as appropriate to carry out
6 the most effective performance of its functions.

7 (c) GENERAL PROVISIONS.—

8 (1) REGULATIONS.—The Secretary and NTIA
9 shall issue such regulations as may be necessary to
10 carry out the functions assigned under this title.

11 (2) SUPPORT AND ASSISTANCE FROM OTHER
12 AGENCIES.—All executive agencies are authorized
13 and directed to cooperate with the NTIA and to fur-
14 nish it with such information, support, and assist-
15 ance, not inconsistent with law, as it may require in
16 the performance of its functions.

17 (3) EFFECT ON VESTED FUNCTIONS.—Nothing
18 in this title reassigns any function that is, on the
19 date of enactment of this Act, vested by law or exec-
20 utive order in the Commission, or the Department of
21 State, or any officer thereof.

22 (d) REORGANIZATION.—

23 (1) AUTHORITY TO REORGANIZE.—Subject to
24 paragraph (2), the Secretary may reassign to an-
25 other unit of the Department of Commerce a func-

1 tion (or portion thereof) required to be assigned to
2 the NTIA by section 103(b).

3 (2) LIMITATION ON AUTHORITY.—The Sec-
4 retary may not make any reassignment of a function
5 (or portion thereof) required to be assigned to the
6 NTIA by section 103(b) unless the Secretary sub-
7 mits to the Committee on Commerce, Science, and
8 Transportation of the Senate and the Committee on
9 Energy and Commerce of the House of Representa-
10 tives a statement describing the proposed reassign-
11 ment and containing an explanation of the reasons
12 for the reassignment. No reassignment of any such
13 function (or portion thereof) shall be effective until
14 90 legislative days after the Secretary submits that
15 statement to such Committees. For purposes of this
16 paragraph, the term “legislative days” includes only
17 days on which both Houses of Congress are in
18 session.

19 (e) LIMITATION ON SOLICITATIONS.—Notwithstand-
20 ing section 1 of the Act of October 2, 1964 (15 U.S.C.
21 1522), neither the Secretary, the Assistant Secretary, nor
22 any officer or employee of the NTIA shall solicit any gift
23 or bequest of property, both real and personal, from any
24 entity for the purpose of furthering the authorized func-

1 tions of the NTIA if such solicitation would create a con-
2 flict of interest or an appearance of a conflict of interest.

3 **Part B—Special and Temporary Provisions**

4 **SEC. 131. AUTHORIZATION OF APPROPRIATIONS FOR AD-**
5 **MINISTRATION.**

6 There are authorized to be appropriated for the ad-
7 ministration of the NTIA \$17,600,000 for fiscal year
8 1992 and \$17,900,000 for fiscal year 1993, and such
9 sums as may be necessary for increases resulting from ad-
10 justments in salary, pay, retirement, other employee bene-
11 fits required by law, and other nondiscretionary costs.

12 **SEC. 132. NATIONAL ENDOWMENT FOR CHILDREN'S EDU-**
13 **CATIONAL TELEVISION.**

14 Section 394(h) of the Communications Act of 1934
15 (47 U.S.C. 394(h)) is amended—

16 (1) by striking “1991 and” and inserting in lieu
17 thereof “1991,”; and

18 (2) by inserting “, \$5,000,000 for fiscal year
19 1993, and \$6,000,000 for fiscal year 1994” imme-
20 diately after “1992”.

21 **SEC. 133. PEACESAT PROGRAM.**

22 (a) FINDINGS.—Section 2(a) of the Act entitled “An
23 Act to authorize appropriations for activities of the Na-
24 tional Telecommunications and Information Administra-
25 tion for Fiscal Years 1990 and 1991”, approved Novem-

ber 15, 1990 (Public Law 101-555; 104 Stat. 2758), is amended—

(1) in paragraph (2) by striking “the Soviet Union and”;

(2) in paragraph (8)—

(A) by striking “since 1988, significant progress has been” and inserting in lieu thereof “in fiscal years 1988 and 1989, significant progress was”; and

(B) by striking “negotiating to acquire” and inserting in lieu thereof “acquiring”; and

(3) by striking all after paragraph (8) and inserting in lieu thereof the following new paragraphs:

“(9) because these activities exhausted the funds previously appropriated for the PEACESAT program, Congress authorized, to be appropriated \$1,000,000 for fiscal year 1990 and such sums as necessary for fiscal year 1991 for use by the Secretary of Commerce in the negotiation for and acquisition of satellite capacity and equipment under subsection (c)(1) of this section and the management and operation of satellite communications services under subsection (c)(2) of this section;

“(10) while no funds were appropriated for fiscal year 1990 because of the availability of carry-

1 over funds, Congress appropriated \$1,000,000 for
2 fiscal year 1991 for the ongoing maintenance and
3 operation of the GOES-3 satellite, for the adminis-
4 tration of the PEACESAT program, for the acquisi-
5 tion and installation of earth stations and the train-
6 ing of engineers to operate the Earth stations, and
7 for the study of a long-term solution to the satellite
8 needs of the PEACESAT program;

9 “(11) with these funds, the PEACESAT pro-
10 gram has been reestablished, over 20 new Earth ter-
11 minals have been installed (some at the expense of
12 the individual user groups), and the use of the
13 PEACESAT network is expanding;

14 “(12) while the PEACESAT program has now
15 been reestablished, additional funding continues to
16 be
17 necessary for the ongoing administrative and oper-
18 ational expenses of the PEACESAT program and
19 especially for the acquisition of satellite capacity
20 after 1994;

21 “(13) the importance of the PEACESAT pro-
22 gram to the educational and cultural communica-
23 tions in the Pacific Ocean region makes it impera-
24 tive that the Secretary of Commerce and the
25 PEACESAT users explore every available option for

1 long-term satellite capacity, including the possibility
2 of using foreign-owned satellites or engaging in joint
3 ventures with foreign entities to satisfy these long-
4 term needs for transmission capacity; and

5 “(14) whether or not a domestic or foreign-
6 owned satellite is used for transmission, it is essen-
7 tial to the achievement of United States policy goals
8 that the headquarters, management, and operation
9 of the PEACESAT program be located and con-
10 ducted in the United States.”.

11 (b) AUTHORIZATION.—The first sentence of section
12 2(d) of such Act of November 15, 1990 (104 Stat. 2758),
13 is amended by striking all through “fiscal year 1991” and
14 inserting in lieu thereof “There are authorized to be ap-
15 propriated \$400,000 for fiscal year 1992 and \$1,500,000
16 for fiscal year 1993”.

17 **SEC. 134. COMMUNICATIONS FOR RURAL HEALTH PROVID-**
18 **ERS.**

19 (a) PURPOSE.—It is the purpose of this section to
20 improve the ability of rural health providers to use com-
21 munications to obtain health information and to consult
22 with others concerning the delivery of patient care. Such
23 enhanced communications ability may assist in—

24 (1) improving and extending the training of
25 rural health professionals; and

1 (2) improving the continuity of patient care in
2 rural areas.

3 (b) ADVISORY PANEL.—The Secretary of Commerce,
4 in conjunction with the Secretary of Health and Human
5 Services, shall establish an advisory panel (hereafter in
6 this section referred to as the “Panel”) to develop rec-
7 ommendations for the improvement of rural health care
8 through the collection of information needed by providers
9 and the improvement in the use of communications to dis-
10 seminate such information.

11 (c) COMPOSITION OF PANEL.—The Panel shall be
12 composed of individuals from organizations with rural con-
13 stituencies and practitioners from health care disciplines,
14 representatives of the National Library of Medicine, and
15 representatives of different health professions schools,
16 including nurse practitioners.

17 (d) SELECTION OF CONSULTANTS.—The Panel may
18 select consultants to provide advice to the Panel regarding
19 the types of information that rural health care practition-
20 ers need, the procedures to gather and disseminate such
21 information, and the types of communications equipment
22 and training needed by rural health care practitioners to
23 obtain access to such information.

24 (e) REPORT TO CONGRESS.—Not later than 1 year
25 after the Panel is established under subsection (b), the

1 Secretary of Commerce shall prepare and submit, to the
2 Committee on Commerce, Science, and Transportation
3 and the Committee on Labor and Human Resources of
4 the Senate and the Committee on Energy and Commerce
5 of the House of Representatives, a report summarizing the
6 recommendations made by the Panel under subsection (b).

7 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to the Secretary of Com-
9 merce to carry out this section \$1,000,000 to remain
10 available until expended.

11 **SEC. 135. REPORT ON THE ROLE OF TELECOMMUNI-**
12 **CATIONS IN HATE CRIMES.**

13 (a) REQUIREMENT OF REPORT.—Within 240 days
14 after the date of enactment of this Act, the NTIA, with
15 the assistance of the Commission, the Department of Jus-
16 tice, and the United States Commission on Civil rights,
17 shall prepare a report on the role of telecommunications
18 in crimes of hate and violent acts against ethnic, religious,
19 and racial minorities and shall submit such report to the
20 Committee on Energy and Commerce of the House of
21 Representatives and the Committee on Commerce,
22 Science, and Transportation of the Senate.

23 (b) SCOPE OF REPORT.—The report required by sub-
24 section (a) shall—

1 prescribe by regulation” immediately before the period at
2 the end.

3 (c) SIGNING OF CONSTRUCTION PERMIT APPLICA-
4 TIONS.—Section 319(a) of the Communications Act of
5 1934 (47 U.S.C. 319(a)) is amended by inserting “in any
6 manner or form, including by electronic means, as the
7 Commission may prescribe by regulation” immediately
8 before the period at the end.

9 **SEC. 205. LICENSED OPERATORS.**

10 Section 318 of the Communications Act of 1934 (47
11 U.S.C. 318) is amended—

12 (1) by striking “(3) stations engaged in broad-
13 casting other than those engaged primarily in the
14 function of rebroadcasting the signals of broadcast
15 stations”); and

16 (2) by striking “(4)” and inserting in lieu
17 thereof “(3)”.

18 **SEC. 206. STATUTE OF LIMITATIONS FOR FORFEITURE**
19 **PROCEEDINGS.**

20 Section 503(b)(6) of the Communications Act of
21 1934 (47 U.S.C. 503(b)(6)) is amended—

22 (1) by striking “so long as such violation oc-
23 curred within 3 years prior to the date of issuance
24 of such required notice”; and

1 (2) by adding at the end the following: “For
2 purposes of this paragraph, ‘date of commencement
3 of the current term of such license’ means the date
4 of commencement of the last term of license for
5 which the licensee has been granted a license by the
6 Commission. A separate license term shall not be
7 deemed to have commenced as a result of continuing
8 a license in effect under section 307(c) pending deci-
9 sion on an application for renewal of the license.”.

10 **SEC. 207. TELEPHONE OPERATOR SERVICES.**

11 Section 226(d)(4)(A) of the Communications Act of
12 1934 (47 U.S.C. 226(d)(4)(A)) is amended by inserting
13 “and aggregators” immediately after “operator services”.

14 **SEC. 208. GIFT AND BEQUEST AUTHORITY.**

15 Section 4(g) of the Communications Act of 1934 (47
16 U.S.C. 154(g)) is amended by adding at the end the fol-
17 lowing new paragraph:

18 “(3)(A) Notwithstanding any other provision of law,
19 in furtherance of its functions the Commission is author-
20 ized to accept, hold, administer, and use unconditional
21 gifts, donations, and bequests of real, personal, and other
22 property (including voluntary and uncompensated serv-
23 ices, as authorized by section 3109 of title 5, United
24 States Code).

1 “(B) The Commission, for purposes of providing
2 radio club and military-recreational call signs, may utilize
3 the voluntary, uncompensated, and unreimbursed services
4 of amateur radio organizations authorized by the Commis-
5 sion that have tax-exempt status under section 501(c)(3)
6 of the Internal Revenue Code of 1986.

7 “(C) For the purpose of Federal law on income taxes,
8 estate taxes, and gift taxes, property or services accepted
9 under the authority of subparagraph (A) shall be deemed
10 to be a gift, bequest, or devise to the United States.

11 “(D) The Commission shall promulgate regulations
12 to carry out the provisions of this paragraph. Such regula-
13 tions shall include provisions to preclude the acceptance
14 of any gift, bequest, or donation that would create a
15 conflict of interest or the appearance of a conflict of
16 interest.”.

17 **SEC. 209. CHANGES TO SCHEDULE OF CHARGES.**

18 (a) **FEEES FOR LOW-EARTH ORBIT SATELLITE SYS-**
19 **TEMS.**—The Schedule of Charges under section 8(g) of the
20 Communications Act of 1934 (47 U.S.C. 158(g)) is
21 amended by adding at the end of the matter under the
22 heading “Common Carrier Services” the following:

“22. Low-Earth Orbit Satellite Systems

a. Application for Authority to Construct (per system of technology identical satellites)	6,000.00
b. Application for Authority to Launch and Operate (per system of technologically identical satellites)	210,000.00

c. Assignment or Transfer (per request)	6,000.00
d. Modification (per request)	15,000.00
e. Special Temporary Authority or Waiver of Prior Construction Authorization (per request)	1,500.00
f. Amendment of Application (per request)	3,000.00
g. Extension of Construction Permit/Launch Authorization (per request)	1,500.00".

1 (b) FEE FOR INSPECTION OF GREAT LAKES VES-
2 SELS.—The matter under the heading “MISCELLANEOUS
3 CHARGES” in the Schedule of Charges for section 8(g) of
4 the Communications Act of 1934 (47 U.S.C. 158(g)) is
5 amended by striking “360.00” in item 3.c. (relating to the
6 inspection of vessels under the Great Lakes Agreement)
7 and inserting in lieu thereof “75.00”.

8 **SEC. 210. TOWER SAFETY ACCOUNTABILITY.**

9 (a) LIABILITY EXTENDED TO TOWER OWNERS.—
10 Section 303(q) of the Communications Act of 1934 (47
11 U.S.C. 303(q)) is amended by inserting “, and the tower
12 owner in any case in which the owner is not the permittee
13 or licensee,” immediately after “permittee or licensee”.

14 (b) LIABILITY FOR FORFEITURE.—Section 503(b)(5)
15 of the Communications Act of 1934 (47 U.S.C. 503(b)(5))
16 is amended—

17 (1) by striking “system operator or” and insert-
18 ing in lieu thereof “system operator,”; and

19 (2) by inserting “, or in the case of violations
20 of section 303(q), if the person involved is a

1 nonlicensee tower owner who has previously received
2 notice of the obligations imposed by section 303(q)
3 from the Commission or the permittee or licensee
4 who uses that tower” immediately after “section
5 307(e)”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 subsection (a) shall take effect 30 days after the date of
8 enactment of this Act.

9 **SEC. 211. REVIEW OF LICENSE TRANSFER.**

10 (a) REQUIREMENT FOR HEARING.—The Federal
11 Communications Commission shall not approve any as-
12 signment or transfer of control of a license held by any
13 corporation identified in subsection (b) without first hold-
14 ing a full hearing on the record, with notice and oppor-
15 tunity for comment.

16 (b) APPLICABILITY.—Subsection (a) applies to any
17 corporation holding a television broadcast license, the
18 transfer of which was approved by the Federal Commu-
19 nications Commission on November 14, 1985, and which
20 is a corporation owned or controlled directly or indirectly
21 by a corporation organized pursuant to the Alaska Native
22 Claims Settlement Act (43 U.S.C. 1601 et seq.).

23 (c) REPORT TO CONGRESS.—The Federal Commu-
24 nications Commission shall submit a report to the Com-
25 mittee on Energy and Commerce of the House of Rep-

1 representatives and the Committee on Commerce, Science,
2 and Transportation of the Senate concerning the proposed
3 transfer 30 days prior to authorizing any such transfer.
4 The report required by this subsection shall include a re-
5 view of the consistency of such transfer with the Commis-
6 sion's minority ownership policies.

7 (d) WAIVER.—The requirements of subsections (a)
8 and (c) shall not apply in any case in which the Native
9 Regional corporation identified in subsection (b) requests
10 in writing that this section be waived by the Federal
11 Communications Commission.

12 **SEC. 212. COMMUNICATIONS SUPPORT FROM OLDER AMER-**
13 **ICANS.**

14 (a) AUTHORITY FOR GRANTS AND COOPERATIVE
15 AGREEMENTS.—Section 6(a) of the Federal Communica-
16 tions Commission Authorization Act of 1988 (47 U.S.C.
17 154 note) is amended—

18 (1) by striking “1988, 1989, 1990, and 1991”
19 and inserting in lieu thereof “1992 and 1993”; and

20 (2) by inserting “designated by the Secretary of
21 Labor under title V of the Older Americans Act of
22 1965 (42 U.S.C. 3056 et seq.)” immediately after
23 “private nonprofit organizations”.

1 (b) CERTIFICATION.—Section 6(b) of the Federal
2 Communications Commission Authorization Act of 1988
3 (47 U.S.C. 154 note) is amended—

4 (1) by adding “or” at the end of paragraph (2);

5 (2) by striking paragraph (3); and

6 (3) by redesignating paragraph (4) as para-
7 graph (3).

8 **SEC. 213. TELEPHONE RATES FOR MEMBERS OF ARMED**
9 **FORCES DEPLOYED ABROAD.**

10 (a) IN GENERAL.—The Federal Communications
11 Commission shall make efforts to reduce telephone rates
12 for Armed Forces personnel in the following countries:
13 Germany, Japan, Korea, Saudi Arabia, Great Britain,
14 Italy, Philippines, Panama, Spain, Turkey, Iceland, the
15 Netherlands, Greece, Cuba, Belgium, Portugal, Bermuda,
16 Diego Garcia, Egypt, and Honduras.

17 (b) FACTORS TO CONSIDER.—In making the efforts
18 described in subsection (a), the Federal Communications
19 Commission, in coordination with the Department of De-
20 fense, Department of State, and the National Tele-
21 communications and Information Administration shall
22 consider the cost to military personnel and their families
23 of placing telephone calls by—

1 (1) evaluating and analyzing the costs to Armed
2 Forces personnel of such telephone calls to and from
3 American military bases abroad;

4 (2) evaluate methods of reducing the rates im-
5 posed on such calls;

6 (3) determine the extent to which it is feasible
7 for the Federal Communications Commission to en-
8 courage the carriers to adopt flexible billing proce-
9 dures and policies for members of the Armed Forces
10 and their families for telephone calls to and from the
11 countries listed in subsection (a); and

12 (4) advise executive branch agencies of methods
13 for the United States to persuade foreign govern-
14 ments to reduce the surcharges that are often placed
15 on such telephone calls.

16 **SEC. 214. AM RADIO IMPROVEMENT STANDARD.**

17 The Federal Communications Commission shall—

18 (1) within 60 days after the date of enactment
19 of this Act, initiate a rulemaking to adopt a single
20 AM radio stereophonic transmitting equipment
21 standard that specifies the composition of the trans-
22 mitted stereophonic signal; and

1 (2) within one year after such date of enact-
2 ment, adopt such standard.

Passed the House of Representatives October 6 (leg-
islative day, October 5), 1992.

Attest: DONNALD K. ANDERSON,
Clerk.