

# Daily Digest

## HIGHLIGHTS

House passed Labor-HHS-Education appropriation bill.

## Senate

### Chamber Action

*Routine Proceedings, pages S10029-S10129*

**Measures Introduced:** Seven bills and one resolution were introduced as follows: S. 2875-2881, and S.J. Res. 352.

Page S10093

**Measures Reported:** Reports were made as follows:

S. 1976, to provide for continued United States leadership in high-performance computing, with an amendment in the nature of a substitute. (S. Rept. No. 101-377)

H.R. 5019, making appropriations for energy and water development for the fiscal year ending September 30, 1991, with amendments. (S. Rept. No. 101-378)

S. 2100, to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to amend title 38, United States Code, to improve veterans' compensation, health-care, insurance, and housing programs, and to provide for transitional group residences for veterans recovering from substance-abuse disabilities; with an amendment in the nature of a substitute. (S. Rept. No. 101-379)

S. 2283, to amend the Public Health Service Act to establish a program of grants for the prevention and control of breast and cervical cancer, with an amendment in the nature of a substitute. (S. Rept. No. 101-380)

S. 1880, to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes, with an amendment in the nature of a substitute. (S. Rept. No. 101-381)

Page S10091

### Measures Passed:

**FCC Authorizations:** Committee on Commerce, Science, and Transportation was discharged from fur-

ther consideration of H.R. 3265, to amend the Communications Act of 1934 to provide authorizations of appropriations for the Federal Communications Commission, and the bill was then passed, after striking all after the enacting clause and substituting in lieu thereof the text of S. 1022, Senate companion measure, after taking action on the following amendment proposed thereto:

Pages S10117-21

Cranston (for Inouye) Amendment No. 2312, in the nature of a substitute.

Pages S10119-20

Subsequently, S. 1022, Senate companion measure, was indefinitely postponed.

Page S10121

**Children's Television Act:** Senate passed S. 1992, to require the Federal Communications Commission to ensure that broadcasters provide children's television programming that meets the educational and informational needs of the child audience, after agreeing to the following amendment proposed thereto:

Pages S10121-29

Cranston (for Wirth) Amendment No. 2313, in the nature of a substitute.

Pages S10125-28

**National American Indian Heritage Month:** Committee on the Judiciary was discharged from further consideration of H.J. Res. 577, to authorize and request the President to proclaim the month of November 1990, as thereafter as "Native American Indian Heritage Month", and the resolution was then passed.

Page S10129

**National Senior Citizens Day:** Committee on the Judiciary was discharged from further consideration of H.J. Res. 591, designating the third Sunday of August of 1990 as "National Senior Citizens Day", and the resolution was then passed.

Page S10129

**Farm Bill:** Senate began consideration on S. 2830, to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural

Great Britain. A positive side-effect would be to spare them from those nettlesome fund drives.

It's also time to consider the formation of a public entity, which might be called P-P-B, People for Public Broadcasting. The citizens' group would lobby for the system, raise public funds for it, and provoke the kind of public debate and discussion on the role of "electric" media in society that America has so far managed to evade.

Political maturity is required here. The "tube-face" is where 98 percent of American homes plug into the world. It's time for politicians and ideologues to affirm that the audience's right to programs of quality is not a partisan matter. ●

#### CORRECTING THE ENGROSSMENT OF S. 1970

Mr. LUGAR. Mr. President, I ask unanimous consent that in the engrossment of S. 1970, the language that was amendment No. 2116 be modified by the following technical corrections that I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I have been informed by Senator ROTH who has drafted these modifications that he has discussed the changes with Senator SIMON and Senator DIXON, as well as Senator HEINZ and Senator WIRTH. There is agreement the language referred to needs to be modified. I urge my colleagues to agree to this unanimous-consent request.

The PRESIDING OFFICER. The request has been agreed to.

The modification is as follows:

#### MODIFICATION TO THE LANGUAGE OF AMENDMENT NO. 2116 OF S. 1970

On page 55, line 20 and 21, strike out "EMBEZZLEMENT".

On page 55, line 23, insert "Institutions" after "Financial".

On page 57, line 4, strike out "412" and insert "411".

On page 57, line 14, insert "new" after "1".

On page 59, line 16, strike out "401" and insert "411".

On page 63, line 19, strike out "the" after "for".

On page 64, line 7, strike out "to".

On page 66, line 10, strike out "PETITION" and insert "REQUEST".

On page 68, line 10, strike out "425(c)" and insert "435(c)".

On page 69, in the matter which follows line 9, strike out "special awards" and insert "special rewards".

On page 70, line 14, strike out "rewards" and insert "awards".

On page 71, line 5, strike out "3059A(d)" and insert "3059A(e)".

On page 72, line 25, strike out "(c)" and insert "(3)".

On page 74, line 11, insert "," after "nature".

On page 75, line 20, strike out "(1)".

On page 75, line 24, insert "the" after "if".

On page 76, line 19, strike out "to".

On page 77, line 13, strike out "435(b) or (c)" and insert "435(c)".

On page 78, line 16, strike out "PETITION" and insert "REQUEST".

On page 78, line 19, strike out "436(d)(2)" and insert "436(d)(1)(B)".

On page 79, line 1, strike out "436(d)(2)" and insert "436(d)(1)(B)".

On page 79, line 22, strike out "3059A(d)" and insert "3059A(e)".

On page 81, line 16, insert "Institutions" after "Financial".

On page 81, line 18, strike out "this".

On page 82, line 10, strike out "this".

On page 87, line 12, strike out "General;" and insert "General's".

#### AUTHORIZATION OF APPROPRIATIONS FOR THE TAFT INSTITUTE

Mr. CRANSTON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1939.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1939) entitled "An Act to extend the authorization of appropriations for the Taft Institute," do pass with the following amendment:

Strike out all after the enacting clause and insert:

That section 1373 of the Education Amendments of 1980 is amended to read as follows:

#### "AUTHORIZATION OF APPROPRIATIONS

"Sec. 1373. There are authorized to be appropriated to carry out this subpart—

"(1) \$750,000 for fiscal year 1990;

"(2) \$500,000 for fiscal year 1991; and

"(3) \$250,000 for fiscal year 1992.

No funds are authorized to be appropriated to carry out this subpart for fiscal year 1993 or any succeeding fiscal year."

Sec. 2. It is the sense of the House of Representatives to reject any extraneous amendments not related to the subject of this bill.

Mr. CRANSTON. Mr. President, I move that the Senate disagree with the House amendment, agree to a request for a conference, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer [Mr. BINGAMAN] appointed Mr. KENNEDY, Mr. PELL, Mr. DODD, Mr. HATCH, and Mrs. KASSEBAUM conferees on the part of the Senate.

#### FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION ACT

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 408, S. 1022, the Federal Communications Commission reauthorization.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:  
A bill (S. 1022) to amend the Federal Communications Act of 1934.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause,

and inserting in lieu thereof the following:

That this Act may be cited as the "Federal Communications Commission Authorization Act of 1989".

#### AUTHORIZATION OF APPROPRIATIONS

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

#### "AUTHORIZATION OF APPROPRIATIONS

Sec. 6. (a) There are authorized to be appropriated for the administration of this Act by the Commission \$109,831,000 for fiscal year 1990 and \$119,831,000 for fiscal year 1991; together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1990 and 1991.

"(b) In addition to the amounts authorized to be appropriated under this section, not more than 2 percent of the amount of any fees or other charges payable to the United States which are collected by the Commission shall be available to the Commission until expended to defray the fully distributed costs of such fees collection."

#### COMMERCIAL RADIO OPERATOR EXAMINATIONS

Sec. 3. Section 4(f) of the Communications Act of 1934 (47 U.S.C. 154(f)) is amended by adding at the end the following new paragraph:

"(5)(A) The Commission, for purposes of preparing and administering any examination for a commercial radio operator license or endorsement, may accept and employ the services of persons that the Commission determines to be qualified. Any person so employed may not receive compensation for such services, but may recover from examinees such fees as the Commission permits, considering such factors as public service and cost estimates submitted by such person.

"(B) The Commission may prescribe regulations to select, oversee, sanction, and dismiss any person authorized under this paragraph to be employed by the Commission.

"(C) Any person who provides services under this paragraph or who provides goods in connection with such services shall not, by reason of having provided such service or goods, be considered a Federal or special government employee."

#### TRAVEL REIMBURSEMENT PROGRAM

Sec. 4. Section 4(g)(2)(D) of the Communications Act of 1934 (47 U.S.C. 154(g)(2)(D)) is amended by striking "1989" and inserting in lieu thereof "1991".

#### COMMUNICATIONS SUPPORT FROM OLDER AMERICANS

Sec. 5. Section 6(a) of the Federal Communications Commission Authorization Act of 1988 (47 U.S.C. 154 note) is amended by striking "and 1989" and inserting in lieu thereof ", 1989, 1990, and 1991".

#### HAWAII MONITORING STATION

Sec. 6. (a) Section 9(a) of the Federal Communications Commission Authorization Act of 1988 (Public Law 100-594; 102 Stat. 3024) is amended by striking "and 1990" and inserting in lieu thereof ", 1990, 1991, and 1992".

(b) Section 9(e) of the Federal Communications Commission Authorization Act of 1988 (Public Law 100-594; 102 Stat. 3025) is amended by striking ", in fiscal years 1989 and 1990".

#### TARIFF NOTICE PERIOD

Sec. 7. (a) Section 293(b)(1) of the Communications Act of 1934 (47 U.S.C. 203(b)(1)) is amended by striking "ninety

days notice" and inserting in lieu thereof "120 days' notice".

(b) Section 203(b)(2) of the Communications Act of 1934 (47 U.S.C. 203(b)(2)) is amended by striking "ninety days" and inserting in lieu thereof "120 days".

#### AMATEUR RADIO SERVICE RECIPROCAL PERMITS

SEC. 8. (a) Section 303(1)(3) of the Communications Act of 1934 (47 U.S.C. 303(1)(3)) is amended by striking "bilateral agreement between the United States and the alien's government" and inserting in lieu thereof "multilateral or bilateral agreement, to which the United States and the alien's government are parties."

(b) Section 310(c) of the Communications Act of 1934 (47 U.S.C. 310(c)) is amended by striking "bilateral agreement between the United States and the alien's government" and inserting in lieu thereof "multilateral or bilateral agreement, to which the United States and the alien's government are parties."

#### WILLFUL OR MALICIOUS INTERFERENCE

SEC. 9. Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following new section:

##### "WILLFUL OR MALICIOUS INTERFERENCE

"SEC. 333. No person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government."

#### MOBILE RADIO SERVICE

SEC. 10. Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.), as amended by section 9 of this Act, is further amended by adding at the end the following new section:

##### "MOBILE RADIO SERVICE

"SEC. 334. (a) When any public or private mobile radio services licensee is notified in writing by a Federal, State, or local law enforcement agency, acting within its jurisdiction, that such agency has obtained a judicial determination that there is probable cause to believe that a mobile radio unit is being used by any individual for the purpose of transmitting or receiving information in connection with the manufacture, distribution, importation, exportation, or sale of a controlled substance in violation of Federal, State, or local law, the licensee shall, after reasonable notice to the subscriber, discontinue service to the mobile radio unit being used by such individual. The licensee shall not be subject to damages or to any civil or criminal penalty or forfeiture for discontinuing such service.

(b) When a public or private mobile radio services licensee obtains notification in writing of a determination by a Federal, State, or local court or administrative body, acting in accordance with its jurisdiction and authority, that a person receiving, or seeking to receive, mobile radio service from the licensee is not lawfully in possession of the mobile radio unit through which service is or would be provided, the licensee shall, after reasonable notice to the subscriber, discontinue service or refuse service to such person. The licensee shall not be subject to damages or to any civil or criminal penalty or forfeiture for discontinuing or refusing such service.

"(c) Nothing in subsection (a) or (b) shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a Federal court or a State or local tribunal or agency, that mobile radio service to such person should not be discontinued or refused or should be restored."

#### AMENDMENT NO. 2312

Mr. CRANSTON. Mr. President, on behalf of Senator INOUE, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. CRANSTON], for Mr. INOUE, proposes an amendment numbered 2312.

Mr. CRANSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Federal Communications Commission Authorization Act of 1990".

#### AUTHORIZATION OF APPROPRIATIONS

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

##### "AUTHORIZATION OF APPROPRIATIONS

"SEC. 6. (a) There are authorized to be appropriated for the administration of this Act by the Commission \$109,831,000 for fiscal year 1990 and \$119,831,000 for fiscal year 1991, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for each of the fiscal years 1990 and 1991.

"(b) In addition to the amounts authorized to be appropriated under this section, not more than 4 percent of the amount of any fees or other charges payable to the United States which are collected by the Commission during fiscal year 1990 are authorized to be made available to the Commission until expended to defray the fully distributed costs of such fees collection.

"(c) Of the amounts appropriated pursuant to subsection (a) for fiscal year 1991, such sums as may be necessary not to exceed \$2,000,000 shall be expended for upgrading and modernizing equipment at the Commission's electronic emissions test laboratory located in Laurel, Maryland."

#### COMMERCIAL RADIO OPERATOR EXAMINATIONS

SEC. 3. Section 4(f) of the Communications Act of 1934 (47 U.S.C. 154(f)) is amended by adding at the end the following new paragraph:

"(5)(A) The Commission, for purposes of preparing and administering any examination for a commercial radio operator license or endorsement, may accept and employ the services of persons that the Commission determines to be qualified. Any person so employed may not receive compensation for such services, but may recover from examinees such fees as the Commission permits, considering such factors as public service and cost estimates submitted by such person.

"(B) The Commission may prescribe regulations to select, oversee, sanction, and dismiss any person authorized under this paragraph to be employed by the Commission.

"(C) Any person who provides services under this paragraph or who provides goods in connection with such services shall not, by reason of having provided such service or goods, be considered a Federal or special government employee."

#### TRAVEL REIMBURSEMENT PROGRAM

SEC. 4. Section 4(g)(2)(D) of the Communications Act of 1934 (47 U.S.C. 154(g)(2)(D))

is amended by striking "1989" and inserting in lieu thereof "1992".

#### COMMUNICATIONS SUPPORT FROM OLDER AMERICANS

SEC. 5. Section 6(a) of the Federal Communications Commission Authorization Act of 1988 (47 U.S.C. 154 note) is amended by striking "and 1989" and inserting in lieu thereof "1989, 1990, and 1991".

#### HAWAII MONITORING STATION

SEC. 6. (a) Section 9(a) of the Federal Communications Commission Authorization Act of 1988 (Public Law 100-594; 102 Stat. 3024) is amended—

(1) by striking "and 1990" and inserting in lieu thereof "1990, 1991, and 1992";

(2) in paragraph (4) by striking "a facility at the new location" and inserting in lieu thereof "facilities at new locations"; and

(3) in paragraph (6) by striking "a facility at a new location" and inserting in lieu thereof "facilities at new locations".

(b) Subsection (b) of section 9 of the Federal Communications Commission Authorization Act of 1988 (Public Law 100-594; 102 Stat. 3024) is amended to read as follows:

"(b) The Administrator of General Services is authorized to dispose of, only to the State of Hawaii, as much of the real property (including improvements thereon) at the present location of the Hawaii Monitoring Station as is necessary for the purposes of relocating, at a minimum, the antennas associated with the Monitoring Station."

(c) Section 9 of the Federal Communications Commission Authorization Act of 1988 (Public Law 100-594; 102 Stat. 3024) is amended by striking subsections (c) and (d), by redesignating subsection (e) as subsection (1), and by inserting immediately after subsection (b) the following new subsections:

"(c) Pursuant to the authority provided in subsection (b), the Administrator of General Services shall sell and convey to the State of Hawaii the real property and improvements thereon described in subsection (b) on an expedited basis, including provisions for lease-back as required.

"(d) In consideration of such sale, the State of Hawaii shall agree to—

"(1) pay to the General Services Administration an amount not less than the fair market value, as determined by the Administration of General Services, of the property to be conveyed under subsection (c), or

"(2) convey to the Federal Communications Commission real property that would be suitable, as determined by the Commission, for the relocation of the Hawaii Monitoring Station and, in addition, pay to the General Services Administration an amount equal to the difference between the fair market value of the two properties, as determined by the Administrator of General Services, if the Federal property conveyed is of greater value.

"(e) The General Services Administration shall reimburse the Federal Communications Commission from the net proceeds of such sale for all of the expenditures of the Commission associated with the relocation of the Hawaii Monitoring Station. Any such reimbursed funds received by the Commission shall remain available until expended.

"(f) The net proceeds of such sale, less any funds reimbursed to the Federal Communications Commission pursuant to subsection (e), and less normal and reasonable charges by the General Services Administration for costs associated with such sale, shall be deposited in the general funds of the Treasury.

"(g) If the General Services Administration and the State of Hawaii are unable to execute a contract for sale as required by

this section or complete any other transaction necessary to carry out such sale, the Administrator of General Services shall not proceed to public sale of the property described in subsection (b).

"(h) The Hawaii Monitoring Station shall continue its full operations at its present location until new facilities have been built and are fully operational."

(d) Subsection (i) of section 9 of the Federal Communications Commission Authorization Act of 1988 (Public Law 100-594; 102 Stat. 3024), as so redesignated by subsection (c) of this section, is amended by striking "in fiscal years 1989 and 1990".

#### TARIFF NOTICE PERIOD

Sec. 7. (a) Section 203(b)(1) of the Communications Act of 1934 (47 U.S.C. 203(b)(1)) is amended by striking "ninety days notice" and inserting in lieu thereof "one hundred and twenty days' notice".

(b) Section 203(b)(2) of the Communications Act of 1934 (47 U.S.C. 203(b)(2)) is amended by striking "ninety days" and inserting in lieu thereof "one hundred and twenty days".

#### AMATEUR RADIO SERVICE RECIPROCAL PERMITS

Sec. 8. (a) Section 303(d)(3) of the Communications Act of 1934 (47 U.S.C. 303(d)(3)) is amended by striking "bilateral agreement between the United States and the alien's government" and inserting in lieu thereof "multilateral or bilateral agreement, to which the United States and the alien's government are parties."

(b) Section 319(c) of the Communications Act of 1934 (47 U.S.C. 319(c)) is amended by striking "bilateral agreement between the United States and the alien's government" and inserting in lieu thereof "multilateral or bilateral agreement, to which the United States and the alien's government are parties."

#### WILLFUL OR MALICIOUS INTERFERENCE

Sec. 9. Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following new section:

#### "WILLFUL OR MALICIOUS INTERFERENCE

Sec. 333. No person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government."

#### APPLICABILITY OF FORFEITURES TO APPLICANTS

Sec. 10. The first sentence of section 503(b)(5) of the Communications Act of 1934 (47 U.S.C. 503(b)(5)) is amended by inserting "and if such person is not an applicant for a license, permit, certificate, or other authorization issued by the Commission," immediately before "unless, prior".

Mr. INOUE. Mr. President, we now have before us S. 1022, legislation to reauthorize the Federal Communications Commission [FCC or Commission] for fiscal years 1990 and 1991. We have been meeting with our House counterparts to resolve any differences between the bill already passed by the House and the Senate bill as reported out of committee. I believe we have reached agreement on most, if not all, of the differences between the two bills. The substitute has been cleared with the ranking Members on both sides of the aisle, and I am aware of no objection to it. I thus would like to take up my substitute to S. 1022 as reported and move for its passage by the full Senate at the conclusion of my remarks.

Before I do so, I would like to review briefly the provisions of the substitute I am offering:

#### FUNDING LEVELS

The substitute authorizes \$109,831,000 in funding for fiscal year 1990, which is the same amount contained in the Senate and House bills and is the same amount requested by the President. For fiscal year 1991, the substitute retains the figure of \$119,831,000 contained in the Senate bill, as reported, rather than the figure of \$121,478,000 contained in the House bill. The President requested an appropriation of \$117,998,000 for fiscal year 1991. Since the President's request is well below the amount authorized by the Senate bill, as reported, we have chosen to accept the figure in the Senate bill, as reported, in order to be fiscally responsible.

#### FCC FEES RETENTION

The substitute accepts the provision in the House bill that authorizes 4 percent of any fees or other charges collected by the Commission during fiscal year 1990 to be "authorized to be made available to the Commission until expended." This provision is intended to help defray the FCC's fully distributed costs of enforcing the fee collection provisions in section 8 of the Communications Act.

The House bill had authorized the FCC to retain 4 percent of these fees for both fiscal years 1990 and 1991. The Senate bill, as reported, declares that 2 percent of the fees collected by the Commission "shall be available" for both fiscal years.

The substitute accepts the House's 4-percent figure for fiscal year 1990 only and the House wording out of recognition that the FCC's costs of enforcing this congressionally mandated fees provision will be substantial and that even the 4-percent figure will not compensate the Commission completely for its costs of collecting the fees. Even at the 4-percent level, the FCC informs us that it is likely to incur costs in collecting these fees that are \$1.5 million greater than the amounts retained in fiscal year 1990. Because the FCC's fiscal year 1990 appropriation passed the Senate before the reconciliation bill was enacted, the appropriation level did not account for this additional expense. The substitute bill would allow the FCC to retain 4 percent of these fees for only fiscal year 1990 in recognition of the unfairness of this unique situation.

#### LAUREL LABS

The substitute includes the House statutory provision concerning the upgrading and modernizing of the Commission's test laboratory in Laurel, MD. As in the House bill, the substitute directs that no more than \$2 million "shall be expended" for upgrading this laboratory. Although the Senate bill, as reported, did not contain statutory language directing the expenditure of funds for the laboratory, the Commerce Committee explicitly ex-

pressed its intention that the FCC expend such funds for this purpose. The committee amended S. 1022 as introduced to increase the FCC's authorized funding for fiscal year 1991 by \$2 million—from \$117,831,000 to \$119,831,000—before reporting the bill. The committee report accompanying the bill expressly declares that the \$2 million "is to be used for the sole purpose of modernizing the FCC's Electronics Emissions Test Laboratory in Laurel, MD." (Senate Report 101-215, p. 2). Thus, by accepting the House statutory language a requirement that the Commerce Committee has already imposed in its report.

#### TRAVEL REIMBURSEMENT PROGRAM

The substitute bill also extends the FCC's travel reauthorization program until 1992. Both the Senate bill, as reported, and the House bill would have extended the program until 1991. The substitute extends the program an additional year because of its demonstrated success. Such an extension should also permit the FCC to continue to implement the travel reimbursement program through the end of fiscal year 1992 even if the next FCC authorization bill is not passed until after the end of 1991.

#### HAWAII MONITORING STATION

In the FCC Authorization Act of 1988, the Congress included a provision permitting the FCC to move the Waipahu, Oahu, monitoring station to a new suitable location. The bill reported by the Senate would have extended by 2 years the FCC's authority to relocate the monitoring facility. The House bill contained no provisions concerning this monitoring station.

The substitute extends the FCC's authority to relocate the monitoring station for 2 years until 1992. The substitute also, however, makes some substantial changes in the authorizing language to ensure that the land currently being used for the Hawaii monitoring station is sold to the State of Hawaii, which has a strong public interest in acquiring the property.

Under the new language contained in this substitute, the Administrator of the General Services Administration [GSA] shall sell to the State of Hawaii as much of the land associated with the Hawaii monitoring station as is necessary to relocate, at a minimum, the antennas associated with the monitoring station. The State of Hawaii is permitted either to pay their fair market value, as determined by the Administrator of the GSA, of the property it acquires or to swap another piece of property for the property acquired from GSA and pay the difference in price between the two properties, if the value of the property conveyed by the State of Hawaii is less than the value of the property it receives. These provisions do not foreclose the State of Hawaii from buying or selling these properties in conjunction with or as an agent for a third party that the State of Hawaii seems

appropriate. Together, these provisions should provide the FCC, the GSA, and the State of Hawaii with sufficient flexibility to allow them to reach an agreement on the disposition of this property expeditiously.

As in the Senate bill, the substitute ensures that the Hawaii monitoring facility will continue to fully operate in the present location until new facilities are fully operational at a new location. The GSA shall reimburse the FCC for the expenses of the relocation from the net proceeds of the sale. Any excess funds from the sale of the property will be deposited into the general funds of the Treasury.

The language further directs that the provisions of this section should in no way disrupt or defer the ongoing programs or regulatory activities of the Commission by diverting appropriated funds to the relocation of the Hawaii facilities. While we assume that the sale of the property will result in adequate funds for the relocation of the monitoring facilities, if this does not occur, the FCC should immediately inform the committee, and a supplemental appropriation can then be considered that would cover any shortfall.

**STOLEN MOBILE TELEPHONES OR TELEPHONES  
USED FOR DRUG DISTRIBUTION**

The substitute does not contain the provisions in the Senate bill, as reported, concerning the procedures to be followed if there is a suspicion that a mobile radio unit is stolen or is being used to engage in the illegal distribution of a controlled substance. These provisions were not included in the House bill. These provisions raise several important issues which deserve to be studied in greater detail before they are adopted into law. We have thus agreed to drop these provisions so that both Houses of Congress can explore these issues more fully.

**TECHNICAL AMENDMENT**

In the Omnibus Budget Reconciliation Act of 1989, Public Law No. 101-239, Congress amended section 503(b)(2) of the Communications Act in a manner that, as the conference report made clear, was intended, *inter alia*, to "clarify] and confirm [] the FCC's authority to impose forfeitures on applicants who engage in misconduct during the application process." Unfortunately, however, Congress did not amend section 503(b)(5) of the act, which by its terms requires that a citation, rather than a forfeiture, be issued to a first-time offender who does not hold a Commission authorization. In order to correct this apparent anomaly, and to clarify that the Commission need not first issue a citation before imposing a forfeiture on an applicant for a Commission authorization, the substitute includes a technical amendment to section 503(b)(5). This provision was not contained in either the Senate bill, as reported, or the House bill but is not controversial and is consistent with the intent of Congress.

**FCC TRADE AUTHORITY**

The House adopted a provision—Section 9 of the House bill—that would have given the FCC explicit authority to assess the impact of its public interest decisions "on the foreign commerce of the United States." The substitute bill being considered today does not contain any similar provision. This omission should not be taken as an indication of any less concern about the FCC's ability to consider trade matters when making its decisions. Rather, the decision not to include this provision simply reflects the belief of the Congress that the FCC already has ample authority to consider the impact of its decisions on foreign commerce before making those decisions.

**UNCHANGED PROVISIONS**

The substitute bill includes all the other provisions that were contained in both the Senate bill, as reported, and the House bill. These provisions are as follows:

The Commission is given additional authority to prevent willful or malicious interference to radio communications.

The Commission can extend the tariff notice period from 90 to 120 days with the extra time used primarily for the processing of access charge tariffs.

The Commission may accept and employ the services of qualified persons to prepare and administer commercial radio operator exams for a fee that the Commission determines is appropriate, without those persons being considered Federal employees.

The Older Americans Program is extended for an additional 2 years until the end of 1991.

The Commission may permit aliens to operate over the amateur radio frequencies based on multilateral treaties as well as bilateral treaties.

Mr. President, this consensus bill reflects the efforts of the members on both sides of the aisle. I appreciate the concerns and the cooperation shown by the chairman of the Commerce Committee, Senator HOLLINGS, the ranking minority member of the Commerce Committee, Senator DANFORTH, the ranking minority member of the Communications Subcommittee, Senator PACKWOOD, and their staff. I believe that this bill accomplishes several objectives that will help smooth the regulatory and administrative process and also reflects the goodwill shown by the new Chairman and Commissioners at the FCC. For all these reasons, I offer my substitute amendment and urge my colleagues to support it.

Mr. HOLLINGS. Mr. President, I support the substitute amendment being offered by my colleague Senator INOUYE to S. 1022, the Federal Communications Commission reauthorization bill. I commend the distinguished chairman of the Commerce Committee's Communications Subcommittee for his leadership in crafting this bipartisan piece of legislation and bringing it to the floor. I believe it is impor-

tant for us to continue our efforts to oversee the activities of the FCC. The FCC is dealing with a number of critical issues—for example, the financial interest and syndication rules, price caps for the telephone companies, the deregulation of AT&T, the comparative broadcast proceedings, and cable regulation—that have tremendous implications for the communications industry. This bill has provided us with a useful vehicle for monitoring the FCC's recent activities and includes a number of noncontroversial provisions that should be helpful in shaping and enforcing our communications policies of the future.

As you know, Mr. President, the FCC and I have had our differences over the years. Nevertheless, the new group of FCC Commissioners, led by the new FCC Chairman, Mr. Al Sikes, appears to be more receptive to the concerns of Congress than their predecessors. Let me remind them, however, I, and the rest of my colleagues, will continue to subject their decisions to a high degree of scrutiny because of the importance of the issues they must consider. I look forward to working with the FCC on the issues before the Commission and Congress this year and in the future.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2312) was agreed to.

Mr. CRANSTON. I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DANFORTH. Mr. President, today the Senate is considering legislation to reauthorize the Federal Communications Commission for fiscal years 1990 and 1991. I want to express my support for the substitute amendment offered by Senator INOUYE, chairman of the Communications Subcommittee.

This legislation authorizes the continued operation of a very important governmental body. Now more than ever, the Commission plays a crucial role in the oversight and regulation of the communications industry in this country. As we have moved into the Information Age, a premium has been placed on the need for rapid and efficient communication. Television and radio broadcasts, along with our telecommunications network, are the roadways by which information travels within American society. In their role, Chairman Alfred Sikes and the Commissioners have continued to encourage the economic strength and technological leadership of U.S. industry. This is reflected in the Commission's work to set a standard for high-definition television by 1993.

The amendment currently before the Senate authorizes \$109,831,000 for fiscal year 1990 and \$119,831,000 for

fiscal year 1991. The FCC has been appropriated the full \$109,831,000 for fiscal year 1990. The bill will also allow the FCC to keep 4 percent of the cost of regulation fees it collects in fiscal year 1990 in order to defray the costs of collecting such fees, which is consistent with the House FCC authorization. Finally, the bill will allow the FCC to upgrade its laboratory testing facilities.

Mr. President, I would like to commend Senator INOUE for his work in developing this legislation. I urge its passage.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 3256; that the Senate proceed to its immediate consideration; that all after the enacting clause be stricken; that the text of S. 1022, as amended, be inserted in lieu thereof; that the bill be read for a third time and passed; and a motion to reconsider the vote be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 3256), as amended, was passed.

Mr. CRANSTON. Mr. President, I ask unanimous consent that S. 1022 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CHILDREN'S TELEVISION ACT

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 424, S. 1992, the Children's Television Act of 1990.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1992) to require the Federal Communications Commission to ensure that broadcasters provide children's television programming that meets the educational and informational needs of the child audience, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. INOUE. Mr. President, we are here today to consider S. 1992, legislation to ensure that television stations

better serve our Nation's children. The legislation imposes limits on the amount of time that can be devoted to commercials during a children's television program and requires the FCC to consider at renewal time whether the licensee has met the educational and informational needs of children in its programming.

This legislation is the result of the efforts of the members of the Commerce Committee and other Senators, including Senators WIRTH, MERZENBAUM, and LAUTENBERG. Senator WIRTH has been working on this issue for over 15 years and without his persistence, we would not be here today to take this step for our children. I also want to thank Senators MERZENBAUM and LAUTENBERG for their dedication and assistance in getting us to this point today. Finally, I want to thank the broadcasters for their cooperation and assistance on this legislation.

For the past 25 years, Federal policymakers have discussed the obligations of broadcasters to program for children. As far back as 1960, the FCC decided to include children as one of the groups whose programming needs had to be met by television broadcasters. Over a decade later, in 1974, the Commission issued the Children's Television Report and Policy Statement which concluded that broadcasters have a special obligation to serve children as a "substantial and important" community group and that children's programming should be aired throughout the weekly schedule.

In 1984, the FCC issued a report, "Television Programming for Children." The thrust of this report was to adhere to the general, voluntary obligations in the 1974 report. It concluded that broadcasters should not have any specific programming requirements. In another proceeding, the Commission determined that broadcasters should not be subject to any advertising restrictions. In both cases the Commission stated that it believed that the interests of children could be best protected by having the marketplace work, with virtually no interference by the Government.

In 1987, the Court of Appeals ruled that the FCC had not sufficiently justified its repeal of the advertising guidelines for children's programming and ordered the FCC to review its decision. The court then required the FCC to reconsider its action. So far, no Commission action has been taken. It was because of the Commission's reluctance to act to enhance children's television that the Congress has had to step in.

The amendment being offered today to this legislation has several provisions:

First, it extends the commercial time limits to children's programming carried on cable television;

Second, it revises the language concerning the obligation of television licensees to serve the needs of children

by requiring that the FCC consider, at renewal time, whether a licensee met the educational and informational needs of children through its overall programming, including programming specifically designed to meet such needs;

Third, it deletes the provision of this legislation that requires the FCC to act within 90 days when it considers complaints concerning advertising matter broadcast during children's programming; and

Fourth, it incorporates the National Endowment For Children's Educational Television Act of 1989 as a new title II—this provision is identical to S. 797 as passed by the Senate last year.

As to the consideration of children's television service in licensee renewal, the congressional concern is obvious. Our children are this Nation's most valuable resource, and we need to pay special attention to their needs. Child by child, we build this Nation. They are the future of the Nation, and we need to ensure that they are equipped to meet this enormous responsibility.

Children, especially young children, watch television a great deal. You are all familiar with the startling statistic that by the time a child graduates from high school, he or she will have spent more time in front of the television set than in the classroom. Television is thus the child's window to the world. To some reasonable extent, it should not only entertain, but also inform and educate.

The commercial broadcaster is a public trustee, given free use of a valuable portion of the spectrum in exchange for volunteering to serve the public interest. There is no greater obligation in this respect than to provide some reasonable amount of public service for the unique child audience. The FCC has stressed this obligation since 1974.

What Congress is saying, in S. 1992, is that broadcasters must focus on this critically important area of public service to children throughout its license term, and at the time of renewal, must submit a showing to the FCC that it has reasonably met this bedrock duty. That requirement of a specific showing at renewal is new. Congress is singling out this area for special focus by both the broadcaster and the FCC.

We have left the licensee the greatest possible flexibility in how it discharges its public service obligation to children. We recognize that there is a great variety of ways to serve this unique audience—including programming specially designed to entertain and inform children; family and adult programming that can also contribute to the information needs of children; and cooperative efforts with noncommercial stations to produce and present educational fare. The list can be extended as far as the imagination of the creative broadcaster and must rely on the good-faith, dedicated judg-