

## Union Calendar No. 199

101ST CONGRESS  
1ST SESSION**H. R. 3265****[Report No. 101-316]**

To amend the Communications Act of 1934 to provide authorization of appropriations for the Federal Communications Commission, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

SEPTEMBER 13, 1989

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

OCTOBER 27, 1989

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

To amend the Communications Act of 1934 to provide authorization of appropriations for the Federal Communications Commission, 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 "Federal Communications  
5 ~~Commission Authorization Act of 1989~~".

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1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

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

4 **“AUTHORIZATION OF APPROPRIATIONS**

5 **“SEC. 6. (a)** There are authorized to be appropriated for  
6 the administration of this Act by the Commission  
7 \$100,831,000 for fiscal year 1990 and \$117,831,000 for  
8 fiscal year 1991, together with such sums as may be neces-  
9 sary for increases resulting from adjustments in salary, pay,  
10 retirement, other employee benefits required by law, and  
11 other nondiscretionary costs, for each of the fiscal years 1990  
12 and 1991.”.

13 (b) **EFFECTIVE DATE.**—The amendment made by sub-  
14 section (a) of this section shall apply with respect to fiscal  
15 years beginning after September 30, 1989.

16 **SEC. 3. TRAVEL REIMBURSEMENT PROGRAM.**

17 Section 4(g)(2)(D) of the Communications Act of 1934  
18 (47 U.S.C. 154(g)(2)(D)) is amended by striking “1989” and  
19 inserting in lieu thereof “1991”.

20 **SEC. 4. COMMUNICATIONS SUPPORT FOR OLDER AMERICANS.**

21 Section 6(a) of the Federal Communications Commis-  
22 sion Authorization Act of 1988 (Public Law 100-504) is  
23 amended by striking “1988 and 1989” and inserting in lieu  
24 thereof “1990 and 1991”.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the "Federal Communications*  
3 *Commission Authorization Act of 1989".*

4 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

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

7 **"AUTHORIZATION OF APPROPRIATIONS**

8 *"SEC. 6. (a) There are authorized to be appropriated for*  
9 *the administration of this Act by the Commission*  
10 *\$109,831,000 for fiscal year 1990 and \$121,478,000 for*  
11 *fiscal year 1991, together with such sums as may be neces-*  
12 *sary for increases resulting from adjustments in salary, pay,*  
13 *retirement, other employee benefits required by law, and*  
14 *other nondiscretionary costs, for each of the fiscal years 1990*  
15 *and 1991.*

16 *"(b) In addition to the amounts authorized to be appro-*  
17 *priated under this section, not more than 4 percent of the*  
18 *amount of any fees or other charges payable to the United*  
19 *States which are collected by the Commission are authorized*  
20 *to be made available to the Commission until expended to*  
21 *defray the fully distributed costs of such fees collection.*

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

1 **SEC. 3. COMMERCIAL RADIO OPERATOR EXAMINATIONS.**

2 *Section 4(f) of the Communications Act of 1934 (47*  
3 *U.S.C. 154(f)) is amended by adding at the end the follow-*  
4 *ing new paragraph:*

5 *“(5)(A) The Commission, for purposes of preparing and*  
6 *administering any examination for a commercial radio oper-*  
7 *ator license or endorsement, may accept and employ the serv-*  
8 *ices of persons that the Commission determines to be quali-*  
9 *fied. Any person so employed may not receive compensation*  
10 *for such services, but may recover from examinees such fees*  
11 *as the Commission permits, considering such factors as*  
12 *public service and cost estimates submitted by such person.*

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

16 *“(C) Any person who provides services under this para-*  
17 *graph or who provides goods in connection with such services*  
18 *shall not, by reason of having provided such service or goods,*  
19 *be considered a Federal or special government employee.”.*

20 **SEC. 4. TRAVEL REIMBURSEMENT PROGRAM.**

21 *Section 4(g)(2)(D) of the Communications Act of 1934*  
22 *(47 U.S.C. 154(g)(2)(D)) is amended by striking “1989”*  
23 *and inserting “1991”.*

24 **SEC. 5. COMMUNICATIONS SUPPORT FROM OLDER AMERICANS.**

25 *Section 6(a) of the Federal Communications Commis-*  
26 *sion Authorization Act of 1988 (47 U.S.C. 154 note) is*

1 *amended by striking "and 1989" and inserting ", 1989,*  
2 *1990, and 1991".*

3 **SEC. 6. TARIFF NOTICE PERIOD.**

4 *Section 203(b) of the Communications Act of 1934 (47*  
5 *U.S.C. 203(b)) is amended—*

6 *(1) in paragraph (1), by striking "ninety days*  
7 *notice" and inserting "120 days' notice"; and*

8 *(2) in paragraph (2), by striking "ninety days"*  
9 *and inserting "120 days".*

10 **SEC. 7. AMATEUR RADIO SERVICE RECIPROCAL PERMITS.**

11 *(a) IN GENERAL.—Section 303(l)(3) of the Communi-*  
12 *cations Act of 1934 (47 U.S.C. 303(l)(3)) is amended by*  
13 *striking "bilateral agreement between the United States and*  
14 *the alien's government" and inserting "multilateral or bilat-*  
15 *eral agreement, to which the United States and the alien's*  
16 *government are parties,".*

17 *(b) CONFORMING AMENDMENT.—Section 310(c) of the*  
18 *Communications Act of 1934 (47 U.S.C. 310(c)) is amend-*  
19 *ed by striking "bilateral agreement between the United*  
20 *States and the alien's government" and inserting "multilat-*  
21 *eral or bilateral agreement, to which the United States and*  
22 *the alien's government are parties,".*

1 **SEC. 8. WILLFUL OR MALICIOUS INTERFERENCE.**

2 *Part I of title III of the Communications Act of 1934*  
3 *(47 U.S.C. 301 et seq.) is amended by adding at the end the*  
4 *following new section:*

5 **“WILLFUL OR MALICIOUS INTERFERENCE**

6 **“SEC. 333. No person shall willfully or maliciously**  
7 *interfere with or cause interference to any radio communica-*  
8 *tions of any station licensed or authorized by or under this*  
9 *Act or operated by the United States Government.”.*

10 **SEC. 9. CONSIDERATION OF IMPACT ON COMMERCE IN PUBLIC**

11 **INTEREST DETERMINATIONS.**

12 *Section 4 of the Communications Act of 1934 (47*  
13 *U.S.C. 154) is amended by adding at the end thereof the*  
14 *following new subsection:*

15 **“(p) In making any finding with respect to the public**  
16 *interest as required for purposes of any decision or determi-*  
17 *nation under this Act (other than a decision or determination*  
18 *with respect to the certification of equipment), the Commis-*  
19 *sion may, in its discretion, assess the impact of that decision*  
20 *or determination on the foreign commerce of the United*  
21 *States.”.*