

MARKEY013

10/11/89

Bill no.: HR 3265
Amendment no.: 1
Date offered: 10-12-89
Disposition: Agreed to, v.v.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3265
OFFERED BY MR. MARKEY

Strike all after the enacting clause and insert the following:

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 U.S.C.
6 156) 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 \$109,831,000
10 for fiscal year 1990 and \$121,478,000 for fiscal year 1991,
11 together with such sums as may be necessary for increases
12 resulting from adjustments in salary, pay, retirement, other
13 employee benefits required by law, and other nondiscretionary
14 costs, for each of the fiscal years 1990 and 1991.

15 `` (b) In addition to the amounts authorized to be
16 appropriated under this section, not more than 4 percent of
17 the amount of any fees or other charges payable to the United

1 States which are collected by the Commission are authorized
2 to be made available to the Commission until expended to
3 defray the fully distributed costs of such fees
4 collection.''. .

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

6 Section 4(f) of the Communications Act of 1934 (47 U.S.C.
7 154(f)) is amended by adding at the end the following new
8 paragraph:

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

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

20 '(C) Any person who provides services under this
21 paragraph or who provides goods in connection with such
22 services shall not, by reason of having provided such serv
23 or goods, be considered a Federal or special government
24 employee.''. .

25 **SEC. 4. TRAVEL REIMBURSEMENT PROGRAM.**

1 Section 4(g)(2)(D) of the Communications Act of 1934 (47
2 U.S.C. 154(g)(2)(D)) is amended by striking ``1989`` and
3 inserting ``1991``.

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

5 Section 6(a) of the Federal Communications Commission
6 Authorization Act of 1988 (47 U.S.C. 154 note) is amended by
7 striking ``and 1989`` and inserting `` , 1989, 1990, and
8 1991``.

9 **SEC. 6. TARIFF NOTICE PERIOD.**

10 Section 203(b) of the Communications Act of 1934 (47
11 U.S.C. 203(b)) is amended--

12 (1) in paragraph (1), by striking ``ninety days
13 notice`` and inserting ``120 days` notice``; and

14 (2) in paragraph (2), by striking ``ninety days`` and
15 inserting ``120 days``.

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

17 (a) **IN GENERAL.**--Section 303(1)(3) of the Communications
18 Act of 1934 (47 U.S.C. 303(1)(3)) is amended by striking
19 ``bilateral agreement between the United States and the
20 alien's government`` and inserting ``multilateral or
21 bilateral agreement, to which the United States and the
22 alien's government are parties,``.

23 (b) **CONFORMING AMENDMENT.**--Section 310(c) of the
24 Communications Act of 1934 (47 U.S.C. 310(c)) is amended by
25 striking ``bilateral agreement between the United States and

1 the alien's government'' and inserting ``multilateral or
2 bilateral agreement, to which the United States and the
3 alien's government are parties,``.

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

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

8 **WILLFUL OR MALICIOUS INTERFERENCE**

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

AMENDMENT TO THE AMENDMENT IN THE NATURE
OF A SUBSTITUTE TO H.R. 3265
OFFERED BY MR. WYDEN

Page 2, line 4, strike the close quotation marks and following period, and after such line insert the following:

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

Bill no.:	HR 3265
Amendment no.:	2
Date offered:	10-12-89
Disposition:	Agreed to, v.v.

RICHAR802

Bill no.: HR 3265
Amendment no. 3
Date offered: 10-12-89
Disposition: Withdrawn

AMENDMENT TO H.R. 3265
OFFERED BY MR. RICHARDSON

At the end of the bill, add the following new section:

1 SEC. 9. CONSIDERATION OF FOREIGN TREATMENT.

2 Title VII of the Communications Act of 1934 is amended by
3 adding after section 713 (47 U.S.C. 713) the following new
4 section:

5 CONSIDERATION OF FOREIGN TREATMENT

6 SEC. 714. (a) CONSIDERATION REQUIRED.--In evaluating
7 any application, petition, or other request filed by any
8 affiliate of a foreign person, and in deciding whether to
9 forbear from regulating or otherwise to lessen regulatory
10 scrutiny of, or to make operations in the United States less
11 burdensome for, such affiliates as a group (or any subgroup
12 thereof), the Commission, in determining the public interest,
13 shall solicit the views of the President or his designee
14 concerning whether the government of the foreign country or
15 countries with which such foreign person is associated
16 unreasonably discriminate against, or deny fair and equitable
17 treatment to--

18 (1) telecommunications services or facilities
19 providers owned wholly or in substantial part by United
20 States citizens; or

1 “(2) television programs or motion pictures produced
 2 wholly or in substantial part (A) by United States
 3 citizens or entities owned by them in substantial part,
 4 or (B) within the United States, its territories, and
 5 possessions.

6 If the President or his designee represents to the Commission
 7 that such foreign country or countries are engaged in such
 8 conduct, the Commission shall not grant the action requested
 9 by the affiliate of such foreign person, unless the
 10 Commission determines that such action is otherwise justified
 11 in the public interest.

12 “(b) DEFINITIONS.--For purposes of subsection (a), the
 13 term ‘affiliate of a foreign person’ means an entity which
 14 is--

15 “(1) an alien or a representative of an alien;

16 “(2) a corporation organized under the law of a
 17 foreign government;

18 “(3) a corporation of which any officer or director
 19 is an alien or of which more than 10 percent of the
 20 capital stock is owned of record or voted by (A) aliens
 21 or representatives thereof, (B) a foreign government or
 22 representative thereof, or (C) any corporation organized
 23 under the laws of a foreign government; or

24 “(4) a corporation directly or indirectly controlled
 25 by any other corporation--

1 “(A) of which any officer or director are
2 aliens, or

3 “(B) of which more than 10 percent of the
4 capital stock is owned of record or voted by (i)
5 aliens or their representatives, (ii) a foreign
6 government or representative thereof, or (iii)
7 any corporation organized under the laws of a
8 foreign country.

SACH3265S

[COMMITTEE PRINT]

October 17, 1989

Bill no.:	HR 3265
Amendment no.:	4
Date offered:	10-24-89
Disposition:	Adopted by VV

(Showing the Amendment in the Nature of a Substitute
to H.R. 3265 Adopted by the Subcommittee on
Telecommunications and Finance)
Offered by Mr. Markey

Strike all after the enacting clause and insert the
following:

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3 Commission Authorization Act of 1989``.

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12 resulting from adjustments in salary, pay, retirement, other
13 employee benefits required by law, and other nondiscretionary
14 costs, for each of the fiscal years 1990 and 1991.

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Plotkin & Kahn

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

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11 emissions test laboratory located in Laurel, Maryland."

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15 paragraph:

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17 administering any examination for a commercial radio operator
18 license or endorsement, may accept and employ the services of
19 persons that the Commission determines to be qualified. Any
20 person so employed may not receive compensation for such
21 services, but may recover from examinees such fees as the
22 Commission permits, considering such factors as public
23 service and cost estimates submitted by such person.

24 (B) The Commission may prescribe regulations to select,
25 oversee, sanction, and dismiss any person authorized under

1 this paragraph to be employed by the Commission.

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

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12 Part I of title III of the Communications Act of 1934 (47
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14 following new section:

15 **WILLFUL OR MALICIOUS INTERFERENCE**

16 ``SEC. 333. No person shall willfully or maliciously
17 interfere with or cause interference to any radio
18 communications of any station licensed or authorized by or
19 under this Act or operated by the United States
20 Government.'

RICHAR818

Bill no.: H.R. 3265
Amendment no.: 4A
Date offered: 10-24-89
Disposition: Adopted
by vv

AMENDMENT TO THE SUBCOMMITTEE AMENDMENT
IN THE NATURE OF A SUBSTITUTE TO H.R. 3265
OFFERED BY MR. RICHARDSON

At the end of the amendment, add the following new section:

1 SEC. 9. CONSIDERATION OF IMPACT ON COMMERCE IN PUBLIC

2 INTEREST DETERMINATIONS.

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

6 (p) In making any finding with respect to the public
7 interest as required for purposes of any decision or
8 determination under this Act (other than a decision or
9 determination with respect to the certification of
10 equipment), the Commission may, in its discretion, assess the
11 impact of that decision or determination on the foreign
12 commerce of the United States."

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