

104TH CONGRESS
1ST SESSION

S. 664

To ensure the competitive availability of consumer electronics devices affording access to telecommunications system services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 4 (legislative day, MARCH 27), 1995

Mr. COHEN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To ensure the competitive availability of consumer electronics devices affording access to telecommunications system services, 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 “Competitive Consumer
5 Electronics Availability Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) with the convergence of communications,
9 computing, and video technology, consumers may
10 now achieve access to a broad array of video, voice,

1 and data services provided by telephone, wireless,
2 cable television, and other telecommunications sys-
3 tems;

4 (2) when devices for achieving access to tele-
5 communications systems have been available directly
6 to consumers on a competitive basis, consumers have
7 enjoyed expanded choice, lower prices, and increased
8 innovation;

9 (3) promotion of competition whenever reason-
10 ably possible should be an important objective for all
11 agencies and commissions of the Federal Govern-
12 ment; and

13 (4) while recognizing the legitimate interest of
14 operators of telecommunications systems in ensuring
15 the delivery of certain services to authorized recipi-
16 ents only, devices for access to such systems should
17 be available to consumers on a competitive basis.

18 **SEC. 3. DEFINITIONS.**

19 As used in this Act, the following terms have the fol-
20 lowing meanings:

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

23 (2) The term “telecommunications” means the
24 transmission between or among points specified by
25 the subscriber, of information of the subscriber’s

1 choosing, without change in the form or content of
2 the information as sent and received, by means of
3 electromagnetic transmission, with or without benefit
4 of any closed transmission medium, including all in-
5 strumentalities, facilities, apparatus, and services
6 (including the receipt, switching, and delivery of
7 such information) essential to such transmission.

8 (3) The term “telecommunications service”
9 means the provision directly to subscribers of video,
10 voice, or data services for which a subscriber charge
11 is made.

12 (4) The term “telecommunications system” or
13 “telecommunications system operator” means a pro-
14 vider of telecommunications service.

15 **SEC. 4. COMPETITIVE CONSUMER AVAILABILITY OF CUS-**
16 **TOMER PREMISES EQUIPMENT.**

17 The Commission shall adopt regulations to assure
18 competitive availability, to consumers of telecommuni-
19 cations services, of converter boxes, interactive commu-
20 nications devices, and other customer premises equipment
21 from manufacturers, retailers, and other vendors not af-
22 filiated with any telecommunications system operator.
23 Such regulations shall not prohibit any telecommuni-
24 cations system operator from also offering devices and
25 customer premises equipment to consumers, provided that

1 the system operator's charges to consumers for such de-
2 vices and equipment are separately stated and not bundled
3 with or subsidized by charges for any telecommunications
4 service.

5 **SEC. 5. WAIVER FOR NEW NETWORK SERVICES.**

6 The Commission may waive a regulation adopted pur-
7 suant to section 4 for a limited time upon an appropriate
8 showing by a telecommunications system operator that
9 such waiver is necessary to the introduction of a new tele-
10 communications service.

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