

park facilities. Under these circumstances, we have no objection to the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I urge an "aye" vote on this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the Senate bill, S. 1972.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. CHRISTENSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for 10 minutes.

Accordingly (at 2 o'clock and 15 minutes p.m.), the House stood in recess for 10 minutes.

□ 1433

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 o'clock and 33 minutes p.m.

#### REGULATIONS ON USE OF CITIZENS BAND RADIO EQUIPMENT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2346) to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. STATE AND LOCAL ENFORCEMENT OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS ON USE OF CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

"(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

"(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

"(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

"(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

"(3) The Commission shall, to the extent practicable, provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

"(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government agency enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

"(B) A person shall submit an appeal on a decision of a State or local government agency to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government agency becomes final, but prior to seeking judicial review of such decision.

"(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

"(D) If the Commission determines under subparagraph (C) that a State or local government agency has acted outside its authority in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

"(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

"(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

"(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a 'commercial motor vehicle', as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Maryland (Mr. WYNN) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

#### GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 2346.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes.

H.R. 2346 is an important initiative intended to improve compliance with the FCC rules governing citizens band radio service.

The House passed this bill in September by a voice vote, and the other

body made a clarifying amendment to the bill when it passed the bill just last month. The result is the text that we see before us today.

Fundamentally, the bill is an effort to help eliminate the practices of the few CB radio users that have chosen to take advantage of the unlicensed nature of CB radios to operate outside the boundaries of the FCC rules. When some people choose not to follow those rules, unexpected and potentially harmful interference can result for users of other services.

Let me take a moment to talk about the amendment that the other body has made to the bill. The amendment was worked out by all parties, including my good friend, the gentleman from Michigan (Mr. EHLERS), and the American Trucking Association, the sponsor of the bill; and obviously the trucking association is a very interested group of American citizens.

First, the amendment protects against the possibility that the courts might construe the legislation to require a final decision in a State adjudication process, as distinguished from a mere final action of a State or a local enforcement agency, as a precondition of appeal to the FCC which has, of course, jurisdiction in the area.

This would prevent lengthy court action prior to appealing a decision of a State or a local agency.

The other body's amendment makes it clear that the legal standard of probable cause for commercial motor vehicles and operators under this legislation is a standard developed by the court system.

This eliminates a protection included in the House bill to help the operators of commercial motor vehicles that raised some unintended consequences and concerns. Accordingly, we should be able to drop that section of the bill.

Lastly, the amendment modifies a requirement that the FCC provide technical guidance to the State and local government agencies.

Mr. Speaker, I want to commend the gentleman from Michigan (Mr. EHLERS), my friend, for his work on this bill and ask all Members to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. WYNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2346, the Citizens Band Radio Enforcement bill. This legislation will go a long way towards solving an ever-increasing and intrusive problem, the illegal operation of CB radios.

To be sure and I must emphasize, the vast majority of CB operators are law-abiding citizens who use their radios properly. However, rogue operators do exist across the country who regularly operate their CB radios at power levels far above the legal limit. When these operators boost their CB power levels, it often causes bleeding into nearby frequencies.

I am actually reminded of an old science fiction program, the Outer

Limits, in which a rogue radio operator boosted his frequency above allowable limits creating a highway for which an alien appeared on our planet. In the real world, however, Americans who are unfortunate enough to live near these illegal CB radio stations experience only interference with their telephones, televisions and other electronic equipment, a very serious problem. Worst, these transmissions are often profane and occur at all hours of the night and day. This intrusive practice is simply not a neighborhood nuisance, it borders on trespass.

Unfortunately, the Federal Communications Commission does not have the power or resources to adequately police illegal CB radio operators around the country. As a result, victims are left helpless to defend against this growing intrusion to their privacy and the quiet enjoyment of their homes.

The bill before us would protect the American public by allowing local law enforcement officials to enforce existing FCC rules regarding CB radios. Victims of this type of harassment can be given assistance by local authorities to shut down these rogue operators.

Mr. Speaker, I urge my colleagues to support this important consumer legislation with the improvements that have been described this evening.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS), the author of the legislation who has worked tirelessly for many years now to bring this legislation to final action by the House and the Senate.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for yielding the time to me.

Mr. Speaker, I am very pleased to rise in support of this legislation. It has taken a considerable amount of work over several years to reach this point.

It initially arose when a constituent contacted me; he was extremely frustrated, because they were unable to use their radios, television sets, and their cordless telephones, because a neighbor near them was blasting away at 100 watts of CB power when the legal limit is only 5 watts. He had illegally attached a high power amplifier to his CB system.

This person, my constituent, had contacted the police. They were unable to help. They simply said, we do not have jurisdiction. He had contacted State agencies. They also could not help. In both cases, he was told to contact the Federal Communications Commission. When he did so, they said, yes, this person is breaking the law, but we do not have the personnel to go everywhere in the country to take care of this matter. As a result of this situation I have introduced this bill.

Mr. Speaker, I initially thought this constituent's problem was a rather iso-

lated incident. Once I introduced the bill, I heard from individuals and organizations across the country that were encountering the same problem. Since I had apparently hit a hot nerve with a number of members of the public, I decided this bill was worth pursuing.

The Senate has made minor changes to the bill which clarify it and which take care of some concerns of the truckers who, as my colleagues know, use CBs very heavily. They were worried about perhaps being harassed by improper use of this law, but we have taken care of that. I believe it is now in very, very good shape and will serve the purpose for which it was intended.

There will not be any further complications with it; therefore, I urge the Members of the House to concur in the Senate amendments and pass this bill.

Mr. WYNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just would like to commend the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Michigan (Mr. EHLERS), and another original cosponsor of this bill, the gentleman from Michigan (Mr. DINGELL), for the efforts to bring this bill to the floor today.

Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply want to say thank you to the gentleman from Maryland (Mr. WYNN), my friend, who has always demonstrated, as the Committee on Commerce often does, a bipartisan spirit to improve the condition of our consumer protection laws.

This certainly is not a bill that is going to reshape the economy of Louisiana or America or Michigan or Maryland, but it nevertheless is an unusually important bill to neighbors who cannot use their telephones and their television sets.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS), my friend.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Louisiana (Chairman TAUZIN) for yielding me the time.

Mr. Speaker, I simply want to thank the members of the Committee on Commerce, especially the gentleman from Louisiana (Chairman TAUZIN), who has been very helpful in this, the gentleman from Maryland (Mr. WYNN), and the ranking member (Mr. DINGELL), and, of course, the gentleman from Virginia (Chairman BLILEY), who has also been involved in this. I appreciate their help in all aspects of this bill.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to point out, even while we are going through an awfully hotly contested election and waiting to find out who our next President may be, we are still working here and still improving the state of our Nation's laws and this small, but important area making sure that consumers enjoy their televisions and their radios

and their mobile telephone sets in their homes.

This is an important bill that helps American families in a very special way when they run into this problem. It will give them local redress so they do not have to come all the way to Washington to get help.

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. EHLERS), my friend, for persevering all this year to bring this to final action in this House. I want to thank the gentleman from Virginia (Chairman BLILEY), because without the assistance of the gentleman from Virginia, obviously, we would not have moved the bill to this point.

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, and the gentleman from Massachusetts (Mr. MARKEY), the ranking member of the Subcommittee on Telecommunications, Trade and Consumer Protection, for their extraordinarily bipartisan cooperation on this and so many communication bills that our committee works on.

Mr. Speaker, again, I want to thank the gentleman from Maryland (Mr. WYNN), my friend, for being here to help us finalize this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I would only like to say the gentleman from Louisiana (Mr. TAUZIN) has put a good perspective on this bill. It does not shake the Earth, but yet it is very important to our constituents to show that we are, in fact, here working, carrying out the public's business.

Mr. Speaker, I thank the gentleman very much for yielding me the time.

Mr. TAUZIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2346.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

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#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 44 minutes p.m.), the House stood in recess subject to the call of the Chair.

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□ 1800

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 6 p.m.