

communications satellite intended for reception by cable television systems or home satellite antenna users and does not include any satellite communication of any broadcaster or broadcast network;

“(B) the term ‘home satellite antenna users’ means individuals who own or operate C-band direct broadcast satellite television receive-only equipment for the reception of satellite delivered programming for viewing in such individual’s single family dwelling unit; and

“(C) the term ‘person who encrypts’ means the party who holds the rights to the satellite delivered programming or who establishes the prices, terms, and conditions for the wholesale distribution thereof.

“(7) This subsection shall cease to be effective 7 years after the date of enactment of this subsection.”; and

(5) in subsection (h) (as redesignated) by striking “, based on the information gathered from the inquiry required by subsection (f).”.

(3) EFFECTIVE DATE.—The amendments made by paragraph (2) of this subsection shall take effect 90 days after the date of enactment of this Act.

It was decided in the negative ..... 1

Yeas ..... 162
Nays ..... 247
Answered present 1

88.28 [Roll No. 310] AYES—162

- Ackerman Hancock Oxley
Allard Hastert Panetta
Allen Hefley Parker
Andrews (NJ) Henry Pastor
Annunzio Herger Paxon
Archer Hertel Pelosi
Aspin Hobson Pickle
Barnard Holloway Price
Berman Hopkins Pursell
Bilirakis Horton Ramstad
Bliley Hoyer Rangel
Boehler Hunter Regula
Boehner James Rhodes
Bonior Jenkins Richardson
Borski Johnson (CT) Ridge
Boxer Johnson (TX) Rinaldo
Broomfield Johnston Ritter
Burton Kasich Rohrabacher
Campbell (CO) Kildee Rose
Carper Kluge Roukema
Carr Kolbe Russo
Chandler Kopetski Sangmeister
Coble Kostmayer Santorum
Collins (MI) Kyl Saxton
Conyers Lagomarsino Schaefer
Cunningham Lehman (CA) Scheuer
Dannemeyer Lent Schiff
Darden Levin (MI) Schroeder
Dingell Lewis (CA) Serrano
Dooley Lewis (FL) Sharp
Doolittle Livingston Shaw
Dornan (CA) Lowery (CA) Shuster
Edwards (OK) Lowey (NY) Skaggs
Engel Luken Smith (NJ)
Espy Manton Smith (OR)
Fawell Martin Solomon
Fazio Matsui Stearns
Fields McCollum Stump
Fish McGrath Swett
Ford (TN) McHugh Swift
Franks (CT) McMillen (MD) Taylor (NC)
Gallegly McNulty Thornton
Gallo Miller (CA) Torres
Gekas Miller (OH) Towns
Gephardt Miller (WA) Upton
Gilchrist Molinari Vander Jagt
Gillmor Moorhead Walker
Gingrich Morella Waxman
Goodling Morrison Weber
Gradison Murphy Weldon
Green Nowak Wolpe
Hall (OH) Olin Young (FL)
Hamilton Orton Zeliff
Hammerschmidt Owens (NY) Zimmer

NOES—247

- Abercrombie Andrews (ME) Army
Alexander Andrews (TX) Atkins
Anderson Applegate AuCoin

- Bacchus Goss Patterson
Baker Grandy Payne (NJ)
Ballenger Guarini Payne (VA)
Barrett Gunderson Pease
Barton Hall (TX) Penny
Bateman Harris Perkins
Beilenson Hayes (IL) Peterson (MN)
Bennett Hayes (LA) Petri
Bentley Hefner Pickett
Bereuter Hoagland Porter
Bevill Hochbruckner Poshard
Bilbray Horn Quillen
Blackwell Houghton Rahall
Boucher Hubbard Ravenel
Brewster Huckaby Reed
Brooks Hughes Riggs
Browder Hutto Roberts
Brown Inhofe Roe
Bruce Ireland Roemer
Bryant Jacobs Rogers
Bunning Jefferson Ros-Lehtinen
Bustamante Johnson (SD) Rostenkowski
Byron Jones (GA) Roth
Callahan Jontz Rowland
Camp Kanjorski Roybal
Campbell (CA) Kaptur Sabo
Cardin Kennedy Sanders
Chapman Kennelly Sarpalius
Clay Kleczka Savage
Clement LaFalce Sawyer
Clinger Lancaster Schulze
Coleman (MO) Lantos Schumer
Coleman (TX) LaRocco Sensenbrenner
Collins (IL) Leach Shays
Combest Lewis (GA) Sikorski
Condit Lightfoot Sisisky
Cooper Lipinski Skeen
Costello Lloyd Skelton
Cox (CA) Long Slattery
Cox (IL) Machtley Slaughter
Coyne Markey Smith (FL)
Cramer Marlenee Smith (IA)
Crane Crane Martinez Smith (TX)
Davis Davis Mavroules Snowe
de la Garza Mazzoli Spence
DeFazio McCandless Spratt
DeLauro McCloskey Staggers
Dell Lauro McCrery Stallings
Derrick DeLay McCrery Stark
Dixon Derrick Stenholm
Donnelly Dickinson McDade Stokes
Dorgan (ND) Dicks McDermott
Downey Dixon McEwen
Dreier Donnelly McMillan (NC)
Duncan Meyer Meyers
Durbin Dwyer Michel
Eckart Early Mink
Edwards (CA) Dwyer Moakley
Edwards (TX) Eckart Mollohan
Emerson Moody Montgomery
English Moran Moody
Erdrreich Myers Moran
Evans Nagle Murtha
Ewing Natcher Myers
Fascell Neal (MA)
Flake Neal (NC)
Foglietta Nichols
Frank (MA) Nussle
Gaydos Oakar
Gejdenson Oberstar
Geren Obey
Gibbons Olver
Gilman Ortiz
Glickman Owens (UT)
Gonzalez Packard
Gordon Pallone

ANSWERED “PRESENT”—1

Weiss

NOT VOTING—24

- Anthony Hatcher Ray
Coughlin Hyde Solarz
Dellums Jones (NC) Tallon
Dymally Koltter Thomas (GA)
Feighan Laughlin Thomas (WY)
Ford (MI) Lehman (FL) Traxler
Frost Levine (CA) Wilson
Hansen Peterson (FL) Yates

So the substitute amendment was not agreed to.

After some further time,

88.29 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the foregoing amendment submitted by Mr. TAUZIN.

It was decided in the affirmative ..... 1
Yeas ..... 338
Nays ..... 68
Answered present 1

88.30 [Roll No. 311] AYES—338

- Abercrombie Espy Machtley
Ackerman Evans Manton
Alexander Ewing Markey
Allen Fascell Marlenee
Anderson Fazio Martin
Andrews (ME) Flake Martinez
Andrews (TX) Foglietta Matsui
Annunzio Ford (TN) Mavroules
Applegate Frank (MA) Mazzoli
Atkins Gallegly McCandless
AuCoin Gallo McCloskey
Bacchus Gaydos McCollum
Baker Gejdenson McCrery
Ballenger Gekas McCurdy
Barrett Gephardt McDade
Bateman Geren McDermott
Beilenson Gibbons McEwen
Bennett Gilchrist McHugh
Bentley Gillmor McMillan (NC)
Bereuter Gilman McMillen (MD)
Bevill Gingrich McNulty
Bilbray Glickman Meyers
Boehler Gonzalez Mfume
Borski Gordon Michel
Boucher Goss Miller (CA)
Boxer Grandy Mineta
Brewster Green Moakley
Brooks Guarini Mollohan
Broomfield Gunderson Montgomery
Browder Hall (TX) Moody
Brown Hamilton Moorhead
Bruce Hammerschmidt Moran
Bryant Harris Morella
Bunning Hastert Morrison
Bustamante Hayes (IL) Mrazek
Byron Hayes (LA) Murphy
Callahan Hefner Murtha
Camp Henry Nagle
Campbell (CA) Hertel Natcher
Cardin Hoagland Neal (MA)
Carper Hochbruckner Neal (NC)
Carr Holloway Nichols
Chandler Horn Nowak
Chapman Houghton Nussle
Clay Hoyer Oakar
Clement Hubbard Oberstar
Clinger Huckaby Obey
Coble Hughes Olver
Coleman (MO) Hunter Ortiz
Collins (MI) Hutto Owens (NY)
Combest Inhofe Owens (UT)
Condit Ireland Pallone
Cooper Jacobs Panetta
Costello James Patterson
Cox (IL) Jefferson Paxon
Coyne Jenkins Payne (NJ)
Cramer Johnson (CT) Payne (VA)
Cunningham Johnson (SD) Pease
Darden Johnston Pelosi
Davis Jones (GA) Penny
de la Garza Jontz Perkins
DeFazio Kanjorski Peterson (MN)
DeLauro Kaptur Petri
Dellums Kasich Pickle
Derrick Kennedy Porter
Dickinson Kennelly Poshard
Dicks Kildee Price
Dingell Kleczka Pursell
Donnelly LaFalce Quillen
Dooley Lancaster Rahall
Dorgan (ND) Lantos Ramstad
Downey LaRocco Rangel
Dreier Leach Ravenel
Duncan Levin (MI) Reed
Durbin Lewis (CA) Regula
Dwyer Lewis (FL) Richardson
Eckart Lewis (GA) Ridge
Edwards (CA) Lightfoot Riggs
Edwards (OK) Lipinski Ritter
Edwards (TX) Livingston Roberts
Emerson Lloyd Roe
Engel Long Roemer
English Lowery (CA) Rogers
Erdrreich Lowey (NY) Ros-Lehtinen

Rose	Slaughter	Traficant
Rostenkowski	Smith (FL)	Unsoeld
Roth	Smith (IA)	Upton
Rowland	Smith (NJ)	Valentine
Roybal	Smith (OR)	Vander Jagt
Russo	Smith (TX)	Vento
Sabo	Snowe	Visclosky
Sanders	Solomon	Volkmer
Sangmeister	Spence	Vucanovich
Santorum	Spratt	Walker
Sarpalius	Staggers	Walsh
Savage	Stallings	Washington
Sawyer	Stark	Waters
Saxton	Stearns	Waxman
Scheuer	Stenholm	Weber
Schiff	Stokes	Weldon
Schulze	Studds	Wheat
Schumer	Sundquist	Whitten
Sensenbrenner	Swett	Williams
Serrano	Swift	Wise
Sharp	Synar	Wolf
Shaw	Tanner	Wolpe
Shays	Tauzin	Wyden
Shuster	Taylor (MS)	Wyllie
Sikorski	Taylor (NC)	Yatron
Sisisky	Thomas (CA)	Young (AK)
Skeen	Thornton	Young (FL)
Skelton	Torricelli	Zimmer
Slattery	Towns	

NOES—68

Allard	Fields	Miller (OH)
Andrews (NJ)	Fish	Miller (WA)
Archer	Franks (CT)	Mink
Armey	Goodling	Molinari
Aspin	Gradison	Myers
Barnard	Hall (OH)	Olin
Barton	Hancock	Orton
Berman	Hefley	Oxley
Bilirakis	Herger	Packard
Bliley	Hobson	Parker
Boehner	Hopkins	Pastor
Bonior	Horton	Pickett
Burton	Johnson (TX)	Rhodes
Campbell (CO)	Klug	Rinaldo
Coleman (TX)	Kolbe	Rohrabacher
Collins (IL)	Kopetski	Roukema
Cox (CA)	Kostmayer	Schaefer
Crane	Kyl	Schroeder
Dannemeyer	Lagomarsino	Skaggs
Dixon	Lehman (CA)	Stump
Doolittle	Lent	Torres
Dornan (CA)	Luken	Zeliff
Fawell	McGrath	

ANSWERED "PRESENT"—1

Weiss

NOT VOTING—27

Anthony	Frost	Peterson (FL)
Blackwell	Hansen	Ray
Conyers	Hatcher	Solarz
Coughlin	Hyde	Tallon
DeLay	Jones (NC)	Thomas (GA)
Dymally	Kolter	Thomas (WY)
Early	Laughlin	Traxler
Feighan	Lehman (FL)	Wilson
Ford (MI)	Levine (CA)	Yates

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. OBERSTAR, assumed the Chair.

When Mr. MFUME, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

188.31 PROVIDING FOR THE CONSIDERATION OF H.R. 5620

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 102-707) the privileged resolution (H. Res. 527) providing for the consideration of the bill (H.R. 5620) making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

188.32 LABOR, HHS, AND EDUCATION APPROPRIATIONS

Mr. NATCHER submitted a privileged report (Rept. No. 102-708) on the bill (H.R. 5677) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Mr. PURSELL reserved all points of order against said bill.

188.33 COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

Mr. NATCHER submitted a privileged report (Rept. No. 102-709) on the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Mr. PURSELL reserved all points of order against said bill.

188.34 VA AND HUD APPROPRIATIONS

Mr. NATCHER submitted a privileged report (Rept. No. 102-710) on the bill (H.R. 5679) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Mr. PURSELL reserved all points of order against said bill.

188.35 CABLE TELEVISION

The SPEAKER pro tempore, Mr. OBERSTAR, pursuant to House Resolution 523 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4850) to amend the Communications Act of 1934 to provide increased consumer protection and to promote increased competition in the cable television and related markets, and for other purposes.

Mr. MFUME, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

188.36 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. LENT:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cable Television Consumer Protection and Competition Act of 1992".

SEC. 2. FINDINGS.

Section 601 of the Communications Act of 1934 (47 U.S.C. 521) is amended—

(1) by striking the heading of such section and inserting the following:

"PURPOSES; FINDINGS";

(2) by inserting "(a) PURPOSES.—" after "SEC. 601."; and

(3) by adding at the end thereof the following new subsection:

(b) FINDINGS.—The Congress finds and declares the following:

"(1) Fair competition in the delivery of television programming should foster the greatest possible choice of programming and should result in lower prices for consumers.

"(2) Between the passage of the Cable Communications Policy Act of 1984 and July 1990, rates for cable television services have been deregulated in 97 percent of all franchises. The deregulation has resulted in the provision of diverse and quality programming to over 52,000,000 Americans. A minority of cable operators, however, have abused their deregulated status and their market power and have unreasonably raised cable subscriber rates.

"(3) In order to protect consumers, it is necessary for the Congress to establish a means for the Federal Communications Commission to ensure that, where there is no effective competition, cable operators provide basic service at reasonable rates.

"(4) There is a substantial governmental and first amendment interest in promoting a diversity of views provided through multiple technology media.

"(5) The Federal Government has a compelling interest in making all nonduplicative local public television services available on cable systems because—

"(A) public television provides educational and informational programming to the Nation's citizens, thereby advancing the Government's compelling interest in educating its citizens;

"(B) public television is a local community institution, supported through local tax dollars and voluntary citizen contributions in excess of \$10,800,000,000 between 1972 and 1990 that provides public service programming that is responsive to the needs and interests of the local community;

"(C) the Federal Government, in recognition of public television's integral role in serving the educational and informational needs of local communities, has invested more than \$3,000,000,000 in public broadcasting between 1969 and 1990; and

"(D) absent carriage requirements there is a substantial likelihood that citizens, who have supported local public television services, will be deprived of those services.

"(6) The Federal Government also has a compelling interest in having cable systems carry the signals of local commercial television stations because the carriage of such signals—

"(A) promotes localism and provides a significant source of news, public affairs, and educational programming;

"(B) is necessary to serve the goals contained in section 307(b) of this Act of providing a fair, efficient, and equitable distribution of broadcast services; and

"(C) will enhance the access to such signals by Americans living in areas where the quality of reception of broadcast stations is poor.

"(7) Broadcast television programming is supported by revenues generated from advertising. Such programming is otherwise free to those who own television sets and do not require cable transmission to receive broadcast signals. There is a substantial governmental interest in promoting the continued availability of such free television programming, especially for viewers who are unable